

1 AN ACT in relation to support.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-10, 10-10.1, 10-10.2, 10-10.3, 10-10.5,
6 10-11, and 10-26 as follows:

7 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

8 Sec. 10-10. Court enforcement; applicability also to
9 persons who are not applicants or recipients. Except where
10 the Illinois Department, by agreement, acts for the local
11 governmental unit, as provided in Section 10-3.1, local
12 governmental units shall refer to the State's Attorney or to
13 the proper legal representative of the governmental unit, for
14 judicial enforcement as herein provided, instances of
15 non-support or insufficient support when the dependents are
16 applicants or recipients under Article VI. The Child and
17 Spouse Support Unit established by Section 10-3.1 may
18 institute in behalf of the Illinois Department any actions
19 under this Section for judicial enforcement of the support
20 liability when the dependents are (a) applicants or
21 recipients under Articles III, IV, V or VII (b) applicants or
22 recipients in a local governmental unit when the Illinois
23 Department, by agreement, acts for the unit; or (c)
24 non-applicants or non-recipients who are receiving support
25 enforcement services under this Article X, as provided in
26 Section 10-1. Where the Child and Spouse Support Unit has
27 exercised its option and discretion not to apply the
28 provisions of Sections 10-3 through 10-8, the failure by the
29 Unit to apply such provisions shall not be a bar to bringing
30 an action under this Section.

31 Action shall be brought in the circuit court to obtain

1 support, or for the recovery of aid granted during the period
2 such support was not provided, or both for the obtainment of
3 support and the recovery of the aid provided. Actions for
4 the recovery of aid may be taken separately or they may be
5 consolidated with actions to obtain support. Such actions
6 may be brought in the name of the person or persons requiring
7 support, or may be brought in the name of the Illinois
8 Department or the local governmental unit, as the case
9 requires, in behalf of such persons.

10 The court may enter such orders for the payment of moneys
11 for the support of the person as may be just and equitable
12 and may direct payment thereof for such period or periods of
13 time as the circumstances require, including support for a
14 period before the date the order for support is entered. The
15 order may be entered against any or all of the defendant
16 responsible relatives and may be based upon the proportionate
17 ability of each to contribute to the person's support.

18 The Court shall determine the amount of child support
19 (including child support for a period before the date the
20 order for child support is entered) by using the guidelines
21 and standards set forth in subsection (a) of Section 505 and
22 in Section 505.2 of the Illinois Marriage and Dissolution of
23 Marriage Act. For purposes of determining the amount of child
24 support to be paid for a period before the date the order for
25 child support is entered, there is a rebuttable presumption
26 that the responsible relative's net income for that period
27 was the same as his or her net income at the time the order
28 is entered.

29 If (i) the responsible relative was properly served with
30 a request for discovery of financial information relating to
31 the responsible relative's ability to provide child support,
32 (ii) the responsible relative failed to comply with the
33 request, despite having been ordered to do so by the court,
34 and (iii) the responsible relative is not present at the

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

7 An order entered under this Section before July 1, 2002
8 shall include a provision requiring the obligor to report to
9 the obligee and to the clerk of the court within 10 days each
10 time the obligor obtains new employment, and each time the
11 obligor's employment is terminated for any reason. An order
12 entered under this Section after June 30, 2002 shall include
13 a provision requiring the obligor to report to the obligee,
14 the Illinois Department, and the State Disbursement Unit
15 established under Section 10-26, within 5 business days, each
16 time the obligor obtains new employment and each time the
17 obligor's employment is terminated for any reason. The
18 report shall be in writing and shall, in the case of new
19 employment, include the name and address of the new employer.

20 Failure to report new employment or the termination of
21 current employment, if coupled with nonpayment of support for
22 a period in excess of 60 days, is indirect criminal contempt.
23 For any obligor arrested for failure to report new employment
24 bond shall be set in the amount of the child support that
25 should have been paid during the period of unreported
26 employment.

27 An order entered under this Section shall also include a
28 provision requiring the obligor and obligee parents to advise
29 each other of a change in residence within 5 days of the
30 change except when the court finds that the physical,
31 mental, or emotional health of a party or that of a minor
32 child, or both, would be seriously endangered by disclosure
33 of the party's address.

34 The Court shall determine the amount of maintenance using

1 the standards set forth in Section 504 of the Illinois
2 Marriage and Dissolution of Marriage Act.

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

19 When an order is entered for the support of a minor, the
20 court may provide therein for reasonable visitation of the
21 minor by the person or persons who provided support pursuant
22 to the order. Whoever willfully refuses to comply with such
23 visitation order or willfully interferes with its enforcement
24 may be declared in contempt of court and punished therefor.

25 Except where the local governmental unit has entered into
26 an agreement with the Illinois Department for the Child and
27 Spouse Support Unit to act for it, as provided in Section
28 10-3.1, support orders entered by the court in cases
29 involving applicants or recipients under Article VI shall
30 provide that payments thereunder be made directly to the
31 local governmental unit. Orders for the support of all other
32 applicants or recipients shall provide that payments
33 thereunder be made directly to the Illinois Department. In
34 accordance with federal law and regulations, the Illinois

1 Department may continue to collect current maintenance
2 payments or child support payments, or both, after those
3 persons cease to receive public assistance and until
4 termination of services under Article X. The Illinois
5 Department shall pay the net amount collected to those
6 persons after deducting any costs incurred in making the
7 collection or any collection fee from the amount of any
8 recovery made. In both cases the order shall permit the
9 local governmental unit or the Illinois Department, as the
10 case may be, to direct the responsible relative or relatives
11 to make support payments directly to the needy person, or to
12 some person or agency in his behalf, upon removal of the
13 person from the public aid rolls or upon termination of
14 services under Article X.

15 If the notice of support due issued pursuant to Section
16 10-7 directs that support payments be made directly to the
17 needy person, or to some person or agency in his behalf, and
18 the recipient is removed from the public aid rolls, court
19 action may be taken against the responsible relative
20 hereunder if he fails to furnish support in accordance with
21 the terms of such notice.

22 Actions may also be brought under this Section in behalf
23 of any person who is in need of support from responsible
24 relatives, as defined in Section 2-11 of Article II who is
25 not an applicant for or recipient of financial aid under this
26 Code. In such instances, the State's Attorney of the county
27 in which such person resides shall bring action against the
28 responsible relatives hereunder. If the Illinois Department,
29 as authorized by Section 10-1, extends the support services
30 provided by this Article to spouses and dependent children
31 who are not applicants or recipients under this Code, the
32 Child and Spouse Support Unit established by Section 10-3.1
33 shall bring action against the responsible relatives
34 hereunder and any support orders entered by the court in such

1 cases shall provide that payments thereunder be made directly
2 to the Illinois Department.

3 Whenever it is determined in a proceeding to establish or
4 enforce a child support or maintenance obligation that the
5 person owing a duty of support is unemployed, the court may
6 order the person to seek employment and report periodically
7 to the court with a diary, listing or other memorandum of his
8 or her efforts in accordance with such order. Additionally,
9 the court may order the unemployed person to report to the
10 Department of Employment Security for job search services or
11 to make application with the local Job Jobs Training
12 Partnership Act provider for participation in job search,
13 training or work programs and where the duty of support is
14 owed to a child receiving support services under this Article
15 X, the court may order the unemployed person to report to the
16 Illinois Department for participation in job search, training
17 or work programs established under Section 9-6 and Article
18 IXA of this Code.

19 Whenever it is determined that a person owes past-due
20 support for a child receiving assistance under this Code, the
21 court shall order at the request of the Illinois Department:

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

24 (2) if the person owing past-due support is
25 unemployed, is subject to such a plan, and is not
26 incapacitated, that the person participate in such job
27 search, training, or work programs established under
28 Section 9-6 and Article IXA of this Code as the court
29 deems appropriate.

30 A determination under this Section shall not be
31 administratively reviewable by the procedures specified in
32 Sections 10-12, and 10-13 to 10-13.10. Any determination
33 under these Sections, if made the basis of court action under
34 this Section, shall not affect the de novo judicial

1 determination required under this Section.

2 A one-time charge of 20% is imposable upon the amount of
3 past-due child support owed on July 1, 1988 which has accrued
4 under a support order entered by the court. The charge shall
5 be imposed in accordance with the provisions of Section 10-21
6 of this Code and shall be enforced by the court upon
7 petition.

8 All orders for support, when entered or modified, shall
9 include a provision requiring the non-custodial parent to
10 notify the court (before July 1, 2002) or the State
11 Disbursement Unit established under Section 10-26 (after June
12 30, 2002) and, in cases in which a party is receiving child
13 and spouse support services under this Article X, the
14 Illinois Department, within 7 days (before July 1, 2002) or 5
15 business days (after June 30, 2002), (i) of the name,
16 address, and telephone number of any new employer of the
17 non-custodial parent, (ii) whether the non-custodial parent
18 has access to health insurance coverage through the employer
19 or other group coverage and, if so, the policy name and
20 number and the names of persons covered under the policy, and
21 (iii) of any new residential or mailing address or telephone
22 number of the non-custodial parent. In any subsequent action
23 to enforce a support order, upon a sufficient showing that a
24 diligent effort has been made to ascertain the location of
25 the non-custodial parent, service of process or provision of
26 notice necessary in the case may be made at the last known
27 address of the non-custodial parent in any manner expressly
28 provided by the Code of Civil Procedure or this Code, which
29 service shall be sufficient for purposes of due process.

30 An order for support shall include a date on which the
31 current support obligation terminates. The termination date
32 shall be no earlier than the date on which the child covered
33 by the order will attain the age of majority or is otherwise
34 emancipated. The order for support shall state that the

1 termination date does not apply to any arrearage that may
2 remain unpaid on that date. Nothing in this paragraph shall
3 be construed to prevent the court from modifying the order.

4 Upon notification in writing or by electronic
5 transmission from the Illinois Department to the clerk of the
6 court and (after June 30, 2002) the State Disbursement Unit
7 that a person who is receiving support payments under this
8 Section is receiving services under the Child Support
9 Enforcement Program established by Title IV-D of the Social
10 Security Act, any support payments subsequently received by
11 the clerk of the court or the State Disbursement Unit shall
12 be transmitted in accordance with the instructions of the
13 Illinois Department until the Illinois Department gives
14 notice to the clerk of the court or the State Disbursement
15 Unit to cease the transmittal. After providing the
16 notification authorized under this paragraph, the Illinois
17 Department shall be entitled as a party to notice of any
18 further proceedings in the case. The clerk of the court
19 shall file a copy of the Illinois Department's notification
20 in the court file. The clerk's failure to file a copy of the
21 notification in the court file shall not, however, affect the
22 Illinois Department's right to receive notice of further
23 proceedings.

24 Payments under this Section to the Illinois Department
25 pursuant to the Child Support Enforcement Program established
26 by Title IV-D of the Social Security Act shall be paid into
27 the Child Support Enforcement Trust Fund. All payments under
28 this Section to the Illinois Department of Human Services
29 shall be deposited in the DHS Recoveries Trust Fund.
30 Disbursements from these funds shall be as provided in
31 Sections 12-9.1 and 12-10.2 of this Code. Payments received
32 by a local governmental unit shall be deposited in that
33 unit's General Assistance Fund.

34 To the extent the provisions of this Section are

1 inconsistent with the requirements pertaining to the State
2 Disbursement Unit under Sections 10-10.4 and 10-26 of this
3 Code, the requirements pertaining to the State Disbursement
4 Unit shall apply.

5 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
6 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 90-790, eff.
7 8-14-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357,
8 eff. 7-29-99; 91-767, eff. 6-9-00; revised 10-24-00.)

9 (305 ILCS 5/10-10.1) (from Ch. 23, par. 10-10.1)

10 Sec. 10-10.1. Public Aid Collection Fee. In all cases
11 instituted by the Illinois Department on behalf of a child or
12 spouse, other than one receiving a grant of financial aid
13 under Article IV, on whose behalf an application has been
14 made and approved for support services as provided by Section
15 10-1, the court shall impose a collection fee on the
16 individual who owes a child or spouse support obligation in
17 an amount equal to 10% of the amount so owed as long as such
18 collection is required by federal law, which fee shall be in
19 addition to the support obligation. The imposition of such
20 fee shall be in accordance with provisions of Title IV, Part
21 D, of the Social Security Act and regulations duly
22 promulgated thereunder. The fee shall be payable to the
23 clerk of the circuit court (before July 1, 2002) or the State
24 Disbursement Unit established under Section 10-26 (after June
25 30, 2002) for transmittal to the Illinois Department and
26 shall continue until support services are terminated by the
27 Department.

28 (Source: P.A. 82-979.)

29 (305 ILCS 5/10-10.2) (from Ch. 23, par. 10-10.2)

30 Sec. 10-10.2. Notice ~~to~~ Clerk ~~of~~ Circuit ~~Court~~ of
31 payment received by the Illinois Department ~~for recording~~.
32 For those cases in which support is payable to the clerk of

1 the circuit court (before July 1, 2002) or the State
2 Disbursement Unit established under Section 10-26 (after June
3 30, 2002) for transmittal to the Illinois Department by order
4 of court, and the Illinois Department collects support by
5 assignment, offset, withholding, deduction or other process
6 permitted by law, the Illinois Department shall notify the
7 clerk or State Disbursement Unit of the date and amount of
8 such collection. Upon notification, the clerk or State
9 Disbursement Unit shall record the collection on the payment
10 record for the case.

11 (Source: P.A. 82-1057.)

12 (305 ILCS 5/10-10.3) (from Ch. 23, par. 10-10.3)

13 Sec. 10-10.3. For those cases in which child support is
14 payable to the clerk of the circuit court (before July 1,
15 2002) or the State Disbursement Unit established under
16 Section 10-26 (after June 30, 2002) for transmittal to the
17 Illinois Department by order of court, the clerk or State
18 Disbursement Unit shall transmit all such payments, within 4
19 working days of receipt, to insure that funds are available
20 for immediate distribution by the Department to the person or
21 entity entitled thereto in accordance with standards of the
22 Child Support Enforcement Program established under Title
23 IV-D of the Social Security Act. The clerk or State
24 Disbursement Unit shall notify the Department of the date of
25 receipt and amount thereof at the time of transmittal. Where
26 the clerk or State Disbursement Unit has entered into an
27 agreement of cooperation with the Department to record the
28 terms of child support orders and payments made thereunder
29 directly into the Department's automated data processing
30 system, the clerk or State Disbursement Unit shall account
31 for, transmit and otherwise distribute child support payments
32 in accordance with such agreement in lieu of the requirements
33 contained herein.

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

6 (Source: P.A. 91-212, eff. 7-20-99.)

7 (305 ILCS 5/10-10.5)

8 Sec. 10-10.5. Information to State Case Registry.

9 (a) When an order for support is entered or modified by
10 the circuit court under Section 10-10 before July 1, 2002,
11 the clerk of the circuit court shall, within 5 business days,
12 provide to the Illinois Department's State Case Registry
13 established under Section 10-27 of this Code the court docket
14 number and county in which the order is entered or modified
15 and the following information, which the parties shall
16 disclose to the court:

17 (1) The names of the custodial and non-custodial
18 parents and the child or children covered by the order.

19 (2) The dates of birth of the custodial and
20 non-custodial parents and of the child or children
21 covered by the order.

22 (3) The social security numbers of the custodial
23 and non-custodial parents and of the child or children
24 covered by the order.

25 (4) The residential and mailing addresses for the
26 custodial and non-custodial parents.

27 (5) The telephone numbers for the custodial and
28 non-custodial parents.

29 (6) The driver's license numbers for the custodial
30 and non-custodial parents.

31 (7) The name, address, and telephone number of each
32 parent's employer or employers.

33 When an order for support is entered or modified by the

1 circuit court under Section 10-10 after June 30, 2002, the
2 clerk shall provide the information to the Illinois
3 Department within 5 business days, and the Illinois
4 Department shall promptly transmit the information to the
5 State Case Registry.

6 (b) When a child support order is entered or modified
7 before July 1, 2002 for a case in which a party is receiving
8 child and spouse support services under Article X of this
9 Code, the clerk shall provide the State Case Registry with
10 the following information:

11 (1) The information specified in subsection (a) of
12 this Section.

13 (2) The amount of monthly or other periodic support
14 owed under the order and other amounts, including
15 arrearages, interest, or late payment penalties and fees,
16 due or overdue under the order.

17 (3) Any amounts described in subdivision (2) of
18 this subsection (b) that have been received by the clerk.

19 (4) The distribution of the amounts received by the
20 clerk.

21 When a child support order is entered or modified after
22 June 30, 2002 for a case in which a party is receiving child
23 and spouse support services under Article X of this Code,
24 the clerk shall provide the information to the Illinois
25 Department, and the Illinois Department shall promptly
26 transmit the information to the State Case Registry.

27 (b-5) When the clerk provides information to the Illinois
28 Department under subsection (b), the Illinois Department
29 shall determine whether the State Disbursement Unit
30 established under Section 10-26 has received any amounts
31 described in subdivision (b)(2). If the State Disbursement
32 Unit has received any such amounts, the Illinois Department
33 shall cause the following information to be provided to the
34 Registry:

1 (1) All such amounts received by the State
2 Disbursement Unit.

3 (2) The distribution of those amounts.

4 (c) A party shall report to the clerk of the circuit
5 court changes in information required to be the disclosed
6 under this Section within 5 business days of the change.

7 (d) To the extent that updated information is in the
8 clerk's possession, the clerk shall provide updates of the
9 information specified in subsection (b) of this Section
10 within 5 business days after the Illinois Department's
11 request for that updated information.

12 (Source: P.A. 91-212, eff. 7-20-99.)

13 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

14 Sec. 10-11. Administrative Orders. In lieu of actions
15 for court enforcement of support under Section 10-10, the
16 Child and Spouse Support Unit of the Illinois Department, in
17 accordance with the rules of the Illinois Department, may
18 issue an administrative order requiring the responsible
19 relative to comply with the terms of the determination and
20 notice of support due, determined and issued under Sections
21 10-6 and 10-7. The Unit may also enter an administrative
22 order under subsection (b) of Section 10-7. The
23 administrative order shall be served upon the responsible
24 relative by United States registered or certified mail. In
25 cases in which the responsible relative appeared at the
26 office of the Child and Spouse Support Unit in response to
27 the notice of support obligation issued under Section 10-4,
28 however, or in cases of default in which the notice was
29 served on the responsible relative by certified mail, return
30 receipt requested, or by any method provided by law for
31 service of summons, the administrative determination of
32 paternity or administrative support order may be sent to the
33 responsible relative by ordinary mail addressed to the

1 responsible relative's last known address.

2 If a responsible relative or a person receiving child and
3 spouse support services under this Article fails to petition
4 the Illinois Department for release from or modification of
5 the administrative order, as provided in Section 10-12 or
6 Section 10-12.1, the order shall become final and there shall
7 be no further administrative or judicial remedy. Likewise a
8 decision by the Illinois Department as a result of an
9 administrative hearing, as provided in Sections 10-13 to
10 10-13.10, shall become final and enforceable if not
11 judicially reviewed under the Administrative Review Law, as
12 provided in Section 10-14.

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

29 An order entered under this Section before July 1, 2002
30 shall include a provision requiring the obligor to report to
31 the obligee and to the clerk of the court within 10 days each
32 time the obligor obtains new employment, and each time the
33 obligor's employment is terminated for any reason. An order
34 entered under this Section after June 30, 2002 shall include

1 a provision requiring the obligor to report to the obligee,
2 the Illinois Department, and the State Disbursement Unit
3 established under Section 10-26, within 5 business days, each
4 time the obligor obtains new employment and each time the
5 obligor's employment is terminated for any reason. The
6 report shall be in writing and shall, in the case of new
7 employment, include the name and address of the new employer.

8 Failure to report new employment or the termination of
9 current employment, if coupled with nonpayment of support for
10 a period in excess of 60 days, is indirect criminal contempt.
11 For any obligor arrested for failure to report new employment
12 bond shall be set in the amount of the child support that
13 should have been paid during the period of unreported
14 employment.

15 An order entered under this Section shall also include a
16 provision requiring the obligor and obligee parents to advise
17 each other of a change in residence within 5 days of the
18 change except when the court finds that the physical,
19 mental, or emotional health of a party or that of a minor
20 child, or both, would be seriously endangered by disclosure
21 of the party's address.

22 A one-time charge of 20% is imposable upon the amount of
23 past-due child support owed on July 1, 1988, which has
24 accrued under a support order entered by the Illinois
25 Department under this Section. The charge shall be imposed
26 in accordance with the provisions of Section 10-21 and shall
27 be enforced by the court in a suit filed under Section 10-15.
28 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
29 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.
30 7-20-99.)

31 (305 ILCS 5/10-26)

32 Sec. 10-26. State Disbursement Unit.

33 (a) Effective October 1, 1999 the Illinois Department

1 shall establish a State Disbursement Unit in accordance with
2 the requirements of Title IV-D of the Social Security Act.
3 The Illinois Department shall enter into an agreement with a
4 State or local governmental unit or private entity to perform
5 the functions of the State Disbursement Unit as set forth in
6 this Section. The State Disbursement Unit shall collect and
7 disburse support payments made under court and administrative
8 support orders:

9 (1) being enforced in cases in which child and
10 spouse support services are being provided under this
11 Article X; and

12 (2) in all cases in which child and spouse support
13 services are not being provided under this Article X and
14 in which support payments are made under the provisions
15 of the Income Withholding for Support Act; ~~and-~~

16 (3) in other cases as provided by law.

17 (a-5) If the State Disbursement Unit receives a support
18 payment that was not appropriately made to the Unit under
19 this Section, the Unit shall immediately return the payment
20 to the sender, including, if possible, instructions detailing
21 where to send the support payments.

22 (b) All payments received by the State Disbursement
23 Unit:

24 (1) shall be deposited into an account obtained by
25 the State or local governmental unit or private entity,
26 as the case may be, and

27 (2) distributed and disbursed by the State
28 Disbursement Unit, in accordance with the directions of
29 the Illinois Department, pursuant to Title IV-D of the
30 Social Security Act and rules promulgated by the
31 Department.

32 (c) All support payments assigned to the Illinois
33 Department under Article X of this Code and rules promulgated
34 by the Illinois Department that are disbursed to the Illinois

1 Department by the State Disbursement Unit shall be paid into
2 the Child Support Enforcement Trust Fund.

3 (d) If the agreement with the State or local
4 governmental unit or private entity provided for in this
5 Section is not in effect for any reason, the Department shall
6 perform the functions of the State Disbursement Unit as set
7 forth in this Section for a maximum of 12 months. Payments
8 received by the Department in performance of the duties of
9 the State Disbursement Unit shall be deposited into the State
10 Disbursement Unit Revolving Fund established under Section
11 12-8.1.

12 (e) By February 1, 2000, the Illinois Department shall
13 conduct at least 4 regional training and educational seminars
14 to educate the clerks of the circuit court on the general
15 operation of the State Disbursement Unit, the role of the
16 State Disbursement Unit, and the role of the clerks of the
17 circuit court in the collection and distribution of child
18 support payments.

19 (f) By March 1, 2000, the Illinois Department shall
20 conduct at least 4 regional educational and training seminars
21 to educate payors, as defined in the Income Withholding for
22 Support Act, on the general operation of the State
23 Disbursement Unit, the role of the State Disbursement Unit,
24 and the distribution of income withholding payments pursuant
25 to this Section and the Income Withholding for Support Act.

26 (g) On July 1, 2002 the rights, powers, duties, and
27 functions of the clerks of the circuit court relating to the
28 collection and disbursement of support payments are
29 transferred to the State Disbursement Unit as provided in
30 this amendatory Act of the 92nd General Assembly. If a
31 clerk of the circuit court transmits a support payment to the
32 State Disbursement Unit according to the provisions of this
33 amendatory Act of the 92nd General Assembly, the State
34 Disbursement Unit shall disburse the payment as required by

1 law or an order of the court.

2 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;
3 91-712, eff. 7-1-00.)

4 Section 10. The Clerks of Courts Act is amended by
5 changing Sections 27.1, 27.1a, 27.2, and 27.2a and adding
6 Section 27.10 as follows:

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

8 Sec. 27.1. The fees of the Clerk of the Circuit Court in
9 all counties having a population of 180,000 inhabitants or
10 less shall be paid in advance, except as otherwise provided,
11 and shall be as follows:

12 (a) Civil Cases.

13 (1) All civil cases except as otherwise
14 provided..... \$40

15 (2) Judicial Sales (except Probate)..... \$40

16 (b) Family.

17 (1) Commitment petitions under the Mental
18 Health and Developmental Disabilities Code, filing
19 transcript of commitment proceedings held in
20 another county, and cases under the Juvenile Court
21 Act of 1987..... \$25

22 (2) Petition for Marriage Licenses..... \$10

23 (3) Marriages in Court..... \$10

24 (4) Paternity..... \$40

25 (c) Criminal and Quasi-Criminal.

26 (1) Each person convicted of a felony..... \$40

27 (2) Each person convicted of a misdemeanor,
28 leaving scene of an accident, driving while
29 intoxicated, reckless driving or drag racing,
30 driving when license revoked or suspended,
31 overweight, or no interstate commerce certificate,
32 or when the disposition is court supervision..... \$25

1 (3) Each person convicted of a business
2 offense..... \$25

3 (4) Each person convicted of a petty offense. \$25

4 (5) Minor traffic, conservation, or
5 ordinance violation, including
6 without limitation when the disposition is
7 court supervision:

8 (i) For each offense..... \$10

9 (ii) For each notice sent to the
10 defendant's last known address pursuant to
11 subsection (c) of Section 6-306.4 of the Illinois
12 Vehicle Code..... \$2

13 (iii) For each notice sent to the
14 Secretary of State pursuant to subsection (c) of
15 Section 6-306.4 of the Illinois Vehicle Code..... \$2

16 (6) When Court Appearance required..... \$15

17 (7) Motions to vacate or amend final orders.. \$10

18 (8) In ordinance violation cases punishable
19 by fine only, the clerk of the circuit court shall
20 be entitled to receive, unless the fee is excused
21 upon a finding by the court that the defendant is
22 indigent, in addition to other fees or costs
23 allowed or imposed by law, the sum of \$62.50 as a
24 fee for the services of a jury. The jury fee shall
25 be paid by the defendant at the time of filing his
26 or her jury demand. If the fee is not so paid by
27 the defendant, no jury shall be called, and the
28 case shall be tried by the court without a jury.

29 (d) Other Civil Cases_

30 (1) Money or personal property claimed does
31 not exceed \$500..... \$10

32 (2) Exceeds \$500 but not more than \$10,000... \$25

33 (3) Exceeds \$10,000, when relief in addition
34 to or supplemental to recovery of money alone is

1 sought in an action to recover personal property
 2 taxes or retailers occupational tax regardless of
 3 amount claimed..... \$45

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

17 (e) Confession of judgment and answer.
 18 (1) When the amount does not exceed \$1,000... \$20
 19 (2) Exceeds \$1,000..... \$40

20 (f) Auxiliary Proceedings.
 21 Any auxiliary proceeding relating to the
 22 collection of a money judgment, including
 23 garnishment, citation, or wage deduction action.... \$5

24 (g) Forcible entry and detainer.
 25 (1) For possession only or possession and
 26 rent not in excess of \$10,000..... \$10
 27 (2) For possession and rent in excess of
 28 \$10,000..... \$40

29 (h) Eminent Domain.
 30 (1) Exercise of Eminent Domain..... \$45
 31 (2) For each and every lot or tract of land
 32 or right or interest therein subject to be
 33 condemned, the damages in respect to which shall
 34 require separate assessments by a jury..... \$45

1 (i) Reinstatement.

2 Each case including petition for modification
3 of a judgment or order of Court if filed later than
4 30 days after the entry of a judgment or order,
5 except in forcible entry and detainer cases and
6 small claims and except a petition to modify,
7 terminate, or enforce a judgement or order for
8 child or spousal support or to modify, suspend, or
9 terminate an order for withholding, petition to
10 vacate judgment of dismissal for want of
11 prosecution whenever filed, petition to reopen an
12 estate, or redocketing of any cause..... \$20

13 (j) Probate.

14 (1) Administration of decedent's estates,
15 whether testate or intestate, guardianships of the
16 person or estate or both of a person under legal
17 disability, guardianships of the person or estate
18 or both of a minor or minors, or petitions to sell
19 real estate in the administration of any estate.... \$50

20 (2) Small estates in cases where the real and
21 personal property of an estate does not exceed
22 \$5,000..... \$25

23 (3) At any time during the administration of
24 the estate, however, at the request of the Clerk,
25 the Court shall examine the record of the estate
26 and the personal representative to determine the
27 total value of the real and personal property of
28 the estate, and if such value exceeds \$5,000 shall
29 order the payment of an additional fee in the
30 amount of..... \$40

31 (4) Inheritance tax proceedings..... \$15

32 (5) Issuing letters only for a certain
33 specific reason other than the administration of an
34 estate, including but not limited to the release of

1 mortgage; the issue of letters of guardianship in
 2 order that consent to marriage may be granted or
 3 for some other specific reason other than for the
 4 care of property or person; proof of heirship
 5 without administration; or when a will is to be
 6 admitted to probate, but the estate is to be
 7 settled without administration..... \$10

8 (6) When a separate complaint relating to any
 9 matter other than a routine claim is filed in an
 10 estate, the required additional fee shall be
 11 charged for such filing..... \$45

12 (k) Change of Venue.

13 From a court, the charge is the same amount as
 14 the original filing fee; however, the fee for
 15 preparation and certification of record on change
 16 of venue, when original documents or copies are
 17 forwarded..... \$10

18 (l) Answer, adverse pleading, or appearance.

19 In civil cases..... \$15

20 With the following exceptions:

21 (1) When the amount does not exceed \$500..... \$5

22 (2) When amount exceeds \$500 but not \$10,000. \$10

23 (3) When amount exceeds \$10,000..... \$15

24 (4) Court appeals when documents are
 25 forwarded, over 200 pages, additional fee per page
 26 over 200..... 10¢

27 (m) Tax objection complaints.

28 For each tax objection complaint containing
 29 one or more tax objections, regardless of the
 30 number of parcels involved or the number of
 31 taxpayers joining the complaint..... \$10

32 (n) Tax deed.

33 (1) Petition for tax deed, if only one parcel
 34 is involved..... \$45

1 (2) For each additional parcel involved, an
 2 additional fee of..... \$10

3 (o) Mailing Notices and Processes.

4 (1) All notices that the clerk is required to
 5 mail as first class mail..... \$2

6 (2) For all processes or notices the Clerk is
 7 required to mail by certified or registered mail,
 8 the fee will be \$2 plus cost of postage.

9 (p) Certification or Authentication.

10 (1) Each certification or authentication for
 11 taking the acknowledgement of a deed or other
 12 instrument in writing with seal of office..... \$2

13 (2) Court appeals when original documents are
 14 forwarded, 100 pages or under, plus delivery costs. \$25

15 (3) Court appeals when original documents are
 16 forwarded, over 100 pages, plus delivery costs..... \$60

17 (4) Court appeals when original documents are
 18 forwarded, over 200 pages, additional fee per page
 19 over 200..... 10¢

20 (q) Reproductions.

21 Each record of proceedings and judgment,
 22 whether on appeal, change of venue, certified
 23 copies of orders and judgments, and all other
 24 instruments, documents, records, or papers:

25 (1) First page..... \$1

26 (2) Next 19 pages, per page..... 50¢

27 (3) All remaining pages, per page..... 25¢

28 (r) Counterclaim.

29 When any defendant files a counterclaim as
 30 part of his or her answer or otherwise, or joins
 31 another party as a third party defendant, or both,
 32 he or she shall pay a fee for each such
 33 counterclaim or third party action in an amount
 34 equal to the fee he or she would have had to pay

1 had he or she brought a separate action for the
2 relief sought in the counterclaim or against the
3 third party defendant, less the amount of the
4 appearance fee, if that has been paid.

5 (s) Transcript of Judgment.

6 From a court, the same fee as if case
7 originally filed.

8 (t) Publications.

9 The cost of publication shall be paid directly
10 to the publisher by the person seeking the
11 publication, whether the clerk is required by law
12 to publish, or the parties to the action.

13 (u) Collections.

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

18 (2) In any cases remanded to the Circuit
19 Court from the Supreme Court or the Appellate
20 Court, the Clerk shall file the remanding order and
21 reinstate the case with either its original number
22 or a new number. The Clerk shall not charge any
23 new or additional fee for the reinstatement. Upon
24 reinstatement the Clerk shall advise the parties of
25 the reinstatement. A party shall have the same
26 right to a jury trial on remand and reinstatement
27 as he or she had before the appeal, and no
28 additional or new fee or charge shall be made for a
29 jury trial after remand.

30 (3) In maintenance and child support matters,
31 the Clerk may deduct from each payment an amount
32 equal to the United States postage to be used in
33 mailing the maintenance or child support check to
34 the recipient. Before July 1, 2002, in such cases,

1 the Clerk shall collect an annual fee of up to \$36
2 from the person making such payment for maintaining
3 child support records and the processing of support
4 orders to the State of Illinois KIDS system and the
5 recording of payments issued by the State
6 Disbursement Unit for the official record of the
7 Court. Such sum shall be in addition to and
8 separate from amounts ordered to be paid as
9 maintenance or child support and shall be deposited
10 in a separate Maintenance and Child Support
11 Collection Fund of which the Clerk shall be the
12 custodian, ex officio, to be used by the Clerk to
13 maintain child support orders and record all
14 payments issued by the State Disbursement Unit for
15 the official record of the Court. Unless paid in
16 cash or pursuant to an order for withholding, the
17 payment of the fee shall be by a separate
18 instrument from the support payment and shall be
19 made to the order of the Clerk. The Clerk may
20 recover from the person making the maintenance or
21 child support payment any additional cost incurred
22 in the collection of this annual fee. If on July
23 1, 2003 there is any remaining balance in the
24 Maintenance and Child Support Collection Fund that
25 is derived from fees paid under this subdivision
26 (u)(3), the Clerk shall promptly transmit that
27 balance to the State Disbursement Unit established
28 under Section 10-26 of the Illinois Public Aid
29 Code.

30 (4) Interest earned on any funds held by the
31 clerk shall be turned over to the county general
32 fund as an earning of the office.

33 The Clerk shall also be entitled to a fee of
34 \$5 for certifications made to the Secretary of

1 State as provided in Section 7-703 of the Family
 2 Financial Responsibility Law and these fees, if
 3 collected before July 1, 2002, shall also be
 4 deposited into the separate Maintenance and Child
 5 Support Collection Fund. Fees collected under this
 6 subdivision (u)(4) after June 30, 2002 shall be
 7 deposited into a separate Family Financial
 8 Responsibility Certification Fund, of which the
 9 Clerk shall be the custodian, ex officio, to be
 10 used by the Clerk to offset the costs associated
 11 with making the certifications.

12 (v) Correction of Cases.
 13 For correcting the case number or case title
 14 on any document filed in his office, to be charged
 15 against the party that filed the document..... \$10

16 (w) Record Search.
 17 For searching a record, per year searched..... \$4

18 (x) Printed Output.
 19 For each page of hard copy print output, when
 20 case records are maintained on an automated medium. \$2

21 (y) Alias Summons.
 22 For each alias summons issued..... \$2

23 (z) Expungement of Records.
 24 For each expungement petition filed..... \$15

25 (aa) Other Fees.
 26 Any fees not covered by this Section shall be set by
 27 rule or administrative order of the Circuit Court, with
 28 the approval of the Supreme Court.

29 (bb) Exemptions.
 30 No fee provided for herein shall be charged to any
 31 unit of State or local government or school district
 32 unless the Court orders another party to pay such fee on
 33 its behalf. The fee requirements of this Section shall
 34 not apply to police departments or other law enforcement

1 agencies. In this Section, "law enforcement agency"
 2 means an agency of the State or a unit of local
 3 government that is vested by law or ordinance with the
 4 duty to maintain public order and to enforce criminal
 5 laws and ordinances. The fee requirements of this Section
 6 shall not apply to any action instituted under subsection
 7 (b) of Section 11-31-1 of the Illinois Municipal Code by
 8 a private owner or tenant of real property within 1200
 9 feet of a dangerous or unsafe building seeking an order
 10 compelling the owner or owners of the building to take
 11 any of the actions authorized under that subsection.

12 (cc) Adoptions.

- 13 (1) For an adoption.....\$65
- 14 (2) Upon good cause shown, the court may waive the
- 15 adoption filing fee in a special needs adoption. The
- 16 term "special needs adoption" shall have the meaning
- 17 ascribed to it by the Illinois Department of Children and
- 18 Family Services.

19 (dd) Adoption exemptions.

20 No fee other than that set forth in subsection (cc)
 21 shall be charged to any person in connection with an
 22 adoption proceeding.

23 (ee) Additional Services.

24 Beginning July 1, 1993, the clerk of the circuit
 25 court may provide such additional services for which
 26 there is no fee specified by statute in connection with
 27 the operation of the clerk's office as may be requested
 28 by the public and agreed to by the public and by the
 29 clerk and approved by the chief judge of the circuit
 30 court. Any charges for additional services shall be as
 31 agreed to between the clerk and the party making the
 32 request and approved by the chief judge of the circuit
 33 court. Nothing in this subsection shall be construed to
 34 require any clerk to provide any service not otherwise

1 required by law.

2 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
3 91-165, eff. 7-16-99; 91-321, eff. 1-1-00; 91-357, eff.
4 7-29-99; 91-612, eff. 10-1-99; revised 10-26-99.)

5 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

6 Sec. 27.1a. The fees of the clerks of the circuit court
7 in all counties having a population in excess of 180,000 but
8 not more than 650,000 inhabitants in the instances described
9 in this Section shall be as provided in this Section. The
10 fees shall be paid in advance and shall be as follows:

11 (a) Civil Cases.

12 The fee for filing a complaint, petition, or other
13 pleading initiating a civil action, with the following
14 exceptions, shall be \$150.

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

18 (B) When that amount exceeds \$250 but does not
19 exceed \$500, \$20.

20 (C) When that amount exceeds \$500 but does not
21 exceed \$2500, \$30.

22 (D) When that amount exceeds \$2500 but does
23 not exceed \$15,000, \$75.

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

29 (a-1) Family.

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

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

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

1 For filing a petition under the Illinois Parentage
2 Act of 1984, \$40.

3 (b) Forcible Entry and Detainer.

4 In each forcible entry and detainer case when the
5 plaintiff seeks possession only or unites with his or her
6 claim for possession of the property a claim for rent or
7 damages or both in the amount of \$15,000 or less, \$40.
8 When the plaintiff unites his or her claim for possession
9 with a claim for rent or damages or both exceeding
10 \$15,000, \$150.

11 (c) Counterclaim or Joining Third Party Defendant.

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

21 (d) Confession of Judgment.

22 In a confession of judgment when the amount does not
23 exceed \$1500, \$50. When the amount exceeds \$1500, but
24 does not exceed \$15,000, \$115. When the amount exceeds
25 \$15,000, \$200.

26 (e) Appearance.

27 The fee for filing an appearance in each civil case
28 shall be \$50, except as follows:

29 (A) When the plaintiff in a forcible entry and
30 detainer case seeks possession only, \$20.

31 (B) When the amount in the case does not
32 exceed \$1500, \$20.

33 (C) When that amount exceeds \$1500 but does
34 not exceed \$15,000, \$40.

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

2 In garnishment affidavit, wage deduction affidavit,
3 and citation petition when the amount does not exceed
4 \$1,000, \$10; when the amount exceeds \$1,000 but does not
5 exceed \$5,000, \$20; and when the amount exceeds \$5,000,
6 \$30.

7 (g) Petition to Vacate or Modify.

8 (1) Petition to vacate or modify any final judgment
9 or order of court, except in forcible entry and detainer
10 cases and small claims cases or a petition to reopen an
11 estate, to modify, terminate, or enforce a judgment or
12 order for child or spousal support, or to modify,
13 suspend, or terminate an order for withholding, if filed
14 before 30 days after the entry of the judgment or order,
15 \$40.

16 (2) Petition to vacate or modify any final judgment
17 or order of court, except a petition to modify,
18 terminate, or enforce a judgment or order for child or
19 spousal support or to modify, suspend, or terminate an
20 order for withholding, if filed later than 30 days after
21 the entry of the judgment or order, \$60.

22 (3) Petition to vacate order of bond forfeiture,
23 \$20.

24 (h) Mailing.

25 When the clerk is required to mail, the fee will be
26 \$6, plus the cost of postage.

27 (i) Certified Copies.

28 Each certified copy of a judgment after the first,
29 except in small claims and forcible entry and detainer
30 cases, \$10.

31 (j) Habeas Corpus.

32 For filing a petition for relief by habeas corpus,
33 \$80.

34 (k) Certification, Authentication, and Reproduction.

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

4 (2) Court appeals when original documents are
5 forwarded, under 100 pages, plus delivery and costs, \$50.

6 (3) Court appeals when original documents are
7 forwarded, over 100 pages, plus delivery and costs, \$120.

8 (4) Court appeals when original documents are
9 forwarded, over 200 pages, an additional fee of 20 cents
10 per page.

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

13 (A) First page, \$2.

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

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

16 (l) Remands.

17 In any cases remanded to the Circuit Court from the
18 Supreme Court or the Appellate Court for a new trial, the
19 clerk shall file the remanding order and reinstate the
20 case with either its original number or a new number. The
21 Clerk shall not charge any new or additional fee for the
22 reinstatement. Upon reinstatement the Clerk shall advise
23 the parties of the reinstatement. A party shall have the
24 same right to a jury trial on remand and reinstatement as
25 he or she had before the appeal, and no additional or new
26 fee or charge shall be made for a jury trial after
27 remand.

28 (m) Record Search.

29 For each record search, within a division or
30 municipal district, the clerk shall be entitled to a
31 search fee of \$4 for each year searched.

32 (n) Hard Copy.

33 For each page of hard copy print output, when case
34 records are maintained on an automated medium, the clerk

1 shall be entitled to a fee of \$4.

2 (o) Index Inquiry and Other Records.

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

13 (p) Commitment Petitions.

14 For filing commitment petitions under the Mental
15 Health and Developmental Disabilities Code and for filing
16 a transcript of commitment proceedings held in another
17 county, \$25.

18 (q) Alias Summons.

19 For each alias summons or citation issued by the
20 clerk, \$4.

21 (r) Other Fees.

22 Any fees not covered in this Section shall be set by
23 rule or administrative order of the Circuit Court with
24 the approval of the Administrative Office of the Illinois
25 Courts.

26 The clerk of the circuit court may provide
27 additional services for which there is no fee specified
28 by statute in connection with the operation of the
29 clerk's office as may be requested by the public and
30 agreed to by the clerk and approved by the chief judge of
31 the circuit court. Any charges for additional services
32 shall be as agreed to between the clerk and the party
33 making the request and approved by the chief judge of the
34 circuit court. Nothing in this subsection shall be

1 construed to require any clerk to provide any service not
2 otherwise required by law.

3 (s) Jury Services.

4 The clerk shall be entitled to receive, in addition
5 to other fees allowed by law, the sum of \$192.50, as a
6 fee for the services of a jury in every civil action not
7 quasi-criminal in its nature and not a proceeding for the
8 exercise of the right of eminent domain and in every
9 other action wherein the right of trial by jury is or may
10 be given by law. The jury fee shall be paid by the party
11 demanding a jury at the time of filing the jury demand.
12 If the fee is not paid by either party, no jury shall be
13 called in the action or proceeding, and the same shall be
14 tried by the court without a jury.

15 (t) Voluntary Assignment.

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

28 (u) Expungement Petition.

29 The clerk shall be entitled to receive a fee of \$30
30 for each expungement petition filed and an additional fee
31 of \$2 for each certified copy of an order to expunge
32 arrest records.

33 (v) Probate.

34 The clerk is entitled to receive the fees specified in

1 this subsection (v), which shall be paid in advance, except
2 that, for good cause shown, the court may suspend, reduce, or
3 release the costs payable under this subsection:

4 (1) For administration of the estate of a decedent
5 (whether testate or intestate) or of a missing person,
6 \$100, plus the fees specified in subsection (v)(3),
7 except:

8 (A) When the value of the real and personal
9 property does not exceed \$15,000, the fee shall be
10 \$25.

11 (B) When (i) proof of heirship alone is made,
12 (ii) a domestic or foreign will is admitted to
13 probate without administration (including proof of
14 heirship), or (iii) letters of office are issued for
15 a particular purpose without administration of the
16 estate, the fee shall be \$25.

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

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

23 (B) When (i) letters of office are issued to a
24 guardian of the person or persons, but not of the
25 estate or (ii) letters of office are issued in the
26 estate of a ward without administration of the
27 estate, including filing or joining in the filing of
28 a tax return or releasing a mortgage or consenting
29 to the marriage of the ward, the fee shall be \$10.

30 (3) In addition to the fees payable under
31 subsection (v)(1) or (v)(2) of this Section, the
32 following fees are payable:

33 (A) For each account (other than one final
34 account) filed in the estate of a decedent, or ward,

1 \$15.

2 (B) For filing a claim in an estate when the
3 amount claimed is \$150 or more but less than \$500,
4 \$10; when the amount claimed is \$500 or more but
5 less than \$10,000, \$25; when the amount claimed is
6 \$10,000 or more, \$40; provided that the court in
7 allowing a claim may add to the amount allowed the
8 filing fee paid by the claimant.

9 (C) For filing in an estate a claim, petition,
10 or supplemental proceeding based upon an action
11 seeking equitable relief including the construction
12 or contest of a will, enforcement of a contract to
13 make a will, and proceedings involving testamentary
14 trusts or the appointment of testamentary trustees,
15 \$40.

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

21 (E) Except as provided in subsection
22 (v)(3)(D), for filing the appearance of any person
23 or persons, \$10.

24 (F) For each jury demand, \$102.50.

25 (G) For disposition of the collection of a
26 judgment or settlement of an action or claim for
27 wrongful death of a decedent or of any cause of
28 action of a ward, when there is no other
29 administration of the estate, \$30, less any amount
30 paid under subsection (v)(1)(B) or (v)(2)(B) except
31 that if the amount involved does not exceed \$5,000,
32 the fee, including any amount paid under subsection
33 (v)(1)(B) or (v)(2)(B), shall be \$10.

34 (H) For each certified copy of letters of

1 office, of court order or other certification, \$1,
2 plus 50¢ per page in excess of 3 pages for the
3 document certified.

4 (I) For each exemplification, \$1, plus the fee
5 for certification.

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

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

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

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

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

- 24 (A) Felony complaints, \$80.
- 25 (B) Misdemeanor complaints, \$50.
- 26 (C) Business offense complaints, \$50.
- 27 (D) Petty offense complaints, \$50.
- 28 (E) Minor traffic or ordinance violations,
29 \$20.
- 30 (F) When court appearance required, \$30.
- 31 (G) Motions to vacate or amend final orders,
32 \$20.
- 33 (H) Motions to vacate bond forfeiture orders,
34 \$20.

1 (I) Motions to vacate ex parte judgments,
2 whenever filed, \$20.

3 (J) Motions to vacate judgment on forfeitures,
4 whenever filed, \$20.

5 (K) Motions to vacate "failure to appear" or
6 "failure to comply" notices sent to the Secretary of
7 State, \$20.

8 (2) In counties having a population in excess of
9 180,000 but not more than 650,000 inhabitants, when the
10 violation complaint is issued by a municipal police
11 department, the clerk shall be entitled to costs from
12 each person convicted therein as follows:

13 (A) Minor traffic or ordinance violations,
14 \$10.

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

16 (3) In ordinance violation cases punishable by fine
17 only, the clerk of the circuit court shall be entitled to
18 receive, unless the fee is excused upon a finding by the
19 court that the defendant is indigent, in addition to
20 other fees or costs allowed or imposed by law, the sum of
21 \$62.50 as a fee for the services of a jury. The jury fee
22 shall be paid by the defendant at the time of filing his
23 or her jury demand. If the fee is not so paid by the
24 defendant, no jury shall be called, and the case shall be
25 tried by the court without a jury.

26 (x) Transcripts of Judgment.

27 For the filing of a transcript of judgment, the
28 clerk shall be entitled to the same fee as if it were the
29 commencement of a new suit.

30 (y) Change of Venue.

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

34 (2) The fee for the preparation and certification

1 of a record on a change of venue to another jurisdiction,
2 when original documents are forwarded, \$25.

3 (z) Tax objection complaints.

4 For each tax objection complaint containing one or
5 more tax objections, regardless of the number of parcels
6 involved or the number of taxpayers joining on the
7 complaint, \$25.

8 (aa) Tax Deeds.

9 (1) Petition for tax deed, if only one parcel is
10 involved, \$150.

11 (2) For each additional parcel, add a fee of \$50.

12 (bb) Collections.

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

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

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

23 (4) Before July 1, 2002, in child support and
24 maintenance cases, the clerk, if authorized by an
25 ordinance of the county board, may collect an annual fee
26 of up to \$36 from the person making payment for
27 maintaining child support records and the processing of
28 support orders to the State of Illinois KIDS system and
29 the recording of payments issued by the State
30 Disbursement Unit for the official record of the Court.
31 This fee shall be in addition to and separate from
32 amounts ordered to be paid as maintenance or child
33 support and shall be deposited into a Separate
34 Maintenance and Child Support Collection Fund, of which

1 the clerk shall be the custodian, ex-officio, to be used
2 by the clerk to maintain child support orders and record
3 all payments issued by the State Disbursement Unit for
4 the official record of the Court. The clerk may recover
5 from the person making the maintenance or child support
6 payment any additional cost incurred in the collection
7 of this annual fee. If on July 1, 2003 there is any
8 remaining balance in the Maintenance and Child Support
9 Collection Fund that is derived from fees paid under this
10 subdivision (bb)(4), the Clerk shall promptly transmit
11 that balance to the State Disbursement Unit established
12 under Section 10-26 of the Illinois Public Aid Code.

13 The clerk shall also be entitled to a fee of \$5 for
14 certifications made to the Secretary of State as provided
15 in Section 7-703 of the Family Financial Responsibility
16 Law and these fees, if collected before July 1, 2002,
17 shall also be deposited into the separate Maintenance and
18 Child Support Collection Fund. Fees collected under this
19 subdivision (bb)(4) after June 30, 2002 shall be
20 deposited into a separate Family Financial
21 Responsibility Certification Fund, of which the Clerk
22 shall be the custodian, ex officio, to be used by the
23 Clerk to offset the costs associated with making the
24 certifications.

25 (cc) Corrections of Numbers.

26 For correction of the case number, case title, or
27 attorney computer identification number, if required by
28 rule of court, on any document filed in the clerk's
29 office, to be charged against the party that filed the
30 document, \$15.

31 (dd) Exceptions.

32 (1) The fee requirements of this Section shall not
33 apply to police departments or other law enforcement
34 agencies. In this Section, "law enforcement agency"

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

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

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

15 (ee) Adoptions.

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

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

22 (ff) Adoption exemptions.

23 No fee other than that set forth in subsection (ee)
24 shall be charged to any person in connection with an
25 adoption proceeding.

26 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
27 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

28 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

29 Sec. 27.2. The fees of the clerks of the circuit court
30 in all counties having a population in excess of 650,000
31 inhabitants but less than 3,000,000 inhabitants in the
32 instances described in this Section shall be as provided in
33 this Section. In addition, the fees provided in this Section

1 shall apply to all units of local government and school
2 districts in counties with more than 3,000,000 inhabitants.
3 The fees shall be paid in advance and shall be as follows:

4 (a) Civil Cases.

5 The fee for filing a complaint, petition, or other
6 pleading initiating a civil action, with the following
7 exceptions, shall be \$150.

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

11 (B) When that amount exceeds \$250 but does not
12 exceed \$500, \$20.

13 (C) When that amount exceeds \$500 but does not
14 exceed \$2500, \$30.

15 (D) When that amount exceeds \$2500 but does
16 not exceed \$15,000, \$75.

17 (E) For the exercise of eminent domain, \$150.
18 For each additional lot or tract of land or right or
19 interest therein subject to be condemned, the
20 damages in respect to which shall require separate
21 assessment by a jury, \$150.

22 (b) Forcible Entry and Detainer.

23 In each forcible entry and detainer case when the
24 plaintiff seeks possession only or unites with his or her
25 claim for possession of the property a claim for rent or
26 damages or both in the amount of \$15,000 or less, \$40.
27 When the plaintiff unites his or her claim for possession
28 with a claim for rent or damages or both exceeding
29 \$15,000, \$150.

30 (c) Counterclaim or Joining Third Party Defendant.

31 When any defendant files a counterclaim as part of
32 his or her answer or otherwise or joins another party as
33 a third party defendant, or both, the defendant shall pay
34 a fee for each counterclaim or third party action in an

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

6 (d) Confession of Judgment.

7 In a confession of judgment when the amount does not
8 exceed \$1500, \$50. When the amount exceeds \$1500, but
9 does not exceed \$15,000, \$115. When the amount exceeds
10 \$15,000, \$200.

11 (e) Appearance.

12 The fee for filing an appearance in each civil case
13 shall be \$50, except as follows:

14 (A) When the plaintiff in a forcible entry and
15 detainer case seeks possession only; \$20.

16 (B) When the amount in the case does not
17 exceed \$1500, \$20.

18 (C) When that amount exceeds \$1500 but does
19 not exceed \$15,000, \$40.

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

21 In garnishment affidavit, wage deduction affidavit,
22 and citation petition when the amount does not exceed
23 \$1,000, \$10; when the amount exceeds \$1,000 but does not
24 exceed \$5,000, \$20; and when the amount exceeds \$5,000,
25 \$30.

26 (g) Petition to Vacate or Modify.

27 (1) Petition to vacate or modify any final judgment
28 or order of court, except in forcible entry and detainer
29 cases and small claims cases or a petition to reopen an
30 estate, to modify, terminate, or enforce a judgment or
31 order for child or spousal support, or to modify,
32 suspend, or terminate an order for withholding, if filed
33 before 30 days after the entry of the judgment or order,
34 \$40.

1 (2) Petition to vacate or modify any final judgment
2 or order of court, except a petition to modify,
3 terminate, or enforce a judgment or order for child or
4 spousal support or to modify, suspend, or terminate an
5 order for withholding, if filed later than 30 days after
6 the entry of the judgment or order, \$60.

7 (3) Petition to vacate order of bond forfeiture,
8 \$20.

9 (h) Mailing.

10 When the clerk is required to mail, the fee will be
11 \$6, plus the cost of postage.

12 (i) Certified Copies.

13 Each certified copy of a judgment after the first,
14 except in small claims and forcible entry and detainer
15 cases, \$10.

16 (j) Habeas Corpus.

17 For filing a petition for relief by habeas corpus,
18 \$80.

19 (k) Certification, Authentication, and Reproduction.

20 (1) Each certification or authentication for taking
21 the acknowledgment of a deed or other instrument in
22 writing with the seal of office, \$4.

23 (2) Court appeals when original documents are
24 forwarded, under 100 pages, plus delivery and costs, \$50.

25 (3) Court appeals when original documents are
26 forwarded, over 100 pages, plus delivery and costs, \$120.

27 (4) Court appeals when original documents are
28 forwarded, over 200 pages, an additional fee of 20 cents
29 per page.

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

32 (A) First page, \$2.

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

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

1 (l) Remands.

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

13 (m) Record Search.

14 For each record search, within a division or
15 municipal district, the clerk shall be entitled to a
16 search fee of \$4 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 \$4.

21 (o) Index Inquiry and Other Records.

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

32 (p) Commitment Petitions.

33 For filing commitment petitions under the Mental
34 Health and Developmental Disabilities Code, \$25.

1 (q) Alias Summons.

2 For each alias summons or citation issued by the
3 clerk, \$4.

4 (r) Other Fees.

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

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

20 (s) Jury Services.

21 The clerk shall be entitled to receive, in addition
22 to other fees allowed by law, the sum of \$192.50, as a
23 fee for the services of a jury in every civil action not
24 quasi-criminal in its nature and not a proceeding for the
25 exercise of the right of eminent domain and in every
26 other action wherein the right of trial by jury is or may
27 be given by law. The jury fee shall be paid by the party
28 demanding a jury at the time of filing the jury demand.
29 If the fee is not paid by either party, no jury shall be
30 called in the action or proceeding, and the same shall be
31 tried by the court without a jury.

32 (t) Voluntary Assignment.

33 For filing each deed of voluntary assignment, \$10;
34 for recording the same, 25¢ for each 100 words.

1 Exceptions filed to claims presented to an assignee of a
2 debtor who has made a voluntary assignment for the
3 benefit of creditors shall be considered and treated, for
4 the purpose of taxing costs therein, as actions in which
5 the party or parties filing the exceptions shall be
6 considered as party or parties plaintiff, and the
7 claimant or claimants as party or parties defendant, and
8 those parties respectively shall pay to the clerk the
9 same fees as provided by this Section to be paid in other
10 actions.

11 (u) Expungement Petition.

12 The clerk shall be entitled to receive a fee of \$30
13 for each expungement petition filed and an additional fee
14 of \$2 for each certified copy of an order to expunge
15 arrest records.

16 (v) Probate.

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

21 (1) For administration of the estate of a decedent
22 (whether testate or intestate) or of a missing person,
23 \$100, plus the fees specified in subsection (v)(3),
24 except:

25 (A) When the value of the real and personal
26 property does not exceed \$15,000, the fee shall be
27 \$25.

28 (B) When (i) proof of heirship alone is made,
29 (ii) a domestic or foreign will is admitted to
30 probate without administration (including proof of
31 heirship), or (iii) letters of office are issued for
32 a particular purpose without administration of the
33 estate, the fee shall be \$25.

34 (2) For administration of the estate of a ward,

1 \$50, plus the fees specified in subsection (v)(3),
2 except:

3 (A) When the value of the real and personal
4 property does not exceed \$15,000, the fee shall be
5 \$25.

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

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

16 (A) For each account (other than one final
17 account) filed in the estate of a decedent, or ward,
18 \$15.

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

26 (C) For filing in an estate a claim, petition,
27 or supplemental proceeding based upon an action
28 seeking equitable relief including the construction
29 or contest of a will, enforcement of a contract to
30 make a will, and proceedings involving testamentary
31 trusts or the appointment of testamentary trustees,
32 \$40.

33 (D) For filing in an estate (i) the appearance
34 of any person for the purpose of consent or (ii) the

1 appearance of an executor, administrator,
2 administrator to collect, guardian, guardian ad
3 litem, or special administrator, no fee.

4 (E) Except as provided in subsection
5 (v)(3)(D), for filing the appearance of any person
6 or persons, \$10.

7 (F) For each jury demand, \$102.50.

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

17 (H) For each certified copy of letters of
18 office, of court order or other certification, \$1,
19 plus 50¢ per page in excess of 3 pages for the
20 document certified.

21 (I) For each exemplification, \$1, plus the fee
22 for certification.

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

27 (5) The person on whose behalf a charge is incurred
28 for witness, court reporter, appraiser, or other
29 miscellaneous fee shall pay the same directly to the
30 person entitled thereto.

31 (6) The executor, administrator, guardian,
32 petitioner, or other interested person or his attorney
33 shall pay to the clerk all postage charges incurred by
34 the clerk in mailing petitions, orders, notices, or other

1 documents pursuant to the provisions of the Probate Act
2 of 1975.

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

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

7 (A) Felony complaints, \$80.

8 (B) Misdemeanor complaints, \$50.

9 (C) Business offense complaints, \$50.

10 (D) Petty offense complaints, \$50.

11 (E) Minor traffic or ordinance violations,
12 \$20.

13 (F) When court appearance required, \$30.

14 (G) Motions to vacate or amend final orders,
15 \$20.

16 (H) Motions to vacate bond forfeiture orders,
17 \$20.

18 (I) Motions to vacate ex parte judgments,
19 whenever filed, \$20.

20 (J) Motions to vacate judgment on forfeitures,
21 whenever filed, \$20.

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

25 (2) In counties having a population of more than
26 650,000 but fewer than 3,000,000 inhabitants, when the
27 violation complaint is issued by a municipal police
28 department, the clerk shall be entitled to costs from
29 each person convicted therein as follows:

30 (A) Minor traffic or ordinance violations,
31 \$10.

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

33 (3) In ordinance violation cases punishable by fine
34 only, the clerk of the circuit court shall be entitled to

1 receive, unless the fee is excused upon a finding by the
2 court that the defendant is indigent, in addition to
3 other fees or costs allowed or imposed by law, the sum of
4 \$50 as a fee for the services of a jury. The jury fee
5 shall be paid by the defendant at the time of filing his
6 or her jury demand. If the fee is not so paid by the
7 defendant, no jury shall be called, and the case shall be
8 tried by the court without a jury.

9 (x) Transcripts of Judgment.

10 For the filing of a transcript of judgment, the
11 clerk shall be entitled to the same fee as if it were the
12 commencement of new suit.

13 (y) Change of Venue.

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

17 (2) The fee for the preparation and certification
18 of a record on a change of venue to another jurisdiction,
19 when original documents are forwarded, \$25.

20 (z) Tax objection complaints.

21 For each tax objection complaint containing one or
22 more tax objections, regardless of the number of parcels
23 involved or the number of taxpayers joining in the
24 complaint, \$25.

25 (aa) Tax Deeds.

26 (1) Petition for tax deed, if only one parcel is
27 involved, \$150.

28 (2) For each additional parcel, add a fee of \$50.

29 (bb) Collections.

30 (1) For all collections made of others, except the
31 State and county and except in maintenance or child
32 support cases, a sum equal to 2.5% of the amount
33 collected and turned over.

34 (2) Interest earned on any funds held by the clerk

1 shall be turned over to the county general fund as an
2 earning of the office.

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

6 (4) Before July 1, 2002, in child support and
7 maintenance cases, the clerk, if authorized by an
8 ordinance of the county board, may collect an annual fee
9 of up to \$36 from the person making payment for
10 maintaining child support records and the processing of
11 support orders to the State of Illinois KIDS system and
12 the recording of payments issued by the State
13 Disbursement Unit for the official record of the Court.
14 This fee shall be in addition to and separate from
15 amounts ordered to be paid as maintenance or child
16 support and shall be deposited into a Separate
17 Maintenance and Child Support Collection Fund, of which
18 the clerk shall be the custodian, ex-officio, to be used
19 by the clerk to maintain child support orders and record
20 all payments issued by the State Disbursement Unit for
21 the official record of the Court. The clerk may recover
22 from the person making the maintenance or child support
23 payment any additional cost incurred in the collection of
24 this annual fee. If on July 1, 2003 there is any
25 remaining balance in the Maintenance and Child Support
26 Collection Fund that is derived from fees paid under this
27 subdivision (bb)(4), the Clerk shall promptly transmit
28 that balance to the State Disbursement Unit established
29 under Section 10-26 of the Illinois Public Aid Code.

30 The clerk shall also be entitled to a fee of \$5 for
31 certifications made to the Secretary of State as provided
32 in Section 7-703 of the Family Financial Responsibility
33 Law and these fees, if collected before July 1, 2002,
34 shall also be deposited into the separate Maintenance and

1 Child Support Collection Fund. Fees collected under this
 2 subdivision (bb)(4) after June 30, 2002 shall be
 3 deposited into a separate Family Financial Responsibility
 4 Certification Fund, of which the Clerk shall be the
 5 custodian, ex officio, to be used by the Clerk to offset
 6 the costs associated with making the certifications.

7 (cc) Corrections of Numbers.

8 For correction of the case number, case title, or
 9 attorney computer identification number, if required by
 10 rule of court, on any document filed in the clerk's
 11 office, to be charged against the party that filed the
 12 document, \$15.

13 (dd) Exceptions.

14 The fee requirements of this Section shall not apply
 15 to police departments or other law enforcement agencies.
 16 In this Section, "law enforcement agency" means an agency
 17 of the State or a unit of local government which is
 18 vested by law or ordinance with the duty to maintain
 19 public order and to enforce criminal laws or ordinances.
 20 "Law enforcement agency" also means the Attorney General
 21 or any state's attorney. The fee requirements of this
 22 Section shall not apply to any action instituted under
 23 subsection (b) of Section 11-31-1 of the Illinois
 24 Municipal Code by a private owner or tenant of real
 25 property within 1200 feet of a dangerous or unsafe
 26 building seeking an order compelling the owner or owners
 27 of the building to take any of the actions authorized
 28 under that subsection.

29 (ee) Adoptions.

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

31 (2) Upon good cause shown, the court may waive the
 32 adoption filing fee in a special needs adoption. The
 33 term "special needs adoption" shall have the meaning
 34 ascribed to it by the Illinois Department of Children and

1 Family Services.

2 (ff) Adoption exemptions.

3 No fee other than that set forth in subsection (ee)
4 shall be charged to any person in connection with an
5 adoption proceeding.

6 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
7 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; revised 10-15-99.)

8 (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

9 Sec. 27.2a. The fees of the clerks of the circuit court
10 in all counties having a population of 3,000,000 or more
11 inhabitants in the instances described in this Section shall
12 be as provided in this Section. The fees shall be paid in
13 advance and shall be as follows:

14 (a) Civil Cases.

15 The fee for filing a complaint, petition, or other
16 pleading initiating a civil action, with the following
17 exceptions, shall be \$190.

18 (A) When the amount of money or damages or the
19 value of personal property claimed does not exceed
20 \$250, \$15.

21 (B) When that amount exceeds \$250 but does not
22 exceed \$1000, \$40.

23 (C) When that amount exceeds \$1000 but does
24 not exceed \$2500, \$50.

25 (D) When that amount exceeds \$2500 but does
26 not exceed \$5000, \$100.

27 (E) When that amount exceeds \$5000 but does
28 not exceed \$15,000, \$150.

29 (F) For the exercise of eminent domain, \$150.
30 For each additional lot or tract of land or right or
31 interest therein subject to be condemned, the
32 damages in respect to which shall require separate
33 assessment by a jury, \$150.

1 (G) For the final determination of parking,
2 standing, and compliance violations and final
3 administrative decisions issued after hearings
4 regarding vehicle immobilization and impoundment
5 made pursuant to Sections 3-704.1, 6-306.5, and
6 11-208.3 of the Illinois Vehicle Code, \$25.

7 (b) Forcible Entry and Detainer.

8 In each forcible entry and detainer case when the
9 plaintiff seeks possession only or unites with his or her
10 claim for possession of the property a claim for rent or
11 damages or both in the amount of \$15,000 or less, \$75.
12 When the plaintiff unites his or her claim for possession
13 with a claim for rent or damages or both exceeding
14 \$15,000, \$225.

15 (c) Counterclaim or Joining Third Party Defendant.

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

25 (d) Confession of Judgment.

26 In a confession of judgment when the amount does not
27 exceed \$1500, \$60. When the amount exceeds \$1500, but
28 does not exceed \$5000, \$75. When the amount exceeds
29 \$5000, but does not exceed \$15,000, \$175. When the amount
30 exceeds \$15,000, \$250.

31 (e) Appearance.

32 The fee for filing an appearance in each civil case
33 shall be \$75, except as follows:

34 (A) When the plaintiff in a forcible entry and

1 detainer case seeks possession only, \$40.

2 (B) When the amount in the case does not
3 exceed \$1500, \$40.

4 (C) When that amount exceeds \$1500 but does
5 not exceed \$15,000, \$60.

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

7 In garnishment affidavit, wage deduction affidavit,
8 and citation petition when the amount does not exceed
9 \$1,000, \$15; when the amount exceeds \$1,000 but does not
10 exceed \$5,000, \$30; and when the amount exceeds \$5,000,
11 \$50.

12 (g) Petition to Vacate or Modify.

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

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

27 (3) Petition to vacate order of bond forfeiture,
28 \$40.

29 (h) Mailing.

30 When the clerk is required to mail, the fee will be
31 \$10, plus the cost of postage.

32 (i) Certified Copies.

33 Each certified copy of a judgment after the first,
34 except in small claims and forcible entry and detainer

1 cases, \$15.

2 (j) Habeas Corpus.

3 For filing a petition for relief by habeas corpus,
4 \$125.

5 (k) Certification, Authentication, and Reproduction.

6 (1) Each certification or authentication for taking
7 the acknowledgment of a deed or other instrument in
8 writing with the seal of office, \$6.

9 (2) Court appeals when original documents are
10 forwarded, under 100 pages, plus delivery and costs, \$75.

11 (3) Court appeals when original documents are
12 forwarded, over 100 pages, plus delivery and costs, \$150.

13 (4) Court appeals when original documents are
14 forwarded, over 200 pages, an additional fee of 25 cents
15 per page.

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

18 (A) First page, \$2.

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

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

21 (l) Remands.

22 In any cases remanded to the Circuit Court from the
23 Supreme Court or the Appellate Court for a new trial, the
24 clerk shall file the remanding order and reinstate the
25 case with either its original number or a new number.
26 The Clerk shall not charge any new or additional fee for
27 the reinstatement. Upon reinstatement the Clerk shall
28 advise the parties of the reinstatement. A party shall
29 have the same right to a jury trial on remand and
30 reinstatement as he or she had before the appeal, and no
31 additional or new fee or charge shall be made for a jury
32 trial after remand.

33 (m) Record Search.

34 For each record search, within a division or

1 municipal district, the clerk shall be entitled to a
2 search fee of \$6 for each year searched.

3 (n) Hard Copy.

4 For each page of hard copy print output, when case
5 records are maintained on an automated medium, the clerk
6 shall be entitled to a fee of \$6.

7 (o) Index Inquiry and Other Records.

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

18 (p) Commitment Petitions.

19 For filing commitment petitions under the Mental
20 Health and Developmental Disabilities Code, \$50.

21 (q) Alias Summons.

22 For each alias summons or citation issued by the
23 clerk, \$5.

24 (r) Other Fees.

25 Any fees not covered in this Section shall be set by
26 rule or administrative order of the Circuit Court with
27 the approval of the Administrative Office of the Illinois
28 Courts.

29 The clerk of the circuit court may provide
30 additional services for which there is no fee specified
31 by statute in connection with the operation of the
32 clerk's office as may be requested by the public and
33 agreed to by the clerk and approved by the chief judge of
34 the circuit court. Any charges for additional services

1 shall be as agreed to between the clerk and the party
2 making the request and approved by the chief judge of the
3 circuit court. Nothing in this subsection shall be
4 construed to require any clerk to provide any service not
5 otherwise required by law.

6 (s) Jury Services.

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

18 (t) Voluntary Assignment.

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

31 (u) Expungement Petition.

32 The clerk shall be entitled to receive a fee of \$60
33 for each expungement petition filed and an additional fee
34 of \$4 for each certified copy of an order to expunge

1 arrest records.

2 (v) Probate.

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

7 (1) For administration of the estate of a decedent
8 (whether testate or intestate) or of a missing person,
9 \$150, plus the fees specified in subsection (v)(3),
10 except:

11 (A) When the value of the real and personal
12 property does not exceed \$15,000, the fee shall be
13 \$40.

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

20 (2) For administration of the estate of a ward,
21 \$75, plus the fees specified in subsection (v)(3),
22 except:

23 (A) When the value of the real and personal
24 property does not exceed \$15,000, the fee shall be
25 \$40.

26 (B) When (i) letters of office are issued to a
27 guardian of the person or persons, but not of the
28 estate or (ii) letters of office are issued in the
29 estate of a ward without administration of the
30 estate, including filing or joining in the filing of
31 a tax return or releasing a mortgage or consenting
32 to the marriage of the ward, the fee shall be \$20.

33 (3) In addition to the fees payable under
34 subsection (v)(1) or (v)(2) of this Section, the

1 following fees are payable:

2 (A) For each account (other than one final
3 account) filed in the estate of a decedent, or ward,
4 \$25.

5 (B) For filing a claim in an estate when the
6 amount claimed is \$150 or more but less than \$500,
7 \$20; when the amount claimed is \$500 or more but
8 less than \$10,000, \$40; when the amount claimed is
9 \$10,000 or more, \$60; provided that the court in
10 allowing a claim may add to the amount allowed the
11 filing fee paid by the claimant.

12 (C) For filing in an estate a claim, petition,
13 or supplemental proceeding based upon an action
14 seeking equitable relief including the construction
15 or contest of a will, enforcement of a contract to
16 make a will, and proceedings involving testamentary
17 trusts or the appointment of testamentary trustees,
18 \$60.

19 (D) For filing in an estate (i) the appearance
20 of any person for the purpose of consent or (ii) the
21 appearance of an executor, administrator,
22 administrator to collect, guardian, guardian ad
23 litem, or special administrator, no fee.

24 (E) Except as provided in subsection
25 (v)(3)(D), for filing the appearance of any person
26 or persons, \$30.

27 (F) For each jury demand, \$137.50.

28 (G) For disposition of the collection of a
29 judgment or settlement of an action or claim for
30 wrongful death of a decedent or of any cause of
31 action of a ward, when there is no other
32 administration of the estate, \$50, less any amount
33 paid under subsection (v)(1)(B) or (v)(2)(B) except
34 that if the amount involved does not exceed \$5,000,

1 the fee, including any amount paid under subsection
2 (v)(1)(B) or (v)(2)(B), shall be \$20.

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

7 (I) For each exemplification, \$2, plus the fee
8 for certification.

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

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

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

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

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

- 27 (A) Felony complaints, \$125.
- 28 (B) Misdemeanor complaints, \$75.
- 29 (C) Business offense complaints, \$75.
- 30 (D) Petty offense complaints, \$75.
- 31 (E) Minor traffic or ordinance violations,
32 \$30.
- 33 (F) When court appearance required, \$50.
- 34 (G) Motions to vacate or amend final orders,

1 \$40.

2 (H) Motions to vacate bond forfeiture orders,
3 \$30.

4 (I) Motions to vacate ex parte judgments,
5 whenever filed, \$30.

6 (J) Motions to vacate judgment on forfeitures,
7 whenever filed, \$25.

8 (K) Motions to vacate "failure to appear" or
9 "failure to comply" notices sent to the Secretary of
10 State, \$40.

11 (2) In counties having a population of 3,000,000 or
12 more, when the violation complaint is issued by a
13 municipal police department, the clerk shall be entitled
14 to costs from each person convicted therein as follows:

15 (A) Minor traffic or ordinance violations,
16 \$30.

17 (B) When court appearance required, \$50.

18 (3) In ordinance violation cases punishable by fine
19 only, the clerk of the circuit court shall be entitled to
20 receive, unless the fee is excused upon a finding by the
21 court that the defendant is indigent, in addition to
22 other fees or costs allowed or imposed by law, the sum of
23 \$112.50 as a fee for the services of a jury. The jury
24 fee shall be paid by the defendant at the time of filing
25 his or her jury demand. If the fee is not so paid by the
26 defendant, no jury shall be called, and the case shall be
27 tried by the court without a jury.

28 (x) Transcripts of Judgment.

29 For the filing of a transcript of judgment, the
30 clerk shall be entitled to the same fee as if it were the
31 commencement of a new suit.

32 (y) Change of Venue.

33 (1) For the filing of a change of case on a change
34 of venue, the clerk shall be entitled to the same fee as

1 if it were the commencement of a new suit.

2 (2) The fee for the preparation and certification
3 of a record on a change of venue to another jurisdiction,
4 when original documents are forwarded, \$40.

5 (z) Tax objection complaints.

6 For each tax objection complaint containing one or
7 more tax objections, regardless of the number of parcels
8 involved or the number of taxpayers joining in the
9 complaint, \$50.

10 (aa) Tax Deeds.

11 (1) Petition for tax deed, if only one parcel is
12 involved, \$250.

13 (2) For each additional parcel, add a fee of \$100.

14 (bb) Collections.

15 (1) For all collections made of others, except the
16 State and county and except in maintenance or child
17 support cases, a sum equal to 3.0% of the amount
18 collected and turned over.

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

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

25 (4) Before July 1, 2002, in child support and
26 maintenance cases, the clerk, if authorized by an
27 ordinance of the county board, may collect an annual fee
28 of up to \$36 from the person making payment for
29 maintaining child support records and the processing of
30 support orders to the State of Illinois KIDS system and
31 the recording of payments issued by the State
32 Disbursement Unit for the official record of the Court.
33 This fee shall be in addition to and separate from
34 amounts ordered to be paid as maintenance or child

1 support and shall be deposited into a Separate
2 Maintenance and Child Support Collection Fund, of which
3 the clerk shall be the custodian, ex-officio, to be used
4 by the clerk to maintain child support orders and record
5 all payments issued by the State Disbursement Unit for
6 the official record of the Court. The clerk may recover
7 from the person making the maintenance or child support
8 payment any additional cost incurred in the collection of
9 this annual fee. If on July 1, 2003 there is any
10 remaining balance in the Maintenance and Child Support
11 Collection Fund that is derived from fees paid under this
12 subdivision (bb)(4), the Clerk shall promptly transmit
13 that balance to the State Disbursement Unit established
14 under Section 10-26 of the Illinois Public Aid Code.

15 The clerk shall also be entitled to a fee of \$5 for
16 certifications made to the Secretary of State as provided
17 in Section 7-703 of the Family Financial Responsibility
18 Law and these fees shall also be deposited into the
19 separate Maintenance and Child Support Collection Fund.
20 Fees collected under this subdivision (bb)(4) after June
21 30, 2002 shall be deposited into a separate Family
22 Financial Responsibility Certification Fund, of which the
23 Clerk shall be the custodian, ex officio, to be used by
24 the Clerk to offset the costs associated with making the
25 certifications.

26 (cc) Corrections of Numbers.

27 For correction of the case number, case title, or
28 attorney computer identification number, if required by
29 rule of court, on any document filed in the clerk's
30 office, to be charged against the party that filed the
31 document, \$25.

32 (dd) Exceptions.

33 (1) The fee requirements of this Section shall not
34 apply to police departments or other law enforcement

1 agencies. In this Section, "law enforcement agency"
 2 means an agency of the State or a unit of local
 3 government which is vested by law or ordinance with the
 4 duty to maintain public order and to enforce criminal
 5 laws or ordinances. "Law enforcement agency" also means
 6 the Attorney General or any state's attorney.

7 (2) No fee provided herein shall be charged to any
 8 unit of local government or school district. The fee
 9 requirements of this Section shall not apply to any
 10 action instituted under subsection (b) of Section 11-31-1
 11 of the Illinois Municipal Code by a private owner or
 12 tenant of real property within 1200 feet of a dangerous
 13 or unsafe building seeking an order compelling the owner
 14 or owners of the building to take any of the actions
 15 authorized under that subsection.

16 (ee) Adoption.

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

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

23 (ff) Adoption exemptions.

24 No fee other than that set forth in subsection (ee)
 25 shall be charged to any person in connection with an
 26 adoption proceeding.

27 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
 28 91-321, eff. 1-1-00; 91-612, eff. 10-1-99; 91-821, eff.
 29 6-13-00.)

30 (705 ILCS 105/27.10 new)

31 Sec. 27.10. Transfer of maintenance and support
 32 collection functions to State Disbursement Unit.

33 (a) On July 1, 2002, the rights, powers, duties, and

1 functions of the clerks of the circuit court relating to the
 2 collection and disbursement of maintenance and support
 3 payments are transferred to the State Disbursement Unit
 4 established under Section 10-26 of the Illinois Public Aid
 5 Code as provided in this amendatory Act of the 92nd General
 6 Assembly.

7 (b) If a clerk of the circuit court has received a
 8 maintenance or support payment before July 1, 2002 and has
 9 not disbursed the payment in accordance with law or an order
 10 of the court before that date, the clerk shall promptly
 11 transmit the payment to the State Disbursement Unit for
 12 disbursement as required by law or an order of the court.

13 (c) After June 30, 2002, if a clerk of the circuit court
 14 receives a maintenance or support payment that should have
 15 been paid to the State Disbursement Unit according to the
 16 provisions of this amendatory Act of the 92nd General
 17 Assembly, the clerk shall promptly transmit the payment to
 18 the State Disbursement Unit.

19 (d) As soon as practicable after July 1, 2002, each
 20 clerk of the circuit court shall deliver to the State
 21 Disbursement Unit all of the records in the clerk's
 22 possession relating to the clerk's collection and
 23 disbursement of maintenance and support payments.

24 Section 15. The Code of Criminal Procedure of 1963 is
 25 amended by changing Section 112A-14 as follows:

26 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)
 27 Sec. 112A-14. Order of protection; remedies.

28 (a) Issuance of order. If the court finds that
 29 petitioner has been abused by a family or household member,
 30 as defined in this Article, an order of protection
 31 prohibiting such abuse shall issue; provided that petitioner
 32 must also satisfy the requirements of one of the following

1 Sections, as appropriate: Section 112A-17 on emergency
2 orders, Section 112A-18 on interim orders, or Section 112A-19
3 on plenary orders. Petitioner shall not be denied an order
4 of protection because petitioner or respondent is a minor.
5 The court, when determining whether or not to issue an order
6 of protection, shall not require physical manifestations of
7 abuse on the person of the victim. Modification and
8 extension of prior orders of protection shall be in
9 accordance with this Article.

10 (b) Remedies and standards. The remedies to be included
11 in an order of protection shall be determined in accordance
12 with this Section and one of the following Sections, as
13 appropriate: Section 112A-17 on emergency orders, Section
14 112A-18 on interim orders, and Section 112A-19 on plenary
15 orders. The remedies listed in this subsection shall be in
16 addition to other civil or criminal remedies available to
17 petitioner.

18 (1) Prohibition of abuse. Prohibit respondent's
19 harassment, interference with personal liberty,
20 intimidation of a dependent, physical abuse or willful
21 deprivation, as defined in this Article, if such abuse
22 has occurred or otherwise appears likely to occur if not
23 prohibited.

24 (2) Grant of exclusive possession of residence.
25 Prohibit respondent from entering or remaining in any
26 residence or household of the petitioner, including one
27 owned or leased by respondent, if petitioner has a right
28 to occupancy thereof. The grant of exclusive possession
29 of the residence shall not affect title to real property,
30 nor shall the court be limited by the standard set forth
31 in Section 701 of the Illinois Marriage and Dissolution
32 of Marriage Act.

33 (A) Right to occupancy. A party has a right
34 to occupancy of a residence or household if it is

1 solely or jointly owned or leased by that party,
2 that party's spouse, a person with a legal duty to
3 support that party or a minor child in that party's
4 care, or by any person or entity other than the
5 opposing party that authorizes that party's
6 occupancy (e.g., a domestic violence shelter).
7 Standards set forth in subparagraph (B) shall not
8 preclude equitable relief.

9 (B) Presumption of hardships. If petitioner
10 and respondent each has the right to occupancy of a
11 residence or household, the court shall balance (i)
12 the 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
17 to the risk of abuse (should petitioner remain at
18 the residence or household) or from loss of
19 possession of the residence or household (should
20 petitioner leave to avoid the risk of abuse). When
21 determining the balance of hardships, the court
22 shall also take into account the accessibility of
23 the residence or household. Hardships need not be
24 balanced if respondent does not have a right to
25 occupancy.

26 The balance of hardships is presumed to favor
27 possession by petitioner unless the presumption is
28 rebutted by a preponderance of the evidence, showing
29 that the hardships to respondent substantially
30 outweigh the hardships to petitioner and any minor
31 child or dependent adult in petitioner's care. The
32 court, on the request of petitioner or on its own
33 motion, may order respondent to provide suitable,
34 accessible, alternate housing for petitioner instead

1 of excluding respondent from a mutual residence or
2 household.

3 (3) Stay away order and additional prohibitions.
4 Order respondent to stay away from petitioner or any
5 other person protected by the order of protection, or
6 prohibit respondent from entering or remaining present at
7 petitioner's school, place of employment, or other
8 specified places at times when petitioner is present, or
9 both, if reasonable, given the balance of hardships.
10 Hardships need not be balanced for the court to enter a
11 stay away order or prohibit entry if respondent has no
12 right to enter the premises.

13 If an order of protection grants petitioner
14 exclusive possession of the residence, or prohibits
15 respondent from entering the residence, or orders
16 respondent to stay away from petitioner or other
17 protected persons, then the court may allow respondent
18 access to the residence to remove items of clothing and
19 personal adornment used exclusively by respondent,
20 medications, and other items as the court directs. The
21 right to access shall be exercised on only one occasion
22 as the court directs and in the presence of an
23 agreed-upon adult third party or law enforcement officer.

24 (4) Counseling. Require or recommend the
25 respondent to undergo counseling for a specified duration
26 with a social worker, psychologist, clinical
27 psychologist, psychiatrist, family service agency,
28 alcohol or substance abuse program, mental health center
29 guidance counselor, agency providing services to elders,
30 program designed for domestic violence abusers or any
31 other guidance service the court deems appropriate.

32 (5) Physical care and possession of the minor
33 child. In order to protect the minor child from abuse,
34 neglect, or unwarranted separation from the person who

1 has been the minor child's primary caretaker, or to
2 otherwise protect the well-being of the minor child, the
3 court may do either or both of the following: (i) grant
4 petitioner physical care or possession of the minor
5 child, or both, or (ii) order respondent to return a
6 minor child to, or not remove a minor child from, the
7 physical care of a parent or person in loco parentis.

8 If a court finds, after a hearing, that respondent
9 has committed abuse (as defined in Section 112A-3) of a
10 minor child, there shall be a rebuttable presumption that
11 awarding physical care to respondent would not be in the
12 minor child's best interest.

13 (6) Temporary legal custody. Award temporary legal
14 custody to petitioner in accordance with this Section,
15 the Illinois Marriage and Dissolution of Marriage Act,
16 the Illinois Parentage Act of 1984, and this State's
17 Uniform Child Custody Jurisdiction Act.

18 If a court finds, after a hearing, that respondent
19 has committed abuse (as defined in Section 112A-3) of a
20 minor child, there shall be a rebuttable presumption that
21 awarding temporary legal custody to respondent would not
22 be in the child's best interest.

23 (7) Visitation. Determine the visitation rights,
24 if any, of respondent in any case in which the court
25 awards physical care or temporary legal custody of a
26 minor child to petitioner. The court shall restrict or
27 deny respondent's visitation with a minor child if the
28 court finds that respondent has done or is likely to do
29 any of the following: (i) abuse or endanger the minor
30 child during visitation; (ii) use the visitation as an
31 opportunity to abuse or harass petitioner or petitioner's
32 family or household members; (iii) improperly conceal or
33 detain the minor child; or (iv) otherwise act in a manner
34 that is not in the best interests of the minor child.

1 The court shall not be limited by the standards set forth
2 in Section 607.1 of the Illinois Marriage and Dissolution
3 of Marriage Act. If the court grants visitation, the
4 order shall specify dates and times for the visitation to
5 take place or other specific parameters or conditions
6 that are appropriate. No order for visitation shall
7 refer merely to the term "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
13 in a violent or abusive manner.

14 If necessary to protect any member of petitioner's
15 family or household from future abuse, respondent shall
16 be prohibited from coming to petitioner's residence to
17 meet the minor child for visitation, and the parties
18 shall submit to the court their recommendations for
19 reasonable alternative arrangements for visitation. A
20 person may be approved to supervise visitation only after
21 filing an affidavit accepting that responsibility and
22 acknowledging accountability to the court.

23 (8) Removal or concealment of minor child.
24 Prohibit respondent from removing a minor child from the
25 State or concealing the child within the State.

26 (9) Order to appear. Order the respondent to
27 appear in court, alone or with a minor child, to prevent
28 abuse, neglect, removal or concealment of the child, to
29 return the child to the custody or care of the petitioner
30 or to permit any court-ordered interview or examination
31 of the child or the respondent.

32 (10) Possession of personal property. Grant
33 petitioner exclusive possession of personal property and,
34 if respondent has possession or control, direct

1 respondent to promptly make it available to petitioner,
2 if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the parties own the property jointly;
6 sharing it would risk abuse of petitioner by
7 respondent or is impracticable; and the balance of
8 hardships favors temporary possession by petitioner.

9 If petitioner's sole claim to ownership of the
10 property is that it is marital property, the court may
11 award petitioner temporary possession thereof under the
12 standards of subparagraph (ii) of this paragraph only if
13 a proper proceeding has been filed under the Illinois
14 Marriage and Dissolution of Marriage Act, as now or
15 hereafter amended.

16 No order under this provision shall affect title to
17 property.

18 (11) Protection of property. Forbid the respondent
19 from taking, transferring, encumbering, concealing,
20 damaging or otherwise disposing of any real or personal
21 property, except as explicitly authorized by the court,
22 if:

23 (i) petitioner, but not respondent, owns the
24 property; or

25 (ii) the parties own the property jointly, and
26 the balance of hardships favors granting this
27 remedy.

28 If petitioner's sole claim to ownership of the
29 property is that it is marital property, the court may
30 grant petitioner relief under subparagraph (ii) of this
31 paragraph only if a proper proceeding has been filed
32 under the Illinois Marriage and Dissolution of Marriage
33 Act, as now or hereafter amended.

34 The court may further prohibit respondent from

1 improperly using the financial or other resources of an
2 aged member of the family or household for the profit or
3 advantage of respondent or of any other person.

4 (12) Order for payment of support. Order
5 respondent to pay temporary support for the petitioner or
6 any child in the petitioner's care or custody, when the
7 respondent has a legal obligation to support that person,
8 in accordance with the Illinois Marriage and Dissolution
9 of Marriage Act, which shall govern, among other matters,
10 the amount of support, payment through the clerk (before
11 July 1, 2002) or the State Disbursement Unit established
12 under Section 10-26 of the Illinois Public Aid Code
13 (after June 30, 2002) and withholding of income to secure
14 payment. An order for child support may be granted to a
15 petitioner with lawful physical care or custody of a
16 child, or an order or agreement for physical care or
17 custody, prior to entry of an order for legal custody.
18 Such a support order shall expire upon entry of a valid
19 order granting legal custody to another, unless otherwise
20 provided in the custody order.

21 (13) Order for payment of losses. Order respondent
22 to pay petitioner for losses suffered as a direct result
23 of the abuse. Such losses shall include, but not be
24 limited to, medical expenses, lost earnings or other
25 support, repair or replacement of property damaged or
26 taken, reasonable attorney's fees, court costs and moving
27 or other travel expenses, including additional reasonable
28 expenses for temporary shelter and restaurant meals.

29 (i) Losses affecting family needs. If a party
30 is entitled to seek maintenance, child support or
31 property distribution from the other party under the
32 Illinois Marriage and Dissolution of Marriage Act,
33 as now or hereafter amended, the court may order
34 respondent to reimburse petitioner's actual losses,

1 to the extent that such reimbursement would be
2 "appropriate temporary relief", as authorized by
3 subsection (a)(3) of Section 501 of that Act.

4 (ii) Recovery of expenses. In the case of an
5 improper concealment or removal of a minor child,
6 the court may order respondent to pay the reasonable
7 expenses incurred or to be incurred in the search
8 for and recovery of the minor child, including but
9 not limited to legal fees, court costs, private
10 investigator fees, and travel costs.

11 (14) Prohibition of entry. Prohibit the respondent
12 from entering or remaining in the residence or household
13 while the respondent is under the influence of alcohol or
14 drugs and constitutes a threat to the safety and
15 well-being of the petitioner or the petitioner's
16 children.

17 (14.5) Prohibition of firearm possession. (a) When
18 a complaint is made under a request for an order of
19 protection, that the respondent has threatened or is
20 likely to use firearms illegally against the petitioner,
21 and the respondent is present in court, or has failed to
22 appear after receiving actual notice, the court shall
23 examine on oath the petitioner, and any witnesses who may
24 be produced. If the court is satisfied that there is any
25 danger of the illegal use of firearms, it shall include
26 in the order of protection the requirement that any
27 firearms in the possession of the respondent, except as
28 provided in subsection (b), be turned over to the local
29 law enforcement agency for safekeeping. If the
30 respondent fails to appear, or refuses or fails to
31 surrender his or her firearms, the court shall issue a
32 warrant for seizure of any firearm in the possession of
33 the respondent. The period of safekeeping shall be for a
34 stated period of time not to exceed 2 years. The firearm

1 or firearms shall be returned to the respondent at the
2 end of the stated period or at expiration of the order of
3 protection, whichever is sooner. (b) If the respondent is
4 a peace officer as defined in Section 2-13 of the
5 Criminal Code of 1961, the court shall order that any
6 firearms used by the respondent in the performance of his
7 or her duties as a peace officer be surrendered to the
8 chief law enforcement executive of the agency in which
9 the respondent is employed, who shall retain the firearms
10 for safekeeping for the stated period not to exceed 2
11 years as set forth in the court order.

12 (15) Prohibition of access to records. If an order
13 of protection prohibits respondent from having contact
14 with the minor child, or if petitioner's address is
15 omitted under subsection (b) of Section 112A-5, or if
16 necessary to prevent abuse or wrongful removal or
17 concealment of a minor child, the order shall deny
18 respondent access to, and prohibit respondent from
19 inspecting, obtaining, or attempting to inspect or
20 obtain, school or any other records of the minor child
21 who is in the care of petitioner.

22 (16) Order for payment of shelter services. Order
23 respondent to reimburse a shelter providing temporary
24 housing and counseling services to the petitioner for the
25 cost of the services, as certified by the shelter and
26 deemed reasonable by the court.

27 (17) Order for injunctive relief. Enter injunctive
28 relief necessary or appropriate to prevent further abuse
29 of a family or household member or to effectuate one of
30 the granted remedies, if supported by the balance of
31 hardships. If the harm to be prevented by the injunction
32 is abuse or any other harm that one of the remedies
33 listed in paragraphs (1) through (16) of this subsection
34 is designed to prevent, no further evidence is necessary

1 to establish that the harm is an irreparable injury.

2 (c) Relevant factors; findings.

3 (1) In determining whether to grant a specific
4 remedy, other than payment of support, the court shall
5 consider relevant factors, including but not limited to
6 the following:

7 (i) the nature, frequency, severity, pattern
8 and consequences of the respondent's past abuse of
9 the petitioner or any family or household member,
10 including the concealment of his or her location in
11 order to evade service of process or notice, and the
12 likelihood of danger of future abuse to petitioner
13 or any member of petitioner's or respondent's family
14 or household; and

15 (ii) the danger that any minor child will be
16 abused or neglected or improperly removed from the
17 jurisdiction, improperly concealed within the State
18 or improperly separated from the child's primary
19 caretaker.

20 (2) In comparing relative hardships resulting to
21 the parties from loss of possession of the family home,
22 the court shall consider relevant factors, including but
23 not limited to the following:

24 (i) availability, accessibility, cost, safety,
25 adequacy, location and other characteristics of
26 alternate housing for each party and any minor child
27 or dependent adult in the party's care;

28 (ii) the effect on the party's employment; and

29 (iii) the effect on the relationship of the
30 party, and any minor child or dependent adult in the
31 party's care, to family, school, church and
32 community.

33 (3) Subject to the exceptions set forth in
34 paragraph (4) of this subsection, the court shall make

1 its findings in an official record or in writing, and
2 shall at a minimum set forth the following:

3 (i) That the court has considered the
4 applicable relevant factors described in paragraphs
5 (1) and (2) of this subsection.

6 (ii) Whether the conduct or actions of
7 respondent, unless prohibited, will likely cause
8 irreparable harm or continued abuse.

9 (iii) Whether it is necessary to grant the
10 requested relief in order to protect petitioner or
11 other alleged abused persons.

12 (4) For purposes of issuing an ex parte emergency
13 order of protection, the court, as an alternative to or
14 as a supplement to making the findings described in
15 paragraphs (c)(3)(i) through (c)(3)(iii) of this
16 subsection, may use the following procedure:

17 When a verified petition for an emergency order of
18 protection in accordance with the requirements of
19 Sections 112A-5 and 112A-17 is presented to the court,
20 the court shall examine petitioner on oath or
21 affirmation. An emergency order of protection shall be
22 issued by the court if it appears from the contents of
23 the petition and the examination of petitioner that the
24 averments are sufficient to indicate abuse by respondent
25 and to support the granting of relief under the issuance
26 of the emergency order of protection.

27 (5) Never married parties. No rights or
28 responsibilities for a minor child born outside of
29 marriage attach to a putative father until a father and
30 child relationship has been established under the
31 Illinois Parentage Act of 1984. Absent such an
32 adjudication, no putative father shall be granted
33 temporary custody of the minor child, visitation with the
34 minor child, or physical care and possession of the minor

1 child, nor shall an order of payment for support of the
2 minor child be entered.

3 (d) Balance of hardships; findings. If the court finds
4 that the balance of hardships does not support the granting
5 of a remedy governed by paragraph (2), (3), (10), (11), or
6 (16) of subsection (b) of this Section, which may require
7 such balancing, the court's findings shall so indicate and
8 shall include a finding as to whether granting the remedy
9 will result in hardship to respondent that would
10 substantially outweigh the hardship to petitioner from denial
11 of the remedy. The findings shall be an official record or
12 in writing.

13 (e) Denial of remedies. Denial of any remedy shall not
14 be based, in whole or in part, on evidence that:

15 (1) Respondent has cause for any use of force,
16 unless that cause satisfies the standards for justifiable
17 use of force provided by Article VII of the Criminal Code
18 of 1961;

19 (2) Respondent was voluntarily intoxicated;

20 (3) Petitioner acted in self-defense or defense of
21 another, provided that, if petitioner utilized force,
22 such force was justifiable under Article VII of the
23 Criminal Code of 1961;

24 (4) Petitioner did not act in self-defense or
25 defense of another;

26 (5) Petitioner left the residence or household to
27 avoid further abuse by respondent;

28 (6) Petitioner did not leave the residence or
29 household to avoid further abuse by respondent;

30 (7) Conduct by any family or household member
31 excused the abuse by respondent, unless that same conduct
32 would have excused such abuse if the parties had not been
33 family or household members.

34 (Source: P.A. 89-367, eff. 1-1-96.)

1 Section 20. The Code of Civil Procedure is amended by
2 changing Sections 12-101, 12-183, and 12-710 as follows:

3 (735 ILCS 5/12-101) (from Ch. 110, par. 12-101)

4 Sec. 12-101. Lien of judgment. With respect to the
5 creation of liens on real estate by judgments, all real
6 estate in the State of Illinois is divided into 2 classes.

7 The first class consists of all real property, the title
8 to which is registered under "An Act concerning land titles",
9 approved May 1, 1897, as amended.

10 The second class consists of all real property not
11 registered under "An Act concerning land titles".

12 As to real estate in class one, a judgment is a lien on
13 the real estate of the person against whom it is entered for
14 the same period as in class two, when Section 85 of "An Act
15 concerning land titles", has been complied with.

16 As to real estate included within class two, a judgment
17 is a lien on the real estate of the person against whom it is
18 entered in any county in this State, including the county in
19 which it is entered, only from the time a transcript,
20 certified copy or memorandum of the judgment is filed in the
21 office of the recorder in the county in which the real estate
22 is located. A judgment resulting from the entry of an order
23 requiring child support payments shall be a lien upon the
24 real estate of the person obligated to make the child support
25 payments, but shall not be enforceable in any county of this
26 State until a transcript, certified copy, or memorandum of
27 the lien is filed in the office of the recorder in the county
28 in which the real estate is located. Any lien hereunder
29 arising out of an order for support shall be a lien only as
30 to and from the time that an installment or payment is due
31 under the terms of the order. Further, the order for support
32 shall not be a lien on real estate to the extent of payments
33 made as evidenced by the records of the Clerk of the Circuit

1 Court, the State Disbursement Unit established under Section
 2 10-26 of the Illinois Public Aid Code, or the State agency
 3 receiving payments pursuant to the order. In the event
 4 payments made pursuant to that order are not paid to the
 5 Clerk of the Circuit Court, the State Disbursement Unit, or a
 6 State agency, then each lien imposed by this Section may be
 7 released in the following manner:

8 (a) A Notice of Filing and an affidavit stating
 9 that all installments of child support required to be
 10 paid pursuant to the order under which the lien or liens
 11 were imposed have been paid shall be filed with the
 12 office of recorder in each county in which each such lien
 13 appears of record, together with proof of service of such
 14 notice and affidavit upon the recipient of such payments.

15 (b) Service of such affidavit shall be by any means
 16 authorized under Sections 2-203 and 2-208 of the Code of
 17 Civil Procedure or under Supreme Court Rules 11 or
 18 105(b).

19 (c) The Notice of Filing shall set forth the name
 20 and address of the judgment debtor and the judgment
 21 creditor, the court file number of the order giving rise
 22 to the judgment and, in capital letters, the following
 23 statement:

24 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
 25 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE RECORDER OF
 26 COUNTY, ILLINOIS, WHOSE ADDRESS IS, ILLINOIS.
 27 IF, WITHIN 28 DAYS OF THE DATE OF THIS NOTICE, YOU FAIL TO
 28 FILE AN AFFIDAVIT OBJECTING TO THE RELEASE OF THE STATED
 29 JUDGMENT LIEN OR LIENS, IN THE ABOVE OFFICE, SUCH JUDGMENT
 30 LIEN WILL BE DEEMED TO BE RELEASED AND NO LONGER SUBJECT TO
 31 FORECLOSURE. THIS RELEASE OF LIEN WILL NOT ACT AS A
 32 SATISFACTION OF SUCH JUDGMENT.

33 (d) If no affidavit objecting to the release of the
 34 lien or liens is filed within 28 days of the Notice

1 described in paragraph (c) of this Section such lien or
2 liens shall be deemed to be released and no longer
3 subject to foreclosure.

4 A judgment is not a lien on real estate for longer than 7
5 years from the time it is entered or revived.

6 When a judgment is revived it is a lien on the real
7 estate of the person against whom it was entered in any
8 county in this State from the time a transcript, certified
9 copy or memorandum of the order of revival is filed in the
10 office of the recorder in the county in which the real estate
11 is located.

12 A foreign judgment registered pursuant to Sections 12-601
13 through 12-618 of this Act is a lien upon the real estate of
14 the person against whom it was entered only from the time (1)
15 a certified copy of the verified petition for registration of
16 the foreign judgment or (2) a transcript, certified copy or
17 memorandum of the final judgment of the court of this State
18 entered on that foreign judgment is filed in the office of
19 the recorder in the county in which the real estate is
20 located. However, no such judgment shall be a lien on any
21 real estate registered under "An Act concerning land titles",
22 as amended, until Section 85 of that Act has been complied
23 with.

24 The release of any transcript, certified copy or
25 memorandum of judgment or order of revival which has been
26 recorded shall be filed by the person receiving the release
27 in the office of the recorder in which such judgment or order
28 has been recorded.

29 Such release shall contain in legible letters a statement
30 as follows:

31 FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHALL BE
32 FILED WITH THE RECORDER OR THE REGISTRAR OF TITLES
33 IN WHOSE OFFICE THE LIEN WAS FILED.

34 The term "memorandum" as used in this Section means a

1 memorandum or copy of the judgment signed by a judge or a
2 copy attested by the clerk of the court entering it and
3 showing the court in which entered, date, amount, number of
4 the case in which it was entered, name of the party in whose
5 favor and name and last known address of the party against
6 whom entered. If the address of the party against whom the
7 judgment was entered is not known, the memorandum or copy of
8 judgment shall so state.

9 The term "memorandum" as used in this Section also means
10 a memorandum or copy of a child support order signed by a
11 judge or a copy attested by the clerk of the court entering
12 it or a copy attested by the administrative body entering it.

13 This Section shall not be construed as showing an
14 intention of the legislature to create a new classification
15 of real estate, but shall be construed as showing an
16 intention of the legislature to continue a classification
17 already existing.

18 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

19 (735 ILCS 5/12-183) (from Ch. 110, par. 12-183)

20 Sec. 12-183. Release of judgment.

21 (a) Every judgment creditor, his or her assignee of
22 record or other legal representative having received full
23 satisfaction or payment of all such sums of money as are
24 really due to him or her from the judgment debtor on any
25 judgment rendered in a court shall, at the request of the
26 judgment debtor or his or her legal representative, execute
27 and deliver to the judgment debtor or his or her legal
28 representative an instrument in writing releasing such
29 judgment.

30 (b) If the judgment creditor, his or her assigns of
31 record or other legal representative to whom tender has been
32 made of all sums of money due him or her from the judgment
33 debtor including interest, on any judgment entered by a

1 court, wilfully fails or refuses, at the request of the
2 judgment debtor or his or her legal representative to execute
3 and deliver to the judgment debtor or his or her legal
4 representative an instrument in writing releasing such
5 judgment, the judgment debtor may petition the court in which
6 such judgment is of record, making tender therewith to the
7 court of all sums due in principal and interest on such
8 judgment, for the use of the judgment creditor, his or her
9 executors, administrators or assigns, whereupon the court
10 shall enter an order satisfying the judgment and releasing
11 all liens based on such judgment.

12 (c) For the recording of assignment of any judgment the
13 clerk of the court in which such judgment is of record is
14 allowed a fee of \$2.

15 (d) A satisfaction of a judgment may be delivered to the
16 judgment debtor, his or her attorney or to the clerk of the
17 court in which such judgment is of record.

18 (e) The clerk shall not be allowed any fee for recording
19 the satisfaction of judgment. The clerk of the court shall
20 make appropriate notation on the judgment docket of the book
21 and page where any release or assignment of any judgment is
22 recorded.

23 (f) No judgment shall be released of record except by an
24 instrument in writing recorded in the court in which such
25 judgment is of record. However, nothing contained in this
26 Section affects in any manner the validity of any release of
27 judgment made, prior to January 1, 1952, in judgment and
28 execution dockets by the judgment creditor, his or her
29 attorney, assignee or other legal representative.

30 (g) The writ of audita querela is abolished and all
31 relief heretofore obtainable and grounds for such relief
32 heretofore available, whether by the writ of audita querela
33 or otherwise, shall be available in every case by petition
34 hereunder, regardless of the nature of the order or judgment

1 from which relief is sought or of the proceeding in which it
2 was entered. There shall be no distinction between actions
3 and other proceedings, statutory or otherwise, as to
4 availability of relief, grounds for relief or relief
5 obtainable. The petition shall be filed in the same
6 proceeding in which the order or judgment was entered and
7 shall be supported by affidavit or other appropriate showing
8 as to matters not of record. All parties to the petition
9 shall be notified as provided by rule.

10 (h) Upon the filing of a release or satisfaction in full
11 satisfaction of judgment, signed by the party in whose favor
12 the judgment was entered or his or her attorney, the court
13 shall vacate the judgment, and dismiss the action.

14 (i) Any judgment arising out of an order for support
15 shall not be a judgment to the extent of payments made as
16 evidenced by the records of the Clerk of the Circuit Court,
17 the State Disbursement Unit established under Section 10-26
18 of the Illinois Public Aid Code, or the State agency
19 receiving payments pursuant to the order. In the event
20 payments made pursuant to that order are not paid to the
21 Clerk of the Circuit Court, the State Disbursement Unit, or a
22 State agency, then any judgment arising out of each order for
23 support may be released in the following manner:

24 (1) A Notice of Filing and an affidavit stating
25 that all installments of child support required to be
26 paid pursuant to the order under which the judgment or
27 judgments were entered have been paid shall be filed with
28 the office of the court or agency entering said order for
29 support, together with proof of service of such notice
30 and affidavit upon the recipient of such payments.

31 (2) Service of such affidavit shall be by any means
32 authorized under Sections 2-203 and 2-208 of the Code of
33 Civil Procedure or under Supreme Court Rules 11 or
34 105(b).

1 (3) The Notice of Filing shall set forth the name
 2 and address of the judgment debtor and the judgment
 3 creditor, the court file number of the order giving rise
 4 to the judgment and, in capital letters, the following
 5 statement:

6 YOU ARE HEREBY NOTIFIED THAT ON (insert date) THE
 7 ATTACHED AFFIDAVIT WAS FILED IN THE OFFICE OF THE CLERK
 8 OF THE CIRCUIT COURT OF COUNTY, ILLINOIS, WHOSE
 9 ADDRESS IS, ILLINOIS. IF, WITHIN 28 DAYS OF THE
 10 DATE OF THIS NOTICE, YOU FAIL TO FILE AN AFFIDAVIT
 11 OBJECTING TO THE SATISFACTION OF THE STATED JUDGMENT OR
 12 JUDGMENTS IN THE ABOVE OFFICE, THE SAID JUDGMENTS WILL BE
 13 DEEMED TO BE SATISFIED AND NOT ENFORCEABLE. THE
 14 SATISFACTION WILL NOT PREVENT YOU FROM ENFORCING THE
 15 ORDER FOR SUPPORT THROUGH THE COURT.

16 (4) If no affidavit objecting to the satisfaction
 17 of the judgment or judgments is filed within 28 days of
 18 the Notice described in paragraph (3) of this subsection
 19 (i), such judgment or judgments shall be deemed to be
 20 satisfied and not enforceable.

21 (Source: P.A. 91-357, eff. 7-29-99.)

22 (735 ILCS 5/12-710) (from Ch. 110, par. 12-710)
 23 Sec. 12-710. Adverse claims; Trial.

24 (a) In the event any indebtedness or other property due
 25 from or in the possession of a garnishee is claimed by any
 26 other person, the court shall permit the claimant to appear
 27 and maintain his or her claim. A claimant not voluntarily
 28 appearing shall be served with notice as the court shall
 29 direct. If a claimant fails to appear after being served
 30 with notice in the manner directed, he or she shall be
 31 concluded by the judgment entered in the garnishment
 32 proceeding.

33 (b) If the adverse claimant appears and, within the time

1 the court allows, files his or her claim and serves a copy
2 thereof upon the judgment creditor, the judgment debtor, and
3 the garnishee, he or she is then a party to the garnishment
4 proceeding; and his or her claim shall be tried and
5 determined with the other issues in the garnishment action.
6 Upon certification by the Illinois Department of Public Aid
7 that a person who is receiving support payments under this
8 Section is a public aid recipient, any support payments
9 subsequently received by the clerk of the court or the State
10 Disbursement Unit established under Section 10-26 of the
11 Illinois Public Aid Code shall be transmitted to the Illinois
12 Department of Public Aid until the Department gives notice to
13 cease such transmittal. If the adverse claimant is entitled
14 to all or part of the indebtedness or other property, the
15 court shall enter judgment in accordance with the interests
16 of the parties.

17 (c) Claims for the support of a spouse or dependent
18 children shall be superior to all other claims for
19 garnishment of property.

20 (Source: P.A. 87-1252.)

21 Section 25. The Illinois Marriage and Dissolution of
22 Marriage Act is amended by changing Sections 504, 505, 505.3,
23 507, 511, 516, 705, 709, 710, 712, and 713 as follows:

24 (750 ILCS 5/504) (from Ch. 40, par. 504)

25 Sec. 504. Maintenance.

26 (a) In a proceeding for dissolution of marriage or legal
27 separation or declaration of invalidity of marriage, or a
28 proceeding for maintenance following dissolution of the
29 marriage by a court which lacked personal jurisdiction over
30 the absent spouse, the court may grant a temporary or
31 permanent maintenance award for either spouse in amounts and
32 for periods of time as the court deems just, without regard

1 to marital misconduct, in gross or for fixed or indefinite
2 periods of time, and the maintenance may be paid from the
3 income or property of the other spouse after consideration of
4 all relevant factors, including:

5 (1) the income and property of each party,
6 including marital property apportioned and non-marital
7 property assigned to the party seeking maintenance;

8 (2) the needs of each party;

9 (3) the present and future earning capacity of each
10 party;

11 (4) any impairment of the present and future
12 earning capacity of the party seeking maintenance due to
13 that party devoting time to domestic duties or having
14 forgone or delayed education, training, employment, or
15 career opportunities due to the marriage;

16 (5) the time necessary to enable the party seeking
17 maintenance to acquire appropriate education, training,
18 and employment, and whether that party is able to support
19 himself or herself through appropriate employment or is
20 the custodian of a child making it appropriate that the
21 custodian not seek employment;

22 (6) the standard of living established during the
23 marriage;

24 (7) the duration of the marriage;

25 (8) the age and the physical and emotional
26 condition of both parties;

27 (9) the tax consequences of the property division
28 upon the respective economic circumstances of the
29 parties;

30 (10) contributions and services by the party
31 seeking maintenance to the education, training, career or
32 career potential, or license of the other spouse;

33 (11) any valid agreement of the parties; and

34 (12) any other factor that the court expressly

1 finds to be just and equitable.

2 (b) (Blank).

3 (c) The court may grant and enforce the payment of
4 maintenance during the pendency of an appeal as the court
5 shall deem reasonable and proper.

6 (d) No maintenance shall accrue during the period in
7 which a party is imprisoned for failure to comply with the
8 court's order for the payment of such maintenance.

9 (e) When maintenance is to be paid through the clerk of
10 the court in a county of 1,000,000 inhabitants or less, the
11 order shall direct the obligor to pay to the clerk, in
12 addition to the maintenance payments, all fees imposed by the
13 county board under paragraph (3) of subsection (u) of Section
14 27.1 of the Clerks of Courts Act. Unless paid in cash or
15 pursuant to an order for withholding, the payment of the fee
16 shall be by a separate instrument from the support payment
17 and shall be made to the order of the Clerk.

18 This subsection (e) is inoperative after June 30, 2002.

19 (Source: P.A. 91-357, eff. 7-29-99.)

20 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

22 (a) In a proceeding for dissolution of marriage, legal
23 separation, declaration of invalidity of marriage, a
24 proceeding for child support following dissolution of the
25 marriage by a court which lacked personal jurisdiction over
26 the absent spouse, a proceeding for modification of a
27 previous order for child support under Section 510 of this
28 Act, or any proceeding authorized under Section 501 or 601 of
29 this Act, the court may order either or both parents owing a
30 duty of support to a child of the marriage to pay an amount
31 reasonable and necessary for his support, without regard to
32 marital misconduct. The duty of support owed to a minor
33 child includes the obligation to provide for the reasonable

1 and necessary physical, mental and emotional health needs of
2 the child.

3 (1) The Court shall determine the minimum amount of
4 support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%
4	40%
5	45%
6 or more	50%

13 (2) The above guidelines shall be applied in each
14 case unless the court makes a finding that application of
15 the guidelines would be inappropriate, after considering
16 the best interests of the child in light of evidence
17 including but not limited to one or more of the following
18 relevant factors:

19 (a) the financial resources and needs of the
20 child;

21 (b) the financial resources and needs of the
22 custodial parent;

23 (c) the standard of living the child would
24 have enjoyed had the marriage not been dissolved;

25 (d) the physical and emotional condition of
26 the child, and his educational needs; and

27 (e) the financial resources and needs of the
28 non-custodial parent.

29 If the court deviates from the guidelines, the
30 court's finding shall state the amount of support that
31 would have been required under the guidelines, if
32 determinable. The court shall include the reason or
33 reasons for the variance from the guidelines.

34 (3) "Net income" is defined as the total of all

1 income from all sources, minus the following deductions:

2 (a) Federal income tax (properly calculated
3 withholding or estimated payments);

4 (b) State income tax (properly calculated
5 withholding or estimated payments);

6 (c) Social Security (FICA payments);

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

9 (e) Union dues;

10 (f) Dependent and individual
11 health/hospitalization insurance premiums;

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

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

25 (4) In cases where the court order provides for
26 health/hospitalization insurance coverage pursuant to
27 Section 505.2 of this Act, the premiums for that
28 insurance, or that portion of the premiums for which the
29 supporting party is responsible in the case of insurance
30 provided through an employer's health insurance plan
31 where the employer pays a portion of the premiums, shall
32 be subtracted from net income in determining the minimum
33 amount of support to be ordered.

34 (4.5) In a proceeding for child support following

1 dissolution of the marriage by a court that lacked
2 personal jurisdiction over the absent spouse, and in
3 which the court is requiring payment of support for the
4 period before the date an order for current support is
5 entered, there is a rebuttable presumption that the
6 supporting party's net income for the prior period was
7 the same as his or her net income at the time the order
8 for current support is entered.

9 (5) If the net income cannot be determined because
10 of default or any other reason, the court shall order
11 support in an amount considered reasonable in the
12 particular case. The final order in all cases shall
13 state the support level in dollar amounts. However, if
14 the court finds that the child support amount cannot be
15 expressed exclusively as a dollar amount because all or a
16 portion of the payor's net income is uncertain as to
17 source, time of payment, or amount, the court may order a
18 percentage amount of support in addition to a specific
19 dollar amount and enter such other orders as may be
20 necessary to determine and enforce, on a timely basis,
21 the applicable support ordered.

22 (6) If (i) the non-custodial parent was properly
23 served with a request for discovery of financial
24 information relating to the non-custodial parent's
25 ability to provide child support, (ii) the non-custodial
26 parent failed to comply with the request, despite having
27 been ordered to do so by the court, and (iii) the
28 non-custodial parent is not present at the hearing to
29 determine support despite having received proper notice,
30 then any relevant financial information concerning the
31 non-custodial parent's ability to provide child support
32 that was obtained pursuant to subpoena and proper notice
33 shall be admitted into evidence without the need to
34 establish any further foundation for its admission.

1 (a-5) In an action to enforce an order for support based
2 on the respondent's failure to make support payments as
3 required by the order, notice of proceedings to hold the
4 respondent in contempt for that failure may be served on the
5 respondent by personal service or by regular mail addressed
6 to the respondent's last known address. The respondent's
7 last known address may be determined from records of the
8 clerk of the court, from the Federal Case Registry of Child
9 Support Orders, or by any other reasonable means.

10 (b) Failure of either parent to comply with an order to
11 pay support shall be punishable as in other cases of
12 contempt. In addition to other penalties provided by law the
13 Court may, after finding the parent guilty of contempt, order
14 that the parent be:

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

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

21 (A) work; or

22 (B) conduct a business or other self-employed
23 occupation.

24 The Court may further order any part or all of the
25 earnings of a parent during a sentence of periodic
26 imprisonment paid to the Clerk of the Circuit Court (before
27 July 1, 2002), to the State Disbursement Unit established
28 under Section 10-26 of the Illinois Public Aid Code (after
29 June 30, 2002), or to the parent having custody or to the
30 guardian having custody of the minor children of the
31 sentenced parent for the support of said minor children until
32 further order of the Court.

33 If there is a unity of interest and ownership sufficient
34 to render no financial separation between a non-custodial

1 parent and another person or persons or business entity, the
2 court may pierce the ownership veil of the person, persons,
3 or business entity to discover assets of the non-custodial
4 parent held in the name of that person, those persons, or
5 that business entity. The following circumstances are
6 sufficient to authorize a court to order discovery of the
7 assets of a person, persons, or business entity and to compel
8 the application of any discovered assets toward payment on
9 the judgment for support:

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

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

16 (3) the non-custodial parent transfers assets to
17 the person, persons, or business entity with the intent
18 to perpetrate a fraud on the custodial parent.

19 With respect to assets which are real property, no order
20 entered under this paragraph shall affect the rights of bona
21 fide purchasers, mortgagees, judgment creditors, or other
22 lien holders who acquire their interests in the property
23 prior to the time a notice of lis pendens pursuant to the
24 Code of Civil Procedure or a copy of the order is placed of
25 record in the office of the recorder of deeds for the county
26 in which the real property is located.

27 The court may also order in cases where the parent is 90
28 days or more delinquent in payment of support or has been
29 adjudicated in arrears in an amount equal to 90 days
30 obligation or more, that the parent's Illinois driving
31 privileges be suspended until the court determines that the
32 parent is in compliance with the order of support. The court
33 may also order that the parent be issued a family financial
34 responsibility driving permit that would allow limited

1 driving privileges for employment and medical purposes in
2 accordance with Section 7-702.1 of the Illinois Vehicle Code.
3 The clerk of the circuit court shall certify the order
4 suspending the driving privileges of the parent or granting
5 the issuance of a family financial responsibility driving
6 permit to the Secretary of State on forms prescribed by the
7 Secretary. Upon receipt of the authenticated documents, the
8 Secretary of State shall suspend the parent'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
12 financial responsibility driving permit to the parent.

13 In addition to the penalties or punishment that may be
14 imposed under this Section, any person whose conduct
15 constitutes a violation of Section 15 of the Non-Support
16 Punishment Act may be prosecuted under that Act, and a person
17 convicted under that Act may be sentenced in accordance with
18 that Act. The sentence may include but need not be limited
19 to a requirement that the person perform community service
20 under Section 50 of that Act or participate in a work
21 alternative program under Section 50 of that Act. A person
22 may not be required to participate in a work alternative
23 program under Section 50 of that Act if the person is
24 currently participating in a work program pursuant to Section
25 505.1 of this Act.

26 A support obligation, or any portion of a support
27 obligation, which becomes due and remains unpaid for 30 days
28 or more shall accrue interest at the rate of 9% per annum.

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

1 (d) Any new or existing support order entered by the
2 court under this Section shall be deemed to be a series of
3 judgments against the person obligated to pay support
4 thereunder, each such judgment to be in the amount of each
5 payment or installment of support and each such judgment to
6 be deemed entered as of the date the corresponding payment or
7 installment becomes due under the terms of the support order.
8 Each such judgment shall have the full force, effect and
9 attributes of any other judgment of this State, including the
10 ability to be enforced. A lien arises by operation of law
11 against the real and personal property of the noncustodial
12 parent for each installment of overdue support owed by the
13 noncustodial parent.

14 (e) When child support is to be paid through the clerk
15 of the court in a county of 1,000,000 inhabitants or less,
16 the order shall direct the obligor to pay to the clerk, in
17 addition to the child support payments, all fees imposed by
18 the county board under paragraph (3) of subsection (u) of
19 Section 27.1 of the Clerks of Courts Act. Unless paid in
20 cash or pursuant to an order for withholding, the payment of
21 the fee shall be by a separate instrument from the support
22 payment and shall be made to the order of the Clerk.

23 This subsection (e) is inoperative after June 30, 2002.

24 (f) All orders for support, when entered or modified,
25 shall include a provision requiring the obligor to notify the
26 court (before July 1, 2002) or the State Disbursement Unit
27 established under Section 10-26 of the Illinois Public Aid
28 Code (after June 30, 2002) and, in cases in which a party is
29 receiving child and spouse services under Article X of the
30 Illinois Public Aid Code, the Illinois Department of Public
31 Aid, within 7 days (before July 1, 2002) or 5 business days
32 (after June 30, 2002), (i) of the name and address of any new
33 employer of the obligor, (ii) whether the obligor has access
34 to health insurance coverage through the employer or other

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

12 (g) An order for support shall include a date on which
13 the current support obligation terminates. The termination
14 date shall be no earlier than the date on which the child
15 covered by the order will attain the age of majority or is
16 otherwise emancipated. The order for support shall state that
17 the termination date does not apply to any arrearage that may
18 remain unpaid on that date. Nothing in this subsection shall
19 be construed to prevent the court from modifying the order.

20 (h) An order entered under this Section before July 1,
21 2002 shall include a provision requiring the obligor to
22 report to the obligee and to the clerk of the court within 10
23 days each time the obligor obtains new employment, and each
24 time the obligor's employment is terminated for any reason.
25 An order entered under this Section after June 30, 2002 shall
26 include a provision requiring the obligor to report to the
27 obligee, the Department of Public Aid, and the State
28 Disbursement Unit, within 5 business days, each time the
29 obligor obtains new employment and each time the obligor's
30 employment is terminated for any reason. The report shall be
31 in writing and shall, in the case of new employment, include
32 the name and address of the new employer.

33 Failure to report new employment or the termination of
34 current employment, if coupled with nonpayment of support for

1 a period in excess of 60 days, is indirect criminal contempt.
2 For any obligor arrested for failure to report new employment
3 bond shall be set in the amount of the child support that
4 should have been paid during the period of unreported
5 employment.

6 An order entered under this Section shall also include a
7 provision requiring the obligor and obligee parents to advise
8 each other of a change in residence within 5 days of the
9 change except when the court finds that the physical, mental,
10 or emotional health of a party or that of a minor child, or
11 both, would be seriously endangered by disclosure of the
12 party's address.

13 (Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98;
14 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff.
15 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655,
16 eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

17 (750 ILCS 5/505.3)

18 Sec. 505.3. Information to State Case Registry.

19 (a) When an order for support is entered or modified
20 under this Act before July 1, 2002, the clerk of the circuit
21 court shall, within 5 business days, provide to the State
22 Case Registry established under Section 10-27 of the
23 Illinois Public Aid Code the court docket number and county
24 in which the order is entered or modified and the following
25 information, which the parties shall disclose to the court:

26 (1) The names of the custodial and non-custodial
27 parents and of the child or children covered by the
28 order.

29 (2) The dates of birth of the custodial and
30 non-custodial parents and of the child or children
31 covered by the order.

32 (3) The social security numbers of the custodial
33 and non-custodial parents and of the child or children

1 covered by the order.

2 (4) The residential and mailing addresses for the
3 custodial and non-custodial parents.

4 (5) The telephone numbers for the custodial and
5 non-custodial parents.

6 (6) The driver's license numbers for the custodial
7 and non-custodial parents.

8 (7) The name, address, and telephone number of each
9 parent's employer or employers.

10 When an order for support is entered or modified under
11 this Act after June 30, 2002, the clerk shall provide the
12 information to the Department of Public Aid within 5 business
13 days, and the Department shall promptly transmit the
14 information to the State Case Registry.

15 (b) When a child support order is entered or modified
16 before July 1, 2002 for a case in which a party is receiving
17 child and spouse support services under Article X of the
18 Illinois Public Aid Code, the clerk shall provide the State
19 Case Registry with the following information:

20 (1) The information specified in subsection (a) of
21 this Section.

22 (2) The amount of monthly or other periodic support
23 owed under the order and other amounts, including
24 arrearages, interest, or late payment penalties and fees,
25 due or overdue under the order.

26 (3) Any amounts described in subdivision (2) of
27 this subsection (b) that have been received by the clerk.

28 (4) The distribution of the amounts received by the
29 clerk.

30 When a child support order is entered or modified after
31 June 30, 2002 for a case in which a party is receiving child
32 and spouse support services under Article X of the Illinois
33 Public Aid Code, the clerk shall provide the information to
34 the Department of Public Aid, and the Department shall

1 promptly transmit the information to the State Case Registry.

2 (b-5) When the clerk provides information to the
3 Department of Public Aid under subsection (b), the Department
4 shall determine whether the State Disbursement Unit
5 established under Section 10-26 of the Illinois Public Aid
6 Code has received any amounts described in subdivision
7 (b)(2). If the State Disbursement Unit has received any such
8 amounts, the Department of Public Aid shall cause the
9 following information to be provided to the Registry:

10 (1) All such amounts received by the State
11 Disbursement Unit.

12 (2) The distribution of those amounts.

13 (c) A party shall report to the clerk of the circuit
14 court changes in information required to be the disclosed
15 under this Section within 5 business days of the change.

16 (d) To the extent that updated information is in the
17 clerk's possession, the clerk shall provide updates of the
18 information specified in subsection (b) of this Section
19 within 5 business days after the Illinois Department of
20 Public Aid's request for that updated information.

21 (Source: P.A. 91-212, eff. 7-20-99.)

22 (750 ILCS 5/507) (from Ch. 40, par. 507)

23 Sec. 507. Payment of maintenance or support ~~to~~ court.

24 (a) In actions instituted under this Act, the court
25 shall order that maintenance and support payments be made to
26 the clerk of the court (before July 1, 2002) or the State
27 Disbursement Unit established under Section 10-26 of the
28 Illinois Public Aid Code (after June 30, 2002) as trustee for
29 remittance to the person entitled to receive the payments.
30 However, the court in its discretion may direct otherwise
31 where circumstances so warrant.

32 Upon notification in writing or by electronic
33 transmission from the Illinois Department of Public Aid to

1 the clerk of the court and (after June 30, 2002) the State
2 Disbursement Unit that a person who is receiving support
3 payments under this Section is receiving services under the
4 Child Support Enforcement Program established by Title IV-D
5 of the Social Security Act, any support payments subsequently
6 received by the clerk of the court or the State Disbursement
7 Unit shall be transmitted in accordance with the instructions
8 of the Illinois Department of Public Aid until the Department
9 gives notice to the clerk of the court or the State
10 Disbursement Unit to cease the transmittal. After providing
11 the notification authorized under this paragraph, the
12 Illinois Department of Public Aid shall be entitled as a
13 party to notice of any further proceedings in the case. The
14 clerk of the court shall file a copy of the Illinois
15 Department of Public Aid's notification in the court file.
16 The failure of the clerk to file a copy of the notification
17 in the court file shall not, however, affect the Illinois
18 Department of Public Aid's right to receive notice of further
19 proceedings.

20 (b) The clerk of the court and the State Disbursement
21 Unit shall maintain records listing the amount of payments,
22 the date payments are required to be made and the names and
23 addresses of the parties affected by the order. For those
24 cases in which support is payable to the clerk of the circuit
25 court or the State Disbursement Unit for transmittal to the
26 Illinois Department of Public Aid by order of the court or
27 upon notification of the Illinois Department of Public Aid,
28 and the Illinois Department of Public Aid collects support by
29 assignment, offset, withholding, deduction or other process
30 permitted by law, the Illinois Department shall notify the
31 clerk or State Disbursement Unit of the date and amount of
32 such collection. Upon notification, the clerk or State
33 Disbursement Unit shall record the collection on the payment
34 record for the case.

1 (c) The parties affected by the order shall inform the
2 clerk of the court and the State Disbursement Unit of any
3 change of address or of other condition that may affect the
4 administration of the order.

5 (d) The provisions of this Section shall not apply to
6 cases that come under the provisions of Sections 709 through
7 712.

8 (e) To the extent the provisions of this Section are
9 inconsistent with the requirements pertaining to the State
10 Disbursement Unit under Section 507.1 of this Act and Section
11 10-26 of the Illinois Public Aid Code, the requirements under
12 those Sections pertaining--to--the--State--Disbursement--Unit
13 shall apply.

14 (f) In every case in which on July 1, 2002 there is in
15 effect an order requiring that maintenance or support
16 payments be made to the clerk of the court, the court shall
17 modify that order to provide that after June 30, 2002 those
18 payments shall be made to the State Disbursement Unit. The
19 clerk of the court shall send a certified copy of the
20 modified order to each party. As soon as practicable after
21 July 1, 2002, the clerk shall deliver to the State
22 Disbursement Unit all of the clerk's records concerning
23 maintenance or support payments made to the clerk before July
24 1, 2002.

25 (g) If the clerk of the court has received a maintenance
26 or support payment made before July 1, 2002 and has not
27 disbursed the payment in accordance with law or an order of
28 the court, the clerk shall promptly transmit the payment to
29 the State Disbursement Unit. The State Disbursement Unit
30 shall then disburse the payment as required by law or an
31 order of the court.

32 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;
33 90-790, eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff.
34 7-29-99.)

1 (750 ILCS 5/511) (from Ch. 40, par. 511)

2 Sec. 511. Procedure. A judgment of dissolution or of
3 legal separation or of declaration of invalidity of marriage
4 may be enforced or modified by order of court pursuant to
5 petition.

6 (a) Any judgment entered within this State may be
7 enforced or modified in the judicial circuit wherein such
8 judgment was entered or last modified by the filing of a
9 petition with notice mailed to the respondent at his last
10 known address, or by the issuance of summons to the
11 respondent. If neither party continues to reside in the
12 county wherein such judgment was entered or last modified,
13 the court on the motion of either party or on its own motion
14 may transfer a post-judgment proceeding, including a
15 proceeding under the Income Withholding for Support Act, to
16 another county or judicial circuit, as appropriate, where
17 either party resides. If the post-judgment proceeding is
18 with respect to maintenance or support, any such transfer
19 shall be to the county or judicial circuit wherein the
20 recipient or proposed recipient of such maintenance or
21 support resides.

22 (b) In any post-judgment proceeding to enforce or modify
23 in one judicial circuit the judgment of another judicial
24 circuit of this State, the moving party shall commence the
25 proceeding by filing a petition establishing the judgment and
26 attaching a copy of the judgment as a part of the petition.
27 The parties shall continue to be designated as in the
28 original proceeding. Notice of the filing of the petition
29 shall be mailed to the clerk of the court wherein the
30 judgment was entered and last modified in the same manner as
31 notice is mailed when registering a foreign judgment. Summons
32 shall be served as provided by law.

33 (c) In any post-judgment proceeding to enforce or modify
34 the judgment of another state, the moving party shall

1 commence the proceeding by filing a petition to enroll that
2 judgment, attaching a copy thereof as a part of the petition
3 and proceed as provided for in paragraph (b) hereof.

4 (d) In any post-judgment proceeding to enforce a
5 judgment or order for payment of maintenance or support,
6 including a proceeding under the Income Withholding for
7 Support Act, where the terms of such judgment or order
8 provide that payments of such maintenance or support are to
9 be made to the clerk of the court and where neither party
10 continues to reside in the county wherein such judgment or
11 order was entered or last modified, the court on the motion
12 of either party or on its own motion may transfer the
13 collection of the maintenance or support to the clerk of the
14 court in another county or judicial circuit, as appropriate,
15 wherein the recipient of the maintenance or support payments
16 resides.

17 This subsection (d) is inoperative after June 30, 2002.

18 (Source: P.A. 90-673, eff. 1-1-99.)

19 (750 ILCS 5/516) (from Ch. 40, par. 516)

20 Sec. 516. Public Aid collection fee. In all cases
21 instituted by the Illinois Department of Public Aid on behalf
22 of a child or spouse, other than one receiving a grant of
23 financial aid under Article IV of The Illinois Public Aid
24 Code, on whose behalf an application has been made and
25 approved for support services as provided by Section 10-1 of
26 that Code, the court shall impose a collection fee on the
27 individual who owes a child or spouse support obligation in
28 an amount equal to 10% of the amount so owed as long as such
29 collection is required by federal law, which fee shall be in
30 addition to the support obligation. The imposition of such
31 fee shall be in accordance with provisions of Title IV, Part
32 D, of the Social Security Act and regulations duly
33 promulgated thereunder. The fee shall be payable to the

1 clerk of the circuit court (before July 1, 2002) or to the
2 State Disbursement Unit established under Section 10-26 of
3 the Illinois Public Aid Code (after June 30, 2002) for
4 transmittal to the Illinois Department of Public Aid and
5 shall continue until support services are terminated by that
6 Department.

7 (Source: P.A. 82-979.)

8 (750 ILCS 5/705) (from Ch. 40, par. 705)

9 Sec. 705. Support payments; receiving and disbursing
10 agents.

11 (1) The provisions of this Section shall apply, except
12 as provided in Sections 709 through 712.

13 (2) In a dissolution of marriage action filed in a
14 county of less than 3 million population in which an order or
15 judgment for child support is entered, and in supplementary
16 proceedings in any such county to enforce or vary the terms
17 of such order or judgment arising out of an action for
18 dissolution of marriage filed in such county, the court,
19 except as it otherwise orders, under subsection (4) of this
20 Section, may direct that child support payments be made to
21 the clerk of the court (before July 1, 2002) or the State
22 Disbursement Unit established under Section 10-26 of the
23 Illinois Public Aid Code (after June 30, 2002).

24 (3) Before July 1, 2002, in a dissolution of marriage
25 action filed in any county of 3 million or more population in
26 which an order or judgment for child support is entered, and
27 in supplementary proceedings in any such county to enforce or
28 vary the terms of such order or judgment arising out of an
29 action for dissolution of marriage filed in such county, the
30 court, except as it otherwise orders under subsection (4) of
31 this Section, may direct that child support payments be made
32 either to the clerk of the court or to the Court Service
33 Division of the County Department of Public Aid. After

1 October 1, 1977 (the effective date of this Act, P.A. 80-923)
2 and before July 1, 2002, the court, except as it otherwise
3 orders under subsection (4) of this Section, may direct that
4 child support payments be made either to the clerk of the
5 court or to the Illinois Department of Public Aid. After June
6 30, 2002, the court, except as it otherwise orders under
7 subsection (4), may direct that child support payments be
8 made either to the State Disbursement Unit established under
9 Section 10-26 of the Illinois Public Aid Code or to the
10 Illinois Department of Public Aid.

11 (4) In a dissolution of marriage action or supplementary
12 proceedings involving maintenance or child support payments,
13 or both, to persons who are recipients of aid under the
14 Illinois Public Aid Code, the court shall direct that such
15 payments be made to (a) the Illinois Department of Public Aid
16 if the persons are recipients under Articles III, IV, or V of
17 the Code, or (b) the local governmental unit responsible for
18 their support if they are recipients under Articles VI or VII
19 of the Code. In accordance with federal law and regulations,
20 the Illinois Department of Public Aid may continue to collect
21 current maintenance payments or child support payments, or
22 both, after those persons cease to receive public assistance
23 and until termination of services under Article X of the
24 Illinois Public Aid Code. The Illinois Department of Public
25 Aid shall pay the net amount collected to those persons after
26 deducting any costs incurred in making the collection or any
27 collection fee from the amount of any recovery made. The
28 order shall permit the Illinois Department of Public Aid or
29 the local governmental unit, as the case may be, to direct
30 that payments be made directly to the former spouse, the
31 children, or both, or to some person or agency in their
32 behalf, upon removal of the former spouse or children from
33 the public aid rolls or upon termination of services under
34 Article X of the Illinois Public Aid Code; and upon such

1 direction, the Illinois Department or local governmental
2 unit, as the case requires, shall give notice of such action
3 to the court in writing or by electronic transmission.

4 (5) Before July 1, 2002, all clerks of the court and the
5 Court Service Division of a County Department of Public Aid
6 and, after October 1, 1977 (the effective date of this Act,
7 P.A. 80-923) and before July 1, 2002, all clerks of the court
8 and the Illinois Department of Public Aid, receiving child
9 support payments under subsections (2) and (3) of this
10 Section shall disburse the payments to the person or persons
11 entitled thereto under the terms of the order or judgment.
12 After June 30, 2002, when the State Disbursement Unit or the
13 Department of Public Aid receives a child support payment
14 under subsection (2) or (3) of this Section, the Unit or
15 Department shall disburse the payment to the person entitled
16 to the payment under the terms of the order or judgment.

17 They shall establish and maintain current records of all
18 moneys received and disbursed and of defaults and
19 delinquencies in required payments. The court, by order or
20 rule, shall make provision for the carrying out of these
21 duties.

22 Upon notification in writing or by electronic
23 transmission from the Illinois Department of Public Aid to
24 the clerk of the court and (after June 30, 2002) the State
25 Disbursement Unit that a person who is receiving support
26 payments under this Section is receiving services under the
27 Child Support Enforcement Program established by Title IV-D
28 of the Social Security Act, any support payments subsequently
29 received by the clerk of the court or the State Disbursement
30 Unit shall be transmitted in accordance with the instructions
31 of the Illinois Department of Public Aid until the Department
32 gives notice to the clerk of the court or the State
33 Disbursement Unit to cease the transmittal. After providing
34 the notification authorized under this paragraph, the

1 Illinois Department of Public Aid shall be entitled as a
2 party to notice of any further proceedings in the case. The
3 clerk of the court shall file a copy of the Illinois
4 Department of Public Aid's notification in the court file.
5 The failure of the clerk to file a copy of the notification
6 in the court file shall not, however, affect the Illinois
7 Department of Public Aid's right to receive notice of further
8 proceedings.

9 Payments under this Section to the Illinois Department of
10 Public Aid pursuant to the Child Support Enforcement Program
11 established by Title IV-D of the Social Security Act shall be
12 paid into the Child Support Enforcement Trust Fund. All
13 payments under this Section to the Illinois Department of
14 Human Services shall be deposited in the DHS Recoveries Trust
15 Fund. Disbursements from these funds shall be as provided in
16 the Illinois Public Aid Code. Payments received by a local
17 governmental unit shall be deposited in that unit's General
18 Assistance Fund. Any order of court directing payment of
19 child support to a clerk of court or the Court Service
20 Division of a County Department of Public Aid, which order
21 has been entered on or after August 14, 1961, and prior to
22 the effective date of this Act, may be amended by the court
23 in line with this Act; and orders involving payments of
24 maintenance or child support to recipients of public aid may
25 in like manner be amended to conform to this Act.

26 (6) No filing fee or costs will be required in any
27 action brought at the request of the Illinois Department of
28 Public Aid in any proceeding under this Act. However, any
29 such fees or costs may be assessed by the court against the
30 respondent in the court's order of support or any
31 modification thereof in a proceeding under this Act.

32 (7) For those cases in which child support is payable to
33 the clerk of the circuit court (before July 1, 2002) or the
34 State Disbursement Unit (after June 30, 2002) for transmittal

1 to the Illinois Department of Public Aid by order of court or
2 upon notification by the Illinois Department of Public Aid,
3 the clerk or State Disbursement Unit shall transmit all such
4 payments, within 4 working days of receipt, to insure that
5 funds are available for immediate distribution by the
6 Department to the person or entity entitled thereto in
7 accordance with standards of the Child Support Enforcement
8 Program established under Title IV-D of the Social Security
9 Act. The clerk or State Disbursement Unit shall notify the
10 Department of the date of receipt and amount thereof at the
11 time of transmittal. Where the clerk or State Disbursement
12 Unit has entered into an agreement of cooperation with the
13 Department to record the terms of child support orders and
14 payments made thereunder directly into the Department's
15 automated data processing system, the clerk or State
16 Disbursement Unit shall account for, transmit and otherwise
17 distribute child support payments in accordance with such
18 agreement in lieu of the requirements contained herein.

19 Before July 1, 2002, in any action filed in a county with
20 a population of 1,000,000 or less, the court shall assess
21 against the respondent in any order of maintenance or child
22 support any sum up to \$36 annually authorized by ordinance of
23 the county board to be collected by the clerk of the court as
24 costs for administering the collection and disbursement of
25 maintenance and child support payments. Such sum shall be in
26 addition to and separate from amounts ordered to be paid as
27 maintenance or child support.

28 (7.5) In every case in which on July 1, 2002 there is in
29 effect an order requiring that child support payments be made
30 to the clerk of the court, the court shall modify that order
31 to provide that after June 30, 2002 those payments shall be
32 made to the State Disbursement Unit. The clerk of the court
33 shall send a certified copy of the modified order to each
34 party. As soon as practicable after July 1, 2002, the clerk

1 shall deliver to the State Disbursement Unit all of the
2 clerk's records concerning child support payments made to the
3 clerk before July 1, 2002.

4 (7.10) If the clerk of the court has received child
5 support payment made before July 1, 2002 and has not
6 disbursed the payment in accordance with law or an order of
7 the court, the clerk shall promptly transmit the payment to
8 the State Disbursement Unit. The State Disbursement Unit
9 shall then disburse the payment as required by law or an
10 order of the court.

11 (8) To the extent the provisions of this Section are
12 inconsistent with the requirements pertaining to the State
13 Disbursement Unit under Section 507.1 of this Act and Section
14 10-26 of the Illinois Public Aid Code, the requirements under
15 those Sections ~~pertaining--to--the--State-Disbursement-Unit~~
16 shall apply.

17 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;
18 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff.
19 7-20-99; 91-357, eff. 7-29-99; revised 8-31-99.)

20 (750 ILCS 5/709) (from Ch. 40, par. 709)
21 Sec. 709. Mandatory child support payments to clerk.

22 (a) As of January 1, 1982, child support orders entered
23 in any county covered by this subsection shall be made
24 pursuant to the provisions of Sections 709 through 712 of
25 this Act. For purposes of these Sections, the term "child
26 support payment" or "payment" shall include any payment
27 ordered to be made solely for the purpose of the support of a
28 child or children or any payment ordered for general support
29 which includes any amount for support of any child or
30 children.

31 The provisions of Sections 709 through 712 shall be
32 applicable to any county with a population of 2 million or
33 more and to any other county which notifies the Supreme Court

1 of its desire to be included within the coverage of these
2 Sections and is certified pursuant to Supreme Court Rules.

3 The effective date of inclusion, however, shall be
4 subject to approval of the application for reimbursement of
5 the costs of the support program by the Department of Public
6 Aid as provided in Section 712.

7 (b) In any proceeding for a dissolution of marriage,
8 legal separation, or declaration of invalidity of marriage,
9 or in any supplementary proceedings in which a judgment or
10 modification thereof for the payment of child support is
11 entered on or after January 1, 1982, in any county covered by
12 Sections 709 through 712, and the person entitled to payment
13 is receiving a grant of financial aid under Article IV of the
14 Illinois Public Aid Code or has applied and qualified for
15 support services under Section 10-1 of that Code, the court
16 shall direct: (1) that such payments be made to the clerk of
17 the court (if the judgment or modification of judgment was
18 entered before July 1, 2002) or the State Disbursement Unit
19 established under Section 10-26 of the Illinois Public Aid
20 Code (if the judgment or modification of judgment is entered
21 after June 30, 2002) and (2) that the parties affected shall
22 each thereafter notify the clerk and the State Disbursement
23 Unit of any change of address or change in other conditions
24 that may affect the administration of the order, including
25 the fact that a party who was previously not on public aid
26 has become a recipient of public aid, within 10 days of such
27 change. All notices sent to the obligor's last known address
28 on file with the clerk shall be deemed sufficient to proceed
29 with enforcement pursuant to the provisions of Sections 709
30 through 712.

31 In all other cases, the court may direct that payments be
32 made to the clerk of the court (before July 1, 2002) or the
33 State Disbursement Unit (after June 30, 2002).

34 (c) Except as provided in subsection (d) of this

1 Section, the clerk or State Disbursement Unit shall disburse
2 the payments to the person or persons entitled thereto under
3 the terms of the order or judgment.

4 (d) The court shall determine, prior to the entry of the
5 support order, if the party who is to receive the support is
6 presently receiving public aid or has a current application
7 for public aid pending and shall enter the finding on the
8 record.

9 If the person entitled to payment is a recipient of aid
10 under the Illinois Public Aid Code, the clerk or State
11 Disbursement Unit, upon being informed of this fact by
12 finding of the court, by notification by the party entitled
13 to payment, by the Illinois Department of Public Aid or by
14 the local governmental unit, shall make all payments to: (1)
15 the Illinois Department of Public Aid if the person is a
16 recipient under Article III, IV, or V of the Code or (2) the
17 local governmental unit responsible for his or her support if
18 the person is a recipient under Article VI or VII of the
19 Code. In accordance with federal law and regulations, the
20 Illinois Department of Public Aid may continue to collect
21 current maintenance payments or child support payments, or
22 both, after those persons cease to receive public assistance
23 and until termination of services under Article X of the
24 Illinois Public Aid Code. The Illinois Department of Public
25 Aid shall pay the net amount collected to those persons after
26 deducting any costs incurred in making the collection or any
27 collection fee from the amount of any recovery made. Upon
28 termination of public aid payments to such a recipient or
29 termination of services under Article X of the Illinois
30 Public Aid Code, the Illinois Department of Public Aid or the
31 appropriate local governmental unit shall notify the clerk
32 (before July 1, 2002) or the State Disbursement Unit (after
33 June 30, 2002) in writing or by electronic transmission that
34 all subsequent payments are to be sent directly to the person

1 entitled thereto.

2 Upon notification in writing or by electronic
3 transmission from the Illinois Department of Public Aid to
4 the clerk of the court and (after June 30, 2002) the State
5 Disbursement Unit that a person who is receiving support
6 payments under this Section is receiving services under the
7 Child Support Enforcement Program established by Title IV-D
8 of the Social Security Act, any support payments subsequently
9 received by the clerk of the court or the State Disbursement
10 Unit shall be transmitted in accordance with the instructions
11 of the Illinois Department of Public Aid until the Department
12 gives notice to the clerk of the court or the State
13 Disbursement Unit to cease the transmittal. After providing
14 the notification authorized under this paragraph, the
15 Illinois Department of Public Aid shall be entitled as a
16 party to notice of any further proceedings in the case. The
17 clerk of the court shall file a copy of the Illinois
18 Department of Public Aid's notification in the court file.
19 The failure of the clerk to file a copy of the notification
20 in the court file shall not, however, affect the Illinois
21 Department of Public Aid's right to receive notice of further
22 proceedings.

23 Payments under this Section to the Illinois Department of
24 Public Aid pursuant to the Child Support Enforcement Program
25 established by Title IV-D of the Social Security Act shall be
26 paid into the Child Support Enforcement Trust Fund. All
27 payments under this Section to the Illinois Department of
28 Human Services shall be deposited in the DHS Recoveries Trust
29 Fund. Disbursements from these funds shall be as provided in
30 the Illinois Public Aid Code. Payments received by a local
31 governmental unit shall be deposited in that unit's General
32 Assistance Fund.

33 (e) Any order or judgment may be amended by the court,
34 upon its own motion or upon the motion of either party, to

1 conform with the provisions of Sections 709 through 712,
2 either as to the requirement of making payments to the clerk
3 or the State Disbursement Unit or, where payments are already
4 being made to the clerk or the State Disbursement Unit, as to
5 the statutory fees provided for under Section 711.

6 (f) The clerk (before July 1, 2002) and the State
7 Disbursement Unit (after June 30, 2002) may invest in any
8 interest bearing account or in any securities, monies
9 collected for the benefit of a payee, where such payee cannot
10 be found; however, the investment may be only for the period
11 until the clerk or State Disbursement Unit is able to locate
12 and present the payee with such monies. The clerk or State
13 Disbursement Unit may invest in any interest bearing account,
14 or in any securities, monies collected for the benefit of any
15 other payee; however, this does not alter the clerk's or
16 State Disbursement Unit's obligation to make payments to the
17 payee in a timely manner. Any interest or capital gains
18 accrued shall be for the benefit of the county (before July
19 1, 2002) or for the benefit of the State (after June 30,
20 2002). Monies collected by the clerk and shall be paid into
21 the special fund established in subsection (b) of Section
22 711.

23 (g) The clerk and the State Disbursement Unit shall
24 establish and maintain a payment record of all monies
25 received and disbursed and such record shall constitute prima
26 facie evidence of such payment and non-payment, as the case
27 may be.

28 (h) For those cases in which child support is payable to
29 the clerk of the circuit court (before July 1, 2002) or the
30 State Disbursement Unit (after June 30, 2002) for transmittal
31 to the Illinois Department of Public Aid by order of court or
32 upon notification by the Illinois Department of Public Aid,
33 the clerk or State Disbursement Unit shall transmit all such
34 payments, within 4 working days of receipt, to insure that

1 funds are available for immediate distribution by the
2 Department to the person or entity entitled thereto in
3 accordance with standards of the Child Support Enforcement
4 Program established under Title IV-D of the Social Security
5 Act. The clerk or State Disbursement Unit shall notify the
6 Department of the date of receipt and amount thereof at the
7 time of transmittal. Where the clerk or State Disbursement
8 Unit has entered into an agreement of cooperation with the
9 Department to record the terms of child support orders and
10 payments made thereunder directly into the Department's
11 automated data processing system, the clerk or State
12 Disbursement Unit shall account for, transmit and otherwise
13 distribute child support payments in accordance with such
14 agreement in lieu of the requirements contained herein.

15 (h-5) In every case in which on July 1, 2002 there is in
16 effect an order requiring that child support payments be made
17 to the clerk of the court, the court shall modify that order
18 to provide that after June 30, 2002 those payments shall be
19 made to the State Disbursement Unit. The clerk of the court
20 shall send a certified copy of the modified order to each
21 party. As soon as practicable after July 1, 2002, the clerk
22 shall deliver to the State Disbursement Unit all of the
23 clerk's records concerning child support payments made to the
24 clerk before July 1, 2002.

25 (h-10) If the clerk of the court has received a child
26 support payment made before July 1, 2002 and has not
27 disbursed the payment in accordance with law or an order of
28 the court, the clerk shall promptly transmit the payment to
29 the State Disbursement Unit. The State Disbursement Unit
30 shall then disburse the payment as required by law or an
31 order of the court.

32 (i) To the extent the provisions of this Section are
33 inconsistent with the requirements pertaining to the State
34 Disbursement Unit under Section 507.1 of this Act and Section

1 10-26 of the Illinois Public Aid Code, the requirements under
2 those Sections pertaining--to--the--State--Disbursement--Unit
3 shall apply.

4 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
5 revised 9-28-99.)

6 (750 ILCS 5/710) (from Ch. 40, par. 710)

7 Sec. 710. Child support enforcement program;
8 establishment; penalties.

9 (a) In counties certified as included under the
10 provisions of Sections 709 through 712 and whose application
11 for reimbursement is approved, there shall be instituted a
12 child support enforcement program to be conducted by the
13 clerk of the circuit court (before July 1, 2002) or the State
14 Disbursement Unit established under Section 10-26 of the
15 Illinois Public Aid Code (after June 30, 2002) and the
16 State's Attorney of the county. The program is to be limited
17 to enforcement of child support orders entered pursuant to
18 this Act.

19 The child support enforcement program is to be conducted
20 only on behalf of dependent children included in a grant of
21 financial aid under Article IV of the Illinois Public Aid
22 Code and parties who apply and qualify for support services
23 pursuant to Section 10-1 of such Code.

24 Nothing in this Section shall be construed to prohibit
25 the establishment of a child support enforcement program by
26 the clerk of the circuit court or State Disbursement Unit in
27 cooperation with the State's Attorney of the county.

28 (b) In the event of a delinquency in payment, as
29 determined from the record maintained by the clerk or State
30 Disbursement Unit in a county covered by the child support
31 enforcement program, the such clerk or State Disbursement
32 Unit shall notify both the party obligated to make the
33 payment, hereinafter called the payor, and the recipient of

1 such payment, hereinafter called the payee, of such
2 delinquency and that if the amount then due and owing is not
3 remitted in the time period required by circuit court rules,
4 the matter will be referred to the State's Attorney for
5 enforcement proceedings. Upon failure of the payor to remit
6 as required, the clerk or State Disbursement Unit shall refer
7 the matter to the State's Attorney, except as provided by
8 rule of the circuit court.

9 (c) Upon referral from the clerk or State Disbursement
10 Unit, the State's Attorney shall promptly initiate
11 enforcement proceedings against the payor. Legal
12 representation by the State's Attorney shall be limited to
13 child support and shall not extend to visitation, custody,
14 property or other matters; however, if the payor properly
15 files pleadings raising such matters during the course of the
16 child support hearing and the court finds that it has
17 jurisdiction of such matters, the payee shall be granted the
18 opportunity to obtain a continuance in order to secure
19 representation for those other matters, and the court shall
20 not delay entry of an appropriate support order pending the
21 disposition of such other matters.

22 If the State's Attorney does not commence enforcement
23 proceedings within 30 days, the clerk or State Disbursement
24 Unit shall inform the court which, upon its own motion, shall
25 appoint counsel for purposes of enforcement. The fees and
26 expenses of such counsel shall be paid by the payor and shall
27 not be paid by the State.

28 Nothing in this Section shall be construed to prevent a
29 payee from instituting independent enforcement proceedings or
30 limit the remedies available to payee in such proceedings.
31 However, absent the exercise under this provision of a
32 private right of enforcement, enforcement shall be as
33 otherwise provided in this Section.

34 (d) At the time any support order is entered, the payee

1 shall be informed of the procedure used for enforcement and
2 shall be given the address and telephone number both (i) of
3 the clerk (before July 1, 2002) or the State Disbursement
4 Unit (after June 30, 2002) and (ii) of the Child and Spouse
5 Support Unit as provided in Section 712.

6 The payee shall be informed that, if no action is taken
7 within 2 months of any complaint to the clerk (before July 1,
8 2002) or the State Disbursement Unit (after June 30, 2002),
9 the payee may contact the Child and Spouse Support Unit to
10 seek assistance in obtaining enforcement.

11 (e) Upon a finding that payor is in default and that
12 such non-payment is for a period of two months and that such
13 non-payment is without good cause, the court shall order the
14 payor to pay a sum equal to 2% of the arrearage as a penalty
15 along with his payment.

16 The court may further assess against the payor any fees
17 and expenses incurred in the enforcement of any order or the
18 reasonable value thereof and may impose any penalty otherwise
19 available to it in a case of contempt.

20 All penalties, fees and expenses assessed against the
21 payor pursuant to this subsection are to cover the expenses
22 of enforcement, are to be paid to the clerk (before July 1,
23 2002) or the State Disbursement Unit (after June 30, 2002).
24 Monies received by the clerk and are to be placed by the
25 clerk ~~him~~ in the special fund provided for in Section 711.

26 (f) Any person not covered by the child support
27 enforcement program may institute private and independent
28 proceedings to enforce payment of support.

29 (g) On July 1, 2002, in every county covered by a child
30 support enforcement program established under this Section or
31 otherwise established by the clerk of the circuit court in
32 cooperation with the State's Attorney of the county, the
33 State Disbursement Unit shall succeed to all of the rights,
34 powers, duties, and functions of the clerk under the program.

1 As soon as practicable after July 1, 2002, the clerk shall
 2 deliver to the State Disbursement Unit all of the clerk's
 3 records concerning child support payments made to the clerk
 4 before July 1, 2002.

5 (Source: P.A. 88-284.)

6 (750 ILCS 5/712) (from Ch. 40, par. 712)

7 Sec. 712. Child support enforcement program;
 8 administration.

9 (a) The Supreme Court may make Rules concerning the
 10 certification of counties for inclusion in the child support
 11 enforcement program and the application of the procedures
 12 created by Sections 709 through 712 in the various counties.

13 The Supreme Court shall inform (i) each circuit court and
 14 (ii) each clerk of the court (before July 1, 2002) or the
 15 State Disbursement Unit established under Section 10-26 of
 16 the Illinois Public Aid (after June 30, 2002) of the
 17 availability of the program to reimburse counties desiring to
 18 participate in the program of enforcement of child support
 19 payments.

20 The Supreme Court shall also distribute to (i) each
 21 circuit court and (ii) each clerk of the court (before July
 22 1, 2002) or the State Disbursement Unit (after June 30, 2002)
 23 any materials prepared by the Child and Spouse Support Unit
 24 comparing child support enforcement in counties included and
 25 not included in this program.

26 (b) The Illinois Department of Public Aid, through the
 27 Child and Spouse Support Unit provided for by Section 10-3.1
 28 of the Illinois Public Aid Code, shall have general
 29 supervision of the child support programs created by Sections
 30 709 through 712 and shall have the powers and duties provided
 31 in this Section, including the following:

32 (1) to make advance payments to any county included
 33 in the program for expenses in preparing programs to

1 enforce payment of child support to the clerk or State
2 Disbursement Unit from appropriations made for such
3 purposes by the General Assembly;

4 (2) to make payments to each covered county to pay
5 for its reasonable expenses actually necessary to
6 maintain a continuing program not paid for by fees,
7 penalties, or other monies; provided that, with respect
8 to that portion of the program on behalf of dependent
9 children included in a grant of financial aid under
10 Article IV of the Illinois Public Aid Code the Child and
11 Spouse Support Unit shall pay only such expenses as is
12 its current practice or as it may deem appropriate;
13 provided further that the Child and Spouse Support Unit
14 shall only pay expenses of the entire program subject to
15 the availability of federal monies to pay the majority of
16 expenses of the entire child support enforcement program;
17 provided further that the Child and Spouse Support Unit
18 or Department may set standards relating to enforcement
19 which have to be met by any county seeking to enter a
20 contract with the Department for reimbursement of
21 expenses of the entire enforcement program prior to an
22 application for reimbursement being approved and the
23 contract granted; and provided further that such
24 standards may relate to, but are not limited to the
25 following factors: maintenance of the payment record, the
26 definition of delinquency; the period of time in which a
27 delinquency must be determined, the payor notified, the
28 remittance received, the referral to the State's Attorney
29 made, and the payment remitted by the clerk or State
30 Disbursement Unit to the payee or other party entitled to
31 the payment; the conditions under which referral will not
32 be made to the State's Attorney; and the definitions and
33 procedures for other matters necessary for the conduct
34 and operation of the program;

1 (3) to monitor the various local programs for
2 enforcement of child support payments to the clerk or
3 State Disbursement Unit;

4 (4) to act to encourage enforcement whenever local
5 enforcement procedures are inadequate;

6 (5) to receive monies from any source for
7 assistance in enforcement of child support; and

8 (6) to assist any county desirous of assistance in
9 establishing and maintaining a child support enforcement
10 program.

11 (c) Any county may apply for financial assistance to the
12 Child and Spouse Support Unit to initiate or maintain a
13 program of child support enforcement. Every county which
14 desires such assistance shall apply according to procedures
15 established by the Child and Spouse Support Unit. In its
16 application, it shall state the following: financial needs,
17 personnel requirements, anticipated caseloads, any amounts
18 collected or anticipated in fees or penalties, and any other
19 information required by the Child and Spouse Support Unit.

20 (d) In the case that any advance money is given to any
21 county under this Section to initiate an enforcement system,
22 the county shall reimburse the State within 2 years from the
23 date such monies are given to it. The Child and Spouse
24 Support Unit may establish an appropriate schedule of
25 reimbursement for any county.

26 (e) In the event of the unavailability of federal monies
27 to pay for the greater part of the costs to a county of the
28 child support enforcement program under Sections 709 through
29 712 and the resulting cessation of State participation, the
30 operation of the child support enforcement program under
31 Sections 709 through 712 shall terminate. The date and the
32 method of termination shall be determined by Supreme Court
33 Rule.

34 (Source: P.A. 84-1395.)

1 (750 ILCS 5/713) (from Ch. 40, par. 713)

2 Sec. 713. Attachment of the body. As used in this
3 Section, "obligor" has the same meaning ascribed to such term
4 in the Income Withholding for Support Act.

5 (a) In any proceeding to enforce an order for support,
6 where the obligor has failed to appear in court pursuant to
7 order of court and after due notice thereof, the court may
8 enter an order for the attachment of the body of the obligor.
9 Notices under this Section shall be served upon the obligor
10 by any means authorized under subsection (a-5) of Section
11 505. The attachment order shall fix an amount of escrow
12 which is equal to a minimum of 20% of the total child support
13 arrearage alleged by the obligee in sworn testimony to be due
14 and owing. The attachment order shall direct the Sheriff of
15 any county in Illinois to take the obligor into custody and
16 shall set the number of days following release from custody
17 for a hearing to be held at which the obligor must appear, if
18 he is released under subsection (b) ~~(e)~~ of this Section.

19 (b) If the obligor is taken into custody, the Sheriff
20 shall take the obligor before the court which entered the
21 attachment order. However, the Sheriff may release the
22 person after he or she has deposited the amount of escrow
23 ordered by the court pursuant to local procedures for the
24 posting of bond. The Sheriff shall advise the obligor of the
25 hearing date at which the obligor is required to appear.

26 (c) Any escrow deposited pursuant to this Section shall
27 be transmitted to the clerk of the circuit court for the
28 county in which the order for attachment of the body of the
29 obligor was entered. Any clerk who receives money deposited
30 into escrow pursuant to this Section after June 30, 2002
31 shall promptly transmit that money, together with a copy of
32 the attachment order, to the State Disbursement Unit
33 established under Section 10-26 of the Illinois Public Aid
34 Code. The State Disbursement Unit shall establish an escrow

1 account into which it shall deposit all moneys transmitted to
2 it by a clerk of the court under this subsection. The clerk
3 shall notify the obligee, public office or legal counsel
4 whose name appears on the attachment order of the court date
5 at which the obligor is required to appear and the amount
6 deposited into escrow. The clerk or State Disbursement Unit
7 shall disburse such money to the obligee only under an order
8 from the court that entered the attachment order pursuant to
9 this Section.

10 (d) Whenever an obligor is taken before the court by the
11 Sheriff, or appears in court after the court has ordered the
12 attachment of his body, the court shall:

13 (1) hold a hearing on the complaint or petition
14 that gave rise to the attachment order. For purposes of
15 determining arrearages that are due and owing by the
16 obligor, the court shall accept the previous sworn
17 testimony of the obligee as true and the appearance of
18 the obligee shall not be required. The court shall
19 require sworn testimony of the obligor as to his or her
20 Social Security number, income, employment, bank
21 accounts, property and any other assets. If there is a
22 dispute as to the total amount of arrearages, the court
23 shall proceed as in any other case as to the undisputed
24 amounts; and

25 (2) order the Clerk of the Circuit Court or State
26 Disbursement Unit to disburse to the obligee or public
27 office money held in escrow pursuant to this Section if
28 the court finds that the amount of arrearages exceeds the
29 amount of the escrow. Amounts received by the obligee or
30 public office shall be deducted from the amount of the
31 arrearages.

32 (e) If the obligor fails to appear in court after being
33 notified of the court date by the Sheriff upon release from
34 custody, the court shall order any monies deposited into

1 escrow to be immediately released to the obligee or public
2 office and shall proceed under subsection (a) of this Section
3 by entering another order for the attachment of the body of
4 the obligor.

5 (f) This Section shall apply to any order for support
6 issued under the "Illinois Marriage and Dissolution of
7 Marriage Act", ~~approved-September-22, 1977, as amended;~~ the
8 "Illinois Parentage Act of 1984", ~~effective-July-1, 1985, as~~
9 ~~amended;~~ the "Revised Uniform Reciprocal Enforcement of
10 Support Act", ~~approved--August--28, 1969, as amended;~~ "the
11 Illinois Public Aid Code", ~~approved--April--11, 1967, as~~
12 ~~amended;~~ the Non-Support Punishment Act, or ~~and~~ the
13 "Non-support of Spouse and Children Act", ~~approved--June--8,~~
14 ~~1953, as amended.~~

15 (g) Any escrow established pursuant to this Section for
16 the purpose of providing support shall not be subject to fees
17 collected by the clerk of the circuit court for any other
18 escrow.

19 (Source: P.A. 90-673, eff. 1-1-99; 91-113, eff. 7-15-99;
20 91-613, eff. 10-1-99; revised 10-7-99.)

21 Section 30. The Non-Support Punishment Act is amended by
22 changing Sections 20, 25, 30, and 35 as follows:

23 (750 ILCS 16/20)

24 Sec. 20. Entry of order for support; income withholding.

25 (a) In a case in which no court or administrative order
26 for support is in effect against the defendant:

27 (1) at any time before the trial, upon motion of
28 the State's Attorney, or of the Attorney General if the
29 action has been instituted by his office, and upon notice
30 to the defendant, or at the time of arraignment or as a
31 condition of postponement of arraignment, the court may
32 enter such temporary order for support as may seem just,

1 providing for the support or maintenance of the spouse or
2 child or children of the defendant, or both, pendente
3 lite; or

4 (2) before trial with the consent of the defendant,
5 or at the trial on entry of a plea of guilty, or after
6 conviction, instead of imposing the penalty provided in
7 this Act, or in addition thereto, the court may enter an
8 order for support, subject to modification by the court
9 from time to time as circumstances may require, directing
10 the defendant to pay a certain sum for maintenance of the
11 spouse, or for support of the child or children, or both.

12 (b) The court shall determine the amount of child support
13 by using the guidelines and standards set forth in subsection
14 (a) of Section 505 and in Section 505.2 of the Illinois
15 Marriage and Dissolution of Marriage Act.

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

28 (c) The court shall determine the amount of maintenance
29 using the standards set forth in Section 504 of the Illinois
30 Marriage and Dissolution of Marriage Act.

31 (d) The court may, for violation of any order under this
32 Section, punish the offender as for a contempt of court, but
33 no pendente lite order shall remain in effect longer than 4
34 months, or after the discharge of any panel of jurors

1 summoned for service thereafter in such court, whichever is
2 sooner.

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

18 (f) An order for support entered under this Section
19 before July 1, 2002 shall include a provision requiring the
20 obligor to report to the obligee and to the clerk of the
21 court within 10 days each time the obligor obtains new
22 employment, and each time the obligor's employment is
23 terminated for any reason. An order for support entered
24 under this Section after June 30, 2002 shall include a
25 provision requiring the obligor to report to the obligee, the
26 Department of Public Aid, and the State Disbursement Unit
27 established under Section 10-26 of the Illinois Public Aid
28 Code, within 5 business days, each time the obligor obtains
29 new employment and each time the obligor's employment is
30 terminated for any reason. The report shall be in writing
31 and shall, in the case of new employment, include the name
32 and address of the new employer.

33 Failure to report new employment or the termination of
34 current employment, if coupled with nonpayment of support for

1 a period in excess of 60 days, is indirect criminal contempt.
2 For any obligor arrested for failure to report new
3 employment, bond shall be set in the amount of the child
4 support that should have been paid during the period of
5 unreported employment.

6 An order for support entered under this Section shall
7 also include a provision requiring the obligor and obligee
8 parents to advise each other of a change in residence within
9 5 days of the change except when the court finds that the
10 physical, mental, or emotional health of a party or of a
11 minor child, or both, would be seriously endangered by
12 disclosure of the party's address.

13 (g) An order for support entered or modified in a case in
14 which a party is receiving child and spouse support services
15 under Article X of the Illinois Public Aid Code shall include
16 a provision requiring the noncustodial parent to notify the
17 Illinois Department of Public Aid, within 7 days (before July
18 1, 2002) or 5 business days (after June 30, 2002), of the
19 name and address of any new employer of the noncustodial
20 parent, whether the noncustodial parent has access to health
21 insurance coverage through the employer or other group
22 coverage and, if so, the policy name and number and the names
23 of persons covered under the policy.

24 (h) In any subsequent action to enforce an order for
25 support entered under this Act, upon sufficient showing that
26 diligent effort has been made to ascertain the location of
27 the noncustodial parent, service of process or provision of
28 notice necessary in that action may be made at the last known
29 address of the noncustodial parent, in any manner expressly
30 provided by the Code of Civil Procedure or in this Act, which
31 service shall be sufficient for purposes of due process.

32 (i) An order for support shall include a date on which
33 the current support obligation terminates. The termination
34 date shall be no earlier than the date on which the child

1 covered by the order will attain the age of majority or is
2 otherwise emancipated. The order for support shall state that
3 the termination date does not apply to any arrearage that may
4 remain unpaid on that date. Nothing in this subsection shall
5 be construed to prevent the court from modifying the order.

6 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00.)

7 (750 ILCS 16/25)

8 Sec. 25. Payment of support to State Disbursement Unit;
9 clerk of the court.

10 (a) As used in this Section, "order for support",
11 "obligor", "obligee", and "payor" mean those terms as defined
12 in the Income Withholding for Support Act.

13 (b) Each order for support entered or modified under
14 Section 20 of this Act shall require that support payments be
15 made to the State Disbursement Unit established under the
16 Illinois Public Aid Code, under the following circumstances:

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

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

23 (c) ~~If~~ When no party to the order is receiving child and
24 spouse support services, and payments are not being made
25 through income withholding, ~~then the court shall order the~~
26 ~~obligor to make~~ support payments shall be made as directed in
27 the order for support to the clerk of the court.

28 (d) In the case of an order for support entered by the
29 court under this Act before a party commenced receipt of
30 child and spouse support services and before July 1, 2002,
31 upon receipt of these services by a party the Illinois
32 Department of Public Aid shall provide notice to the obligor
33 to send any support payments he or she makes personally to

1 the State Disbursement Unit until further direction of the
2 Department. The Department shall provide a copy of the
3 notice to the obligee and to the clerk of the court.

4 (e) If a State Disbursement Unit as specified by federal
5 law has not been created in Illinois upon the effective date
6 of this Act, then, until the creation of a State Disbursement
7 Unit as specified by federal law, the following provisions
8 regarding payment and disbursement of support payments shall
9 control and the provisions in subsections (a), (b), (c), and
10 (d) shall be inoperative. Upon the creation of a State
11 Disbursement Unit as specified by federal law, this
12 subsection (e) shall be inoperative and the payment and
13 disbursement provisions of subsections (a), (b), (c), and (d)
14 shall control.

15 (1) In cases in which an order for support is
16 entered under Section 20 of this Act, the court shall
17 order that maintenance and support payments be made to
18 the clerk of the court for remittance to the person or
19 agency entitled to receive the payments. However, the
20 court in its discretion may direct otherwise where
21 exceptional circumstances so warrant.

22 (2) The court shall direct that support payments be
23 sent by the clerk to (i) the Illinois Department of
24 Public Aid if the person in whose behalf payments are
25 made is receiving aid under Articles III, IV, or V of the
26 Illinois Public Aid Code, or child and spouse support
27 services under Article X of the Code, or (ii) to the
28 local governmental unit responsible for the support of
29 the person if he or she is a recipient under Article VI
30 of the Code. In accordance with federal law and
31 regulations, the Illinois Department of Public Aid may
32 continue to collect current maintenance payments or child
33 support payments, or both, after those persons cease to
34 receive public assistance and until termination of

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

17 (3) The clerk of the court shall establish and
18 maintain current records of all moneys received and
19 disbursed and of delinquencies and defaults in required
20 payments. The court, by order or rule, shall make
21 provision for the carrying out of these duties.

22 (4) Upon notification in writing or by electronic
23 transmission from the Illinois Department of Public Aid
24 to the clerk of the court that a person who is receiving
25 support payments under this Section is receiving services
26 under the Child Support Enforcement Program established
27 by Title IV-D of the Social Security Act, any support
28 payments subsequently received by the clerk of the court
29 shall be transmitted in accordance with the instructions
30 of the Illinois Department of Public Aid until the
31 Department gives notice to cease the transmittal. After
32 providing the notification authorized under this
33 paragraph, the Illinois Department of Public Aid shall be
34 a party and entitled to notice of any further proceedings

1 in the case. The clerk of the court shall file a copy of
2 the Illinois Department of Public Aid's notification in
3 the court file. The failure of the clerk to file a copy
4 of the notification in the court file shall not, however,
5 affect the Illinois Department of Public Aid's rights as
6 a party or its right to receive notice of further
7 proceedings.

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

19 (6) For those cases in which child support is
20 payable to the clerk of the circuit court for transmittal
21 to the Illinois Department of Public Aid by order of
22 court or upon notification by the Illinois Department of
23 Public Aid, the clerk shall transmit all such payments,
24 within 4 working days of receipt, to insure that funds
25 are available for immediate distribution by the
26 Department to the person or entity entitled thereto in
27 accordance with standards of the Child Support
28 Enforcement Program established under Title IV-D of the
29 Social Security Act. The clerk shall notify the
30 Department of the date of receipt and amount thereof at
31 the time of transmittal. Where the clerk has entered
32 into an agreement of cooperation with the Department to
33 record the terms of child support orders and payments
34 made thereunder directly into the Department's automated

1 data processing system, the clerk shall account for,
2 transmit and otherwise distribute child support payments
3 in accordance with such agreement in lieu of the
4 requirements contained herein.

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

6 (750 ILCS 16/30)

7 Sec. 30. Information to State Case Registry.

8 (a) When an order for support is entered or modified
9 under Section 20 of this Act before July 1, 2002, the clerk
10 of the court shall, within 5 business days, provide to the
11 State Case Registry established under Section 10-27 of the
12 Illinois Public Aid Code the court docket number and county
13 in which the order is entered or modified and the following
14 information, which the parents involved in the case shall
15 disclose to the court:

16 (1) the names of the custodial and noncustodial
17 parents and of the child or children covered by the
18 order;

19 (2) the dates of birth of the custodial and
20 noncustodial parents and of the child or children covered
21 by the order;

22 (3) the social security numbers of the custodial and
23 noncustodial parents and, if available, of the child or
24 children covered by the order;

25 (4) the residential and mailing address for the
26 custodial and noncustodial parents;

27 (5) the telephone numbers for the custodial and
28 noncustodial parents;

29 (6) the driver's license numbers for the custodial
30 and noncustodial parents; and

31 (7) the name, address, and telephone number of each
32 parent's employer or employers.

33 When an order for support is entered or modified under

1 Section 20 after June 30, 2002, the clerk shall provide the
 2 information to the Department of Public Aid within 5 business
 3 days, and the Department of Public Aid shall promptly
 4 transmit the information to the State Case Registry.

5 (b) When an order for support is entered or modified
 6 under Section 20 before July 1, 2002 in a case in which a
 7 party is receiving child and spouse support services under
 8 Article X of the Illinois Public Aid Code, the clerk shall
 9 provide the State Case Registry with the following
 10 information within 5 business days:

- 11 (1) the information specified in subsection (a);
- 12 (2) the amount of monthly or other periodic support
 13 owed under the order and other amounts, including
 14 arrearages, interest, or late payment penalties and fees,
 15 due or overdue under the order;
- 16 (3) any amounts described in subdivision (2) of this
 17 subsection (b) that have been received by the clerk; and
- 18 (4) the distribution of the amounts received by the
 19 clerk.

20 When a child support order is entered or modified under
 21 Section 20 after June 30, 2002 for a case in which a party is
 22 receiving child and spouse support services under Article X
 23 of the Illinois Public Aid Code, the clerk shall provide the
 24 information to the Department of Public Aid, and the
 25 Department shall promptly transmit the information to the
 26 State Case Registry.

27 (b-5) When the clerk provides information to the
 28 Department of Public Aid under subsection (b), the Department
 29 shall determine whether the State Disbursement Unit
 30 established under Section 10-26 of the Illinois Public Aid
 31 Code has received any amounts described in subdivision
 32 (b)(2). If the State Disbursement Unit has received any such
 33 amounts, the Department of Public Aid shall cause the
 34 following information to be provided to the Registry:

1 (1) All such amounts received by the State
2 Disbursement Unit.

3 (2) The distribution of those amounts.

4 (c) A party shall report to the clerk of the circuit
5 court changes in information required to be disclosed under
6 this Section within 5 business days of the change.

7 (d) To the extent that updated information is in the
8 clerk's possession, the clerk shall provide updates of the
9 information specified in subsection (b) within 5 business
10 days after the Illinois Department of Public Aid's request
11 for that updated information.

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

13 (750 ILCS 16/35)

14 Sec. 35. Fine; release of defendant on probation;
15 violation of order for support; forfeiture of recognizance.

16 (a) Whenever a fine is imposed it may be directed by the
17 court to be paid, in whole or in part, to the spouse or
18 ex-spouse, or, if the support of a child or children is
19 involved, to the custodial parent or to the clerk, to the
20 probation officer, to the State Disbursement Unit established
21 under Section 10-26 of the Illinois Public Aid Code, or to
22 the Illinois Department of Public Aid if a recipient of child
23 and spouse support services under Article X of the Illinois
24 Public Aid Code is involved as the case requires, to be
25 disbursed by the officer ~~such-officers~~ or agency under the
26 terms of the order.

27 (b) The court may also relieve the defendant from custody
28 on probation for the period fixed in the order or judgment
29 upon his or her entering into a recognizance, with or without
30 surety, in the sum as the court orders and approves. The
31 condition of the recognizance shall be such that if the
32 defendant makes his or her personal appearance in court
33 whenever ordered to do so by the court, during such period as

1 may be so fixed, and further complies with the terms of the
2 order for support, or any subsequent modification of the
3 order, then the recognizance shall be void; otherwise it will
4 remain in full force and effect.

5 (c) If the court is satisfied by testimony in open court,
6 that at any time during the period of one year the defendant
7 has violated the terms of the order for support, it may
8 proceed with the trial of the defendant under the original
9 charge, or sentence him or her under the original conviction,
10 or enforce the suspended sentence, as the case may be. In
11 case of forfeiture of recognizance, and enforcement of
12 recognizance by execution, the sum so recovered may, in the
13 discretion of the court, be paid, in whole or in part, to the
14 spouse or, ex-spouse, or, if the support of a child or
15 children is involved, to the custodial parent or, to the
16 clerk, to the State Disbursement Unit, or to the Illinois
17 Department of Public Aid if a recipient of child and spouse
18 support services under Article X of the Illinois Public Aid
19 Code is involved as the case requires, to be disbursed by the
20 clerk, the State Disbursement Unit, or the Department under
21 the terms of the order.

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

23 Section 35. The Expedited Child Support Act of 1990 is
24 amended by changing Sections 6 and 7 as follows:

25 (750 ILCS 25/6) (from Ch. 40, par. 2706)

26 Sec. 6. Authority of hearing officers.

27 (a) With the exception of judicial functions exclusively
28 retained by the court in Section 8 of this Act and in
29 accordance with Supreme Court rules promulgated pursuant to
30 this Act, Administrative Hearing Officers shall be authorized
31 to:

32 (1) Accept voluntary agreements reached by the

1 parties setting the amount of child support to be paid
2 and medical support liability and recommend the entry of
3 orders incorporating such agreements.

4 (2) Accept voluntary acknowledgments of parentage
5 and recommend entry of an order establishing parentage
6 based on such acknowledgement. Prior to accepting such
7 acknowledgment, the Administrative Hearing Officer shall
8 advise the putative father of his rights and obligations
9 in accordance with Supreme Court rules promulgated
10 pursuant to this Act.

11 (3) Manage all stages of discovery, including
12 setting deadlines by which discovery must be completed;
13 and directing the parties to submit to appropriate tests
14 pursuant to Section 11 of the Illinois Parentage Act of
15 1984.

16 (4) Cause notices to be issued requiring the
17 Obligor to appear either before the Administrative
18 Hearing Officer or in court.

19 (5) Administer the oath or affirmation and take
20 testimony under oath or affirmation.

21 (6) Analyze the evidence and prepare written
22 recommendations based on such evidence, including but not
23 limited to: (i) proposed findings as to the amount of the
24 Obligor's income; (ii) proposed findings as to the amount
25 and nature of appropriate deductions from the Obligor's
26 income to determine the Obligor's net income; (iii)
27 proposed findings as to the existence of relevant factors
28 as set forth in subsection (a)(2) of Section 505 of the
29 Illinois Marriage and Dissolution of Marriage Act, which
30 justify setting child support payment levels above or
31 below the guidelines; (iv) recommended orders for
32 temporary child support; (v) recommended orders setting
33 the amount of current child support to be paid; (vi)
34 proposed findings as to the existence and amount of any

1 arrearages; (vii) recommended orders reducing any
2 arrearages to judgement and for the payment of amounts
3 towards such arrearages; (viii) proposed findings as to
4 whether there has been a substantial change of
5 circumstances since the entry of the last child support
6 order, or other circumstances justifying a modification
7 of the child support order; and (ix) proposed findings as
8 to whether the Obligor is employed.

9 (7) With respect to any unemployed Obligor who is
10 not making child support payments or is otherwise unable
11 to provide support, recommend that the Obligor be ordered
12 to seek employment and report periodically of his or her
13 efforts in accordance with such order. Additionally, the
14 Administrative Hearing Officer may recommend that the
15 Obligor be ordered to report to the Department of
16 Employment Security for job search services or to make
17 application with the local Job Jobs Training Partnership
18 Act provider for participation in job search, training or
19 work programs and, where the duty of support is owed to a
20 child receiving support services under Article X of the
21 Illinois Public Aid Code, the Administrative Hearing
22 Officer may recommend that the Obligor be ordered to
23 report to the Illinois Department of Public Aid for
24 participation in the job search, training or work
25 programs established under Section 9-6 of the Public Aid
26 Code, ~~and~~

27 (8) Recommend the registration of any foreign
28 support judgments or orders as the judgments or orders of
29 Illinois.

30 (b) In any case in which the Obligee is not
31 participating in the IV-D program or has not applied to
32 participate in the IV-D program, the Administrative Hearing
33 Officer shall:

34 (1) inform the Obligee of the existence of the IV-D

1 program and provide applications on request; and

2 (2) inform the Obligee and the Obligor of the
3 option of requesting payment to be made through the Clerk
4 of the Circuit Court (before July 1, 2002) or the State
5 Disbursement Unit established under Section 10-26 of the
6 Illinois Public Aid Code (after June 30, 2002).

7 If a request for payment through the Clerk or State
8 Disbursement Unit is made, the Administrative Hearing Officer
9 shall note this fact in the recommendations to the court.

10 (c) The Administrative Hearing Officer may make
11 recommendations in addition to the proposed findings of fact
12 and recommended order to which the parties have agreed.

13 (Source: P.A. 86-1401; revised 2-23-00.)

14 (750 ILCS 25/7) (from Ch. 40, par. 2707)

15 Sec. 7. Expedited Child Support Hearings.

16 (a) Service. Except as otherwise provided in this
17 subsection and in Section 11 of this Act, the service of
18 notice to commence an action under this Act may be made by
19 regular mail. The notice shall be sent to the last known
20 address of the Obligor. Parentage actions, actions for the
21 establishment of child support orders involving parties who
22 are married and living separately, and any other proceedings
23 in which no court has yet acquired jurisdiction over the
24 subject matter shall be commenced as provided in the Code of
25 Civil Procedure and Supreme Court Rules. The notice or
26 summons shall indicate the date set for hearing.

27 (b) Rules of evidence. Except as provided in this
28 Section, the established rules of evidence shall be followed
29 in all Expedited Child Support Hearings. A party may offer
30 in evidence, without foundation or other proof:

31 (1) the Obligor's pay stubs or other
32 employer-provided statement of gross income, deductions,
33 and net income prepared by the employer in the usual

1 course of business;

2 (2) documents provided by the Obligor's insurance
3 company that describe the dependent care coverage
4 available to the Obligor; and

5 (3) records kept by the clerk of the circuit court
6 or the State Disbursement Unit established under Section
7 10-26 of the Illinois Public Aid Code as to payment of
8 child support.

9 (c) Other domestic relations matters. Petitions for
10 visitation, custody, distribution of property, petitions
11 pursuant to Section 513 of the Illinois Marriage and
12 Dissolution of Marriage Act, spousal maintenance as otherwise
13 provided, and any domestic relations matters other than
14 parentage and child support shall be transferred by the
15 Administrative Hearing Officer for a judicial hearing as
16 provided in the Plan. Transfer of such matters shall not
17 delay the proceeding before the Administrative Hearing
18 Officer relative to parentage or child support.

19 (d) Transfers for judicial hearings. All actions and
20 matters requiring a judicial hearing, as provided for in this
21 Act and in Supreme Court rules promulgated pursuant to this
22 Act, shall be transferred to the court as provided in the
23 Plan.

24 (e) Pre-hearing motions and other matters. All
25 pre-hearing motions and other matters that require a court
26 order, as defined in this Act and in the Supreme Court rules
27 promulgated pursuant to this Act, shall be presented to the
28 court for resolution and the court shall make every effort to
29 dispose of the motion in an expeditious manner. However, if
30 the parties are in agreement with respect to the pre-hearing
31 motion or other matters, the Administrative Hearing Officer
32 shall transmit a recommended order, signed by both parties,
33 to the court.

34 (f) Notice to parties and transmittal of

1 recommendations. The Administrative Hearing Officer shall
2 provide each party with a copy of the recommendations,
3 together with a notice informing the parties of their right
4 to request a judicial hearing. The recommendations and
5 notice shall be given to the parties at the time of the
6 hearing. If either party is not present at the time of the
7 hearing, either in person or through his or her attorney, the
8 provisions of Section 10 of this Act shall apply. If both
9 parties are present at the hearing and agree to the
10 recommended order of the Administrative Hearing Officer, they
11 shall sign the recommended order and the Administrative
12 Hearing Officer shall transmit the recommendations to the
13 Court as provided in the Plan.

14 (1) If either party does not agree to the
15 recommended order or any part thereof, a judicial hearing
16 shall immediately be scheduled as to those matters on
17 which the parties disagree. The Administrative Hearing
18 Officer shall record the date, time, and place of the
19 judicial hearing on a notice and provide a copy of the
20 notice to each party either in person at the time of the
21 expedited hearing or by regular mail. The Administrative
22 Hearing Officer shall transmit to the court a written
23 statement indicating that the parties do not agree to all
24 or part of the recommendations.

25 No part of the recommendations on which the parties
26 disagree shall be made a part of the record in court
27 unless both parties stipulate to its admission and the
28 court so orders. However, those matters on which the
29 parties agree may be made a part of the record in court.

30 (2) If either party does not agree to the
31 Administrative Hearing Officer's recommendations and the
32 case is transferred for a judicial hearing, neither the
33 parties nor the court may compel the Administrative
34 Hearing Officer to testify at the judicial hearing.

1 (g) Forms. The Supreme Court may develop and provide a
2 standard form for proposed findings and recommended orders,
3 and any other necessary standard forms, for use by
4 Administrative Hearing Officers in Expedited Child Support
5 Hearings.

6 (Source: P.A. 86-1401.)

7 Section 40. The Income Withholding for Support Act is
8 amended by changing Sections 20, 25, 30, 40, and 45 as
9 follows:

10 (750 ILCS 28/20)

11 Sec. 20. Entry of order for support containing income
12 withholding provisions; income withholding notice.

13 (a) In addition to any content required under other
14 laws, every order for support entered on or after July 1,
15 1997, shall:

16 (1) Require an income withholding notice to be
17 prepared and served immediately upon any payor of the
18 obligor by the obligee or public office, unless a written
19 agreement is reached between and signed by both parties
20 providing for an alternative arrangement, approved and
21 entered into the record by the court, which ensures
22 payment of support. In that case, the order for support
23 shall provide that an income withholding notice is to be
24 prepared and served only if the obligor becomes
25 delinquent in paying the order for support; and

26 (2) Contain a dollar amount to be paid until
27 payment in full of any delinquency that accrues after
28 entry of the order for support. The amount for payment
29 of delinquency shall not be less than 20% of the total of
30 the current support amount and the amount to be paid
31 periodically for payment of any arrearage stated in the
32 order for support; and

1 (3) Include the obligor's Social Security Number,
2 which the obligor shall disclose to the court. If the
3 obligor is not a United States citizen, the obligor shall
4 disclose to the court, and the court shall include in the
5 order for support, the obligor's alien registration
6 number, passport number, and home country's social
7 security or national health number, if applicable.

8 (b) At the time the order for support is entered, the
9 Clerk of the Circuit Court shall provide a copy of the order
10 to the obligor and (after June 30, 2002) to the State
11 Disbursement Unit and shall make copies available to the
12 obligee and public office.

13 (c) The income withholding notice shall:

14 (1) be in the standard format prescribed by the
15 federal Department of Health and Human Services; and

16 (1.1) state the date of entry of the order for
17 support upon which the income withholding notice is
18 based; and

19 (2) direct any payor to withhold the dollar amount
20 required for current support under the order for support;
21 and

22 (3) direct any payor to withhold the dollar amount
23 required to be paid periodically under the order for
24 support for payment of the amount of any arrearage stated
25 in the order for support; and

26 (4) direct any payor or labor union or trade union
27 to enroll a child as a beneficiary of a health insurance
28 plan and withhold or cause to be withheld, if applicable,
29 any required premiums; and

30 (5) state the amount of the payor income
31 withholding fee specified under this Section; and

32 (6) state that the amount actually withheld from
33 the obligor's income for support and other purposes,
34 including the payor withholding fee specified under this

1 Section, may not be in excess of the maximum amount
2 permitted under the federal Consumer Credit Protection
3 Act; and

4 (7) state the duties of the payor and the fines and
5 penalties for failure to withhold and pay over income and
6 for discharging, disciplining, refusing to hire, or
7 otherwise penalizing the obligor because of the duty to
8 withhold and pay over income under this Section; and

9 (8) state the rights, remedies, and duties of the
10 obligor under this Section; and

11 (9) include the Social Security Numbers of the
12 obligor, the obligee, and the child or children included
13 in the order for support; and

14 (10) include the date that withholding for current
15 support terminates, which shall be the date of
16 termination of the current support obligation set forth
17 in the order for support; and

18 (11) contain the signature of the obligee or the
19 printed name and telephone number of the authorized
20 representative of the public office, except that the
21 failure to contain the signature of the obligee or the
22 printed name and telephone number of the authorized
23 representative of the public office shall not affect the
24 validity of the income withholding notice; and

25 (12) direct any payor to pay over amounts withheld
26 for payment of support to the State Disbursement Unit.

27 (d) The accrual of a delinquency as a condition for
28 service of an income withholding notice, under the exception
29 to immediate withholding in subsection (a) of this Section,
30 shall apply only to the initial service of an income
31 withholding notice on a payor of the obligor.

32 (e) Notwithstanding the exception to immediate
33 withholding contained in subsection (a) of this Section, if
34 the court finds at the time of any hearing that an arrearage

1 has accrued, the court shall order immediate service of an
2 income withholding notice upon the payor.

3 (f) If the order for support, under the exception to
4 immediate withholding contained in subsection (a) of this
5 Section, provides that an income withholding notice is to be
6 prepared and served only if the obligor becomes delinquent in
7 paying the order for support, the obligor may execute a
8 written waiver of that condition and request immediate
9 service on the payor.

10 (g) The obligee or public office may serve the income
11 withholding notice on the payor or its superintendent,
12 manager, or other agent by ordinary mail or certified mail
13 return receipt requested, by facsimile transmission or other
14 electronic means, by personal delivery, or by any method
15 provided by law for service of a summons. At the time of
16 service on the payor and as notice that withholding has
17 commenced, the obligee or public office shall serve a copy of
18 the income withholding notice on the obligor by ordinary mail
19 addressed to his or her last known address. A copy of the
20 income withholding notice together with proofs of service on
21 the payor and the obligor shall be filed with the Clerk of
22 the Circuit Court. After June 30, 2002 the Clerk shall
23 provide a copy of the income withholding notice to the State
24 Disbursement Unit.

25 (h) At any time after the initial service of an income
26 withholding notice, any other payor of the obligor may be
27 served with the same income withholding notice without
28 further notice to the obligor. A copy of the income
29 withholding notice together with a proof of service on the
30 other payor shall be filed with the Clerk of the Circuit
31 Court. After June 30, 2002, the Clerk shall provide a copy of
32 the income withholding notice to the State Disbursement Unit.

33 (i) New service of an income withholding notice is not
34 required in order to resume withholding of income in the case

1 of an obligor with respect to whom an income withholding
2 notice was previously served on the payor if withholding of
3 income was terminated because of an interruption in the
4 obligor's employment of less than 180 days.

5 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
6 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

7 (750 ILCS 28/25)

8 Sec. 25. Income withholding after accrual of
9 delinquency.

10 (a) Whenever an obligor accrues a delinquency, the
11 obligee or public office may prepare and serve upon the
12 obligor's payor an income withholding notice that:

13 (1) contains the information required under
14 subsection (c) of Section 20; and

15 (2) contains the total amount of the delinquency as
16 of the date of the notice; and

17 (3) directs the payor to withhold the dollar amount
18 required to be withheld periodically under the order for
19 support for payment of the delinquency.

20 (b) The income withholding notice and the obligor's copy
21 of the income withholding notice shall be served as provided
22 in subsection (g) of Section 20.

23 (c) The obligor may contest withholding commenced under
24 this Section by filing a petition to contest withholding with
25 the Clerk of the Circuit Court within 20 days after service
26 of a copy of the income withholding notice on the obligor.
27 However, the grounds for the petition to contest withholding
28 shall be limited to:

29 (1) a dispute concerning the existence or amount of
30 the delinquency; or

31 (2) the identity of the obligor.

32 The Clerk of the Circuit Court shall notify the obligor,
33 and the obligee or public office, and (after June 30, 2002)

1 the State Disbursement Unit of the time and place of the
2 hearing on the petition to contest withholding. The court
3 shall hold the hearing pursuant to the provisions of Section
4 40.

5 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
6 eff. 8-14-98; 91-357, eff. 7-29-99.)

7 (750 ILCS 28/30)

8 Sec. 30. Initiated withholding.

9 (a) Notwithstanding any other provision of this Act, if
10 the court has not required that income withholding take
11 effect immediately, the obligee or public office may initiate
12 withholding, regardless of whether a delinquency has accrued,
13 by preparing and serving an income withholding notice on the
14 payor that contains the information required under subsection
15 (c) of Section 20 and states that the parties' written
16 agreement providing an alternative arrangement to immediate
17 withholding under subsection (a) of Section 20 no longer
18 ensures payment of support due and the reason or reasons why
19 it does not.

20 (b) The income withholding notice and the obligor's copy
21 of the income withholding notice shall be served as provided
22 in subsection (g) of Section 20.

23 (c) The obligor may contest withholding commenced under
24 this Section by filing a petition to contest withholding with
25 the Clerk of the Circuit Court within 20 days after service
26 of a copy of the income withholding notice on the obligor.
27 However, the grounds for the petition shall be limited to a
28 dispute concerning:

29 (1) whether the parties' written agreement
30 providing an alternative arrangement to immediate
31 withholding under subsection (a) of Section 20 continues
32 to ensure payment of support; or

33 (2) the identity of the obligor.

1 It shall not be grounds for filing a petition that the
2 obligor has made all payments due by the date of the
3 petition.

4 (d) If the obligor files a petition contesting
5 withholding within the 20-day period required under
6 subsection (c), the Clerk of the Circuit Court shall notify
7 the obligor, and the obligee or public office, and (after
8 June 30, 2002) the State Disbursement Unit, as appropriate,
9 of the time and place of the hearing on the petition. The
10 court shall hold the hearing pursuant to the provisions of
11 Section 40.

12 (Source: P.A. 90-673, eff. 1-1-99.)

13 (750 ILCS 28/40)

14 Sec. 40. Petitions to contest withholding or to modify,
15 suspend, terminate, or correct income withholding notices.

16 (a) When an obligor files a petition to contest
17 withholding, the court, after due notice to all parties,
18 shall hear the matter as soon as practicable and shall enter
19 an order granting or denying relief, ordering service of an
20 amended income withholding notice, where applicable, or
21 otherwise resolving the matter.

22 The court shall deny the obligor's petition if the court
23 finds that when the income withholding notice was mailed,
24 sent by facsimile transmission or other electronic means, or
25 placed for personal delivery to or service on the payor:

- 26 (1) a delinquency existed; or
- 27 (2) the parties' written agreement providing an
28 alternative arrangement to immediate withholding under
29 subsection (a) of Section 20 no longer ensured payment of
30 support.

31 (b) At any time, an obligor, obligee, or public office,
32 or a Clerk of the Circuit Court (before July 1, 2002), or the
33 State Disbursement Unit (after June 30, 2002) may petition

1 the court to:

2 (1) modify, suspend or terminate the income
3 withholding notice because of a modification, suspension
4 or termination of the underlying order for support; or

5 (2) modify the amount of income to be withheld to
6 reflect payment in full or in part of the delinquency or
7 arrearage by income withholding or otherwise; or

8 (3) suspend the income withholding notice because
9 of inability to deliver income withheld to the obligee
10 due to the obligee's failure to provide a mailing address
11 or other means of delivery.

12 (c) At any time an obligor may petition the court to
13 correct a term contained in an income withholding notice to
14 conform to that stated in the underlying order for support
15 for:

16 (1) the amount of current support;

17 (2) the amount of the arrearage;

18 (3) the periodic amount for payment of the
19 arrearage; or

20 (4) the periodic amount for payment of the
21 delinquency.

22 (d) The obligor, obligee or public office shall serve on
23 the payor, in the manner provided for service of income
24 withholding notices in subsection (g) of Section 20, a copy
25 of any order entered pursuant to this Section that affects
26 the duties of the payor.

27 (e) At any time, a public office, a ~~er~~ Clerk of the
28 Circuit Court (before July 1, 2002), or the State
29 Disbursement Unit (after June 30, 2002) may serve a notice on
30 the payor to:

31 (1) cease withholding of income for payment of
32 current support for a child when the support obligation
33 for that child has automatically ceased under the order
34 for support through emancipation or otherwise; or

1 (2) cease withholding of income for payment of
2 delinquency or arrearage when the delinquency or
3 arrearage has been paid in full.

4 (f) The notice provided for under subsection (e) of this
5 Section shall be served on the payor in the manner provided
6 for service of income withholding notices in subsection (g)
7 of Section 20, and a copy shall be provided to the obligor
8 and the obligee.

9 (g) The income withholding notice shall continue to be
10 binding upon the payor until service of an amended income
11 withholding notice or any order of the court or notice
12 entered or provided for under this Section.

13 (Source: P.A. 90-673, eff. 1-1-99.)

14 (750 ILCS 28/45)

15 Sec. 45. Additional duties.

16 (a) An obligee who is receiving income withholding
17 payments under this Act shall notify the State Disbursement
18 Unit and either the Clerk of the Circuit Court (before July
19 1, 2002) or the Department of Public Aid (after June 30,
20 2002) of any change of address within 7 days (before July 1,
21 2002) or 5 business days (after June 30, 2002) of such
22 change.

23 (b) An obligee who is a recipient of public aid shall
24 send a copy of any income withholding notice served by the
25 obligee to the Division of Child Support Enforcement of the
26 Illinois Department of Public Aid.

27 (c) Each obligor shall notify the obligee, the public
28 office, the State Disbursement Unit (after June 30, 2002),
29 and the Clerk of the Circuit Court of any change of address
30 within 7 days (before July 1, 2002) or 5 business days (after
31 June 30, 2002).

32 (d) An obligor whose income is being withheld pursuant
33 to this Act shall notify the obligee, the public office, the

1 State Disbursement Unit (after June 30, 2002), and either the
2 Clerk of the Circuit Court (before July 1, 2002) or the
3 Department of Public Aid (after June 30, 2002) of any new
4 payor, within 7 days (before July 1, 2002) or 5 business days
5 (after June 30, 2002).

6 (e) (Blank.)

7 (f) The obligee or public office shall provide notice to
8 the payor and either the Clerk of the Circuit Court (before
9 July 1, 2002) or the State Disbursement Unit (after June 30,
10 2002) of any other support payment made, including but not
11 limited to, a set-off under federal and State law or partial
12 payment of the delinquency or arrearage, or both.

13 (g) The State Disbursement Unit shall maintain complete,
14 accurate, and clear records of all income withholding
15 payments and their disbursements. Certified copies of
16 payment records maintained by the State Disbursement Unit,
17 the Department of Public Aid, a public office, or the Clerk
18 of the Circuit Court shall, without further proof, be
19 admitted into evidence in any legal proceedings under this
20 Act.

21 (h) The Illinois Department of Public Aid shall design
22 suggested legal forms for proceeding under this Act and shall
23 make available to the courts such forms and informational
24 materials which describe the procedures and remedies set
25 forth herein for distribution to all parties in support
26 actions.

27 (i) At the time of transmitting each support payment,
28 the State Disbursement Unit shall provide the obligee or
29 public office, as appropriate, with any information furnished
30 by the payor as to the date the amount would (but for the
31 duty to withhold income) have been paid or credited to the
32 obligor.

33 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
34 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

1 Section 45. The Illinois Parentage Act of 1984 is
2 amended by changing Sections 14, 14.1, 15, 21, 22, and 23 as
3 follows:

4 (750 ILCS 45/14) (from Ch. 40, par. 2514)

5 Sec. 14. Judgment.

6 (a) (1) The judgment shall contain or explicitly reserve
7 provisions concerning any duty and amount of child support
8 and may contain provisions concerning the custody and
9 guardianship of the child, visitation privileges with the
10 child, the furnishing of bond or other security for the
11 payment of the judgment, which the court shall determine in
12 accordance with the relevant factors set forth in the
13 Illinois Marriage and Dissolution of Marriage Act and any
14 other applicable law of Illinois, to guide the court in a
15 finding in the best interests of the child. In determining
16 custody, joint custody, or visitation, the court shall apply
17 the relevant standards of the Illinois Marriage and
18 Dissolution of Marriage Act. Specifically, in determining the
19 amount of any child support award, the court shall use the
20 guidelines and standards set forth in subsection (a) of
21 Section 505 and in Section 505.2 of the Illinois Marriage and
22 Dissolution of Marriage Act. For purposes of Section 505 of
23 the Illinois Marriage and Dissolution of Marriage Act, "net
24 income" of the non-custodial parent shall include any
25 benefits available to that person under the Illinois Public
26 Aid Code or from other federal, State or local
27 government-funded programs. The court shall, in any event
28 and regardless of the amount of the non-custodial parent's
29 net income, in its judgment order the non-custodial parent to
30 pay child support to the custodial parent in a minimum amount
31 of not less than \$10 per month. In an action brought within 2
32 years after a child's birth, the judgment or order may direct
33 either parent to pay the reasonable expenses incurred by

1 either parent related to the mother's pregnancy and the
2 delivery of the child. The judgment or order shall contain
3 the father's social security number, which the father shall
4 disclose to the court; however, failure to include the
5 father's social security number on the judgment or order does
6 not invalidate the judgment or order.

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

16 (b) The court shall order all child support payments,
17 determined in accordance with such guidelines, to commence
18 with the date summons is served. The level of current
19 periodic support payments shall not be reduced because of
20 payments set for the period prior to the date of entry of the
21 support order. The Court may order any child support
22 payments to be made for a period prior to the commencement of
23 the action. In determining whether and the extent to which
24 the payments shall be made for any prior period, the court
25 shall consider all relevant facts, including the factors for
26 determining the amount of support specified in the Illinois
27 Marriage and Dissolution of Marriage Act and other equitable
28 factors including but not limited to:

29 (1) The father's prior knowledge of the fact and
30 circumstances of the child's birth.

31 (2) The father's prior willingness or refusal to
32 help raise or support the child.

33 (3) The extent to which the mother or the public
34 agency bringing the action previously informed the father

1 of the child's needs or attempted to seek or require his
2 help in raising or supporting the child.

3 (4) The reasons the mother or the public agency did
4 not file the action earlier.

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

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

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

25 (c) Any new or existing support order entered by the
26 court under this Section shall be deemed to be a series of
27 judgments against the person obligated to pay support
28 thereunder, each judgment to be in the amount of each payment
29 or installment of support and each such judgment to be deemed
30 entered as of the date the corresponding payment or
31 installment becomes due under the terms of the support order.
32 Each judgment shall have the full force, effect and
33 attributes of any other judgment of this State, including the
34 ability to be enforced. A lien arises by operation of law

1 against the real and personal property of the noncustodial
2 parent for each installment of overdue support owed by the
3 noncustodial parent.

4 (d) If the judgment or order of the court is at variance
5 with the child's birth certificate, the court shall order
6 that a new birth certificate be issued under the Vital
7 Records Act.

8 (e) On request of the mother and the father, the court
9 shall order a change in the child's name. After hearing
10 evidence the court may stay payment of support during the
11 period of the father's minority or period of disability.

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

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

25 (h) All orders for support, when entered or modified,
26 shall include a provision requiring the non-custodial parent
27 to notify the court and, in cases in which party is receiving
28 child and spouse support services under Article X of the
29 Illinois Public Aid Code, the Illinois Department of Public
30 Aid, within 7 days (before July 1, 2002) or 5 business days
31 (after June 30, 2002), (i) of the name and address of any new
32 employer of the non-custodial parent, (ii) whether the
33 non-custodial parent has access to health insurance coverage
34 through the employer or other group coverage and, if so, the

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

12 (i) An order for support shall include a date on which
13 the current support obligation terminates. The termination
14 date shall be no earlier than the date on which the child
15 covered by the order will attain the age of majority or is
16 otherwise emancipated. The order for support shall state
17 that the termination date does not apply to any arrearage
18 that may remain unpaid on that date. Nothing in this
19 subsection shall be construed to prevent the court from
20 modifying the order.

21 (j) An order entered under this Section before July 1,
22 2002 shall include a provision requiring the obligor to
23 report to the obligee and to the clerk of the court within 10
24 days each time the obligor obtains new employment, and each
25 time the obligor's employment is terminated for any reason.
26 An order entered under this Section after June 30, 2002 shall
27 include a provision requiring the obligor to report to the
28 obligee, the Department of Public Aid, and the State
29 Disbursement Unit, within 5 business days, each time the
30 obligor obtains new employment and each time the obligor's
31 employment is terminated for any reason. The report shall
32 be in writing and shall, in the case of new employment,
33 include the name and address of the new employer.

34 Failure to report new employment or the termination of

1 current employment, if coupled with nonpayment of support for
2 a period in excess of 60 days, is indirect criminal contempt.
3 For any obligor arrested for failure to report new employment
4 bond shall be set in the amount of the child support that
5 should have been paid during the period of unreported
6 employment.

7 An order entered under this Section shall also include a
8 provision requiring the obligor and obligee parents to advise
9 each other of a change in residence within 5 days of the
10 change except when the court finds that the physical, mental,
11 or emotional health of a party or that of a minor child, or
12 both, would be seriously endangered by disclosure of the
13 party's address.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
15 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

16 (750 ILCS 45/14.1)

17 Sec. 14.1. Information to State Case Registry.

18 (a) When an order for support is entered or modified
19 under this Act before July 1, 2002, the clerk of the circuit
20 court shall, within 5 business days, provide to the State
21 Case Registry established under Section 10-27 of the
22 Illinois Public Aid Code the court docket number and county
23 in which the order is entered or modified and the
24 following information, which the parties shall disclose to
25 the court:

26 (1) The names of the custodial and non-custodial
27 parents and of the child or children covered by the
28 order.

29 (2) The dates of birth of the custodial and
30 non-custodial parents and of the child or children
31 covered by the order.

32 (3) The social security numbers of the custodial
33 and non-custodial parents and of the child or children

1 covered by the order.

2 (4) The residential and mailing addresses for the
3 custodial and non-custodial parents.

4 (5) The telephone numbers for the custodial and
5 non-custodial parents.

6 (6) The driver's license numbers for the custodial
7 and non-custodial parents.

8 (7) The name, address, and telephone number of each
9 parent's employer or employers.

10 When an order for support is entered or modified under
11 this Act after June 30, 2002, the clerk shall provide the
12 information to the Department of Public Aid within 5 business
13 days, and the Department shall promptly transmit the
14 information to the State Case Registry.

15 (b) When a child support order is entered or modified
16 before July 1, 2002 for a case in which a party is receiving
17 child and spouse support services under Article X of the
18 Illinois Public Aid Code, the clerk shall provide the State
19 Case Registry with the following information:

20 (1) The information specified in subsection (a) of
21 this Section.

22 (2) The amount of monthly or other periodic support
23 owed under the order and other amounts, including
24 arrearages, interest, or late payment penalties and fees,
25 due or overdue under the order.

26 (3) Any amounts described in subdivision (2) of
27 this subsection (b) that have been received by the clerk.

28 (4) The distribution of the amounts received by the
29 clerk.

30 When a child support order is entered or modified after
31 June 30, 2002 for a case in which a party is receiving child
32 and spouse support services under Article X of the Illinois
33 Public Aid Code, the clerk shall provide the information to
34 the Department of Public Aid, and the Department shall

1 promptly transmit the information to the State Case Registry.

2 (b-5) When the clerk provides information to the
3 Department of Public Aid under subsection (b), the Department
4 shall determine whether the State Disbursement Unit
5 established under Section 10-26 of the Illinois Public Aid
6 Code has received any amounts described in subdivision
7 (b)(2). If the State Disbursement Unit has received any such
8 amounts, the Department of Public Aid shall cause the
9 following information to be provided to the Registry:

10 (1) All such amounts received by the State
11 Disbursement Unit.

12 (2) The distribution of those amounts.

13 (c) The parties affected by the order shall inform the
14 clerk of court of any change of address or of other condition
15 that may affect the administration of the order.

16 (d) To the extent that updated information is in the
17 clerk's possession, the clerk shall provide updates of the
18 information specified in subsection (b) of this Section
19 within 5 business days after the Illinois Department of
20 Public Aid's request for that updated information.

21 (Source: P.A. 91-212, eff. 7-20-99.)

22 (750 ILCS 45/15) (from Ch. 40, par. 2515)

23 Sec. 15. Enforcement of Judgment or Order.

24 (a) If existence of the parent and child relationship is
25 declared, or paternity or duty of support has been
26 established under this Act or under prior law or under the
27 law of any other jurisdiction, the judgment rendered
28 thereunder may be enforced in the same or other proceedings
29 by any party or any person or agency that has furnished or
30 may furnish financial assistance or services to the child.
31 The Income Withholding for Support Act and Sections 14 and 16
32 of this Act shall also be applicable with respect to entry,
33 modification and enforcement of any support judgment entered

1 under provisions of the "Paternity Act", approved July 5,
2 1957, as amended, repealed July 1, 1985.

3 (b) Failure to comply with any order of the court shall
4 be punishable as contempt as in other cases of failure to
5 comply under the "Illinois Marriage and Dissolution of
6 Marriage Act", as now or hereafter amended. In addition to
7 other penalties provided by law, the court may, after finding
8 the party guilty of contempt, order that the party be:

9 (1) Placed on probation with such conditions of
10 probation as the court deems advisable;

11 (2) Sentenced to periodic imprisonment for a period
12 not to exceed 6 months. However, the court may permit
13 the party to be released for periods of time during the
14 day or night to work or conduct business or other
15 self-employed occupation.

16 The court may further order any part of all the
17 earnings of a party during a sentence of periodic
18 imprisonment to be paid to the Clerk of the Circuit Court
19 (before July 1, 2002), to the State Disbursement Unit
20 established under Section 10-26 of the Illinois Public
21 Aid Code (after June 30, 2002), or to the person or
22 parent having custody of the minor child for the support
23 of said child until further order of the court.

24 (2.5) The court may also pierce the ownership veil
25 of a person, persons, or business entity to discover
26 assets of a non-custodial parent held in the name of that
27 person, those persons, or that business entity if there
28 is a unity of interest and ownership sufficient to render
29 no financial separation between the non-custodial parent
30 and that person, those persons, or the business entity.
31 The following circumstances are sufficient for a court to
32 order discovery of the assets of a person, persons, or
33 business entity and to compel the application of any
34 discovered assets toward payment on the judgment for

1 support:

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

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

9 (C) the non-custodial parent transfers assets
10 to the person, persons, or business entity with the
11 intent to perpetrate a fraud on the custodial
12 parent.

13 With respect to assets which are real property, no
14 order entered under this subdivision (2.5) shall affect
15 the rights of bona fide purchasers, mortgagees, judgment
16 creditors, or other lien holders who acquire their
17 interests in the property prior to the time a notice of
18 lis pendens pursuant to the Code of Civil Procedure or a
19 copy of the order is placed of record in the office of
20 the recorder of deeds for the county in which the real
21 property is located.

22 (3) The court may also order that in cases where
23 the party is 90 days or more delinquent in payment of
24 support or has been adjudicated in arrears in an amount
25 equal to 90 days obligation or more, that the party's
26 Illinois driving privileges be suspended until the court
27 determines that the party is in compliance with the
28 judgement or duty of support. The court may also order
29 that the parent be issued a family financial
30 responsibility driving permit that would allow limited
31 driving privileges for employment and medical purposes in
32 accordance with Section 7-702.1 of the Illinois Vehicle
33 Code. The clerk of the circuit court shall certify the
34 order suspending the driving privileges of the parent or

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

10 In addition to the penalties or punishment that may be
 11 imposed under this Section, any person whose conduct
 12 constitutes a violation of Section 15.1 of the Non-Support
 13 Punishment of Spouse and Children Act may be prosecuted under
 14 that Act Section, and a person convicted under that Act
 15 Section may be sentenced in accordance with that Act Section.
 16 The sentence may include but need not be limited to a
 17 requirement that the person perform community service under
 18 Section 50 subsection-(b) of that Act Section or participate
 19 in a work alternative program under Section 50 subsection-(e)
 20 of that Act Section. A person may not be required to
 21 participate in a work alternative program under Section 50
 22 subsection-(e) of that Act Section if the person is currently
 23 participating in a work program pursuant to Section 15.1 of
 24 this Act.

25 (c) In any post-judgment proceeding to enforce or modify
 26 the judgment the parties shall continue to be designated as
 27 in the original proceeding.

28 (Source: P.A. 90-476, eff. 1-1-98; 90-673, eff. 1-1-99;
 29 90-733, eff. 8-11-98; 91-357, eff. 7-29-99; revised
 30 10-13-99.)

31 (750 ILCS 45/21) (from Ch. 40, par. 2521)

32 Sec. 21. Support payments; receiving and disbursing
 33 agents.

1 (1) In an action filed in a county of less than 3
2 million population in which an order for child support is
3 entered, and in supplementary proceedings in such a county to
4 enforce or vary the terms of such order arising out of an
5 action filed in such a county, the court, except in actions
6 or supplementary proceedings in which the pregnancy and
7 delivery expenses of the mother or the child support payments
8 are for a recipient of aid under the Illinois Public Aid
9 Code, shall direct that child support payments be made to the
10 clerk of the court (before July 1, 2002) or to the State
11 Disbursement Unit established under Section 10-26 of the
12 Illinois Public Aid Code (after June 30, 2002) unless in the
13 discretion of the court exceptional circumstances warrant
14 otherwise. In cases where payment is to be made to persons
15 other than the clerk of the court or the State Disbursement
16 Unit the judgment or order of support shall set forth the
17 facts of the exceptional circumstances.

18 (2) Before July 1, 2002, in an action filed in a county
19 of 3 million or more population in which an order for child
20 support is entered, and in supplementary proceedings in such
21 a county to enforce or vary the terms of such order arising
22 out of an action filed in such a county, the court, except in
23 actions or supplementary proceedings in which the pregnancy
24 and delivery expenses of the mother or the child support
25 payments are for a recipient of aid under the Illinois Public
26 Aid Code, shall direct that child support payments be made
27 either to the clerk of the court or to the Court Service
28 Division of the County Department of Public Aid, or to the
29 clerk of the court or to the Illinois Department of Public
30 Aid, unless in the discretion of the court exceptional
31 circumstances warrant otherwise. After June 30, 2002, the
32 court, except in actions or supplementary proceedings in
33 which the pregnancy and delivery expenses of the mother or
34 the child support payments are for a recipient of aid under

1 the Illinois Public Aid Code, shall direct that child support
2 payments be made either to the State Disbursement Unit or to
3 the Illinois Department of Public Aid. In cases where payment
4 is to be made to persons other than the clerk of the court,
5 the State Disbursement Unit, the Court Service Division of
6 the County Department of Public Aid, or the Illinois
7 Department of Public Aid, the judgment or order of support
8 shall set forth the facts of the exceptional circumstances.

9 (3) Where the action or supplementary proceeding is in
10 behalf of a mother for pregnancy and delivery expenses or for
11 child support, or both, and the mother, child, or both, are
12 recipients of aid under the Illinois Public Aid Code, the
13 court shall order that the payments be made directly to (a)
14 the Illinois Department of Public Aid if the mother or child,
15 or both, are recipients under Articles IV or V of the Code,
16 or (b) the local governmental unit responsible for the
17 support of the mother or child, or both, if they are
18 recipients under Articles VI or VII of the Code. In
19 accordance with federal law and regulations, the Illinois
20 Department of Public Aid may continue to collect current
21 maintenance payments or child support payments, or both,
22 after those persons cease to receive public assistance and
23 until termination of services under Article X of the Illinois
24 Public Aid Code. The Illinois Department of Public Aid shall
25 pay the net amount collected to those persons after deducting
26 any costs incurred in making the collection or any collection
27 fee from the amount of any recovery made. The Illinois
28 Department of Public Aid or the local governmental unit, as
29 the case may be, may direct that payments be made directly to
30 the mother of the child, or to some other person or agency in
31 the child's behalf, upon the removal of the mother and child
32 from the public aid rolls or upon termination of services
33 under Article X of the Illinois Public Aid Code; and upon
34 such direction, the Illinois Department or the local

1 governmental unit, as the case requires, shall give notice of
2 such action to the court in writing or by electronic
3 transmission.

4 (4) Before July 1, 2002, all clerks of the court and the
5 Court Service Division of a County Department of Public Aid
6 and the Illinois Department of Public Aid, receiving child
7 support payments under subsection paragraphs (1) or (2) shall
8 disburse the same to the person or persons entitled thereto
9 under the terms of the order. After June 30, 2002, when the
10 State Disbursement Unit or the Department of Public Aid
11 receives a child support payment under subsection (1) or (2)
12 of this Section, the Unit or Department shall disburse the
13 payment to the person or persons entitled to the payment
14 under the terms of the order. They shall establish and
15 maintain clear and current records of all moneys received and
16 disbursed and of defaults and delinquencies in required
17 payments. The court, by order or rule, shall make provision
18 for the carrying out of these duties.

19 Upon notification in writing or by electronic
20 transmission from the Illinois Department of Public Aid to
21 the clerk of the court and (after June 30, 2002) the State
22 Disbursement Unit that a person who is receiving support
23 payments under this Section is receiving services under the
24 Child Support Enforcement Program established by Title IV-D
25 of the Social Security Act, any support payments subsequently
26 received by the clerk of the court or the State Disbursement
27 Unit shall be transmitted in accordance with the instructions
28 of the Illinois Department of Public Aid until the Department
29 gives notice to cease the transmittal. After providing the
30 notification authorized under this paragraph, the Illinois
31 Department of Public Aid shall be entitled as a party to
32 notice of any further proceedings in the case. The clerk of
33 the court shall file a copy of the Illinois Department of
34 Public Aid's notification in the court file. The failure of

1 the clerk to file a copy of the notification in the court
2 file shall not, however, affect the Illinois Department of
3 Public Aid's right to receive notice of further proceedings.

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

14 (5) The moneys received by persons or agencies
15 designated by the court shall be disbursed by them in
16 accordance with the order. However, the court, on petition
17 of the state's attorney, may enter new orders designating the
18 clerk of the court or the Illinois Department of Public Aid,
19 as the person or agency authorized to receive and disburse
20 child support payments and, in the case of recipients of
21 public aid, the court, on petition of the Attorney General or
22 State's Attorney, shall direct subsequent payments to be paid
23 to the Illinois Department of Public Aid or to the
24 appropriate local governmental unit, as provided in paragraph
25 (3). Payments of child support by principals or sureties on
26 bonds, or proceeds of any sale for the enforcement of a
27 judgment shall be made to the clerk of the court, the
28 Illinois Department of Public Aid or the appropriate local
29 governmental unit, as the respective provisions of this
30 Section require.

31 (6) For those cases in which child support is payable to
32 the clerk of the circuit court (before July 1, 2002) or the
33 State Disbursement Unit (after June 30, 2002) for transmittal
34 to the Illinois Department of Public Aid by order of court or

1 upon notification by the Illinois Department of Public Aid,
 2 the clerk or State Disbursement Unit shall transmit all such
 3 payments, within 4 working days of receipt, to insure that
 4 funds are available for immediate distribution by the
 5 Department to the person or entity entitled thereto in
 6 accordance with standards of the Child Support Enforcement
 7 Program established under Title IV-D of the Social Security
 8 Act. The clerk or State Disbursement Unit shall notify the
 9 Department of the date of receipt and amount thereof at the
 10 time of transmittal. Where the clerk or State Disbursement
 11 Unit has entered into an agreement of cooperation with the
 12 Department to record the terms of child support orders and
 13 payments made thereunder directly into the Department's
 14 automated data processing system, the clerk or State
 15 Disbursement Unit shall account for, transmit and otherwise
 16 distribute child support payments in accordance with such
 17 agreement in lieu of the requirements contained herein.

18 (7) To the extent the provisions of this Section are
 19 inconsistent with the requirements pertaining to the State
 20 Disbursement Unit under Section 21.1 of this Act and Section
 21 10-26 of the Illinois Public Aid Code, the requirements under
 22 those Sections ~~pertaining--to--the--State-Disbursement-Unit~~
 23 shall apply.

24 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;
 25 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff.
 26 7-20-99; 91-357, eff. 7-29-99; revised 9-1-99.)

27 (750 ILCS 45/22) (from Ch. 40, par. 2522)

28 Sec. 22. Public Aid collection fee. In all cases
 29 instituted by the Illinois Department of Public Aid on behalf
 30 of a child or spouse, other than one receiving a grant of
 31 financial aid under Article IV of the Illinois Public Aid
 32 Code, on whose behalf an application has been made and
 33 approved for support services as provided by Section 10-1 of

1 that Code, the court shall impose a collection fee on the
 2 individual who owes a child or spouse support obligation in
 3 an amount equal to 10% of the amount so owed as long as such
 4 collection is required by federal law, which fee shall be in
 5 addition to the support obligation. The imposition of such
 6 fee shall be in accordance with provisions of Title IV, Part
 7 D, of the Social Security Act and regulations duly
 8 promulgated thereunder. The fee shall be payable to the
 9 clerk of the circuit court (before July 1, 2002) or to the
 10 State Disbursement Unit established under Section 10-26 of
 11 the Illinois Public Aid Code (after June 30, 2002) for
 12 transmittal to the Illinois Department of Public Aid and
 13 shall continue until support services are terminated by that
 14 Department.

15 (Source: P.A. 83-1372.)

16 (750 ILCS 45/23) (from Ch. 40, par. 2523)

17 Sec. 23. Notice ~~to--Clerk--of--Circuit--Court~~ of payment
 18 received by Illinois Department of Public Aid ~~for--Recording~~.
 19 For those cases in which support is payable to the clerk of
 20 the circuit court or the State Disbursement Unit established
 21 under Section 10-26 of the Illinois Public Aid Code for
 22 transmittal to the Illinois Department of Public Aid by order
 23 of court, and the Illinois Department of Public Aid collects
 24 support by assignment offset, withhold, deduction or other
 25 process permitted by law, the Illinois Department of Public
 26 Aid shall notify the clerk or State Disbursement Unit of the
 27 date and amount of such collection. Upon notification, the
 28 clerk or State Disbursement Unit shall record the collection
 29 on the payment record for the case.

30 (Source: P.A. 83-1372.)

31 Section 50. The Illinois Domestic Violence Act of 1986
 32 is amended by changing Section 214 as follows:

1 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

2 Sec. 214. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that
4 petitioner has been abused by a family or household member or
5 that petitioner is a high-risk adult who has been abused,
6 neglected, or exploited, as defined in this Act, an order of
7 protection prohibiting the abuse, neglect, or exploitation
8 shall issue; provided that petitioner must also satisfy the
9 requirements of one of the following Sections, as
10 appropriate: Section 217 on emergency orders, Section 218 on
11 interim orders, or Section 219 on plenary orders. Petitioner
12 shall not be denied an order of protection because petitioner
13 or respondent is a minor. The court, when determining whether
14 or not to issue an order of protection, shall not require
15 physical manifestations of abuse on the person of the victim.
16 Modification and extension of prior orders of protection
17 shall be in accordance with this Act.

18 (b) Remedies and standards. The remedies to be included
19 in an order of protection shall be determined in accordance
20 with this Section and one of the following Sections, as
21 appropriate: Section 217 on emergency orders, Section 218 on
22 interim orders, and Section 219 on plenary orders. The
23 remedies listed in this subsection shall be in addition to
24 other civil or criminal remedies available to petitioner.

25 (1) Prohibition of abuse, neglect, or exploitation.
26 Prohibit respondent's harassment, interference with
27 personal liberty, intimidation of a dependent, physical
28 abuse, or willful deprivation, neglect or exploitation,
29 as defined in this Act, or stalking of the petitioner, as
30 defined in Section 12-7.3 of the Criminal Code of 1961,
31 if such abuse, neglect, exploitation, or stalking has
32 occurred or otherwise appears likely to occur if not
33 prohibited.

34 (2) Grant of exclusive possession of residence.

1 Prohibit respondent from entering or remaining in any
2 residence or household of the petitioner, including one
3 owned or leased by respondent, if petitioner has a right
4 to occupancy thereof. The grant of exclusive possession
5 of the residence shall not affect title to real property,
6 nor shall the court be limited by the standard set forth
7 in Section 701 of the Illinois Marriage and Dissolution
8 of Marriage Act.

9 (A) Right to occupancy. A party has a right
10 to occupancy of a residence or household if it is
11 solely or jointly owned or leased by that party,
12 that party's spouse, a person with a legal duty to
13 support that party or a minor child in that party's
14 care, or by any person or entity other than the
15 opposing party that authorizes that party's
16 occupancy (e.g., a domestic violence shelter).
17 Standards set forth in subparagraph (B) shall not
18 preclude equitable relief.

19 (B) Presumption of hardships. If petitioner
20 and respondent each has the right to occupancy of a
21 residence or household, the court shall balance (i)
22 the hardships to respondent and any minor child or
23 dependent adult in respondent's care resulting from
24 entry of this remedy with (ii) the hardships to
25 petitioner and any minor child or dependent adult in
26 petitioner's care resulting from continued exposure
27 to the risk of abuse (should petitioner remain at
28 the residence or household) or from loss of
29 possession of the residence or household (should
30 petitioner leave to avoid the risk of abuse). When
31 determining the balance of hardships, the court
32 shall also take into account the accessibility of
33 the residence or household. Hardships need not be
34 balanced if respondent does not have a right to

1 occupancy.

2 The balance of hardships is presumed to favor
3 possession by petitioner unless the presumption is
4 rebutted by a preponderance of the evidence, showing
5 that the hardships to respondent substantially
6 outweigh the hardships to petitioner and any minor
7 child or dependent adult in petitioner's care. The
8 court, on the request of petitioner or on its own
9 motion, may order respondent to provide suitable,
10 accessible, alternate housing for petitioner instead
11 of excluding respondent from a mutual residence or
12 household.

13 (3) Stay away order and additional prohibitions.
14 Order respondent to stay away from petitioner or any
15 other person protected by the order of protection, or
16 prohibit respondent from entering or remaining present at
17 petitioner's school, place of employment, or other
18 specified places at times when petitioner is present, or
19 both, if reasonable, given the balance of hardships.
20 Hardships need not be balanced for the court to enter a
21 stay away order or prohibit entry if respondent has no
22 right to enter the premises.

23 If an order of protection grants petitioner
24 exclusive possession of the residence, or prohibits
25 respondent from entering the residence, or orders
26 respondent to stay away from petitioner or other
27 protected persons, then the court may allow respondent
28 access to the residence to remove items of clothing and
29 personal adornment used exclusively by respondent,
30 medications, and other items as the court directs. The
31 right to access shall be exercised on only one occasion
32 as the court directs and in the presence of an
33 agreed-upon adult third party or law enforcement officer.

34 (4) Counseling. Require or recommend the

1 respondent to undergo counseling for a specified duration
2 with a social worker, psychologist, clinical
3 psychologist, psychiatrist, family service agency,
4 alcohol or substance abuse program, mental health center
5 guidance counselor, agency providing services to elders,
6 program designed for domestic violence abusers or any
7 other guidance service the court deems appropriate.

8 (5) Physical care and possession of the minor
9 child. In order to protect the minor child from abuse,
10 neglect, or unwarranted separation from the person who
11 has been the minor child's primary caretaker, or to
12 otherwise protect the well-being of the minor child, the
13 court may do either or both of the following: (i) grant
14 petitioner physical care or possession of the minor
15 child, or both, or (ii) order respondent to return a
16 minor child to, or not remove a minor child from, the
17 physical care of a parent or person in loco parentis.

18 If a court finds, after a hearing, that respondent
19 has committed abuse (as defined in Section 103) of a
20 minor child, there shall be a rebuttable presumption that
21 awarding physical care to respondent would not be in the
22 minor child's best interest.

23 (6) Temporary legal custody. Award temporary legal
24 custody to petitioner in accordance with this Section,
25 the Illinois Marriage and Dissolution of Marriage Act,
26 the Illinois Parentage Act of 1984, and this State's
27 Uniform Child Custody Jurisdiction Act.

28 If a court finds, after a hearing, that respondent
29 has committed abuse (as defined in Section 103) of a
30 minor child, there shall be a rebuttable presumption that
31 awarding temporary legal custody to respondent would not
32 be in the child's best interest.

33 (7) Visitation. Determine the visitation rights,
34 if any, of respondent in any case in which the court

1 awards physical care or temporary legal custody of a
2 minor child to petitioner. The court shall restrict or
3 deny respondent's visitation with a minor child if the
4 court finds that respondent has done or is likely to do
5 any of the following: (i) abuse or endanger the minor
6 child during visitation; (ii) use the visitation as an
7 opportunity to abuse or harass petitioner or petitioner's
8 family or household members; (iii) improperly conceal or
9 detain the minor child; or (iv) otherwise act in a manner
10 that is not in the best interests of the minor child.
11 The court shall not be limited by the standards set forth
12 in Section 607.1 of the Illinois Marriage and Dissolution
13 of Marriage Act. If the court grants visitation, the
14 order shall specify dates and times for the visitation to
15 take place or other specific parameters or conditions
16 that are appropriate. No order for visitation shall
17 refer merely to the term "reasonable visitation".

18 Petitioner may deny respondent access to the minor
19 child if, when respondent arrives for visitation,
20 respondent is under the influence of drugs or alcohol and
21 constitutes a threat to the safety and well-being of
22 petitioner or petitioner's minor children or is behaving
23 in a violent or abusive manner.

24 If necessary to protect any member of petitioner's
25 family or household from future abuse, respondent shall
26 be prohibited from coming to petitioner's residence to
27 meet the minor child for visitation, and the parties
28 shall submit to the court their recommendations for
29 reasonable alternative arrangements for visitation. A
30 person may be approved to supervise visitation only after
31 filing an affidavit accepting that responsibility and
32 acknowledging accountability to the court.

33 (8) Removal or concealment of minor child. Prohibit
34 respondent from removing a minor child from the State or

1 concealing the child within the State.

2 (9) Order to appear. Order the respondent to
3 appear in court, alone or with a minor child, to prevent
4 abuse, neglect, removal or concealment of the child, to
5 return the child to the custody or care of the petitioner
6 or to permit any court-ordered interview or examination
7 of the child or the respondent.

8 (10) Possession of personal property. Grant
9 petitioner exclusive possession of personal property and,
10 if respondent has possession or control, direct
11 respondent to promptly make it available to petitioner,
12 if:

13 (i) petitioner, but not respondent, owns the
14 property; or

15 (ii) the parties own the property jointly;
16 sharing it would risk abuse of petitioner by
17 respondent or is impracticable; and the balance of
18 hardships favors temporary possession by petitioner.

19 If petitioner's sole claim to ownership of the
20 property is that it is marital property, the court may
21 award petitioner temporary possession thereof under the
22 standards of subparagraph (ii) of this paragraph only if
23 a proper proceeding has been filed under the Illinois
24 Marriage and Dissolution of Marriage Act, as now or
25 hereafter amended.

26 No order under this provision shall affect title to
27 property.

28 (11) Protection of property. Forbid the respondent
29 from taking, transferring, encumbering, concealing,
30 damaging or otherwise disposing of any real or personal
31 property, except as explicitly authorized by the court,
32 if:

33 (i) petitioner, but not respondent, owns the
34 property; or

1 (ii) the parties own the property jointly, and
2 the balance of hardships favors granting this
3 remedy.

4 If petitioner's sole claim to ownership of the
5 property is that it is marital property, the court may
6 grant petitioner relief under subparagraph (ii) of this
7 paragraph only if a proper proceeding has been filed
8 under the Illinois Marriage and Dissolution of Marriage
9 Act, as now or hereafter amended.

10 The court may further prohibit respondent from
11 improperly using the financial or other resources of an
12 aged member of the family or household for the profit or
13 advantage of respondent or of any other person.

14 (12) Order for payment of support. Order
15 respondent to pay temporary support for the petitioner or
16 any child in the petitioner's care or custody, when the
17 respondent has a legal obligation to support that person,
18 in accordance with the Illinois Marriage and Dissolution
19 of Marriage Act, which shall govern, among other matters,
20 the amount of support, payment through the clerk (before
21 July 1, 2002) or the State Disbursement Unit established
22 under Section 10-26 of the Illinois Public Aid Code
23 (after June 30, 2002), and withholding of income to
24 secure payment. An order for child support may be
25 granted to a petitioner with lawful physical care or
26 custody of a child, or an order or agreement for physical
27 care or custody, prior to entry of an order for legal
28 custody. Such a support order shall expire upon entry of
29 a valid order granting legal custody to another, unless
30 otherwise provided in the custody order.

31 (13) Order for payment of losses. Order respondent
32 to pay petitioner for losses suffered as a direct result
33 of the abuse, neglect, or exploitation. Such losses
34 shall include, but not be limited to, medical expenses,

1 lost 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,
4 including additional reasonable expenses for temporary
5 shelter and restaurant meals.

6 (i) Losses affecting family needs. If a party
7 is entitled to seek maintenance, child support or
8 property distribution from the other party under the
9 Illinois Marriage and Dissolution of Marriage Act,
10 as now or hereafter amended, the court may order
11 respondent to reimburse petitioner's actual losses,
12 to 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,
17 the court may order respondent to pay the reasonable
18 expenses incurred or to be incurred in the search
19 for and recovery of the minor child, including but
20 not 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
26 well-being of the petitioner or the petitioner's
27 children.

28 (14.5) Prohibition of firearm possession.

29 (a) When a complaint is made under a request
30 for an order of protection, that the respondent has
31 threatened or is likely to use firearms illegally
32 against the petitioner, and the respondent is
33 present in court, or has failed to appear after
34 receiving actual notice, the court shall examine on

1 oath the petitioner, and any witnesses who may be
2 produced. If the court is satisfied that there is
3 any danger of the illegal use of firearms, it shall
4 issue an order that any firearms in the possession
5 of the respondent, except as provided in subsection
6 (b), be turned over to the local law enforcement
7 agency for safekeeping. If the respondent has
8 failed to appear, the court shall issue a warrant
9 for seizure of any firearm in the possession of the
10 respondent. The period of safekeeping shall be for a
11 stated period of time not to exceed 2 years. The
12 firearm or firearms shall be returned to the
13 respondent at the end of the stated period or at
14 expiration of the order of protection, whichever is
15 sooner.

16 (b) If the respondent is a peace officer as
17 defined in Section 2-13 of the Criminal Code of
18 1961, the court shall order that any firearms used
19 by the respondent in the performance of his or her
20 duties as a peace officer be surrendered to the
21 chief law enforcement executive of the agency in
22 which the respondent is employed, who shall retain
23 the firearms for safekeeping for the stated period
24 not to exceed 2 years as set forth in the court
25 order.

26 (15) Prohibition of access to records. If an order
27 of protection prohibits respondent from having contact
28 with the minor child, or if petitioner's address is
29 omitted under subsection (b) of Section 203, or if
30 necessary to prevent abuse or wrongful removal or
31 concealment of a minor child, the order shall deny
32 respondent access to, and prohibit respondent from
33 inspecting, obtaining, or attempting to inspect or
34 obtain, school or any other records of the minor child

1 who is in the care of petitioner.

2 (16) Order for payment of shelter services. Order
3 respondent to reimburse a shelter providing temporary
4 housing and counseling services to the petitioner for the
5 cost of the services, as certified by the shelter and
6 deemed reasonable by the court.

7 (17) Order for injunctive relief. Enter injunctive
8 relief necessary or appropriate to prevent further abuse
9 of a family or household member or further abuse,
10 neglect, or exploitation of a high-risk adult with
11 disabilities or to effectuate one of the granted
12 remedies, if supported by the balance of hardships. If
13 the harm to be prevented by the injunction is abuse or
14 any other harm that one of the remedies listed in
15 paragraphs (1) through (16) of this subsection is
16 designed to prevent, no further evidence is necessary
17 that the harm is an irreparable injury.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific
20 remedy, other than payment of support, the court shall
21 consider relevant factors, including but not limited to
22 the following:

23 (i) the nature, frequency, severity, pattern
24 and consequences of the respondent's past abuse,
25 neglect or exploitation of the petitioner or any
26 family or household member, including the
27 concealment of his or her location in order to evade
28 service of process or notice, and the likelihood of
29 danger of future abuse, neglect, or exploitation to
30 petitioner or any member of petitioner's or
31 respondent's family or household; and

32 (ii) the danger that any minor child will be
33 abused or neglected or improperly removed from the
34 jurisdiction, improperly concealed within the State

1 or improperly separated from the child's primary
2 caretaker.

3 (2) In comparing relative hardships resulting to
4 the parties from loss of possession of the family home,
5 the court shall consider relevant factors, including but
6 not limited to the following:

7 (i) availability, accessibility, cost, safety,
8 adequacy, location and other characteristics of
9 alternate housing for each party and any minor child
10 or dependent adult in the party's care;

11 (ii) the effect on the party's employment; and

12 (iii) the effect on the relationship of the
13 party, and any minor child or dependent adult in the
14 party's care, to family, school, church and
15 community.

16 (3) Subject to the exceptions set forth in
17 paragraph (4) of this subsection, the court shall make
18 its findings in an official record or in writing, and
19 shall at a minimum set forth the following:

20 (i) That the court has considered the
21 applicable relevant factors described in paragraphs
22 (1) and (2) of this subsection.

23 (ii) Whether the conduct or actions of
24 respondent, unless prohibited, will likely cause
25 irreparable harm or continued abuse.

26 (iii) Whether it is necessary to grant the
27 requested relief in order to protect petitioner or
28 other alleged abused persons.

29 (4) For purposes of issuing an ex parte emergency
30 order of protection, the court, as an alternative to or
31 as a supplement to making the findings described in
32 paragraphs (c)(3)(i) through (c)(3)(iii) of this
33 subsection, may use the following procedure:

34 When a verified petition for an emergency order of

1 protection in accordance with the requirements of
2 Sections 203 and 217 is presented to the court, the court
3 shall examine petitioner on oath or affirmation. An
4 emergency order of protection shall be issued by the
5 court if it appears from the contents of the petition and
6 the examination of petitioner that the averments are
7 sufficient to indicate abuse by respondent and to support
8 the granting of relief under the issuance of the
9 emergency order of protection.

10 (5) Never married parties. No rights or
11 responsibilities for a minor child born outside of
12 marriage attach to a putative father until a father and
13 child relationship has been established under the
14 Illinois Parentage Act of 1984, the Illinois Public Aid
15 Code, Section 12 of the Vital Records Act, the Juvenile
16 Court Act of 1987, the Probate Act of 1985, the Revised
17 Uniform Reciprocal Enforcement of Support Act, the
18 Uniform Interstate Family Support Act, the Expedited
19 Child Support Act of 1990, any judicial, administrative,
20 or other act of another state or territory, any other
21 Illinois statute, or by any foreign nation establishing
22 the father and child relationship, any other proceeding
23 substantially in conformity with the Personal
24 Responsibility and Work Opportunity Reconciliation Act of
25 1996 (Pub. L. 104-193), or where both parties appeared in
26 open court or at an administrative hearing acknowledging
27 under oath or admitting by affirmation the existence of
28 a father and child relationship. Absent such an
29 adjudication, finding, or acknowledgement, no putative
30 father shall be granted temporary custody of the minor
31 child, visitation with the minor child, or physical care
32 and possession of the minor child, nor shall an order of
33 payment for support of the minor child be entered.

34 (d) Balance of hardships; findings. If the court finds

1 that the balance of hardships does not support the granting
2 of a remedy governed by paragraph (2), (3), (10), (11), or
3 (16) of subsection (b) of this Section, which may require
4 such balancing, the court's findings shall so indicate and
5 shall include a finding as to whether granting the remedy
6 will result in hardship to respondent that would
7 substantially outweigh the hardship to petitioner from denial
8 of the remedy. The findings shall be an official record or in
9 writing.

10 (e) Denial of remedies. Denial of any remedy shall not
11 be based, in whole or in part, on evidence that:

12 (1) Respondent has cause for any use of force,
13 unless that cause satisfies the standards for justifiable
14 use of force provided by Article VII of the Criminal Code
15 of 1961;

16 (2) Respondent was voluntarily intoxicated;

17 (3) Petitioner acted in self-defense or defense of
18 another, provided that, if petitioner utilized force,
19 such force was justifiable under Article VII of the
20 Criminal Code of 1961;

21 (4) Petitioner did not act in self-defense or
22 defense of another;

23 (5) Petitioner left the residence or household to
24 avoid further abuse, neglect, or exploitation by
25 respondent;

26 (6) Petitioner did not leave the residence or
27 household to avoid further abuse, neglect, or
28 exploitation by respondent;

29 (7) Conduct by any family or household member
30 excused the abuse, neglect, or exploitation by
31 respondent, unless that same conduct would have excused
32 such abuse, neglect, or exploitation if the parties had
33 not been family or household members.

34 (Source: P.A. 89-367, eff. 1-1-96; 90-118, eff. 1-1-98.)

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