

1 AN ACT in relation to child support.

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

4 Section 1. This Act may be cited as the Unified Child  
5 Support Services Act.

6 Section 5. Definitions. In this Act:

7 "Child support services" mean any services provided with  
8 respect to parentage establishment, support establishment,  
9 medical support establishment, support modification, or  
10 support enforcement.

11 "Child support specialist" means a paralegal, attorney,  
12 or other staff member with specialized training in child  
13 support services.

14 "Current child support case" means a case that is pending  
15 in the IV-D Child Support Program for which any action is  
16 being taken by a Unified Child Support Services Program.

17 "Department" means the Illinois Department of Public Aid.

18 "IV-D Child Support Program" means the child support  
19 enforcement program established pursuant to Title IV, Part D  
20 of the federal Social Security Act and Article X of the  
21 Illinois Public Aid Code.

22 "KIDS" means the Key Information Delivery System that  
23 includes a statewide database of all cases in the IV-D Child  
24 Support Program.

25 "Medicaid" means the medical assistance program under  
26 Article V of the Illinois Public Aid Code.

27 "Obligor" and "obligee" mean those terms as defined in  
28 the Income Withholding for Support Act.

29 "Plan" means a plan for a Unified Child Support Services  
30 Program.

31 "Program" means the Unified Child Support Services

1 Program in a county or group of counties.

2 "State Disbursement Unit" means the State Disbursement  
3 Unit established under Section 10-26 of the Illinois Public  
4 Aid Code.

5 "State's Attorney" means the duly elected State's  
6 Attorney of an Illinois county or 2 or more State's Attorneys  
7 who have formed a consortium for purposes of managing a  
8 Unified Child Support Services Program within a specific  
9 region of the State.

10 "Temporary Assistance for Needy Families" means the  
11 Temporary Assistance for Needy Families (TANF) program under  
12 Article IV of the Illinois Public Aid Code.

13 Section 10. Plan for Unified Child Support Services.

14 (a) By July 1, 2003 and by July 1 of each subsequent  
15 year, a State's Attorney, in cooperation with the appropriate  
16 county officials, may submit to the Department a Plan for a  
17 Unified Child Support Services Program that includes all of  
18 the components set forth in Section 15 of this Act and that  
19 includes a projected budget of the necessary and reasonable  
20 direct and indirect costs for operation of the Program. The  
21 Plan may provide for phasing in the Program with different  
22 implementation dates.

23 (b) By December 1 of the year in which a Plan is  
24 submitted, the Department shall approve or reject the Plan.  
25 If the Plan is approved, the Department and the State's  
26 Attorney shall enter into an intergovernmental agreement  
27 incorporating the Plan, subject to the approval of the  
28 Attorney General and the appropriate county board. If the  
29 Plan is rejected, the Department must set forth (i) specific  
30 reasons that the Plan fails to satisfy the specific goals and  
31 requirements of this Act or other State or federal  
32 requirements and (ii) specific reasons that the necessary and  
33 reasonable costs for operation of the Plan could not be

1 agreed upon.

2 (c) Any State's Attorney who submits a Plan pursuant to  
3 this Act shall commit to manage the Program for a period of  
4 no less than 3 years.

5 (d) If a Plan is rejected, or if for any reason an  
6 intergovernmental agreement is not signed, the prior  
7 agreement under this Act shall continue in effect until a new  
8 intergovernmental agreement is signed or the agreement is  
9 terminated.

10 (e) The Department may impose a restriction that no more  
11 than 3 State's Attorneys may begin operating a Program in a  
12 given year. The Department shall develop a procedure for fair  
13 and orderly consideration of Plans as they are submitted or  
14 as interest by a State's Attorney is otherwise demonstrated.

15 (f) In any county in which a Unified Child Support  
16 Services Program is operating, the Clerk of the Circuit Court  
17 may submit to the Department a plan for filing, recording,  
18 and making available for retrieval all administrative orders  
19 of parentage and administrative orders setting, modifying, or  
20 terminating child support obligations for all IV-D cases  
21 pending in the county on the implementation date of the  
22 Program and all new cases in the IV-D Child Support Program.  
23 The Department shall approve or reject the plan, according to  
24 the criteria set forth in subsection (b), and shall enter  
25 into the appropriate intergovernmental agreement  
26 incorporating the plan unless the Department can demonstrate  
27 that it has an alternative approach.

28 Section 15. Components of a Unified Child Support  
29 Services Program.

30 (a) Any intergovernmental agreement incorporating an  
31 approved Plan under this Act must provide that the State's  
32 Attorney shall create and manage a Program offering child  
33 support services in all IV-D cases pending in the county as

1 of the approval date of the Plan and all new cases in the  
2 Department's IV-D Child Support Program, based upon the  
3 jurisdiction of the case and in accordance with all relevant  
4 laws or Department policies.

5 (b) The child support services offered by each Program  
6 and incorporated in the State's Attorney's Plan must comply  
7 with the Department's approved Title IV, Part D State Plan  
8 and, except as provided in Section 35, must include, but need  
9 not be limited to, the following:

10 (1) Accepting applications for child support  
11 services from private parties or referrals from any State  
12 agency that submits information to KIDS, and providing  
13 for the conducting of initial interviews with applicants  
14 by telephone or other electronic means.

15 (2) Maintaining flexible office hours, including  
16 evening or weekend hours for in-person or telephone  
17 appointments, or any other appropriate means in order to  
18 meet customer service demands.

19 (3) Providing for a staffing plan that includes  
20 assigning cases to a child support specialist who is  
21 responsible for coordinating child support services for  
22 the case, receiving new and updated information about the  
23 case and forwarding that information to all relevant  
24 persons and agencies, responding to parents' inquiries  
25 and requests in a timely manner, and making appropriate  
26 referrals as specified in paragraph (12) of this  
27 subsection.

28 (4) Assessing each case for child support services  
29 by determining the status of the case and the necessary  
30 steps appropriate for the case, including establishing  
31 and following standards for determining whether to use  
32 judicial or administrative processes for child support  
33 services, and establishing and following standards for  
34 seeking cooperation from the parties before invoking

1 other enforcement mechanisms.

2 (5) Taking all necessary steps identified in  
3 paragraph (4) of this subsection as appropriate for the  
4 case, whether by use of judicial or administrative  
5 processes, and making appropriate referrals to the  
6 Department to follow agency processes for which it is  
7 responsible under Section 35 of this Act.

8 (6) Offering genetic testing to determine parentage  
9 at the site of the unified child support services  
10 operations or near the county courthouse or  
11 administrative hearing office where proceedings to  
12 establish parentage are conducted.

13 (7) Obtaining identified cases that have moved into  
14 non-compliance with obligations set forth in an order  
15 involving a child support case and taking steps necessary  
16 to bring the case into compliance, including  
17 investigating sources of income and the location and type  
18 of assets of child support obligors who are in arrears in  
19 the payment of support.

20 (8) Obtaining information to provide for periodic  
21 or other review of administrative and court orders for  
22 support consistent with federal guidelines to determine  
23 whether a modification of the order should be sought.

24 (9) Taking responsibility for using KIDS, for  
25 entering data with respect to a current child support  
26 case into KIDS and editing that data, and for having  
27 conflicting or incorrect data reconciled with respect to  
28 a current child support case.

29 (10) Reporting cooperation or the circumstances for  
30 lack of cooperation with child support services by  
31 recipients of public aid under Temporary Assistance for  
32 Needy Families or Medicaid.

33 (11) Conducting account reviews and  
34 redeterminations with respect to a current child support

1 case in accordance with Department policies and federal  
2 guidelines.

3 (12) Establishing referral procedures and making  
4 appropriate referrals for programs such as voluntary  
5 mediation on custody and visitation, domestic violence,  
6 employment and training, child care, and governmental  
7 benefits such as Temporary Assistance for Needy Families  
8 and Medicaid.

9 (13) Establishing and maintaining a separate,  
10 impartial, and independent administrative process for  
11 parentage establishment, support establishment, and  
12 support modification that affords due process of law to  
13 alleged fathers and custodial and non-custodial parents;  
14 and furnishing copies of all such administrative orders  
15 to the clerk of the circuit court and the Department.

16 (14) Providing all information on the Program's  
17 operation needed by the Department to satisfy the  
18 Department's reporting requirements to the State and  
19 federal governments on a timely basis.

20 (15) Responding to requests for Administrative  
21 Accountability Analyses under Article X of the Illinois  
22 Public Aid Code, for State's Attorney cases as of the  
23 effective date of the approved Plan, and reporting final  
24 determinations to the Department.

25 (16) Marketing the Program within the county in  
26 which it is operating so that potential applicants learn  
27 about child support services offered.

28 (17) Appointing a local, unpaid child support  
29 advisory board, with the State's Attorney operating the  
30 Program as the chair, that meets at least quarterly.

31 (18) Establishing procedures for referral to the  
32 Illinois Attorney General of designated child support  
33 cases brought by non-custodial parents.

34 (19) Conducting all operations in accordance with

1 any applicable State or federal laws and regulations and  
2 the Plan.

3 Section 20. Subcontracts. A Plan submitted by a State's  
4 Attorney for approval to manage a Program must include those  
5 subcontracts and intergovernmental agreements necessary for  
6 the provision of any components of child support services  
7 under the Plan. The Plan must also include a copy of each  
8 signed subcontract or intergovernmental agreement or other  
9 evidence of the proposed subcontractor or other local  
10 governmental entity's intent to perform the services covered  
11 by the subcontract or intergovernmental agreement. The  
12 subcontract or intergovernmental agreement may be approved by  
13 the Department only if the subcontractor or other  
14 intergovernmental entity's services are fully integrated into  
15 the Program and the subcontractor or other intergovernmental  
16 entity's services enhance the efficiency, accessibility, and  
17 effectiveness of child support services.

18 Section 25. Performance standards.

19 (a) In consultation with the Department's statewide  
20 Child Support Advisory Committee and a designated  
21 representative of the Illinois State's Attorneys Association,  
22 the Department shall establish the following by rule:

23 (1) Measures of performance for all State's  
24 Attorneys operating a program and contractors and local  
25 governmental entities providing child support services in  
26 the IV-D Child Support Program with respect to parentage  
27 establishment, support order establishment, current  
28 support collections, arrearage collections,  
29 cost-effectiveness, or any other measures used by the  
30 federal government or as set forth by the Department.

31 (2) Procedures for apportioning any projected  
32 incentive funding between any eligible contractors or

1 local governmental entities.

2 (b) Once each year, the Department shall estimate the  
3 total State and federal incentive funding that will be  
4 available for distribution under this subsection during the  
5 following year. Any State's Attorney operating a program and  
6 a contractor or local governmental entity providing child  
7 support services in the IV-D Child Support Program are  
8 eligible to earn incentive payments, based on the score  
9 received for performance standards required under this  
10 Section and the amount available for that year under this  
11 subsection.

12 (c) Once each year, the Department shall apply the  
13 performance standards to all State's Attorneys operating a  
14 program and contractors and local governmental entities  
15 providing child support services in the IV-D Child Support  
16 Program, and shall publish a report of such performance  
17 levels and corresponding scores used in calculating the  
18 incentive payment amount.

19 Section 30. Annual report to General Assembly. The  
20 Department shall submit to the General Assembly an annual  
21 report on the operation of Programs during the preceding  
22 State fiscal year. The annual report must include, but need  
23 not be limited to, the following:

24 (1) The report of performance levels and  
25 corresponding scores used in calculating the incentive  
26 payment amounts under Section 20.

27 (2) A narrative description of each Program  
28 operating in the State, including (i) the manner in which  
29 a State's Attorney complied or failed to comply with each  
30 assurance included in the applicable Plan and (ii) the  
31 Program's annual budget and staffing.

32 Section 35. IV-D Child Support Program responsibilities.



1           (a) The Department has the authority and responsibility  
2 for administering the IV-D Child Support Program in  
3 compliance with Title IV, Part D of the federal Social  
4 Security Act.

5           (b) The Department may enter into agreements with  
6 contractors or local governmental entities to manage any  
7 services provided by the IV-D Child Support Program in  
8 counties in which the State's Attorney is not operating a  
9 Program. All contractors or local governmental entities  
10 entering into agreements with the Department must meet the  
11 applicable performance standards set forth in Section 25.

12           (c) In all counties, whether or not the State's Attorney  
13 in a county is operating a Program, the Department must, at a  
14 minimum, fulfill its responsibilities under Title IV, Part D  
15 of the federal Social Security Act and Article X of the  
16 Illinois Public Aid Code in connection with the following:

17           (1) Operation of a statewide toll free telephone  
18 number that refers parties to the appropriate contact as  
19 established by a Plan.

20           (2) Management and supervision of the State  
21 Disbursement Unit.

22           (3) Management and supervision of KIDS and the  
23 State Case Registry established under Section 10-27 of  
24 the Illinois Public Aid Code, including the  
25 responsibility (i) for entering and editing data for  
26 activities being conducted by the Department with respect  
27 to a current child support case and (ii) for having  
28 conflicting or incorrect data reconciled with respect to  
29 those activities. A State's Attorney operating a Program,  
30 however, must be able to enter data directly into KIDS  
31 with respect to any current child support cases for which  
32 the State's Attorney is responsible and must be able to  
33 edit that data when necessary.

34           (4) Federal income tax refund intercepts.

1 (5) State income tax refund and other payment  
2 intercepts.

3 (6) Sending notices required by law to parents,  
4 except as otherwise provided in a Plan.

5 (7) Submitting past due support information to  
6 licensing agencies.

7 (8) Notifying the Illinois Department of Public  
8 Health of parentage establishments and acknowledgments.

9 (9) Maintaining the Central Case Registry with  
10 respect to interstate cases, and taking any necessary  
11 actions that are not otherwise specified in a Plan.

12 (10) Submittal of past-due support information to  
13 the Illinois Department of Revenue.

14 (11) Requests for data matches with financial  
15 institutions.

16 (12) Account reviews and redeterminations for any  
17 child support cases in which administrative processes are  
18 utilized by the Department under this Section.

19 (13) Reports to the federal government.

20 (14) All other duties required under Title IV, Part  
21 D of the federal Social Security Act that are not  
22 otherwise included in a Plan.

23 (d) To the extent that the provisions of this Act are  
24 inconsistent with the responsibilities or requirements  
25 imposed on the IV-D Child Support Program under Article X of  
26 the Illinois Public Aid Code, the provisions of this Act  
27 shall control, unless doing so violates Title IV, Part D of  
28 the federal Social Security Act.

29 Section 905. The Illinois Public Aid Code is amended by  
30 changing Sections 10-2, 10-8.1, 10-10, and 10-11 as follows:

31 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

32 Sec. 10-2. Extent of Liability. A husband is liable for

1 the support of his wife and a wife for the support of her  
2 husband. Unless the child is otherwise emancipated, the  
3 parents are severally liable for the support of any child  
4 under age 18, and for any child aged 18 who is attending high  
5 school, until that child graduates from high school, or  
6 attains the age of 19, whichever is earlier 21, ~~except that a~~  
7 ~~parent is not liable for a child age 18 or over if such child~~  
8 ~~is not living with the parent or parents, and a parent is not~~  
9 ~~liable for a child of any age if the child has married and is~~  
10 ~~not living with the parent or parents. A child shall be~~  
11 ~~considered to be living with the parent or parents if such~~  
12 ~~child is absent from the parent's or parents' home only in~~  
13 ~~order to regularly attend a school, college or university or~~  
14 ~~to receive technical training designed for preparation for~~  
15 ~~gainful employment.~~ The term "child" includes a child born  
16 out of wedlock, or legally adopted child.

17 In addition to the primary obligation of support imposed  
18 upon responsible relatives, such relatives, if individually  
19 or together in any combination they have sufficient income or  
20 other resources to support a needy person, in whole or in  
21 part, shall be liable for any financial aid extended under  
22 this Code to a person for whose support they are responsible,  
23 including amounts expended for funeral and burial costs.

24 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

25 (305 ILCS 5/10-8.1)

26 Sec. 10-8.1. Temporary order for child support.  
27 Notwithstanding any other law to the contrary, pending the  
28 outcome of an administrative determination of parentage, the  
29 Illinois Department shall issue a temporary order for child  
30 support, upon motion by a party and a showing of clear and  
31 convincing evidence of paternity. In determining the amount  
32 of the temporary child support award, the Illinois Department  
33 shall use the guidelines and standards set forth in

1 subsection (a) of Section 505 and in Section 505.2 of the  
2 Illinois Marriage and Dissolution of Marriage Act.

3 Any new or existing support order entered by the Illinois  
4 Department under this Section shall be deemed to be a series  
5 of 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 judgment to be  
8 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 All orders for support entered or modified in a case in  
20 which a party is receiving child and spouse support services  
21 under this Article X shall include a provision requiring the  
22 non-custodial parent to notify the Illinois Department,  
23 within 7 days, (i) of the name, address, and telephone number  
24 of any new employer of the non-custodial parent, (ii) whether  
25 the non-custodial parent has access to health insurance  
26 coverage through the employer or other group coverage, and,  
27 if so, the policy name and number and the names of persons  
28 covered under the policy, and (iii) of any new residential or  
29 mailing address or telephone number of the non-custodial  
30 parent.

31 In any subsequent action to enforce a support order, upon  
32 sufficient showing that diligent effort has been made to  
33 ascertain the location of the non-custodial parent, service  
34 of process or provision of notice necessary in that action

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

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

20 (Source: P.A. 90-18, eff. 7-1-97.)

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

22 Sec. 10-10. Court enforcement; applicability also to  
23 persons who are not applicants or recipients. Except where  
24 the Illinois Department, by agreement, acts for the local  
25 governmental unit, as provided in Section 10-3.1, local  
26 governmental units shall refer to the State's Attorney or to  
27 the proper legal representative of the governmental unit, for  
28 judicial enforcement as herein provided, instances of  
29 non-support or insufficient support when the dependents are  
30 applicants or recipients under Article VI. The Child and  
31 Spouse Support Unit established by Section 10-3.1 may  
32 institute in behalf of the Illinois Department any actions  
33 under this Section for judicial enforcement of the support

1 liability when the dependents are (a) applicants or  
2 recipients under Articles III, IV, V or VII; (b) applicants  
3 or recipients in a local governmental unit when the Illinois  
4 Department, by agreement, acts for the unit; or (c)  
5 non-applicants or non-recipients who are receiving support  
6 enforcement services under this Article X, as provided in  
7 Section 10-1. Where the Child and Spouse Support Unit has  
8 exercised its option and discretion not to apply the  
9 provisions of Sections 10-3 through 10-8, the failure by the  
10 Unit to apply such provisions shall not be a bar to bringing  
11 an action under this Section.

12 Action shall be brought in the circuit court to obtain  
13 support, or for the recovery of aid granted during the period  
14 such support was not provided, or both for the obtainment of  
15 support and the recovery of the aid provided. Actions for  
16 the recovery of aid may be taken separately or they may be  
17 consolidated with actions to obtain support. Such actions  
18 may be brought in the name of the person or persons requiring  
19 support, or may be brought in the name of the Illinois  
20 Department or the local governmental unit, as the case  
21 requires, in behalf of such persons.

22 The court may enter such orders for the payment of moneys  
23 for the support of the person as may be just and equitable  
24 and may direct payment thereof for such period or periods of  
25 time as the circumstances require, including support for a  
26 period before the date the order for support is entered. The  
27 order may be entered against any or all of the defendant  
28 responsible relatives and may be based upon the proportionate  
29 ability of each to contribute to the person's support.

30 The Court shall determine the amount of child support  
31 (including child support for a period before the date the  
32 order for child support is entered) by using the guidelines  
33 and standards set forth in subsection (a) of Section 505 and  
34 in Section 505.2 of the Illinois Marriage and Dissolution of

1 Marriage Act. For purposes of determining the amount of child  
2 support to be paid for a period before the date the order for  
3 child support is entered, there is a rebuttable presumption  
4 that the responsible relative's net income for that period  
5 was the same as his or her net income at the time the order  
6 is entered.

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

19 An order entered under this Section shall include a  
20 provision requiring the obligor to report to the obligee and  
21 to the clerk of court within 10 days each time the obligor  
22 obtains new employment, and each time the obligor's  
23 employment is terminated for any reason. The report shall be  
24 in writing and shall, in the case of new employment, include  
25 the name and address of the new employer. Failure to report  
26 new employment or the termination of current employment, if  
27 coupled with nonpayment of support for a period in excess of  
28 60 days, is indirect criminal contempt. For any obligor  
29 arrested for failure to report new employment bond shall be  
30 set in the amount of the child support that should have been  
31 paid during the period of unreported employment. An order  
32 entered under this Section shall also include a provision  
33 requiring the obligor and obligee parents to advise each  
34 other of a change in residence within 5 days of the change

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

5             The Court shall determine the amount of maintenance using  
6     the standards set forth in Section 504 of the Illinois  
7     Marriage and Dissolution of Marriage Act.

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

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

30            Except where the local governmental unit has entered into  
31    an agreement with the Illinois Department for the Child and  
32    Spouse Support Unit to act for it, as provided in Section  
33    10-3.1, support orders entered by the court in cases  
34    involving applicants or recipients under Article VI shall



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

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

27 Actions may also be brought under this Section in behalf  
28 of any person who is in need of support from responsible  
29 relatives, as defined in Section 2-11 of Article II who is  
30 not an applicant for or recipient of financial aid under this  
31 Code. In such instances, the State's Attorney of the county  
32 in which such person resides shall bring action against the  
33 responsible relatives hereunder. If the Illinois Department,  
34 as authorized by Section 10-1, extends the support services

1 provided by this Article to spouses and dependent children  
2 who are not applicants or recipients under this Code, the  
3 Child and Spouse Support Unit established by Section 10-3.1  
4 shall bring action against the responsible relatives  
5 hereunder and any support orders entered by the court in such  
6 cases shall provide that payments thereunder be made directly  
7 to the Illinois Department.

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

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

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

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

1           A determination under this Section shall not be  
2 administratively reviewable by the procedures specified in  
3 Sections 10-12, and 10-13 to 10-13.10. Any determination  
4 under these Sections, if made the basis of court action under  
5 this Section, shall not affect the de novo judicial  
6 determination required under this Section.

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

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

32           An order for support shall include a date on which the  
33 current support obligation terminates. The termination date  
34 shall be no earlier than the date on which the child covered

1 by the order will attain the age of 18. However, if the  
2 child will not graduate from high school until after  
3 attaining the age of 18, then the termination date shall be  
4 no earlier than the earlier of the date on which the child's  
5 high school graduation will occur or the date on which the  
6 child will attain the age of 19 majority-~~er-is-otherwise~~  
7 emancipated. The order for support shall state that the  
8 termination date does not apply to any arrearage that may  
9 remain unpaid on that date. Nothing in this paragraph shall  
10 be construed to prevent the court from modifying the order or  
11 terminating the order in the event the child is otherwise  
12 emancipated.

13 Upon notification in writing or by electronic  
14 transmission from the Illinois Department to the clerk of the  
15 court that a person who is receiving support payments under  
16 this Section is receiving services under the Child Support  
17 Enforcement Program established by Title IV-D of the Social  
18 Security Act, any support payments subsequently received by  
19 the clerk of the court shall be transmitted in accordance  
20 with the instructions of the Illinois Department until the  
21 Illinois Department gives notice to the clerk of the court to  
22 cease the transmittal. After providing the notification  
23 authorized under this paragraph, the Illinois Department  
24 shall be entitled as a party to notice of any further  
25 proceedings in the case. The clerk of the court shall file a  
26 copy of the Illinois Department's notification in the court  
27 file. The clerk's failure to file a copy of the notification  
28 in the court file shall not, however, affect the Illinois  
29 Department's right to receive notice of further proceedings.

30 Payments under this Section to the Illinois Department  
31 pursuant to the Child Support Enforcement Program established  
32 by Title IV-D of the Social Security Act shall be paid into  
33 the Child Support Enforcement Trust Fund. All payments under  
34 this Section to the Illinois Department of Human Services

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

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

11 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;  
12 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.  
13 6-28-01.)

14 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

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

1 responsible relative by ordinary mail addressed to the  
2 responsible relative's last known address.

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

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

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

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

16 A one-time charge of 20% is imposable upon the amount of  
17 past-due child support owed on July 1, 1988, which has  
18 accrued under a support order entered by the Illinois  
19 Department under this Section. The charge shall be imposed  
20 in accordance with the provisions of Section 10-21 and shall  
21 be enforced by the court in a suit filed under Section 10-15.

22 An order for support shall include a date on which the  
23 support obligation terminates. The termination date shall be  
24 no earlier than the date on which the child covered by the  
25 order will attain the age of 18. However, if the child will  
26 not graduate from high school until after attaining the age  
27 of 18, then the termination date shall be no earlier than the  
28 earlier of the date that the child's graduation will occur or  
29 the date on which the child will attain the age of 19. The  
30 order for support shall state that the termination date does  
31 not apply to any arrearage that may remain unpaid on that  
32 date. Nothing in this paragraph shall be construed to  
33 prevent the Illinois Department from modifying the order or  
34 terminating the order in the event the child is otherwise

1 emancipated.

2 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;  
3 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.  
4 7-20-99.)

5 Section 910. The Illinois Marriage and Dissolution of  
6 Marriage Act is amended by changing Sections 505, 505.2, 510,  
7 and 513 as follows:

8 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

10 (a) In a proceeding for dissolution of marriage, legal  
11 separation, declaration of invalidity of marriage, a  
12 proceeding for child support following dissolution of the  
13 marriage by a court which lacked personal jurisdiction over  
14 the absent spouse, a proceeding for modification of a  
15 previous order for child support under Section 510 of this  
16 Act, or any proceeding authorized under Section 501 or 601 of  
17 this Act, the court may order either or both parents owing a  
18 duty of support to a child of the marriage to pay an amount  
19 reasonable and necessary for his support, without regard to  
20 marital misconduct. The duty of support owed to a ~~minor~~  
21 child includes the obligation to provide for the reasonable  
22 and necessary physical, mental and emotional health needs of  
23 the child. For purposes of this Section, the term "child"  
24 shall include any child under age 18 and any child under age  
25 19 who is still attending high school.

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

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	25%
3	32%



1	4	40%
2	5	45%
3	6 or more	50%

4 (2) The above guidelines shall be applied in each  
5 case unless the court makes a finding that application of  
6 the guidelines would be inappropriate, after considering  
7 the best interests of the child in light of evidence  
8 including but not limited to one or more of the following  
9 relevant factors:

10 (a) the financial resources and needs of the  
11 child;

12 (b) the financial resources and needs of the  
13 custodial parent;

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

16 (d) the physical and emotional condition of  
17 the child, and his educational needs; and

18 (e) the financial resources and needs of the  
19 non-custodial parent.

20 If the court deviates from the guidelines, the  
21 court's finding shall state the amount of support that  
22 would have been required under the guidelines, if  
23 determinable. The court shall include the reason or  
24 reasons for the variance from the guidelines.

25 (3) "Net income" is defined as the total of all  
26 income from all sources, minus the following deductions:

27 (a) Federal income tax (properly calculated  
28 withholding or estimated payments);

29 (b) State income tax (properly calculated  
30 withholding or estimated payments);

31 (c) Social Security (FICA payments);

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

34 (e) Union dues;

1 (f) Dependent and individual  
2 health/hospitalization insurance premiums;

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

5 (h) Expenditures for repayment of debts that  
6 represent reasonable and necessary expenses for the  
7 production of income, medical expenditures necessary  
8 to preserve life or health, reasonable expenditures  
9 for the benefit of the child and the other parent,  
10 exclusive of gifts. The court shall reduce net  
11 income in determining the minimum amount of support  
12 to be ordered only for the period that such payments  
13 are due and shall enter an order containing  
14 provisions for its self-executing modification upon  
15 termination of such payment period.

16 (4) In cases where the court order provides for  
17 health/hospitalization insurance coverage pursuant to  
18 Section 505.2 of this Act, the premiums for that  
19 insurance, or that portion of the premiums for which the  
20 supporting party is responsible in the case of insurance  
21 provided through an employer's health insurance plan  
22 where the employer pays a portion of the premiums, shall  
23 be subtracted from net income in determining the minimum  
24 amount of support to be ordered.

25 (4.5) In a proceeding for child support following  
26 dissolution of the marriage by a court that lacked  
27 personal jurisdiction over the absent spouse, and in  
28 which the court is requiring payment of support for the  
29 period before the date an order for current support is  
30 entered, there is a rebuttable presumption that the  
31 supporting party's net income for the prior period was  
32 the same as his or her net income at the time the order  
33 for current support is entered.

34 (5) If the net income cannot be determined because

1 of default or any other reason, the court shall order  
2 support in an amount considered reasonable in the  
3 particular case. The final order in all cases shall  
4 state the support level in dollar amounts. However, if  
5 the court finds that the child support amount cannot be  
6 expressed exclusively as a dollar amount because all or a  
7 portion of the payor's net income is uncertain as to  
8 source, time of payment, or amount, the court may order a  
9 percentage amount of support in addition to a specific  
10 dollar amount and enter such other orders as may be  
11 necessary to determine and enforce, on a timely basis,  
12 the applicable support ordered.

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

26 (a-5) In an action to enforce an order for support based  
27 on the respondent's failure to make support payments as  
28 required by the order, notice of proceedings to hold the  
29 respondent in contempt for that failure may be served on the  
30 respondent by personal service or by regular mail addressed  
31 to the respondent's last known address. The respondent's last  
32 known address may be determined from records of the clerk of  
33 the court, from the Federal Case Registry of Child Support  
34 Orders, or by any other reasonable means.

1           (b) Failure of either parent to comply with an order to  
2 pay support shall be punishable as in other cases of  
3 contempt. In addition to other penalties provided by law the  
4 Court may, after finding the parent guilty of contempt, order  
5 that the parent be:

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

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

12                   (A) work; or

13                   (B) conduct a business or other self-employed  
14 occupation.

15           The Court may further order any part or all of the  
16 earnings of a parent during a sentence of periodic  
17 imprisonment paid to the Clerk of the Circuit Court or to the  
18 parent having custody or to the guardian having custody of  
19 the ~~minor~~ children of the sentenced parent for the support of  
20 said ~~minor~~ children until further order of the Court.

21           If there is a unity of interest and ownership sufficient  
22 to render no financial separation between a non-custodial  
23 parent and another person or persons or business entity, the  
24 court may pierce the ownership veil of the person, persons,  
25 or business entity to discover assets of the non-custodial  
26 parent held in the name of that person, those persons, or  
27 that business entity. The following circumstances are  
28 sufficient to authorize a court to order discovery of the  
29 assets of a person, persons, or business entity and to compel  
30 the application of any discovered assets toward payment on  
31 the judgment for support:

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

34                   (2) the non-custodial parent and the person,

1 persons, or business entity fail to maintain an arms  
2 length relationship between themselves with regard to any  
3 assets.

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

7 With respect to assets which are real property, no order  
8 entered under this paragraph shall affect the rights of bona  
9 fide purchasers, mortgagees, judgment creditors, or other  
10 lien holders who acquire their interests in the property  
11 prior to the time a notice of lis pendens pursuant to the  
12 Code of Civil Procedure or a copy of the order is placed of  
13 record in the office of the recorder of deeds for the county  
14 in which the real property is located.

15 The court may also order in cases where the parent is 90  
16 days or more delinquent in payment of support or has been  
17 adjudicated in arrears in an amount equal to 90 days  
18 obligation or more, that the parent's Illinois driving  
19 privileges be suspended until the court determines that the  
20 parent is in compliance with the order of support. The court  
21 may also order that the parent be issued a family financial  
22 responsibility driving permit that would allow limited  
23 driving privileges for employment and medical purposes in  
24 accordance with Section 7-702.1 of the Illinois Vehicle Code.  
25 The clerk of the circuit court shall certify the order  
26 suspending the driving privileges of the parent or granting  
27 the issuance of a family financial responsibility driving  
28 permit to the Secretary of State on forms prescribed by the  
29 Secretary. Upon receipt of the authenticated documents, the  
30 Secretary of State shall suspend the parent's driving  
31 privileges until further order of the court and shall, if  
32 ordered by the court, subject to the provisions of Section  
33 7-702.1 of the Illinois Vehicle Code, issue a family  
34 financial responsibility driving permit to the parent.

1           In addition to the penalties or punishment that may be  
2 imposed under this Section, any person whose conduct  
3 constitutes a violation of Section 15 of the Non-Support  
4 Punishment Act may be prosecuted under that Act, and a person  
5 convicted under that Act may be sentenced in accordance with  
6 that Act. The sentence may include but need not be limited  
7 to a requirement that the person perform community service  
8 under Section 50 of that Act or participate in a work  
9 alternative program under Section 50 of that Act. A person  
10 may not be required to participate in a work alternative  
11 program under Section 50 of that Act if the person is  
12 currently participating in a work program pursuant to Section  
13 505.1 of this Act.

14           A support obligation, or any portion of a support  
15 obligation, which becomes due and remains unpaid for 30 days  
16 or more shall accrue simple interest at the rate of 9% per  
17 annum. An order for support entered or modified on or after  
18 January 1, 2002 shall contain a statement that a support  
19 obligation required under the order, or any portion of a  
20 support obligation required under the order, that becomes due  
21 and remains unpaid for 30 days or more shall accrue simple  
22 interest at the rate of 9% per annum. Failure to include the  
23 statement in the order for support does not affect the  
24 validity of the order or the accrual of interest as provided  
25 in this Section.

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

32           (d) Any new or existing support order entered by the  
33 court under this Section shall be deemed to be a series of  
34 judgments against the person obligated to pay support

1     thereunder, each such judgment to be in the amount of each  
2     payment or installment of support and each such judgment to  
3     be deemed entered as of the date the corresponding payment or  
4     installment becomes due under the terms of the support order.  
5     Each such judgment shall have the full force, effect and  
6     attributes of any other judgment of this State, including the  
7     ability to be enforced. A lien arises by operation of law  
8     against the real and personal property of the noncustodial  
9     parent for each installment of overdue support owed by the  
10    noncustodial parent.

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

20       (f) All orders for support, when entered or modified,  
21    shall include a provision requiring the obligor to notify the  
22    court and, in cases in which a party is receiving child and  
23    spouse services under Article X of the Illinois Public Aid  
24    Code, the Illinois Department of Public Aid, within 7 days,  
25    (i) of the name and address of any new employer of the  
26    obligor, (ii) whether the obligor has access to health  
27    insurance coverage through the employer or other group  
28    coverage and, if so, the policy name and number and the names  
29    of persons covered under the policy, and (iii) of any new  
30    residential or mailing address or telephone number of the  
31    non-custodial parent. In any subsequent action to enforce a  
32    support order, upon a sufficient showing that a diligent  
33    effort has been made to ascertain the location of the  
34    non-custodial parent, service of process or provision of

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

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

20 (h) An order entered under this Section shall include a  
21 provision requiring the obligor to report to the obligee and  
22 to the clerk of court within 10 days each time the obligor  
23 obtains new employment, and each time the obligor's  
24 employment is terminated for any reason. The report shall be  
25 in writing and shall, in the case of new employment, include  
26 the name and address of the new employer. Failure to report  
27 new employment or the termination of current employment, if  
28 coupled with nonpayment of support for a period in excess of  
29 60 days, is indirect criminal contempt. For any obligor  
30 arrested for failure to report new employment bond shall be  
31 set in the amount of the child support that should have been  
32 paid during the period of unreported employment. An order  
33 entered under this Section shall also include a provision  
34 requiring the obligor and obligee parents to advise each



1 other of a change in residence within 5 days of the change  
2 except when the court finds that the physical, mental, or  
3 emotional health of a party or that of a minor child, or  
4 both, would be seriously endangered by disclosure of the  
5 party's address.

6 (i) The court does not lose the powers of contempt,  
7 driver's license suspension, or other child support  
8 enforcement mechanisms, including, but not limited to,  
9 criminal prosecution as set forth in this Act, upon the  
10 emancipation of the minor child or children.

11 (Source: P.A. 91-113, eff. 7-15-99; 91-397, eff. 1-1-00;  
12 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; 92-16, eff.  
13 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; revised  
14 10-15-01.)

15 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

16 Sec. 505.2. Health insurance.

17 (a) Definitions. As used in this Section:

18 (1) "Obligee" means the individual to whom the duty  
19 of support is owed or the individual's legal  
20 representative.

21 (2) "Obligor" means the individual who owes a duty  
22 of support pursuant to an order for support.

23 (3) "Public office" means any elected official or  
24 any State or local agency which is or may become  
25 responsible by law for enforcement of, or which is or may  
26 become authorized to enforce, an order for support,  
27 including, but not limited to: the Attorney General, the  
28 Illinois Department of Public Aid, the Illinois  
29 Department of Human Services, the Illinois Department of  
30 Children and Family Services, and the various State's  
31 Attorneys, Clerks of the Circuit Court and supervisors of  
32 general assistance.

33 (4) "Child" shall have the meaning ascribed to it

1 in Section 505.

2 (b) Order.

3 (1) Whenever the court establishes, modifies or  
4 enforces an order for child support or for child support  
5 and maintenance the court shall include in the order a  
6 provision for the health care coverage of the child which  
7 shall, upon request of the obligee or Public Office,  
8 require that any child covered by the order be named as a  
9 beneficiary of any health insurance plan that is  
10 available to the obligor through an employer or labor  
11 union or trade union. If the court finds that such a  
12 plan is not available to the obligor, or that the plan is  
13 not accessible to the obligee, the court may, upon  
14 request of the obligee or Public Office, order the  
15 obligor to name the child covered by the order as a  
16 beneficiary of any health insurance plan that is  
17 available to the obligor on a group basis, or as a  
18 beneficiary of an independent health insurance plan to be  
19 obtained by the obligor, after considering the following  
20 factors:

- 21 (A) the medical needs of the child;
- 22 (B) the availability of a plan to meet those
- 23 needs; and
- 24 (C) the cost of such a plan to the obligor.

25 (2) If the employer or labor union or trade union  
26 offers more than one plan, the order shall require the  
27 obligor to name the child as a beneficiary of the plan in  
28 which the obligor is enrolled.

29 (3) Nothing in this Section shall be construed to  
30 limit the authority of the court to establish or modify a  
31 support order to provide for payment of expenses,  
32 including deductibles, copayments and any other health  
33 expenses, which are in addition to expenses covered by an  
34 insurance plan of which a child is ordered to be named a

1 beneficiary pursuant to this Section.

2 (c) Implementation and enforcement.

3 (1) When the court order requires that a minor  
4 child be named as a beneficiary of a health insurance  
5 plan, other than a health insurance plan available  
6 through an employer or labor union or trade union, the  
7 obligor shall provide written proof to the obligee or  
8 Public Office that the required insurance has been  
9 obtained, or that application for insurability has been  
10 made, within 30 days of receiving notice of the court  
11 order. Unless the obligor was present in court when the  
12 order was issued, notice of the order shall be given  
13 pursuant to Illinois Supreme Court Rules. If an obligor  
14 fails to provide the required proof, he may be held in  
15 contempt of court.

16 (2) When the court requires that a ~~minor~~ child be  
17 named as a beneficiary of a health insurance plan  
18 available through an employer or labor union or trade  
19 union, the court's order shall be implemented in  
20 accordance with the Income Withholding for Support Act.

21 (d) Failure to maintain insurance. The dollar amount of  
22 the premiums for court-ordered health insurance, or that  
23 portion of the premiums for which the obligor is responsible  
24 in the case of insurance provided under a group health  
25 insurance plan through an employer or labor union or trade  
26 union where the employer or labor union or trade union pays a  
27 portion of the premiums, shall be considered an additional  
28 child support obligation owed by the obligor. Whenever the  
29 obligor fails to provide or maintain health insurance  
30 pursuant to an order for support, the obligor shall be liable  
31 to the obligee for the dollar amount of the premiums which  
32 were not paid, and shall also be liable for all medical  
33 expenses incurred by the ~~minor~~ child which would have been  
34 paid or reimbursed by the health insurance which the obligor

1 was ordered to provide or maintain. In addition, the obligee  
2 may petition the court to modify the order based solely on  
3 the obligor's failure to pay the premiums for court-ordered  
4 health insurance.

5 (e) Authorization for payment. The signature of the  
6 obligee is a valid authorization to the insurer to process a  
7 claim for payment under the insurance plan to the provider of  
8 the health care services or to the obligee.

9 (f) Disclosure of information. The obligor's employer  
10 or labor union or trade union shall disclose to the obligee  
11 or Public Office, upon request, information concerning any  
12 dependent coverage plans which would be made available to a  
13 new employee or labor union member or trade union member.  
14 The employer or labor union or trade union shall disclose  
15 such information whether or not a court order for medical  
16 support has been entered.

17 (g) Employer obligations. If a parent is required by an  
18 order for support to provide coverage for a child's health  
19 care expenses and if that coverage is available to the parent  
20 through an employer who does business in this State, the  
21 employer must do all of the following upon receipt of a copy  
22 of the order of support or order for withholding:

23 (1) The employer shall, upon the parent's request,  
24 permit the parent to include in that coverage a child who  
25 is otherwise eligible for that coverage, without regard  
26 to any enrollment season restrictions that might  
27 otherwise be applicable as to the time period within  
28 which the child may be added to that coverage.

29 (2) If the parent has health care coverage through  
30 the employer but fails to apply for coverage of the  
31 child, the employer shall include the child in the  
32 parent's coverage upon application by the child's other  
33 parent or the Illinois Department of Public Aid.

34 (3) The employer may not eliminate any child from

1 the parent's health care coverage unless the employee is  
 2 no longer employed by the employer and no longer covered  
 3 under the employer's group health plan or unless the  
 4 employer is provided with satisfactory written evidence  
 5 of either of the following:

6 (A) The order for support is no longer in  
 7 effect.

8 (B) The child is or will be included in a  
 9 comparable health care plan obtained by the parent  
 10 under such order that is currently in effect or will  
 11 take effect no later than the date the prior  
 12 coverage is terminated.

13 The employer may eliminate a child from a parent's  
 14 health care plan obtained by the parent under such order  
 15 if the employer has eliminated dependent health care  
 16 coverage for all of its employees.

17 (Source: P.A. 92-16, eff. 6-28-01)

18 (750 ILCS 5/510) (from Ch. 40, par. 510)

19 Sec. 510. Modification and termination of provisions for  
 20 maintenance, support, educational expenses, and property  
 21 disposition.

22 (a) Except as otherwise provided in paragraph (f) of  
 23 Section 502 and in subsection (b) ~~(d)~~, clause (3) of Section  
 24 505.2, the provisions of any judgment respecting maintenance  
 25 or support may be modified only as to installments accruing  
 26 subsequent to due notice by the moving party of the filing of  
 27 the motion for modification and, with respect to maintenance,  
 28 only upon a showing of a substantial change in circumstances.  
 29 An order for child support may be modified as follows:

30 (1) upon a showing of a substantial change in  
 31 circumstances; and

32 (2) without the necessity of showing a substantial  
 33 change in circumstances, as follows:

1           (A) upon a showing of an inconsistency of at  
2           least 20%, but no less than \$10 per month, between  
3           the amount of the existing order and the amount of  
4           child support that results from application of the  
5           guidelines specified in Section 505 of this Act  
6           unless the inconsistency is due to the fact that the  
7           amount of the existing order resulted from a  
8           deviation from the guideline amount and there has  
9           not been a change in the circumstances that resulted  
10          in that deviation; or

11          (B) Upon a showing of a need to provide for  
12          the health care needs of the child under the order  
13          through health insurance or other means. In no  
14          event shall the eligibility for or receipt of  
15          medical assistance be considered to meet the need to  
16          provide for the child's health care needs.

17          The provisions of subparagraph (a)(2)(A) shall apply only  
18          in cases in which a party is receiving child and spouse  
19          support services from the Illinois Department of Public Aid  
20          under Article X of the Illinois Public Aid Code, and only  
21          when at least 36 months have elapsed since the order for  
22          child support was entered or last modified.

23          (b) The provisions as to property disposition may not be  
24          revoked or modified, unless the court finds the existence of  
25          conditions that justify the reopening of a judgment under the  
26          laws of this State.

27          (c) Unless otherwise agreed by the parties in a written  
28          agreement set forth in the judgment or otherwise approved by  
29          the court, the obligation to pay future maintenance is  
30          terminated upon the death of either party, or the remarriage  
31          of the party receiving maintenance, or if the party receiving  
32          maintenance cohabits with another person on a resident,  
33          continuing conjugal basis.

34          (d) Unless otherwise provided in this Act, or as agreed

1 in writing or expressly provided in the judgment, provisions  
2 for the support of a child are terminated by emancipation of  
3 the child, or if the child has attained the age of 18 and is  
4 still attending high school, provisions for the support of  
5 the child are terminated upon the date that the child  
6 graduates from high school or the date the child attains the  
7 age of 19, whichever is earlier, but not by the death of a  
8 parent obligated to support or educate the child. Unless  
9 otherwise--agreed--in--writing--or--expressly--provided--in--a  
10 judgment,--provisions--for--the--support--of--a--child--are  
11 terminated--by--emancipation--of--the--child,--except--as--otherwise  
12 provided--herein,--but--not--by--the--death--of--a--parent--obligated  
13 to--support--or--educate--the--child. An existing obligation to  
14 pay for support or educational expenses, or both, is not  
15 terminated by the death of a parent. When a parent obligated  
16 to pay support or educational expenses, or both, dies, the  
17 amount of support or educational expenses, or both, may be  
18 enforced, modified, revoked or commuted to a lump sum  
19 payment, as equity may require, and that determination may be  
20 provided for at the time of the dissolution of the marriage  
21 or thereafter.

22 (e) The right to petition for support or educational  
23 expenses, or both, under Sections 505 and 513 is not  
24 extinguished by the death of a parent. Upon a petition filed  
25 before or after a parent's death, the court may award sums of  
26 money out of the decedent's estate for the child's support or  
27 educational expenses, or both, as equity may require. The  
28 time within which a claim may be filed against the estate of  
29 a decedent under Sections 505 and 513 and subsection (d) and  
30 this subsection shall be governed by the provisions of the  
31 Probate Act of 1975, as a barrable, noncontingent claim.

32 (f) A petition to modify or terminate child support,  
33 custody, or visitation shall not delay any child support  
34 enforcement litigation or supplementary proceeding on behalf

1 of the obligee, including, but not limited to, a petition for  
2 a rule to show cause, for non-wage garnishment, or for a  
3 restraining order.

4 (Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

5 (750 ILCS 5/513) (from Ch. 40, par. 513)

6 Sec. 513. Support for Non-minor Children and Educational  
7 Expenses.

8 (a) The court may award sums of money out of the  
9 property and income of either or both parties or the estate  
10 of a deceased parent, as equity may require, for the support  
11 of the child or children of the parties who have attained  
12 majority in the following instances:

13 (1) When the child is mentally or physically  
14 disabled and not otherwise emancipated, an application  
15 for support may be made before or after the child has  
16 attained majority.

17 (2) The court may also make provision for the  
18 educational expenses of the child or children of the  
19 parties, whether of minor or majority age, and an  
20 application for educational expenses may be made before  
21 or after the child has attained majority, or after the  
22 death of either parent. The authority under this Section  
23 to make provision for educational expenses extends not  
24 only to periods of college education or professional or  
25 other training after graduation from high school, but  
26 also to any period during which the child of the parties  
27 is still attending high school, even though he or she  
28 attained the age of 19 18. The educational expenses may  
29 include, but shall not be limited to, room, board, dues,  
30 tuition, transportation, books, fees, registration and  
31 application costs, medical expenses including medical  
32 insurance, dental expenses, and living expenses during  
33 the school year and periods of recess, which sums may be



1 ordered payable to the child, to either parent, or to the  
2 educational institution, directly or through a special  
3 account or trust created for that purpose, as the court  
4 sees fit.

5 If educational expenses are ordered payable, each  
6 parent and the child shall sign any consents necessary  
7 for the educational institution to provide the supporting  
8 parent with access to the child's academic transcripts,  
9 records, and grade reports. The consents shall not apply  
10 to any non-academic records. Failure to execute the  
11 required consent may be a basis for a modification or  
12 termination of any order entered under this Section.

13 The authority under this Section to make provision  
14 for educational expenses, except where the child is  
15 mentally or physically disabled and not otherwise  
16 emancipated, terminates when the child receives a  
17 baccalaureate degree.

18 (b) In making awards under paragraph (1) or (2) of  
19 subsection (a), or pursuant to a petition or motion to  
20 decrease, modify, or terminate any such award, the court  
21 shall consider all relevant factors that appear reasonable  
22 and necessary, including:

- 23 (1) The financial resources of both parents.  
24 (2) The standard of living the child would have  
25 enjoyed had the marriage not been dissolved.  
26 (3) The financial resources of the child.  
27 (4) The child's academic performance.

28 (Source: P.A. 91-204, eff. 1-1-00.)

29 Section 915. The Non-Support Punishment Act is amended  
30 by changing Sections 15 and 20 as follows:

31 (750 ILCS 16/15)

32 Sec. 15. Failure to support.

1           (a) A person commits the offense of failure to support  
2 when he or she:

3           (1) willfully, without any lawful excuse, refuses  
4 to provide for the support or maintenance of his or her  
5 spouse, with the knowledge that the spouse is in need of  
6 such support or maintenance, or, without lawful excuse,  
7 deserts or willfully refuses to provide for the support  
8 or maintenance of his or her child or children ~~under--the~~  
9 ~~age--of--18--years,~~ in need of support or maintenance and  
10 the person has the ability to provide the support; or

11           (2) willfully fails to pay a support obligation  
12 required under a court or administrative order for  
13 support, if the obligation has remained unpaid for a  
14 period longer than 6 months, or is in arrears in an  
15 amount greater than \$5,000, and the person has the  
16 ability to provide the support; or

17           (3) leaves the State with the intent to evade a  
18 support obligation required under a court or  
19 administrative order for support, if the obligation,  
20 regardless of when it accrued, has remained unpaid for a  
21 period longer than 6 months, or is in arrears in an  
22 amount greater than \$10,000; or

23           (4) willfully fails to pay a support obligation  
24 required under a court or administrative order for  
25 support, if the obligation has remained unpaid for a  
26 period longer than one year, or is in arrears in an  
27 amount greater than \$20,000, and the person has the  
28 ability to provide the support.

29           (a-5) Presumption of ability to pay support. The  
30 existence of a court or administrative order of support that  
31 was not based on a default judgment and was in effect for the  
32 time period charged in the indictment or information creates  
33 a rebuttable presumption that the obligor has the ability to  
34 pay the support obligation for that time period.

1           (b) Sentence. A person convicted of a first offense  
2 under subdivision (a)(1) or (a)(2) is guilty of a Class A  
3 misdemeanor. A person convicted of an offense under  
4 subdivision (a)(3) or (a)(4) or a second or subsequent  
5 offense under subdivision (a)(1) or (a)(2) is guilty of a  
6 Class 4 felony.

7           (c) Expungement. A person convicted of a first offense  
8 under subdivision (a)(1) or (a)(2) who is eligible for the  
9 Earnfare program, shall, in lieu of the sentence prescribed  
10 in subsection (b), be referred to the Earnfare program. Upon  
11 certification of completion of the Earnfare program, the  
12 conviction shall be expunged. If the person fails to  
13 successfully complete the Earnfare program, he or she shall  
14 be sentenced in accordance with subsection (b).

15           (d) Fine. Sentences of imprisonment and fines for  
16 offenses committed under this Act shall be as provided under  
17 Articles 8 and 9 of Chapter V of the Unified Code of  
18 Corrections, except that the court shall order restitution of  
19 all unpaid support payments and may impose the following  
20 fines, alone, or in addition to a sentence of imprisonment  
21 under the following circumstances:

22                 (1) from \$1,000 to \$5,000 if the support obligation  
23 has remained unpaid for a period longer than 2 years, or  
24 is in arrears in an amount greater than \$1,000 and not  
25 exceeding \$10,000;

26                 (2) from \$5,000 to \$10,000 if the support obligation  
27 has remained unpaid for a period longer than 5 years, or  
28 is in arrears in an amount greater than \$10,000 and not  
29 exceeding \$20,000; or

30                 (3) from \$10,000 to \$25,000 if the support  
31 obligation has remained unpaid for a period longer than 8  
32 years, or is in arrears in an amount greater than  
33 \$20,000.

34           (e) Restitution shall be ordered in an amount equal to

1 the total unpaid support obligation as it existed at the time  
2 of sentencing. Any amounts paid by the obligor shall be  
3 allocated first to current support and then to restitution  
4 ordered and then to fines imposed under this Section.

5 (f) For purposes of this Act, the term "child" shall  
6 have the meaning ascribed to it in Section 505 of the  
7 Illinois Marriage and Dissolution of Marriage Act.

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

9 (750 ILCS 16/20)

10 Sec. 20. Entry of order for support; income withholding.

11 (a) In a case in which no court or administrative order  
12 for support is in effect against the defendant:

13 (1) at any time before the trial, upon motion of  
14 the State's Attorney, or of the Attorney General if the  
15 action has been instituted by his office, and upon notice  
16 to the defendant, or at the time of arraignment or as a  
17 condition of postponement of arraignment, the court may  
18 enter such temporary order for support as may seem just,  
19 providing for the support or maintenance of the spouse or  
20 child or children of the defendant, or both, pendente  
21 lite; or

22 (2) before trial with the consent of the defendant,  
23 or at the trial on entry of a plea of guilty, or after  
24 conviction, instead of imposing the penalty provided in  
25 this Act, or in addition thereto, the court may enter an  
26 order for support, subject to modification by the court  
27 from time to time as circumstances may require, directing  
28 the defendant to pay a certain sum for maintenance of the  
29 spouse, or for support of the child or children, or both.

30 (b) The court shall determine the amount of child  
31 support by using the guidelines and standards set forth in  
32 subsection (a) of Section 505 and in Section 505.2 of the  
33 Illinois Marriage and Dissolution of Marriage Act.

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

13           (c) The court shall determine the amount of maintenance  
14 using the standards set forth in Section 504 of the Illinois  
15 Marriage and Dissolution of Marriage Act.

16           (d) The court may, for violation of any order under this  
17 Section, punish the offender as for a contempt of court, but  
18 no pendente lite order shall remain in effect longer than 4  
19 months, or after the discharge of any panel of jurors  
20 summoned for service thereafter in such court, whichever is  
21 sooner.

22           (e) Any order for support entered by the court under  
23 this Section shall be deemed to be a series of judgments  
24 against the person obligated to pay support under the  
25 judgments, each such judgment to be in the amount of each  
26 payment or installment of support and each judgment to be  
27 deemed entered as of the date the corresponding payment or  
28 installment becomes due under the terms of the support order.  
29 Each judgment shall have the full force, effect, and  
30 attributes of any other judgment of this State, including the  
31 ability to be enforced. Each judgment is subject to  
32 modification or termination only in accordance with Section  
33 510 of the Illinois Marriage and Dissolution of Marriage Act.  
34 A lien arises by operation of law against the real and

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

4 (f) An order for support entered under this Section  
5 shall include a provision requiring the obligor to report to  
6 the obligee and to the clerk of the court within 10 days each  
7 time the obligor obtains new employment, and each time the  
8 obligor's employment is terminated for any reason. The  
9 report shall be in writing and shall, in the case of new  
10 employment, include the name and address of the new employer.

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

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

25 (g) An order for support entered or modified in a case  
26 in which a party is receiving child and spouse support  
27 services under Article X of the Illinois Public Aid Code  
28 shall include a provision requiring the noncustodial parent  
29 to notify the Illinois Department of Public Aid, within 7  
30 days, of the name and address of any new employer of the  
31 noncustodial parent, whether the noncustodial parent has  
32 access to health insurance coverage through the employer or  
33 other group coverage and, if so, the policy name and number  
34 and the names of persons covered under the policy.

1           (h) In any subsequent action to enforce an order for  
2 support entered under this Act, upon sufficient showing that  
3 diligent effort has been made to ascertain the location of  
4 the noncustodial parent, service of process or provision of  
5 notice necessary in that action may be made at the last known  
6 address of the noncustodial parent, in any manner expressly  
7 provided by the Code of Civil Procedure or in this Act, which  
8 service shall be sufficient for purposes of due process.

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

24           (j) A support obligation, or any portion of a support  
25 obligation, which becomes due and remains unpaid for 30 days  
26 or more shall accrue simple interest at the rate of 9% per  
27 annum. An order for support entered or modified on or after  
28 January 1, 2002 shall contain a statement that a support  
29 obligation required under the order, or any portion of a  
30 support obligation required under the order, that becomes due  
31 and remains unpaid for 30 days or more shall accrue simple  
32 interest at the rate of 9% per annum. Failure to include the  
33 statement in the order for support does not affect the  
34 validity of the order or the accrual of interest as provided

1 in this Section.

2 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00;  
3 92-374, eff. 8-15-01.)

4 Section 920. The Illinois Parentage Act of 1984 is  
5 amended by changing Section 14 as follows:

6 (750 ILCS 45/14) (from Ch. 40, par. 2514)

7 Sec. 14. Judgment.

8 (a) (1) The judgment shall contain or explicitly reserve  
9 provisions concerning any duty and amount of child support  
10 and may contain provisions concerning the custody and  
11 guardianship of the child, visitation privileges with the  
12 child, the furnishing of bond or other security for the  
13 payment of the judgment, which the court shall determine in  
14 accordance with the relevant factors set forth in the  
15 Illinois Marriage and Dissolution of Marriage Act and any  
16 other applicable law of Illinois, to guide the court in a  
17 finding in the best interests of the child. In determining  
18 custody, joint custody, or visitation, the court shall apply  
19 the relevant standards of the Illinois Marriage and  
20 Dissolution of Marriage Act. Specifically, in determining the  
21 amount of any child support award, the court shall use the  
22 guidelines and standards set forth in subsection (a) of  
23 Section 505 and in Section 505.2 of the Illinois Marriage and  
24 Dissolution of Marriage Act. For purposes of Section 505 of  
25 the Illinois Marriage and Dissolution of Marriage Act, "net  
26 income" of the non-custodial parent shall include any  
27 benefits available to that person under the Illinois Public  
28 Aid Code or from other federal, State or local  
29 government-funded programs. The court shall, in any event  
30 and regardless of the amount of the non-custodial parent's  
31 net income, in its judgment order the non-custodial parent to  
32 pay child support to the custodial parent in a minimum amount



1 of not less than \$10 per month. In an action brought within 2  
2 years after a child's birth, the judgment or order may direct  
3 either parent to pay the reasonable expenses incurred by  
4 either parent related to the mother's pregnancy and the  
5 delivery of the child. The judgment or order shall contain  
6 the father's social security number, which the father shall  
7 disclose to the court; however, failure to include the  
8 father's social security number on the judgment or order does  
9 not invalidate the judgment or order.

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

19 (b) The court shall order all child support payments,  
20 determined in accordance with such guidelines, to commence  
21 with the date summons is served. The level of current  
22 periodic support payments shall not be reduced because of  
23 payments set for the period prior to the date of entry of the  
24 support order. The Court may order any child support  
25 payments to be made for a period prior to the commencement of  
26 the action. In determining whether and the extent to which  
27 the payments shall be made for any prior period, the court  
28 shall consider all relevant facts, including the factors for  
29 determining the amount of support specified in the Illinois  
30 Marriage and Dissolution of Marriage Act and other equitable  
31 factors including but not limited to:

32 (1) The father's prior knowledge of the fact and  
33 circumstances of the child's birth.

34 (2) The father's prior willingness or refusal to

1 help raise or support the child.

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

6 (4) The reasons the mother or the public agency did  
7 not file the action earlier.

8 (5) The extent to which the father would be  
9 prejudiced by the delay in bringing the action.

10 For purposes of determining the amount of child support  
11 to be paid for any period before the date the order for  
12 current child support is entered, there is a rebuttable  
13 presumption that the father's net income for the prior period  
14 was the same as his net income at the time the order for  
15 current child support is entered.

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 child support  
25 that was obtained pursuant to subpoena and proper notice  
26 shall be admitted into evidence without the need to establish  
27 any further foundation for its admission.

28 (c) Any new or existing support order entered by the  
29 court under this Section shall be deemed to be a series of  
30 judgments against the person obligated to pay support  
31 thereunder, each judgment to be in the amount of each payment  
32 or installment of support and each such judgment to be deemed  
33 entered as of the date the corresponding payment or  
34 installment becomes due under the terms of the support order.

1 Each judgment shall have the full force, effect and  
2 attributes of any other judgment of this State, including the  
3 ability to be enforced. A lien arises by operation of law  
4 against the real and personal property of the noncustodial  
5 parent for each installment of overdue support owed by the  
6 noncustodial parent.

7 (d) If the judgment or order of the court is at variance  
8 with the child's birth certificate, the court shall order  
9 that a new birth certificate be issued under the Vital  
10 Records Act.

11 (e) On request of the mother and the father, the court  
12 shall order a change in the child's name. After hearing  
13 evidence the court may stay payment of support during the  
14 period of the father's minority or period of disability.

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

22 (g) A one-time charge of 20% is imposable upon the  
23 amount of past-due child support owed on July 1, 1988 which  
24 has accrued under a support order entered by the court. The  
25 charge shall be imposed in accordance with the provisions of  
26 Section 10-21 of the Illinois Public Aid Code and shall be  
27 enforced by the court upon petition.

28 (h) All orders for support, when entered or modified,  
29 shall include a provision requiring the non-custodial parent  
30 to notify the court and, in cases in which party is receiving  
31 child and spouse support services under Article X of the  
32 Illinois Public Aid Code, the Illinois Department of Public  
33 Aid, within 7 days, (i) of the name and address of any new  
34 employer of the non-custodial parent, (ii) whether the

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

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

29 (j) An order entered under this Section shall include a  
30 provision requiring the obligor to report to the obligee and  
31 to the clerk of court within 10 days each time the obligor  
32 obtains new employment, and each time the obligor's  
33 employment is terminated for any reason. The report shall be  
34 in writing and shall, in the case of new employment, include

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

15 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;  
16 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)