

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 Section 5. The Uniform Interstate Family Support Act is
5 amended by renumbering and changing Sections 902 and 903, by
6 changing Sections 102, 103, 104, 201, 203, 204, 205, 206, 207,
7 208, 209, 210, 211, 301, 302, 304, 305, 306, 307, 308, 310,
8 311, 312, 313, 314, 316, 317, 318, 319, 401, 502, 503, 504,
9 505, 506, 507, 601, 602, 603, 604, 605, 606, 607, 608, 609,
10 610, 611, 612, 615, 701, and 802, by changing the headings of
11 Articles 4, 5, and 7, by changing the headings of Parts 1 and 3
12 of Article 6, by adding Sections 105, 402, 616, 702, 703, 704,
13 705, 706, 707, 708, 709, 710, 711, 712, 713, and 902, and by
14 adding the heading of Part 4 of Article 6 as follows:

15 (750 ILCS 22/102) (was 750 ILCS 22/101)

16 Sec. 102. Definitions. In this Act:

17 (1) "Child" means an individual, whether over or under the
18 age of majority ~~18~~, who is or is alleged to be owed a duty of
19 support by the individual's parent or who is or is alleged to
20 be the beneficiary of a support order directed to the parent.

21 (2) "Child-support order" means a support order for a
22 child, including a child who has attained the age of majority
23 under the law of the issuing state or foreign country ~~18~~.

1 (3) "Convention" means the Convention on the International
2 Recovery of Child Support and Other Forms of Family
3 Maintenance, concluded at The Hague on November 23, 2007.

4 (4) "Duty of support" means an obligation imposed or
5 imposable by law to provide support for a child, spouse, or
6 former spouse including an unsatisfied obligation to provide
7 support.

8 (5) "Foreign country" means a country, including a
9 political subdivision thereof, other than the United States,
10 that authorizes the issuance of support orders and:

11 (A) which has been declared under the law of the United
12 States to be a foreign reciprocating country;

13 (B) which has established a reciprocal arrangement for
14 child support with this State as provided in Section 308;

15 (C) which has enacted a law or established procedures
16 for the issuance and enforcement of support orders which
17 are substantially similar to the procedures under this Act;

18 or

19 (D) in which the Convention is in force with respect to
20 the United States.

21 (6) "Foreign support order" means a support order of a
22 foreign tribunal.

23 (7) "Foreign tribunal" means a court, administrative
24 agency, or quasi-judicial entity of a foreign country which is
25 authorized to establish, enforce, or modify support orders or
26 to determine parentage of a child. The term includes a

1 competent authority under the Convention.

2 (8) "Home state" means the state or foreign country in
3 which a child lived with a parent or a person acting as parent
4 for at least 6 consecutive months immediately preceding the
5 time of filing of a petition or comparable pleading for
6 support, and if a child is less than 6 months old, the state or
7 foreign country in which the child lived from birth with any of
8 them. A period of temporary absence of any of them is counted
9 as part of the 6-month or other period.

10 (9) "Income" includes earnings or other periodic
11 entitlements to money from any source and any other property
12 subject to withholding for support under the law of this State.

13 (10) "Income-withholding order" means an order or other
14 legal process directed to an obligor's employer or other
15 debtor, as defined by the Income Withholding for Support Act
16 ~~Illinois Marriage and Dissolution of Marriage Act, the~~
17 ~~Non Support of Spouse and Children Act, the Non Support~~
18 ~~Punishment Act the Illinois Public Aid Code, and the Illinois~~
19 ~~Parentage Act of 1984,~~ to withhold support from the income of
20 the obligor.

21 (11) "Initiating tribunal state" means the tribunal of a
22 state or foreign country from which a petition or comparable
23 pleading proceeding is forwarded or in which a petition or
24 comparable pleading proceeding is filed for forwarding to
25 another state or foreign country ~~a responding state under this~~
26 ~~Act or a law or procedure substantially similar to this Act.~~

1 ~~"Initiating tribunal" means the authorized tribunal in an~~
2 ~~initiating state.~~

3 (12) "Issuing foreign country" means the foreign country in
4 which a tribunal issues a support order or a judgment
5 determining parentage of a child.

6 (13) "Issuing state" means the state in which a tribunal
7 issues a support order or ~~renders~~ a judgment determining
8 parentage of a child.

9 (14) "Issuing tribunal" means the tribunal of a state or
10 foreign country that issues a support order or ~~renders~~ a
11 judgment determining parentage of a child.

12 (15) "Law" includes decisional and statutory law and rules
13 and regulations having the force of law.

14 (16) "Obligee" means:

15 (A) an individual to whom a duty of support is or is
16 alleged to be owed or in whose favor a support order ~~has~~
17 ~~been issued~~ or a judgment determining parentage of a child
18 has been issued ~~has been rendered;~~

19 (B) a foreign country, state, or political subdivision
20 of a state to which the rights under a duty of support or
21 support order have been assigned or which has independent
22 claims based on financial assistance provided to an
23 individual obligee in place of child support; ~~or~~

24 (C) an individual seeking a judgment determining
25 parentage of the individual's child; or.

26 (D) a person that is a creditor in a proceeding under

1 Article 7.

2 (17) "Obligor" means an individual, or the estate of a
3 decedent that:

4 (A) ~~(i) who~~ owes or is alleged to owe a duty of
5 support;

6 (B) ~~(ii) who~~ is alleged but has not been adjudicated to
7 be a parent of a child; ~~or~~

8 (C) ~~(iii) who~~ is liable under a support order; or.

9 (D) is a debtor in a proceeding under Article 7.

10 (18) "Outside this State" means a location in another state
11 or a country other than the United States, whether or not the
12 country is a foreign country.

13 (19) "Person" means an individual, corporation, business
14 trust, estate, trust, partnership, limited liability company,
15 association, joint venture, public corporation, government or
16 governmental subdivision, agency, or instrumentality, ~~public~~
17 ~~corporation~~, or any other legal or commercial entity.

18 (20) "Record" means information that is inscribed on a
19 tangible medium or that is stored in an electronic or other
20 medium and is retrievable in perceivable form.

21 (21) "Register" means to record or file in a tribunal of
22 this State a support order or judgment determining parentage of
23 a child issued in another state or a foreign country ~~in the~~
24 ~~appropriate Registry of Foreign Support Orders.~~

25 (22) "Registering tribunal" means a tribunal in which a
26 support order or judgment determining parentage of a child is

1 registered.

2 (23) "Responding state" means a state in which a petition
3 or comparable pleading for support or to determine parentage of
4 a child proceeding is filed or to which a petition or
5 comparable pleading proceeding is forwarded for filing from
6 another an initiating state or a foreign country under this Act
7 or a law or procedure substantially similar to this Act.

8 (24) "Responding tribunal" means the authorized tribunal
9 in a responding state or foreign country.

10 (25) "Spousal-support order" means a support order for a
11 spouse or former spouse of the obligor.

12 (26) "State" means a state of the United States, the
13 District of Columbia, Puerto Rico, the United States Virgin
14 Islands, or any territory or insular possession under subject
15 to the jurisdiction of the United States. The term includes an
16 Indian nation or tribe.†

17 ~~(A) an Indian tribe; and~~

18 ~~(B) a foreign country or political subdivision that:~~

19 ~~(i) has been declared to be a foreign reciprocating~~
20 ~~country or political subdivision under federal law;~~

21 ~~(ii) has established a reciprocal arrangement for~~
22 ~~child support with this State as provided in Section~~
23 ~~308; or~~

24 ~~(iii) has enacted a law or established procedures~~
25 ~~for issuance and enforcement of support orders which~~
26 ~~are substantially similar to the procedures under this~~

1 ~~Act.~~

2 (27) "Support enforcement agency" means a public official,
3 governmental entity, or private agency authorized to ~~seek~~:

4 (A) seek enforcement of support orders or laws relating
5 to the duty of support;

6 (B) seek establishment or modification of child
7 support;

8 (C) request determination of parentage of a child;

9 (D) attempt to locate obligors or their assets; or

10 (E) request determination of the controlling
11 child-support ~~child support~~ order.

12 (28) "Support order" means a judgment, decree, order,
13 decision, or directive, whether temporary, final, or subject to
14 modification, issued in a state or foreign country ~~by a~~
15 ~~tribunal~~ for the benefit of a child, a spouse, or a former
16 spouse, which provides for monetary support, health care,
17 arrearages, retroactive support, or reimbursement for
18 financial assistance provided to an individual obligee in place
19 of child support. The term, ~~and~~ may include related costs and
20 fees, interest, income withholding, automatic adjustment,
21 reasonable attorney's fees, and other relief.

22 (29) "Tribunal" means a court, administrative agency, or
23 quasi-judicial entity authorized to establish, enforce, or
24 modify support orders or to determine parentage of a child.

25 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised
26 11-26-14.)

1 (750 ILCS 22/103) (was 750 ILCS 22/102)

2 Sec. 103. State tribunal and support enforcement agency
3 ~~Tribunal of State.~~

4 (a) The circuit court is a tribunal of this State. The
5 Department of Healthcare and Family Services is an initiating
6 tribunal. The Department of Healthcare and Family Services is
7 also a responding tribunal of this State to the extent that it
8 can administratively establish paternity and establish,
9 modify, and enforce an administrative child-support order
10 under authority of Article X of the Illinois Public Aid Code.

11 (b) The Illinois Department of Healthcare and Family
12 Services is the support enforcement agency of this State.

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

14 (750 ILCS 22/104) (was 750 ILCS 22/103)

15 Sec. 104. Remedies cumulative.

16 (a) Remedies provided by this Act are cumulative and do not
17 affect the availability of remedies under other law, or
18 ~~including~~ the recognition of a foreign support order ~~of a~~
19 ~~foreign country or political subdivision~~ on the basis of
20 comity.

21 (b) This Act does not:

22 (1) provide the exclusive method of establishing or
23 enforcing a support order under the law of this State; or

24 (2) grant a tribunal of this State jurisdiction to

1 render judgment or issue an order relating to child custody
2 or visitation in a proceeding under this Act.

3 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

4 (750 ILCS 22/105 new)

5 Sec. 105. Application of Act to resident of foreign country
6 and foreign support proceeding.

7 (a) A tribunal of this State shall apply Articles 1 through
8 6 and, as applicable, Article 7, to a support proceeding
9 involving:

10 (1) a foreign support order;

11 (2) a foreign tribunal; or

12 (3) an obligee, obligor, or child residing in a foreign
13 country.

14 (b) A tribunal of this State that is requested to recognize
15 and enforce a support order on the basis of comity may apply
16 the procedural and substantive provisions of Articles 1 through
17 6.

18 (c) Article 7 applies only to a support proceeding under
19 the Convention. In such a proceeding, if a provision of Article
20 7 is inconsistent with Articles 1 through 6, Article 7
21 controls.

22 (750 ILCS 22/201)

23 Sec. 201. Bases for jurisdiction over nonresident.

24 (a) In a proceeding to establish or enforce a support order

1 or to determine parentage of a child, a tribunal of this State
2 may exercise personal jurisdiction over a nonresident
3 individual or the individual's guardian or conservator if:

4 (1) the individual is personally served with notice
5 within this State;

6 (2) the individual submits to the jurisdiction of this
7 State by consent in a record, by entering a general
8 appearance, or by filing a responsive document having the
9 effect of waiving any contest to personal jurisdiction;

10 (3) the individual resided with the child in this
11 State;

12 (4) the individual resided in this State and provided
13 prenatal expenses or support for the child;

14 (5) the child resides in this State as a result of the
15 acts or directives of the individual;

16 (6) the individual engaged in sexual intercourse in
17 this State and the child may have been conceived by that
18 act of intercourse;

19 (7) the individual asserted parentage of a child in the
20 putative father registry maintained in this State by the
21 Illinois Department of Children and Family Services
22 ~~(blank)~~; or

23 (8) there is any other basis consistent with the
24 constitutions of this State and the United States for the
25 exercise of personal jurisdiction.

26 (b) The bases of personal jurisdiction set forth in

1 subsection (a) or in any other law of this State may not be
2 used to acquire personal jurisdiction for a tribunal of this
3 ~~the~~ State to modify a child-support ~~child support~~ order of
4 another state unless the requirements of Section 611 are met,
5 or, in the case of a foreign support order, unless the
6 requirements of Section ~~or~~ 615 are met.

7 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

8 (750 ILCS 22/203)

9 Sec. 203. Initiating and responding tribunal of State.
10 Under this Act, a tribunal of this State may serve as an
11 initiating tribunal to forward proceedings to a tribunal of
12 another state and as a responding tribunal for proceedings
13 initiated in another state or a foreign country.

14 (Source: P.A. 90-240, eff. 7-28-97.)

15 (750 ILCS 22/204)

16 Sec. 204. Simultaneous proceedings.

17 (a) A tribunal of this State may exercise jurisdiction to
18 establish a support order if the petition or comparable
19 pleading is filed after a ~~petition or comparable~~ pleading is
20 filed in another state or a foreign country only if:

21 (1) the petition or comparable pleading in this State
22 is filed before the expiration of the time allowed in the
23 other state or the foreign country for filing a responsive
24 pleading challenging the exercise of jurisdiction by the

1 other state or the foreign country;

2 (2) the contesting party timely challenges the
3 exercise of jurisdiction in the other state or the foreign
4 country; and

5 (3) if relevant, this State is the home state of the
6 child.

7 (b) A tribunal of this State may not exercise jurisdiction
8 to establish a support order if the petition or comparable
9 pleading is filed before a petition or comparable pleading is
10 filed in another state or a foreign country if:

11 (1) the petition or comparable pleading in the other
12 state or foreign country is filed before the expiration of
13 the time allowed in this State for filing a responsive
14 pleading challenging the exercise of jurisdiction by this
15 State;

16 (2) the contesting party timely challenges the
17 exercise of jurisdiction in this State; and

18 (3) if relevant, the other state or foreign country is
19 the home state of the child.

20 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

21 (750 ILCS 22/205)

22 Sec. 205. Continuing, exclusive jurisdiction to modify
23 child-support order.

24 (a) A tribunal of this State that has issued a
25 child-support ~~support~~ order consistent with the law of this

1 State has and shall exercise continuing, exclusive
2 jurisdiction to modify its child-support order if the order is
3 the controlling order and:

4 (1) at the time of the filing of a request for
5 modification this State is the residence of the obligor,
6 the individual obligee, or the child for whose benefit the
7 support order is issued; or

8 (2) even if this State is not the residence of the
9 obligor, the individual obligee, or the child for whose
10 benefit the support order is issued, the parties consent in
11 a record or in open court that the tribunal of this State
12 may continue to exercise ~~the~~ jurisdiction to modify its
13 order.

14 (b) A tribunal of this State that has issued a
15 child-support order consistent with the law of this State may
16 not exercise continuing exclusive jurisdiction to modify the
17 order if:

18 (1) all of the parties who are individuals file consent
19 in a record with the tribunal of this State that a tribunal
20 of another state that has jurisdiction over at least one of
21 the parties who is an individual or that is located in the
22 state of residence of the child may modify the order and
23 assume continuing, exclusive jurisdiction; or

24 (2) its order is not the controlling order.

25 (c) If a tribunal of another state has issued a
26 child-support order pursuant to the Uniform Interstate Family

1 Support Act or a law substantially similar to that Act which
2 modifies a child-support order of a tribunal of this State,
3 tribunals of this State shall recognize the continuing,
4 exclusive jurisdiction of the tribunal of the other state.

5 (d) A tribunal of this State that lacks continuing,
6 exclusive jurisdiction to modify a child-support order may
7 serve as an initiating tribunal to request a tribunal of
8 another state to modify a support order issued in that state.

9 (e) A temporary support order issued ex parte or pending
10 resolution of a jurisdictional conflict does not create
11 continuing, exclusive jurisdiction in the issuing tribunal.

12 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

13 (750 ILCS 22/206)

14 Sec. 206. Continuing jurisdiction to enforce child-support
15 order.

16 (a) A tribunal of this State that has issued a
17 child-support order consistent with the law of this State may
18 serve as an initiating tribunal to request a tribunal of
19 another state to enforce:

20 (1) the order if the order is the controlling order and
21 has not been modified by a tribunal of another state that
22 assumed jurisdiction pursuant to the Uniform Interstate
23 Family Support Act; or

24 (2) a money judgment for arrears of support and
25 interest on the order accrued before a determination that

1 an order of a tribunal of another state is the controlling
2 order.

3 (b) A tribunal of this State having continuing jurisdiction
4 over a support order may act as a responding tribunal to
5 enforce the order.

6 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

7 (750 ILCS 22/207)

8 Sec. 207. Determination of controlling child-support
9 order.

10 (a) If a proceeding is brought under this Act and only one
11 tribunal has issued a child-support order, the order of that
12 tribunal controls and must be ~~so~~ recognized.

13 (b) If a proceeding is brought under this Act, and two or
14 more child-support orders have been issued by tribunals of this
15 State, ~~or~~ another state, or a foreign country with regard to
16 the same obligor and same child, a tribunal of this State
17 having personal jurisdiction over both the obligor and
18 individual obligee shall apply the following rules and by order
19 shall determine which order controls and must be recognized:

20 (1) If only one of the tribunals would have continuing,
21 exclusive jurisdiction under this Act, the order of that
22 tribunal controls ~~and must be so recognized~~.

23 (2) If more than one of the tribunals would have
24 continuing, exclusive jurisdiction under this Act:

25 (A) an order issued by a tribunal in the current

1 home state of the child controls; or ~~but~~

2 (B) if an order has not been issued in the current
3 home state of the child, the order most recently issued
4 controls.

5 (3) If none of the tribunals would have continuing,
6 exclusive jurisdiction under this Act, the tribunal of this
7 State shall issue a child-support order, which controls.

8 (c) If two or more child-support orders have been issued
9 for the same obligor and same child, upon request of a party
10 who is an individual or that is a support enforcement agency, a
11 tribunal of this State having personal jurisdiction over both
12 the obligor and the obligee who is an individual shall
13 determine which order controls under subsection (b). The
14 request may be filed with a registration for enforcement or
15 registration for modification pursuant to Article 6, or may be
16 filed as a separate proceeding.

17 (d) A request to determine which is the controlling order
18 must be accompanied by a copy of every child-support order in
19 effect and the applicable record of payments. The requesting
20 party shall give notice of the request to each party whose
21 rights may be affected by the determination.

22 (e) The tribunal that issued the controlling order under
23 subsection (a), (b), or (c) has continuing jurisdiction to the
24 extent provided in Section 205 or 206.

25 (f) A tribunal of this State that determines by order which
26 is the controlling order under subsection (b)(1) or (2) or (c),

1 or that issues a new controlling order under subsection (b) (3),
2 shall state in that order:

3 (1) the basis upon which the tribunal made its
4 determination;

5 (2) the amount of prospective support, if any; and

6 (3) the total amount of consolidated arrears and
7 accrued interest, if any, under all of the orders after all
8 payments made are credited as provided by Section 209.

9 (g) Within 30 days after issuance of an order determining
10 which is the controlling order, the party obtaining the order
11 shall file a certified copy of it in each tribunal that issued
12 or registered an earlier order of child support. A party or
13 support enforcement agency obtaining the order that fails to
14 file a certified copy is subject to appropriate sanctions by a
15 tribunal in which the issue of failure to file arises. The
16 failure to file does not affect the validity or enforceability
17 of the controlling order.

18 (h) An order that has been determined to be the controlling
19 order, or a judgment for consolidated arrears of support and
20 interest, if any, made pursuant to this Section must be
21 recognized in proceedings under this Act.

22 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

23 (750 ILCS 22/208)

24 Sec. 208. Child-support orders for two or more obligees. In
25 responding to registrations or petitions for enforcement of two

1 or more child-support ~~child-support~~ orders in effect at the
2 same time with regard to the same obligor and different
3 individual obligees, at least one of which was issued by a
4 tribunal of another state or a foreign country, a tribunal of
5 this State shall enforce those orders in the same manner as if
6 the orders had been issued by a tribunal of this State.

7 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

8 (750 ILCS 22/209)

9 Sec. 209. Credit for payments. A tribunal of this State
10 shall credit amounts collected for a particular period pursuant
11 to any child-support order against the amounts owed for the
12 same period under any other child-support order for support of
13 the same child issued by a tribunal of this State, ~~or~~ another
14 state, or a foreign country.

15 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

16 (750 ILCS 22/210)

17 Sec. 210. Application of Act to nonresident subject to
18 personal jurisdiction. A tribunal of this State exercising
19 personal jurisdiction over a nonresident in a proceeding under
20 this Act, under other law of this State relating to a support
21 order, or recognizing a foreign support order ~~of a foreign~~
22 ~~country or political subdivision on the basis of comity~~ may
23 receive evidence from outside this State ~~another state~~ pursuant
24 to Section 316, communicate with a tribunal outside this State

1 ~~of another state~~ pursuant to Section 317, and obtain discovery
2 through a tribunal outside this State ~~of another state~~ pursuant
3 to Section 318. In all other respects, Articles 3 through 6 ~~7~~
4 do not apply, and the tribunal shall apply the procedural and
5 substantive law of this State.

6 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

7 (750 ILCS 22/211)

8 Sec. 211. Continuing, exclusive jurisdiction to modify
9 spousal-support order.

10 (a) A tribunal of this State issuing a spousal-support
11 order consistent with the law of this State has continuing,
12 exclusive jurisdiction to modify the spousal-support order
13 throughout the existence of the support obligation.

14 (b) A tribunal of this State may not modify a
15 spousal-support order issued by a tribunal of another state or
16 a foreign country having continuing, exclusive jurisdiction
17 over that order under the law of that state or foreign country.

18 (c) A tribunal of this State that has continuing, exclusive
19 jurisdiction over a spousal-support order may serve as:

20 (1) an initiating tribunal to request a tribunal of
21 another state to enforce the spousal-support order issued
22 in this State; or

23 (2) a responding tribunal to enforce or modify its own
24 spousal-support order.

25 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

1 (750 ILCS 22/301)

2 Sec. 301. Proceedings under Act.

3 (a) Except as otherwise provided in this Act, this Article
4 applies to all proceedings under this Act.

5 (b) An individual petitioner ~~obligee~~ or a support
6 enforcement agency may initiate a proceeding authorized under
7 this Act by filing a petition in an initiating tribunal for
8 forwarding to a responding tribunal or by filing a petition or
9 a comparable pleading directly in a tribunal of another state
10 or a foreign country which has or can obtain personal
11 jurisdiction over the respondent ~~obligor~~.

12 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

13 (750 ILCS 22/302)

14 Sec. 302. Proceeding by minor parent. A minor parent, or a
15 guardian or other legal representative of a minor parent, may
16 maintain a proceeding on behalf of or for the benefit of the
17 minor's child.

18 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

19 (750 ILCS 22/304)

20 Sec. 304. Duties of initiating tribunal.

21 (a) Upon the filing of a petition authorized by this Act,
22 an initiating tribunal of this State shall forward the petition
23 and its accompanying documents:

1 (1) to the responding tribunal or appropriate support
2 enforcement agency in the responding state; or

3 (2) if the identity of the responding tribunal is
4 unknown, to the state information agency of the responding
5 state with a request that they be forwarded to the
6 appropriate tribunal and that receipt be acknowledged.

7 (b) If requested by the responding tribunal, a tribunal of
8 this State shall issue a certificate or other document and make
9 findings required by the law of the responding state. If the
10 responding tribunal state is in a foreign country ~~or political~~
11 ~~subdivision~~, upon request the tribunal of this State shall
12 specify the amount of support sought, convert that amount into
13 the equivalent amount in the foreign currency under applicable
14 official or market exchange rate as publicly reported, and
15 provide any other documents necessary to satisfy the
16 requirements of the responding foreign tribunal state.

17 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

18 (750 ILCS 22/305)

19 Sec. 305. Duties and powers of responding tribunal.

20 (a) When a responding tribunal of this State receives a
21 petition or comparable pleading from an initiating tribunal or
22 directly pursuant to Section 301(b), it shall cause the
23 petition or pleading to be filed and notify the petitioner
24 ~~obligee~~ where and when it was filed.

25 (b) A responding tribunal of this State, to the extent not

1 prohibited by other law, may do one or more of the following:

2 (1) establish ~~issue~~ or enforce a support order, modify
3 a child-support order, determine the controlling
4 child-support order, or determine parentage of a child;

5 (2) order an obligor to comply with a support order,
6 specifying the amount and the manner of compliance;

7 (3) order income withholding;

8 (4) determine the amount of any arrearages, and specify
9 a method of payment;

10 (5) enforce orders by civil or criminal contempt, or
11 both;

12 (6) set aside property for satisfaction of the support
13 order;

14 (7) place liens and order execution on the obligor's
15 property;

16 (8) order an obligor to keep the tribunal informed of
17 the obligor's current residential address, electronic-mail
18 address, telephone number, employer, address of
19 employment, and telephone number at the place of
20 employment;

21 (9) issue a bench warrant for an obligor who has failed
22 after proper notice to appear at a hearing ordered by the
23 tribunal and enter the bench warrant in any local and state
24 computer systems for criminal warrants;

25 (10) order the obligor to seek appropriate employment
26 by specified methods;

1 (11) award reasonable attorney's fees and other fees
2 and costs; and

3 (12) grant any other available remedy.

4 (c) A responding tribunal of this State shall include in a
5 support order issued under this Act, or in the documents
6 accompanying the order, the calculations on which the support
7 order is based.

8 (d) A responding tribunal of this State may not condition
9 the payment of a support order issued under this Act upon
10 compliance by a party with provisions for visitation.

11 (e) If a responding tribunal of this State issues an order
12 under this Act, the tribunal shall send a copy of the order to
13 the petitioner ~~obligee~~ and the respondent ~~obligor~~ and to the
14 initiating tribunal, if any.

15 (f) If requested to enforce a support order, arrears, or
16 judgment ~~judgement~~ or modify a support order stated in a
17 foreign currency, a responding tribunal of this State shall
18 convert the amount stated in the foreign currency to the
19 equivalent amount in dollars under the applicable official or
20 market exchange rate as publicly reported.

21 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

22 (750 ILCS 22/306)

23 Sec. 306. Inappropriate tribunal. If a petition or
24 comparable pleading is received by an inappropriate tribunal of
25 this State, the tribunal shall forward the pleading and

1 accompanying documents to an appropriate tribunal of ~~in~~ this
2 State or another state and notify the petitioner ~~obligee~~ where
3 and when the pleading was sent.

4 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

5 (750 ILCS 22/307)

6 Sec. 307. Duties of support enforcement agency.

7 (a) In a proceeding under this Act, a ~~A~~ support enforcement
8 agency of this State, upon request:~~;~~

9 (1) shall provide services to a petitioner residing in
10 a state;

11 (2) shall provide services to a petitioner requesting
12 services through a central authority of a foreign country
13 as described in Section 102(5) (A) or (D); and

14 (3) may provide services to a petitioner who is an
15 individual not residing in a state ~~proceeding under this~~
16 ~~Act.~~

17 This subsection does not affect any ability the support
18 enforcement agency may have to require an application for
19 services, charge fees, or recover costs in accordance with
20 federal or State law and regulations.

21 (b) A support enforcement agency of this State that is
22 providing services to the petitioner shall:

23 (1) take all steps necessary to enable an appropriate
24 tribunal of ~~in~~ this State, ~~or~~ another state, or a foreign
25 country to obtain jurisdiction over the respondent;

1 (2) request an appropriate tribunal to set a date,
2 time, and place for a hearing;

3 (3) make a reasonable effort to obtain all relevant
4 information, including information as to income and
5 property of the parties;

6 (4) within five ~~10~~ days, exclusive of Saturdays,
7 Sundays, and legal holidays, after receipt of ~~a written~~
8 notice in a record from an initiating, responding, or
9 registering tribunal, send a copy of the notice to the
10 petitioner;

11 (5) within five ~~10~~ days, exclusive of Saturdays,
12 Sundays, and legal holidays, after receipt of ~~a written~~
13 communication in a record from the respondent or the
14 respondent's attorney, send a copy of the communication to
15 the petitioner; and

16 (6) notify the petitioner if jurisdiction over the
17 respondent cannot be obtained.

18 (c) A support enforcement agency of this State that
19 requests registration of a child-support order in this State
20 for enforcement or for modification shall make reasonable
21 efforts:

22 (1) to ensure that the order to be registered is the
23 controlling order; or

24 (2) if two or more child-support orders exist and the
25 identity of the controlling order has not been determined,
26 to ensure that a request for such a determination is made

1 in a tribunal having jurisdiction to do so.

2 (d) A support enforcement agency of this State that
3 requests registration and enforcement of a support order,
4 arrears, or judgment ~~judgement~~ stated in a foreign currency
5 shall convert the amounts stated in the foreign currency into
6 the equivalent amounts in dollars under the applicable official
7 or market exchange rate as publicly reported.

8 (e) A support enforcement agency of this State shall issue
9 or request a tribunal of this State to issue a child-support
10 order and an income-withholding order that redirect payment of
11 current support, arrears, and interest if requested to do so by
12 a support enforcement agency of another state pursuant to
13 Section 319 ~~of the Uniform Interstate Family Support Act.~~

14 (f) This Act does not create or negate a relationship of
15 attorney and client or other fiduciary relationship between a
16 support enforcement agency or the attorney for the agency and
17 the individual being assisted by the agency.

18 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

19 (750 ILCS 22/308)

20 Sec. 308. Duty of Attorney General.

21 (a) ~~If the support enforcement agency is a prosecuting~~
22 ~~attorney of this State and if~~ the Attorney General determines
23 that the support enforcement agency is neglecting or refusing
24 to provide services to an individual, the Attorney General may
25 order the agency to perform its duties under this Act or may

1 provide those services directly to the individual.

2 (b) The Attorney General may determine that a foreign
3 country has established a reciprocal arrangement for child
4 support with this State and take appropriate action for
5 notification of the determination.

6 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
7 by P.A. 88-691.)

8 (750 ILCS 22/310)

9 Sec. 310. Duties of the Illinois Department of Healthcare
10 and Family Services.

11 (a) The Illinois Department of Healthcare and Family
12 Services is the state information agency under this Act.

13 (b) The state information agency shall:

14 (1) compile and maintain a current list, including
15 addresses, of the tribunals in this State which have
16 jurisdiction under this Act and any support enforcement
17 agencies in this State and transmit a copy to the state
18 information agency of every other state;

19 (2) maintain a register of names and addresses of
20 tribunals and support enforcement agencies received from
21 other states;

22 (3) forward to the appropriate tribunal in the county
23 in this State in which the obligee who is an individual or
24 the obligor resides, or in which the obligor's property is
25 believed to be located, all documents concerning a

1 proceeding under this Act received from another state or a
2 foreign country ~~an initiating tribunal or the state~~
3 ~~information agency of the initiating state; and~~

4 (4) obtain information concerning the location of the
5 obligor and the obligor's property within this State not
6 exempt from execution, by such means as postal verification
7 and federal or state locator services, examination of
8 telephone directories, requests for the obligor's address
9 from employers, and examination of governmental records,
10 including, to the extent not prohibited by other law, those
11 relating to real property, vital statistics, law
12 enforcement, taxation, motor vehicles, driver's licenses,
13 and social security.

14 ~~(c) The Department of Healthcare and Family Services may~~
15 ~~determine that a foreign country or political subdivision has~~
16 ~~established a reciprocal arrangement for child support with~~
17 ~~Illinois and take appropriate action for notification of this~~
18 ~~determination.~~

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

20 (750 ILCS 22/311)

21 Sec. 311. Pleadings and accompanying documents.

22 (a) In a proceeding under this Act, a petitioner seeking to
23 establish a support order, to determine parentage of a child,
24 or to register and modify a support order of a tribunal of
25 another state or a foreign country must file a petition. Unless

1 otherwise ordered under Section 312, the petition or
2 accompanying documents must provide, so far as known, the name,
3 residential address, and social security numbers of the obligor
4 ~~respondent~~ and the obligee ~~petitioner~~ or the parent and alleged
5 parent, and the name, sex, residential address, social security
6 number, and date of birth of each child for whose benefit
7 support is sought or whose parentage is to be determined.
8 Unless filed at the time of registration, the petition must be
9 accompanied by a copy of any support order known to have been
10 issued by another tribunal. The petition may include any other
11 information that may assist in locating or identifying the
12 respondent.

13 (b) The petition must specify the relief sought. The
14 petition and accompanying documents must conform substantially
15 with the requirements imposed by the forms mandated by federal
16 law for use in cases filed by a support enforcement agency.

17 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

18 (750 ILCS 22/312)

19 Sec. 312. Nondisclosure of information in exceptional
20 circumstances. If a party alleges in an affidavit or a pleading
21 under oath that the health, safety, or liberty of a party or
22 child would be jeopardized by disclosure of specific
23 identifying information, that information must be sealed and
24 may not be disclosed to the other party or the public. After a
25 hearing in which a tribunal takes into consideration the

1 health, safety, or liberty of the party or child, the tribunal
2 may order disclosure of information that the tribunal
3 determines to be in the interest of justice.

4 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

5 (750 ILCS 22/313)

6 Sec. 313. Costs and fees.

7 (a) The petitioner may not be required to pay a filing fee
8 or other costs.

9 (b) If an obligee ~~a petitioner~~ prevails, a responding
10 tribunal of this State may assess against an obligor ~~a~~
11 ~~respondent~~ filing fees, reasonable attorney's fees, other
12 costs, and necessary travel and other reasonable expenses
13 incurred by the obligee ~~petitioner~~ and the obligee's
14 ~~petitioner's~~ witnesses. The tribunal may not assess fees,
15 costs, or expenses against the obligee ~~petitioner~~ or the
16 support enforcement agency of either the initiating or ~~the~~
17 responding state or foreign country, except as provided by
18 other law. Attorney's fees may be taxed as costs, and may be
19 ordered paid directly to the attorney, who may enforce the
20 order in the attorney's own name. Payment of support owed to
21 the obligee ~~petitioner~~ has priority over fees, costs, and
22 expenses.

23 (c) The tribunal shall order the payment of costs and
24 reasonable attorney's fees if it determines that a hearing was
25 requested primarily for delay. In a proceeding under Article 6,

1 a hearing is presumed to have been requested primarily for
2 delay if a registered support order is confirmed or enforced
3 without change.

4 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
5 by P.A. 88-691; 88-691, eff. 1-24-95.)

6 (750 ILCS 22/314)

7 Sec. 314. Limited immunity of petitioner.

8 (a) Participation by a petitioner in a proceeding under
9 this Act before a responding tribunal, whether in person, by
10 private attorney, or through services provided by the support
11 enforcement agency, does not confer personal jurisdiction over
12 the petitioner in another proceeding.

13 (b) A petitioner is not amenable to service of civil
14 process while physically present in this State to participate
15 in a proceeding under this Act.

16 (c) The immunity granted by this Section does not extend to
17 civil litigation based on acts unrelated to a proceeding under
18 this Act committed by a party while physically present in this
19 State to participate in the proceeding.

20 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

21 (750 ILCS 22/316)

22 Sec. 316. Special rules of evidence and procedure.

23 (a) The physical presence of a nonresident party who is an
24 individual in a tribunal of this State is not required for the

1 establishment, enforcement, or modification of a support order
2 or the rendition of a judgment determining parentage of a
3 child.

4 (b) An affidavit, a document substantially complying with
5 federally mandated forms, or a document incorporated by
6 reference in any of them, which would not be excluded under the
7 hearsay rule if given in person, is admissible in evidence if
8 given under penalty of perjury by a party or witness residing
9 outside this State ~~in another state~~.

10 (c) A copy of the record of child-support payments
11 certified as a true copy of the original by the custodian of
12 the record may be forwarded to a responding tribunal. The copy
13 is evidence of facts asserted in it, and is admissible to show
14 whether payments were made.

15 (d) Copies of bills for testing for parentage of a child,
16 and for prenatal and postnatal health care of the mother and
17 child, furnished to the adverse party at least 10 days before
18 trial, are admissible in evidence to prove the amount of the
19 charges billed and that the charges were reasonable, necessary,
20 and customary.

21 (e) Documentary evidence transmitted from outside this
22 State ~~another state~~ to a tribunal of this State by telephone,
23 telecopier, or other electronic means that do not provide an
24 original record may not be excluded from evidence on an
25 objection based on the means of transmission.

26 (f) In a proceeding under this Act, a tribunal of this

1 State shall permit a party or witness residing outside this
2 State ~~in another state~~ to be deposed or to testify under
3 penalty of perjury by telephone, audiovisual means, or other
4 electronic means at a designated tribunal or other location ~~in~~
5 ~~that state~~. A tribunal of this State shall cooperate with other
6 tribunals ~~of other states~~ in designating an appropriate
7 location for the deposition or testimony.

8 (g) If a party called to testify at a civil hearing refuses
9 to answer on the ground that the testimony may be
10 self-incriminating, the trier of fact may draw an adverse
11 inference from the refusal.

12 (h) A privilege against disclosure of communications
13 between spouses does not apply in a proceeding under this Act.

14 (i) The defense of immunity based on the relationship of
15 husband and wife or parent and child does not apply in a
16 proceeding under this Act.

17 (j) A voluntary acknowledgment of paternity, certified as a
18 true copy, is admissible to establish parentage of the child.

19 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

20 (750 ILCS 22/317)

21 Sec. 317. Communications between tribunals. A tribunal of
22 this State may communicate with a tribunal outside this State
23 ~~of another state or foreign country or political subdivision~~ in
24 a record~~7~~ or by telephone, electronic mail, or other means, to
25 obtain information concerning the laws, the legal effect of a

1 judgment, decree, or order of that tribunal, and the status of
2 a proceeding ~~in the other state or foreign country or political~~
3 ~~subdivision~~. A tribunal of this State may furnish similar
4 information by similar means to a tribunal outside this State
5 ~~of another state or foreign country or political subdivision~~.

6 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

7 (750 ILCS 22/318)

8 Sec. 318. Assistance with discovery. A tribunal of this
9 State may:

10 (1) request a tribunal outside this State ~~of another state~~
11 to assist in obtaining discovery; and

12 (2) upon request, compel a person over which ~~whom~~ it has
13 jurisdiction to respond to a discovery order issued by a
14 tribunal outside this State ~~of another state~~.

15 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
16 by P.A. 88-691.)

17 (750 ILCS 22/319)

18 Sec. 319. Receipt and disbursement of payments.

19 (a) A support enforcement agency or tribunal of this State
20 shall disburse promptly any amounts received pursuant to a
21 support order, as directed by the order. The agency or tribunal
22 shall furnish to a requesting party or tribunal of another
23 state or a foreign country a certified statement by the
24 custodian of the record of the amounts and dates of all

1 payments received.

2 (b) If neither the obligor, nor the obligee who is an
3 individual, nor the child resides in this State, upon request
4 from the support enforcement agency of this State or another
5 state, the support enforcement agency of this State or a
6 tribunal of this State shall:

7 (1) direct that the support payment be made to the
8 support enforcement agency in the state in which the
9 obligee is receiving services; and

10 (2) issue and send to the obligor's employer a
11 conforming income-withholding order or an administrative
12 notice of change of payee, reflecting the redirected
13 payments.

14 (c) ~~(3)~~ The support enforcement agency of this State
15 receiving redirected payments from another state pursuant to a
16 law similar to subsection (b) shall furnish to a requesting
17 party or tribunal of the other state a certified statement by
18 the custodian of the record of the amount and dates of all
19 payments received.

20 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

21 (750 ILCS 22/Art. 4 heading)

22 ARTICLE 4. ESTABLISHMENT OF SUPPORT ORDER

23 OR DETERMINATION OF PARENTAGE

24 (750 ILCS 22/401)

1 Sec. 401. Establishment of ~~Petition to establish~~ support
2 order.

3 (a) If a support order entitled to recognition under this
4 Act has not been issued, a responding tribunal of this State
5 with personal jurisdiction over the parties may issue a support
6 order if:

7 (1) the individual seeking the order resides outside
8 this State ~~in another state~~; or

9 (2) the support enforcement agency seeking the order is
10 located outside this State ~~in another state~~.

11 (b) The tribunal may issue a temporary child-support order
12 if the tribunal determines that such an order is appropriate
13 and the individual ordered to pay is:

14 (1) a presumed father of the child;

15 (2) petitioning to have his paternity adjudicated;

16 (3) identified as the father of the child through
17 genetic testing;

18 (4) an alleged father who has declined to submit to
19 genetic testing;

20 (5) shown by clear and convincing evidence to be the
21 father of the child;

22 (6) an acknowledged father as provided by applicable
23 State law;

24 (7) the mother of the child; or

25 (8) an individual who has been ordered to pay child
26 support in a previous proceeding and the order has not been

1 reversed or vacated.

2 (c) Upon finding, after notice and opportunity to be heard,
3 that an obligor ~~a respondent~~ owes a duty of support, the
4 tribunal shall issue a support order directed to the obligor
5 ~~respondent~~ and may issue other orders pursuant to Section 305.

6 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

7 (750 ILCS 22/402 new)

8 Sec. 402. Proceeding to determine parentage. A tribunal of
9 this State authorized to determine parentage of a child may
10 serve as a responding tribunal in a proceeding to determine
11 parentage of a child brought under this Act or a law or
12 procedure substantially similar to this Act.

13 (750 ILCS 22/Art. 5 heading)

14 ARTICLE 5. ENFORCEMENT OF SUPPORT ORDER

15 ~~OF ANOTHER STATE~~ WITHOUT REGISTRATION

16 (750 ILCS 22/502)

17 Sec. 502. Employer's compliance with income-withholding
18 order of another state.

19 (a) Upon receipt of an income-withholding order, the
20 obligor's employer shall immediately provide a copy of the
21 order to the obligor.

22 (b) The employer shall treat an income-withholding order
23 issued in another state which appears regular on its face as if

1 it had been issued by a tribunal of this State.

2 (c) Except as otherwise provided in subsection (d) and
3 Section 503, the employer shall withhold and distribute the
4 funds as directed in the withholding order by complying with
5 terms of the order which specify:

6 (1) the duration and amount of periodic payments of
7 current child-support, stated as a sum certain;

8 (2) the person designated to receive payments and the
9 address to which the payments are to be forwarded;

10 (3) medical support, whether in the form of periodic
11 cash payment, stated as a sum certain, or ordering the
12 obligor to provide health insurance coverage for the child
13 under a policy available through the obligor's employment;

14 (4) the amount of periodic payments of fees and costs
15 for a support enforcement agency, the issuing tribunal, and
16 the obligee's attorney, stated as sums certain; and

17 (5) the amount of periodic payments of arrearages and
18 interest on arrearages, stated as sums certain.

19 (d) An employer shall comply with the law of the state of
20 the obligor's principal place of employment for withholding
21 from income with respect to:

22 (1) the employer's fee for processing an
23 income-withholding order;

24 (2) the maximum amount permitted to be withheld from
25 the obligor's income; and

26 (3) the times within which the employer must implement

1 the withholding order and forward the child-support ~~child~~
2 ~~support~~ payment.

3 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

4 (750 ILCS 22/503)

5 Sec. 503. Employer's compliance with two or more
6 income-withholding orders. If an obligor's employer receives
7 two or more income-withholding orders with respect to the
8 earnings of the same obligor, the employer satisfies the terms
9 of the orders if the employer complies with the law of the
10 state of the obligor's principal place of employment to
11 establish the priorities for withholding and allocating income
12 withheld for two or more child-support ~~child-support~~ obligees.

13 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

14 (750 ILCS 22/504)

15 Sec. 504. Immunity from civil liability. An employer that
16 ~~who~~ complies with an income-withholding order issued in another
17 state in accordance with this Article is not subject to civil
18 liability to an individual or agency with regard to the
19 employer's withholding of child support from the obligor's
20 income.

21 (Source: P.A. 90-240, eff. 7-28-97.)

22 (750 ILCS 22/505)

23 Sec. 505. Penalties for noncompliance. An employer that ~~who~~

1 willfully fails to comply with an income-withholding order
2 issued in ~~by~~ another state and received for enforcement is
3 subject to the same penalties that may be imposed for
4 noncompliance with an order issued by a tribunal of this State.
5 (Source: P.A. 90-240, eff. 7-28-97.)

6 (750 ILCS 22/506)

7 Sec. 506. Contest by obligor.

8 (a) An obligor may contest the validity or enforcement of
9 an income-withholding order issued in another state and
10 received directly by an employer in this State by registering
11 the order in a tribunal of this State and filing a contest to
12 that order as provided in Article 6, or otherwise contesting
13 the order in the same manner as if the order had been issued by
14 a tribunal of this State.

15 (b) The obligor shall give notice of the contest to:

16 (1) a support enforcement agency providing services to
17 the obligee;

18 (2) each employer that has directly received an
19 income-withholding order relating to the obligor; and

20 (3) the person designated to receive payments in the
21 income-withholding order or, if no person is designated, to
22 the obligee.

23 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

24 (750 ILCS 22/507)

1 order or income-withholding order issued in ~~by a tribunal of~~
2 another state or a foreign support order may be registered in
3 this State for enforcement.

4 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

5 (750 ILCS 22/602)

6 Sec. 602. Procedure to register order for enforcement.

7 (a) Except as otherwise provided in Section 706, a ~~A~~
8 support order or income-withholding order of another state or a
9 foreign support order may be registered in this State by
10 sending the following records ~~and information~~ to the
11 appropriate tribunal in this State:

12 (1) a letter of transmittal to the tribunal requesting
13 registration and enforcement;

14 (2) 2 copies, including one certified copy, of the
15 order to be registered, including any modification of the
16 order;

17 (3) a sworn statement by the person requesting
18 registration or a certified statement by the custodian of
19 the records showing the amount of any arrearage;

20 (4) the name of the obligor and, if known:

21 (A) ~~(i)~~ the obligor's address and social security
22 number;

23 (B) ~~(ii)~~ the name and address of the obligor's
24 employer and any other source of income of the obligor;
25 and

1 (C) ~~(iii)~~ a description and the location of
2 property of the obligor in this State not exempt from
3 execution; and

4 (5) except as otherwise provided in Section 312, the
5 name and address of the obligee and, if applicable, the
6 person to whom support payments are to be remitted.

7 (b) On receipt of a request for registration, the
8 registering tribunal shall cause the order to be filed as an
9 order of a tribunal of another state or a foreign support order
10 ~~judgment~~, together with one copy of the documents and
11 information, regardless of their form.

12 (c) A petition or comparable pleading seeking a remedy that
13 must be affirmatively sought under other law of this State may
14 be filed at the same time as the request for registration or
15 later. The pleading must specify the grounds for the remedy
16 sought.

17 (d) If two or more orders are in effect, the person
18 requesting registration shall:

19 (1) furnish to the tribunal a copy of every support
20 order asserted to be in effect in addition to the documents
21 specified in this Section;

22 (2) specify the order alleged to be the controlling
23 order, if any; and

24 (3) specify the amount of consolidated arrears, if any.

25 (e) A request for a determination of which is the
26 controlling order may be filed separately or with a request for

1 registration and enforcement or for registration and
2 modification. The person requesting registration shall give
3 notice of the request to each party whose rights may be
4 affected by the determination.

5 (Source: P.A. 92-463, eff. 8-22-01; 93-479, eff. 1-1-04,
6 operative 7-1-04.)

7 (750 ILCS 22/603)

8 Sec. 603. Effect of registration for enforcement.

9 (a) A support order or income-withholding order issued in
10 another state or a foreign support order is registered when the
11 order is filed in the registering tribunal of this State.

12 (b) A registered support order issued in another state or a
13 foreign country is enforceable in the same manner and is
14 subject to the same procedures as an order issued by a tribunal
15 of this State.

16 (c) Except as otherwise provided in this Act ~~Article~~, a
17 tribunal of this State shall recognize and enforce, but may not
18 modify, a registered support order if the issuing tribunal had
19 jurisdiction.

20 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
21 by P.A. 88-691.)

22 (750 ILCS 22/604)

23 Sec. 604. Choice of law.

24 (a) Except as otherwise provided in subsection (d), the law

1 of the issuing state or foreign country governs:

2 (1) the nature, extent, amount, and duration of current
3 payments under a registered support order;

4 (2) the computation and payment of arrearages and
5 accrual of interest on the arrearages under the support
6 order; and

7 (3) the existence and satisfaction of other
8 obligations under the support order.

9 (b) In a proceeding for arrears under a registered support
10 order, the statute of limitation of this State, or of the
11 issuing state or foreign country, whichever is longer, applies.

12 (c) A responding tribunal of this State shall apply the
13 procedures and remedies of this State to enforce current
14 support and collect arrears and interest due on a support order
15 of another state or a foreign country registered in this State.

16 (d) After a tribunal of this State or another state
17 determines which is the controlling order and issues an order
18 consolidating arrears, if any, a tribunal of this State shall
19 prospectively apply the law of the state or foreign country
20 issuing the controlling order, including its law on interest on
21 arrears, on current and future support, and on consolidated
22 arrears.

23 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

24 (750 ILCS 22/605)

25 Sec. 605. Notice of registration of order.

1 (a) When a support order or income-withholding order issued
2 in another state or a foreign support order is registered, the
3 registering tribunal of this State shall notify the
4 nonregistering party. The notice must be accompanied by a copy
5 of the registered order and the documents and relevant
6 information accompanying the order.

7 (b) A notice must inform the nonregistering party:

8 (1) that a registered support order is enforceable as
9 of the date of registration in the same manner as an order
10 issued by a tribunal of this State;

11 (2) that a hearing to contest the validity or
12 enforcement of the registered order must be requested
13 within 20 days after ~~the date of mailing or personal~~
14 ~~service of the~~ notice unless the registered order is under
15 Section 707;

16 (3) that failure to contest the validity or enforcement
17 of the registered order in a timely manner will result in
18 confirmation of the order and enforcement of the order and
19 the alleged arrearages ~~and precludes further contest of~~
20 ~~that order with respect to any matter that could have been~~
21 ~~asserted~~; and

22 (4) of the amount of any alleged arrearages.

23 (c) If the registering party asserts that two or more
24 orders are in effect, a notice must also:

25 (1) identify the two or more orders and the order
26 alleged by the registering party ~~person~~ to be the

1 controlling order and the consolidated arrears, if any;

2 (2) notify the nonregistering party of the right to a
3 determination of which is the controlling order;

4 (3) state that the procedures provided in subsection
5 (b) apply to the determination of which is the controlling
6 order; and

7 (4) state that failure to contest the validity or
8 enforcement of the order alleged to be the controlling
9 order in a timely manner may result in confirmation that
10 the order is the controlling order.

11 (d) Upon registration of an income-withholding order for
12 enforcement, the support enforcement agency or the registering
13 tribunal shall notify the obligor's employer pursuant to the
14 Income Withholding for Support Act.

15 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

16 (750 ILCS 22/606)

17 Sec. 606. Procedure to contest validity or enforcement of
18 registered support order.

19 (a) A nonregistering party seeking to contest the validity
20 or enforcement of a registered support order in this State
21 shall request a hearing within the time required by Section 605
22 ~~20 days after the date of mailing or personal service of notice~~
23 ~~of the registration~~. The nonregistering party may seek to
24 vacate the registration, to assert any defense to an allegation
25 of noncompliance with the registered order, or to contest the

1 remedies being sought or the amount of any alleged arrearages
2 pursuant to Section 607.

3 (b) If the nonregistering party fails to contest the
4 validity or enforcement of the registered support order in a
5 timely manner, the order is confirmed by operation of law.

6 (c) If a nonregistering party requests a hearing to contest
7 the validity or enforcement of the registered support order,
8 the registering tribunal shall schedule the matter for hearing
9 and give notice to the parties of the date, time, and place of
10 the hearing.

11 (Source: P.A. 90-240, eff. 7-28-97.)

12 (750 ILCS 22/607)

13 Sec. 607. Contest of registration or enforcement.

14 (a) A party contesting the validity or enforcement of a
15 registered support order or seeking to vacate the registration
16 has the burden of proving one or more of the following
17 defenses:

18 (1) the issuing tribunal lacked personal jurisdiction
19 over the contesting party;

20 (2) the order was obtained by fraud;

21 (3) the order has been vacated, suspended, or modified
22 by a later order;

23 (4) the issuing tribunal has stayed the order pending
24 appeal;

25 (5) there is a defense under the law of this State to

1 the remedy sought;

2 (6) full or partial payment has been made;

3 (7) the statute of limitation under Section 604
4 precludes enforcement of some or all of the alleged
5 arrearages; or

6 (8) the alleged controlling order is not the
7 controlling order.

8 (b) If a party presents evidence establishing a full or
9 partial defense under subsection (a), a tribunal may stay
10 enforcement of a ~~the~~ registered support order, continue the
11 proceeding to permit production of additional relevant
12 evidence, and issue other appropriate orders. An uncontested
13 portion of the registered support order may be enforced by all
14 remedies available under the law of this State.

15 (c) If the contesting party does not establish a defense
16 under subsection (a) to the validity or enforcement of a
17 registered support ~~the~~ order, the registering tribunal shall
18 issue an order confirming the order.

19 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

20 (750 ILCS 22/608)

21 Sec. 608. Confirmed order. Confirmation of a registered
22 support order, whether by operation of law or after notice and
23 hearing, precludes further contest of the order with respect to
24 any matter that could have been asserted at the time of
25 registration.

1 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
2 by P.A. 88-691.)

3 (750 ILCS 22/Art. 6 Pt. 3 heading)

4 PART 3. REGISTRATION AND MODIFICATION OF
5 CHILD-SUPPORT ~~CHILD-SUPPORT~~ ORDER
6 OF ANOTHER STATE

7 (750 ILCS 22/609)

8 Sec. 609. Procedure to register child-support order of
9 another state for modification. A party or support enforcement
10 agency seeking to modify, or to modify and enforce, a
11 child-support order issued in another state shall register that
12 order in this State in the same manner provided in Sections 601
13 through 608 ~~Part 1~~ if the order has not been registered. A
14 petition for modification may be filed at the same time as a
15 request for registration, or later. The pleading must specify
16 the grounds for modification.

17 (Source: P.A. 90-240, eff. 7-28-97.)

18 (750 ILCS 22/610)

19 Sec. 610. Effect of registration for modification. A
20 tribunal of this State may enforce a child-support order of
21 another state registered for purposes of modification, in the
22 same manner as if the order had been issued by a tribunal of
23 this State, but the registered support order may be modified

1 only if the requirements of Section 611,~~613,~~ or 613 ~~615~~ have
2 been met.

3 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

4 (750 ILCS 22/611)

5 Sec. 611. Modification of child-support order of another
6 state ~~Child Support Order of Another State.~~

7 (a) If Section 613 does not ~~no~~ apply, ~~except as otherwise~~
8 ~~provided in Section 615,~~ upon petition a tribunal of this State
9 may modify a child-support order issued in another state which
10 is registered in this State if, after notice and hearing, the
11 tribunal finds that:

12 (1) the following requirements are met:

13 (A) neither the child, nor the obligee ~~petitioner~~
14 who is an individual, nor the obligor ~~respondent~~
15 resides in the issuing state;

16 (B) a petitioner who is a nonresident of this State
17 seeks modification; and

18 (C) the respondent is subject to the personal
19 jurisdiction of the tribunal of this State; or

20 (2) this State is the ~~State of~~ residence of the child,
21 or a party who is an individual is subject to the personal
22 jurisdiction of the tribunal of this State, and all of the
23 parties who are individuals have filed consents in a record
24 in the issuing tribunal for a tribunal of this State to
25 modify the support order and assume continuing, exclusive

1 jurisdiction.

2 (b) Modification of a registered child-support order is
3 subject to the same requirements, procedures, and defenses that
4 apply to the modification of an order issued by a tribunal of
5 this State and the order may be enforced and satisfied in the
6 same manner.

7 (c) ~~A Except as otherwise provided in Section 615, a~~
8 tribunal of this State may not modify any aspect of a
9 child-support order that may not be modified under the law of
10 the issuing state, including the duration of the obligation of
11 support. If two or more tribunals have issued child-support
12 orders for the same obligor and same child, the order that
13 controls and must be so recognized under Section 207
14 establishes the aspects of the support order which are
15 nonmodifiable.

16 (d) In a proceeding to modify a child-support order, the
17 law of the state that is determined to have issued the initial
18 controlling order governs the duration of the obligation of
19 support. The obligor's fulfillment of the duty of support
20 established by that order precludes imposition of a further
21 obligation of support by a tribunal of this State.

22 (e) On the issuance of an order by a tribunal of this State
23 modifying a child-support order issued in another state, the
24 tribunal of this State becomes the tribunal having continuing,
25 exclusive jurisdiction.

26 (f) Notwithstanding subsections (a) through (e) and

1 Section 201(b), a tribunal of this State retains jurisdiction
2 to modify an order issued by a tribunal of this State if:

3 (1) one party resides in another state; and

4 (2) the other party resides outside the United States.

5 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

6 (750 ILCS 22/612)

7 Sec. 612. Recognition of order modified in another state.
8 If a child-support order issued by a tribunal of this State is
9 modified by a tribunal of another state which assumed
10 jurisdiction pursuant to the Uniform Interstate Family Support
11 Act, a tribunal of this State:

12 (1) may enforce its order that was modified only as to
13 arrears and interest accruing before the modification;

14 (2) may provide appropriate relief for violations of
15 its order which occurred before the effective date of the
16 modification; and

17 (3) shall recognize the modifying order of the other
18 state, upon registration, for the purpose of enforcement.

19 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

20 (750 ILCS 22/Art. 6 Pt. 4 heading new)

21 PART 4. REGISTRATION AND MODIFICATION

22 OF FOREIGN CHILD-SUPPORT ORDER

23 (750 ILCS 22/615)

1 Sec. 615. Jurisdiction to modify child-support order of
2 foreign country ~~or political subdivision.~~

3 (a) Except as otherwise provided in Section 711, if a
4 foreign country lacks or refuses to exercise jurisdiction to
5 modify its child-support order ~~If a foreign country or~~
6 ~~political subdivision that otherwise meets the requirements~~
7 ~~for inclusion under this Act as set forth in subpart (B) of the~~
8 ~~definition of "State" contained in Section 102 will not or may~~
9 ~~not modify its order~~ pursuant to its laws, a tribunal of this
10 State may assume jurisdiction to modify the child-support order
11 and bind all individuals subject to the personal jurisdiction
12 of the tribunal whether ~~or not~~ the consent to modification of a
13 child-support order otherwise required of the individual
14 pursuant to Section 611 has been given or whether the
15 individual seeking modification is a resident of this State or
16 of the foreign country ~~or political subdivision.~~

17 (b) An order issued by a tribunal of this State modifying a
18 foreign child-support order pursuant to this Section is the
19 controlling order.

20 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

21 (750 ILCS 22/616 new)

22 Sec. 616. Procedure to register child-support order of
23 foreign country for modification. A party or support
24 enforcement agency seeking to modify, or to modify and enforce,
25 a foreign child-support order not under the Convention may

1 register that order in this State under Sections 601 through
2 608 if the order has not been registered. A petition for
3 modification may be filed at the same time as a request for
4 registration, or at another time. The petition must specify the
5 grounds for modification.

6 (750 ILCS 22/Art. 7 heading)

7 ARTICLE 7. SUPPORT PROCEEDING UNDER CONVENTION

8 ~~DETERMINATION OF PARENTAGE~~

9 (750 ILCS 22/701)

10 Sec. 701. Definitions ~~Proceeding to determine parentage.~~

11 In this Article:

12 (1) "Application" means a request under the Convention
13 by an obligee or obligor, or on behalf of a child, made
14 through a central authority for assistance from another
15 central authority.

16 (2) "Central authority" means the entity designated by
17 the United States or a foreign country described in Section
18 102(5)(D) to perform the functions specified in the
19 Convention.

20 (3) "Convention support order" means a support order of
21 a tribunal of a foreign country described in Section
22 102(5)(D).

23 (4) "Direct request" means a petition filed by an
24 individual in a tribunal of this State in a proceeding

1 involving an obligee, obligor, or child residing outside
2 the United States.

3 (5) "Foreign central authority" means the entity
4 designated by a foreign country described in Section
5 102(5)(D) to perform the functions specified in the
6 Convention.

7 (6) "Foreign support agreement":

8 (A) means an agreement for support in a record
9 that:

10 (i) is enforceable as a support order in the
11 country of origin;

12 (ii) has been:

13 (I) formally drawn up or registered as an
14 authentic instrument by a foreign tribunal; or

15 (II) authenticated by, or concluded,
16 registered, or filed with a foreign tribunal;

17 and

18 (iii) may be reviewed and modified by a foreign
19 tribunal; and

20 (B) includes a maintenance arrangement or
21 authentic instrument under the Convention.

22 (7) "United States central authority" means the
23 Secretary of the United States Department of Health and
24 Human Services. ~~A tribunal of this State authorized to~~
25 ~~determine parentage of a child may serve as a responding~~
26 ~~tribunal in a proceeding to determine parentage brought~~

1 ~~under this Act or a law substantially similar to this Act.~~

2 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

3 (750 ILCS 22/702 new)

4 Sec. 702. Applicability. This Article applies only to a
5 support proceeding under the Convention. In such a proceeding,
6 if a provision of this Article is inconsistent with Articles 1
7 through 6, this Article controls.

8 (750 ILCS 22/703 new)

9 Sec. 703. Relationship of the Illinois Department of
10 Healthcare and Family Services to United States central
11 authority. The Department of Healthcare and Family Services of
12 this State is recognized as the agency designated by the United
13 States central authority to perform specific functions under
14 the Convention.

15 (750 ILCS 22/704 new)

16 Sec. 704. Initiation by Illinois Department of Healthcare
17 and Family Services of support proceeding under Convention.

18 (a) In a support proceeding under this Article, the
19 Department of Healthcare and Family Services of this State
20 shall:

21 (1) transmit and receive applications; and

22 (2) initiate or facilitate the institution of a
23 proceeding regarding an application in a tribunal of this

1 State.

2 (b) The following support proceedings are available to an
3 obligee under the Convention:

4 (1) recognition or recognition and enforcement of a
5 foreign support order;

6 (2) enforcement of a support order issued or recognized
7 in this State;

8 (3) establishment of a support order if there is no
9 existing order, including, if necessary, determination of
10 parentage of a child;

11 (4) establishment of a support order if recognition of
12 a foreign support order is refused under Section 708(b)(2),
13 (4), or (9);

14 (5) modification of a support order of a tribunal of
15 this State; and

16 (6) modification of a support order of a tribunal of
17 another state or a foreign country.

18 (c) The following support proceedings are available under
19 the Convention to an obligor against which there is an existing
20 support order:

21 (1) recognition of an order suspending or limiting
22 enforcement of an existing support order of a tribunal of
23 this State;

24 (2) modification of a support order of a tribunal of
25 this State; and

26 (3) modification of a support order of a tribunal of

1 another state or a foreign country.

2 (d) A tribunal of this State may not require security,
3 bond, or deposit, however described, to guarantee the payment
4 of costs and expenses in proceedings under the Convention.

5 (750 ILCS 22/705 new)

6 Sec. 705. Direct request.

7 (a) A petitioner may file a direct request seeking
8 establishment or modification of a support order or
9 determination of parentage of a child. In the proceeding, the
10 law of this State applies.

11 (b) A petitioner may file a direct request seeking
12 recognition and enforcement of a support order or support
13 agreement. In the proceeding, Sections 706 through 713 apply.

14 (c) In a direct request for recognition and enforcement of
15 a Convention support order or foreign support agreement:

16 (1) a security, bond, or deposit is not required to
17 guarantee the payment of costs and expenses; and

18 (2) an obligee or obligor that in the issuing country
19 has benefited from free legal assistance is entitled to
20 benefit, at least to the same extent, from any free legal
21 assistance provided for by the law of this State under the
22 same circumstances.

23 (d) A petitioner filing a direct request is not entitled to
24 assistance from the Illinois Department of Healthcare and
25 Family Services.

1 (e) This Article does not prevent the application of laws
2 of this State that provide simplified, more expeditious rules
3 regarding a direct request for recognition and enforcement of a
4 foreign support order or foreign support agreement.

5 (750 ILCS 22/706 new)

6 Sec. 706. Registration of convention support order.

7 (a) Except as otherwise provided in this Article, a party
8 who is an individual or a support enforcement agency seeking
9 recognition of a Convention support order shall register the
10 order in this State as provided in Article 6.

11 (b) Notwithstanding Sections 311 and 602(a), a request for
12 registration of a Convention support order must be accompanied
13 by:

14 (1) a complete text of the support order or an abstract
15 or extract of the support order drawn up by the issuing
16 foreign tribunal, which may be in the form recommended by
17 the Hague Conference on Private International Law;

18 (2) a record stating that the support order is
19 enforceable in the issuing country;

20 (3) if the respondent did not appear and was not
21 represented in the proceedings in the issuing country, a
22 record attesting, as appropriate, either that the
23 respondent had proper notice of the proceedings and an
24 opportunity to be heard or that the respondent had proper
25 notice of the support order and an opportunity to be heard

1 in a challenge or appeal on fact or law before a tribunal;

2 (4) a record showing the amount of arrears, if any, and
3 the date the amount was calculated;

4 (5) a record showing a requirement for automatic
5 adjustment of the amount of support, if any, and the
6 information necessary to make the appropriate
7 calculations; and

8 (6) if necessary, a record showing the extent to which
9 the applicant received free legal assistance in the issuing
10 country.

11 (c) A request for registration of a Convention support
12 order may seek recognition and partial enforcement of the
13 order.

14 (d) A tribunal of this State may vacate the registration of
15 a Convention support order without the filing of a contest
16 under Section 707 only if, acting on its own motion, the
17 tribunal finds that recognition and enforcement of the order
18 would be manifestly incompatible with public policy.

19 (e) The tribunal shall promptly notify the parties of the
20 registration or the order vacating the registration of a
21 Convention support order.

22 (750 ILCS 22/707 new)

23 Sec. 707. Contest of registered Convention support order.

24 (a) Except as otherwise provided in this Article, Sections
25 605 through 608 apply to a contest of a registered Convention

1 support order.

2 (b) A party contesting a registered Convention support
3 order shall file a contest not later than 30 days after notice
4 of the registration, but if the contesting party does not
5 reside in the United States, the contest must be filed not
6 later than 60 days after notice of the registration.

7 (c) If the nonregistering party fails to contest the
8 registered Convention support order by the time specified in
9 subsection (b), the order is enforceable.

10 (d) A contest of a registered Convention support order may
11 be based only on grounds set forth in Section 708. The
12 contesting party bears the burden of proof.

13 (e) In a contest of a registered Convention support order,
14 a tribunal of this State:

15 (1) is bound by the findings of fact on which the
16 foreign tribunal based its jurisdiction; and

17 (2) may not review the merits of the order.

18 (f) A tribunal of this State deciding a contest of a
19 registered Convention support order shall promptly notify the
20 parties of its decision.

21 (g) A challenge or appeal, if any, does not stay the
22 enforcement of a Convention support order unless there are
23 exceptional circumstances.

24 (750 ILCS 22/708 new)

25 Sec. 708. Recognition and enforcement of registered

1 Convention support order.

2 (a) Except as otherwise provided in subsection (b), a
3 tribunal of this State shall recognize and enforce a registered
4 Convention support order.

5 (b) The following grounds are the only grounds on which a
6 tribunal of this State may refuse recognition and enforcement
7 of a registered Convention support order:

8 (1) recognition and enforcement of the order is
9 manifestly incompatible with public policy, including the
10 failure of the issuing tribunal to observe minimum
11 standards of due process, which include notice and an
12 opportunity to be heard;

13 (2) the issuing tribunal lacked personal jurisdiction
14 consistent with Section 201;

15 (3) the order is not enforceable in the issuing
16 country;

17 (4) the order was obtained by fraud in connection with
18 a matter of procedure;

19 (5) a record transmitted in accordance with Section 706
20 lacks authenticity or integrity;

21 (6) a proceeding between the same parties and having
22 the same purpose is pending before a tribunal of this State
23 and that proceeding was the first to be filed;

24 (7) the order is incompatible with a more recent
25 support order involving the same parties and having the
26 same purpose if the more recent support order is entitled

1 to recognition and enforcement under this Act in this
2 State;

3 (8) payment, to the extent alleged arrears have been
4 paid in whole or in part;

5 (9) in a case in which the respondent neither appeared
6 nor was represented in the proceeding in the issuing
7 foreign country:

8 (A) if the law of that country provides for prior
9 notice of proceedings, the respondent did not have
10 proper notice of the proceedings and an opportunity to
11 be heard; or

12 (B) if the law of that country does not provide for
13 prior notice of the proceedings, the respondent did not
14 have proper notice of the order and an opportunity to
15 be heard in a challenge or appeal on fact or law before
16 a tribunal; or

17 (10) the order was made in violation of Section 711.

18 (c) If a tribunal of this State does not recognize a
19 Convention support order under subsection (b) (2), (4), or (9):

20 (1) the tribunal may not dismiss the proceeding without
21 allowing a reasonable time for a party to request the
22 establishment of a new Convention support order; and

23 (2) the Illinois Department of Healthcare and Family
24 Services shall take all appropriate measures to request a
25 child-support order for the obligee if the application for
26 recognition and enforcement was received under Section

1 704.

2 (750 ILCS 22/709 new)

3 Sec. 709. Partial enforcement. If a tribunal of this State
4 does not recognize and enforce a Convention support order in
5 its entirety, it shall enforce any severable part of the order.
6 An application or direct request may seek recognition and
7 partial enforcement of a Convention support order.

8 (750 ILCS 22/710 new)

9 Sec. 710. Foreign support agreement.

10 (a) Except as otherwise provided in subsections (c) and
11 (d), a tribunal of this State shall recognize and enforce a
12 foreign support agreement registered in this State.

13 (b) An application or direct request for recognition and
14 enforcement of a foreign support agreement must be accompanied
15 by:

16 (1) a complete text of the foreign support agreement;

17 and

18 (2) a record stating that the foreign support agreement
19 is enforceable as an order of support in the issuing
20 country.

21 (c) A tribunal of this State may vacate the registration of
22 a foreign support agreement only if, acting on its own motion,
23 the tribunal finds that recognition and enforcement would be
24 manifestly incompatible with public policy.

1 (d) In a contest of a foreign support agreement, a tribunal
2 of this State may refuse recognition and enforcement of the
3 agreement if it finds:

4 (1) recognition and enforcement of the agreement is
5 manifestly incompatible with public policy;

6 (2) the agreement was obtained by fraud or
7 falsification;

8 (3) the agreement is incompatible with a support order
9 involving the same parties and having the same purpose in
10 this State, another state, or a foreign country if the
11 support order is entitled to recognition and enforcement
12 under this Act in this State; or

13 (4) the record submitted under subsection (b) lacks
14 authenticity or integrity.

15 (e) A proceeding for recognition and enforcement of a
16 foreign support agreement must be suspended during the pendency
17 of a challenge to or appeal of the agreement before a tribunal
18 of another state or a foreign country.

19 (750 ILCS 22/711 new)

20 Sec. 711. Modification of Convention child-support order.

21 (a) A tribunal of this State may not modify a Convention
22 child-support order if the obligee remains a resident of the
23 foreign country where the support order was issued unless:

24 (1) the obligee submits to the jurisdiction of a
25 tribunal of this State, either expressly or by defending on

1 the merits of the case without objecting to the
2 jurisdiction at the first available opportunity; or

3 (2) the foreign tribunal lacks or refuses to exercise
4 jurisdiction to modify its support order or issue a new
5 support order.

6 (b) If a tribunal of this State does not modify a
7 Convention child-support order because the order is not
8 recognized in this State, Section 708(c) applies.

9 (750 ILCS 22/712 new)

10 Sec. 712. Personal information; limit on use. Personal
11 information gathered or transmitted under this Article may be
12 used only for the purposes for which it was gathered or
13 transmitted.

14 (750 ILCS 22/713 new)

15 Sec. 713. Record in original language; English
16 translation. A record filed with a tribunal of this State under
17 this Article must be in the original language and, if not in
18 English, must be accompanied by an English translation.

19 (750 ILCS 22/802)

20 Sec. 802. Conditions of rendition.

21 (a) Before making a demand that the governor of another
22 state surrender an individual charged criminally in this State
23 with having failed to provide for the support of an obligee,

1 the Governor of this State may require a prosecutor of this
2 State to demonstrate that at least 60 days previously the
3 obligee had initiated proceedings for support pursuant to this
4 Act or that the proceeding would be of no avail.

5 (b) If, under this Act or a law substantially similar to
6 this Act, the Governor of another state makes a demand that the
7 governor of this State surrender an individual charged
8 criminally in that state with having failed to provide for the
9 support of a child or other individual to whom a duty of
10 support is owed, the governor may require a prosecutor to
11 investigate the demand and report whether a proceeding for
12 support has been initiated or would be effective. If it appears
13 that a proceeding would be effective but has not been
14 initiated, the governor may delay honoring the demand for a
15 reasonable time to permit the initiation of a proceeding.

16 (c) If a proceeding for support has been initiated and the
17 individual whose rendition is demanded prevails, the governor
18 may decline to honor the demand. If the petitioner ~~obligee~~
19 prevails and the individual whose rendition is demanded is
20 subject to a support order, the governor may decline to honor
21 the demand if the individual is complying with the support
22 order.

23 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

24 (750 ILCS 22/902 new)

25 Sec. 902. Transitional provision. This amendatory Act of

1 the 99th General Assembly applies to proceedings begun on or
2 after the effective date of this amendatory Act of the 99th
3 General Assembly to establish a support order or determine
4 parentage of a child or to register, recognize, enforce, or
5 modify a prior support order, determination, or agreement,
6 whenever issued or entered.

7 (750 ILCS 22/903)

8 Sec. 903 ~~902~~. Severability ~~clause~~. If any provision of this
9 Act or its application to any person or circumstance is held
10 invalid, the invalidity does not affect other provisions or
11 applications of this Act which can be given effect without the
12 invalid provision or application, and to this end the
13 provisions of this Act are severable.

14 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

15 (750 ILCS 22/905) (was 750 ILCS 22/903)

16 Sec. 905 ~~903~~. Effective date. (See Sec. 999 for effective
17 date.)

18 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

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