

1 AN ACT regarding child support.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-10 and 10-11 and adding Section 10-10.6
6 as follows:

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

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

31 Action shall be brought in the circuit court to obtain

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

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

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

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

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

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

27 The Court shall determine the amount of maintenance using
28 the standards set forth in Section 504 of the Illinois
29 Marriage and Dissolution of Marriage Act.

30 Any new or existing support order entered by the court
31 under this Section shall be deemed to be a series of
32 judgments against the person obligated to pay support
33 thereunder, each such judgment to be in the amount of each
34 payment or installment of support and each such judgment to

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

12 An order for child support entered under this Section is
13 subject to Section 714 of the Illinois Marriage and
14 Dissolution of Marriage Act.

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

21 Except where the local governmental unit has entered into
22 an agreement with the Illinois Department for the Child and
23 Spouse Support Unit to act for it, as provided in Section
24 10-3.1, support orders entered by the court in cases
25 involving applicants or recipients under Article VI shall
26 provide that payments thereunder be made directly to the
27 local governmental unit. Orders for the support of all other
28 applicants or recipients shall provide that payments
29 thereunder be made directly to the Illinois Department. In
30 accordance with federal law and regulations, the Illinois
31 Department may continue to collect current maintenance
32 payments or child support payments, or both, after those
33 persons cease to receive public assistance and until
34 termination of services under Article X. The Illinois

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

11 If the notice of support due issued pursuant to Section
12 10-7 directs that support payments be made directly to the
13 needy person, or to some person or agency in his behalf, and
14 the recipient is removed from the public aid rolls, court
15 action may be taken against the responsible relative
16 hereunder if he fails to furnish support in accordance with
17 the terms of such notice.

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

33 Whenever it is determined in a proceeding to establish or
34 enforce a child support or maintenance obligation that the

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

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

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

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

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

32 A one-time charge of 20% is imposable upon the amount of
33 past-due child support owed on July 1, 1988 which has accrued
34 under a support order entered by the court. The charge shall

1 be imposed in accordance with the provisions of Section 10-21
2 of this Code and shall be enforced by the court upon
3 petition.

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

23 An order for support shall include a date on which the
24 current support obligation terminates. The termination date
25 shall be no earlier than the date on which the child covered
26 by the order will attain the age of majority or is otherwise
27 emancipated. The order for support shall state that the
28 termination date does not apply to any arrearage that may
29 remain unpaid on that date. Nothing in this paragraph shall
30 be construed to prevent the court from modifying the order.

31 Upon notification in writing or by electronic
32 transmission from the Illinois Department to the clerk of the
33 court that a person who is receiving support payments under
34 this Section is receiving services under the Child Support

1 Enforcement Program established by Title IV-D of the Social
2 Security Act, any support payments subsequently received by
3 the clerk of the court shall be transmitted in accordance
4 with the instructions of the Illinois Department until the
5 Illinois Department gives notice to the clerk of the court to
6 cease the transmittal. After providing the notification
7 authorized under this paragraph, the Illinois Department
8 shall be entitled as a party to notice of any further
9 proceedings in the case. The clerk of the court shall file a
10 copy of the Illinois Department's notification in the court
11 file. The clerk's failure to file a copy of the notification
12 in the court file shall not, however, affect the Illinois
13 Department's right to receive notice of further proceedings.

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

24 To the extent the provisions of this Section are
25 inconsistent with the requirements pertaining to the State
26 Disbursement Unit under Sections 10-10.4 and 10-26 of this
27 Code, the requirements pertaining to the State Disbursement
28 Unit shall apply.

29 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
30 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 90-790, eff.
31 8-14-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357,
32 eff. 7-29-99; 91-767, eff. 6-9-00; revised 10-24-00.)

33 (305 ILCS 5/10-10.6 new)

1 Sec. 10-10.6. Tracking income and assets of obligors.

2 (a) A transfer made by an obligor is fraudulent as to an
3 obligee if the obligor made the transfer:

4 (1) with actual intent to hinder, delay, or defraud
5 any obligee of the obligor; or

6 (2) without receiving a reasonably equivalent value
7 in exchange for the transfer.

8 (b) In determining actual intent under paragraph (1) of
9 subsection (a), consideration may be given, among other
10 factors, to whether:

11 (1) the transfer was to an insider;

12 (2) the obligor retained possession or control of
13 the property transferred after the transfer;

14 (3) the transfer was disclosed or concealed;

15 (4) before the transfer was made, the obligor had
16 been sued or threatened with suit;

17 (5) the transfer was of substantially all the
18 obligor's assets;

19 (6) the obligor absconded;

20 (7) the obligor removed or concealed assets;

21 (8) the value of the consideration received by the
22 obligor was reasonably equivalent to the value of the
23 asset transferred;

24 (9) the obligor was insolvent or became insolvent
25 shortly after the transfer was made;

26 (10) the transfer occurred shortly before or
27 shortly after a substantial debt was incurred; and

28 (11) the obligor transferred the essential assets
29 of a business to a lienor who transferred the assets to
30 an insider of the obligor.

31 (c) In an action for relief against a transfer by a
32 child support obligor under this Act, the State's Attorney,
33 on behalf of a child support obligee, may obtain:

34 (1) avoidance of the transfer to the extent

1 necessary to satisfy the obligee's claim;

2 (2) an attachment or other provisional remedy
3 against the asset transferred or other property of the
4 transferee in accordance with the procedure prescribed by
5 the Code of Civil Procedure;

6 (3) subject to applicable principles of equity and
7 in accordance with applicable rules of civil procedure:

8 (A) an injunction against further disposition
9 by the obligor or a transferee, or both, of the
10 asset transferred or of other property;

11 (B) appointment of a receiver to take charge
12 of the asset transferred or of other property of the
13 transferee; or

14 (C) any other relief the circumstances may
15 require.

16 (d) If an obligee has obtained a judgment on a claim
17 against the obligor, the State's Attorney, if the court so
18 orders, may levy execution on the asset transferred or its
19 proceeds.

20 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

21 Sec. 10-11. Administrative Orders. In lieu of actions
22 for court enforcement of support under Section 10-10, the
23 Child and Spouse Support Unit of the Illinois Department, in
24 accordance with the rules of the Illinois Department, may
25 issue an administrative order requiring the responsible
26 relative to comply with the terms of the determination and
27 notice of support due, determined and issued under Sections
28 10-6 and 10-7. The Unit may also enter an administrative
29 order under subsection (b) of Section 10-7. The
30 administrative order shall be served upon the responsible
31 relative by United States registered or certified mail. In
32 cases in which the responsible relative appeared at the
33 office of the Child and Spouse Support Unit in response to

1 the notice of support obligation issued under Section 10-4,
2 however, or in cases of default in which the notice was
3 served on the responsible relative by certified mail, return
4 receipt requested, or by any method provided by law for
5 service of summons, the administrative determination of
6 paternity or administrative support order may be sent to the
7 responsible relative by ordinary mail addressed to the
8 responsible relative's last known address.

9 If a responsible relative or a person receiving child and
10 spouse support services under this Article fails to petition
11 the Illinois Department for release from or modification of
12 the administrative order, as provided in Section 10-12 or
13 Section 10-12.1, the order shall become final and there shall
14 be no further administrative or judicial remedy. Likewise a
15 decision by the Illinois Department as a result of an
16 administrative hearing, as provided in Sections 10-13 to
17 10-13.10, shall become final and enforceable if not
18 judicially reviewed under the Administrative Review Law, as
19 provided in Section 10-14.

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

1 parent.

2 An order for child support entered under this Section is
3 subject to Section 714 of the Illinois Marriage and
4 Dissolution of Marriage Act.

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

25 A one-time charge of 20% is imposable upon the amount of
26 past-due child support owed on July 1, 1988, which has
27 accrued under a support order entered by the Illinois
28 Department under this Section. The charge shall be imposed
29 in accordance with the provisions of Section 10-21 and shall
30 be enforced by the court in a suit filed under Section 10-15.
31 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
32 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.
33 7-20-99.)

1 Section 10. The Illinois Marriage and Dissolution of
2 Marriage Act is amended by adding Sections 505.4, 714, and
3 715 as follows:

4 (750 ILCS 5/505.4 new)

5 Sec. 505.4. Tracking income and assets of obligors.

6 (a) A transfer made by an obligor is fraudulent as to an
7 obligee if the obligor made the transfer:

8 (1) with actual intent to hinder, delay, or defraud
9 any obligee of the obligor; or

10 (2) without receiving a reasonably equivalent value
11 in exchange for the transfer.

12 (b) In determining actual intent under paragraph (1) of
13 subsection (a), consideration may be given, among other
14 factors, to whether:

15 (1) the transfer was to an insider;

16 (2) the obligor retained possession or control of
17 the property transferred after the transfer;

18 (3) the transfer was disclosed or concealed;

19 (4) before the transfer was made, the obligor had
20 been sued or threatened with suit;

21 (5) the transfer was of substantially all the
22 obligor's assets;

23 (6) the obligor absconded;

24 (7) the obligor removed or concealed assets;

25 (8) the value of the consideration received by the
26 obligor was reasonably equivalent to the value of the
27 asset transferred;

28 (9) the obligor was insolvent or became insolvent
29 shortly after the transfer was made;

30 (10) the transfer occurred shortly before or
31 shortly after a substantial debt was incurred; and

32 (11) the obligor transferred the essential assets
33 of a business to a lienor who transferred the assets to

1 an insider of the obligor.

2 (c) In an action for relief against a transfer by a
3 child support obligor under this Act, the State's Attorney,
4 on behalf of a child support obligee, may obtain:

5 (1) avoidance of the transfer to the extent
6 necessary to satisfy the obligee's claim;

7 (2) an attachment or other provisional remedy
8 against the asset transferred or other property of the
9 transferee in accordance with the procedure prescribed by
10 the Code of Civil Procedure;

11 (3) subject to applicable principles of equity and
12 in accordance with applicable rules of civil procedure:

13 (A) an injunction against further disposition
14 by the obligor or a transferee, or both, of the
15 asset transferred or of other property;

16 (B) appointment of a receiver to take charge
17 of the asset transferred or of other property of the
18 transferee; or

19 (C) any other relief the circumstances may
20 require.

21 (d) If an obligee has obtained a judgment on a claim
22 against the obligor, the State's Attorney, if the court so
23 orders, may levy execution on the asset transferred or its
24 proceeds.

25 (750 ILCS 5/714 new)

26 Sec. 714. Willful default on support; penalties. A
27 person who willfully defaults on an order for child support
28 issued by an Illinois court or authorized administrative
29 tribunal may be subject to summary criminal contempt
30 proceedings.

31 In addition to other remedies provided by law regarding
32 the suspension of professional and occupational licenses,
33 recreational licenses, and driver's licenses, the State

1 licensing agency may withhold, suspend, or restrict the use
2 of driver's licenses, professional and occupational licenses
3 or certificates, and recreational licenses of individuals
4 owing overdue support or failing, after receiving appropriate
5 notice, to comply with subpoenas or warrants relating to
6 paternity or child support proceedings. The suspension shall
7 remain in effect until all defaults on an order for child
8 support are satisfied.

9 This Section applies to an order for child support issued
10 under the Illinois Public Aid Code, the Illinois Marriage and
11 Dissolution of Marriage Act, the Non-Support of Spouse and
12 Children Act, the Non-Support Punishment Act, the Illinois
13 Parentage Act of 1984, the Revised Uniform Reciprocal
14 Enforcement of Support Act, or the Uniform Interstate Family
15 Support Act.

16 (750 ILCS 5/715 new)

17 Sec. 715. Information to locate support obligors and
18 putative fathers. The Illinois Department of Public Aid's
19 Child and Spouse Support Unit, the State's Attorney, or any
20 other appropriate State official may request and is entitled
21 to receive from employers, labor unions, telephone companies,
22 and utility companies location information concerning
23 putative fathers and noncustodial parents for the purpose of
24 establishing a child's paternity or establishing, enforcing,
25 or modifying a child support obligation. In this Section,
26 "location information" means information about (i) the
27 physical whereabouts of a putative father or noncustodial
28 parent, (ii) the putative father or noncustodial parent's
29 employer, or (iii) the salary, wages, and other compensation
30 paid and the health insurance coverage provided to the
31 putative father or noncustodial parent by an employer or by a
32 labor union of which the putative father or noncustodial
33 parent is a member.

1 Section 15. The Non-Support Punishment Act is amended by
2 changing Section 20 and adding Section 32 as follows:

3 (750 ILCS 16/20)

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

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

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

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

24 (b) The court shall determine the amount of child support
25 by using the guidelines and standards set forth in subsection
26 (a) of Section 505 and in Section 505.2 of the Illinois
27 Marriage and Dissolution of Marriage Act.

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

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

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

10 (d) The court may, for violation of any order under this
11 Section, punish the offender as for a contempt of court, but
12 no pendente lite order shall remain in effect longer than 4
13 months, or after the discharge of any panel of jurors
14 summoned for service thereafter in such court, whichever is
15 sooner.

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

31 (e-5) An order for child support entered under this
32 Section is subject to Section 714 of the Illinois Marriage
33 and Dissolution of Marriage Act.

34 (f) An order for support entered under this Section shall

1 include a provision requiring the obligor to report to the
2 obligee and to the clerk of the court within 10 days each
3 time the obligor obtains new employment, and each time the
4 obligor's employment is terminated for any reason. The
5 report shall be in writing and shall, in the case of new
6 employment, include the name and address of the new employer.

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

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

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

31 (h) In any subsequent action to enforce an order for
32 support entered under this Act, upon sufficient showing that
33 diligent effort has been made to ascertain the location of
34 the noncustodial parent, service of process or provision of

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

5 (i) 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 majority or is
9 otherwise emancipated. The order for support shall state that
10 the termination date does not apply to any arrearage that may
11 remain unpaid on that date. Nothing in this subsection shall
12 be construed to prevent the court from modifying the order.

13 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00.)

14 (750 ILCS 16/32 new)

15 Sec. 32. Tracking income and assets of obligors.

16 (a) A transfer made by an obligor is fraudulent as to an
17 obligee if the obligor made the transfer:

18 (1) with actual intent to hinder, delay, or defraud
19 any obligee of the obligor; or

20 (2) without receiving a reasonably equivalent value
21 in exchange for the transfer.

22 (b) In determining actual intent under paragraph (1) of
23 subsection (a), consideration may be given, among other
24 factors, to whether:

25 (1) the transfer was to an insider;

26 (2) the obligor retained possession or control of
27 the property transferred after the transfer;

28 (3) the transfer was disclosed or concealed;

29 (4) before the transfer was made, the obligor had
30 been sued or threatened with suit;

31 (5) the transfer was of substantially all the
32 obligor's assets;

33 (6) the obligor absconded;

1 (7) the obligor removed or concealed assets;

2 (8) the value of the consideration received by the
3 obligor was reasonably equivalent to the value of the
4 asset transferred;

5 (9) the obligor was insolvent or became insolvent
6 shortly after the transfer was made;

7 (10) the transfer occurred shortly before or
8 shortly after a substantial debt was incurred; and

9 (11) the obligor transferred the essential assets
10 of a business to a lienor who transferred the assets to
11 an insider of the obligor.

12 (c) In an action for relief against a transfer by a
13 child support obligor under this Act, the State's Attorney,
14 on behalf of a child support obligee, may obtain:

15 (1) avoidance of the transfer to the extent
16 necessary to satisfy the obligee's claim;

17 (2) an attachment or other provisional remedy
18 against the asset transferred or other property of the
19 transferee in accordance with the procedure prescribed by
20 the Code of Civil Procedure;

21 (3) subject to applicable principles of equity and
22 in accordance with applicable rules of civil procedure:

23 (A) an injunction against further disposition
24 by the obligor or a transferee, or both, of the
25 asset transferred or of other property;

26 (B) appointment of a receiver to take charge
27 of the asset transferred or of other property of the
28 transferee; or

29 (C) any other relief the circumstances may
30 require.

31 (d) If an obligee has obtained a judgment on a claim
32 against the obligor, the State's Attorney, if the court so
33 orders, may levy execution on the asset transferred or its
34 proceeds.

1 Section 20. The Uniform Interstate Family Support Act is
2 amended by changing Sections 318 and 401 as follows:

3 (750 ILCS 22/318)

4 Sec. 318. Assistance with discovery. A tribunal of this
5 State may:

6 (1) request a tribunal of another state to assist in
7 obtaining discovery; and

8 (2) upon request, compel a person over whom it has
9 jurisdiction to respond to a discovery order issued by a
10 tribunal of another state;

11 (3) upon request by a tribunal of another state, issue a
12 subpoena or a subpoena duces tecum (in the case of a
13 tribunal authorized to issue subpoenas) or direct the clerk
14 of the circuit court to issue a subpoena or a subpoena duces
15 tecum (in the case of the circuit court) requiring a person
16 in this State to appear at a deposition or before a tribunal
17 and answer questions or produce documents or other tangible
18 things for the purpose of obtaining information regarding
19 the person's assets, income, and ability to pay a support
20 order or judgment entered in the other state; and

21 (4) request a tribunal of another state to issue or
22 cause to be issued a subpoena or a subpoena duces tecum
23 requiring a person in the other state to appear at a
24 deposition or before a tribunal in that state and answer
25 questions or produce documents or other tangible things for
26 the purpose of obtaining information regarding the person's
27 assets, income, and ability to pay a support order or
28 judgment entered in this State.

29 The clerk of the circuit court shall issue a subpoena or
30 a subpoena duces tecum when directed to do so by the circuit
31 court in accordance with this Section.

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

1 (750 ILCS 22/401)

2 Sec. 401. Petition to establish support order.

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

6 (1) the individual seeking the order resides in
7 another state; or

8 (2) the support enforcement agency seeking the
9 order is located in another state.

10 (b) The tribunal may issue a temporary child-support
11 order if:

12 (1) the respondent has signed a verified statement
13 acknowledging parentage;

14 (2) the respondent has been determined by or
15 pursuant to law to be the parent; or

16 (3) there is other clear and convincing evidence
17 that the respondent is the child's parent.

18 (c) Upon finding, after notice and opportunity to be
19 heard, that a respondent owes a duty of support, the tribunal
20 shall issue a support order directed to the respondent and
21 may issue other orders pursuant to Section 305.

22 (d) A child support order entered under this Section is
23 subject to Section 714 of the Illinois Marriage and
24 Dissolution of Marriage Act.

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

26 Section 25. The Illinois Parentage Act of 1984 is
27 amended by changing Section 14 and adding Section 14.2 as
28 follows:

29 (750 ILCS 45/14) (from Ch. 40, par. 2514)

30 Sec. 14. Judgment.

31 (a) (1) The judgment shall contain or explicitly reserve
32 provisions concerning any duty and amount of child support

1 and may contain provisions concerning the custody and
2 guardianship of the child, visitation privileges with the
3 child, the furnishing of bond or other security for the
4 payment of the judgment, which the court shall determine in
5 accordance with the relevant factors set forth in the
6 Illinois Marriage and Dissolution of Marriage Act and any
7 other applicable law of Illinois, to guide the court in a
8 finding in the best interests of the child. In determining
9 custody, joint custody, or visitation, the court shall apply
10 the relevant standards of the Illinois Marriage and
11 Dissolution of Marriage Act. Specifically, in determining the
12 amount of any child support award, the court shall use the
13 guidelines and standards set forth in subsection (a) of
14 Section 505 and in Section 505.2 of the Illinois Marriage and
15 Dissolution of Marriage Act. For purposes of Section 505 of
16 the Illinois Marriage and Dissolution of Marriage Act, "net
17 income" of the non-custodial parent shall include any
18 benefits available to that person under the Illinois Public
19 Aid Code or from other federal, State or local
20 government-funded programs. The court shall, in any event
21 and regardless of the amount of the non-custodial parent's
22 net income, in its judgment order the non-custodial parent to
23 pay child support to the custodial parent in a minimum amount
24 of not less than \$10 per month. In an action brought within 2
25 years after a child's birth, the judgment or order may direct
26 either parent to pay the reasonable expenses incurred by
27 either parent related to the mother's pregnancy and the
28 delivery of the child. The judgment or order shall contain
29 the father's social security number, which the father shall
30 disclose to the court; however, failure to include the
31 father's social security number on the judgment or order does
32 not invalidate the judgment or order.

33 (2) If a judgment of parentage contains no explicit
34 award of custody, the establishment of a support obligation

1 or of visitation rights in one parent shall be considered a
2 judgment granting custody to the other parent. If the
3 parentage judgment contains no such provisions, custody shall
4 be presumed to be with the mother; however, the presumption
5 shall not apply if the father has had physical custody for at
6 least 6 months prior to the date that the mother seeks to
7 enforce custodial rights.

8 (b) The court shall order all child support payments,
9 determined in accordance with such guidelines, to commence
10 with the date summons is served. The level of current
11 periodic support payments shall not be reduced because of
12 payments set for the period prior to the date of entry of the
13 support order. The Court may order any child support
14 payments to be made for a period prior to the commencement of
15 the action. In determining whether and the extent to which
16 the payments shall be made for any prior period, the court
17 shall consider all relevant facts, including the factors for
18 determining the amount of support specified in the Illinois
19 Marriage and Dissolution of Marriage Act and other equitable
20 factors including but not limited to:

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

23 (2) The father's prior willingness or refusal to
24 help raise or support the child.

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

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

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

33 For purposes of determining the amount of child support
34 to be paid for any period before the date the order for

1 current child support is entered, there is a rebuttable
2 presumption that the father's net income for the prior period
3 was the same as his net income at the time the order for
4 current child support is entered.

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

17 (c) Any new or existing support order entered by the
18 court under this Section shall be deemed to be a series of
19 judgments against the person obligated to pay support
20 thereunder, each judgment to be in the amount of each payment
21 or installment of support and each such judgment to be deemed
22 entered as of the date the corresponding payment or
23 installment becomes due under the terms of the support order.
24 Each judgment shall have the full force, effect and
25 attributes of any other judgment of this State, including the
26 ability to be enforced. A lien arises by operation of law
27 against the real and personal property of the noncustodial
28 parent for each installment of overdue support owed by the
29 noncustodial parent.

30 (c-5) An order for child support entered under this
31 Section is subject to Section 714 of the Illinois Marriage
32 and Dissolution of Marriage Act.

33 (d) If the judgment or order of the court is at variance
34 with the child's birth certificate, the court shall order

1 that a new birth certificate be issued under the Vital
2 Records Act.

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

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

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

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

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

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

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

1 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
2 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

3 (750 ILCS 45/14.2 new)

4 Sec. 14.2. Tracking income and assets of obligors.

5 (a) A transfer made by an obligor is fraudulent as to an
6 obligee if the obligor made the transfer:

7 (1) with actual intent to hinder, delay, or defraud
8 any obligee of the obligor; or

9 (2) without receiving a reasonably equivalent value
10 in exchange for the transfer.

11 (b) In determining actual intent under paragraph (1) of
12 subsection (a), consideration may be given, among other
13 factors, to whether:

14 (1) the transfer was to an insider;

15 (2) the obligor retained possession or control of
16 the property transferred after the transfer;

17 (3) the transfer was disclosed or concealed;

18 (4) before the transfer was made, the obligor had
19 been sued or threatened with suit;

20 (5) the transfer was of substantially all the
21 obligor's assets;

22 (6) the obligor absconded;

23 (7) the obligor removed or concealed assets;

24 (8) the value of the consideration received by the
25 obligor was reasonably equivalent to the value of the
26 asset transferred;

27 (9) the obligor was insolvent or became insolvent
28 shortly after the transfer was made;

29 (10) the transfer occurred shortly before or
30 shortly after a substantial debt was incurred; and

31 (11) the obligor transferred the essential assets
32 of a business to a lienor who transferred the assets to
33 an insider of the obligor.

1 (c) In an action for relief against a transfer by a
2 child support obligor under this Act, the State's Attorney,
3 on behalf of a child support obligee, may obtain:

4 (1) avoidance of the transfer to the extent
5 necessary to satisfy the obligee's claim;

6 (2) an attachment or other provisional remedy
7 against the asset transferred or other property of the
8 transferee in accordance with the procedure prescribed by
9 the Code of Civil Procedure;

10 (3) subject to applicable principles of equity and
11 in accordance with applicable rules of civil procedure:

12 (A) an injunction against further disposition
13 by the obligor or a transferee, or both, of the
14 asset transferred or of other property;

15 (B) appointment of a receiver to take charge
16 of the asset transferred or of other property of the
17 transferee; or

18 (C) any other relief the circumstances may
19 require.

20 (d) If an obligee has obtained a judgment on a claim
21 against the obligor, the State's Attorney, if the court so
22 orders, may levy execution on the asset transferred or its
23 proceeds.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.

1		INDEX
2		Statutes amended in order of appearance
3	305 ILCS 5/10-10	from Ch. 23, par. 10-10
4	305 ILCS 5/10-10.6 new	
5	305 ILCS 5/10-11	from Ch. 23, par. 10-11
6	750 ILCS 5/505.4 new	
7	750 ILCS 5/714 new	
8	750 ILCS 5/715 new	
9	750 ILCS 16/20	
10	750 ILCS 16/32 new	
11	750 ILCS 22/318	
12	750 ILCS 22/401	
13	750 ILCS 45/14	from Ch. 40, par. 2514
14	750 ILCS 45/14.2 new	