

1 AN ACT concerning civil law.

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

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 101. Short title. This Act may be cited as the
6 Illinois Parentage Act of 2015.

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 his or her parent or to each of his or her
12 2 parents, regardless of the legal relationship of the parents,
13 and regardless of whether a parent is a minor.

14 Section 103. Definitions. In this Act:

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

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

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

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

4 (1) a presumed parent or acknowledged father; or

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

7 (d) (Reserved).

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

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

12 (1) the likelihood that the tested man is the father,
13 based on the genetic markers of the tested man, mother, and
14 child, conditioned on the hypothesis that the tested man is
15 the father of the child; and

16 (2) the likelihood that the tested man is not the
17 father, based on the genetic markers of the tested man,
18 mother, and child, conditioned on the hypothesis that the
19 tested man is not the father of the child and that the
20 father is of the same ethnic or racial group as the tested
21 man.

22 (g) "Commence" means to file the initial pleading seeking
23 an adjudication of parentage in the circuit court of this
24 State.

25 (h) "Determination of parentage" means the establishment
26 of the parent-child relationship by the signing of a voluntary

1 acknowledgment under Article 3 of this Act or adjudication by
2 the court or as authorized under Article X of the Illinois
3 Public Aid Code.

4 (i) (Reserved).

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

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

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

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

16 (n) "Parent" means an individual who has established a
17 parent-child relationship under Section 201 of this Act.

18 (o) "Parent-child relationship" means the legal
19 relationship between a child and a parent of the child.

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

24 (q) "Probability of paternity" means the measure, for the
25 ethnic or racial group to which the alleged father belongs, of
26 the probability that the man in question is the father of the

1 child, compared with a random, unrelated man of the same ethnic
2 or racial group, expressed as a percentage incorporating the
3 combined paternity index and a prior probability.

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

7 (s) "Signatory" means an individual who authenticates a
8 record and is bound by its terms.

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

13 (u) "Substantially similar legal relationship" means a
14 relationship recognized in this State under Section 60 of the
15 Illinois Religious Freedom Protection and Civil Union Act.

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

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

20 (2) establishment or modification of child support;

21 (3) determination of parentage; or

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

24 Section 104. Scope of Act; choice of law; other legal
25 rights and duties preserved.

1 (a) This Act applies to determination of parentage in this
2 State.

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

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

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

8 (c) This Act does not create, enlarge, abrogate, or
9 diminish parental rights or duties under other laws of this
10 State, including the common law.

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

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

1 Section 107. Applicability. Insofar as practicable, the
2 provisions of this Act applicable to the father and child
3 relationship shall apply to the mother and child relationship
4 including, but not limited to, the obligation to support.

5 ARTICLE 2. PARENT-CHILD RELATIONSHIP

6 Section 201. Establishment of parent-child relationship.

7 (a) The parent-child relationship is established between a
8 woman and a child by:

9 (1) the woman having given birth to the child, except
10 as otherwise provided in a valid gestational surrogacy
11 contract;

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

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

14 (4) a valid gestational surrogacy contract under the
15 Gestational Surrogacy Act or other law; or

16 (5) an un rebutted presumption of the woman's parentage
17 of the child under Section 204 of this Act.

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

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

22 (2) an effective voluntary acknowledgment of paternity
23 by the man under Article 3 of this Act, unless the

1 acknowledgment has been rescinded or successfully
2 challenged;

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

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

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

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

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

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

18 Section 204. Presumption of parentage.

19 (a) A person is presumed to be the parent of a child if:

20 (1) the person and the mother of the child have entered
21 into a marriage, civil union, or substantially similar
22 legal relationship, and the child is born to the mother
23 during the marriage, civil union, or substantially similar

1 legal relationship, except as provided by a valid
2 gestational surrogacy contract, or other law;

3 (2) the person and the mother of the child were in a
4 marriage, civil union, or substantially similar legal
5 relationship and the child is born to the mother within 300
6 days after the marriage, civil union, or substantially
7 similar legal relationship is terminated by death,
8 declaration of invalidity of marriage, judgment for
9 dissolution of marriage, civil union, or substantially
10 similar legal relationship, or after a judgment for legal
11 separation, except as provided by a valid gestational
12 surrogacy contract, or other law;

13 (3) before the birth of the child, the person and the
14 mother of the child entered into a marriage, civil union,
15 or substantially similar legal relationship in apparent
16 compliance with law, even if the attempted marriage, civil
17 union, or substantially similar legal relationship is or
18 could be declared invalid, and the child is born during the
19 invalid marriage, civil union, or substantially similar
20 legal relationship or within 300 days after its termination
21 by death, declaration of invalidity of marriage, judgment
22 for dissolution of marriage, civil union, or substantially
23 similar legal relationship, or after a judgment for legal
24 separation, except as provided by a valid gestational
25 surrogacy contract, or other law; or

26 (4) after the child's birth, the person and the child's

1 mother have entered into a marriage, civil union, or
2 substantially similar legal relationship, even if the
3 marriage, civil union, or substantially similar legal
4 relationship is or could be declared invalid, and the
5 person is named, with the person's written consent, as the
6 child's parent on the child's birth certificate.

7 (b) If 2 or more conflicting presumptions arise under this
8 Section, the presumption which on the facts is founded on the
9 weightier considerations of policy and logic, especially the
10 policy of promoting the child's best interests, controls.

11 Section 205. Proceedings to declare the non-existence of
12 the parent-child relationship.

13 (a) An action to declare the non-existence of the
14 parent-child relationship may be brought by the child, the
15 birth mother, or a person presumed to be a parent under Section
16 204 of this Act. Actions brought by the child, the birth
17 mother, or a presumed parent shall be brought by verified
18 complaint, which shall be designated a petition. After a
19 presumption under Section 204 of this Act has been rebutted,
20 parentage of the child by another man or woman may be
21 established in the same action, if he or she has been made a
22 party.

23 (b) An action to declare the non-existence of the
24 parent-child relationship brought under subsection (a) of this
25 Section shall be barred if brought later than 2 years after the

1 petitioner knew or should have known of the relevant facts. The
2 2-year period for bringing an action to declare the
3 non-existence of the parent-child relationship shall not
4 extend beyond the date on which the child reaches the age of 18
5 years. Failure to bring an action within 2 years shall not bar
6 any party from asserting a defense in any action to declare the
7 existence of the parent-child relationship.

8 (c) An action to declare the non-existence of the
9 parent-child relationship may be brought subsequent to an
10 adjudication of parentage in any judgment by the man
11 adjudicated to be the parent pursuant to a presumption in
12 paragraphs (a)(1) through (a)(4) of Section 204 if, as a result
13 of deoxyribonucleic acid (DNA) testing, it is discovered that
14 the man adjudicated to be the parent is not the father of the
15 child. Actions brought by the adjudicated father shall be
16 brought by verified petition. If, as a result of the
17 deoxyribonucleic acid (DNA) testing that is admissible under
18 Section 614 of this Act, the petitioner is determined not to be
19 the father of the child, the adjudication of paternity and any
20 orders regarding custody, parenting time, and future payments
21 of support may be vacated.

22 (d) An action to declare the non-existence of the
23 parent-child relationship brought under subsection (c) of this
24 Section shall be barred if brought more than 2 years after the
25 petitioner obtains actual knowledge of relevant facts. The
26 2-year period shall not apply to periods of time where the

1 birth mother or the child refuses to submit to deoxyribonucleic
2 acid (DNA) testing. The 2-year period for bringing an action to
3 declare the non-existence of the parent-child relationship
4 shall not extend beyond the date on which the child reaches the
5 age of 18 years.

6 Section 206. Presumption; burden of proof. A person
7 challenging a presumption under Section 204 of this Act may
8 rebut the presumption with clear and convincing evidence.

9 ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT

10 Section 301. Voluntary acknowledgment. A parent-child
11 relationship may be established voluntarily by the signing and
12 witnessing of a voluntary acknowledgment in accordance with
13 Section 12 of the Vital Records Act and Section 10-17.7 of the
14 Illinois Public Aid Code. The voluntary acknowledgment shall
15 contain the last four digits of the social security numbers of
16 the persons signing the voluntary acknowledgment; however,
17 failure to include the social security numbers of the persons
18 signing a voluntary acknowledgment does not invalidate the
19 voluntary acknowledgment.

20 Section 302. Execution of voluntary acknowledgment.

21 (a) A voluntary acknowledgment described in Section 301 of
22 this Act must:

1 (1) be in a record;

2 (2) be signed, or otherwise authenticated, under
3 penalty of perjury by the mother and by the man seeking to
4 establish his parentage;

5 (3) state that the child whose parentage is being
6 acknowledged:

7 (A) does not have a presumed parent, or has a
8 presumed parent whose full name is stated; and

9 (B) does not have another acknowledged or
10 adjudicated parent;

11 (4) be witnessed; and

12 (5) state that the signatories understand that the
13 acknowledgment is the equivalent of a judicial
14 adjudication of parentage of the child and that a challenge
15 to the acknowledgment is permitted only under limited
16 circumstances and is barred after 2 years.

17 (b) An acknowledgment is void if it:

18 (1) states that another person is a presumed parent,
19 unless a denial signed or otherwise authenticated by the
20 presumed parent is filed with the Department of Healthcare
21 and Family Services, as provided by law;

22 (2) states that another person is an acknowledged or
23 adjudicated parent; or

24 (3) falsely denies the existence of a presumed,
25 acknowledged, or adjudicated parent of the child.

26 (c) A presumed father may sign or otherwise authenticate an

1 acknowledgment.

2 Section 303. Denial of parentage. A presumed parent may
3 sign a denial of parentage. The denial is valid only if:

4 (a) a voluntary acknowledgment described in Section 301 of
5 this Act signed, or otherwise authenticated, by a man is filed
6 pursuant to Section 305 of this Act;

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

9 (c) the presumed parent has not previously:

10 (1) acknowledged his parentage, unless the previous
11 acknowledgment has been rescinded under Section 307 of this
12 Act or successfully challenged under Section 308 of this
13 Act; or

14 (2) been adjudicated to be the parent of the child.

15 Section 304. Rules for acknowledgment and denial of
16 parentage.

17 (a) An acknowledgment as described in Section 301 of this
18 Act and a denial may be contained in a single document or may
19 be signed in counterparts, and may be filed separately or
20 simultaneously. If the acknowledgment and denial are both
21 necessary, neither is valid until both are filed.

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

24 (c) Subject to subsection (a), an acknowledgment or denial

1 takes effect on the birth of the child or the filing of the
2 document with the Department of Healthcare and Family Services,
3 as provided by law, whichever occurs later.

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

6 Section 305. Effect of acknowledgment or denial of
7 parentage.

8 (a) Except as otherwise provided in Sections 307 and 308 of
9 this Act, a valid acknowledgment filed with the Department of
10 Healthcare and Family Services, as provided by law, is
11 equivalent to an adjudication of the parentage of a child and
12 confers upon the acknowledged father all of the rights and
13 duties of a parent.

14 (b) Notwithstanding any other provision of this Act,
15 parentage established in accordance with Section 301 of this
16 Act has the full force and effect of a judgment entered under
17 this Act and serves as a basis for seeking a child support
18 order without any further proceedings to establish parentage.

19 (c) Except as otherwise provided in Sections 307 and 308 of
20 this Act, a valid denial by a presumed parent filed with the
21 Department of Healthcare and Family Services, as provided by
22 law, in conjunction with a voluntary acknowledgment, is
23 equivalent to an adjudication of the nonparentage of the
24 presumed parent and discharges the presumed parent from all
25 rights and duties of a parent.

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

4 Section 307. Proceeding for rescission. A signatory may
5 rescind a voluntary acknowledgment or denial by filing a signed
6 and witnessed rescission with the Department of Healthcare and
7 Family Services as provided in Section 12 of the Vital Records
8 Act, before the earlier of:

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

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

14 Section 308. Challenge after expiration of period for
15 rescission. After the period for rescission under Section 307
16 of this Act has expired, a signatory of a voluntary
17 acknowledgment or denial may commence a proceeding to challenge
18 the acknowledgment or denial only as provided in Section 309 of
19 this Act.

20 Section 309. Procedure for challenge.

21 (a) A voluntary acknowledgment and any related denial may
22 be challenged only on the basis of fraud, duress, or material

1 mistake of fact by filing a verified petition under this
2 Section within 2 years after the effective date of the
3 acknowledgment or denial, as provided in Section 304 of this
4 Act. Time during which the person challenging the
5 acknowledgment or denial is under legal disability or duress or
6 the ground for relief is fraudulently concealed shall be
7 excluded in computing the period of 2 years.

8 (b) The verified complaint, which shall be designated a
9 petition, shall be filed in the county where a proceeding
10 relating to the child was brought, such as a support proceeding
11 or, if none exists, in the county where the child resides.
12 Every signatory to the voluntary acknowledgment and any related
13 denial must be made a party to a proceeding to challenge the
14 acknowledgment or denial. The party challenging the
15 acknowledgment or denial shall have the burden of proof. The
16 burden of proof to challenge a voluntary acknowledgment is
17 clear and convincing evidence.

18 (c) For the purpose of a challenge to an acknowledgment or
19 denial, a signatory submits to personal jurisdiction of this
20 State by signing the acknowledgment and any related denial,
21 effective upon the filing of the acknowledgment and any related
22 denial with the Department of Healthcare and Family Services,
23 as provided in Section 12 of the Vital Records Act.

24 (d) Except for good cause shown, during the pendency of a
25 proceeding to challenge an acknowledgment or denial, the court
26 may not suspend the legal responsibilities of a signatory

1 arising from the acknowledgment, including the duty to pay
2 child support.

3 (e) At the conclusion of a proceeding to challenge an
4 acknowledgment or denial, the court shall order the Department
5 of Public Health to amend the birth record of the child, if
6 appropriate. A copy of an order entered at the conclusion of a
7 proceeding to challenge shall be provided to the Department of
8 Healthcare and Family Services.

9 Section 310. Ratification barred. A court or
10 administrative agency conducting a judicial or administrative
11 proceeding is not required or permitted to ratify an
12 unchallenged acknowledgment described in Section 301 of this
13 Act.

14 Section 311. Full faith and credit. A court of this State
15 shall give full faith and credit to a valid acknowledgment or
16 denial of parentage effective in another state if the
17 acknowledgment or denial has been signed and is otherwise in
18 compliance with the law of the other state.

19 Section 312. Forms for acknowledgment and denial of
20 parentage.

21 (a) To facilitate compliance with this Article, the
22 Department of Healthcare and Family Services shall prescribe
23 forms for the acknowledgment and the denial of parentage and

1 for the rescission of acknowledgment or denial consistent with
2 Section 307 of this Act.

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

5 Section 313. Release of information. The Department of
6 Healthcare and Family Services may release information
7 relating to the acknowledgment described in Section 301 of this
8 Act, or the related denial, to a signatory of the
9 acknowledgment or denial; to the child's guardian, the
10 emancipated child, or the legal representatives of those
11 individuals; to appropriate federal agencies; and to courts and
12 appropriate agencies of this State or another state.

13 Section 314. Adoption of rules. The Department of Public
14 Health and the Department of Healthcare and Family Services may
15 adopt rules to implement this Article.

16 ARTICLE 4. GENETIC TESTING

17 Section 401. Proceeding authorized. As soon as
18 practicable, a court or an administrative hearing officer in an
19 Expedited Child Support System may, and upon the request of a
20 party except as provided in Section 610 of this Act, or of the
21 child, shall order or direct the mother, child, and alleged
22 father to submit to deoxyribonucleic acid (DNA) testing to

1 determine inherited characteristics. If any party refuses to
2 submit to genetic testing, the court may resolve the question
3 of paternity against that party or enforce its order if the
4 rights of others and the interests of justice so require.

5 Section 402. Requirements for genetic testing.

6 (a) The genetic testing shall be conducted by an expert
7 qualified as an examiner of blood or tissue types and appointed
8 by the court. The expert shall determine the genetic testing
9 procedures. However, any interested party, for good cause
10 shown, in advance of the scheduled genetic testing, may request
11 a hearing to object to the qualifications of the expert or the
12 genetic testing procedures. The expert appointed by the court
13 shall testify at the pre-test hearing at the expense of the
14 party requesting the hearing, except for an indigent party as
15 provided in Section 405 of this Act. An expert not appointed by
16 the court shall testify at the pre-test hearing at the expense
17 of the party retaining the expert. Inquiry into an expert's
18 qualifications at the pre-test hearing shall not affect either
19 party's right to have the expert qualified at trial.

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

24 (c) A specimen used in genetic testing may consist of one
25 or more samples, or a combination of samples, of blood, buccal

1 cells, bone, hair, or other body tissue or fluid.

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

7 (1) The individual objecting may require the testing
8 laboratory, within 30 days after receipt of the report of
9 the genetic testing, to recalculate the probability of
10 paternity using an ethnic or racial group different from
11 that used by the laboratory.

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

14 (A) if the frequencies are not available to the
15 testing laboratory for the ethnic or racial group
16 requested, provide the requested frequencies compiled
17 in a manner recognized by accrediting bodies; or

18 (B) engage another testing laboratory to perform
19 the calculations.

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

24 Section 403. Genetic test results.

25 (a) The expert shall prepare a written report of the

1 genetic test results. If the genetic test results show that the
2 alleged father is not excluded, the report shall contain
3 statistics based upon the statistical formula of combined
4 paternity index (CPI) and the probability of paternity as
5 determined by the probability of exclusion (Random Man Not
6 Excluded = RMNE). The expert may be called by the court as a
7 witness to testify to his or her findings and, if called, shall
8 be subject to cross-examination by the parties. If the genetic
9 test results show that the alleged father is not excluded, any
10 party may demand that other experts, qualified as examiners of
11 blood or tissue types, perform independent genetic testing
12 under order of court, including, but not limited to, blood
13 types or other testing of genetic markers. The results of the
14 genetic testing may be offered into evidence. The number and
15 qualifications of the experts shall be determined by the court.

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

20 (c) The report of the genetic test results prepared by the
21 appointed expert shall be made by affidavit or by certification
22 as provided in Section 1-109 of the Code of Civil Procedure and
23 shall be mailed to all parties. A proof of service shall be
24 filed with the court. The verified report shall be admitted
25 into evidence at trial without foundation testimony or other
26 proof of authenticity or accuracy, unless a written motion

1 challenging the admissibility of the report is filed by either
2 party within 28 days of receipt of the report, in which case
3 expert testimony shall be required. A party may not file such a
4 motion challenging the admissibility of the report later than
5 28 days before commencement of trial. Before trial, the court
6 shall determine whether the motion is sufficient to deny
7 admission of the report by verification. Failure to make that
8 timely motion constitutes a waiver of the right to object to
9 admission by verification and shall not be grounds for a
10 continuance of the hearing to establish paternity.

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

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

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

20 (c) If the genetic testing results indicate that the
21 alleged father is not excluded and that the combined paternity
22 index is at least 1,000 to 1, and there is at least a 99.9%
23 probability of paternity, the alleged father is presumed to be
24 the father, and this evidence shall be admitted.

25 (d) A man identified under subsection (c) of this Section

1 as the father of the child may rebut the genetic testing
2 results by other genetic testing satisfying the requirements of
3 this Article which:

4 (1) excludes the man as a genetic father of the child;
5 or

6 (2) identifies another man as the possible father of
7 the child.

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

12 Section 405. Cost of genetic testing. The expense of the
13 genetic testing shall be paid by the party who requests the
14 genetic testing, except that the court may apportion the costs
15 between the parties, upon request. When the genetic testing is
16 requested by the party seeking to establish paternity and that
17 party is found to be indigent by the court, the expense shall
18 be paid by the public agency providing representation; except
19 that where a public agency is not providing representation, the
20 expense shall be paid by the county in which the action is
21 brought. When the genetic testing is ordered by the court on
22 its own motion or is requested by the alleged or presumed
23 father and that father is found to be indigent by the court,
24 the expense shall be paid by the county in which the action is
25 brought. Any part of the expense may be taxed as costs in the

1 action, except that no costs may be taxed against a public
2 agency that has not requested the genetic testing.

3 Section 406. Compensation of expert. The compensation of
4 each expert witness appointed by the court shall be paid as
5 provided in Section 405 of this Act. Any part of the payment
6 may be taxed as costs in the action, except that no costs may
7 be taxed against a public agency that has not requested the
8 services of the expert witness.

9 Section 407. Independent genetic testing. Nothing in this
10 Article shall prevent a party from obtaining genetic testing of
11 his or her own blood or tissue independent of those ordered by
12 the court or from presenting expert testimony interpreting
13 those tests or any other blood tests ordered under this
14 Article. Reports of all the independent tests, accompanied by
15 affidavit or certification pursuant to Section 1-109 of the
16 Code of Civil Procedure, and notice of any expert witnesses to
17 be called to testify to the results of those tests shall be
18 submitted to all parties at least 30 days before any hearing
19 set to determine the issue of parentage.

20 Section 408. Additional persons to be tested.

21 (a) Subject to subsection (b), if a genetic-testing
22 specimen is not available from a man who may be the father of a
23 child, for good cause and under circumstances the court

1 considers to be just, the court may order the following
2 individuals to submit specimens for genetic testing:

- 3 (1) the parents of the man;
4 (2) brothers and sisters of the man;
5 (3) other children of the man and their mothers; and
6 (4) other relatives of the man necessary to complete
7 genetic testing.

8 (b) Issuance of an order under this Section requires a
9 finding that a need for genetic testing outweighs the
10 legitimate interests of the individual sought to be tested, and
11 in no event shall an order be issued until the individual is
12 joined as a party and given notice as required under the Code
13 of Civil Procedure.

14 ARTICLE 5. TEMPORARY RELIEF

15 Section 501. Temporary orders.

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

- 20 (1) a presumed parent of the child;
21 (2) petitioning to have parentage adjudicated;
22 (3) identified as the father through genetic testing
23 under Article 4 of this Act;
24 (4) an alleged father who has declined to submit to

1 genetic testing;

2 (5) shown by clear and convincing evidence to be the
3 child's father;

4 (6) the mother of the child; or

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

6 In determining the amount of a temporary child support
7 award, the court shall use the guidelines and standards set
8 forth in Sections 505 and 505.2 of the Illinois Marriage and
9 Dissolution of Marriage Act.

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

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

16 Section 502. Injunctive relief.

17 (a) In any action brought under this Act for the initial
18 determination of parentage, custody or parenting time of a
19 child, or for modification of a prior custody or parenting time
20 order, the court, upon application of a party, may enjoin a
21 party having physical possession or custody of a child from
22 temporarily removing the child from this State pending the
23 adjudication of the issues of parentage, custody, and parenting
24 time. When deciding whether to enjoin removal of a child, or to
25 order a party to return the child to this State, the court

1 shall consider factors including, but not limited to:

2 (1) the extent of previous involvement with the child
3 by the party seeking to enjoin removal or to have the
4 absent party return the child to this State;

5 (2) the likelihood that parentage will be established;
6 and

7 (3) the impact on the financial, physical, and
8 emotional health of the party being enjoined from removing
9 the child or the party being ordered to return the child to
10 this State.

11 (b) A temporary restraining order or preliminary
12 injunction under this Act shall be governed by the relevant
13 provisions of Part 1 of Article XI of the Code of Civil
14 Procedure.

15 (c) Notwithstanding the provisions of subsection (a) of
16 this Section, the court may decline to enjoin a domestic
17 violence victim having physical possession or custody of a
18 child from temporarily or permanently removing the child from
19 this State pending the adjudication of issues of custody or
20 parenting time. In determining whether a person is a domestic
21 violence victim, the court shall consider the following
22 factors:

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

26 (2) a sworn statement that the person fears for his or

- 1 her safety or the safety of his or her children;
- 2 (3) evidence from police, court, or other government
3 agency records or files;
- 4 (4) documentation from a domestic violence program if
5 the person is alleged to be a victim of domestic violence;
- 6 (5) documentation from a legal, clerical, medical, or
7 other professional from whom the person has sought
8 assistance in dealing with the alleged domestic violence;
9 and
- 10 (6) any other evidence that supports the sworn
11 statements, such as a statement from any other individual
12 with knowledge of the circumstances that provides the basis
13 for the claim, or physical evidence of the domestic
14 violence.

15 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

16 Section 601. Proceeding authorized. A civil proceeding may
17 be maintained to adjudicate the parentage of a child. The
18 proceeding is governed by the Code of Civil Procedure and
19 Illinois Supreme Court Rules. Administrative proceedings
20 adjudicating paternity shall be governed by Section 10-17.7 of
21 the Illinois Public Aid Code.

22 Section 602. Standing. A complaint to adjudicate parentage
23 shall be verified, shall be designated a petition, and shall

1 name the person or persons alleged to be the parent of the
2 child. Subject to Article 3 and Sections 607, 608, and 609 of
3 this Act, a proceeding to adjudicate parentage may be
4 maintained by:

5 (a) the child;

6 (b) the mother of the child;

7 (c) a pregnant woman;

8 (d) a man presumed or alleging himself to be the parent of
9 the child;

10 (e) a woman presumed or alleging herself to be the parent
11 of the child;

12 (f) the support-enforcement agency or other governmental
13 agency authorized by other law;

14 (g) any person or public agency that has custody of, is
15 providing financial support to, or has provided financial
16 support to the child;

17 (h) the Department of Healthcare and Family Services if it
18 is providing, or has provided, financial support to the child
19 or if it is assisting with child support collections services;

20 (i) an authorized adoption agency or licensed
21 child-placing agency;

22 (j) a representative authorized by law to act for an
23 individual who would otherwise be entitled to maintain a
24 proceeding but who is deceased, incapacitated, or a minor; or

25 (k) an intended parent pursuant to the terms of a valid
26 gestational surrogacy contract.

1 Section 603. Subject matter and personal jurisdiction.

2 (a) The circuit courts of this State shall have
3 jurisdiction of an action brought under this Act. In a civil
4 action not brought under this Act, the provisions of this Act
5 shall apply if parentage is at issue. The court may join any
6 action under this Act with any other civil action in which this
7 Act is applicable.

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

10 (c) A court of this State having jurisdiction to adjudicate
11 parentage may exercise personal jurisdiction over a
12 nonresident individual, or the guardian or conservator of the
13 individual, if the conditions prescribed in Section 201 of the
14 Uniform Interstate Family Support Act are fulfilled.

15 (d) Lack of jurisdiction over one individual does not
16 preclude the court from making an adjudication of parentage
17 binding on another individual over whom the court has personal
18 jurisdiction.

19 Section 604. Venue.

20 (a) Venue for a proceeding to adjudicate parentage is any
21 county of this State in which a party resides, or if the
22 presumed or alleged father is deceased, in which a proceeding
23 for probate or administration of the presumed or alleged
24 father's estate has been commenced, or could be commenced.

1 (b) A child custody proceeding is commenced in the county
2 where the child resides.

3 Section 605. Notice to presumed parent.

4 (a) In any action brought under Article 3 or Article 6 of
5 this Act where the individual signing the petition for an order
6 establishing the existence of the parent-child relationship by
7 consent or the individual alleged to be the parent in a
8 petition is different from an individual who is presumed to be
9 the parent of the child under Article 2 of this Act, a notice
10 shall be served on the presumed parent in the same manner as
11 summonses are served in other civil proceedings or, in lieu of
12 personal service, service may be made as follows:

13 (1) The person requesting notice shall pay to the clerk
14 of the circuit court a mailing fee of \$1.50 and furnish to
15 the clerk of the circuit court an original and one copy of
16 a notice together with an affidavit setting forth the
17 presumed parent's last known address. The original notice
18 shall be retained by the clerk of the circuit court.

19 (2) The clerk of the circuit court shall promptly mail
20 to the presumed parent, at the address appearing in the
21 affidavit, the copy of the notice by certified mail, return
22 receipt requested. The envelope and return receipt shall
23 bear the return address of the clerk of the circuit court.
24 The receipt for certified mail shall state the name and
25 address of the addressee and the date of mailing and shall

1 be attached to the original notice.

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

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

7 (b) The notice shall read as follows:

8 "IN THE MATTER OF NOTICE TO PRESUMED PARENT.

9 You have been identified as the presumed parent of
10 , born on The birth parent of the child is
11

12 An action is being brought to establish the parent-child
13 relationship between the named child and a parent named by the
14 person filing this action,

15 As the presumed parent, you have certain legal rights with
16 respect to the named child, including the right to notice of
17 the filing of proceedings instituted for the establishment of
18 parentage of the named child and, if named as a parent in a
19 petition to establish parentage, the right to submit to, along
20 with the birth parent and child, deoxyribonucleic acid (DNA)
21 tests to determine inherited characteristics, subject to
22 Section 610 of the Illinois Parentage Act of 2015. If you wish
23 to assert your rights with respect to the child named in this
24 notice, you must file with the Clerk of this Circuit Court of
25 County, Illinois, whose address is , within
26 30 days after the date of receipt of this notice, a declaration

1 of parentage stating that you are, in fact, the parent of the
2 named child and that you intend to assert your legal rights
3 with respect to the child, or that you request to be notified
4 of any further proceedings with respect to the parentage of the
5 child.

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

13 (c) The notice to a presumed parent under this Section in
14 any action brought by a public agency shall be prepared and
15 mailed by the public agency, and the mailing fee to the clerk
16 of the circuit court shall be waived.

17 Section 606. Summons. The summons that is served on a
18 respondent shall include the return date on or by which the
19 respondent must appear and shall contain the following
20 information, in a prominent place and in conspicuous language,
21 in addition to the information required to be provided under
22 the laws of this State: "If you do not appear as instructed in
23 this summons, you may be required to support the child named in
24 this petition until the child is at least 18 years old. You may
25 also have to pay the pregnancy and delivery costs of the

1 mother.".

2 Section 607. No limitation; child having no presumed,
3 acknowledged, or adjudicated parent. A proceeding to
4 adjudicate the parentage of a child having no presumed,
5 acknowledged, or adjudicated parent may be commenced at any
6 time, even after:

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

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

12 Section 608. Limitation; child having presumed parent.

13 (a) An alleged father, as that term is defined in Section
14 103 of this Act, must commence an action to establish a
15 parent-child relationship for a child having a presumed parent
16 not later than 2 years after the petitioner knew or should have
17 known of the relevant facts. The time the petitioner is under
18 legal disability or duress or the ground for relief is
19 fraudulently concealed shall be excluded in computing the
20 period of 2 years.

21 (b) A proceeding seeking to declare the non-existence of
22 the parent-child relationship between a child and the child's
23 presumed father may be maintained at any time by a person
24 described in paragraphs (1) through (4) of subsection (a) of

1 Section 204 of this Act if the court determines that the
2 presumed father and the mother of the child neither cohabited
3 nor engaged in sexual intercourse with each other during the
4 probable time of conception.

5 (c) An adjudication under this Section shall serve as a
6 rebuttal or confirmation of a presumed parent as defined in
7 subsection (p) of Section 103.

8 Section 609. Limitation; child having acknowledged or
9 adjudicated parent.

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

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

22 (c) A proceeding under this Section is subject to the
23 application of the principles of estoppel established in
24 Section 610 of this Act.

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

2 (a) In a proceeding to adjudicate the parentage of a child
3 having a presumed, acknowledged, or adjudicated parent, the
4 court may deny a motion by a parent, presumed parent,
5 acknowledged parent, adjudicated parent, or alleged parent
6 seeking an order for genetic testing of the parents and child
7 if the court determines that:

8 (1) the conduct of the parent, acknowledged parent,
9 adjudicated parent, or the presumed parent estops that
10 party from denying parentage;

11 (2) it would be inequitable to disprove the
12 parent-child relationship between the child and the
13 presumed, acknowledged, or adjudicated parent; and

14 (3) it is in the child's best interests to deny genetic
15 testing, taking into account the following factors:

16 (A) the length of time between the current
17 proceeding to adjudicate parentage and the time that
18 the presumed, acknowledged, or adjudicated parent was
19 placed on notice that he or she might not be the
20 biological parent;

21 (B) the length of time during which the presumed,
22 acknowledged, or adjudicated parent has assumed the
23 role of parent of the child;

24 (C) the facts surrounding the presumed,
25 acknowledged, or adjudicated parent's discovery of his
26 or her possible nonparentage;

1 (D) the nature of the relationship between the
2 child and the presumed, acknowledged, or adjudicated
3 parent;

4 (E) the age of the child;

5 (F) the harm that may result to the child if the
6 presumed, acknowledged, or adjudicated parentage is
7 successfully disproved;

8 (G) the nature of the relationship between the
9 child and any alleged parent;

10 (H) the extent to which the passage of time reduces
11 the chances of establishing the parentage of another
12 person and a child support obligation in favor of the
13 child;

14 (I) other factors that may affect the equities
15 arising from the disruption of the parent-child
16 relationship between the child and the presumed,
17 acknowledged, or adjudicated parent or the chance of
18 other harm to the child; and

19 (J) any other factors the court determines to be
20 equitable.

21 (b) In a proceeding involving the application of this
22 Section, a minor or incapacitated child must be represented by
23 a guardian ad litem, child's representative, or attorney for
24 the child.

25 (c) If the court denies a motion seeking an order for
26 genetic testing, it shall issue an order adjudicating the

1 presumed parent to be the parent of the child.

2 Section 611. Joinder of proceedings.

3 (a) Except as otherwise provided in subsection (b), a
4 proceeding to adjudicate parentage may be joined with a
5 proceeding for adoption, termination of parental rights, child
6 custody or parenting time, child support, dissolution of
7 marriage or civil union, declaration of invalidity of marriage
8 or civil union, legal separation, probate or administration of
9 an estate, or other appropriate proceeding.

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

13 Section 612. Proceeding before birth. A proceeding to
14 establish parentage may be commenced before the birth of the
15 child, but may not be concluded until after the birth of the
16 child. The following actions may be taken before the birth of
17 the child:

18 (a) service of process;

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

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

22 Section 613. Child as party; representation.

23 (a) A minor child is a permissible party, but is not a

1 necessary party to a proceeding under this Article.

2 (b) The court shall appoint a guardian ad litem, child's
3 representative, or attorney for the child to represent a minor
4 or incapacitated child if the child is a party or the court
5 finds that the interests of the child are not adequately
6 represented.

7 Section 614. Admissibility of results of genetic testing;
8 expenses.

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

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

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

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

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

21 (2) that the charges were reasonable, necessary, and
22 customary.

23 (c) Certified copies of the bills for costs incurred for
24 pregnancy and childbirth shall be admitted into evidence at
25 judicial or administrative proceedings without foundation

1 testimony or other proof of authenticity or accuracy.

2 Section 615. Consequences of declining genetic testing.

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

5 (b) If an individual whose parentage is being determined
6 declines to submit to genetic testing ordered by the court or
7 administrative agency, the court or administrative agency may
8 adjudicate parentage contrary to the position of that
9 individual.

10 (c) Genetic testing of the mother of a child is not a
11 condition precedent to genetically testing the child and a man
12 whose paternity is being determined. If the mother is
13 unavailable or declines to submit to genetic testing, the court
14 or administrative agency may order the genetic testing of the
15 child and every man whose paternity is being adjudicated.

16 Section 616. Admission of parentage authorized.

17 (a) A respondent in a proceeding to adjudicate parentage
18 may admit to the parentage of a child by filing a pleading to
19 that effect or by admitting parentage under penalty of perjury
20 when making an appearance or during a hearing.

21 (b) If the court finds that the admission of parentage
22 satisfies the requirements of this Section and finds that there
23 is no reason to question the admission, the court shall enter
24 an order adjudicating the child to be the child of the person

1 admitting parentage.

2 Section 617. Rules for adjudication of parentage. The court
3 shall apply the following rules to adjudicate the parentage of
4 a child:

5 (a) The parentage of a child having an adjudicated parent
6 may be disproved only by admissible results of genetic testing,
7 or other means, excluding that person as the parent of the
8 child or identifying another person as the parent of the child.

9 (b) Unless the results of the genetic testing or other
10 evidence are admitted to rebut other results of genetic
11 testing, a person identified as the parent of a child under
12 Section 404 of this Act may be adjudicated the parent of the
13 child.

14 (c) If the court finds that genetic testing under Section
15 404 neither identifies nor excludes a person as the parent of a
16 child, the court may not dismiss the proceeding. In that event,
17 the results of genetic testing and other evidence are
18 admissible to adjudicate the issue of parentage.

19 (d) Unless the results of genetic testing are admitted to
20 rebut other results of genetic testing, a person excluded as
21 the parent of a child by genetic testing may be adjudicated not
22 to be the parent of the child.

23 Section 618. Pre-trial proceedings. As soon as practicable
24 after an action to declare the existence or non-existence of

1 the parent-child relationship has been brought, and the parties
2 are at issue, the court may conduct a pre-trial conference.

3 Section 619. Jury prohibited. Trial by jury is not
4 available under this Act.

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

8 Section 621. Binding effect of determination of parentage.

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

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

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

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

19 (1) the determination was based on an unrescinded
20 acknowledgment as provided in Article 3 of this Act and the
21 acknowledgment is consistent with the results of genetic
22 testing;

23 (2) the adjudication of parentage was based on a

1 finding consistent with the results of genetic testing and
2 the consistency is declared in the determination or is
3 otherwise shown;

4 (3) the child was a party or was represented in the
5 proceeding determining parentage by a guardian ad litem,
6 child's representative or attorney for the child; and

7 (4) the child was no longer a minor at the time the
8 proceeding was initiated and was the moving party resulting
9 in the parentage determination.

10 (c) In a proceeding for dissolution of marriage, civil
11 union, or substantially similar legal relationship,
12 declaration of invalidity of marriage, civil union, or
13 substantially similar legal relationship, or legal separation,
14 the court is deemed to have made an adjudication of the
15 parentage of a child if the court acts under circumstances that
16 satisfy the jurisdictional requirements of Section 201 of the
17 Uniform Interstate Family Support Act, and the final order:

18 (1) expressly identifies a child as a "child of the
19 marriage, civil union, or substantially similar legal
20 relationship", "issue of the marriage, civil union, or
21 substantially similar legal relationship", or uses similar
22 words indicating that a party to the marriage, civil union,
23 or substantially similar legal relationship is the parent
24 of the child; or

25 (2) provides for support of the child by the parties to
26 the marriage, civil union, or substantially similar legal

1 relationship, unless parentage is specifically disclaimed
2 in the order.

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

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

10 Section 622. Custody or visitation prohibited to men who
11 father through sexual assault or sexual abuse.

12 (a) This Section applies to a person who has been found to
13 be the father of a child under this Act and who:

14 (1) has been convicted of or who has pled guilty or
15 nolo contendere to a violation of Section 11-1.20 (criminal
16 sexual assault), Section 11-1.30 (aggravated criminal
17 sexual assault), Section 11-1.40 (predatory criminal
18 sexual assault of a child), Section 11-1.50 (criminal
19 sexual abuse), Section 11-1.60 (aggravated criminal sexual
20 abuse), Section 11-11 (sexual relations within families),
21 Section 12-13 (criminal sexual assault), Section 12-14
22 (aggravated criminal sexual assault), Section 12-14.1
23 (predatory criminal sexual assault of a child), Section
24 12-15 (criminal sexual abuse), or Section 12-16
25 (aggravated criminal sexual abuse) of the Criminal Code of

1 1961 or the Criminal Code of 2012, or a similar statute in
2 another jurisdiction, for his conduct in fathering that
3 child; or

4 (2) at a fact-finding hearing, is found by clear and
5 convincing evidence to have committed an act of
6 non-consensual sexual penetration for his conduct in
7 fathering that child.

8 (b) A person described in subsection (a) shall not be
9 entitled to custody of or visitation with that child without
10 the consent of the child's mother or guardian. If the person
11 described in subsection (a) is also the guardian of the child,
12 he does not have the authority to consent to visitation or
13 custody under this Section. If the mother of the child is a
14 minor, and the person described in subsection (a) is also the
15 father or guardian of the mother, then he does not have the
16 authority to consent to custody or visits.

17 (c) Notwithstanding any other provision of this Act,
18 nothing in this Section shall be construed to relieve the
19 father described in subsection (a) of any support and
20 maintenance obligations to the child under this Act. The
21 child's mother or guardian may decline support and maintenance
22 obligations from the father.

23 (d) Notwithstanding any other provision of law, the father
24 described in subsection (a) of this Section is not entitled to
25 any inheritance or other rights from the child without the
26 consent of the child's mother or guardian.

1 (e) Notwithstanding any provision of the Illinois Marriage
2 and Dissolution of Marriage Act, the parent, grandparent,
3 great-grandparent, or sibling of the person described in
4 subsection (a) of this Section does not have standing to bring
5 an action requesting custody or visitation with the child
6 without the consent of the child's mother or guardian.

7 (f) A petition under this Section may be filed by the
8 child's mother or guardian either as an affirmative petition in
9 circuit court or as an affirmative defense in any proceeding
10 filed by the person described in subsection (a) of this Section
11 regarding the child.

12 ARTICLE 7. (RESERVED)

13 ARTICLE 8. SUPPORT AND JUDGMENT

14 Section 801. Child support orders.

15 (a) Notwithstanding any other law to the contrary, pending
16 the outcome of a judicial determination of parentage, the court
17 shall issue an order for child support upon motion by a party
18 and a showing of clear and convincing evidence of parentage. In
19 determining the amount of the child support award, the court
20 shall use the guidelines and standards set forth in Sections
21 505 and 505.2 of the Illinois Marriage and Dissolution of
22 Marriage Act.

23 (b) Any new or existing support order entered by the court

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

16 (c) An order for support, when entered or modified, shall
17 include a provision requiring the non-custodial parent to
18 notify the court and, in cases in which a party is receiving
19 child support enforcement services under Article X of the
20 Illinois Public Aid Code, the Department of Healthcare and
21 Family Services, within 7 days: (i) of the name and address of
22 any new employer of the non-custodial parent; (ii) whether the
23 non-custodial parent has access to health insurance coverage
24 through the employer or other group coverage and, if so, of the
25 policy name and number and the names of adults and initials of
26 minors covered under the policy; and (iii) of any new

1 residential or mailing address or telephone number of the
2 non-custodial parent. In any subsequent action to enforce a
3 support order, upon a sufficient showing that a diligent effort
4 has been made to ascertain the location of the non-custodial
5 parent, service of process or provision of notice necessary in
6 the case may be made at the last known address of the
7 non-custodial parent in any manner expressly provided by this
8 Act or the Code of Civil Procedure, and shall be sufficient for
9 purposes of due process.

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

23 (e) If there is an unpaid arrearage or delinquency (as
24 those terms are defined in the Income Withholding for Support
25 Act) equal to at least one month's support obligation on the
26 termination date stated in the order for support or, if there

1 is no termination date stated in the order, on the date the
2 child attains the age of majority or is otherwise emancipated,
3 the periodic amount required to be paid for current support of
4 that child immediately prior to that date shall automatically
5 continue to be an obligation, not as current support but as
6 periodic payment toward satisfaction of the unpaid arrearage or
7 delinquency. The periodic payment shall be in addition to any
8 periodic payment previously required for satisfaction of the
9 arrearage or delinquency. The total periodic amount to be paid
10 toward satisfaction of the arrearage or delinquency may be
11 enforced and collected by any method provided by law for the
12 enforcement and collection of child support including, but not
13 limited to, income withholding under the Income Withholding for
14 Support Act. Each order for support entered or modified must
15 contain a statement notifying the parties of the requirements
16 of this subsection. Failure to include the statement in the
17 order for support does not affect the validity of the order or
18 the operation of the provisions of this subsection with regard
19 to the order. This subsection shall not be construed to prevent
20 or affect the establishment or modification of an order for the
21 support of a minor child or the establishment or modification
22 of an order for the support of a non-minor child or educational
23 expenses under Section 513 of the Illinois Marriage and
24 Dissolution of Marriage Act.

25 (f) An order entered under this Section shall include a
26 provision requiring the obligor to report to the obligee and to

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

18 Section 802. Judgment.

19 (a) The court shall issue an order adjudicating whether a
20 person alleged or claiming to be the parent is the parent of
21 the child. An order adjudicating parentage must identify the
22 child by initials and year of birth.

23 The court may assess filing fees, reasonable attorney's
24 fees, fees for genetic testing, other costs, necessary travel
25 expenses, and other reasonable expenses incurred in a

1 proceeding under this Act. The court may award attorney's fees,
2 which may be paid directly to the attorney, who may enforce the
3 order in the attorney's own name. The court may not assess
4 fees, costs, or expenses against the support-enforcement
5 agency of this State or another state, except as provided by
6 other law.

7 The judgment shall contain or explicitly reserve
8 provisions concerning any duty and amount of child support and
9 may contain provisions concerning the custody and guardianship
10 of the child, parenting time privileges with the child, and the
11 furnishing of bond or other security for the payment of the
12 judgment, which the court shall determine in accordance with
13 the relevant factors set forth in the Illinois Marriage and
14 Dissolution of Marriage Act and any other applicable law of
15 this State, to guide the court in a finding in the best
16 interests of the child. In determining custody, joint custody,
17 removal, parenting time, parenting time interference, support
18 for a non-minor disabled child, educational expenses for a
19 non-minor child, and related post-judgment issues, the court
20 shall apply the relevant standards of the Illinois Marriage and
21 Dissolution of Marriage Act. Specifically, in determining the
22 amount of a child support award, the court shall use the
23 guidelines and standards set forth in subsection (a) of Section
24 505 and in Section 505.2 of the Illinois Marriage and
25 Dissolution of Marriage Act. The court shall order all child
26 support payments, determined in accordance with such

1 guidelines, to commence with the date summons is served. The
2 level of current periodic support payments shall not be reduced
3 because of payments set for the period prior to the date of
4 entry of the support order.

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

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

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

25 (e) The court may order child support payments to be made
26 for a period prior to the commencement of the action. In

1 determining whether and to what extent the payments shall be
2 made for the prior period, the court shall consider all
3 relevant facts, including but not limited to:

4 (1) The factors for determining the amount of support
5 specified in the Illinois Marriage and Dissolution of
6 Marriage Act.

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

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

11 (4) The extent to which the mother or the public agency
12 bringing the action previously informed the father of the
13 child's needs or attempted to seek or require his help in
14 raising or supporting the child.

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

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

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

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

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

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

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

4 (h) On the request of both parents, the court shall order a
5 change in the child's name.

6 (i) After hearing evidence, the court may stay payment of
7 support during the period of the father's minority or period of
8 disability.

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

16 (k) An order for support, when entered or modified, shall
17 include a provision requiring the non-custodial parent to
18 notify the court and, in cases in which a party is receiving
19 child support enforcement services under Article X of the
20 Illinois Public Aid Code, the Department of Healthcare and
21 Family Services, within 7 days: (i) of the name and address of
22 any new employer of the non-custodial parent; (ii) whether the
23 non-custodial parent has access to health insurance coverage
24 through the employer or other group coverage and, if so, of the
25 policy name and number and the names of adults and initials of
26 minors covered under the policy; and (iii) of any new

1 residential or mailing address or telephone number of the
2 non-custodial parent. In a subsequent action to enforce a
3 support order, upon a sufficient showing that a diligent effort
4 has been made to ascertain the location of the non-custodial
5 parent, service of process or provision of notice necessary in
6 the case may be made at the last known address of the
7 non-custodial parent in any manner expressly provided by this
8 Act or the Code of Civil Procedure, and shall be sufficient for
9 purposes of due process.

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

23 (m) If there is an unpaid arrearage or delinquency (as
24 those terms are defined in the Income Withholding for Support
25 Act) equal to at least one month's support obligation on the
26 termination date stated in the order for support or, if there

1 is no termination date stated in the order, on the date the
2 child attains the age of majority or is otherwise emancipated,
3 the periodic amount required to be paid for current support of
4 that child immediately prior to that date shall automatically
5 continue to be an obligation, not as current support but as
6 periodic payment toward satisfaction of the unpaid arrearage or
7 delinquency. The periodic payment shall be in addition to any
8 periodic payment previously required for satisfaction of the
9 arrearage or delinquency. The total periodic amount to be paid
10 toward satisfaction of the arrearage or delinquency may be
11 enforced and collected by any method provided by law for
12 enforcement and collection of child support, including but not
13 limited to income withholding under the Income Withholding for
14 Support Act. Each order for support entered or modified must
15 contain a statement notifying the parties of the requirements
16 of this subsection. Failure to include the statement in the
17 order for support does not affect the validity of the order or
18 the operation of the provisions of this subsection with regard
19 to the order. This subsection shall not be construed to prevent
20 or affect the establishment or modification of an order for
21 support of a minor child or the establishment or modification
22 of an order for support of a non-minor child or educational
23 expenses under Section 513 of the Illinois Marriage and
24 Dissolution of Marriage Act.

25 (n) An order entered under this Section shall include a
26 provision requiring the obligor to report to the obligee and to

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

18 Section 803. Information to State Case Registry.

19 (a) In this Section:

20 "Order for support", "obligor", "obligee", and "business
21 day" are defined as set forth in the Income Withholding for
22 Support Act.

23 "State Case Registry" means the State Case Registry
24 established under Section 10-27 of the Illinois Public Aid
25 Code.

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

13 (c) The obligor shall file the following information: the
14 obligor's name, year of birth, mailing address, and the last 4
15 digits of the obligor's social security number. If either the
16 obligor or the obligee receives child support enforcement
17 services from the Department of Healthcare and Family Services
18 under Article X of the Illinois Public Aid Code, the obligor
19 shall also file the following information: the obligor's
20 telephone number, the last 4 digits of the obligor's driver's
21 license number, residential address (if different from the
22 obligor's mailing address), and the name, address, and
23 telephone number of the obligor's employer or employers.

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

25 (1) The name of the obligee and the initials of the
26 child or children covered by the order for support.

1 (2) The years of birth of the obligee and the child or
2 children covered by the order for support.

3 (3) The last 4 digits of the social security numbers of
4 the obligee and the child or children covered by the order
5 for support.

6 (4) The obligee's mailing address.

7 (e) In cases in which the obligee receives child support
8 enforcement services from the Department of Healthcare and
9 Family Services under Article X of the Illinois Public Aid
10 Code, the order for support shall (i) require that the obligee
11 file the information required under subsection (d) with the
12 Department of Healthcare and Family Services for inclusion in
13 the State Case Registry, rather than file the information with
14 the clerk, and (ii) require that the obligee include the
15 following additional information:

16 (1) The obligee's telephone and the last 4 digits of
17 the obligee's driver's license number.

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

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

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

25 (f) The clerk of the circuit court shall provide the
26 information filed under this Section, together with the court

1 docket number and county in which the order for support was
2 entered, to the State Case Registry within 5 business days
3 after receipt of the information.

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

11 (1) the amount of monthly or other periodic support
12 owed under the order for support and other amounts,
13 including arrearage, interest, or late payment penalties
14 and fees, due or overdue under the order; and

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

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

24 Section 804. Information to locate putative fathers and
25 noncustodial parents.

1 (a) Upon request by a public office, employers, labor
2 unions, and telephone companies shall provide location
3 information concerning putative fathers and noncustodial
4 parents for the purpose of establishing the parentage of a
5 child or establishing, enforcing, or modifying a child support
6 obligation. As used in this Section, the term "public office"
7 is defined as set forth in the Income Withholding for Support
8 Act, and "location information" means information about (i) the
9 physical whereabouts of a putative father or noncustodial
10 parent; (ii) the employer of the putative father or
11 noncustodial parent; or (iii) the salary, wages, and other
12 compensation paid and the health insurance coverage provided to
13 the putative father or noncustodial parent by the employer of
14 the putative father or noncustodial parent or by a labor union
15 of which the putative father or noncustodial parent is a
16 member. An employer, labor union, or telephone company shall
17 respond to the request of the public office within 15 days
18 after receiving the request. An employer, labor union, or
19 telephone company that willfully fails to fully respond within
20 the 15-day period shall be subject to a penalty of \$100 for
21 each day that the response is not provided to the public office
22 after the 15-day period has expired. The penalty may be
23 collected in a civil action, which may be brought against the
24 employer, labor union, or telephone company in favor of the
25 public office.

26 (b) Upon being served with a subpoena (including an

1 administrative subpoena as authorized by law), a utility
2 company or cable television company must provide location
3 information to a public office for the purpose of establishing
4 the parentage of a child or establishing, enforcing, or
5 modifying a child support obligation.

6 (c) Notwithstanding the provisions of any other State or
7 local law to the contrary, an employer, labor union, telephone
8 company, utility company, or cable television company shall not
9 be liable to any person for disclosure of location information
10 under the requirements of this Section, except for willful and
11 wanton misconduct.

12 Section 805. Enforcement of judgment or order.

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

25 (b) Failure to comply with an order of the court shall be

1 punishable as contempt as in other cases of failure to comply
2 under the Illinois Marriage and Dissolution of Marriage Act. In
3 addition to other penalties provided by law, the court may,
4 after finding the party guilty of contempt, take the following
5 action:

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

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

18 (3) Pierce the ownership veil of a person, persons, or
19 business entity to discover assets of a non-custodial
20 parent held in the name of that person, those persons, or
21 that business entity, if there is a unity of interest and
22 ownership sufficient to render no financial separation
23 between the non-custodial parent and that person, those
24 persons, or the business entity. The following
25 circumstances are sufficient for a court to order discovery
26 of the assets of a person, persons, or business entity and

1 to compel the application of any discovered assets toward
2 payment of the judgment for support:

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

5 (B) the non-custodial parent and the person,
6 persons, or business entity fail to maintain an
7 arm's-length relationship between themselves with
8 regard to any assets.

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

21 (4) Order that, in cases where the party is 90 days or
22 more delinquent in payment of support or has been
23 adjudicated in arrears in an amount equal to 90 days
24 obligation or more, the party's Illinois driving
25 privileges be suspended until the court determines that the
26 party is in compliance with the judgment or duty of

1 support. The court may also order that the parent be issued
2 a family financial responsibility driving permit that
3 would allow limited driving privileges for employment and
4 medical purposes in accordance with Section 7-702.1 of the
5 Illinois Vehicle Code. The clerk of the circuit court shall
6 certify the order suspending the driving privileges of the
7 parent or granting the issuance of a family financial
8 responsibility driving permit to the Secretary of State on
9 forms prescribed by the Secretary. Upon receipt of the
10 authenticated documents, the Secretary of State shall
11 suspend the party's driving privileges until further order
12 of the court and shall, if ordered by the court and subject
13 to the provisions of Section 7-702.1 of the Illinois
14 Vehicle Code, issue a family financial responsibility
15 driving permit to the parent.

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

1 work program under Section 806 of this Act.

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

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

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

21 (b) Whenever it is determined that a person owes past-due
22 support for a child, and the child is receiving assistance
23 under the Illinois Public Aid Code, the court shall, at the
24 request of the Department of Healthcare and Family Services,
25 order the following:

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

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

9 Section 807. Order of protection; status. Whenever relief
10 is sought under this Act, the court, before granting relief,
11 shall determine whether an order of protection has previously
12 been entered in the instant proceeding or any other proceeding
13 in which any party, or a child of any party, or both, if
14 relevant, has been designated as either a respondent or a
15 protected person.

16 Section 808. Modification of judgment. The court has
17 continuing jurisdiction to modify an order for support,
18 custody, parenting time, or removal included in a judgment
19 entered under this Act. Any custody, parenting time, or removal
20 judgment modification shall be in accordance with the relevant
21 factors specified in the Illinois Marriage and Dissolution of
22 Marriage Act. Any support judgment is subject to modification
23 or termination only in accordance with Section 510 of the
24 Illinois Marriage and Dissolution of Marriage Act.

1 Section 809. Right to counsel.

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

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

20 Section 810. Withholding of income to secure payment of
21 support. Orders for support entered under this Act are subject
22 to the Income Withholding for Support Act.

23 Section 811. Information concerning obligors.

1 (a) In this Section:

2 "Arrearage", "delinquency", "obligor", and "order for
3 support" have the meanings attributed to those terms in the
4 Income Withholding for Support Act.

5 "Consumer reporting agency" has the meaning attributed to
6 that term in Section 603(f) of the Fair Credit Reporting Act,
7 15 U.S.C. 1681a(f).

8 (b) 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 make information
13 concerning the obligor available to consumer reporting
14 agencies.

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

1 resides in the county in which the clerk of the circuit court
2 holds office.

3 Section 812. Interest on support obligations. A support
4 obligation, or any portion of a support obligation, which
5 becomes due and remains unpaid as of the end of each month,
6 excluding the child support that was due for that month to the
7 extent that it was not paid in that month, shall accrue simple
8 interest as set forth in Section 12-109 of the Code of Civil
9 Procedure. An order for support shall contain a statement that
10 a support obligation required under the order, or any portion
11 of a support obligation required under the order, that becomes
12 due and remains unpaid as of the end of each month, excluding
13 the child support that was due for that month to the extent
14 that it was not paid in that month, shall accrue simple
15 interest as set forth in Section 12-109 of the Code of Civil
16 Procedure. Failure to include the statement in the order for
17 support does not affect the validity of the order or the
18 accrual of interest as provided in this Section.

19 Section 813. Support payments; receiving and disbursing
20 agents.

21 (a) In an action filed in a county with less than 3,000,000
22 inhabitants in which an order for child support is entered, and
23 in supplementary proceedings to enforce or vary the terms of
24 the order arising out of an action filed in such a county, the

1 court, except in actions or supplementary proceedings in which
2 the pregnancy and delivery expenses of the mother or the child
3 support payments are for a recipient of aid under the Illinois
4 Public Aid Code, shall direct that child support payments be
5 made to the clerk of the circuit court, unless in the
6 discretion of the court exceptional circumstances warrant
7 otherwise. In cases where payment is to be made to persons
8 other than the clerk of the circuit court, the judgment or
9 order of support shall set forth the facts of the exceptional
10 circumstances.

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

1 the Department of Healthcare and Family Services, the judgment
2 or order of support shall set forth the facts of the
3 exceptional circumstances.

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

1 removal of the mother and child from the public aid rolls or
2 upon termination of services under Article X of the Illinois
3 Public Aid Code; upon such direction, the Department of
4 Healthcare and Family Services or the local governmental unit
5 shall give notice of the action to the court in writing or by
6 electronic transmission.

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

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

18 (f) For those cases in which child support is payable to
19 the clerk of the circuit court for transmittal to the
20 Department of Healthcare and Family Services by order of court
21 or upon notification by the Department of Healthcare and Family
22 Services, the clerk of the circuit court shall transmit all
23 payments, within 4 working days of receipt, to insure that
24 funds are available for immediate distribution by the
25 Department of Healthcare and Family Services to the person or
26 entity entitled to them in accordance with the Child Support

1 Enforcement Program under Title IV-D of the Social Security
2 Act. The clerk of the circuit court shall notify the Department
3 of Healthcare and Family Services of the date of receipt and
4 the amount of the funds at the time of transmittal. If the
5 clerk of the circuit court has entered into an agreement of
6 cooperation with the Department of Healthcare and Family
7 Services to record the terms of child support orders and
8 payments made thereunder directly into the Department's
9 automated data processing system, the clerk of the circuit
10 court shall account for, transmit and otherwise distribute
11 child support payments in accordance with the agreement in lieu
12 of the requirements contained in this Section.

13 (g) To the extent the provisions of this Section are
14 inconsistent with the requirements pertaining to the State
15 Disbursement Unit under Section 815 of this Act and Section
16 10-26 of the Illinois Public Aid Code, the requirements
17 pertaining to the State Disbursement Unit shall apply.

18 Section 814. Notice of child support enforcement services.
19 The Department of Healthcare and Family Services may provide
20 notice at any time to the parties to an action filed under this
21 Act that child support enforcement services are being provided
22 by the Department under Article X of the Illinois Public Aid
23 Code. After notice is provided, the Department of Healthcare
24 and Family Services shall be entitled, as if it were a party,
25 to notice of any further proceedings brought in the case. The

1 Department of Healthcare and Family Services shall provide the
2 clerk of the circuit court with copies of the notices sent to
3 the parties. The clerk of the circuit court shall file the
4 copies in the court file.

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

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

11 (b) Notwithstanding any other provision of this Act to the
12 contrary, each order for support entered or modified on or
13 after October 1, 1999 shall require that support payments be
14 made to the State Disbursement Unit established under Section
15 10-26 of the Illinois Public Aid Code if:

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

19 (2) no party to the order is receiving child support
20 enforcement services, but the support payments are made
21 through income withholding.

22 (c) Support payments shall be made to the State
23 Disbursement Unit if:

24 (1) the order for support was entered before October 1,
25 1999, and a party to the order is receiving child support

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

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

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

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

15 (1) to make support payments to the State Disbursement
16 Unit if:

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

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

24 (2) to make support payments to the State Disbursement
25 Unit of another state upon request of another state's Title
26 IV-D child support enforcement agency, in accordance with

1 the requirements of Title IV, Part D of the Social Security
2 Act and regulations promulgated under that Part D.

3 The Department of Healthcare and Family Services shall
4 provide a copy of the notice sent under this subsection to the
5 obligee and to the clerk of the circuit court.

6 (f) The clerk of the circuit court shall provide written
7 notice to the obligor to make payments directly to the clerk of
8 the circuit court if no party to the order is receiving child
9 support enforcement services under Article X of the Illinois
10 Public Aid Code, the support payments are not made through
11 income withholding, and the order for support requires support
12 payments to be made directly to the clerk of the circuit court.
13 The clerk of the circuit court shall provide a copy of the
14 notice to the obligee.

15 (g) If the State Disbursement Unit receives a support
16 payment that was not appropriately made to the Unit under this
17 Section, the Unit shall immediately return the payment to the
18 sender, including, if possible, instructions detailing where
19 to send the support payments.

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

24 Section 816. Notice to the clerk of the circuit court of
25 payment received by Department of Healthcare and Family

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

11 ARTICLE 9. MISCELLANEOUS PROVISIONS

12 Section 901. Burden of proof. Absent a burden of proof
13 specifically set forth in this Act, the burden of proof shall
14 be by a preponderance of the evidence.

15 Section 902. Severability clause. If any provision of this
16 Act or its application to an individual or circumstance is held
17 invalid, the invalidity does not affect other provisions or
18 applications of this Act which can be given effect without the
19 invalid provision or application, and to this end the
20 provisions of this Act are severable.

21 Section 903. Transitional provision. A proceeding to
22 adjudicate parentage which was commenced before the effective

1 date of this Act is governed by the law in effect at the time
2 the proceeding was commenced.

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

15 Section 905. Other states' establishments of parentage.
16 Establishments of parentage made under the laws of other states
17 shall be given full faith and credit in this State regardless
18 of whether parentage was established through voluntary
19 acknowledgment or through judicial or administrative
20 processes.

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

1 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

2 Sec. 1005-130. Exchange of information for child support
3 enforcement.

4 (a) The Department has the power to exchange with the
5 Department of Healthcare and Family Services information that
6 may be necessary for the enforcement of child support orders
7 entered pursuant to the Illinois Public Aid Code, the Illinois
8 Marriage and Dissolution of Marriage Act, the Non-Support of
9 Spouse and Children Act, the Non-Support Punishment Act, the
10 Revised Uniform Reciprocal Enforcement of Support Act, the
11 Uniform Interstate Family Support Act, ~~or~~ the Illinois
12 Parentage Act of 1984, or the Illinois Parentage Act of 2015.

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

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

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

1 (20 ILCS 2105/2105-15)

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

3 (a) The Department has, subject to the provisions of the
4 Civil Administrative Code of Illinois, the following powers and
5 duties:

6 (1) To authorize examinations in English to ascertain
7 the qualifications and fitness of applicants to exercise
8 the profession, trade, or occupation for which the
9 examination is held.

10 (2) To prescribe rules and regulations for a fair and
11 wholly impartial method of examination of candidates to
12 exercise the respective professions, trades, or
13 occupations.

14 (3) To pass upon the qualifications of applicants for
15 licenses, certificates, and authorities, whether by
16 examination, by reciprocity, or by endorsement.

17 (4) To prescribe rules and regulations defining, for
18 the respective professions, trades, and occupations, what
19 shall constitute a school, college, or university, or
20 department of a university, or other institution,
21 reputable and in good standing, and to determine the
22 reputability and good standing of a school, college, or
23 university, or department of a university, or other
24 institution, reputable and in good standing, by reference
25 to a compliance with those rules and regulations; provided,
26 that no school, college, or university, or department of a

1 university, or other institution that refuses admittance
2 to applicants solely on account of race, color, creed, sex,
3 or national origin shall be considered reputable and in
4 good standing.

5 (5) To conduct hearings on proceedings to revoke,
6 suspend, refuse to renew, place on probationary status, or
7 take other disciplinary action as authorized in any
8 licensing Act administered by the Department with regard to
9 licenses, certificates, or authorities of persons
10 exercising the respective professions, trades, or
11 occupations and to revoke, suspend, refuse to renew, place
12 on probationary status, or take other disciplinary action
13 as authorized in any licensing Act administered by the
14 Department with regard to those licenses, certificates, or
15 authorities. The Department shall issue a monthly
16 disciplinary report. The Department shall deny any license
17 or renewal authorized by the Civil Administrative Code of
18 Illinois to any person who has defaulted on an educational
19 loan or scholarship provided by or guaranteed by the
20 Illinois Student Assistance Commission or any governmental
21 agency of this State; however, the Department may issue a
22 license or renewal if the aforementioned persons have
23 established a satisfactory repayment record as determined
24 by the Illinois Student Assistance Commission or other
25 appropriate governmental agency of this State.
26 Additionally, beginning June 1, 1996, any license issued by

1 the Department may be suspended or revoked if the
2 Department, after the opportunity for a hearing under the
3 appropriate licensing Act, finds that the licensee has
4 failed to make satisfactory repayment to the Illinois
5 Student Assistance Commission for a delinquent or
6 defaulted loan. For the purposes of this Section,
7 "satisfactory repayment record" shall be defined by rule.
8 The Department shall refuse to issue or renew a license to,
9 or shall suspend or revoke a license of, any person who,
10 after receiving notice, fails to comply with a subpoena or
11 warrant relating to a paternity or child support
12 proceeding. However, the Department may issue a license or
13 renewal upon compliance with the subpoena or warrant.

14 The Department, without further process or hearings,
15 shall revoke, suspend, or deny any license or renewal
16 authorized by the Civil Administrative Code of Illinois to
17 a person who is certified by the Department of Healthcare
18 and Family Services (formerly Illinois Department of
19 Public Aid) as being more than 30 days delinquent in
20 complying with a child support order or who is certified by
21 a court as being in violation of the Non-Support Punishment
22 Act for more than 60 days. The Department may, however,
23 issue a license or renewal if the person has established a
24 satisfactory repayment record as determined by the
25 Department of Healthcare and Family Services (formerly
26 Illinois Department of Public Aid) or if the person is

1 determined by the court to be in compliance with the
2 Non-Support Punishment Act. The Department may implement
3 this paragraph as added by Public Act 89-6 through the use
4 of emergency rules in accordance with Section 5-45 of the
5 Illinois Administrative Procedure Act. For purposes of the
6 Illinois Administrative Procedure Act, the adoption of
7 rules to implement this paragraph shall be considered an
8 emergency and necessary for the public interest, safety,
9 and welfare.

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

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

17 (8) To exchange with the Department of Healthcare and
18 Family Services information that may be necessary for the
19 enforcement of child support orders entered pursuant to the
20 Illinois Public Aid Code, the Illinois Marriage and
21 Dissolution of Marriage Act, the Non-Support of Spouse and
22 Children Act, the Non-Support Punishment Act, the Revised
23 Uniform Reciprocal Enforcement of Support Act, the Uniform
24 Interstate Family Support Act, ~~or~~ the Illinois Parentage
25 Act of 1984, or the Illinois Parentage Act of 2015.
26 Notwithstanding any provisions in this Code to the

1 contrary, the Department of Professional Regulation shall
2 not be liable under any federal or State law to any person
3 for any disclosure of information to the Department of
4 Healthcare and Family Services (formerly Illinois
5 Department of Public Aid) under this paragraph (8) or for
6 any other action taken in good faith to comply with the
7 requirements of this paragraph (8).

8 (8.5) To accept continuing education credit for
9 mandated reporter training on how to recognize and report
10 child abuse offered by the Department of Children and
11 Family Services and completed by any person who holds a
12 professional license issued by the Department and who is a
13 mandated reporter under the Abused and Neglected Child
14 Reporting Act. The Department shall adopt any rules
15 necessary to implement this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (Source: P.A. 97-650, eff. 2-1-12; 98-756, eff. 7-16-14;
14 98-850, eff. 1-1-15.)

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

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

19 Sec. 2505-65. Exchange of information.

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

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

3 (b) The Department has the power to exchange with the
4 Department of Healthcare and Family Services information that
5 may be necessary for the enforcement of child support orders
6 entered pursuant to the Illinois Public Aid Code, the Illinois
7 Marriage and Dissolution of Marriage Act, the Non-Support of
8 Spouse and Children Act, the Non-Support Punishment Act, the
9 Revised Uniform Reciprocal Enforcement of Support Act, the
10 Uniform Interstate Family Support Act, ~~or~~ the Illinois
11 Parentage Act of 1984, or the Illinois Parentage Act of 2015.

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

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

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

22 (55 ILCS 5/3-5036.5)

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

1 (a) The Recorder shall exchange with the Department of
2 Healthcare and Family Services information that may be
3 necessary for the enforcement of child support orders entered
4 pursuant to the Illinois Public Aid Code, the Illinois Marriage
5 and Dissolution of Marriage Act, the Non-Support of Spouse and
6 Children Act, the Non-Support Punishment Act, the Revised
7 Uniform Reciprocal Enforcement of Support Act, the Uniform
8 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
9 1984, or the Illinois Parentage Act of 2015.

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

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

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

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

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

21 Sec. 2.04. Child support indebtedness.

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

1 provided under the Illinois Public Aid Code, the Illinois
2 Marriage and Dissolution of Marriage Act, the Non-Support of
3 Spouse and Children Act, the Non-Support Punishment Act, the
4 Illinois Parentage Act of 1984, the Illinois Parentage Act of
5 2015, or similar laws of other states are not restricted (i) in
6 the frequency of contact with an obligor who is in arrears,
7 whether by phone, mail, or other means, (ii) from contacting
8 the employer of an obligor who is in arrears, (iii) from
9 publishing or threatening to publish a list of obligors in
10 arrears, (iv) from disclosing or threatening to disclose an
11 arrearage that the obligor disputes, but for which a verified
12 notice of delinquency has been served under the Income
13 Withholding for Support Act (or any of its predecessors,
14 Section 10-16.2 of the Illinois Public Aid Code, Section 706.1
15 of the Illinois Marriage and Dissolution of Marriage Act,
16 Section 4.1 of the Non-Support of Spouse and Children Act,
17 Section 26.1 of the Revised Uniform Reciprocal Enforcement of
18 Support Act, or Section 20 of the Illinois Parentage Act of
19 1984), or (v) from engaging in conduct that would not cause a
20 reasonable person mental or physical illness. For purposes of
21 this subsection, "obligor" means an individual who owes a duty
22 to make periodic payments, under a court order, for the support
23 of a child. "Arrearage" means the total amount of an obligor's
24 unpaid child support obligations.

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

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

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

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

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

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

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

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

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

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

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

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

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

3 In addition to other duties assigned the Child and Spouse
4 Support Unit by this Article, the Unit may refer to the
5 Attorney General or units of local government with the approval
6 of the Attorney General, any actions under Sections 10-10 and
7 10-15 for judicial enforcement of the support liability. The
8 Child and Spouse Support Unit shall act for the Department in
9 referring to the Attorney General support matters requiring
10 judicial enforcement under other laws. If requested by the
11 Attorney General to so act, as provided in Section 12-16,
12 attorneys of the Unit may assist the Attorney General or
13 themselves institute actions on ~~in~~ behalf of the Illinois
14 Department under the Revised Uniform Reciprocal Enforcement of
15 Support Act; under the Illinois Parentage Act of 1984 or under
16 the Illinois Parentage Act of 2015; under the Non-Support of
17 Spouse and Children Act; under the Non-Support Punishment Act;
18 or under any other law, State or Federal, providing for support
19 of a spouse or dependent child.

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

1 total amount collected.

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

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

26 With respect to those cases in which it has support

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (305 ILCS 5/10-16.7)

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

15 (a) For purposes of this Section:

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

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

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

1 Non-Support Punishment Act, ~~or~~ the Illinois Parentage Act of
2 1984, or the Illinois Parentage Act of 2015, or that is entered
3 or registered for modification or enforcement under the Uniform
4 Interstate Family Support Act.

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

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

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

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

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

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

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

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

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

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

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

12 Sec. 10-17. Other Actions and Remedies for Support. The
13 procedures, actions and remedies provided in this Article shall
14 in no way be exclusive, but shall be available in addition to
15 other actions and remedies of support, including, but not by
16 way of limitation, the remedies provided in (a) the Illinois
17 Parentage Act of 2015 ~~"Paternity Act", approved July 5, 1957,~~
18 ~~as amended;~~ (b) the "Non-Support of Spouse and Children Act",
19 approved June 24, 1915, as amended; (b-5) the Non-Support
20 Punishment Act; and (c) the "Revised Uniform Reciprocal
21 Enforcement of Support Act", approved August 28, 1969, as
22 amended.

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

24 (305 ILCS 5/10-17.7)

1 Sec. 10-17.7. Administrative determination of paternity.
2 The Illinois Department may provide by rule for the
3 administrative determination of paternity by the Child and
4 Spouse Support Unit in cases involving applicants for or
5 recipients of financial aid under Article IV of this Act and
6 other persons who are given access to the child support
7 enforcement services of this Article as provided in Section
8 10-1, including persons similarly situated and receiving
9 similar services in other states. The rules shall extend to
10 cases in which the mother and alleged father voluntarily
11 acknowledge paternity in the form required by the Illinois
12 Department or agree to be bound by the results of genetic
13 testing or in which the alleged father has failed to respond to
14 a notification of support obligation issued under Section 10-4
15 and to cases of contested paternity. The Illinois Department's
16 form for voluntary acknowledgement of paternity shall be the
17 same form prepared by the Illinois Department for use under the
18 requirements of Section 12 of the Vital Records Act. Any
19 presumption provided for under the Illinois Parentage Act of
20 1984 or under the Illinois Parentage Act of 2015 on and after
21 the effective date of that Act shall apply to cases in which
22 paternity is determined under the rules of the Illinois
23 Department. The rules shall provide for notice and an
24 opportunity to be heard by the responsible relative and the
25 person receiving child support enforcement services under this
26 Article if paternity is not voluntarily acknowledged, and any

1 final administrative decision rendered by the Illinois
2 Department shall be reviewed only under and in accordance with
3 the Administrative Review Law. Determinations of paternity
4 made by the Illinois Department under the rules authorized by
5 this Section shall have the full force and effect of a court
6 judgment of paternity entered under the Illinois Parentage Act
7 of 1984 or under the Illinois Parentage Act of 2015.

8 In determining paternity in contested cases, the Illinois
9 Department shall conduct the evidentiary hearing in accordance
10 with Article 4 of the Illinois Parentage Act of 2015 ~~Section 11~~
11 ~~of the Parentage Act of 1984~~, except that references in that
12 Article ~~Section~~ to "the court" shall be deemed to mean the
13 Illinois Department's hearing officer in cases in which
14 paternity is determined administratively by the Illinois
15 Department.

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

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

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

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

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

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

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

18 1.5. The Non-Support Punishment Act,

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

21 3. The Illinois Parentage Act, as amended,

22 3.5. The Illinois Parentage Act of 2015,

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

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

1 1987, as amended,

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

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

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

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

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

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

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

1 (305 ILCS 5/10-25)

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

4 (a) Notwithstanding any other State or local law to the
5 contrary, the State shall have a lien on all legal and
6 equitable interests of responsible relatives in their real
7 property in the amount of past-due child support owing pursuant
8 to an order for child support entered under Sections 10-10 and
9 10-11 of this Code, or under the Illinois Marriage and
10 Dissolution of Marriage Act, the Non-Support of Spouse and
11 Children Act, the Non-Support Punishment Act, the Uniform
12 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
13 1984, or the Illinois Parentage Act of 2015.

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

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

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

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

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

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

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

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

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

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

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

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

1 (305 ILCS 5/10-25.5)

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

4 (a) Notwithstanding any other State or local law to the
5 contrary, the State shall have a lien on all legal and
6 equitable interests of responsible relatives in their personal
7 property, including any account in a financial institution as
8 defined in Section 10-24, or in the case of an insurance
9 company or benefit association only in accounts as defined in
10 Section 10-24, in the amount of past-due child support owing
11 pursuant to an order for child support entered under Sections
12 10-10 and 10-11 of this Code, or under the Illinois Marriage
13 and Dissolution of Marriage Act, the Non-Support of Spouse and
14 Children Act, the Non-Support Punishment Act, the Uniform
15 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
16 1984, or the Illinois Parentage Act of 2015.

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

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

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

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

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

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

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

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

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

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

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

20 (305 ILCS 5/10-27)

21 Sec. 10-27. State Case Registry.

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

1 entered or modified on or after October 1, 1998. The State Case
2 Registry shall include (i) the information filed with the
3 Illinois Department, or filed with the clerk of the circuit
4 court and provided to the Illinois Department, under the
5 provisions of Sections 10-10.5 and 10-11.2 of this Code,
6 Section 505.3 of the Illinois Marriage and Dissolution of
7 Marriage Act, Section 30 of the Non-Support Punishment Act, ~~and~~
8 Section 803 of the Illinois Parentage Act of 2015, and Section
9 14.1 of the Illinois Parentage Act of 1984, and (ii) any other
10 information required under Title IV, Part D of the Social
11 Security Act or by the federal Department of Health and Human
12 Services.

13 (b) (Blank).

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

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

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

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

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

1 Code.

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

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

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

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

13 (4) any other relevant information.

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

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

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

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

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

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

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

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

26 (1) Prohibitions against the release of information on

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

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

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

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

18 (305 ILCS 5/12-4.7c)

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

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

1 Non-Support Punishment Act, the Revised Uniform Reciprocal
2 Enforcement of Support Act, the Uniform Interstate Family
3 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
4 Illinois Parentage Act of 2015.

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

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

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

15 (410 ILCS 513/22)

16 Sec. 22. Tests to determine inherited characteristics in
17 paternity proceedings. Nothing in this Act shall be construed
18 to affect or restrict in any way the ordering of or use of
19 results from deoxyribonucleic acid (DNA) testing or other tests
20 to determine inherited characteristics by the court in a
21 judicial proceeding under the Illinois Parentage Act of 1984 or
22 under the Illinois Parentage Act of 2015 on and after the
23 effective date of that Act or by the Department of Healthcare
24 and Family Services in an administrative paternity proceeding

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

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

4 (410 ILCS 513/30)

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

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

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

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

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

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

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

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

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

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

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

19 (b) All information and records held by a State agency,
20 local health authority, or health oversight agency pertaining
21 to genetic information shall be strictly confidential and
22 exempt from copying and inspection under the Freedom of
23 Information Act. The information and records shall not be
24 released or made public by the State agency, local health
25 authority, or health oversight agency and shall not be
26 admissible as evidence nor discoverable in any action of any

1 kind in any court or before any tribunal, board, agency, or
2 person and shall be treated in the same manner as the
3 information and those records subject to the provisions of Part
4 21 of Article VIII of the Code of Civil Procedure except under
5 the following circumstances:

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

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

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

12 (D) when made under the authorization of the
13 Illinois Parentage Act of 2015 ~~1984~~.

14 Disclosure shall be limited to those who have a need to
15 know the information, and no additional disclosures may be
16 made.

17 (c) Disclosure by an insurer in accordance with the
18 requirements of the Article XL of the Illinois Insurance Code
19 shall be deemed compliance with this Section.

20 (Source: P.A. 98-1046, eff. 1-1-15.)

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

23 (410 ILCS 535/12)

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

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

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

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

26 (a) The physician in attendance at or immediately after

1 the birth, or in the absence of such a person,

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

4 (c) The father, the mother, or in the absence of the
5 father and the inability of the mother, the person in
6 charge of the premises where the birth occurred.

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

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

22 (5) Upon the birth of a child to an unmarried woman, or
23 upon the birth of a child to a woman who was married at the time
24 of conception or birth and whose husband is not the biological
25 father of the child, the institution at the time of birth and
26 the local registrar or county clerk after the birth shall do

1 the following:

2 (a) Provide (i) an opportunity for the child's mother
3 and father to sign an acknowledgment of parentage and (ii)
4 if the presumed father is not the biological father, an
5 opportunity for the mother and presumed father to sign a
6 denial of paternity. The signing and witnessing of the
7 acknowledgment of parentage or, if the presumed father of
8 the child is not the biological father, the acknowledgment
9 of parentage and denial of paternity conclusively
10 establishes a parent and child relationship in accordance
11 with Sections 5 and 6 of the Illinois Parentage Act of 1984
12 and with the Illinois Parentage Act of 2015 on and after
13 the effective date of that Act.

14 The Department of Healthcare and Family Services shall
15 furnish the acknowledgment of parentage and denial of
16 paternity form to institutions, county clerks, and State
17 and local registrars' offices. The form shall include
18 instructions to send the original signed and witnessed
19 acknowledgment of parentage and denial of paternity to the
20 Department of Healthcare and Family Services. The
21 acknowledgement of paternity and denial of paternity form
22 shall also include a statement informing the mother, the
23 alleged father, and the presumed father, if any, that they
24 have the right to request deoxyribonucleic acid (DNA) tests
25 regarding the issue of the child's paternity and that by
26 signing the form, they expressly waive such tests. The

1 statement shall be set forth in bold-face capital letters
2 not less than 0.25 inches in height.

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

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

18 (ii) An explanation of the benefits of having a
19 child's parentage established and the availability of
20 parentage establishment and child support enforcement
21 services.

22 (iii) A request for an application for child
23 support enforcement services from the Department of
24 Healthcare and Family Services.

25 (iv) Instructions concerning the opportunity to
26 speak, either by telephone or in person, with staff of

1 the Department of Healthcare and Family Services who
2 are trained to clarify information and answer
3 questions about paternity establishment.

4 (v) Instructions for completing and signing the
5 acknowledgment of parentage and denial of paternity.

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

14 (6) The institution, State or local registrar, or county
15 clerk shall provide an opportunity for the child's father or
16 mother to sign a rescission of parentage. The signing and
17 witnessing of the rescission of parentage voids the
18 acknowledgment of parentage and nullifies the presumption of
19 paternity if executed and filed with the Department of
20 Healthcare and Family Services (formerly Illinois Department
21 of Public Aid) within the time frame contained in Section 5 of
22 the Illinois Parentage Act of 1984 or Section 307 of the
23 Illinois Parentage Act of 2015 on and after the effective date
24 of that Act. The Department of Healthcare and Family Services
25 shall furnish the rescission of parentage form to institutions,
26 county clerks, and State and local registrars' offices. The

1 form shall include instructions to send the original signed and
2 witnessed rescission of parentage to the Department of
3 Healthcare and Family Services.

4 (7) An acknowledgment of paternity signed pursuant to
5 Section 6 of the Illinois Parentage Act of 1984 or Section 302
6 of the Illinois Parentage Act of 2015 on and after the
7 effective date of that Act may be challenged in court only on
8 the basis of fraud, duress, or material mistake of fact, with
9 the burden of proof upon the challenging party. Pending outcome
10 of a challenge to the acknowledgment of paternity, the legal
11 responsibilities of the signatories shall remain in full force
12 and effect, except upon order of the court upon a showing of
13 good cause.

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

22 (9) In the event the parent-child relationship has been
23 established in accordance with subdivision (a)(1) of Section 6
24 of the Parentage Act of 1984, the names of the biological
25 mother and biological father so established shall be entered on
26 the child's birth certificate, and the names of the surrogate

1 mother and surrogate mother's husband, if any, shall not be on
2 the birth certificate.

3 (Source: P.A. 95-331, eff. 8-21-07; 96-333, eff. 8-11-09;
4 96-474, eff. 8-14-09; 96-1000, eff. 7-2-10.)

5 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

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

1 copies are made at no cost to the county or to the State of
2 Illinois. It is unlawful for any custodian to permit inspection
3 of, or to disclose information contained in, vital records, or
4 to copy or permit to be copied, all or part of any such record
5 except as authorized by this Act or regulations adopted
6 pursuant thereto.

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

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

17 This amendatory Act of 1973 does not apply to any home rule
18 unit.

19 (4) The State Registrar shall exchange with the Department
20 of Healthcare and Family Services information that may be
21 necessary for the establishment of paternity and the
22 establishment, modification, and enforcement of child support
23 orders entered pursuant to the Illinois Public Aid Code, the
24 Illinois Marriage and Dissolution of Marriage Act, the
25 Non-Support of Spouse and Children Act, the Non-Support
26 Punishment Act, the Revised Uniform Reciprocal Enforcement of

1 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the
2 Illinois Parentage Act of 1984, or the Illinois Parentage Act
3 of 2015. Notwithstanding any provisions in this Act to the
4 contrary, the State Registrar shall not be liable to any person
5 for any disclosure of information to the Department of
6 Healthcare and Family Services (formerly Illinois Department
7 of Public Aid) under this subsection or for any other action
8 taken in good faith to comply with the requirements of this
9 subsection.

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

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

13 (625 ILCS 5/2-109.1)

14 Sec. 2-109.1. Exchange of information.

15 (a) The Secretary of State shall exchange information with
16 the Department of Healthcare and Family Services which may be
17 necessary for the establishment of paternity and the
18 establishment, modification, and enforcement of child support
19 orders pursuant to the Illinois Public Aid Code, the Illinois
20 Marriage and Dissolution of Marriage Act, the Non-Support of
21 Spouse and Children Act, the Non-Support Punishment Act, the
22 Revised Uniform Reciprocal Enforcement of Support Act, the
23 Uniform Interstate Family Support Act, ~~or~~ the Illinois
24 Parentage Act of 1984, or the Illinois Parentage Act of 2015.

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

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

9 (625 ILCS 5/7-703)

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

12 (a) The clerk of the circuit court, as provided in
13 subsection (b) of Section 505 of the Illinois Marriage and
14 Dissolution of Marriage Act or as provided in Section 15 of the
15 Illinois Parentage Act of 2015 ~~1984~~, shall forward to the
16 Secretary of State, on a form prescribed by the Secretary, an
17 authenticated document certifying the court's order suspending
18 the driving privileges of the obligor. For any such
19 certification, the clerk of the court shall charge the obligor
20 a fee of \$5 as provided in the Clerks of Courts Act.

21 (b) If an obligor has been adjudicated in arrears in court
22 ordered child support payments in an amount equal to 90 days
23 obligation or more but has not been held in contempt of court,
24 the circuit court may order that the obligor's driving
25 privileges be suspended. If the circuit court orders that the

1 obligor's driving privileges be suspended, it shall forward to
2 the Secretary of State, on a form prescribed by the Secretary,
3 an authenticated document certifying the court's order
4 suspending the driving privileges of the obligor. The
5 authenticated document shall be forwarded to the Secretary of
6 State by the court no later than 45 days after entry of the
7 order suspending the obligor's driving privileges.

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

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

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

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

3 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

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

12 (a) Civil Cases.

13 The fee for filing a complaint, petition, or other
14 pleading initiating a civil action, with the following
15 exceptions, shall be a minimum of \$40 and a maximum of
16 \$160.

17 (A) When the amount of money or damages or the
18 value of personal property claimed does not exceed
19 \$250, \$10.

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

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

24 (D) When that amount exceeds \$2500 but does not

1 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

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

8 (a-1) Family.

9 For filing a petition under the Juvenile Court Act of
10 1987, \$25.

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

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

13 For filing a petition under the Illinois Parentage Act
14 of 2015 ~~1984~~, \$40.

15 (b) Forcible Entry and Detainer.

16 In each forcible entry and detainer case when the
17 plaintiff seeks possession only or unites with his or her
18 claim for possession of the property a claim for rent or
19 damages or both in the amount of \$15,000 or less, a minimum
20 of \$10 and a maximum of \$50. When the plaintiff unites his
21 or her claim for possession with a claim for rent or
22 damages or both exceeding \$15,000, a minimum of \$40 and a
23 maximum of \$160.

24 (c) Counterclaim or Joining Third Party Defendant.

25 When any defendant files a counterclaim as part of his
26 or her answer or otherwise or joins another party as a

1 third party defendant, or both, the defendant shall pay a
2 fee for each counterclaim or third party action in an
3 amount equal to the fee he or she would have had to pay had
4 he or she brought a separate action for the relief sought
5 in the counterclaim or against the third party defendant,
6 less the amount of the appearance fee, if that has been
7 paid.

8 (d) Confession of Judgment.

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

14 (e) Appearance.

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

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

21 (B) When the amount in the case does not exceed
22 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

26 In garnishment affidavit, wage deduction affidavit,

1 and citation petition when the amount does not exceed
2 \$1,000, a minimum of \$5 and a maximum of \$15; when the
3 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
4 of \$5 and a maximum of \$30; and when the amount exceeds
5 \$5,000, a minimum of \$5 and a maximum of \$50.

6 (g) Petition to Vacate or Modify.

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

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

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

23 (h) Mailing.

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

1 (i) Certified Copies.

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

5 (j) Habeas Corpus.

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

8 (k) Certification, Authentication, and Reproduction.

9 (1) Each certification or authentication for taking
10 the acknowledgment of a deed or other instrument in writing
11 with the seal of office, a minimum of \$2 and a maximum of
12 \$6.

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

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

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

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

24 (A) First page, a minimum of \$1 and a maximum of
25 \$2.

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

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

2 (l) Remands.

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

13 (m) Record Search.

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

17 (n) Hard Copy.

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

22 (o) Index Inquiry and Other Records.

23 No fee shall be charged for a single
24 plaintiff/defendant index inquiry or single case record
25 inquiry when this request is made in person and the records
26 are maintained in a current automated medium, and when no

1 hard copy print output is requested. The fees to be charged
2 for management records, multiple case records, and
3 multiple journal records may be specified by the Chief
4 Judge pursuant to the guidelines for access and
5 dissemination of information approved by the Supreme
6 Court.

7 (p) (Blank).

8 (q) Alias Summons.

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

11 (r) Other Fees.

12 Any fees not covered in this Section shall be set by
13 rule or administrative order of the Circuit Court with the
14 approval of the Administrative Office of the Illinois
15 Courts.

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

26 (s) Jury Services.

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

12 (t) Voluntary Assignment.

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

25 (u) Expungement Petition.

26 The clerk shall be entitled to receive a fee of a

1 minimum of \$15 and a maximum of \$60 for each expungement
2 petition filed and an additional fee of a minimum of \$2 and
3 a maximum of \$4 for each certified copy of an order to
4 expunge arrest records.

5 (v) Probate.

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

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

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

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

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

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

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

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

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

13 (3) In addition to the fees payable under subsection
14 (v) (1) or (v) (2) of this Section, the following fees are
15 payable:

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

19 (B) For filing a claim in an estate when the amount
20 claimed is \$150 or more but less than \$500, a minimum
21 of \$10 and a maximum of \$25; when the amount claimed is
22 \$500 or more but less than \$10,000, a minimum of \$10
23 and a maximum of \$40; when the amount claimed is
24 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
25 provided that the court in allowing a claim may add to
26 the amount allowed the filing fee paid by the claimant.

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

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

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

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

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

1 maximum of \$20.

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

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

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

13 (5) The person on whose behalf a charge is incurred for
14 witness, court reporter, appraiser, or other miscellaneous
15 fee shall pay the same directly to the person entitled
16 thereto.

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

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

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

26 (A) Felony complaints, a minimum of \$40 and a

1 maximum of \$100.

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

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

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

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

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

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

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

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

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

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

21 (2) In counties having a population of not more than
22 500,000 inhabitants, when the violation complaint is
23 issued by a municipal police department, the clerk shall be
24 entitled to costs from each person convicted therein as
25 follows:

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

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

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

13 (x) Transcripts of Judgment.

14 For the filing of a transcript of judgment, the clerk
15 shall be entitled to the same fee as if it were the
16 commencement of a new suit.

17 (y) Change of Venue.

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

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

25 (z) Tax objection complaints.

26 For each tax objection complaint containing one or more

1 tax objections, regardless of the number of parcels
2 involved or the number of taxpayers joining on the
3 complaint, a minimum of \$10 and a maximum of \$50.

4 (aa) Tax Deeds.

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

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

9 (bb) Collections.

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

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

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

20 (4) In child support and maintenance cases, the clerk,
21 if authorized by an ordinance of the county board, may
22 collect an annual fee of up to \$36 from the person making
23 payment for maintaining child support records and the
24 processing of support orders to the State of Illinois KIDS
25 system and the recording of payments issued by the State
26 Disbursement Unit for the official record of the Court.

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

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

16 (cc) Corrections of Numbers.

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

22 (dd) Exceptions.

23 (1) The fee requirements of this Section shall not
24 apply to police departments or other law enforcement
25 agencies. In this Section, "law enforcement agency" means
26 an agency of the State or a unit of local government which

1 is vested by law or ordinance with the duty to maintain
 2 public order and to enforce criminal laws or ordinances.
 3 "Law enforcement agency" also means the Attorney General or
 4 any state's attorney.

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

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

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

19 (ee) Adoptions.

20 (1) For an adoption \$65

21 (2) Upon good cause shown, the court may waive the
 22 adoption filing fee in a special needs adoption. The term
 23 "special needs adoption" shall have the meaning ascribed to
 24 it by the Illinois Department of Children and Family
 25 Services.

26 (ff) Adoption exemptions.

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

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

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

9 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

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

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

22 (3) "Agency" means a public or private child care facility
23 legally authorized or licensed by this State for placement or
24 institutional care or for both placement and institutional

1 care.

2 (4) "Association" means any organization, public or
3 private, engaged in welfare functions which include services to
4 or on behalf of children but does not include "agency" as
5 herein defined.

6 (4.05) Whenever a "best interest" determination is
7 required, the following factors shall be considered in the
8 context of the child's age and developmental needs:

9 (a) the physical safety and welfare of the child,
10 including food, shelter, health, and clothing;

11 (b) the development of the child's identity;

12 (c) the child's background and ties, including
13 familial, cultural, and religious;

14 (d) the child's sense of attachments, including:

15 (i) where the child actually feels love,
16 attachment, and a sense of being valued (as opposed to
17 where adults believe the child should feel such love,
18 attachment, and a sense of being valued);

19 (ii) the child's sense of security;

20 (iii) the child's sense of familiarity;

21 (iv) continuity of affection for the child;

22 (v) the least disruptive placement alternative for
23 the child;

24 (e) the child's wishes and long-term goals;

25 (f) the child's community ties, including church,
26 school, and friends;

1 (g) the child's need for permanence which includes the
2 child's need for stability and continuity of relationships
3 with parent figures and with siblings and other relatives;

4 (h) the uniqueness of every family and child;

5 (i) the risks attendant to entering and being in
6 substitute care; and

7 (j) the preferences of the persons available to care
8 for the child.

9 (4.1) "Chronic truant" shall have the definition ascribed
10 to it in Section 26-2a of the School Code.

11 (5) "Court" means the circuit court in a session or
12 division assigned to hear proceedings under this Act.

13 (6) "Dispositional hearing" means a hearing to determine
14 whether a minor should be adjudged to be a ward of the court,
15 and to determine what order of disposition should be made in
16 respect to a minor adjudged to be a ward of the court.

17 (7) "Emancipated minor" means any minor 16 years of age or
18 over who has been completely or partially emancipated under the
19 Emancipation of Minors Act or under this Act.

20 (7.05) "Foster parent" includes a relative caregiver
21 selected by the Department of Children and Family Services to
22 provide care for the minor.

23 (8) "Guardianship of the person" of a minor means the duty
24 and authority to act in the best interests of the minor,
25 subject to residual parental rights and responsibilities, to
26 make important decisions in matters having a permanent effect

1 on the life and development of the minor and to be concerned
2 with his or her general welfare. It includes but is not
3 necessarily limited to:

4 (a) the authority to consent to marriage, to enlistment
5 in the armed forces of the United States, or to a major
6 medical, psychiatric, and surgical treatment; to represent
7 the minor in legal actions; and to make other decisions of
8 substantial legal significance concerning the minor;

9 (b) the authority and duty of reasonable visitation,
10 except to the extent that these have been limited in the
11 best interests of the minor by court order;

12 (c) the rights and responsibilities of legal custody
13 except where legal custody has been vested in another
14 person or agency; and

15 (d) the power to consent to the adoption of the minor,
16 but only if expressly conferred on the guardian in
17 accordance with Section 2-29, 3-30, or 4-27.

18 (9) "Legal custody" means the relationship created by an
19 order of court in the best interests of the minor which imposes
20 on the custodian the responsibility of physical possession of a
21 minor and the duty to protect, train and discipline him and to
22 provide him with food, shelter, education and ordinary medical
23 care, except as these are limited by residual parental rights
24 and responsibilities and the rights and responsibilities of the
25 guardian of the person, if any.

26 (9.1) "Mentally capable adult relative" means a person 21

1 years of age or older who is not suffering from a mental
2 illness that prevents him or her from providing the care
3 necessary to safeguard the physical safety and welfare of a
4 minor who is left in that person's care by the parent or
5 parents or other person responsible for the minor's welfare.

6 (10) "Minor" means a person under the age of 21 years
7 subject to this Act.

8 (11) "Parent" means a ~~the~~ father or mother of a child and
9 includes any adoptive parent. It also includes a person ~~man~~ (i)
10 whose parentage ~~paternity~~ is presumed or has been established
11 under the law of this or another jurisdiction or (ii) who has
12 registered with the Putative Father Registry in accordance with
13 Section 12.1 of the Adoption Act and whose paternity has not
14 been ruled out under the law of this or another jurisdiction.
15 It does not include a parent whose rights in respect to the
16 minor have been terminated in any manner provided by law. It
17 does not include a person who has been or could be determined
18 to be a parent under the Illinois Parentage Act of 1984 or the
19 Illinois Parentage Act of 2015, or similar parentage law in any
20 other state, if that person has been convicted of or pled nolo
21 contendere to a crime that resulted in the conception of the
22 child under Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13,
23 12-14, 12-14.1, subsection (a) or (b) (but not subsection (c))
24 of Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e),
25 or (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of
26 the Criminal Code of 1961 or the Criminal Code of 2012, or

1 similar statute in another jurisdiction unless upon motion of
2 any party, other than the offender, to the juvenile court
3 proceedings the court finds it is in the child's best interest
4 to deem the offender a parent for purposes of the juvenile
5 court proceedings.

6 (11.1) "Permanency goal" means a goal set by the court as
7 defined in subdivision (2) of Section 2-28.

8 (11.2) "Permanency hearing" means a hearing to set the
9 permanency goal and to review and determine (i) the
10 appropriateness of the services contained in the plan and
11 whether those services have been provided, (ii) whether
12 reasonable efforts have been made by all the parties to the
13 service plan to achieve the goal, and (iii) whether the plan
14 and goal have been achieved.

15 (12) "Petition" means the petition provided for in Section
16 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
17 thereunder in Section 3-15, 4-12 or 5-520.

18 (12.1) "Physically capable adult relative" means a person
19 21 years of age or older who does not have a severe physical
20 disability or medical condition, or is not suffering from
21 alcoholism or drug addiction, that prevents him or her from
22 providing the care necessary to safeguard the physical safety
23 and welfare of a minor who is left in that person's care by the
24 parent or parents or other person responsible for the minor's
25 welfare.

26 (12.2) "Post Permanency Sibling Contact Agreement" has the

1 meaning ascribed to the term in Section 7.4 of the Children and
2 Family Services Act.

3 (13) "Residual parental rights and responsibilities" means
4 those rights and responsibilities remaining with the parent
5 after the transfer of legal custody or guardianship of the
6 person, including, but not necessarily limited to, the right to
7 reasonable visitation (which may be limited by the court in the
8 best interests of the minor as provided in subsection (8) (b) of
9 this Section), the right to consent to adoption, the right to
10 determine the minor's religious affiliation, and the
11 responsibility for his support.

12 (14) "Shelter" means the temporary care of a minor in
13 physically unrestricting facilities pending court disposition
14 or execution of court order for placement.

15 (14.1) "Sibling Contact Support Plan" has the meaning
16 ascribed to the term in Section 7.4 of the Children and Family
17 Services Act.

18 (15) "Station adjustment" means the informal handling of an
19 alleged offender by a juvenile police officer.

20 (16) "Ward of the court" means a minor who is so adjudged
21 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
22 requisite jurisdictional facts, and thus is subject to the
23 dispositional powers of the court under this Act.

24 (17) "Juvenile police officer" means a sworn police officer
25 who has completed a Basic Recruit Training Course, has been
26 assigned to the position of juvenile police officer by his or

1 her chief law enforcement officer and has completed the
2 necessary juvenile officers training as prescribed by the
3 Illinois Law Enforcement Training Standards Board, or in the
4 case of a State police officer, juvenile officer training
5 approved by the Director of the Department of State Police.

6 (18) "Secure child care facility" means any child care
7 facility licensed by the Department of Children and Family
8 Services to provide secure living arrangements for children
9 under 18 years of age who are subject to placement in
10 facilities under the Children and Family Services Act and who
11 are not subject to placement in facilities for whom standards
12 are established by the Department of Corrections under Section
13 3-15-2 of the Unified Code of Corrections. "Secure child care
14 facility" also means a facility that is designed and operated
15 to ensure that all entrances and exits from the facility, a
16 building, or a distinct part of the building are under the
17 exclusive control of the staff of the facility, whether or not
18 the child has the freedom of movement within the perimeter of
19 the facility, building, or distinct part of the building.

20 (Source: P.A. 97-568, eff. 8-25-11; 97-1076, eff. 8-24-12;
21 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14.)

22 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

23 Sec. 6-9. Enforcement of liability of parents and others.

24 (1) If parentage is at issue in any proceeding under this
25 Act, other than cases involving those exceptions to the

1 definition of parent set out in item (11) in Section 1-3, then
2 the Illinois Parentage Act of 2015 ~~1984~~ shall apply and the
3 court shall enter orders consistent with that Act. If it
4 appears at any hearing that a parent or any other person named
5 in the petition, liable under the law for the support of the
6 minor, is able to contribute to his or her support, the court
7 shall enter an order requiring that parent or other person to
8 pay the clerk of the court, or to the guardian or custodian
9 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a
10 reasonable sum from time to time for the care, support and
11 necessary special care or treatment, of the minor. If the court
12 determines at any hearing that a parent or any other person
13 named in the petition, liable under the law for the support of
14 the minor, is able to contribute to help defray the costs
15 associated with the minor's detention in a county or regional
16 detention center, the court shall enter an order requiring that
17 parent or other person to pay the clerk of the court a
18 reasonable sum for the care and support of the minor. The court
19 may require reasonable security for the payments. Upon failure
20 to pay, the court may enforce obedience to the order by a
21 proceeding as for contempt of court.

22 If it appears that the person liable for the support of the
23 minor is able to contribute to legal fees for representation of
24 the minor, the court shall enter an order requiring that person
25 to pay a reasonable sum for the representation, to the attorney
26 providing the representation or to the clerk of the court for

1 deposit in the appropriate account or fund. The sum may be paid
2 as the court directs, and the payment thereof secured and
3 enforced as provided in this Section for support.

4 If it appears at the detention or shelter care hearing of a
5 minor before the court under Section 5-501 that a parent or any
6 other person liable for support of the minor is able to
7 contribute to his or her support, that parent or other person
8 shall be required to pay a fee for room and board at a rate not
9 to exceed \$10 per day established, with the concurrence of the
10 chief judge of the judicial circuit, by the county board of the
11 county in which the minor is detained unless the court
12 determines that it is in the best interest and welfare of the
13 minor to waive the fee. The concurrence of the chief judge
14 shall be in the form of an administrative order. Each week, on
15 a day designated by the clerk of the circuit court, that parent
16 or other person shall pay the clerk for the minor's room and
17 board. All fees for room and board collected by the circuit
18 court clerk shall be disbursed into the separate county fund
19 under Section 6-7.

20 Upon application, the court shall waive liability for
21 support or legal fees under this Section if the parent or other
22 person establishes that he or she is indigent and unable to pay
23 the incurred liability, and the court may reduce or waive
24 liability if the parent or other person establishes
25 circumstances showing that full payment of support or legal
26 fees would result in financial hardship to the person or his or

1 her family.

2 (2) When a person so ordered to pay for the care and
3 support of a minor is employed for wages, salary or commission,
4 the court may order him to make the support payments for which
5 he is liable under this Act out of his wages, salary or
6 commission and to assign so much thereof as will pay the
7 support. The court may also order him to make discovery to the
8 court as to his place of employment and the amounts earned by
9 him. Upon his failure to obey the orders of court he may be
10 punished as for contempt of court.

11 (3) If the minor is a recipient of public aid under the
12 Illinois Public Aid Code, the court shall order that payments
13 made by a parent or through assignment of his wages, salary or
14 commission be made directly to (a) the Department of Healthcare
15 and Family Services if the minor is a recipient of aid under
16 Article V of the Code, (b) the Department of Human Services if
17 the minor is a recipient of aid under Article IV of the Code,
18 or (c) the local governmental unit responsible for the support
19 of the minor if he is a recipient under Articles VI or VII of
20 the Code. The order shall permit the Department of Healthcare
21 and Family Services, the Department of Human Services, or the
22 local governmental unit, as the case may be, to direct that
23 subsequent payments be made directly to the guardian or
24 custodian of the minor, or to some other person or agency in
25 the minor's behalf, upon removal of the minor from the public
26 aid rolls; and upon such direction and removal of the minor

1 from the public aid rolls, the Department of Healthcare and
2 Family Services, Department of Human Services, or local
3 governmental unit, as the case requires, shall give written
4 notice of such action to the court. Payments received by the
5 Department of Healthcare and Family Services, Department of
6 Human Services, or local governmental unit are to be covered,
7 respectively, into the General Revenue Fund of the State
8 Treasury or General Assistance Fund of the governmental unit,
9 as provided in Section 10-19 of the Illinois Public Aid Code.

10 (Source: P.A. 97-568, eff. 8-25-11.)

11 Section 962. The Code of Criminal Procedure of 1963 is
12 amended by changing Section 112A-14 as follows:

13 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

14 Sec. 112A-14. Order of protection; remedies.

15 (a) Issuance of order. If the court finds that petitioner
16 has been abused by a family or household member, as defined in
17 this Article, an order of protection prohibiting such abuse
18 shall issue; provided that petitioner must also satisfy the
19 requirements of one of the following Sections, as appropriate:
20 Section 112A-17 on emergency orders, Section 112A-18 on interim
21 orders, or Section 112A-19 on plenary orders. Petitioner shall
22 not be denied an order of protection because petitioner or
23 respondent is a minor. The court, when determining whether or
24 not to issue an order of protection, shall not require physical

1 manifestations of abuse on the person of the victim.
2 Modification and extension of prior orders of protection shall
3 be in accordance with this Article.

4 (b) Remedies and standards. The remedies to be included in
5 an order of protection shall be determined in accordance with
6 this Section and one of the following Sections, as appropriate:
7 Section 112A-17 on emergency orders, Section 112A-18 on interim
8 orders, and Section 112A-19 on plenary orders. The remedies
9 listed in this subsection shall be in addition to other civil
10 or criminal remedies available to petitioner.

11 (1) Prohibition of abuse. Prohibit respondent's
12 harassment, interference with personal liberty,
13 intimidation of a dependent, physical abuse or willful
14 deprivation, as defined in this Article, if such abuse has
15 occurred or otherwise appears likely to occur if not
16 prohibited.

17 (2) Grant of exclusive possession of residence.
18 Prohibit respondent from entering or remaining in any
19 residence, household, or premises of the petitioner,
20 including one owned or leased by respondent, if petitioner
21 has a right to occupancy thereof. The grant of exclusive
22 possession of the residence, household, or premises shall
23 not affect title to real property, nor shall the court be
24 limited by the standard set forth in Section 701 of the
25 Illinois Marriage and Dissolution of Marriage Act.

26 (A) Right to occupancy. A party has a right to

1 occupancy of a residence or household if it is solely
2 or jointly owned or leased by that party, that party's
3 spouse, a person with a legal duty to support that
4 party or a minor child in that party's care, or by any
5 person or entity other than the opposing party that
6 authorizes that party's occupancy (e.g., a domestic
7 violence shelter). Standards set forth in subparagraph
8 (B) shall not preclude equitable relief.

9 (B) Presumption of hardships. If petitioner and
10 respondent each has the right to occupancy of a
11 residence or household, the court shall balance (i) the
12 hardships to respondent and any minor child or
13 dependent adult in respondent's care resulting from
14 entry of this remedy with (ii) the hardships to
15 petitioner and any minor child or dependent adult in
16 petitioner's care resulting from continued exposure to
17 the risk of abuse (should petitioner remain at the
18 residence or household) or from loss of possession of
19 the residence or household (should petitioner leave to
20 avoid the risk of abuse). When determining the balance
21 of hardships, the court shall also take into account
22 the accessibility of the residence or household.
23 Hardships need not be balanced if respondent does not
24 have a right to occupancy.

25 The balance of hardships is presumed to favor
26 possession by petitioner unless the presumption is

1 rebutted by a preponderance of the evidence, showing
2 that the hardships to respondent substantially
3 outweigh the hardships to petitioner and any minor
4 child or dependent adult in petitioner's care. The
5 court, on the request of petitioner or on its own
6 motion, may order respondent to provide suitable,
7 accessible, alternate housing for petitioner instead
8 of excluding respondent from a mutual residence or
9 household.

10 (3) Stay away order and additional prohibitions. Order
11 respondent to stay away from petitioner or any other person
12 protected by the order of protection, or prohibit
13 respondent from entering or remaining present at
14 petitioner's school, place of employment, or other
15 specified places at times when petitioner is present, or
16 both, if reasonable, given the balance of hardships.
17 Hardships need not be balanced for the court to enter a
18 stay away order or prohibit entry if respondent has no
19 right to enter the premises.

20 If an order of protection grants petitioner exclusive
21 possession of the residence, or prohibits respondent from
22 entering the residence, or orders respondent to stay away
23 from petitioner or other protected persons, then the court
24 may allow respondent access to the residence to remove
25 items of clothing and personal adornment used exclusively
26 by respondent, medications, and other items as the court

1 directs. The right to access shall be exercised on only one
2 occasion as the court directs and in the presence of an
3 agreed-upon adult third party or law enforcement officer.

4 (4) Counseling. Require or recommend the respondent to
5 undergo counseling for a specified duration with a social
6 worker, psychologist, clinical psychologist, psychiatrist,
7 family service agency, alcohol or substance abuse program,
8 mental health center guidance counselor, agency providing
9 services to elders, program designed for domestic violence
10 abusers or any other guidance service the court deems
11 appropriate. The court may order the respondent in any
12 intimate partner relationship to report to an Illinois
13 Department of Human Services protocol approved partner
14 abuse intervention program for an assessment and to follow
15 all recommended treatment.

16 (5) Physical care and possession of the minor child. In
17 order to protect the minor child from abuse, neglect, or
18 unwarranted separation from the person who has been the
19 minor child's primary caretaker, or to otherwise protect
20 the well-being of the minor child, the court may do either
21 or both of the following: (i) grant petitioner physical
22 care or possession of the minor child, or both, or (ii)
23 order respondent to return a minor child to, or not remove
24 a minor child from, the physical care of a parent or person
25 in loco parentis.

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 112A-3) of a minor
2 child, there shall be a rebuttable presumption that
3 awarding physical care to respondent would not be in the
4 minor child's best interest.

5 (6) Temporary legal custody. Award temporary legal
6 custody to petitioner in accordance with this Section, the
7 Illinois Marriage and Dissolution of Marriage Act, the
8 Illinois Parentage Act of 2015 ~~1984~~, and this State's
9 Uniform Child-Custody Jurisdiction and Enforcement Act.

10 If a court finds, after a hearing, that respondent has
11 committed abuse (as defined in Section 112A-3) of a minor
12 child, there shall be a rebuttable presumption that
13 awarding temporary legal custody to respondent would not be
14 in the child's best interest.

15 (7) Visitation. Determine the visitation rights, if
16 any, of respondent in any case in which the court awards
17 physical care or temporary legal custody of a minor child
18 to petitioner. The court shall restrict or deny
19 respondent's visitation with a minor child if the court
20 finds that respondent has done or is likely to do any of
21 the following: (i) abuse or endanger the minor child during
22 visitation; (ii) use the visitation as an opportunity to
23 abuse or harass petitioner or petitioner's family or
24 household members; (iii) improperly conceal or detain the
25 minor child; or (iv) otherwise act in a manner that is not
26 in the best interests of the minor child. The court shall

1 not be limited by the standards set forth in Section 607.1
2 of the Illinois Marriage and Dissolution of Marriage Act.
3 If the court grants visitation, the order shall specify
4 dates and times for the visitation to take place or other
5 specific parameters or conditions that are appropriate. No
6 order for visitation shall refer merely to the term
7 "reasonable visitation".

8 Petitioner may deny respondent access to the minor
9 child if, when respondent arrives for visitation,
10 respondent is under the influence of drugs or alcohol and
11 constitutes a threat to the safety and well-being of
12 petitioner or petitioner's minor children or is behaving in
13 a violent or abusive manner.

14 If necessary to protect any member of petitioner's
15 family or household from future abuse, respondent shall be
16 prohibited from coming to petitioner's residence to meet
17 the minor child for visitation, and the parties shall
18 submit to the court their recommendations for reasonable
19 alternative arrangements for visitation. A person may be
20 approved to supervise visitation only after filing an
21 affidavit accepting that responsibility and acknowledging
22 accountability to the court.

23 (8) Removal or concealment of minor child. Prohibit
24 respondent from removing a minor child from the State or
25 concealing the child within the State.

26 (9) Order to appear. Order the respondent to appear in

1 court, alone or with a minor child, to prevent abuse,
2 neglect, removal or concealment of the child, to return the
3 child to the custody or care of the petitioner or to permit
4 any court-ordered interview or examination of the child or
5 the respondent.

6 (10) Possession of personal property. Grant petitioner
7 exclusive possession of personal property and, if
8 respondent has possession or control, direct respondent to
9 promptly make it available to petitioner, if:

10 (i) petitioner, but not respondent, owns the
11 property; or

12 (ii) the parties own the property jointly; sharing
13 it would risk abuse of petitioner by respondent or is
14 impracticable; and the balance of hardships favors
15 temporary possession by petitioner.

16 If petitioner's sole claim to ownership of the property
17 is that it is marital property, the court may award
18 petitioner temporary possession thereof under the
19 standards of subparagraph (ii) of this paragraph only if a
20 proper proceeding has been filed under the Illinois
21 Marriage and Dissolution of Marriage Act, as now or
22 hereafter amended.

23 No order under this provision shall affect title to
24 property.

25 (11) Protection of property. Forbid the respondent
26 from taking, transferring, encumbering, concealing,

1 damaging or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court, if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the parties own the property jointly, and the
6 balance of hardships favors granting this remedy.

7 If petitioner's sole claim to ownership of the property
8 is that it is marital property, the court may grant
9 petitioner relief under subparagraph (ii) of this
10 paragraph only if a proper proceeding has been filed under
11 the Illinois Marriage and Dissolution of Marriage Act, as
12 now or hereafter amended.

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

17 (11.5) Protection of animals. Grant the petitioner the
18 exclusive care, custody, or control of any animal owned,
19 possessed, leased, kept, or held by either the petitioner
20 or the respondent or a minor child residing in the
21 residence or household of either the petitioner or the
22 respondent and order the respondent to stay away from the
23 animal and forbid the respondent from taking,
24 transferring, encumbering, concealing, harming, or
25 otherwise disposing of the animal.

26 (12) Order for payment of support. Order respondent to

1 pay temporary support for the petitioner or any child in
2 the petitioner's care or custody, when the respondent has a
3 legal obligation to support that person, in accordance with
4 the Illinois Marriage and Dissolution of Marriage Act,
5 which shall govern, among other matters, the amount of
6 support, payment through the clerk and withholding of
7 income to secure payment. An order for child support may be
8 granted to a petitioner with lawful physical care or
9 custody of a child, or an order or agreement for physical
10 care or custody, prior to entry of an order for legal
11 custody. Such a support order shall expire upon entry of a
12 valid order granting legal custody to another, unless
13 otherwise provided in the custody order.

14 (13) Order for payment of losses. Order respondent to
15 pay petitioner for losses suffered as a direct result of
16 the abuse. Such losses shall include, but not be limited
17 to, medical expenses, lost earnings or other support,
18 repair or replacement of property damaged or taken,
19 reasonable attorney's fees, court costs and moving or other
20 travel expenses, including additional reasonable expenses
21 for temporary shelter and restaurant meals.

22 (i) Losses affecting family needs. If a party is
23 entitled to seek maintenance, child support or
24 property distribution from the other party under the
25 Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

5 (ii) Recovery of expenses. In the case of an
6 improper concealment or removal of a minor child, the
7 court may order respondent to pay the reasonable
8 expenses incurred or to be incurred in the search for
9 and recovery of the minor child, including but not
10 limited to legal fees, court costs, private
11 investigator fees, and travel costs.

12 (14) Prohibition of entry. Prohibit the respondent
13 from entering or remaining in the residence or household
14 while the respondent is under the influence of alcohol or
15 drugs and constitutes a threat to the safety and well-being
16 of the petitioner or the petitioner's children.

17 (14.5) Prohibition of firearm possession.

18 (A) A person who is subject to an existing order of
19 protection, interim order of protection, emergency
20 order of protection, or plenary order of protection,
21 issued under this Code may not lawfully possess weapons
22 under Section 8.2 of the Firearm Owners Identification
23 Card Act.

24 (B) Any firearms in the possession of the
25 respondent, except as provided in subparagraph (C) of
26 this paragraph (14.5), shall be ordered by the court to

1 be turned over to a person with a valid Firearm Owner's
2 Identification Card for safekeeping. The court shall
3 issue an order that the respondent's Firearm Owner's
4 Identification Card be turned over to the local law
5 enforcement agency, which in turn shall immediately
6 mail the card to the Department of State Police Firearm
7 Owner's Identification Card Office for safekeeping.
8 The period of safekeeping shall be for the duration of
9 the order of protection. The firearm or firearms and
10 Firearm Owner's Identification Card, if unexpired,
11 shall at the respondent's request be returned to the
12 respondent at expiration of the order of protection.

13 (C) If the respondent is a peace officer as defined
14 in Section 2-13 of the Criminal Code of 2012, the court
15 shall order that any firearms used by the respondent in
16 the performance of his or her duties as a peace officer
17 be surrendered to the chief law enforcement executive
18 of the agency in which the respondent is employed, who
19 shall retain the firearms for safekeeping for the
20 duration of the order of protection.

21 (D) Upon expiration of the period of safekeeping,
22 if the firearms or Firearm Owner's Identification Card
23 cannot be returned to respondent because respondent
24 cannot be located, fails to respond to requests to
25 retrieve the firearms, or is not lawfully eligible to
26 possess a firearm, upon petition from the local law

1 enforcement agency, the court may order the local law
2 enforcement agency to destroy the firearms, use the
3 firearms for training purposes, or for any other
4 application as deemed appropriate by the local law
5 enforcement agency; or that the firearms be turned over
6 to a third party who is lawfully eligible to possess
7 firearms, and who does not reside with respondent.

8 (15) Prohibition of access to records. If an order of
9 protection prohibits respondent from having contact with
10 the minor child, or if petitioner's address is omitted
11 under subsection (b) of Section 112A-5, or if necessary to
12 prevent abuse or wrongful removal or concealment of a minor
13 child, the order shall deny respondent access to, and
14 prohibit respondent from inspecting, obtaining, or
15 attempting to inspect or obtain, school or any other
16 records of the minor child who is in the care of
17 petitioner.

18 (16) Order for payment of shelter services. Order
19 respondent to reimburse a shelter providing temporary
20 housing and counseling services to the petitioner for the
21 cost of the services, as certified by the shelter and
22 deemed reasonable by the court.

23 (17) Order for injunctive relief. Enter injunctive
24 relief necessary or appropriate to prevent further abuse of
25 a family or household member or to effectuate one of the
26 granted remedies, if supported by the balance of hardships.

1 If the harm to be prevented by the injunction is abuse or
2 any other harm that one of the remedies listed in
3 paragraphs (1) through (16) of this subsection is designed
4 to prevent, no further evidence is necessary to establish
5 that the harm is an irreparable injury.

6 (c) Relevant factors; findings.

7 (1) In determining whether to grant a specific remedy,
8 other than payment of support, the court shall consider
9 relevant factors, including but not limited to the
10 following:

11 (i) the nature, frequency, severity, pattern and
12 consequences of the respondent's past abuse of the
13 petitioner or any family or household member,
14 including the concealment of his or her location in
15 order to evade service of process or notice, and the
16 likelihood of danger of future abuse to petitioner or
17 any member of petitioner's or respondent's family or
18 household; and

19 (ii) the danger that any minor child will be abused
20 or neglected or improperly removed from the
21 jurisdiction, improperly concealed within the State or
22 improperly separated from the child's primary
23 caretaker.

24 (2) In comparing relative hardships resulting to the
25 parties from loss of possession of the family home, the
26 court shall consider relevant factors, including but not

1 limited to the following:

2 (i) availability, accessibility, cost, safety,
3 adequacy, location and other characteristics of
4 alternate housing for each party and any minor child or
5 dependent adult in the party's care;

6 (ii) the effect on the party's employment; and

7 (iii) the effect on the relationship of the party,
8 and any minor child or dependent adult in the party's
9 care, to family, school, church and community.

10 (3) Subject to the exceptions set forth in paragraph
11 (4) of this subsection, the court shall make its findings
12 in an official record or in writing, and shall at a minimum
13 set forth the following:

14 (i) That the court has considered the applicable
15 relevant factors described in paragraphs (1) and (2) of
16 this subsection.

17 (ii) Whether the conduct or actions of respondent,
18 unless prohibited, will likely cause irreparable harm
19 or continued abuse.

20 (iii) Whether it is necessary to grant the
21 requested relief in order to protect petitioner or
22 other alleged abused persons.

23 (4) For purposes of issuing an ex parte emergency order
24 of protection, the court, as an alternative to or as a
25 supplement to making the findings described in paragraphs
26 (c)(3)(i) through (c)(3)(iii) of this subsection, may use

1 the following procedure:

2 When a verified petition for an emergency order of
3 protection in accordance with the requirements of Sections
4 112A-5 and 112A-17 is presented to the court, the court
5 shall examine petitioner on oath or affirmation. An
6 emergency order of protection shall be issued by the court
7 if it appears from the contents of the petition and the
8 examination of petitioner that the averments are
9 sufficient to indicate abuse by respondent and to support
10 the granting of relief under the issuance of the emergency
11 order of protection.

12 (5) Never married parties. No rights or
13 responsibilities for a minor child born outside of marriage
14 attach to a putative father until a father and child
15 relationship has been established under the Illinois
16 Parentage Act of 1984 or under the Illinois Parentage Act
17 of 2015 on and after the effective date of that Act. Absent
18 such an adjudication, no putative father shall be granted
19 temporary custody of the minor child, visitation with the
20 minor child, or physical care and possession of the minor
21 child, nor shall an order of payment for support of the
22 minor child be entered.

23 (d) Balance of hardships; findings. If the court finds that
24 the balance of hardships does not support the granting of a
25 remedy governed by paragraph (2), (3), (10), (11), or (16) of
26 subsection (b) of this Section, which may require such

1 balancing, the court's findings shall so indicate and shall
2 include a finding as to whether granting the remedy will result
3 in hardship to respondent that would substantially outweigh the
4 hardship to petitioner from denial of the remedy. The findings
5 shall be an official record or in writing.

6 (e) Denial of remedies. Denial of any remedy shall not be
7 based, in whole or in part, on evidence that:

8 (1) Respondent has cause for any use of force, unless
9 that cause satisfies the standards for justifiable use of
10 force provided by Article 7 of the Criminal Code of 2012;

11 (2) Respondent was voluntarily intoxicated;

12 (3) Petitioner acted in self-defense or defense of
13 another, provided that, if petitioner utilized force, such
14 force was justifiable under Article 7 of the Criminal Code
15 of 2012;

16 (4) Petitioner did not act in self-defense or defense
17 of another;

18 (5) Petitioner left the residence or household to avoid
19 further abuse by respondent;

20 (6) Petitioner did not leave the residence or household
21 to avoid further abuse by respondent;

22 (7) Conduct by any family or household member excused
23 the abuse by respondent, unless that same conduct would
24 have excused such abuse if the parties had not been family
25 or household members.

26 (Source: P.A. 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13;

1 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

2 Section 963. The Unified Code of Corrections is amended by
3 changing Section 3-5-4 as follows:

4 (730 ILCS 5/3-5-4)

5 Sec. 3-5-4. Exchange of information for child support
6 enforcement.

7 (a) The Department shall exchange with the Department of
8 Healthcare and Family Services information that may be
9 necessary for the enforcement of child support orders entered
10 pursuant to the Illinois Public Aid Code, the Illinois Marriage
11 and Dissolution of Marriage Act, the Non-Support of Spouse and
12 Children Act, the Non-Support Punishment Act, the Revised
13 Uniform Reciprocal Enforcement of Support Act, the Uniform
14 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
15 1984, or the Illinois Parentage Act of 2015.

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

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

23 Section 964. The Code of Civil Procedure is amended by

1 changing Sections 2-209, 2-1401, 12-112, and 12-819 as follows:

2 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

3 Sec. 2-209. Act submitting to jurisdiction - Process.

4 (a) Any person, whether or not a citizen or resident of
5 this State, who in person or through an agent does any of the
6 acts hereinafter enumerated, thereby submits such person, and,
7 if an individual, his or her personal representative, to the
8 jurisdiction of the courts of this State as to any cause of
9 action arising from the doing of any of such acts:

10 (1) The transaction of any business within this State;

11 (2) The commission of a tortious act within this State;

12 (3) The ownership, use, or possession of any real
13 estate situated in this State;

14 (4) Contracting to insure any person, property or risk
15 located within this State at the time of contracting;

16 (5) With respect to actions of dissolution of marriage,
17 declaration of invalidity of marriage and legal
18 separation, the maintenance in this State of a matrimonial
19 domicile at the time this cause of action arose or the
20 commission in this State of any act giving rise to the
21 cause of action;

22 (6) With respect to actions brought under the Illinois
23 Parentage Act of 1984, as now or hereafter amended, or
24 under the Illinois Parentage Act of 2015 on and after the
25 effective date of that Act, the performance of an act of

1 sexual intercourse within this State during the possible
2 period of conception;

3 (7) The making or performance of any contract or
4 promise substantially connected with this State;

5 (8) The performance of sexual intercourse within this
6 State which is claimed to have resulted in the conception
7 of a child who resides in this State;

8 (9) The failure to support a child, spouse or former
9 spouse who has continued to reside in this State since the
10 person either formerly resided with them in this State or
11 directed them to reside in this State;

12 (10) The acquisition of ownership, possession or
13 control of any asset or thing of value present within this
14 State when ownership, possession or control was acquired;

15 (11) The breach of any fiduciary duty within this
16 State;

17 (12) The performance of duties as a director or officer
18 of a corporation organized under the laws of this State or
19 having its principal place of business within this State;

20 (13) The ownership of an interest in any trust
21 administered within this State; or

22 (14) The exercise of powers granted under the authority
23 of this State as a fiduciary.

24 (b) A court may exercise jurisdiction in any action arising
25 within or without this State against any person who:

26 (1) Is a natural person present within this State when

1 served;

2 (2) Is a natural person domiciled or resident within
3 this State when the cause of action arose, the action was
4 commenced, or process was served;

5 (3) Is a corporation organized under the laws of this
6 State; or

7 (4) Is a natural person or corporation doing business
8 within this State.

9 (b-5) Foreign defamation judgment. The courts of this State
10 shall have personal jurisdiction over any person who obtains a
11 judgment in a defamation proceeding outside the United States
12 against any person who is a resident of Illinois or, if not a
13 natural person, has its principal place of business in
14 Illinois, for the purposes of rendering declaratory relief with
15 respect to that resident's liability for the judgment, or for
16 the purpose of determining whether said judgment should be
17 deemed non-recognizable pursuant to this Code, to the fullest
18 extent permitted by the United States Constitution, provided:

19 (1) the publication at issue was published in Illinois,
20 and

21 (2) that resident (i) has assets in Illinois which
22 might be used to satisfy the foreign defamation judgment,
23 or (ii) may have to take actions in Illinois to comply with
24 the foreign defamation judgment.

25 The provisions of this subsection (b-5) shall apply to
26 persons who obtained judgments in defamation proceedings

1 outside the United States prior to, on, or after the effective
2 date of this amendatory Act of the 95th General Assembly.

3 (c) A court may also exercise jurisdiction on any other
4 basis now or hereafter permitted by the Illinois Constitution
5 and the Constitution of the United States.

6 (d) Service of process upon any person who is subject to
7 the jurisdiction of the courts of this State, as provided in
8 this Section, may be made by personally serving the summons
9 upon the defendant outside this State, as provided in this Act,
10 with the same force and effect as though summons had been
11 personally served within this State.

12 (e) Service of process upon any person who resides or whose
13 business address is outside the United States and who is
14 subject to the jurisdiction of the courts of this State, as
15 provided in this Section, in any action based upon product
16 liability may be made by serving a copy of the summons with a
17 copy of the complaint attached upon the Secretary of State. The
18 summons shall be accompanied by a \$5 fee payable to the
19 Secretary of State. The plaintiff shall forthwith mail a copy
20 of the summons, upon which the date of service upon the
21 Secretary is clearly shown, together with a copy of the
22 complaint to the defendant at his or her last known place of
23 residence or business address. Plaintiff shall file with the
24 circuit clerk an affidavit of the plaintiff or his or her
25 attorney stating the last known place of residence or the last
26 known business address of the defendant and a certificate of

1 mailing a copy of the summons and complaint to the defendant at
2 such address as required by this subsection (e). The
3 certificate of mailing shall be prima facie evidence that the
4 plaintiff or his or her attorney mailed a copy of the summons
5 and complaint to the defendant as required. Service of the
6 summons shall be deemed to have been made upon the defendant on
7 the date it is served upon the Secretary and shall have the
8 same force and effect as though summons had been personally
9 served upon the defendant within this State.

10 (f) Only causes of action arising from acts enumerated
11 herein may be asserted against a defendant in an action in
12 which jurisdiction over him or her is based upon subsection
13 (a).

14 (g) Nothing herein contained limits or affects the right to
15 serve any process in any other manner now or hereafter provided
16 by law.

17 (Source: P.A. 95-865, eff. 8-19-08.)

18 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

19 Sec. 2-1401. Relief from judgments.

20 (a) Relief from final orders and judgments, after 30 days
21 from the entry thereof, may be had upon petition as provided in
22 this Section. Writs of error coram nobis and coram vobis, bills
23 of review and bills in the nature of bills of review are
24 abolished. All relief heretofore obtainable and the grounds for
25 such relief heretofore available, whether by any of the

1 foregoing remedies or otherwise, shall be available in every
2 case, by proceedings hereunder, regardless of the nature of the
3 order or judgment from which relief is sought or of the
4 proceedings in which it was entered. Except as provided in
5 ~~Section 6 of~~ the Illinois Parentage Act of 2015 ~~1984~~, there
6 shall be no distinction between actions and other proceedings,
7 statutory or otherwise, as to availability of relief, grounds
8 for relief or the relief obtainable.

9 (b) The petition must be filed in the same proceeding in
10 which the order or judgment was entered but is not a
11 continuation thereof. The petition must be supported by
12 affidavit or other appropriate showing as to matters not of
13 record. All parties to the petition shall be notified as
14 provided by rule.

15 (c) Except as provided in Section 20b of the Adoption Act
16 and Section 2-32 of the Juvenile Court Act of 1987 or in a
17 petition based upon Section 116-3 of the Code of Criminal
18 Procedure of 1963, the petition must be filed not later than 2
19 years after the entry of the order or judgment. Time during
20 which the person seeking relief is under legal disability or
21 duress or the ground for relief is fraudulently concealed shall
22 be excluded in computing the period of 2 years.

23 (d) The filing of a petition under this Section does not
24 affect the order or judgment, or suspend its operation.

25 (e) Unless lack of jurisdiction affirmatively appears from
26 the record proper, the vacation or modification of an order or

1 judgment pursuant to the provisions of this Section does not
2 affect the right, title or interest in or to any real or
3 personal property of any person, not a party to the original
4 action, acquired for value after the entry of the order or
5 judgment but before the filing of the petition, nor affect any
6 right of any person not a party to the original action under
7 any certificate of sale issued before the filing of the
8 petition, pursuant to a sale based on the order or judgment.

9 (f) Nothing contained in this Section affects any existing
10 right to relief from a void order or judgment, or to employ any
11 existing method to procure that relief.

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

13 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

14 Sec. 12-112. What liable to enforcement. All the lands,
15 tenements, real estate, goods and chattels (except such as is
16 by law declared to be exempt) of every person against whom any
17 judgment has been or shall be hereafter entered in any court,
18 for any debt, damages, costs, or other sum of money, shall be
19 liable to be sold upon such judgment. Any real property, any
20 beneficial interest in a land trust, or any interest in real
21 property held in a revocable inter vivos trust or revocable
22 inter vivos trusts created for estate planning purposes, held
23 in tenancy by the entirety shall not be liable to be sold upon
24 judgment entered on or after October 1, 1990 against only one
25 of the tenants, except if the property was transferred into

1 tenancy by the entirety with the sole intent to avoid the
2 payment of debts existing at the time of the transfer beyond
3 the transferor's ability to pay those debts as they become due.
4 However, any income from such property shall be subject to
5 garnishment as provided in Part 7 of this Article XII, whether
6 judgment has been entered against one or both of the tenants.

7 If the court authorizes the piercing of the ownership veil
8 pursuant to Section 505 of the Illinois Marriage and
9 Dissolution of Marriage Act or Section 805 ~~15~~ of the Illinois
10 Parentage Act of 2015 ~~1984~~, any assets determined to be those
11 of the non-custodial parent, although not held in name of the
12 non-custodial parent, shall be subject to attachment or other
13 provisional remedy in accordance with the procedure prescribed
14 by this Code. The court may not authorize attachment of
15 property or any other provisional remedy under this paragraph
16 unless it has obtained jurisdiction over the entity holding
17 title to the property by proper service on that entity. With
18 respect to assets which are real property, no order entered as
19 described in this paragraph shall affect the rights of bona
20 fide purchasers, mortgagees, judgment creditors, or other lien
21 holders who acquire their interests in the property prior to
22 the time a notice of lis pendens pursuant to this Code or a
23 copy of the order is placed of record in the office of the
24 recorder of deeds for the county in which the real property is
25 located.

26 This amendatory Act of 1995 (P.A. 89-438) is declarative of

1 existing law.

2 This amendatory Act of 1997 (P.A. 90-514) is intended as a
3 clarification of existing law and not as a new enactment.

4 (Source: P.A. 96-1145, eff. 1-1-11.)

5 (735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

6 Sec. 12-819. Limitations on part 8 of Article XII. The
7 provisions of this Part 8 of Article XII of this Act do not
8 apply to orders for withholding of income entered by the court
9 under provisions of The Illinois Public Aid Code, the Illinois
10 Marriage and Dissolution of Marriage Act, the Non-Support of
11 Spouse and Children Act, the Non-Support Punishment Act, the
12 Revised Uniform Reciprocal Enforcement of Support Act, the
13 Illinois Parentage Act of 1984, and the Illinois Parentage Act
14 of 2015 ~~and the Paternity Act~~ for support of a child or
15 maintenance of a spouse.

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

17 Section 965. The Illinois Wage Assignment Act is amended by
18 changing Section 11 as follows:

19 (740 ILCS 170/11) (from Ch. 48, par. 39.12)

20 Sec. 11. The provisions of this Act do not apply to orders
21 for withholding of income entered by the court under provisions
22 of The Illinois Public Aid Code, the Illinois Marriage and
23 Dissolution of Marriage Act, the Non-Support of Spouse and

1 Children Act, the Non-Support Punishment Act, the Revised
2 Uniform Reciprocal Enforcement of Support Act, the Illinois
3 Parentage Act of 1984, and the Illinois Parentage Act of 2015
4 ~~and the Paternity Act~~ for support of a child or maintenance of
5 a spouse.

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

7 Section 966. The Illinois Marriage and Dissolution of
8 Marriage Act is amended by changing Section 713 as follows:

9 (750 ILCS 5/713) (from Ch. 40, par. 713)

10 Sec. 713. Attachment of the Body. As used in this Section,
11 "obligor" has the same meaning ascribed to such term in the
12 Income Withholding for Support Act.

13 (a) In any proceeding to enforce an order for support,
14 where the obligor has failed to appear in court pursuant to
15 order of court and after due notice thereof, the court may
16 enter an order for the attachment of the body of the obligor.
17 Notices under this Section shall be served upon the obligor by
18 any means authorized under subsection (a-5) of Section 505. The
19 attachment order shall fix an amount of escrow which is equal
20 to a minimum of 20% of the total child support arrearage
21 alleged by the obligee in sworn testimony to be due and owing.
22 The attachment order shall direct the Sheriff of any county in
23 Illinois to take the obligor into custody and shall set the
24 number of days following release from custody for a hearing to

1 be held at which the obligor must appear, if he is released
2 under subsection (b) of this Section.

3 (b) If the obligor is taken into custody, the Sheriff shall
4 take the obligor before the court which entered the attachment
5 order. However, the Sheriff may release the person after he or
6 she has deposited the amount of escrow ordered by the court
7 pursuant to local procedures for the posting of bond. The
8 Sheriff shall advise the obligor of the hearing date at which
9 the obligor is required to appear.

10 (c) Any escrow deposited pursuant to this Section shall be
11 transmitted to the Clerk of the Circuit Court for the county in
12 which the order for attachment of the body of the obligor was
13 entered. Any Clerk who receives money deposited into escrow
14 pursuant to this Section shall notify the obligee, public
15 office or legal counsel whose name appears on the attachment
16 order of the court date at which the obligor is required to
17 appear and the amount deposited into escrow. The Clerk shall
18 disburse such money to the obligee only under an order from the
19 court that entered the attachment order pursuant to this
20 Section.

21 (d) Whenever an obligor is taken before the court by the
22 Sheriff, or appears in court after the court has ordered the
23 attachment of his body, the court shall:

24 (1) hold a hearing on the complaint or petition that
25 gave rise to the attachment order. For purposes of
26 determining arrearages that are due and owing by the

1 obligor, the court shall accept the previous sworn
2 testimony of the obligee as true and the appearance of the
3 obligee shall not be required. The court shall require
4 sworn testimony of the obligor as to the last 4 digits of
5 his or her Social Security number, income, employment, bank
6 accounts, property and any other assets. If there is a
7 dispute as to the total amount of arrearages, the court
8 shall proceed as in any other case as to the undisputed
9 amounts; and

10 (2) order the Clerk of the Circuit Court to disburse to
11 the obligee or public office money held in escrow pursuant
12 to this Section if the court finds that the amount of
13 arrearages exceeds the amount of the escrow. Amounts
14 received by the obligee or public office shall be deducted
15 from the amount of the arrearages.

16 (e) If the obligor fails to appear in court after being
17 notified of the court date by the Sheriff upon release from
18 custody, the court shall order any monies deposited into escrow
19 to be immediately released to the obligee or public office and
20 shall proceed under subsection (a) of this Section by entering
21 another order for the attachment of the body of the obligor.

22 (f) This Section shall apply to any order for support
23 issued under the "Illinois Marriage and Dissolution of Marriage
24 Act", approved September 22, 1977, as amended; the Illinois
25 Parentage Act of 2015; the "Illinois Parentage Act of 1984",
26 effective July 1, 1985, as amended; the "Revised Uniform

1 Reciprocal Enforcement of Support Act", approved August 28,
2 1969, as amended; "The Illinois Public Aid Code", approved
3 April 11, 1967, as amended; the Non-Support Punishment Act; and
4 the "Non-support of Spouse and Children Act", approved June 8,
5 1953, as amended.

6 (g) Any escrow established pursuant to this Section for the
7 purpose of providing support shall not be subject to fees
8 collected by the Clerk of the Circuit Court for any other
9 escrow.

10 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;
11 92-16, eff. 6-28-01.)

12 Section 967. The Non-Support Punishment Act is amended by
13 changing Section 50 as follows:

14 (750 ILCS 16/50)

15 Sec. 50. Community service; work alternative program.

16 (a) In addition to any other penalties imposed against an
17 offender under this Act, the court may order the offender to
18 perform community service for not less than 30 and not more
19 than 120 hours per month, if community service is available in
20 the jurisdiction and is funded and approved by the county board
21 of the county where the offense was committed. In addition,
22 whenever any person is placed on supervision for committing an
23 offense under this Act, the supervision shall be conditioned on
24 the performance of the community service.

1 (b) In addition to any other penalties imposed against an
2 offender under this Act, the court may sentence the offender to
3 service in a work alternative program administered by the
4 sheriff. The conditions of the program are that the offender
5 obtain or retain employment and participate in a work
6 alternative program administered by the sheriff during
7 non-working hours. A person may not be required to participate
8 in a work alternative program under this subsection if the
9 person is currently participating in a work program pursuant to
10 another provision of this Act, Section 10-11.1 of the Illinois
11 Public Aid Code, Section 505.1 of the Illinois Marriage and
12 Dissolution of Marriage Act, or Section 806 ~~15.1~~ of the
13 Illinois Parentage Act of 2015 ~~1984~~.

14 (c) In addition to any other penalties imposed against an
15 offender under this Act, the court may order, in cases where
16 the offender has been in violation of this Act for 90 days or
17 more, that the offender's Illinois driving privileges be
18 suspended until the court determines that the offender is in
19 compliance with this Act.

20 The court may determine that the offender is in compliance
21 with this Act if the offender has agreed (i) to pay all
22 required amounts of support and maintenance as determined by
23 the court or (ii) to the garnishment of his or her income for
24 the purpose of paying those amounts.

25 The court may also order that the offender be issued a
26 family financial responsibility driving permit that would

1 allow limited driving privileges for employment and medical
2 purposes in accordance with Section 7-702.1 of the Illinois
3 Vehicle Code. The clerk of the circuit court shall certify the
4 order suspending the driving privileges of the offender or
5 granting the issuance of a family financial responsibility
6 driving permit to the Secretary of State on forms prescribed by
7 the Secretary. Upon receipt of the authenticated documents, the
8 Secretary of State shall suspend the offender's driving
9 privileges until further order of the court and shall, if
10 ordered by the court, subject to the provisions of Section
11 7-702.1 of the Illinois Vehicle Code, issue a family financial
12 responsibility driving permit to the offender.

13 (d) If the court determines that the offender has been in
14 violation of this Act for more than 60 days, the court may
15 determine whether the offender has applied for or been issued a
16 professional license by the Department of Professional
17 Regulation or another licensing agency. If the court determines
18 that the offender has applied for or been issued such a
19 license, the court may certify to the Department of
20 Professional Regulation or other licensing agency that the
21 offender has been in violation of this Act for more than 60
22 days so that the Department or other agency may take
23 appropriate steps with respect to the license or application as
24 provided in Section 10-65 of the Illinois Administrative
25 Procedure Act and Section 2105-15 of the Department of
26 Professional Regulation Law of the Civil Administrative Code of

1 Illinois. The court may take the actions required under this
2 subsection in addition to imposing any other penalty authorized
3 under this Act.

4 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

5 Section 968. The Uniform Interstate Family Support Act is
6 amended by changing Section 102 as follows:

7 (750 ILCS 22/102) (was 750 ILCS 22/101)

8 Sec. 102. Definitions. In this Act:

9 "Child" means an individual, whether over or under the age
10 of 18, who is or is alleged to be owed a duty of support by the
11 individual's parent or who is or is alleged to be the
12 beneficiary of a support order directed to the parent.

13 "Child-support order" means a support order for a child,
14 including a child who has attained the age of 18.

15 "Duty of support" means an obligation imposed or imposable
16 by law to provide support for a child, spouse, or former spouse
17 including an unsatisfied obligation to provide support.

18 "Home state" means the state in which a child lived with a
19 parent or a person acting as parent for at least 6 consecutive
20 months immediately preceding the time of filing of a petition
21 or comparable pleading for support, and if a child is less than
22 6 months old, the state in which the child lived from birth
23 with any of them. A period of temporary absence of any of them
24 is counted as part of the 6-month or other period.

1 "Income" includes earnings or other periodic entitlements
2 to money from any source and any other property subject to
3 withholding for support under the law of this State.

4 "Income-withholding order" means an order or other legal
5 process directed to an obligor's employer or other debtor, as
6 defined by the Illinois Marriage and Dissolution of Marriage
7 Act, the Non-Support of Spouse and Children Act, the
8 Non-Support Punishment Act, the Illinois Public Aid Code, and
9 the Illinois Parentage Act of 2015 ~~1984~~, to withhold support
10 from the income of the obligor.

11 "Initiating state" means a state from which a proceeding is
12 forwarded or in which a proceeding is filed for forwarding to a
13 responding state under this Act or a law or procedure
14 substantially similar to this Act.

15 "Initiating tribunal" means the authorized tribunal in an
16 initiating state.

17 "Issuing state" means the state in which a tribunal issues
18 a support order or renders a judgment determining parentage.

19 "Issuing tribunal" means the tribunal that issues a support
20 order or renders a judgment determining parentage.

21 "Obligee" means:

22 (A) an individual to whom a duty of support is or is
23 alleged to be owed or in whose favor a support order has
24 been issued or a judgment determining parentage has been
25 rendered;

26 (B) a state or political subdivision to which the

1 rights under a duty of support or support order have been
2 assigned or which has independent claims based on financial
3 assistance provided to an individual obligee; or

4 (C) an individual seeking a judgment determining
5 parentage of the individual's child.

6 "Obligor" means an individual, or the estate of a decedent:

7 (i) who owes or is alleged to owe a duty of
8 support;

9 (ii) who is alleged but has not been adjudicated to
10 be a parent of a child; or

11 (iii) who is liable under a support order.

12 "Person means an individual, corporation, business trust,
13 estate, trust, partnership, limited liability company,
14 association, joint venture, government, governmental
15 subdivision, agency, instrumentality, public corporation, or
16 any other legal or commercial entity.

17 "Record" means information that is inscribed on a tangible
18 medium or that is stored in an electronic or other medium and
19 is retrievable in perceivable form.

20 "Register" means to record a support order or judgment
21 determining parentage in the appropriate Registry of Foreign
22 Support Orders.

23 "Registering tribunal" means a tribunal in which a support
24 order is registered.

25 "Responding state" means a state in which a proceeding is
26 filed or to which a proceeding is forwarded for filing from an

1 initiating state under this Act or a law or procedure
2 substantially similar to this Act.

3 "Responding tribunal" means the authorized tribunal in a
4 responding state.

5 "Spousal-support order" means a support order for a spouse
6 or former spouse of the obligor.

7 "State" means a state of the United States, the District of
8 Columbia, Puerto Rico, the United States Virgin Islands, or any
9 territory or insular possession subject to the jurisdiction of
10 the United States. The term includes:

11 (A) an Indian tribe; and

12 (B) a foreign country or political subdivision that:

13 (i) has been declared to be a foreign reciprocating
14 country or political subdivision under federal law;

15 (ii) has established a reciprocal arrangement for
16 child support with this State as provided in Section
17 308; or

18 (iii) has enacted a law or established procedures
19 for issuance and enforcement of support orders which
20 are substantially similar to the procedures under this
21 Act.

22 "Support enforcement agency" means a public official or
23 agency authorized to seek:

24 (A) enforcement of support orders or laws relating to
25 the duty of support;

26 (B) establishment or modification of child support;

- 1 (C) determination of parentage;
2 (D) to locate obligors or their assets; or
3 (E) determination of the controlling child support
4 order.

5 "Support order" means a judgment, decree, order, or
6 directive, whether temporary, final, or subject to
7 modification, issued by a tribunal for the benefit of a child,
8 a spouse, or a former spouse, which provides for monetary
9 support, health care, arrearages, or reimbursement, and may
10 include related costs and fees, interest, income withholding,
11 attorney's fees, and other relief.

12 "Tribunal" means a court, administrative agency, or
13 quasi-judicial entity authorized to establish, enforce, or
14 modify support orders or to determine parentage.

15 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised
16 11-26-14.)

17 Section 969. The Expedited Child Support Act of 1990 is
18 amended by changing Section 6 as follows:

19 (750 ILCS 25/6) (from Ch. 40, par. 2706)

20 Sec. 6. Authority of hearing officers.

21 (a) With the exception of judicial functions exclusively
22 retained by the court in Section 8 of this Act and in
23 accordance with Supreme Court rules promulgated pursuant to
24 this Act, Administrative Hearing Officers shall be authorized

1 to:

2 (1) Accept voluntary agreements reached by the parties
3 setting the amount of child support to be paid and medical
4 support liability and recommend the entry of orders
5 incorporating such agreements.

6 (2) Accept voluntary acknowledgments of parentage and
7 recommend entry of an order establishing parentage based on
8 such acknowledgement. Prior to accepting such
9 acknowledgment, the Administrative Hearing Officer shall
10 advise the putative father of his rights and obligations in
11 accordance with Supreme Court rules promulgated pursuant
12 to this Act.

13 (3) Manage all stages of discovery, including setting
14 deadlines by which discovery must be completed; and
15 directing the parties to submit to appropriate tests
16 pursuant to ~~Section 11 of~~ the Illinois Parentage Act of
17 2015 ~~1984~~.

18 (4) Cause notices to be issued requiring the Obligor to
19 appear either before the Administrative Hearing Officer or
20 in court.

21 (5) Administer the oath or affirmation and take
22 testimony under oath or affirmation.

23 (6) Analyze the evidence and prepare written
24 recommendations based on such evidence, including but not
25 limited to: (i) proposed findings as to the amount of the
26 Obligor's income; (ii) proposed findings as to the amount

1 and nature of appropriate deductions from the Obligor's
2 income to determine the Obligor's net income; (iii)
3 proposed findings as to the existence of relevant factors
4 as set forth in subsection (a)(2) of Section 505 of the
5 Illinois Marriage and Dissolution of Marriage Act, which
6 justify setting child support payment levels above or below
7 the guidelines; (iv) recommended orders for temporary
8 child support; (v) recommended orders setting the amount of
9 current child support to be paid; (vi) proposed findings as
10 to the existence and amount of any arrearages; (vii)
11 recommended orders reducing any arrearages to judgement
12 and for the payment of amounts towards such arrearages;
13 (viii) proposed findings as to whether there has been a
14 substantial change of circumstances since the entry of the
15 last child support order, or other circumstances
16 justifying a modification of the child support order; and
17 (ix) proposed findings as to whether the Obligor is
18 employed.

19 (7) With respect to any unemployed Obligor who is not
20 making child support payments or is otherwise unable to
21 provide support, recommend that the Obligor be ordered to
22 seek employment and report periodically of his or her
23 efforts in accordance with such order. Additionally, the
24 Administrative Hearing Officer may recommend that the
25 Obligor be ordered to report to the Department of
26 Employment Security for job search services or to make

1 application with the local Job Training Partnership Act
2 provider for participation in job search, training or work
3 programs and, where the duty of support is owed to a child
4 receiving child support enforcement services under Article
5 X of the Illinois Public Aid Code, the Administrative
6 Hearing Officer may recommend that the Obligor be ordered
7 to report to the Department of Healthcare and Family
8 Services for participation in the job search, training or
9 work programs established under Section 9-6 of the Illinois
10 Public Aid Code.

11 (8) Recommend the registration of any foreign support
12 judgments or orders as the judgments or orders of Illinois.

13 (b) In any case in which the Obligee is not participating
14 in the IV-D program or has not applied to participate in the
15 IV-D program, the Administrative Hearing Officer shall:

16 (1) inform the Obligee of the existence of the IV-D
17 program and provide applications on request; and

18 (2) inform the Obligee and the Obligor of the option of
19 requesting payment to be made through the Clerk of the
20 Circuit Court.

21 If a request for payment through the Clerk is made, the
22 Administrative Hearing Officer shall note this fact in the
23 recommendations to the court.

24 (c) The Administrative Hearing Officer may make
25 recommendations in addition to the proposed findings of fact
26 and recommended order to which the parties have agreed.

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

2 Section 970. The Income Withholding for Support Act is
3 amended by changing Section 15 as follows:

4 (750 ILCS 28/15)

5 Sec. 15. Definitions.

6 (a) "Order for support" means any order of the court which
7 provides for periodic payment of funds for the support of a
8 child or maintenance of a spouse, whether temporary or final,
9 and includes any such order which provides for:

10 (1) modification or resumption of, or payment of
11 arrearage, including interest, accrued under, a previously
12 existing order;

13 (2) reimbursement of support;

14 (3) payment or reimbursement of the expenses of
15 pregnancy and delivery (for orders for support entered
16 under the Illinois Parentage Act of 1984 or its predecessor
17 the Paternity Act or under the Illinois Parentage Act of
18 2015); or

19 (4) enrollment in a health insurance plan that is
20 available to the obligor through an employer or labor union
21 or trade union.

22 (b) "Arrearage" means the total amount of unpaid support
23 obligations, including interest, as determined by the court and
24 incorporated into an order for support.

1 (b-5) "Business day" means a day on which State offices are
2 open for regular business.

3 (c) "Delinquency" means any payment, including a payment of
4 interest, under an order for support which becomes due and
5 remains unpaid after entry of the order for support.

6 (d) "Income" means any form of periodic payment to an
7 individual, regardless of source, including, but not limited
8 to: wages, salary, commission, compensation as an independent
9 contractor, workers' compensation, disability, annuity,
10 pension, and retirement benefits, lottery prize awards,
11 insurance proceeds, vacation pay, bonuses, profit-sharing
12 payments, severance pay, interest, and any other payments, made
13 by any person, private entity, federal or state government, any
14 unit of local government, school district or any entity created
15 by Public Act; however, "income" excludes:

16 (1) any amounts required by law to be withheld, other
17 than creditor claims, including, but not limited to,
18 federal, State and local taxes, Social Security and other
19 retirement and disability contributions;

20 (2) union dues;

21 (3) any amounts exempted by the federal Consumer Credit
22 Protection Act;

23 (4) public assistance payments; and

24 (5) unemployment insurance benefits except as provided
25 by law.

26 Any other State or local laws which limit or exempt income

1 or the amount or percentage of income that can be withheld
2 shall not apply.

3 (e) "Obligor" means the individual who owes a duty to make
4 payments under an order for support.

5 (f) "Obligee" means the individual to whom a duty of
6 support is owed or the individual's legal representative.

7 (g) "Payor" means any payor of income to an obligor.

8 (h) "Public office" means any elected official or any State
9 or local agency which is or may become responsible by law for
10 enforcement of, or which is or may become authorized to
11 enforce, an order for support, including, but not limited to:
12 the Attorney General, the Illinois Department of Healthcare and
13 Family Services, the Illinois Department of Human Services, the
14 Illinois Department of Children and Family Services, and the
15 various State's Attorneys, Clerks of the Circuit Court and
16 supervisors of general assistance.

17 (i) "Premium" means the dollar amount for which the obligor
18 is liable to his employer or labor union or trade union and
19 which must be paid to enroll or maintain a child in a health
20 insurance plan that is available to the obligor through an
21 employer or labor union or trade union.

22 (j) "State Disbursement Unit" means the unit established to
23 collect and disburse support payments in accordance with the
24 provisions of Section 10-26 of the Illinois Public Aid Code.

25 (k) "Title IV-D Agency" means the agency of this State
26 charged by law with the duty to administer the child support

1 enforcement program established under Title IV, Part D of the
2 Social Security Act and Article X of the Illinois Public Aid
3 Code.

4 (l) "Title IV-D case" means a case in which an obligee or
5 obligor is receiving child support enforcement services under
6 Title IV, Part D of the Social Security Act and Article X of
7 the Illinois Public Aid Code.

8 (m) "National Medical Support Notice" means the notice
9 required for enforcement of orders for support providing for
10 health insurance coverage of a child under Title IV, Part D of
11 the Social Security Act, the Employee Retirement Income
12 Security Act of 1974, and federal regulations promulgated under
13 those Acts.

14 (n) "Employer" means a payor or labor union or trade union
15 with an employee group health insurance plan and, for purposes
16 of the National Medical Support Notice, also includes but is
17 not limited to:

18 (1) any State or local governmental agency with a group
19 health plan; and

20 (2) any payor with a group health plan or "church plan"
21 covered under the Employee Retirement Income Security Act
22 of 1974.

23 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,
24 eff. 10-23-07.)

25 Section 971. The Gestational Surrogacy Act is amended by

1 changing Section 35 as follows:

2 (750 ILCS 47/35)

3 Sec. 35. Establishment of the parent-child relationship.

4 (a) For purposes of the Illinois Parentage Act of 2015
5 ~~1984~~, a parent-child relationship shall be established prior to
6 the birth of a child born through gestational surrogacy if, in
7 addition to satisfying the requirements of Articles 2 and 3
8 ~~Sections 5 and 6~~ of the Illinois Parentage Act of 2015 ~~1984~~,
9 the attorneys representing both the gestational surrogate and
10 the intended parent or parents certify that the parties entered
11 into a gestational surrogacy contract intended to satisfy the
12 requirements of Section 25 of this Act with respect to the
13 child.

14 (b) The attorneys' certifications required by subsection
15 (a) of this Section shall be filed on forms prescribed by the
16 Illinois Department of Public Health and in a manner consistent
17 with the requirement of the Illinois Parentage Act of 2015
18 ~~1984~~.

19 (Source: P.A. 93-921, eff. 1-1-05.)

20 Section 972. The Adoption Act is amended by changing
21 Sections 1, 8, 12a, and 18.06 as follows:

22 (750 ILCS 50/1) (from Ch. 40, par. 1501)

23 Sec. 1. Definitions. When used in this Act, unless the

1 context otherwise requires:

2 A. "Child" means a person under legal age subject to
3 adoption under this Act.

4 B. "Related child" means a child subject to adoption where
5 either or both of the adopting parents stands in any of the
6 following relationships to the child by blood, marriage,
7 adoption, or civil union: parent, grand-parent,
8 great-grandparent, brother, sister, step-parent,
9 step-grandparent, step-brother, step-sister, uncle, aunt,
10 great-uncle, great-aunt, first cousin, or second cousin. A
11 person is related to the child as a first cousin or second
12 cousin if they are both related to the same ancestor as either
13 grandchild or great-grandchild. A child whose parent has
14 executed a consent to adoption, a surrender, or a waiver
15 pursuant to Section 10 of this Act or whose parent has signed a
16 denial of paternity pursuant to Section 12 of the Vital Records
17 Act or Section 12a of this Act, or whose parent has had his or
18 her parental rights terminated, is not a related child to that
19 person, unless (1) the consent is determined to be void or is
20 void pursuant to subsection O of Section 10 of this Act; or (2)
21 the parent of the child executed a consent to adoption by a
22 specified person or persons pursuant to subsection A-1 of
23 Section 10 of this Act and a court of competent jurisdiction
24 finds that such consent is void; or (3) the order terminating
25 the parental rights of the parent is vacated by a court of
26 competent jurisdiction.

1 C. "Agency" for the purpose of this Act means a public
2 child welfare agency or a licensed child welfare agency.

3 D. "Unfit person" means any person whom the court shall
4 find to be unfit to have a child, without regard to the
5 likelihood that the child will be placed for adoption. The
6 grounds of unfitness are any one or more of the following,
7 except that a person shall not be considered an unfit person
8 for the sole reason that the person has relinquished a child in
9 accordance with the Abandoned Newborn Infant Protection Act:

10 (a) Abandonment of the child.

11 (a-1) Abandonment of a newborn infant in a hospital.

12 (a-2) Abandonment of a newborn infant in any setting
13 where the evidence suggests that the parent intended to
14 relinquish his or her parental rights.

15 (b) Failure to maintain a reasonable degree of
16 interest, concern or responsibility as to the child's
17 welfare.

18 (c) Desertion of the child for more than 3 months next
19 preceding the commencement of the Adoption proceeding.

20 (d) Substantial neglect of the child if continuous or
21 repeated.

22 (d-1) Substantial neglect, if continuous or repeated,
23 of any child residing in the household which resulted in
24 the death of that child.

25 (e) Extreme or repeated cruelty to the child.

26 (f) There is a rebuttable presumption, which can be

1 overcome only by clear and convincing evidence, that a
2 parent is unfit if:

3 (1) Two or more findings of physical abuse have
4 been entered regarding any children under Section 2-21
5 of the Juvenile Court Act of 1987, the most recent of
6 which was determined by the juvenile court hearing the
7 matter to be supported by clear and convincing
8 evidence; or

9 (2) The parent has been convicted or found not
10 guilty by reason of insanity and the conviction or
11 finding resulted from the death of any child by
12 physical abuse; or

13 (3) There is a finding of physical child abuse
14 resulting from the death of any child under Section
15 2-21 of the Juvenile Court Act of 1987.

16 No conviction or finding of delinquency pursuant
17 to Article V of the Juvenile Court Act of 1987 shall be
18 considered a criminal conviction for the purpose of
19 applying any presumption under this item (f).

20 (g) Failure to protect the child from conditions within
21 his environment injurious to the child's welfare.

22 (h) Other neglect of, or misconduct toward the child;
23 provided that in making a finding of unfitness the court
24 hearing the adoption proceeding shall not be bound by any
25 previous finding, order or judgment affecting or
26 determining the rights of the parents toward the child

1 sought to be adopted in any other proceeding except such
2 proceedings terminating parental rights as shall be had
3 under either this Act, the Juvenile Court Act or the
4 Juvenile Court Act of 1987.

5 (i) Depravity. Conviction of any one of the following
6 crimes shall create a presumption that a parent is deprived
7 which can be overcome only by clear and convincing
8 evidence: (1) first degree murder in violation of paragraph
9 1 or 2 of subsection (a) of Section 9-1 of the Criminal
10 Code of 1961 or the Criminal Code of 2012 or conviction of
11 second degree murder in violation of subsection (a) of
12 Section 9-2 of the Criminal Code of 1961 or the Criminal
13 Code of 2012 of a parent of the child to be adopted; (2)
14 first degree murder or second degree murder of any child in
15 violation of the Criminal Code of 1961 or the Criminal Code
16 of 2012; (3) attempt or conspiracy to commit first degree
17 murder or second degree murder of any child in violation of
18 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
19 solicitation to commit murder of any child, solicitation to
20 commit murder of any child for hire, or solicitation to
21 commit second degree murder of any child in violation of
22 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
23 predatory criminal sexual assault of a child in violation
24 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
25 or the Criminal Code of 2012; (6) heinous battery of any
26 child in violation of the Criminal Code of 1961; or (7)

1 aggravated battery of any child in violation of the
2 Criminal Code of 1961 or the Criminal Code of 2012.

3 There is a rebuttable presumption that a parent is
4 deprived if the parent has been criminally convicted of at
5 least 3 felonies under the laws of this State or any other
6 state, or under federal law, or the criminal laws of any
7 United States territory; and at least one of these
8 convictions took place within 5 years of the filing of the
9 petition or motion seeking termination of parental rights.

10 There is a rebuttable presumption that a parent is
11 deprived if that parent has been criminally convicted of
12 either first or second degree murder of any person as
13 defined in the Criminal Code of 1961 or the Criminal Code
14 of 2012 within 10 years of the filing date of the petition
15 or motion to terminate parental rights.

16 No conviction or finding of delinquency pursuant to
17 Article 5 of the Juvenile Court Act of 1987 shall be
18 considered a criminal conviction for the purpose of
19 applying any presumption under this item (i).

20 (j) Open and notorious adultery or fornication.

21 (j-1) (Blank).

22 (k) Habitual drunkenness or addiction to drugs, other
23 than those prescribed by a physician, for at least one year
24 immediately prior to the commencement of the unfitness
25 proceeding.

26 There is a rebuttable presumption that a parent is

1 unfit under this subsection with respect to any child to
2 which that parent gives birth where there is a confirmed
3 test result that at birth the child's blood, urine, or
4 meconium contained any amount of a controlled substance as
5 defined in subsection (f) of Section 102 of the Illinois
6 Controlled Substances Act or metabolites of such
7 substances, the presence of which in the newborn infant was
8 not the result of medical treatment administered to the
9 mother or the newborn infant; and the biological mother of
10 this child is the biological mother of at least one other
11 child who was adjudicated a neglected minor under
12 subsection (c) of Section 2-3 of the Juvenile Court Act of
13 1987.

14 (1) Failure to demonstrate a reasonable degree of
15 interest, concern or responsibility as to the welfare of a
16 new born child during the first 30 days after its birth.

17 (m) Failure by a parent (i) to make reasonable efforts
18 to correct the conditions that were the basis for the
19 removal of the child from the parent during any 9-month
20 period following the adjudication of neglected or abused
21 minor under Section 2-3 of the Juvenile Court Act of 1987
22 or dependent minor under Section 2-4 of that Act, or (ii)
23 to make reasonable progress toward the return of the child
24 to the parent during any 9-month period following the
25 adjudication of neglected or abused minor under Section 2-3
26 of the Juvenile Court Act of 1987 or dependent minor under

1 Section 2-4 of that Act. If a service plan has been
2 established as required under Section 8.2 of the Abused and
3 Neglected Child Reporting Act to correct the conditions
4 that were the basis for the removal of the child from the
5 parent and if those services were available, then, for
6 purposes of this Act, "failure to make reasonable progress
7 toward the return of the child to the parent" includes the
8 parent's failure to substantially fulfill his or her
9 obligations under the service plan and correct the
10 conditions that brought the child into care during any
11 9-month period following the adjudication under Section
12 2-3 or 2-4 of the Juvenile Court Act of 1987.
13 Notwithstanding any other provision, when a petition or
14 motion seeks to terminate parental rights on the basis of
15 item (ii) of this subsection (m), the petitioner shall file
16 with the court and serve on the parties a pleading that
17 specifies the 9-month period or periods relied on. The
18 pleading shall be filed and served on the parties no later
19 than 3 weeks before the date set by the court for closure
20 of discovery, and the allegations in the pleading shall be
21 treated as incorporated into the petition or motion.
22 Failure of a respondent to file a written denial of the
23 allegations in the pleading shall not be treated as an
24 admission that the allegations are true.

25 (m-1) Pursuant to the Juvenile Court Act of 1987, a
26 child has been in foster care for 15 months out of any 22

1 month period which begins on or after the effective date of
2 this amendatory Act of 1998 unless the child's parent can
3 prove by a preponderance of the evidence that it is more
4 likely than not that it will be in the best interests of
5 the child to be returned to the parent within 6 months of
6 the date on which a petition for termination of parental
7 rights is filed under the Juvenile Court Act of 1987. The
8 15 month time limit is tolled during any period for which
9 there is a court finding that the appointed custodian or
10 guardian failed to make reasonable efforts to reunify the
11 child with his or her family, provided that (i) the finding
12 of no reasonable efforts is made within 60 days of the
13 period when reasonable efforts were not made or (ii) the
14 parent filed a motion requesting a finding of no reasonable
15 efforts within 60 days of the period when reasonable
16 efforts were not made. For purposes of this subdivision
17 (m-1), the date of entering foster care is the earlier of:
18 (i) the date of a judicial finding at an adjudicatory
19 hearing that the child is an abused, neglected, or
20 dependent minor; or (ii) 60 days after the date on which
21 the child is removed from his or her parent, guardian, or
22 legal custodian.

23 (n) Evidence of intent to forgo his or her parental
24 rights, whether or not the child is a ward of the court,
25 (1) as manifested by his or her failure for a period of 12
26 months: (i) to visit the child, (ii) to communicate with

1 the child or agency, although able to do so and not
2 prevented from doing so by an agency or by court order, or
3 (iii) to maintain contact with or plan for the future of
4 the child, although physically able to do so, or (2) as
5 manifested by the father's failure, where he and the mother
6 of the child were unmarried to each other at the time of
7 the child's birth, (i) to commence legal proceedings to
8 establish his paternity under the Illinois Parentage Act of
9 1984, the Illinois Parentage Act of 2015, or the law of the
10 jurisdiction of the child's birth within 30 days of being
11 informed, pursuant to Section 12a of this Act, that he is
12 the father or the likely father of the child or, after
13 being so informed where the child is not yet born, within
14 30 days of the child's birth, or (ii) to make a good faith
15 effort to pay a reasonable amount of the expenses related
16 to the birth of the child and to provide a reasonable
17 amount for the financial support of the child, the court to
18 consider in its determination all relevant circumstances,
19 including the financial condition of both parents;
20 provided that the ground for termination provided in this
21 subparagraph (n)(2)(ii) shall only be available where the
22 petition is brought by the mother or the husband of the
23 mother.

24 Contact or communication by a parent with his or her
25 child that does not demonstrate affection and concern does
26 not constitute reasonable contact and planning under

1 subdivision (n). In the absence of evidence to the
2 contrary, the ability to visit, communicate, maintain
3 contact, pay expenses and plan for the future shall be
4 presumed. The subjective intent of the parent, whether
5 expressed or otherwise, unsupported by evidence of the
6 foregoing parental acts manifesting that intent, shall not
7 preclude a determination that the parent has intended to
8 forgo his or her parental rights. In making this
9 determination, the court may consider but shall not require
10 a showing of diligent efforts by an authorized agency to
11 encourage the parent to perform the acts specified in
12 subdivision (n).

13 It shall be an affirmative defense to any allegation
14 under paragraph (2) of this subsection that the father's
15 failure was due to circumstances beyond his control or to
16 impediments created by the mother or any other person
17 having legal custody. Proof of that fact need only be by a
18 preponderance of the evidence.

19 (o) Repeated or continuous failure by the parents,
20 although physically and financially able, to provide the
21 child with adequate food, clothing, or shelter.

22 (p) Inability to discharge parental responsibilities
23 supported by competent evidence from a psychiatrist,
24 licensed clinical social worker, or clinical psychologist
25 of mental impairment, mental illness or an intellectual
26 disability as defined in Section 1-116 of the Mental Health

1 and Developmental Disabilities Code, or developmental
2 disability as defined in Section 1-106 of that Code, and
3 there is sufficient justification to believe that the
4 inability to discharge parental responsibilities shall
5 extend beyond a reasonable time period. However, this
6 subdivision (p) shall not be construed so as to permit a
7 licensed clinical social worker to conduct any medical
8 diagnosis to determine mental illness or mental
9 impairment.

10 (q) (Blank).

11 (r) The child is in the temporary custody or
12 guardianship of the Department of Children and Family
13 Services, the parent is incarcerated as a result of
14 criminal conviction at the time the petition or motion for
15 termination of parental rights is filed, prior to
16 incarceration the parent had little or no contact with the
17 child or provided little or no support for the child, and
18 the parent's incarceration will prevent the parent from
19 discharging his or her parental responsibilities for the
20 child for a period in excess of 2 years after the filing of
21 the petition or motion for termination of parental rights.

22 (s) The child is in the temporary custody or
23 guardianship of the Department of Children and Family
24 Services, the parent is incarcerated at the time the
25 petition or motion for termination of parental rights is
26 filed, the parent has been repeatedly incarcerated as a

1 result of criminal convictions, and the parent's repeated
2 incarceration has prevented the parent from discharging
3 his or her parental responsibilities for the child.

4 (t) A finding that at birth the child's blood, urine,
5 or meconium contained any amount of a controlled substance
6 as defined in subsection (f) of Section 102 of the Illinois
7 Controlled Substances Act, or a metabolite of a controlled
8 substance, with the exception of controlled substances or
9 metabolites of such substances, the presence of which in
10 the newborn infant was the result of medical treatment
11 administered to the mother or the newborn infant, and that
12 the biological mother of this child is the biological
13 mother of at least one other child who was adjudicated a
14 neglected minor under subsection (c) of Section 2-3 of the
15 Juvenile Court Act of 1987, after which the biological
16 mother had the opportunity to enroll in and participate in
17 a clinically appropriate substance abuse counseling,
18 treatment, and rehabilitation program.

19 E. "Parent" means a person who is the legal mother or legal
20 father of the child as defined in subsection X or Y of this
21 Section. For the purpose of this Act, a parent who has executed
22 a consent to adoption, a surrender, or a waiver pursuant to
23 Section 10 of this Act, who has signed a Denial of Paternity
24 pursuant to Section 12 of the Vital Records Act or Section 12a
25 of this Act, or whose parental rights have been terminated by a
26 court, is not a parent of the child who was the subject of the

1 consent, surrender, waiver, or denial unless (1) the consent is
2 void pursuant to subsection O of Section 10 of this Act; or (2)
3 the person executed a consent to adoption by a specified person
4 or persons pursuant to subsection A-1 of Section 10 of this Act
5 and a court of competent jurisdiction finds that the consent is
6 void; or (3) the order terminating the parental rights of the
7 person is vacated by a court of competent jurisdiction.

8 F. A person is available for adoption when the person is:

9 (a) a child who has been surrendered for adoption to an
10 agency and to whose adoption the agency has thereafter
11 consented;

12 (b) a child to whose adoption a person authorized by
13 law, other than his parents, has consented, or to whose
14 adoption no consent is required pursuant to Section 8 of
15 this Act;

16 (c) a child who is in the custody of persons who intend
17 to adopt him through placement made by his parents;

18 (c-1) a child for whom a parent has signed a specific
19 consent pursuant to subsection O of Section 10;

20 (d) an adult who meets the conditions set forth in
21 Section 3 of this Act; or

22 (e) a child who has been relinquished as defined in
23 Section 10 of the Abandoned Newborn Infant Protection Act.

24 A person who would otherwise be available for adoption
25 shall not be deemed unavailable for adoption solely by reason
26 of his or her death.

1 G. The singular includes the plural and the plural includes
2 the singular and the "male" includes the "female", as the
3 context of this Act may require.

4 H. "Adoption disruption" occurs when an adoptive placement
5 does not prove successful and it becomes necessary for the
6 child to be removed from placement before the adoption is
7 finalized.

8 I. "Habitual residence" has the meaning ascribed to it in
9 the federal Intercountry Adoption Act of 2000 and regulations
10 promulgated thereunder.

11 J. "Immediate relatives" means the biological parents, the
12 parents of the biological parents and siblings of the
13 biological parents.

14 K. "Intercountry adoption" is a process by which a child
15 from a country other than the United States is adopted by
16 persons who are habitual residents of the United States, or the
17 child is a habitual resident of the United States who is
18 adopted by persons who are habitual residents of a country
19 other than the United States.

20 L. "Intercountry Adoption Coordinator" means a staff
21 person of the Department of Children and Family Services
22 appointed by the Director to coordinate the provision of
23 services related to an intercountry adoption.

24 M. "Interstate Compact on the Placement of Children" is a
25 law enacted by all states and certain territories for the
26 purpose of establishing uniform procedures for handling the

1 interstate placement of children in foster homes, adoptive
2 homes, or other child care facilities.

3 N. (Blank).

4 O. "Preadoption requirements" means any conditions or
5 standards established by the laws or administrative rules of
6 this State that must be met by a prospective adoptive parent
7 prior to the placement of a child in an adoptive home.

8 P. "Abused child" means a child whose parent or immediate
9 family member, or any person responsible for the child's
10 welfare, or any individual residing in the same home as the
11 child, or a paramour of the child's parent:

12 (a) inflicts, causes to be inflicted, or allows to be
13 inflicted upon the child physical injury, by other than
14 accidental means, that causes death, disfigurement,
15 impairment of physical or emotional health, or loss or
16 impairment of any bodily function;

17 (b) creates a substantial risk of physical injury to
18 the child by other than accidental means which would be
19 likely to cause death, disfigurement, impairment of
20 physical or emotional health, or loss or impairment of any
21 bodily function;

22 (c) commits or allows to be committed any sex offense
23 against the child, as sex offenses are defined in the
24 Criminal Code of 2012 and extending those definitions of
25 sex offenses to include children under 18 years of age;

26 (d) commits or allows to be committed an act or acts of

1 torture upon the child; or

2 (e) inflicts excessive corporal punishment.

3 Q. "Neglected child" means any child whose parent or other
4 person responsible for the child's welfare withholds or denies
5 nourishment or medically indicated treatment including food or
6 care denied solely on the basis of the present or anticipated
7 mental or physical impairment as determined by a physician
8 acting alone or in consultation with other physicians or
9 otherwise does not provide the proper or necessary support,
10 education as required by law, or medical or other remedial care
11 recognized under State law as necessary for a child's
12 well-being, or other care necessary for his or her well-being,
13 including adequate food, clothing and shelter; or who is
14 abandoned by his or her parents or other person responsible for
15 the child's welfare.

16 A child shall not be considered neglected or abused for the
17 sole reason that the child's parent or other person responsible
18 for his or her welfare depends upon spiritual means through
19 prayer alone for the treatment or cure of disease or remedial
20 care as provided under Section 4 of the Abused and Neglected
21 Child Reporting Act. A child shall not be considered neglected
22 or abused for the sole reason that the child's parent or other
23 person responsible for the child's welfare failed to vaccinate,
24 delayed vaccination, or refused vaccination for the child due
25 to a waiver on religious or medical grounds as permitted by
26 law.

1 R. "Putative father" means a man who may be a child's
2 father, but who (1) is not married to the child's mother on or
3 before the date that the child was or is to be born and (2) has
4 not established paternity of the child in a court proceeding
5 before the filing of a petition for the adoption of the child.
6 The term includes a male who is less than 18 years of age.
7 "Putative father" does not mean a man who is the child's father
8 as a result of criminal sexual abuse or assault as defined
9 under Article 11 of the Criminal Code of 2012.

10 S. "Standby adoption" means an adoption in which a parent
11 consents to custody and termination of parental rights to
12 become effective upon the occurrence of a future event, which
13 is either the death of the parent or the request of the parent
14 for the entry of a final judgment of adoption.

15 T. (Blank).

16 T-5. "Biological parent", "birth parent", or "natural
17 parent" of a child are interchangeable terms that mean a person
18 who is biologically or genetically related to that child as a
19 parent.

20 U. "Interstate adoption" means the placement of a minor
21 child with a prospective adoptive parent for the purpose of
22 pursuing an adoption for that child that is subject to the
23 provisions of the Interstate Compact on Placement of Children.

24 V. "Endorsement letter" means the letter issued by the
25 Department of Children and Family Services to document that a
26 prospective adoptive parent has met preadoption requirements

1 and has been deemed suitable by the Department to adopt a child
2 who is the subject of an intercountry adoption.

3 W. "Denial letter" means the letter issued by the
4 Department of Children and Family Services to document that a
5 prospective adoptive parent has not met preadoption
6 requirements and has not been deemed suitable by the Department
7 to adopt a child who is the subject of an intercountry
8 adoption.

9 X. "Legal father" of a child means a man who is recognized
10 as or presumed to be that child's father:

11 (1) because of his marriage to or civil union with the
12 child's parent at the time of the child's birth or within
13 300 days prior to that child's birth, unless he signed a
14 denial of paternity pursuant to Section 12 of the Vital
15 Records Act or a waiver pursuant to Section 10 of this Act;
16 or

17 (2) because his paternity of the child has been
18 established pursuant to the Illinois Parentage Act, the
19 Illinois Parentage Act of 1984, or the Gestational
20 Surrogacy Act; or

21 (3) because he is listed as the child's father or
22 parent on the child's birth certificate, unless he is
23 otherwise determined by an administrative or judicial
24 proceeding not to be the parent of the child or unless he
25 rescinds his acknowledgment of paternity pursuant to the
26 Illinois Parentage Act of 1984; or

1 (4) because his paternity or adoption of the child has
2 been established by a court of competent jurisdiction.

3 The definition in this subsection X shall not be construed
4 to provide greater or lesser rights as to the number of parents
5 who can be named on a final judgment order of adoption or
6 Illinois birth certificate that otherwise exist under Illinois
7 law.

8 Y. "Legal mother" of a child means a woman who is
9 recognized as or presumed to be that child's mother:

10 (1) because she gave birth to the child except as
11 provided in the Gestational Surrogacy Act; or

12 (2) because her maternity of the child has been
13 established pursuant to the Illinois Parentage Act of 1984
14 or the Gestational Surrogacy Act; or

15 (3) because her maternity or adoption of the child has
16 been established by a court of competent jurisdiction; or

17 (4) because of her marriage to or civil union with the
18 child's other parent at the time of the child's birth or
19 within 300 days prior to the time of birth; or

20 (5) because she is listed as the child's mother or
21 parent on the child's birth certificate unless she is
22 otherwise determined by an administrative or judicial
23 proceeding not to be the parent of the child.

24 The definition in this subsection Y shall not be construed
25 to provide greater or lesser rights as to the number of parents
26 who can be named on a final judgment order of adoption or

1 Illinois birth certificate that otherwise exist under Illinois
2 law.

3 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
4 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.
5 1-1-14; 98-804, eff. 1-1-15.)

6 (750 ILCS 50/8) (from Ch. 40, par. 1510)

7 Sec. 8. Consents to adoption and surrenders for purposes of
8 adoption.

9 (a) Except as hereinafter provided in this Section consents
10 or surrenders shall be required in all cases, unless the person
11 whose consent or surrender would otherwise be required shall be
12 found by the court:

13 (1) to be an unfit person as defined in Section 1 of
14 this Act, by clear and convincing evidence; or

15 (2) not to be the biological or adoptive father of the
16 child; or

17 (3) to have waived his parental rights to the child
18 under Section 12a or 12.1 or subsection S of Section 10 of
19 this Act; or

20 (4) to be the parent of an adult sought to be adopted;
21 or

22 (5) to be the father of the child as a result of
23 criminal sexual abuse or assault as defined under Article
24 11 of the Criminal Code of 2012; or

25 (6) to be the father of a child who:

1 (i) is a family member of the mother of the child,
2 and the mother is under the age of 18 at the time of
3 the child's conception; for purposes of this
4 subsection, a "family member" is a parent,
5 step-parent, grandparent, step-grandparent, sibling,
6 or cousin of the first degree, whether by whole blood,
7 half-blood, or adoption, as well as a person age 18 or
8 over at the time of the child's conception who has
9 resided in the household with the mother continuously
10 for at least one year; or

11 (ii) is at least 5 years older than the child's
12 mother, and the mother was under the age of 17 at the
13 time of the child's conception, unless the mother and
14 father voluntarily acknowledge the father's paternity
15 of the child by marrying or by establishing the
16 father's paternity by consent of the parties pursuant
17 to the Illinois Parentage Act of 2015 ~~1984~~ or pursuant
18 to a substantially similar statute in another state.

19 A criminal conviction of any offense pursuant to
20 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
21 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
22 19-6, or Article 12 of the Criminal Code of 1961 or the
23 Criminal Code of 2012 is not required.

24 (b) Where consents are required in the case of an adoption
25 of a minor child, the consents of the following persons shall
26 be sufficient:

- 1 (1) (A) The mother of the minor child; and
- 2 (B) The father of the minor child, if the father:
- 3 (i) was married to the mother on the date of
- 4 birth of the child or within 300 days before the
- 5 birth of the child, except for a husband or former
- 6 husband who has been found by a court of competent
- 7 jurisdiction not to be the biological father of the
- 8 child; or
- 9 (ii) is the father of the child under a
- 10 judgment for adoption, an order of parentage, or an
- 11 acknowledgment of parentage or paternity pursuant
- 12 to subsection (a) of Section 5 of the Illinois
- 13 Parentage Act of 1984 or pursuant to Article 3 of
- 14 the Illinois Parentage Act of 2015; or
- 15 (iii) in the case of a child placed with the
- 16 adopting parents less than 6 months after birth,
- 17 openly lived with the child, the child's
- 18 biological mother, or both, and held himself out to
- 19 be the child's biological father during the first
- 20 30 days following the birth of the child; or
- 21 (iv) in the case of a child placed with the
- 22 adopting parents less than 6 months after birth,
- 23 made a good faith effort to pay a reasonable amount
- 24 of the expenses related to the birth of the child
- 25 and to provide a reasonable amount for the
- 26 financial support of the child before the

1 expiration of 30 days following the birth of the
2 child, provided that the court may consider in its
3 determination all relevant circumstances,
4 including the financial condition of both
5 biological parents; or

6 (v) in the case of a child placed with the
7 adopting parents more than 6 months after birth,
8 has maintained substantial and continuous or
9 repeated contact with the child as manifested by:

10 (I) the payment by the father toward the support of
11 the child of a fair and reasonable sum, according
12 to the father's means, and either (II) the father's
13 visiting the child at least monthly when
14 physically and financially able to do so and not
15 prevented from doing so by the person or authorized
16 agency having lawful custody of the child, or (III)
17 the father's regular communication with the child
18 or with the person or agency having the care or
19 custody of the child, when physically and
20 financially unable to visit the child or prevented
21 from doing so by the person or authorized agency
22 having lawful custody of the child. The subjective
23 intent of the father, whether expressed or
24 otherwise unsupported by evidence of acts
25 specified in this sub-paragraph as manifesting
26 such intent, shall not preclude a determination

1 that the father failed to maintain substantial and
2 continuous or repeated contact with the child; or

3 (vi) in the case of a child placed with the
4 adopting parents more than six months after birth,
5 openly lived with the child for a period of six
6 months within the one year period immediately
7 preceding the placement of the child for adoption
8 and openly held himself out to be the father of the
9 child; or

10 (vii) has timely registered with Putative
11 Father Registry, as provided in Section 12.1 of
12 this Act, and prior to the expiration of 30 days
13 from the date of such registration, commenced
14 legal proceedings to establish paternity under the
15 Illinois Parentage Act of 1984, under the Illinois
16 Parentage Act of 2015, or under the law of the
17 jurisdiction of the child's birth; or

18 (2) The legal guardian of the person of the child, if
19 there is no surviving parent; or

20 (3) An agency, if the child has been surrendered for
21 adoption to such agency; or

22 (4) Any person or agency having legal custody of a
23 child by court order if the parental rights of the parents
24 have been judicially terminated, and the court having
25 jurisdiction of the guardianship of the child has
26 authorized the consent to the adoption; or

1 (5) The execution and verification of the petition by
2 any petitioner who is also a parent of the child sought to
3 be adopted shall be sufficient evidence of such parent's
4 consent to the adoption.

5 (c) Where surrenders to an agency are required in the case
6 of a placement for adoption of a minor child by an agency, the
7 surrenders of the following persons shall be sufficient:

8 (1) (A) The mother of the minor child; and

9 (B) The father of the minor child, if the father:

10 (i) was married to the mother on the date of
11 birth of the child or within 300 days before the
12 birth of the child, except for a husband or former
13 husband who has been found by a court of competent
14 jurisdiction not to be the biological father of the
15 child; or

16 (ii) is the father of the child under a
17 judgment for adoption, an order of parentage, or an
18 acknowledgment of parentage or paternity pursuant
19 to subsection (a) of Section 5 of the Illinois
20 Parentage Act of 1984 or pursuant to Article 3 of
21 the Illinois Parentage Act of 2015; or

22 (iii) in the case of a child placed with the
23 adopting parents less than 6 months after birth,
24 openly lived with the child, the child's
25 biological mother, or both, and held himself out to
26 be the child's biological father during the first

1 30 days following the birth of a child; or

2 (iv) in the case of a child placed with the
3 adopting parents less than 6 months after birth,
4 made a good faith effort to pay a reasonable amount
5 of the expenses related to the birth of the child
6 and to provide a reasonable amount for the
7 financial support of the child before the
8 expiration of 30 days following the birth of the
9 child, provided that the court may consider in its
10 determination all relevant circumstances,
11 including the financial condition of both
12 biological parents; or

13 (v) in the case of a child placed with the
14 adopting parents more than six months after birth,
15 has maintained substantial and continuous or
16 repeated contact with the child as manifested by:
17 (I) the payment by the father toward the support of
18 the child of a fair and reasonable sum, according
19 to the father's means, and either (II) the father's
20 visiting the child at least monthly when
21 physically and financially able to do so and not
22 prevented from doing so by the person or authorized
23 agency having lawful custody of the child or (III)
24 the father's regular communication with the child
25 or with the person or agency having the care or
26 custody of the child, when physically and

1 financially unable to visit the child or prevented
2 from doing so by the person or authorized agency
3 having lawful custody of the child. The subjective
4 intent of the father, whether expressed or
5 otherwise, unsupported by evidence of acts
6 specified in this sub-paragraph as manifesting
7 such intent, shall not preclude a determination
8 that the father failed to maintain substantial and
9 continuous or repeated contact with the child; or

10 (vi) in the case of a child placed with the
11 adopting parents more than six months after birth,
12 openly lived with the child for a period of six
13 months within the one year period immediately
14 preceding the placement of the child for adoption
15 and openly held himself out to be the father of the
16 child; or

17 (vii) has timely registered with the Putative
18 Father Registry, as provided in Section 12.1 of
19 this Act, and prior to the expiration of 30 days
20 from the date of such registration, commenced
21 legal proceedings to establish paternity under the
22 Illinois Parentage Act of 1984, under the Illinois
23 Parentage Act of 2015, or under the law of the
24 jurisdiction of the child's birth.

25 (d) In making a determination under subparagraphs (b) (1)
26 and (c) (1), no showing shall be required of diligent efforts by

1 a person or agency to encourage the father to perform the acts
2 specified therein.

3 (e) In the case of the adoption of an adult, only the
4 consent of such adult shall be required.

5 (Source: P.A. 97-493, eff. 8-22-11; 97-1150, eff. 1-25-13.)

6 (750 ILCS 50/12a) (from Ch. 40, par. 1515)

7 Sec. 12a. Notice to putative father.

8 1. Upon the written request to any Clerk of any Circuit
9 Court, and upon the payment of a filing fee of \$10.00, by any
10 interested party, including persons intending to adopt a child,
11 a child welfare agency with whom the mother has placed or has
12 given written notice of her intention to place a child for
13 adoption, the mother of a child, or any attorney representing
14 an interested party, a notice, the declaration of paternity and
15 the disclaimer of paternity may be served on a putative father
16 in the same manner as Summons is served in other civil
17 proceedings, or, in lieu of personal service, service may be
18 made as follows:

19 (a) The person requesting notice shall pay to the Clerk
20 of the Court a mailing fee of \$2 plus the cost of U. S.
21 postage for certified or registered mail and furnish to the
22 Clerk an original and one copy of a notice, the declaration
23 of paternity and the disclaimer of paternity together with
24 an Affidavit setting forth the putative father's last known
25 address. The original notice, the declaration of paternity

1 and the disclaimer of paternity shall be retained by the
2 Clerk.

3 (b) The Clerk shall forthwith mail to the putative
4 father, at the address appearing in the Affidavit, the copy
5 of the notice, the declaration of paternity and the
6 disclaimer of paternity, by certified mail, return receipt
7 requested; the envelope and return receipt shall bear the
8 return address of the Clerk. The receipt for certified mail
9 shall state the name and address of the addressee, and the
10 date of mailing, and shall be attached to the original
11 notice.

12 (c) The return receipt, when returned to the Clerk,
13 shall be attached to the original notice, the declaration
14 of paternity and the disclaimer of paternity, and shall
15 constitute proof of service.

16 (d) The Clerk shall note the fact of service in a
17 permanent record.

18 2. The notice shall be signed by the Clerk, and may be
19 served on the putative father at any time after conception, and
20 shall read as follows:

21 "IN THE MATTER OF NOTICE TO, PUTATIVE FATHER.

22 You have been identified as the father of a child born or
23 expected to be born on or about (insert date).

24 The mother of the child is.....

25 The mother has indicated that she intends to place the
26 child for adoption.

1 As the alleged father of the child, you have certain legal
2 rights with respect to the child, including the right to notice
3 of the filing of proceedings instituted for the adoption of the
4 child. If you wish to retain your rights with respect to the
5 child, you must file with the Clerk of this Circuit Court of
6 County, Illinois, whose address is, Illinois, within
7 30 days after the date of receipt of this notice, the
8 declaration of paternity enclosed herewith stating that you
9 are, in fact, the father of the child and that you intend to
10 retain your legal rights with respect to the child, or request
11 to be notified of any further proceedings with respect to
12 custody or adoption of the child.

13 If you do not file such a declaration of paternity, or a
14 request for notice, then whatever legal rights you have with
15 respect to the child, including the right to notice of any
16 future proceedings for the adoption of the child, may be
17 terminated without any further notice to you. When your legal
18 rights with respect to the child are so terminated, you will
19 not be entitled to notice of any proceeding instituted for the
20 adoption of the child.

21 If you are not the father of the child, you may file with
22 the Clerk of this Court the disclaimer of paternity enclosed
23 herewith which will be noted in the Clerk's file and you will
24 receive no further notice with respect to the child."

25 The declaration of paternity shall be substantially as
26 follows:

1 "IN THE CIRCUIT COURT OF THE
2 JUDICIAL CIRCUIT, ILLINOIS
3 County
4)
5)
6) No.)
7)

8 DECLARATION OF PATERNITY WITH ENTRY OF APPEARANCE

9 I,, state as follows:

10 (1) That I am years of age; and I reside at
11 in the County of, State of

12 (2) That I have been advised that is the mother of
13 a ...male child with the initials ~~named~~ born or
14 expected to be born on or about and that such mother
15 has stated that I am the father of this child.

16 (3) I declare that I am the father of this child.

17 (4) I understand that the mother of this child wishes to
18 consent to the adoption of this child. I do not consent to the
19 adoption of this child, and I understand that I must return
20 this initial declaration of parentage form to the Clerk of the
21 Circuit Court of County, located at, within
22 30 days of receipt of this notice.

23 (5) I further understand that I am also obligated to
24 establish my paternity pursuant to the Illinois Parentage Act
25 of 2015 ~~1984~~ within 30 days of my receiving this notice or, if
26 the child is not yet born, within 30 days after the birth of

1 the child. This proceeding is separate and distinct from the
 2 above mailing of initial declaration of paternity; in this
 3 second notice, I must state that I am, in fact, the father of
 4 said child, and that I intend to retain my legal rights with
 5 respect to said child, and request to be notified of any
 6 further proceedings with respect to custody or adoption of the
 7 child.

8 (6) I hereby enter my appearance in the above entitled
 9 cause.

10 OATH

11 I have been duly sworn and I say under oath that I have
 12 read and understand this Declaration of Paternity With Entry of
 13 Appearance. The facts that it contains are true and correct to
 14 the best of my knowledge, and I understand that by signing this
 15 document I admit my paternity. I have signed this document as
 16 my free and voluntary act.

17

18 (signature)

19 Dated (insert date).

20 Signed and sworn before me on (insert date).

21

22 (notary public)".

23

24 The disclaimer of paternity shall be substantially as
 25 follows:

1 "IN THE CIRCUIT COURT OF THE
2 JUDICIAL CIRCUIT, ILLINOIS
3 County

4)
5)
6) No.)
7)

8 DENIAL OF PATERNITY WITH ENTRY OF APPEARANCE
9 AND CONSENT TO ADOPTION

10 I,, state as follows:

11 (1) That I am years of age; and I reside at
12 in the County of, State of

13 (2) That I have been advised that is the mother
14 of amale child with the initials ~~named~~ born or
15 expected to be born on or about and that such mother has
16 stated that I am the father of this child.

17 (3) I deny that I am the father of this child.

18 (4) I further understand that the mother of this child
19 wishes to consent to the adoption of the child. I hereby
20 consent to the adoption of this child, and waive any rights,
21 remedies and defenses that I may now or in the future have as a
22 result of the mother's allegation of the paternity of this
23 child. This consent is being given in order to facilitate the
24 adoption of the child and so that the court may terminate what
25 rights I may have to the child as a result of being named the
26 father by the mother. This consent is not in any manner an

1 admission of paternity.

2 (5) I hereby enter my appearance in the above entitled
3 cause and waive service of summons and other pleading.

4 OATH

5 I have been duly sworn and I say under oath that I have
6 read and understood this Denial of Paternity With Entry of
7 Appearance and Consent to Adoption. The facts it contains are
8 true and correct to the best of my knowledge, and I understand
9 that by signing this document I have not admitted paternity. I
10 have signed this document as my free and voluntary act in order
11 to facilitate the adoption of the child.

12
13 (signature)

14 Dated (insert date).

15 Signed and sworn before me on (insert date).

16
17 (notary public)".

18

19 The names of adoptive parents shall not be included in the
20 notice.

21 3. If the putative father files a disclaimer of paternity,
22 he shall be deemed not to be the father of the child with
23 respect to any adoption or other proceeding held to terminate
24 the rights of parents as respects such child.

25 4. In the event the putative father does not file a

1 declaration of paternity of the child or request for notice
2 within 30 days of service of the above notice, he need not be
3 made a party to or given notice of any proceeding brought for
4 the adoption of the child. An Order or judgment may be entered
5 in such proceeding terminating all of his rights with respect
6 to the child without further notice to him.

7 5. If the putative father files a declaration of paternity
8 or a request for notice in accordance with subsection 2, with
9 respect to the child, he shall be given notice in event any
10 proceeding is brought for the adoption of the child.

11 6. The Clerk shall maintain separate numbered files and
12 records of requests and proofs of service and all other
13 documents filed pursuant to this article. All such records
14 shall be impounded.

15 (Source: P.A. 91-357, eff. 7-29-99.)

16 (750 ILCS 50/18.06)

17 Sec. 18.06. Definitions. When used in Sections 18.05
18 through Section 18.6, for the purposes of the Registry:

19 "Adopted person" means a person who was adopted pursuant to
20 the laws in effect at the time of the adoption.

21 "Adoptive parent" means a person who has become a parent
22 through the legal process of adoption.

23 "Adult child" means the biological child 21 years of age or
24 over of a deceased adopted or surrendered person.

25 "Adult grandchild" means the biological grandchild 21

1 years of age or over of a deceased adopted or surrendered
2 person.

3 "Adult adopted or surrendered person" means an adopted or
4 surrendered person 21 years of age or over.

5 "Agency" means a public child welfare agency or a licensed
6 child welfare agency.

7 "Birth aunt" means the adult full or half sister of a
8 deceased birth parent.

9 "Birth father" means the biological father of an adopted or
10 surrendered person who is named on the original certificate of
11 live birth or on a consent or surrender document, or a
12 biological father whose paternity has been established by a
13 judgment or order of the court, pursuant to the Illinois
14 Parentage Act of 1984 or the Illinois Parentage Act of 2015.

15 "Birth mother" means the biological mother of an adopted or
16 surrendered person.

17 "Birth parent" means a birth mother or birth father of an
18 adopted or surrendered person.

19 "Birth Parent Preference Form" means the form prepared by
20 the Department of Public Health pursuant to Section 18.2
21 completed by a birth parent registrant and filed with the
22 Registry that indicates the birth parent's preferences
23 regarding contact and, if applicable, the release of his or her
24 identifying information on the non-certified copy of the
25 original birth certificate released to an adult adopted or
26 surrendered person or to the surviving adult child or surviving

1 spouse of a deceased adopted or surrendered person who has
2 filed a Request for a Non-Certified Copy of an Original Birth
3 Certificate.

4 "Birth relative" means a birth mother, birth father, birth
5 sibling, birth aunt, or birth uncle.

6 "Birth sibling" means the adult full or half sibling of an
7 adopted or surrendered person.

8 "Birth uncle" means the adult full or half brother of a
9 deceased birth parent.

10 "Confidential intermediary" means an individual certified
11 by the Department of Children and Family Services pursuant to
12 Section 18.3a(e).

13 "Denial of Information Exchange" means an affidavit
14 completed by a registrant with the Illinois Adoption Registry
15 and Medical Information Exchange denying the release of
16 identifying information which has been filed with the Registry.

17 "Information Exchange Authorization" means an affidavit
18 completed by a registrant with the Illinois Adoption Registry
19 and Medical Information Exchange authorizing the release of
20 identifying information which has been filed with the Registry.

21 "Medical Information Exchange Questionnaire" means the
22 medical history questionnaire completed by a registrant of the
23 Illinois Adoption Registry and Medical Information Exchange.

24 "Non-certified Copy of the Original Birth Certificate"
25 means a non-certified copy of the original certificate of live
26 birth of an adult adopted or surrendered person who was born in

1 Illinois.

2 "Proof of death" means a death certificate.

3 "Registrant" or "Registered Party" means a birth parent,
4 birth sibling, birth aunt, birth uncle, adopted or surrendered
5 person 21 years of age or over, adoptive parent or legal
6 guardian of an adopted or surrendered person under the age of
7 21, or adoptive parent, surviving spouse, or adult child of a
8 deceased adopted or surrendered person who has filed an
9 Illinois Adoption Registry Application or Registration
10 Identification Form with the Registry.

11 "Registry" means the Illinois Adoption Registry and
12 Medical Information Exchange.

13 "Request for a Non-Certified Copy of an Original Birth
14 Certificate" means an affidavit completed by an adult adopted
15 or surrendered person or by the surviving adult child or
16 surviving spouse of a deceased adopted or surrendered person
17 and filed with the Registry requesting a non-certified copy of
18 an adult adopted or surrendered person's original certificate
19 of live birth in Illinois.

20 "Surrendered person" means a person whose parents' rights
21 have been surrendered or terminated but who has not been
22 adopted.

23 "Surviving spouse" means the wife or husband, 21 years of
24 age or older, of a deceased adopted or surrendered person who
25 would be 21 years of age or older if still alive and who has one
26 or more surviving biological children who are under the age of

1 21.

2 "18.3 statement" means a statement regarding the
3 disclosure of identifying information signed by a birth parent
4 under Section 18.3 of this Act as it existed immediately prior
5 to the effective date of this amendatory Act of the 96th
6 General Assembly.

7 (Source: P.A. 97-110, eff. 7-14-11; 98-704, eff. 1-1-15.)

8 Section 973. The Illinois Domestic Violence Act of 1986 is
9 amended by changing Sections 202 and 214 as follows:

10 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

11 Sec. 202. Commencement of action; filing fees; dismissal.

12 (a) How to commence action. Actions for orders of
13 protection are commenced:

14 (1) Independently: By filing a petition for an order of
15 protection in any civil court, unless specific courts are
16 designated by local rule or order.

17 (2) In conjunction with another civil proceeding: By
18 filing a petition for an order of protection under the same
19 case number as another civil proceeding involving the
20 parties, including but not limited to: (i) any proceeding
21 under the Illinois Marriage and Dissolution of Marriage
22 Act, Illinois Parentage Act of 2015 ~~1984~~, Nonsupport of
23 Spouse and Children Act, Revised Uniform Reciprocal
24 Enforcement of Support Act or an action for nonsupport

1 brought under Article 10 of the Illinois Public Aid Code,
2 provided that a petitioner and the respondent are a party
3 to or the subject of that proceeding or (ii) a guardianship
4 proceeding under the Probate Act of 1975, or a proceeding
5 for involuntary commitment under the Mental Health and
6 Developmental Disabilities Code, or any proceeding, other
7 than a delinquency petition, under the Juvenile Court Act
8 of 1987, provided that a petitioner or the respondent is a
9 party to or the subject of such proceeding.

10 (3) In conjunction with a delinquency petition or a
11 criminal prosecution: By filing a petition for an order of
12 protection, under the same case number as the delinquency
13 petition or criminal prosecution, to be granted during
14 pre-trial release of a defendant, with any dispositional
15 order issued under Section 5-710 of the Juvenile Court Act
16 of 1987 or as a condition of release, supervision,
17 conditional discharge, probation, periodic imprisonment,
18 parole, aftercare release, or mandatory supervised
19 release, or in conjunction with imprisonment or a bond
20 forfeiture warrant; provided that:

21 (i) the violation is alleged in an information,
22 complaint, indictment or delinquency petition on file,
23 and the alleged offender and victim are family or
24 household members or persons protected by this Act; and

25 (ii) the petition, which is filed by the State's
26 Attorney, names a victim of the alleged crime as a

1 petitioner.

2 (b) Filing, certification, and service fees. No fee shall
3 be charged by the clerk for filing, amending, vacating,
4 certifying, or photocopying petitions or orders; or for issuing
5 alias summons; or for any related filing service. No fee shall
6 be charged by the sheriff for service by the sheriff of a
7 petition, rule, motion, or order in an action commenced under
8 this Section.

9 (c) Dismissal and consolidation. Withdrawal or dismissal
10 of any petition for an order of protection prior to
11 adjudication where the petitioner is represented by the State
12 shall operate as a dismissal without prejudice. No action for
13 an order of protection shall be dismissed because the
14 respondent is being prosecuted for a crime against the
15 petitioner. An independent action may be consolidated with
16 another civil proceeding, as provided by paragraph (2) of
17 subsection (a) of this Section. For any action commenced under
18 paragraph (2) or (3) of subsection (a) of this Section,
19 dismissal of the conjoined case (or a finding of not guilty)
20 shall not require dismissal of the action for the order of
21 protection; instead, it may be treated as an independent action
22 and, if necessary and appropriate, transferred to a different
23 court or division. Dismissal of any conjoined case shall not
24 affect the validity of any previously issued order of
25 protection, and thereafter subsections (b)(1) and (b)(2) of
26 Section 220 shall be inapplicable to such order.

1 (d) Pro se petitions. The court shall provide, through the
2 office of the clerk of the court, simplified forms and clerical
3 assistance to help with the writing and filing of a petition
4 under this Section by any person not represented by counsel. In
5 addition, that assistance may be provided by the state's
6 attorney.

7 (Source: P.A. 98-558, eff. 1-1-14.)

8 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

9 Sec. 214. Order of protection; remedies.

10 (a) Issuance of order. If the court finds that petitioner
11 has been abused by a family or household member or that
12 petitioner is a high-risk adult who has been abused, neglected,
13 or exploited, as defined in this Act, an order of protection
14 prohibiting the abuse, neglect, or exploitation shall issue;
15 provided that petitioner must also satisfy the requirements of
16 one of the following Sections, as appropriate: Section 217 on
17 emergency orders, Section 218 on interim orders, or Section 219
18 on plenary orders. Petitioner shall not be denied an order of
19 protection because petitioner or respondent is a minor. The
20 court, when determining whether or not to issue an order of
21 protection, shall not require physical manifestations of abuse
22 on the person of the victim. Modification and extension of
23 prior orders of protection shall be in accordance with this
24 Act.

25 (b) Remedies and standards. The remedies to be included in

1 an order of protection shall be determined in accordance with
2 this Section and one of the following Sections, as appropriate:
3 Section 217 on emergency orders, Section 218 on interim orders,
4 and Section 219 on plenary orders. The remedies listed in this
5 subsection shall be in addition to other civil or criminal
6 remedies available to petitioner.

7 (1) Prohibition of abuse, neglect, or exploitation.
8 Prohibit respondent's harassment, interference with
9 personal liberty, intimidation of a dependent, physical
10 abuse, or willful deprivation, neglect or exploitation, as
11 defined in this Act, or stalking of the petitioner, as
12 defined in Section 12-7.3 of the Criminal Code of 2012, if
13 such abuse, neglect, exploitation, or stalking has
14 occurred or otherwise appears likely to occur if not
15 prohibited.

16 (2) Grant of exclusive possession of residence.
17 Prohibit respondent from entering or remaining in any
18 residence, household, or premises of the petitioner,
19 including one owned or leased by respondent, if petitioner
20 has a right to occupancy thereof. The grant of exclusive
21 possession of the residence, household, or premises shall
22 not affect title to real property, nor shall the court be
23 limited by the standard set forth in Section 701 of the
24 Illinois Marriage and Dissolution of Marriage Act.

25 (A) Right to occupancy. A party has a right to
26 occupancy of a residence or household if it is solely

1 or jointly owned or leased by that party, that party's
2 spouse, a person with a legal duty to support that
3 party or a minor child in that party's care, or by any
4 person or entity other than the opposing party that
5 authorizes that party's occupancy (e.g., a domestic
6 violence shelter). Standards set forth in subparagraph
7 (B) shall not preclude equitable relief.

8 (B) Presumption of hardships. If petitioner and
9 respondent each has the right to occupancy of a
10 residence or household, the court shall balance (i) the
11 hardships to respondent and any minor child or
12 dependent adult in respondent's care resulting from
13 entry of this remedy with (ii) the hardships to
14 petitioner and any minor child or dependent adult in
15 petitioner's care resulting from continued exposure to
16 the risk of abuse (should petitioner remain at the
17 residence or household) or from loss of possession of
18 the residence or household (should petitioner leave to
19 avoid the risk of abuse). When determining the balance
20 of hardships, the court shall also take into account
21 the accessibility of the residence or household.
22 Hardships need not be balanced if respondent does not
23 have a right to occupancy.

24 The balance of hardships is presumed to favor
25 possession by petitioner unless the presumption is
26 rebutted by a preponderance of the evidence, showing

1 that the hardships to respondent substantially
2 outweigh the hardships to petitioner and any minor
3 child or dependent adult in petitioner's care. The
4 court, on the request of petitioner or on its own
5 motion, may order respondent to provide suitable,
6 accessible, alternate housing for petitioner instead
7 of excluding respondent from a mutual residence or
8 household.

9 (3) Stay away order and additional prohibitions. Order
10 respondent to stay away from petitioner or any other person
11 protected by the order of protection, or prohibit
12 respondent from entering or remaining present at
13 petitioner's school, place of employment, or other
14 specified places at times when petitioner is present, or
15 both, if reasonable, given the balance of hardships.
16 Hardships need not be balanced for the court to enter a
17 stay away order or prohibit entry if respondent has no
18 right to enter the premises.

19 (A) If an order of protection grants petitioner
20 exclusive possession of the residence, or prohibits
21 respondent from entering the residence, or orders
22 respondent to stay away from petitioner or other
23 protected persons, then the court may allow respondent
24 access to the residence to remove items of clothing and
25 personal adornment used exclusively by respondent,
26 medications, and other items as the court directs. The

1 right to access shall be exercised on only one occasion
2 as the court directs and in the presence of an
3 agreed-upon adult third party or law enforcement
4 officer.

5 (B) When the petitioner and the respondent attend
6 the same public, private, or non-public elementary,
7 middle, or high school, the court when issuing an order
8 of protection and providing relief shall consider the
9 severity of the act, any continuing physical danger or
10 emotional distress to the petitioner, the educational
11 rights guaranteed to the petitioner and respondent
12 under federal and State law, the availability of a
13 transfer of the respondent to another school, a change
14 of placement or a change of program of the respondent,
15 the expense, difficulty, and educational disruption
16 that would be caused by a transfer of the respondent to
17 another school, and any other relevant facts of the
18 case. The court may order that the respondent not
19 attend the public, private, or non-public elementary,
20 middle, or high school attended by the petitioner,
21 order that the respondent accept a change of placement
22 or change of program, as determined by the school
23 district or private or non-public school, or place
24 restrictions on the respondent's movements within the
25 school attended by the petitioner. The respondent
26 bears the burden of proving by a preponderance of the

1 evidence that a transfer, change of placement, or
2 change of program of the respondent is not available.
3 The respondent also bears the burden of production with
4 respect to the expense, difficulty, and educational
5 disruption that would be caused by a transfer of the
6 respondent to another school. A transfer, change of
7 placement, or change of program is not unavailable to
8 the respondent solely on the ground that the respondent
9 does not agree with the school district's or private or
10 non-public school's transfer, change of placement, or
11 change of program or solely on the ground that the
12 respondent fails or refuses to consent or otherwise
13 does not take an action required to effectuate a
14 transfer, change of placement, or change of program.
15 When a court orders a respondent to stay away from the
16 public, private, or non-public school attended by the
17 petitioner and the respondent requests a transfer to
18 another attendance center within the respondent's
19 school district or private or non-public school, the
20 school district or private or non-public school shall
21 have sole discretion to determine the attendance
22 center to which the respondent is transferred. In the
23 event the court order results in a transfer of the
24 minor respondent to another attendance center, a
25 change in the respondent's placement, or a change of
26 the respondent's program, the parents, guardian, or

1 legal custodian of the respondent is responsible for
2 transportation and other costs associated with the
3 transfer or change.

4 (C) The court may order the parents, guardian, or
5 legal custodian of a minor respondent to take certain
6 actions or to refrain from taking certain actions to
7 ensure that the respondent complies with the order. In
8 the event the court orders a transfer of the respondent
9 to another school, the parents, guardian, or legal
10 custodian of the respondent is responsible for
11 transportation and other costs associated with the
12 change of school by the respondent.

13 (4) Counseling. Require or recommend the respondent to
14 undergo counseling for a specified duration with a social
15 worker, psychologist, clinical psychologist, psychiatrist,
16 family service agency, alcohol or substance abuse program,
17 mental health center guidance counselor, agency providing
18 services to elders, program designed for domestic violence
19 abusers or any other guidance service the court deems
20 appropriate. The Court may order the respondent in any
21 intimate partner relationship to report to an Illinois
22 Department of Human Services protocol approved partner
23 abuse intervention program for an assessment and to follow
24 all recommended treatment.

25 (5) Physical care and possession of the minor child. In
26 order to protect the minor child from abuse, neglect, or

1 unwarranted separation from the person who has been the
2 minor child's primary caretaker, or to otherwise protect
3 the well-being of the minor child, the court may do either
4 or both of the following: (i) grant petitioner physical
5 care or possession of the minor child, or both, or (ii)
6 order respondent to return a minor child to, or not remove
7 a minor child from, the physical care of a parent or person
8 in loco parentis.

9 If a court finds, after a hearing, that respondent has
10 committed abuse (as defined in Section 103) of a minor
11 child, there shall be a rebuttable presumption that
12 awarding physical care to respondent would not be in the
13 minor child's best interest.

14 (6) Temporary legal custody. Award temporary legal
15 custody to petitioner in accordance with this Section, the
16 Illinois Marriage and Dissolution of Marriage Act, the
17 Illinois Parentage Act of 2015 ~~1984~~, and this State's
18 Uniform Child-Custody Jurisdiction and Enforcement Act.

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 temporary legal custody to respondent would not be
23 in the child's best interest.

24 (7) Visitation. Determine the visitation rights, if
25 any, of respondent in any case in which the court awards
26 physical care or temporary legal custody of a minor child

1 to petitioner. The court shall restrict or deny
2 respondent's visitation with a minor child if the court
3 finds that respondent has done or is likely to do any of
4 the following: (i) abuse or endanger the minor child during
5 visitation; (ii) use the visitation as an opportunity to
6 abuse or harass petitioner or petitioner's family or
7 household members; (iii) improperly conceal or detain the
8 minor child; or (iv) otherwise act in a manner that is not
9 in the best interests of the minor child. The court shall
10 not be limited by the standards set forth in Section 607.1
11 of the Illinois Marriage and Dissolution of Marriage Act.
12 If the court grants visitation, the order shall specify
13 dates and times for the visitation to take place or other
14 specific parameters or conditions that are appropriate. No
15 order for visitation shall refer merely to the term
16 "reasonable visitation".

17 Petitioner may deny respondent access to the minor
18 child if, when respondent arrives for visitation,
19 respondent is under the influence of drugs or alcohol and
20 constitutes a threat to the safety and well-being of
21 petitioner or petitioner's minor children or is behaving in
22 a violent or abusive manner.

23 If necessary to protect any member of petitioner's
24 family or household from future abuse, respondent shall be
25 prohibited from coming to petitioner's residence to meet
26 the minor child for visitation, and the parties shall

1 submit to the court their recommendations for reasonable
2 alternative arrangements for visitation. A person may be
3 approved to supervise visitation only after filing an
4 affidavit accepting that responsibility and acknowledging
5 accountability to the court.

6 (8) Removal or concealment of minor child. Prohibit
7 respondent from removing a minor child from the State or
8 concealing the child within the State.

9 (9) Order to appear. Order the respondent to appear in
10 court, alone or with a minor child, to prevent abuse,
11 neglect, removal or concealment of the child, to return the
12 child to the custody or care of the petitioner or to permit
13 any court-ordered interview or examination of the child or
14 the respondent.

15 (10) Possession of personal property. Grant petitioner
16 exclusive possession of personal property and, if
17 respondent has possession or control, direct respondent to
18 promptly make it available to petitioner, if:

19 (i) petitioner, but not respondent, owns the
20 property; or

21 (ii) the parties own the property jointly; sharing
22 it would risk abuse of petitioner by respondent or is
23 impracticable; and the balance of hardships favors
24 temporary possession by petitioner.

25 If petitioner's sole claim to ownership of the property
26 is that it is marital property, the court may award

1 petitioner temporary possession thereof under the
2 standards of subparagraph (ii) of this paragraph only if a
3 proper proceeding has been filed under the Illinois
4 Marriage and Dissolution of Marriage Act, as now or
5 hereafter amended.

6 No order under this provision shall affect title to
7 property.

8 (11) Protection of property. Forbid the respondent
9 from taking, transferring, encumbering, concealing,
10 damaging or otherwise disposing of any real or personal
11 property, except as explicitly authorized by the court, if:

12 (i) petitioner, but not respondent, owns the
13 property; or

14 (ii) the parties own the property jointly, and the
15 balance of hardships favors granting this remedy.

16 If petitioner's sole claim to ownership of the property
17 is that it is marital property, the court may grant
18 petitioner relief under subparagraph (ii) of this
19 paragraph only if a proper proceeding has been filed under
20 the Illinois Marriage and Dissolution of Marriage Act, as
21 now or hereafter amended.

22 The court may further prohibit respondent from
23 improperly using the financial or other resources of an
24 aged member of the family or household for the profit or
25 advantage of respondent or of any other person.

26 (11.5) Protection of animals. Grant the petitioner the

1 exclusive care, custody, or control of any animal owned,
2 possessed, leased, kept, or held by either the petitioner
3 or the respondent or a minor child residing in the
4 residence or household of either the petitioner or the
5 respondent and order the respondent to stay away from the
6 animal and forbid the respondent from taking,
7 transferring, encumbering, concealing, harming, or
8 otherwise disposing of the animal.

9 (12) Order for payment of support. Order respondent to
10 pay temporary support for the petitioner or any child in
11 the petitioner's care or custody, when the respondent has a
12 legal obligation to support that person, in accordance with
13 the Illinois Marriage and Dissolution of Marriage Act,
14 which shall govern, among other matters, the amount of
15 support, payment through the clerk and withholding of
16 income to secure payment. An order for child support may be
17 granted to a petitioner with lawful physical care or
18 custody of a child, or an order or agreement for physical
19 care or custody, prior to entry of an order for legal
20 custody. Such a support order shall expire upon entry of a
21 valid order granting legal custody to another, unless
22 otherwise provided in the custody order.

23 (13) Order for payment of losses. Order respondent to
24 pay petitioner for losses suffered as a direct result of
25 the abuse, neglect, or exploitation. Such losses shall
26 include, but not be limited to, medical expenses, lost

1 earnings or other support, repair or replacement of
2 property damaged or taken, reasonable attorney's fees,
3 court costs and moving or other travel expenses, including
4 additional reasonable expenses for temporary shelter and
5 restaurant meals.

6 (i) Losses affecting family needs. If a party is
7 entitled to seek maintenance, child support or
8 property distribution from the other party under the
9 Illinois Marriage and Dissolution of Marriage Act, as
10 now or hereafter amended, the court may order
11 respondent to reimburse petitioner's actual losses, to
12 the extent that such reimbursement would be
13 "appropriate temporary relief", as authorized by
14 subsection (a) (3) of Section 501 of that Act.

15 (ii) Recovery of expenses. In the case of an
16 improper concealment or removal of a minor child, the
17 court may order respondent to pay the reasonable
18 expenses incurred or to be incurred in the search for
19 and recovery of the minor child, including but not
20 limited to legal fees, court costs, private
21 investigator fees, and travel costs.

22 (14) Prohibition of entry. Prohibit the respondent
23 from entering or remaining in the residence or household
24 while the respondent is under the influence of alcohol or
25 drugs and constitutes a threat to the safety and well-being
26 of the petitioner or the petitioner's children.

1 (14.5) Prohibition of firearm possession.

2 (a) Prohibit a respondent against whom an order of
3 protection was issued from possessing any firearms
4 during the duration of the order if the order:

5 (1) was issued after a hearing of which such
6 person received actual notice, and at which such
7 person had an opportunity to participate;

8 (2) restrains such person from harassing,
9 stalking, or threatening an intimate partner of
10 such person or child of such intimate partner or
11 person, or engaging in other conduct that would
12 place an intimate partner in reasonable fear of
13 bodily injury to the partner or child; and

14 (3) (i) includes a finding that such person
15 represents a credible threat to the physical
16 safety of such intimate partner or child; or (ii)
17 by its terms explicitly prohibits the use,
18 attempted use, or threatened use of physical force
19 against such intimate partner or child that would
20 reasonably be expected to cause bodily injury.

21 Any Firearm Owner's Identification Card in the
22 possession of the respondent, except as provided in
23 subsection (b), shall be ordered by the court to be
24 turned over to the local law enforcement agency. The
25 local law enforcement agency shall immediately mail
26 the card to the Department of State Police Firearm

1 Owner's Identification Card Office for safekeeping.
2 The court shall issue a warrant for seizure of any
3 firearm in the possession of the respondent, to be kept
4 by the local law enforcement agency for safekeeping,
5 except as provided in subsection (b). The period of
6 safekeeping shall be for the duration of the order of
7 protection. The firearm or firearms and Firearm
8 Owner's Identification Card, if unexpired, shall at
9 the respondent's request, be returned to the
10 respondent at the end of the order of protection. It is
11 the respondent's responsibility to notify the
12 Department of State Police Firearm Owner's
13 Identification Card Office.

14 (b) If the respondent is a peace officer as defined
15 in Section 2-13 of the Criminal Code of 2012, the court
16 shall order that any firearms used by the respondent in
17 the performance of his or her duties as a peace officer
18 be surrendered to the chief law enforcement executive
19 of the agency in which the respondent is employed, who
20 shall retain the firearms for safekeeping for the
21 duration of the order of protection.

22 (c) Upon expiration of the period of safekeeping,
23 if the firearms or Firearm Owner's Identification Card
24 cannot be returned to respondent because respondent
25 cannot be located, fails to respond to requests to
26 retrieve the firearms, or is not lawfully eligible to

1 possess a firearm, upon petition from the local law
2 enforcement agency, the court may order the local law
3 enforcement agency to destroy the firearms, use the
4 firearms for training purposes, or for any other
5 application as deemed appropriate by the local law
6 enforcement agency; or that the firearms be turned over
7 to a third party who is lawfully eligible to possess
8 firearms, and who does not reside with respondent.

9 (15) Prohibition of access to records. If an order of
10 protection prohibits respondent from having contact with
11 the minor child, or if petitioner's address is omitted
12 under subsection (b) of Section 203, or if necessary to
13 prevent abuse or wrongful removal or concealment of a minor
14 child, the order shall deny respondent access to, and
15 prohibit respondent from inspecting, obtaining, or
16 attempting to inspect or obtain, school or any other
17 records of the minor child who is in the care of
18 petitioner.

19 (16) Order for payment of shelter services. Order
20 respondent to reimburse a shelter providing temporary
21 housing and counseling services to the petitioner for the
22 cost of the services, as certified by the shelter and
23 deemed reasonable by the court.

24 (17) Order for injunctive relief. Enter injunctive
25 relief necessary or appropriate to prevent further abuse of
26 a family or household member or further abuse, neglect, or

1 exploitation of a high-risk adult with disabilities or to
2 effectuate one of the granted remedies, if supported by the
3 balance of hardships. If the harm to be prevented by the
4 injunction is abuse or any other harm that one of the
5 remedies listed in paragraphs (1) through (16) of this
6 subsection is designed to prevent, no further evidence is
7 necessary that the harm is an irreparable injury.

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific remedy,
10 other than payment of support, the court shall consider
11 relevant factors, including but not limited to the
12 following:

13 (i) the nature, frequency, severity, pattern and
14 consequences of the respondent's past abuse, neglect
15 or exploitation of the petitioner or any family or
16 household member, including the concealment of his or
17 her location in order to evade service of process or
18 notice, and the likelihood of danger of future abuse,
19 neglect, or exploitation to petitioner or any member of
20 petitioner's or respondent's family or household; and

21 (ii) the danger that any minor child will be abused
22 or neglected or improperly removed from the
23 jurisdiction, improperly concealed within the State or
24 improperly separated from the child's primary
25 caretaker.

26 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the
2 court shall consider relevant factors, including but not
3 limited to the following:

4 (i) availability, accessibility, cost, safety,
5 adequacy, location and other characteristics of
6 alternate housing for each party and any minor child or
7 dependent adult in the party's care;

8 (ii) the effect on the party's employment; and

9 (iii) the effect on the relationship of the party,
10 and any minor child or dependent adult in the party's
11 care, to family, school, church and community.

12 (3) Subject to the exceptions set forth in paragraph
13 (4) of this subsection, the court shall make its findings
14 in an official record or in writing, and shall at a minimum
15 set forth the following:

16 (i) That the court has considered the applicable
17 relevant factors described in paragraphs (1) and (2) of
18 this subsection.

19 (ii) Whether the conduct or actions of respondent,
20 unless prohibited, will likely cause irreparable harm
21 or continued abuse.

22 (iii) Whether it is necessary to grant the
23 requested relief in order to protect petitioner or
24 other alleged abused persons.

25 (4) For purposes of issuing an ex parte emergency order
26 of protection, the court, as an alternative to or as a

1 supplement to making the findings described in paragraphs
2 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
3 the following procedure:

4 When a verified petition for an emergency order of
5 protection in accordance with the requirements of Sections
6 203 and 217 is presented to the court, the court shall
7 examine petitioner on oath or affirmation. An emergency
8 order of protection shall be issued by the court if it
9 appears from the contents of the petition and the
10 examination of petitioner that the averments are
11 sufficient to indicate abuse by respondent and to support
12 the granting of relief under the issuance of the emergency
13 order of protection.

14 (5) Never married parties. No rights or
15 responsibilities for a minor child born outside of marriage
16 attach to a putative father until a father and child
17 relationship has been established under the Illinois
18 Parentage Act of 1984, the Illinois Parentage Act of 2015,
19 the Illinois Public Aid Code, Section 12 of the Vital
20 Records Act, the Juvenile Court Act of 1987, the Probate
21 Act of 1985, the Revised Uniform Reciprocal Enforcement of
22 Support Act, the Uniform Interstate Family Support Act, the
23 Expedited Child Support Act of 1990, any judicial,
24 administrative, or other act of another state or territory,
25 any other Illinois statute, or by any foreign nation
26 establishing the father and child relationship, any other

1 proceeding substantially in conformity with the Personal
2 Responsibility and Work Opportunity Reconciliation Act of
3 1996 (Pub. L. 104-193), or where both parties appeared in
4 open court or at an administrative hearing acknowledging
5 under oath or admitting by affirmation the existence of a
6 father and child relationship. Absent such an
7 adjudication, finding, or acknowledgement, no putative
8 father shall be granted temporary custody of the minor
9 child, visitation with the minor child, or physical care
10 and possession of the minor child, nor shall an order of
11 payment for support of the minor child be entered.

12 (d) Balance of hardships; findings. If the court finds that
13 the balance of hardships does not support the granting of a
14 remedy governed by paragraph (2), (3), (10), (11), or (16) of
15 subsection (b) of this Section, which may require such
16 balancing, the court's findings shall so indicate and shall
17 include a finding as to whether granting the remedy will result
18 in hardship to respondent that would substantially outweigh the
19 hardship to petitioner from denial of the remedy. The findings
20 shall be an official record or in writing.

21 (e) Denial of remedies. Denial of any remedy shall not be
22 based, in whole or in part, on evidence that:

23 (1) Respondent has cause for any use of force, unless
24 that cause satisfies the standards for justifiable use of
25 force provided by Article 7 of the Criminal Code of 2012;

26 (2) Respondent was voluntarily intoxicated;

1 (3) Petitioner acted in self-defense or defense of
2 another, provided that, if petitioner utilized force, such
3 force was justifiable under Article 7 of the Criminal Code
4 of 2012;

5 (4) Petitioner did not act in self-defense or defense
6 of another;

7 (5) Petitioner left the residence or household to avoid
8 further abuse, neglect, or exploitation by respondent;

9 (6) Petitioner did not leave the residence or household
10 to avoid further abuse, neglect, or exploitation by
11 respondent;

12 (7) Conduct by any family or household member excused
13 the abuse, neglect, or exploitation by respondent, unless
14 that same conduct would have excused such abuse, neglect,
15 or exploitation if the parties had not been family or
16 household members.

17 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
18 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
19 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 Section 973.5. The Probate Act of 1975 is amended by
21 changing Section 2-3 as follows:

22 (755 ILCS 5/2-3) (from Ch. 110 1/2, par. 2-3)

23 Sec. 2-3. Posthumous child.✝ A posthumous child of a
24 decedent shall receive the same share of an estate as if the

1 child had been born in the decedent's lifetime; provided that
2 such posthumous child shall have been in utero at the
3 decedent's death.

4 (Source: P.A. 84-390.)

5 Section 974. The Business Corporation Act of 1983 is
6 amended by changing Section 1.25 as follows:

7 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

8 Sec. 1.25. List of corporations; exchange of information.

9 (a) The Secretary of State shall publish each year a list
10 of corporations filing an annual report for the preceding year
11 in accordance with the provisions of this Act, which report
12 shall state the name of the corporation and the respective
13 names and addresses of the president, secretary, and registered
14 agent thereof and the address of the registered office in this
15 State of each such corporation. The Secretary of State shall
16 furnish without charge a copy of such report to each recorder
17 of this State, and to each member of the General Assembly and
18 to each State agency or department requesting the same. The
19 Secretary of State shall, upon receipt of a written request and
20 a fee as determined by the Secretary, furnish such report to
21 anyone else.

22 (b) (1) The Secretary of State shall publish daily a list
23 of all newly formed corporations, business and not for profit,
24 chartered by him on that day issued after receipt of the

1 application. The daily list shall contain the same information
2 as to each corporation as is provided for the corporation list
3 published under subsection (a) of this Section. The daily list
4 may be obtained at the Secretary's office by any person,
5 newspaper, State department or agency, or local government for
6 a reasonable charge to be determined by the Secretary.
7 Inspection of the daily list may be made at the Secretary's
8 office during normal business hours without charge by any
9 person, newspaper, State department or agency, or local
10 government.

11 (2) The Secretary shall compile the daily list mentioned in
12 paragraph (1) of subsection (b) of this Section monthly, or
13 more often at the Secretary's discretion. The compilation shall
14 be immediately mailed free of charge to all local governments
15 requesting in writing receipt of such publication, or shall be
16 automatically mailed by the Secretary without charge to local
17 governments as determined by the Secretary. The Secretary shall
18 mail a copy of the compilations free of charge to all State
19 departments or agencies making a written request. A request for
20 a compilation of the daily list once made by a local government
21 or State department or agency need not be renewed. However, the
22 Secretary may request from time to time whether the local
23 governments or State departments or agencies desire to continue
24 receiving the compilation.

25 (3) The compilations of the daily list mentioned in
26 paragraph (2) of subsection (b) of this Section shall be mailed

1 to newspapers, or any other person not included as a recipient
2 in paragraph (2) of subsection (b) of this Section, upon
3 receipt of a written application signed by the applicant and
4 accompanied by the payment of a fee as determined by the
5 Secretary.

6 (c) If a domestic or foreign corporation has filed with the
7 Secretary of State an annual report for the preceding year or
8 has been newly formed or is otherwise and in any manner
9 registered with the Secretary of State, the Secretary of State
10 shall exchange with the Department of Healthcare and Family
11 Services any information concerning that corporation that may
12 be necessary for the enforcement of child support orders
13 entered pursuant to the Illinois Public Aid Code, the Illinois
14 Marriage and Dissolution of Marriage Act, the Non-Support of
15 Spouse and Children Act, the Non-Support Punishment Act, the
16 Revised Uniform Reciprocal Enforcement of Support Act, the
17 Uniform Interstate Family Support Act, ~~or~~ the Illinois
18 Parentage Act of 1984, or the Illinois Parentage Act of 2015.

19 Notwithstanding any provisions in this Act to the contrary,
20 the Secretary of State 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 this subsection or for any other action taken in
24 good faith to comply with the requirements of this subsection.

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

1 Section 975. The Limited Liability Company Act is amended
2 by changing Section 50-5 as follows:

3 (805 ILCS 180/50-5)

4 Sec. 50-5. List of limited liability companies; exchange of
5 information.

6 (a) The Secretary of State may publish a list or lists of
7 limited liability companies and foreign limited liability
8 companies, as often, in the format, and for the fees as the
9 Secretary of State may in his or her discretion provide by
10 rule. The Secretary of State may disseminate information
11 concerning limited liability companies and foreign limited
12 liability companies by computer network in the format and for
13 the fees as may be determined by rule.

14 (b) Upon written request, any list published under
15 subsection (a) shall be free to each member of the General
16 Assembly, to each State agency or department, and to each
17 recorder in this State. An appropriate fee established by rule
18 to cover the cost of producing the list shall be charged to all
19 others.

20 (c) If a domestic or foreign limited liability company has
21 filed with the Secretary of State an annual report for the
22 preceding year or has been newly formed or is otherwise and in
23 any manner registered with the Secretary of State, the
24 Secretary of State shall exchange with the Department of
25 Healthcare and Family Services any information concerning that

1 limited liability company that may be necessary for the
2 enforcement of child support orders entered pursuant to the
3 Illinois Public Aid Code, the Illinois Marriage and Dissolution
4 of Marriage Act, the Non-Support of Spouse and Children Act,
5 the Non-Support Punishment Act, the Revised Uniform Reciprocal
6 Enforcement of Support Act, the Uniform Interstate Family
7 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
8 Illinois Parentage Act of 2015.

9 Notwithstanding any provisions in this Act to the contrary,
10 the Secretary of State shall not be liable to any person for
11 any disclosure of information to the Department of Healthcare
12 and Family Services (formerly Illinois Department of Public
13 Aid) under this subsection or for any other action taken in
14 good faith to comply with the requirements of this subsection.
15 (Source: P.A. 95-331, eff. 8-21-07.)

16 (750 ILCS 45/Act rep.)

17 Section 977. The Illinois Parentage Act of 1984 is
18 repealed.

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10	750 ILCS 16/50	
11	750 ILCS 22/102	was 750 ILCS 22/101
12	750 ILCS 25/6	from Ch. 40, par. 2706
13	750 ILCS 28/15	
14	750 ILCS 47/35	
15	750 ILCS 50/1	from Ch. 40, par. 1501
16	750 ILCS 50/8	from Ch. 40, par. 1510
17	750 ILCS 50/12a	from Ch. 40, par. 1515
18	750 ILCS 50/18.06	
19	750 ILCS 60/202	from Ch. 40, par. 2312-2
20	750 ILCS 60/214	from Ch. 40, par. 2312-14
21	805 ILCS 5/1.25	from Ch. 32, par. 1.25
22	805 ILCS 180/50-5	
23	750 ILCS 40/Act rep.	
24	750 ILCS 45/Act rep.	