

1 AN ACT concerning 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 Administrative Procedure Act is  
5 amended by changing Section 10-65 as follows:

6 (5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)

7 Sec. 10-65. Licenses.

8 (a) When any licensing is required by law to be preceded  
9 by notice and an opportunity for a hearing, the provisions of  
10 this Act concerning contested cases shall apply.

11 (b) When a licensee has made timely and sufficient  
12 application for the renewal of a license or a new license  
13 with reference to any activity of a continuing nature, the  
14 existing license shall continue in full force and effect  
15 until the final agency decision on the application has been  
16 made unless a later date is fixed by order of a reviewing  
17 court.

18 (c) An application for the renewal of a license or a new  
19 license shall include the applicant's social security number.  
20 Each agency shall require the licensee to certify on the  
21 application form, under penalty of perjury, that he or she is  
22 not more than 30 days delinquent in complying with a child  
23 support order. Every application shall state that failure to  
24 so certify shall result in disciplinary action, and that  
25 making a false statement may subject the licensee to contempt  
26 of court. The agency shall notify each applicant or licensee  
27 who acknowledges a delinquency or who, contrary to his or her  
28 certification, is found to be delinquent or who after  
29 receiving notice, fails to comply with a subpoena or warrant  
30 relating to a paternity or a child support proceeding, that  
31 the agency intends to take disciplinary action. Accordingly,

1 the agency shall provide written notice of the facts or  
2 conduct upon which the agency will rely to support its  
3 proposed action and the applicant or licensee shall be given  
4 an opportunity for a hearing in accordance with the  
5 provisions of the Act concerning contested cases. Any  
6 delinquency in complying with a child support order can be  
7 remedied by arranging for payment of past due and current  
8 support. Any failure to comply with a subpoena or warrant  
9 relating to a paternity or child support proceeding can be  
10 remedied by complying with the subpoena or warrant. Upon a  
11 final finding of delinquency or failure to comply with a  
12 subpoena or warrant, the agency shall suspend, revoke, or  
13 refuse to issue or renew the license. In cases in which the  
14 Department of Public Aid (before the effective date of this  
15 amendatory Act of the 92nd General Assembly) or the Attorney  
16 General (on or after that date) has previously determined  
17 that an applicant or a licensee is more than 30 days  
18 delinquent in the payment of child support and has  
19 subsequently certified the delinquency to the licensing  
20 agency, and in cases in which a court has previously  
21 determined that an applicant or licensee has been in  
22 violation of the Non-Support Punishment Act for more than 60  
23 days, the licensing agency shall refuse to issue or renew or  
24 shall revoke or suspend that person's license based solely  
25 upon the certification of delinquency made by the Department  
26 of Public Aid or the Attorney General or the certification of  
27 violation made by the court. Further process, hearings, or  
28 redetermination of the delinquency or violation by the  
29 licensing agency shall not be required. The licensing  
30 agency may issue or renew a license if the licensee has  
31 arranged for payment of past and current child support  
32 obligations in a manner satisfactory to the Department of  
33 Public Aid (before the effective date of this amendatory Act  
34 of the 92nd General Assembly) or the Attorney General (on and

1 after that date) the for the court. The licensing agency may  
2 impose conditions, restrictions, or disciplinary action upon  
3 that license.

4 (d) Except as provided in subsection (c), no agency  
5 shall revoke, suspend, annul, withdraw, amend materially, or  
6 refuse to renew any valid license without first giving  
7 written notice to the licensee of the facts or conduct upon  
8 which the agency will rely to support its proposed action and  
9 an opportunity for a hearing in accordance with the  
10 provisions of this Act concerning contested cases. At the  
11 hearing, the licensee shall have the right to show compliance  
12 with all lawful requirements for the retention, continuation,  
13 or renewal of the license. If, however, the agency finds  
14 that the public interest, safety, or welfare imperatively  
15 requires emergency action, and if the agency incorporates a  
16 finding to that effect in its order, summary suspension of a  
17 license may be ordered pending proceedings for revocation or  
18 other action. Those proceedings shall be promptly instituted  
19 and determined.

20 (e) Any application for renewal of a license that  
21 contains required and relevant information, data, material,  
22 or circumstances that were not contained in an application  
23 for the existing license shall be subject to the provisions  
24 of subsection (a).

25 (Source: P.A. 90-18, eff. 7-1-99; 91-613, eff. 10-1-99.)

26 Section 10. The Intergovernmental Cooperation Act is  
27 amended by changing Section 3 as follows:

28 (5 ILCS 220/3) (from Ch. 127, par. 743)

29 Sec. 3. Intergovernmental cooperation. Any power or  
30 powers, privileges, functions, or authority exercised or  
31 which may be exercised by a public agency of this State may  
32 be exercised, combined, transferred, and enjoyed jointly with

1 any other public agency of this State and jointly with any  
2 public agency of any other state or of the United States to  
3 the extent that laws of such other state or of the United  
4 States do not prohibit joint exercise or enjoyment and except  
5 where specifically and expressly prohibited by law. This  
6 includes, but is not limited to, (i) arrangements between the  
7 Illinois Student Assistance Commission and agencies in other  
8 states which issue professional licenses and (ii) agreements  
9 between the Illinois Department of Public Aid (before the  
10 effective date of this amendatory Act of 92nd General  
11 Assembly) or the Attorney General (on and after that date)  
12 and public agencies for the establishment and enforcement of  
13 child support orders and for the exchange of information that  
14 may be necessary for the enforcement of those child support  
15 orders.

16 (Source: P.A. 90-18, eff. 7-1-97; 91-298, eff. 7-29-99.)

17 Section 13. The Attorney General Act is amended by  
18 adding Sections 7.1 through 7.305 as follows:

19 (15 ILCS 205/7.1 new)

20 Sec. 7.1. Transfer of powers from Department of Public  
21 Aid.

22 (a) On the effective date of this amendatory Act of the  
23 92nd General Assembly, all the rights, powers, and duties  
24 vested by law in the Illinois Department of Public Aid or the  
25 Department's Child and Spouse Support Unit under Article X of  
26 the Illinois Public Aid Code are transferred to the Attorney  
27 General. Wherever, in any other Act, there is a reference to  
28 the Illinois Department of Public Aid or the Department's  
29 Child and Spouse Support Unit or to an officer, employee, or  
30 agent of that Department or Unit concerning rights, powers,  
31 and duties vested or performed under the authority of Article  
32 X of the Illinois Public Aid Code, that reference, beginning

1 on the effective date of this amendatory Act of the 92nd  
2 General Assembly, means the Attorney General, the Child and  
3 Spouse Support Unit established under Section 7.20 of this  
4 Act, or an officer, employee, or agent of the Attorney  
5 General or the Child and Spouse Support Unit established  
6 under Section 7.20.

7 (b) All books, records, property, pending business, and  
8 funds pertaining to the rights, powers, and duties  
9 transferred under this Section and in the custody of the  
10 Illinois Department of Public Aid or the Department's Child  
11 and Spouse Support Unit on the effective date of this  
12 amendatory Act of the 92nd General Assembly shall be  
13 delivered and transferred to the Attorney General on that  
14 date.

15 (c) Beginning on the effective date of this amendatory  
16 Act of the 92nd General Assembly, the rights, powers, and  
17 duties transferred by this Section to the Attorney General  
18 shall be vested in and shall be exercised by the Attorney  
19 General subject to the provisions of this Section through  
20 Section 7.305. Each act done in the exercise of those  
21 rights, powers, and duties shall have the same legal effect  
22 as if done by the Illinois Department of Public Aid or that  
23 Department's Child and Spouse Support Unit.

24 (d) Beginning on the effective date of this amendatory  
25 Act of the 92nd General Assembly, every person and other  
26 legal entity shall be subject to the same obligations and  
27 duties, and civil and criminal penalties arising from those  
28 obligations and duties, and shall have the same rights  
29 arising from the exercise of rights, powers, and duties by  
30 the Attorney General or an officer, employee, or agent of the  
31 Attorney General, as if those rights, powers, and duties have  
32 been exercised by the Illinois Department of Public Aid, that  
33 Department's Child and Spouse Support Unit, or an officer,  
34 employee, or agent of that Department or Unit.

1       (e) Whenever reports or notices are now required to be  
2 made or given or papers or documents furnished or served by  
3 any person to or upon the Illinois Department of Public Aid  
4 or that Department's Child and Spouse Support Unit under  
5 Article X of the Illinois Public Aid Code, those reports or  
6 notices shall, on and after the effective date of this  
7 amendatory Act of the 92nd General Assembly, be made, given,  
8 furnished, or served in the same manner to or upon the  
9 Attorney General.

10       (f) The provisions of this Section through Section 7.305  
11 do not affect any act done, ratified, or cancelled, or any  
12 right occurring or established, or any action or proceeding  
13 had or commenced in an administrative, civil, or criminal  
14 cause before the effective date of this amendatory Act of the  
15 92nd General Assembly by the Illinois Department of Public  
16 Aid or that Department's Child and Spouse Support Unit under  
17 Article X of the Illinois Public Aid Code, and those actions  
18 or proceedings may be prosecuted and continued by the  
19 Attorney General.

20       (g) No by-law, rule, or regulation adopted by the  
21 Illinois Department of Public Aid as an exercise of a right,  
22 power, or duty that has been transferred to the Attorney  
23 General under this Section through Section 7.305 shall be  
24 affected by those Sections. On the effective date of this  
25 amendatory Act of the 92nd General Assembly, those by-laws,  
26 rules, and regulations shall become the by-laws, rules, and  
27 regulations of the Attorney General.

28       (h) If waivers of any federal law or regulation are  
29 necessary to enable the Attorney General to implement any  
30 provisions of this amendatory Act of the 92nd General  
31 Assembly, the Attorney General, promptly after the effective  
32 date of this amendatory Act of the 92nd General Assembly,  
33 shall apply for those waivers, and implementation of those  
34 provisions is conditioned on the Attorney General's receipt

1 of those waivers.

2 (i) Personnel employed by the Illinois Department of  
3 Public Aid to perform functions that are transferred by this  
4 amendatory Act of the 92nd General Assembly to the Attorney  
5 General shall, upon the effective date of this amendatory Act  
6 of the 92nd General Assembly, become employees of the Office  
7 of the Attorney General. All transferred employees who are  
8 members of collective bargaining units shall retain their  
9 seniority, continuous service, salary, and accrued benefits.  
10 During the pendency of the existing collective bargaining  
11 agreement, the rights provided for under that agreement and  
12 memoranda and supplements to that agreement, including, but  
13 not limited to, the right of employees in the Child and  
14 Spouse Support Unit to positions in other State agencies and  
15 the right of employees in other State agencies covered by the  
16 agreement to positions in the Child and Spouse Support Unit,  
17 shall not be abridged.

18 The Office of the Attorney General shall continue to  
19 honor all collective bargaining agreements in effect at the  
20 time of the transfer and to recognize all collective  
21 bargaining representatives for the employees who perform or  
22 will perform functions transferred by this amendatory Act of  
23 the 92nd General Assembly. For all purposes with respect to  
24 the management of the existing agreement and the negotiation  
25 and management of any successor agreements, the Attorney  
26 General shall be deemed to be the employer of employees who  
27 perform or will perform functions transferred by this  
28 amendatory Act of the 92nd General Assembly; provided that  
29 the Illinois Department of Central Management Services shall  
30 be a party to any grievance or arbitration proceeding held  
31 pursuant to the provisions of the collective bargaining  
32 agreement which involves the movement of employees from the  
33 Office of the Attorney General to an agency under the  
34 jurisdiction of the Governor covered by the agreement.

1       (j) Personnel employed by the Department of Public Aid  
2 to perform functions that are not clearly classifiable as  
3 being related to the determination and enforcement of support  
4 responsibility of relatives under Article X of the Illinois  
5 Public Aid Code or who are employed to perform complex  
6 functions that are transferred only in part to the Attorney  
7 General under this amendatory Act of the 92nd General  
8 Assembly shall be assigned to the appropriate Department by  
9 the Director of Public Aid and the Attorney General, in  
10 consultation with the Director of Central Management  
11 Services.

12       (k) The rights of State employees, the State, and its  
13 agencies under applicable retirement plans are not affected  
14 by this amendatory Act of the 92nd General Assembly.

15       (15 ILCS 205/7.5 new)

16       Sec. 7.5. Public policy; persons eligible for services;  
17 fees. It is the intent of the Illinois Public Aid Code that  
18 the financial aid and social welfare services provided under  
19 that Code supplement rather than supplant the primary and  
20 continuing obligation of the family unit for self-support to  
21 the fullest extent permitted by the resources available to  
22 it. This primary and continuing obligation applies whether  
23 the family unit of parents and children or of husband and  
24 wife remains intact and resides in a common household or  
25 whether the unit has been broken by absence of one or more  
26 members of the unit. The obligation of the family unit is  
27 particularly applicable when a member is in necessitous  
28 circumstances and lacks the means of a livelihood compatible  
29 with health and well-being.

30       It is the purpose of Sections 7.1 through 7.305 to  
31 provide for locating an absent parent or spouse, for  
32 determining his financial circumstances, and for enforcing  
33 his legal obligation of support, if he is able to furnish



1 support, in whole or in part. The Attorney General shall  
2 give priority to establishing, enforcing and collecting the  
3 current support obligation, and then to past due support owed  
4 to the family unit, except with respect to collections  
5 effected through the intercept programs provided for in  
6 Sections 7.1 through 7.305.

7 The child and spouse support services provided under  
8 Sections 7.1 through 7.305 shall be furnished dependents of  
9 an absent parent or spouse who are applicants for or  
10 recipients of financial aid under the Illinois Public Aid  
11 Code. It is not, however, a condition of eligibility for  
12 financial aid under that Code that there be no responsible  
13 relatives who are reasonably able to provide support. Nor,  
14 except as provided in Section 4-1.7 of that Code and Section  
15 7.50 of this Act, shall the existence of such relatives or  
16 their payment of support contributions disqualify a needy  
17 person for financial aid.

18 By accepting financial aid under the Illinois Public Aid  
19 Code, a spouse or a parent or other person having custody of  
20 a child shall be deemed to have made assignment to the State  
21 of Illinois (for aid under Articles III, IV, V, and VII of  
22 that Code) or to a local governmental unit (for aid under  
23 Article VI of that Code) of all rights, title, and interest  
24 in any support obligation up to the amount of financial aid  
25 provided by that department or local governmental unit. The  
26 rights to support assigned to the State of Illinois or local  
27 governmental unit shall constitute an obligation owed the  
28 State or local governmental unit by the person who is  
29 responsible for providing the support, and shall be  
30 collectible under all applicable processes.

31 The Attorney General shall also furnish the child and  
32 spouse support services established under Sections 7.1  
33 through 7.305 in behalf of spouses and dependent children who  
34 are not applicants for or recipients of financial aid under

1 the Illinois Public Aid Code in accordance with the  
2 requirements of Title IV, Part D of the Social Security Act.  
3 The Attorney General may establish a schedule of reasonable  
4 fees, to be paid for the services provided and may deduct a  
5 collection fee, not to exceed 10% of the amount collected,  
6 from such collection. The Attorney General shall cause to be  
7 published and distributed publications reasonably calculated  
8 to inform the public that individuals who are not recipients  
9 of or applicants for public aid under the Illinois Public Aid  
10 Code are eligible for the child and spouse support services  
11 under Sections 7.1 through 7.305. Such publications shall  
12 set forth an explanation, in plain language, that the child  
13 and spouse support services program is independent of any  
14 public aid program under the Code and that the receiving of  
15 child and spouse support service in no way implies that the  
16 person receiving such service is receiving public aid.

17 (15 ILCS 205/7.10 new)

18 Sec. 7.10. Extent of liability. A husband is liable for  
19 the support of his wife and a wife for the support of her  
20 husband. The parents are severally liable for the support of  
21 any child under the age of 18, except that a parent is not  
22 liable for a child of any age if the child has married and is  
23 not living with the parent or parents. The term "child"  
24 includes a child born out of wedlock or legally adopted  
25 child.

26 In addition to the primary obligation of support imposed  
27 upon responsible relatives, such relatives, if individually  
28 or together in any combination they have sufficient income or  
29 other resources to support a needy person, in whole or in  
30 part, shall be liable for any financial aid extended under  
31 the Illinois Public Aid Code to a person for whose support  
32 they are responsible, including amounts expended for funeral  
33 and burial costs.

1 (15 ILCS 205/7.15 new)

2 Sec. 7.15. Standard for determining ability to support.

3 The Attorney General shall establish a standard by which  
4 shall be measured the ability of responsible relatives to  
5 provide support, and shall implement the standard by rules  
6 governing its application. The standard and the rules shall  
7 take into account the buying and consumption patterns of  
8 self-supporting persons of modest income, present or future  
9 contingencies having direct bearing on maintenance of the  
10 relative's self-support status and fulfillment of his  
11 obligations to his immediate family, and any unusual or  
12 exceptional circumstances including estrangement or other  
13 personal or social factors, that have a bearing on family  
14 relationships and the relative's ability to meet his support  
15 obligations. The standard shall be recomputed periodically  
16 to reflect changes in the cost of living and other pertinent  
17 factors.

18 In addition to the standard, the Attorney General may  
19 establish guidelines to be used exclusively to measure the  
20 ability of responsible relatives to provide support on behalf  
21 of applicants for or recipients of financial aid under  
22 Article IV of the Illinois Public Aid Code and other persons  
23 who are given access to the child and spouse support services  
24 of Sections 7.1 through 7.305 of this Act as provided in  
25 Section 7.5. In such case, the Attorney General shall base  
26 the guidelines upon the applicable provisions of Sections  
27 504, 505 and 505.2 of the Illinois Marriage and Dissolution  
28 of Marriage Act and shall implement such guidelines by rules  
29 governing their application.

30 The term "administration enforcement unit", when used in  
31 Sections 7.5 through 7.305, means local governmental units or  
32 the Child and Spouse Support Unit established under Section  
33 7.20 when exercising the powers designated in Sections 7.1  
34 through 7.305. The administrative enforcement unit shall

1 apply the standard or guidelines, rules and procedures  
2 provided for by this Section and Sections 7.30 through 7.50  
3 in determining the ability of responsible relatives to  
4 provide support for applicants for or recipients of financial  
5 aid under the Illinois Public Aid Code, except that the  
6 administrative enforcement unit may apply such standard or  
7 guidelines, rules and procedures at its discretion with  
8 respect to those applicants for or recipients of financial  
9 aid under Article IV of that Code and other persons who are  
10 given access to the child and spouse support services of  
11 Sections 7.1 through 7.305 of this Act as provided by Section  
12 7.5.

13 (15 ILCS 205/7.20 new)

14 Sec. 7.20. Child and Spouse Support Unit. The Attorney  
15 General shall establish within his or her administrative  
16 staff a Child and Spouse Support Unit to search for and  
17 locate absent parents and spouses liable for the support of  
18 persons resident in this State and to exercise the support  
19 enforcement powers and responsibilities assigned the Attorney  
20 General by Sections 7.1 through 7.305. The Unit shall  
21 cooperate with all law enforcement officials in this State  
22 and with the authorities of other states in locating persons  
23 responsible for the support of persons resident in other  
24 states and shall invite the cooperation of these authorities  
25 in the performance of its duties.

26 In addition to other duties assigned the Child and Spouse  
27 Support Unit by Sections 7.1 through 7.305, the Unit may  
28 refer to units of local government any actions under Sections  
29 7.60 and 7.155 for judicial enforcement of the support  
30 liability.

31 The Attorney General may enter into agreements with local  
32 governmental units or individuals for the collection of  
33 moneys owing because of the failure of a parent to make child

1 support payments for any child receiving services under  
2 Sections 7.1 through 7.305. Such agreements may be on a  
3 contingent fee basis, but such contingent fee shall not  
4 exceed 25% of the total amount collected.

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

17 The Attorney General may enter into agreements with local  
18 governmental units for the Child and Spouse Support Unit to  
19 exercise the investigative and enforcement powers designated  
20 in Sections 7.1 through 7.305, including the issuance of  
21 administrative orders under Section 7.80, in locating  
22 responsible relatives and obtaining support for persons  
23 applying for or receiving aid under Article VI of the  
24 Illinois Public Aid Code. Payments for defrayment of  
25 administrative costs and support payments obtained shall be  
26 deposited into the DHS Recoveries Trust Fund. Support  
27 payments shall be paid over to the General Assistance Fund of  
28 the local governmental unit at such time or times as the  
29 agreement may specify.

30 With respect to those cases in which it has support  
31 enforcement powers and responsibilities under Sections 7.1  
32 through 7.305, the Attorney General may provide by rule for  
33 periodic or other review of each administrative and court  
34 order for support to determine whether a modification of the

1 order should be sought. The Attorney General shall provide  
2 for and conduct such review in accordance with any applicable  
3 federal law and regulation.

4 As part of its process for review of orders for support,  
5 the Attorney General, through written notice, may require the  
6 responsible relative to disclose his or her Social Security  
7 Number and past and present information concerning the  
8 relative's address, employment, gross wages, deductions from  
9 gross wages, net wages, bonuses, commissions, number of  
10 dependent exemptions claimed, individual and dependent health  
11 insurance coverage, and any other information necessary to  
12 determine the relative's ability to provide support in a case  
13 receiving child and spouse support services under Sections  
14 7.1 through 7.305.

15 The Attorney General may send a written request for the  
16 same information to the relative's employer. The employer  
17 shall respond to the request for information within 15 days  
18 after the date the employer receives the request. If the  
19 employer willfully fails to fully respond within the 15-day  
20 period, the employer shall pay a penalty of \$100 for each day  
21 that the response is not provided to the Attorney General  
22 after the 15-day period has expired. The penalty may be  
23 collected in a civil action which may be brought against the  
24 employer in favor of the Attorney General.

25 A written request for information sent to an employer  
26 pursuant to this Section shall consist of (i) a citation of  
27 this Section as the statutory authority for the request and  
28 for the employer's obligation to provide the requested  
29 information, (ii) a returnable form setting forth the  
30 employer's name and address and listing the name of the  
31 employee with respect to whom information is requested, and  
32 (iii) a citation of this Section as the statutory authority  
33 authorizing the employer to withhold a fee of up to \$20 from  
34 the wages or income to be paid to each responsible relative

1 for providing the information to the Attorney General within  
2 the 15-day period. If the employer is withholding support  
3 payments from the responsible relative's income pursuant to  
4 an order for withholding, the employer may withhold the fee  
5 provided for in this Section only after withholding support  
6 as required under the order. Any amounts withheld from the  
7 responsible relative's income for payment of support and the  
8 fee provided for in this Section shall not be in excess of  
9 the amounts permitted under the federal Consumer Credit  
10 Protection Act.

11 In a case receiving child and spouse support services,  
12 the Attorney General may request and obtain information from  
13 a particular employer under this Section no more than once in  
14 any 12-month period, unless the information is necessary to  
15 conduct a review of a court or administrative order for  
16 support at the request of the person receiving child and  
17 spouse support services.

18 The Attorney General shall establish and maintain an  
19 administrative unit to receive and transmit to the Child and  
20 Spouse Support Unit information supplied by persons applying  
21 for or receiving child and spouse support services under  
22 Section 7.5.

23 In addition to its other powers and responsibilities  
24 established by Sections 7.1 through 7.305, the Child and  
25 Spouse Support Unit shall conduct an annual assessment of  
26 each institution's program for institution based paternity  
27 establishment under Section 12 of the Vital Records Act.

28 (15 ILCS 205/7.25 new)

29 Sec. 7.25. Parent locator service. The Attorney General  
30 through the Child and Spouse Support Unit shall enter into  
31 agreements with the Secretary of Health and Human Services or  
32 his designee under which the services of the federal Parent  
33 Locator Service established by the Social Security Act are

1 made available to this State and the Attorney General for the  
2 purpose of locating an absent parent or child when the child  
3 has been abducted or otherwise improperly removed or retained  
4 from the physical custody of a parent or other person  
5 entitled to custody of the child, or in connection with the  
6 making or enforcing of a child custody determination in  
7 custody proceedings instituted under the Uniform Child  
8 Custody Jurisdiction Act, or otherwise in accordance with  
9 law. The Attorney General shall provide general information  
10 to the public about the availability and use of the Parent  
11 Locator Service in relation to child abduction and custody  
12 determination proceedings, shall promptly respond to  
13 inquiries made by those parties specified by federal  
14 regulations upon receipt of information as to the location of  
15 an absent parent or child from the federal Parent Locator  
16 Service, and shall maintain accurate records as to the number  
17 of such inquiries received and processed by the Attorney  
18 General.

19 (15 ILCS 205/7.27 new)

20 Sec. 7.27. Locating support obligor and others;  
21 penalties.

22 (a) The Child and Spouse Support Unit may request and  
23 receive from employers, labor unions, telephone companies,  
24 and utility companies location information concerning  
25 putative fathers and noncustodial parents for the purpose of  
26 establishing a child's paternity or establishing, enforcing,  
27 or modifying a child support obligation. In this Section,  
28 "location information" means information about (i) the  
29 physical whereabouts of a putative father or noncustodial  
30 parent, (ii) the putative father or noncustodial parent's  
31 employer, or (iii) the salary, wages, and other compensation  
32 paid and the health insurance coverage provided to the  
33 putative father or noncustodial parent by the employer of the



1 putative father or noncustodial parent or by a labor union of  
2 which the putative father or noncustodial parent is a member.

3 The employer of a putative father or noncustodial parent  
4 or the labor union of which the putative father or  
5 noncustodial parent is a member shall respond to the request  
6 of the Child and Spouse Support Unit within 15 days after the  
7 employer or labor union receives the request. Any employer  
8 or labor union that willfully fails to fully respond within  
9 the 15-day period shall be subject to a penalty of \$100 for  
10 each day that the response is not provided to the Attorney  
11 General after the 15-day period has expired. The penalty may  
12 be collected in a civil action, which may be brought against  
13 the employer or labor union in favor of the Attorney General.

14 (b) Pursuant to an administrative subpoena as authorized  
15 under Sections 7.1 through 7.305, the Child and Spouse  
16 Support Unit may request and receive from utility companies  
17 and cable television companies location information  
18 concerning individuals who owe or are owed support or against  
19 whom or with respect to whom a support obligation is sought.

20 (15 ILCS 205/7.28 new)

21 Sec. 7.28. Obtaining location information.

22 (a) The Attorney General shall enter into agreements  
23 with the Department of State Police and the Secretary of  
24 State to obtain location information on persons for the  
25 purpose of establishing paternity and establishing,  
26 modifying, and enforcing child support obligations.

27 (b) Upon request, the Attorney General shall provide  
28 information obtained pursuant to this Section to federal  
29 agencies and other states' agencies conducting child support  
30 enforcement activities under Title IV, Part D of the Social  
31 Security Act.

32 (15 ILCS 205/7.30 new)

1       Sec. 7.30. Notification of support obligation. The  
2 administrative enforcement unit within the authorized area of  
3 its operation shall notify each responsible relative of an  
4 applicant or recipient, or responsible relatives of other  
5 persons given access to the support services of Sections 7.1  
6 through 7.305, of his legal obligation to support and shall  
7 request such information concerning his financial status as  
8 may be necessary to determine whether he is financially able  
9 to provide such support, in whole or in part. In cases  
10 involving a child born out of wedlock, the notification shall  
11 include a statement that the responsible relative has been  
12 named as the biological father of the child identified in the  
13 notification.

14       In the case of applicants, the notification shall be sent  
15 as soon as practical after the filing of the application. In  
16 the case of recipients, the notice shall be sent at such time  
17 as may be established by rule of the Attorney General.

18       The notice shall be accompanied by the forms or  
19 questionnaires provided in Section 7.35. It shall inform the  
20 relative that he may be liable for reimbursement of any  
21 support furnished from public aid funds prior to  
22 determination of the relative's financial circumstances, as  
23 well as for future support. In the alternative, when support  
24 is sought on behalf of applicants for or recipients of  
25 financial aid under Article IV of the Illinois Public Aid  
26 Code and other persons who are given access to the child and  
27 spouse support services of Section 7.1 through 7.305 as  
28 provided in Section 7.5, the notice shall inform the relative  
29 that the relative may be required to pay support for a period  
30 before the date an administrative support order is entered,  
31 as well as future support.

32       Neither the mailing nor receipt of such notice shall be  
33 deemed a jurisdictional requirement for the subsequent  
34 exercise of the investigative procedures undertaken by an

1 administrative enforcement unit or the entry of any order or  
2 determination of paternity or support or reimbursement by the  
3 administrative enforcement unit; except that notice shall be  
4 served by certified mail addressed to the responsible  
5 relative at his or her last known address, return receipt  
6 requested, or by any method provided by law for service of  
7 summons, in cases where a determination of paternity or  
8 support by default is sought on behalf of applicants for or  
9 recipients of financial aid under Article IV of the Illinois  
10 Public Aid Code and other persons who are given access to the  
11 child and spouse support services of Sections 7.1 through  
12 7.305 as provided in Section 7.5.

13 (15 ILCS 205/7.35 new)

14 Sec. 7.35. Declarations by responsible relatives;  
15 penalty.

16 Information requested of responsible relatives shall be  
17 submitted on forms or questionnaires prescribed by the  
18 Attorney General or local governmental units, as the case may  
19 be, and shall contain a written declaration to be signed by  
20 the relative in substantially the following form:

21 "I declare under penalties of perjury that I have  
22 examined this form (or questionnaire) and all accompanying  
23 statements or documents pertaining to my income, resources,  
24 or any other matter having bearing upon my status and ability  
25 to provide support, and to the best of my knowledge and  
26 belief the information supplied is true, correct, and  
27 complete."

28 A person who makes and subscribes a form or questionnaire  
29 which contains, as hereinabove provided, a written  
30 declaration that it is made under the penalties of perjury,  
31 knowing it to be false, incorrect or incomplete, in respect  
32 to any material statement or representation bearing upon his  
33 status as a responsible relative, or upon his income,

1 resources, or other matter concerning his ability to provide  
2 support, shall be subject to the penalties for perjury  
3 provided for in Section 32-2 of the Criminal Code of 1961.

4 (15 ILCS 205/7.40 new)

5 Sec. 7.40. Investigation and determination. The  
6 administrative enforcement unit shall review the forms or  
7 questionnaires returned by each responsible relative and  
8 supplement the information provided therein, where required,  
9 by such additional consultations with the responsible  
10 relative and such other investigations as may be necessary,  
11 including genetic testing if paternity is an issue, and,  
12 applying the standard or guidelines and regulations  
13 established by the Attorney General, shall determine whether  
14 and the extent to which, the responsible relative  
15 individually or together in any combination, are reasonably  
16 able to provide support. If the child was born out of  
17 wedlock and the case is subject to the voluntary  
18 acknowledgment of paternity or the administrative  
19 determination of paternity under rules established under  
20 Section 7.210, the Child and Spouse Support Unit of the  
21 Attorney General shall determine the child support obligation  
22 under subsection (b) of Section 7.45 upon establishing the  
23 child's paternity. If the child's paternity was established  
24 by judicial or administrative process in any other state, the  
25 Attorney General may use administrative processes contained  
26 in Sections 7.1 through 7.305 to establish a child support  
27 order.

28 In aid of its investigative authority, the Child and  
29 Spouse Support Unit may use the subpoena power as set forth  
30 in Sections 7.1 through 7.305.

31 The Attorney General, by rule, may authorize the  
32 administrative enforcement units to conduct periodic or other  
33 reinvestigations and redeterminations of the financial

1 ability of responsible relatives. Any redeterminations shall  
2 have the effect of altering, amending, or modifying previous  
3 determinations and administrative orders entered pursuant to  
4 Sections 7.45 and 7.80. However, any redetermination which  
5 establishes liability for support or reimbursement, or which  
6 modifies the support or reimbursement liability specified in  
7 a prior order, shall be subject to the provisions of Section  
8 7.90 and the administrative and judicial review procedures  
9 herein provided for original orders.

10 (15 ILCS 205/7.45 new)

11 Sec. 7.45. Notice of support due.

12 (a) When an administrative enforcement unit has  
13 determined that a responsible relative is financially able to  
14 contribute to the support of an applicant or recipient, the  
15 responsible relative shall be notified by mailing him a copy  
16 of the determination by United States registered or certified  
17 mail, advising him of his legal obligation to make support  
18 payments for such period or periods of time, definite in  
19 duration or indefinite, as the circumstances require. The  
20 notice shall direct payment as provided in Section 7.50.  
21 Where applicable, the determination and notice may include a  
22 demand for reimbursement for emergency aid granted an  
23 applicant or recipient during the period between the  
24 application and determination of the relative's obligation  
25 for support and for aid granted during any subsequent period  
26 the responsible relative was financially able to provide  
27 support but failed or refused to do so.

28 (b) In the alternative, when support is sought on behalf  
29 of applicants for or recipients of financial aid under  
30 Article IV of the Illinois Public Aid Code and other persons  
31 who are given access to the child and spouse support services  
32 of Sections 7.1 through 7.305 as provided in Section 7.5, the  
33 administrative enforcement unit shall not be required to send

1 the notice and may enter an administrative order immediately  
2 under the provisions of Section 7.80. The order shall be  
3 based upon the determination made under the provisions of  
4 Section 7.40 or, in instances of default, upon the needs of  
5 the persons for whom support is sought. In addition to  
6 requiring payment of future support, the administrative order  
7 may require payment of support for a period before the date  
8 the order is entered. The amount of support to be paid for  
9 the prior period shall be determined under the guidelines  
10 established by the Attorney General pursuant to Section 7.15.  
11 The order shall direct payment as provided in Section 7.60.

12 (15 ILCS 205/7.50 new)

13 Sec. 7.50. Support payments. The notice to responsible  
14 relatives issued pursuant to Section 7.45 shall direct  
15 payment (i) to the Attorney General in cases of applicants  
16 and recipients under Articles III, IV, V and VII of the  
17 Illinois Public Aid Code, (ii) except as provided in Section  
18 7.20, to the local governmental unit in the case of  
19 applicants and recipients under Article VI of the Illinois  
20 Public Aid Code, and (iii) to the Attorney General in cases  
21 of non-applicants and non-recipients given access to the  
22 child and spouse support services of Sections 7.1 through  
23 7.305, as provided by Section 7.5. However, if the support  
24 payments by responsible relatives are sufficient to meet  
25 needs of a recipient in full, including current and  
26 anticipated medical needs, and the Attorney General or the  
27 local governmental unit, as the case may be, has reasonable  
28 grounds to believe that such needs will continue to be  
29 provided in full by the responsible relatives, the relatives  
30 may be directed to make subsequent support payments to the  
31 needy person or to some person or agency in his behalf and  
32 the recipient shall be removed from the public aid rolls. In  
33 such instance the recipient also shall be notified by

1 registered or certified mail of the action taken. If a  
2 recipient removed from the public aid rolls requests the  
3 Attorney General to continue to collect the support payments  
4 in his behalf, the Attorney General, at his option, may do so  
5 and pay amounts so collected to the person. The Attorney  
6 General may provide for deducting any costs incurred by him  
7 in making the collection from the amount of any recovery made  
8 and pay only the net amount to the person.

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

20 To the extent the provisions of this Section are  
21 inconsistent with the requirements pertaining to the State  
22 Disbursement Unit under Sections 7.76 and 7.295, the  
23 provisions pertaining to the State Disbursement Unit shall  
24 apply.

25 (15 ILCS 205/7.52 new)

26 Sec. 7.52. 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 Attorney General 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 based on genetic test  
32 results or other evidence. In determining the amount of the  
33 temporary child support award, the Attorney General shall use

1 the guidelines and standards set forth in subsection (a) of  
2 Section 505 and in Section 505.2 of the Illinois Marriage and  
3 Dissolution of Marriage Act.

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

20 All orders for support entered or modified in a case in  
21 which a party is receiving child and spouse support services  
22 under Sections 7.1 through 7.305 shall include a provision  
23 requiring the non-custodial parent to notify the Attorney  
24 General, within 7 days, (i) of the name, address, and  
25 telephone number of any new employer of the non-custodial  
26 parent, (ii) whether the non-custodial parent has access to  
27 health insurance coverage through the employer or other group  
28 coverage, and, if so, the policy name and number and the  
29 names of persons covered under the policy, and (iii) of any  
30 new residential or mailing address or telephone number of the  
31 non-custodial parent.

32 In any subsequent action to enforce a support order, upon  
33 sufficient showing that 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 that action  
2 may be made at the last known address of the non-custodial  
3 parent, 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 An order for support shall include a date on which the  
7 current support obligation terminates. The termination date  
8 shall be no earlier than the date on which the child covered  
9 by the order will attain the age of majority or is otherwise  
10 emancipated. The order for support shall state that the  
11 termination date does not apply to any arrearage that may  
12 remain unpaid on that date. Nothing in this paragraph shall  
13 be construed to prevent the Attorney General from modifying  
14 the order.

15 (15 ILCS 205/7.55 new)

16 Sec. 7.55. Alternative actions to enforce support. If a  
17 responsible relative fails or refuses to furnish support, or  
18 contributes less than the amount indicated by the  
19 determination, the administrative enforcement unit shall take  
20 action to enforce support in accordance with Section 7.60 or  
21 Section 7.80.

22 (15 ILCS 205/7.60 new)

23 Sec. 7.60. Court enforcement. Except where the Attorney  
24 General, by agreement, acts for the local governmental unit,  
25 as provided in Section 7.20, local governmental units shall  
26 refer to the State's Attorney or to the proper legal  
27 representative of the governmental unit, for judicial  
28 enforcement as herein provided, instances of non-support or  
29 insufficient support when the dependents are applicants or  
30 recipients under Article VI of the Illinois Public Aid Code.  
31 The Child and Spouse Support Unit established by Section 7.20  
32 may institute in behalf of the Illinois Department of Public

1 Aid any actions under this Section for judicial enforcement  
2 of the support liability when the dependents are applicants  
3 or recipients under Articles III, IV, V or VII of the  
4 Illinois Public Aid Code. The Unit may institute in behalf of  
5 the Attorney General any actions under this Section for  
6 judicial enforcement of the support liability when the  
7 dependents are applicants or recipients in a local  
8 governmental unit when the Attorney General, by agreement,  
9 acts for the unit. The Unit may institute in behalf of the  
10 dependents any actions under this Section for judicial  
11 enforcement of the support liability when the dependents are  
12 non-applicants or non-recipients who are receiving support  
13 enforcement services under Sections 7.1 through 7.305, as  
14 provided in Section 7.5. Where the Child and Spouse Support  
15 Unit has exercised its option and discretion not to apply the  
16 provisions of Sections 7.15 through 7.50, the failure by the  
17 Unit to apply such provisions shall not be a bar to bringing  
18 an action under this Section.

19 Action shall be brought in the circuit court to obtain  
20 support, or for the recovery of aid granted during the period  
21 such support was not provided, or both for the obtainment of  
22 support and the recovery of the aid provided. Actions for  
23 the recovery of aid may be taken separately or they may be  
24 consolidated with actions to obtain support. Such actions  
25 may be brought in the name of the person or persons requiring  
26 support, or may be brought in the name of the Illinois  
27 Department of Public Aid or the local governmental unit, as  
28 the case requires, in behalf of such persons.

29 The court may enter such orders for the payment of moneys  
30 for the support of the person as may be just and equitable  
31 and may direct payment thereof for such period or periods of  
32 time as the circumstances require, including support for a  
33 period before the date the order for support is entered. The  
34 order may be entered against any or all of the defendant

1 responsible relatives and may be based upon the proportionate  
2 ability of each to contribute to the person's support.

3 The Court shall determine the amount of child support  
4 (including child support for a period before the date the  
5 order for support is entered) by using the guidelines and  
6 standards set forth in subsection (a) of Section 505 and in  
7 Section 505.2 of the Illinois Marriage and Dissolution of  
8 Marriage Act. For purposes of determining the amount of  
9 child support to be paid for a period before the date the  
10 order for child support is entered, there is a rebuttable  
11 presumption that the responsible relative's net income for  
12 that period was the same as his or her net income at the time  
13 the order is entered.

14 If (i) the responsible relative was properly served with  
15 a request for discovery of financial information relating to  
16 the responsible relative's ability to provide child support,  
17 (ii) the responsible relative failed to comply with the  
18 request, despite having been ordered to do so by the court,  
19 and (iii) the responsible relative is not present at the  
20 hearing to determine support despite having received proper  
21 notice, then any relevant financial information concerning  
22 the responsible relative'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 establish  
25 any further foundation for its admission.

26 An order entered under this Section shall include a  
27 provision requiring the obligor to report to the obligee and  
28 to the clerk of court within 10 days each time the obligor  
29 obtains new employment, and each time the obligor's  
30 employment is terminated for any reason. The report shall be  
31 in writing and shall, in the case of new employment, include  
32 the name and address of the new employer. Failure to report  
33 new employment or the termination of current employment, if  
34 coupled with nonpayment of support for a period in excess of

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

12 The Court shall determine the amount of maintenance using  
13 the standards set forth in Section 504 of the Illinois  
14 Marriage and Dissolution of Marriage Act.

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

31 When an order is entered for the support of a minor, the  
32 court may provide therein for reasonable visitation of the  
33 minor by the person or persons who provided support pursuant  
34 to the order. Whoever willfully refuses to comply with such

1 visitation order or willfully interferes with its enforcement  
2 may be declared in contempt of court and punished therefor.

3 Except where the local governmental unit has entered into  
4 an agreement with the Attorney General for the Child and  
5 Spouse Support Unit to act for it, as provided in Section  
6 7.20, support orders entered by the court in cases involving  
7 applicants or recipients under Article VI of the Illinois  
8 Public Aid Code shall provide that payments thereunder be  
9 made directly to the local governmental unit. Orders for the  
10 support of all other applicants or recipients under that Code  
11 shall provide that payments thereunder be made directly to  
12 the Attorney General. In accordance with federal law and  
13 regulations, the Attorney General may continue to collect  
14 current maintenance payments or child support payments, or  
15 both, after those persons cease to receive public assistance  
16 and until termination of services under Sections 7.1 through  
17 7.305. The Attorney General shall pay the net amount  
18 collected to those persons after deducting any costs incurred  
19 in making the collection or any collection fee from the  
20 amount of any recovery made. In both cases the order shall  
21 permit the local governmental unit or the Attorney General,  
22 as the case may be, to direct the responsible relative or  
23 relatives to make support payments directly to the needy  
24 person, or to some person or agency in his behalf, upon  
25 removal of the person from the public aid rolls or upon  
26 termination of services under Sections 7.1 through 7.305.

27 If the notice of support due issued pursuant to Section  
28 7.45 directs that support payments be made directly to the  
29 needy person, or to some person or agency in his behalf, and  
30 the recipient is removed from the public aid rolls, court  
31 action may be taken against the responsible relative  
32 hereunder if he fails to furnish support in accordance with  
33 the terms of such notice.

34 Actions may also be brought under this Section in behalf

1 of any person who is in need of support from responsible  
2 relatives, as defined in Section 2-11 of the Illinois Public  
3 Aid Code who is not an applicant for or recipient of  
4 financial aid under that Code. In such instances, the  
5 State's Attorney of the county in which such person resides  
6 shall bring action against the responsible relatives  
7 hereunder. If the Attorney General, as authorized by Section  
8 7.5, extends the support services provided by this Article to  
9 spouses and dependent children who are not applicants or  
10 recipients under the Illinois Public Aid Code, the Child and  
11 Spouse Support Unit established by Section 7.20 shall bring  
12 action against the responsible relatives hereunder and any  
13 support orders entered by the court in such cases shall  
14 provide that payments thereunder be made directly to the  
15 Attorney General.

16 Whenever it is determined in a proceeding to establish or  
17 enforce a child support or maintenance obligation that the  
18 person owing a duty of support is unemployed, the court may  
19 order the person to seek employment and report periodically  
20 to the court with a diary, listing or other memorandum of his  
21 or her efforts in accordance with such order. Additionally,  
22 the court may order the unemployed person to report to the  
23 Department of Employment Security for job search services or  
24 to make application with the local Jobs Training Partnership  
25 Act provider for participation in job search, training or  
26 work programs and where the duty of support is owed to a  
27 child receiving support services under Sections 7.1 through  
28 7.305, the court may order the unemployed person to report to  
29 the Department of Human Services for participation in job  
30 search, training or work programs established under Section  
31 9-6 and Article IXA of the Illinois Public Aid Code.

32 Whenever it is determined that a person owes past-due  
33 support for a child receiving assistance under the Illinois  
34 Public Aid Code, the court shall order at the request of the

1 Attorney General:

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

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

10 A determination under this Section shall not be  
11 administratively reviewable by the procedures specified in  
12 Sections 7.90 and 7.95 through 7.145. Any determination under  
13 those Sections, if made the basis of court action under this  
14 Section, shall not affect the de novo judicial determination  
15 required under this Section.

16 All orders for support, when entered or modified, shall  
17 include a provision requiring the non-custodial parent to  
18 notify the court and, in cases in which a party is receiving  
19 child and spouse support services under Sections 7.1 through  
20 7.305, the Attorney General, within 7 days, (i) of the name,  
21 address, and telephone number of any new employer of the  
22 non-custodial parent, (ii) whether the non-custodial parent  
23 has access to health insurance coverage through the employer  
24 or other group coverage and, if so, the policy name and  
25 number and the names of persons covered under the policy, and  
26 (iii) of any new residential or mailing address or telephone  
27 number of the non-custodial parent. In any subsequent action  
28 to enforce a support order, upon a sufficient showing that a  
29 diligent effort has been made to ascertain the location of  
30 the non-custodial parent, service of process or provision of  
31 notice necessary in the case may be made at the last known  
32 address of the non-custodial parent in any manner expressly  
33 provided by the Code of Civil Procedure or Sections 7.1  
34 through 7.305, which service shall be sufficient for purposes

1 of due process.

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

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

27 Payments under this Section to the Illinois Department of  
28 Public Aid or the Attorney General pursuant to the Child  
29 Support Enforcement Program established by Title IV-D of the  
30 Social Security Act shall be paid into the Child Support  
31 Enforcement Trust Fund. All payments under this Section to  
32 the Department of Human Services shall be deposited in the  
33 DHS Recoveries Trust Fund. Disbursements from these funds  
34 shall be as provided in Sections 12-9.1 and 12-10.2 of the



1 Illinois Public Aid Code. Payments received by a local  
2 governmental unit shall be deposited in that unit's General  
3 Assistance Fund.

4 To the extent the provisions of this Section are  
5 inconsistent with the requirements pertaining to the State  
6 Disbursement Unit under Sections 7.76 and 7.295, the  
7 provisions pertaining to the State Disbursement Unit shall  
8 apply.

9 (15 ILCS 205/7.65 new)

10 Sec. 7.65. Collection fee. In all cases instituted by  
11 the Attorney General on behalf of a child or spouse, other  
12 than one receiving a grant of financial aid under Article IV  
13 of the Illinois Public Aid Code, on whose behalf an  
14 application has been made and approved for support services  
15 as provided by Section 7.5, the court shall impose a  
16 collection fee on the individual who owes a child or spouse  
17 support obligation in an amount equal to 10% of the amount so  
18 owed as long as such collection is required by federal law,  
19 which fee shall be in addition to the support obligation.  
20 The imposition of such fee shall be in accordance with  
21 provisions of Title IV, Part D, of the Social Security Act  
22 and regulations duly promulgated thereunder. The fee shall  
23 be payable to the clerk of the circuit court for transmittal  
24 to the Attorney General and shall continue until support  
25 services are terminated by the Attorney General.

26 (15 ILCS 205/7.70 new)

27 Sec. 7.70. Notice to circuit clerk of payment received.  
28 For those cases in which support is payable to the clerk of  
29 the circuit court for transmittal to the Attorney General or  
30 the Illinois Department of Public Aid by order of court, and  
31 the Attorney General collects support by assignment, offset,  
32 withholding, deduction or other process permitted by law, the

1 Attorney General shall notify the clerk of the date and  
2 amount of such collection. Upon notification, the clerk shall  
3 record the collection on the payment record for the case.

4 (15 ILCS 205/7.75 new)

5 Sec. 7.75. Transmittal of payments by circuit clerk.

6 For those cases in which child support is payable to the  
7 clerk of the circuit court for transmittal to the Attorney  
8 General or the Illinois Department of Public Aid by order of  
9 court, the clerk shall transmit all such payments, within 4  
10 working days of receipt, to ensure that funds are available  
11 for immediate distribution by the Attorney General or the  
12 Department to the person or entity entitled thereto in  
13 accordance with standards of the Child Support Enforcement  
14 Program established under Title IV-D of the Social Security  
15 Act. The clerk shall notify the Attorney General or the  
16 Department of the date of receipt and amount thereof at the  
17 time of transmittal. Where the clerk has entered into an  
18 agreement of cooperation with the Illinois Department of  
19 Public Aid or the Attorney General to record the terms of  
20 child support orders and payments made thereunder directly  
21 into the IV-D Agency's automated data processing system, the  
22 clerk shall account for, transmit and otherwise distribute  
23 child support payments in accordance with such agreement in  
24 lieu of the requirements contained herein.

25 To the extent the provisions of this Section are  
26 inconsistent with the requirements pertaining to the State  
27 Disbursement Unit under Sections 7.76 and 7.295, the  
28 provisions pertaining to the State Disbursement Unit shall  
29 apply.

30 (15 ILCS 205/7.76 new)

31 Sec. 7.76. Payment of Support to State Disbursement  
32 Unit.

1       (a) As used in this Section:  
 2       "Order for support", "obligor", "obligee", and "payor"  
 3       mean those terms as defined in the Income Withholding for  
 4       Support Act, except that "order for support" shall not mean  
 5       orders providing for spousal maintenance under which there is  
 6       no child support obligation.

7       (b) Notwithstanding any other provision of this Code to  
 8       the contrary, each court or administrative order for support  
 9       entered or modified on or after October 1, 1999 shall require  
 10       that support payments be made to the State Disbursement Unit  
 11       established under Section 7.76 if:

- 12           (1) a party to the order is receiving child and  
 13           spouse support services under this Article X; or
- 14           (2) no party to the order is receiving child and  
 15           spouse support services, but the support payments are  
 16           made through income withholding.

17       (c) Support payments shall be made to the State  
 18       Disbursement Unit if:

- 19           (1) the order for support was entered before  
 20           October 1, 1999, and a party to the order is receiving  
 21           child and spouse support services under Sections 7.1  
 22           through 7.305; or
- 23           (2) no party to the order is receiving child and  
 24           spouse support services, and the support payments are  
 25           being made through income withholding.

26       (c-5) If no party to the order is receiving child and  
 27       spouse support services under Sections 7.1 through 7.305, and  
 28       the support payments are not being made through income  
 29       withholding, then support payments shall be made as directed  
 30       in the order for support.

31       (c-10) The Attorney General shall provide written notice  
 32       to the clerk of the circuit court, the obligor, and, where  
 33       applicable, the obligor's payor to make payments to the State  
 34       Disbursement Unit if:

1           (1) the order for support was entered before  
2           October 1, 1999, and a party to the order is receiving  
3           child and spouse support services under Sections 7.1  
4           through 7.305; or

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

8           (c-15) The clerk of the circuit court shall provide  
9           written notice to the obligor to make payments directly to  
10           the clerk of the circuit court if no party to the order is  
11           receiving child and spouse support services under Sections  
12           7.1 through 7.305, the support payments are not made through  
13           income withholding, and the order for support requires  
14           support payments to be made directly to the clerk of the  
15           circuit court.

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

21           (d) The notices required under subsections (c-10) and  
22           (c-15) may be sent by ordinary mail, certified mail, return  
23           receipt requested, facsimile transmission, or other  
24           electronic process, or may be served upon the obligor or  
25           payor using any method provided by law for service of a  
26           summons. A copy of the notice shall be provided to the  
27           obligee and, when the order for support was entered by the  
28           court, to the clerk of the court.

29           (15 ILCS 205/7.78 new)  
30           Sec. 7.78. Information to State Case Registry.

31           (a) When an order for support is entered or modified by  
32           the circuit court under Section 7.60, the clerk of the  
33           circuit court shall, within 5 business days, provide to the

1 State Case Registry established under Section 7.305 the court  
2 docket number and county in which the order is entered or  
3 modified and the following information, which the parties  
4 shall disclose to the court:

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

7 (2) The dates of birth of the custodial and  
8 non-custodial parents and of the child or children  
9 covered by the order.

10 (3) The social security numbers of the custodial  
11 and non-custodial parents and of the child or children  
12 covered by the order.

13 (4) The residential and mailing addresses for the  
14 custodial and non-custodial parents.

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

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

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

21 (b) When a child support order is entered or modified  
22 for a case in which a party is receiving child and spouse  
23 support services under Sections 7.1 through 7.305, the clerk  
24 shall provide the State Case Registry with the following  
25 information:

26 (1) The information specified in subsection (a) of  
27 this Section.

28 (2) The amount of monthly or other periodic support  
29 owed under the order and other amounts, including  
30 arrearages, interest, or late payment penalties and fees,  
31 due or overdue under the order.

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

34 (4) The distribution of the amounts received by the

1 clerk.

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

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

10 (15 ILCS 205/7.80 new)

11 Sec. 7.80. Administrative orders. In lieu of actions for  
12 court enforcement of support under Section 7.60, the Child  
13 and Spouse Support Unit of the Attorney General, in  
14 accordance with the rules of the Attorney General, may issue  
15 an administrative order requiring the responsible relative to  
16 comply with the terms of the determination and notice of  
17 support due, determined and issued under Sections 7.40 and  
18 7.45. The Unit may also enter an administrative order under  
19 subsection (b) of Section 7.45. The administrative order  
20 shall be served upon the responsible relative by United  
21 States registered or certified mail. In cases in which the  
22 responsible relative appeared at the office of the Child and  
23 Spouse Support Unit in response to the notice of support  
24 obligation issued under Section 7.30, however, or in cases of  
25 default in which the notice was served on the responsible  
26 relative by certified mail, return receipt requested, or by  
27 any method provided by law for service of summons, the  
28 administrative determination of paternity or administrative  
29 support order may be sent to the responsible relative by  
30 ordinary mail addressed to the responsible relative's last  
31 known address.

32 If a responsible relative or a person receiving child and  
33 spouse support services under Sections 7.1 through 7.305

1 fails to petition the Attorney General for release from or  
2 modification of the administrative order, as provided in  
3 Section 7.90 or Section 7.95, the order shall become final  
4 and there shall be no further administrative or judicial  
5 remedy. Likewise a decision by the Attorney General as a  
6 result of an administrative hearing, as provided in Sections  
7 7.97 through 7.145, shall become final and enforceable if not  
8 judicially reviewed under the Administrative Review Law, as  
9 provided in Section 7.150.

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

26 (15 ILCS 205/7.85 new)

27 Sec. 7.85. Unemployed responsible relatives.

28 (a) Whenever it is determined in a proceeding under  
29 Section 7.40, 7.45, 7.80, or 7.180 that the responsible  
30 relative is unemployed, and support is sought on behalf of  
31 applicants for or recipients of financial aid under Article  
32 IV of the Illinois Public Aid Code or other persons who are  
33 given access to the child and spouse support services of that

1 Article as provided in Section 7.5 of this Act, the  
 2 administrative enforcement unit may order the responsible  
 3 relative to report to the Department of Human Services for  
 4 participation in job search, training or work programs  
 5 established under Section 9-6 and Article IXA of the Illinois  
 6 Public Aid Code or to the Illinois Department of Employment  
 7 Security for job search services or to make application with  
 8 the local Jobs Training Partnership Act provider for  
 9 participation in job search, training or work programs.

10 (b) Whenever it is determined that a responsible  
 11 relative owes past-due support for a child under an  
 12 administrative support order entered under subsection (b) of  
 13 Section 7.45 or under Section 7.80 or 7.180 and the child is  
 14 receiving assistance under the Illinois Public Aid Code, the  
 15 administrative enforcement unit shall order the following:

16 (1) that the responsible relative pay the past-due  
 17 support in accordance with a plan approved by the  
 18 administrative enforcement unit; or

19 (2) if the responsible relative owing past-due  
 20 support is unemployed, is subject to such a plan, and is  
 21 not incapacitated, that the responsible relative  
 22 participate in job search, training, or work programs  
 23 established under Section 9-6 and Article IXA of the  
 24 Illinois Public Aid Code.

25 (15 ILCS 205/7.87 new)

26 Sec. 7.87. Administrative support order information for  
 27 State Case Registry. When the Attorney General enters an  
 28 administrative support order under Section 7.52 or Section  
 29 7.80, or modifies such an order, the custodial parent and the  
 30 non-custodial parent shall provide to the Attorney General,  
 31 and update as appropriate, the following information to be  
 32 included in the State Case Registry established under Section  
 33 7.305:



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

4           (2) The dates of birth of the custodial and  
5 non-custodial parents and of the child or children  
6 covered by the order.

7           (3) The social security numbers of the custodial  
8 and non-custodial parents and of the child or children  
9 covered by the order.

10          (4) The residential and mailing addresses for the  
11 custodial and non-custodial parents.

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

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

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

18          (8) Any other information that may be required  
19 under Title IV, Part D of the Social Security Act or  
20 regulations promulgated thereunder.

21          (15 ILCS 205/7.90 new)

22          Sec. 7.90. Petition by responsible relative for release  
23 from or modification of administrative support order or  
24 administrative determination of paternity.

25          (a) Any responsible relative aggrieved by an  
26 administrative order entered under Section 7.80 or 7.85 or an  
27 administrative determination of paternity entered under  
28 Section 7.210 who has been duly notified of such order or  
29 determination, may within 30 days from the date of mailing of  
30 such order or determination, petition the Attorney General  
31 for a release from or modification of the order or  
32 determination. The day immediately subsequent to the mailing  
33 of the order or determination shall be considered as the

1 first day, and the day such petition is received by the  
2 Attorney General shall be considered as the last day in  
3 computing the 30 day appeal period.

4 The Attorney General shall, upon receipt of a petition  
5 within the 30 day appeal period, provide for a hearing to be  
6 held thereon.

7 (b) Notwithstanding the 30-day appeal period set forth  
8 in subsection (a), a man against whom a default  
9 administrative determination of paternity has been entered  
10 may have the determination vacated if, within 30 days after  
11 being served with the determination, he appears in person at  
12 the office to which he was given notice to appear for an  
13 interview and files a written request for relief from the  
14 determination. The Attorney General shall then proceed with  
15 the establishment of paternity. A man may obtain relief  
16 under this subsection from an administrative determination  
17 of paternity only once in any proceeding to establish  
18 paternity.

19 (15 ILCS 205/7.95 new)

20 Sec. 7.95. Petition by person receiving child and spouse  
21 support services for release from or modification of  
22 administrative support order or administrative determination  
23 of paternity. Any person receiving child and spouse support  
24 services under Sections 7.1 through 7.305 who is aggrieved by  
25 an administrative order entered under Section 7.80 or 7.85 or  
26 an administrative determination of paternity entered under  
27 Section 7.210 who has been duly notified of the order or  
28 determination may, within 30 days after the date of mailing  
29 of the order or determination, petition the Attorney General  
30 for release from or modification of the order or  
31 determination. The day immediately subsequent to the mailing  
32 of the order or determination shall be considered as the  
33 first day and the day the petition is received by the

1 Attorney General shall be considered as the last day in  
2 computing the 30-day appeal period. Upon receiving a petition  
3 within the 30-day appeal period, the Attorney General shall  
4 provide for a hearing to be held on the petition.

5 (15 ILCS 205/7.97 new)

6 Sec. 7.97. Hearing on petition. The Attorney General, or  
7 any officer or employee thereof designated in writing by the  
8 Attorney General, shall conduct hearings and investigations  
9 in connection with petitions filed pursuant to Section 7.90  
10 or Section 7.95. Responsible relatives and persons receiving  
11 child and spouse support services under Sections 7.1 through  
12 7.305 shall be entitled to appear in person, to be  
13 represented by counsel at the hearing and to present all  
14 relevant matter in support of their petitions. The provisions  
15 of Sections 7.100 through 7.145 shall govern the hearing.

16 The hearing shall be de novo and the Attorney General's  
17 determination of liability or non-liability shall be  
18 independent of the determination of the administrative  
19 enforcement unit.

20 (15 ILCS 205/7.100 new)

21 Sec. 7.100. Examination of records. The Attorney  
22 General, or any properly designated officer or employee  
23 thereof, may examine any books, papers, records or memoranda  
24 bearing upon the determination of ability to support and the  
25 order for support and upon any matter pertinent to the  
26 relative's petition and may compel the attendance and  
27 testimony of any person or persons, including the petitioning  
28 responsible relative, having knowledge of matters germane to  
29 the determination order, or the petition.

30 (15 ILCS 205/7.105 new)

31 Sec. 7.105. Hearings not subject to technical rules of

1 evidence or procedure. In the conduct of any hearing or  
2 investigation, neither the Attorney General nor a person duly  
3 authorized to conduct such hearing or investigation, shall be  
4 bound by the technical rules of evidence, common law or  
5 statutory, or by technical or formal rules of procedure, but  
6 shall conduct the hearing or make the investigation in such  
7 manner as seems best calculated to conform to substantial  
8 justice and the spirit of the Illinois Public Aid Code and  
9 Sections 7.1 through 7.305 of this Act. No informality in any  
10 proceedings, or in the manner of taking testimony, shall  
11 invalidate any order or decision made by the Attorney General  
12 pursuant to such hearing or investigation.

13 (15 ILCS 205/7.110 new)

14 Sec. 7.110. Authority to administer oaths. The Attorney  
15 General, or any person duly authorized to conduct such  
16 hearing or investigation, shall have power to administer  
17 oaths. Every person who, having taken an oath or made  
18 affirmation before the Attorney General, or any duly  
19 authorized officer or employee thereof, shall wilfully swear  
20 or affirm falsely, shall be guilty of perjury, and upon  
21 conviction shall be punished accordingly.

22 (15 ILCS 205/7.115 new)

23 Sec. 7.115. Proof of records. The books, papers, records  
24 and memoranda of the Illinois Department of Public Aid, the  
25 Illinois Department of Human Services, and the Attorney  
26 General or of the administrative enforcement unit, or parts  
27 thereof, may be proved in any hearing, investigation, or  
28 legal proceeding by a photostatic or other copy thereof under  
29 the certificate of their respective Directors, and the  
30 Attorney General or their designees. Such certified copy  
31 shall, without further proof, be admitted into evidence in  
32 the hearing before the Attorney General or in any other legal

1 proceeding.

2 (15 ILCS 205/7.120 new)

3 Sec. 7.120. Proof of necessitous circumstances. Proof in  
4 any hearing before the Attorney General that a person is an  
5 applicant for or recipient of assistance under the Illinois  
6 Public Aid Code shall be prima facie proof that he is a  
7 "person who is in necessitous circumstances by reason of  
8 infirmity, unemployment, or other cause depriving him of the  
9 means of a livelihood compatible with health and well-being",  
10 within the meaning of the Illinois Public Aid Code.

11 (15 ILCS 205/7.125 new)

12 Sec. 7.125. Subpoenas.

13 (a) The Attorney General, or any officer or employee  
14 thereof designated in writing by the Attorney General, shall  
15 at his own instance, or on the written request of any other  
16 party to the proceeding, issue subpoenas requiring the  
17 attendance of and the giving of testimony by witnesses, and  
18 subpoenas duces tecum requiring the production of books,  
19 papers, records or memoranda. The subpoenas and subpoenas  
20 duces tecum may be served by any person of full age. Any  
21 subpoena may be served in the same manner as a subpoena  
22 issued out of a circuit court, and may also be served by  
23 United States registered or certified mail, addressed to the  
24 person concerned at his last known address, and proof of such  
25 mailing shall be sufficient for the purposes of Sections 7.1  
26 through 7.305.

27 (b) Subpoenas duces tecum issued in other states shall  
28 be afforded full faith and credit in this State. Every such  
29 subpoena shall have the full force, effect, and attributes  
30 of a subpoena issued in this State, including the ability to  
31 be enforced.

1 (15 ILCS 205/7.130 new)

2 Sec. 7.130. Witness fees. The fees of witnesses for  
3 attendance and travel shall be the same as the fees of  
4 witnesses before the circuit court of this State; such fees  
5 to be paid when the witness is excused from further  
6 attendance. When the witness is subpoenaed at the instance of  
7 the Attorney General or any employee thereof, the fees shall  
8 be paid in the same manner as other expenses of the Attorney  
9 General. If the witness is subpoenaed at the instance of any  
10 other party to the proceeding, the Attorney General may  
11 require that the cost of service of the subpoena or subpoena  
12 duces tecum and the fee of the witness be borne by the party  
13 at whose instance the witness is summoned. In such case, the  
14 Attorney General may require a deposit to cover the cost of  
15 such service and witness fees.

16 (15 ILCS 205/7.135 new)

17 Sec. 7.135. Compelling attendance of witness and  
18 production of records. The circuit court, of the county  
19 wherein the investigation or administrative hearing is held,  
20 upon the application of the Attorney General or any duly  
21 authorized officer or employee thereof, or upon the  
22 application of any other party to the proceeding, may, in its  
23 discretion, compel the attendance of witnesses, the  
24 production of books, papers, records or memorandum and the  
25 giving of testimony before the Attorney General or any duly  
26 authorized officer or employee thereof conducting an  
27 investigation or holding a hearing authorized by Sections 7.1  
28 through 7.305, by an attachment for contempt, or otherwise,  
29 in the same manner as production of evidence may be compelled  
30 before the court.

31 (15 ILCS 205/7.140 new)

32 Sec. 7.140. Penalty for non-compliance with subpoena.

1 Any person who is served with a subpoena or subpoena duces  
2 tecum, issued by the Attorney General or any duly authorized  
3 officer or employee thereof, to appear and testify or to  
4 produce books and papers, in the course of an investigation  
5 or hearing authorized by law, and who refuses or neglects to  
6 appear, or to testify, or to produce books and papers  
7 relevant to such investigation or hearing, as commanded in  
8 such subpoena, shall be guilty of a Class B misdemeanor.

9 (15 ILCS 205/7.145 new)

10 Sec. 7.145. Depositions. The Attorney General or any  
11 duly authorized officer or employee thereof, or any other  
12 party in an investigation or hearing before the Attorney  
13 General, may cause the depositions of witnesses within or  
14 without the State to be taken in the manner prescribed by law  
15 for like depositions in civil actions in courts of this  
16 State, and to that end compel the attendance of witnesses and  
17 the production of books, papers, records or memoranda.

18 (15 ILCS 205/7.150 new)

19 Sec. 7.150. Review of Attorney General decision on  
20 petition for hearing. Any responsible relative or person  
21 receiving child and spouse support services under Sections  
22 7.1 through 7.305 affected by a final administrative decision  
23 of the Attorney General in a hearing, conducted pursuant to  
24 Sections 7.97 through 7.145 in which such relative or person  
25 receiving services was a party, may have the decision  
26 reviewed only under and in accordance with the Administrative  
27 Review Law. The provisions of the Administrative Review Law,  
28 and the rules adopted pursuant thereto, shall apply to and  
29 govern all proceedings for the judicial review of such final  
30 administrative decisions of the Attorney General. The term  
31 "administrative decision" is defined as in Section 3-101 of  
32 the Code of Civil Procedure.

1 Appeals from all final orders and judgments entered by a  
2 court upon review of the Attorney General's order in any case  
3 may be taken by either party to the proceeding and shall be  
4 governed by the rules applicable to appeals in civil cases.

5 The remedy herein provided for appeal shall be exclusive,  
6 and no court shall have jurisdiction to review the subject  
7 matter of any order made by the Attorney General except as  
8 herein provided.

9 (15 ILCS 205/7.152 new)

10 Sec. 7.152. Relief from administrative orders.  
11 Notwithstanding the 30-day appeal period provided in Sections  
12 7.90 and 7.95 and the limitation on review of final  
13 administrative decisions contained in Section 7.150, a  
14 responsible relative or a person receiving child and spouse  
15 support services under Sections 7.1 through 7.305 who is  
16 aggrieved by an administrative order entered under Section  
17 7.80 or 7.85 or an administrative determination of paternity  
18 entered under Section 7.210 and who did not petition within  
19 the 30-day appeal period may petition the Attorney General  
20 for relief from the administrative order or determination on  
21 the same grounds as are provided for relief from judgments  
22 under Section 2-1401 of the Code of Civil Procedure. The  
23 petition must be filed not later than 2 years after the entry  
24 of the order or determination by the Attorney General. The  
25 day immediately subsequent to the mailing of the order or  
26 determination shall be considered as the first day and the  
27 day the petition is received by the Attorney General shall be  
28 considered as the last day in computing the 2-year period.  
29 Any period during which the person seeking relief is under a  
30 legal disability or duress or during which the grounds for  
31 relief are fraudulently concealed shall be excluded in  
32 computing the period of 2 years.

33 Upon receiving a petition within the 2-year period, the



1 Attorney General shall provide for a hearing to be held on  
2 the petition.

3 (15 ILCS 205/7.155 new)

4 Sec. 7.155. Enforcement of administrative order. If a  
5 responsible relative refuses, neglects, or fails to comply  
6 with a final administrative support or reimbursement order of  
7 the Attorney General entered by the Child and Spouse Support  
8 Unit pursuant to Section 7.80 or 7.85 or registered pursuant  
9 to Section 7.180, the Child and Spouse Support Unit may file  
10 suit against the responsible relative or relatives to secure  
11 compliance with the administrative order.

12 Suits shall be instituted in the name of the People of  
13 the State of Illinois on the relation of the Attorney General  
14 of the State of Illinois and the spouse or dependent children  
15 for whom the support order has been issued.

16 The court shall order the payment of the support  
17 obligation, or orders for reimbursement of moneys for support  
18 provided, directly to the Attorney General but the order  
19 shall permit the Attorney General to direct the responsible  
20 relative or relatives to make payments of support directly to  
21 the spouse or dependent children, or to some person or agency  
22 in his or their behalf, as provided in Section 7.50 or 7.60,  
23 as applicable.

24 Whenever it is determined in a proceeding to enforce an  
25 administrative order that the responsible relative is  
26 unemployed, and support is sought on behalf of applicants for  
27 or recipients of financial aid under Article IV of the  
28 Illinois Public Aid Code or other persons who are given  
29 access to the child and spouse support services of Sections  
30 7.1 through 7.305 as provided in Section 7.5, the court may  
31 order the responsible relative to seek employment and report  
32 periodically to the court with a diary, listing or other  
33 memorandum of his or her efforts in accordance with such

1 order. In addition, the court may order the unemployed  
2 responsible relative to report to the Department of Human  
3 Services for participation in job search, training or work  
4 programs established under Section 9-6 and Article IXA of the  
5 Illinois Public Aid Code or to the Illinois Department of  
6 Employment Security for job search services or to make  
7 application with the local Jobs Training Partnership Act  
8 provider for participation in job search, training or work  
9 programs.

10 To the extent the provisions of this Section are  
11 inconsistent with the requirements pertaining to the State  
12 Disbursement Unit under Sections 7.76 and 7.295, the  
13 provisions pertaining to the State Disbursement Unit shall  
14 apply.

15 (15 ILCS 205/7.160 new)

16 Sec. 7.160. Judicial enforcement of court and  
17 administrative support orders. Court orders entered in  
18 proceedings under Section 7.60 and court orders for  
19 enforcement of an administrative order under Section 7.155  
20 and for the payment of money may be enforced by attachment as  
21 for contempt against the persons of the defendants, and in  
22 addition, as other judgments for the payment of money, and  
23 costs may be adjudged against the defendants and apportioned  
24 among them; but if the complaint is dismissed, costs shall be  
25 borne by the Attorney General or the local governmental unit,  
26 as the case may be. If a responsible relative is directed by  
27 the Attorney General, or the local governmental unit, under  
28 the conditions stated in Section 7.50, to make support  
29 payments directly to the person, or to some person or agency  
30 in his behalf, the court order entered against him under this  
31 Section or Section 7.60 may be enforced as herein provided if  
32 he thereafter fails to furnish support in accordance with its  
33 terms. The State of Illinois shall not be required to make a

1 deposit for or pay any costs or fees of any court or officer  
2 thereof in any proceeding instituted under this Section.

3 The provisions of the Civil Practice Law, and all  
4 amendments and modifications thereof, shall apply to and  
5 govern all actions instituted under this Section and Section  
6 7.60. In such actions proof that a person is an applicant for  
7 or recipient of public aid under any Article of the Illinois  
8 Public Aid Code shall be prima facie proof that he is a  
9 person in necessitous circumstances by reason of infirmity,  
10 unemployment or other cause depriving him of the means of a  
11 livelihood compatible with health and well-being.

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

23 In addition to the penalties or punishment that may be  
24 imposed under this Section, any person whose conduct  
25 constitutes a violation of Section 15 of the Non-Support  
26 Punishment Act may be prosecuted under that Section, and a  
27 person convicted under that Section may be sentenced in  
28 accordance with that Section. The sentence may include but  
29 need not be limited to a requirement that the person perform  
30 community service under subsection (b) of that Section or  
31 participate in a work alternative program under subsection  
32 (c) of that Section. A person may not be required to  
33 participate in a work alternative program under subsection  
34 (c) of that Section if the person is currently participating

1 in a work program pursuant to Section 7.85 of this Act.

2 To the extent the provisions of this Section are  
3 inconsistent with the requirements pertaining to the State  
4 Disbursement Unit under Sections 7.76 and 7.295, the  
5 provisions pertaining to the State Disbursement Unit shall  
6 apply.

7 (15 ILCS 205/7.165 new)

8 Sec. 7.165. Withholding of income to secure payment of  
9 support. Orders for support entered under Sections 7.1  
10 through 7.305 of this Act are subject to the Income  
11 Withholding for Support Act.

12 (15 ILCS 205/7.170 new)

13 Sec. 7.170. Posting security, bond or guarantee to  
14 secure payment. The court may require the responsible  
15 relative to post security or bond or give some other  
16 guarantee of a character and amount sufficient to assure  
17 payment of any amount of support due.

18 (15 ILCS 205/7.172 new)

19 Sec. 7.172. Information concerning obligors.

20 (a) In this Section:

21 "Arrearage", "delinquency", "obligor", and "order for  
22 support" have the meanings attributed to those terms in  
23 Section 7.165 of this Act.

24 "Consumer reporting agency" has the meaning attributed to  
25 that term in Section 603(f) of the Fair Credit Reporting Act,  
26 15 U.S.C. 1681a(f).

27 (b) Whenever a court of competent jurisdiction finds  
28 that an obligor either owes an arrearage of more than \$10,000  
29 or is delinquent in payment of an amount equal to at least 3  
30 months' support obligation pursuant to an order for support,  
31 the court shall direct the clerk of the court to make

1 information concerning the obligor available to consumer  
2 reporting agencies.

3 (c) Whenever a court of competent jurisdiction finds  
4 that an obligor either owes an arrearage of more than \$10,000  
5 or is delinquent in payment of an amount equal to at least 3  
6 months' support obligation pursuant to an order for support,  
7 the court shall direct the clerk of the court to cause the  
8 obligor's name and address to be published in a newspaper of  
9 general circulation in the area in which the obligor resides.  
10 The clerk shall cause the obligor's name and address to be  
11 published only after sending to the obligor at the obligor's  
12 last known address, by certified mail, return receipt  
13 requested, a notice of intent to publish the information.  
14 This subsection (c) applies only if the obligor resides in  
15 the county in which the clerk of the court holds office.

16 (15 ILCS 205/7.173 new)

17 Sec. 7.173. Interest on support obligations. A support  
18 obligation, or any portion of a support obligation, which  
19 becomes due and remains unpaid for 30 days or more shall  
20 accrue interest at the rate of 9% per annum.

21 (15 ILCS 205/7.174 new)

22 Sec. 7.174. Electronic Funds Transfer Committee.

23 (a) The Attorney General shall establish within the  
24 Office of the Attorney General an Electronic Funds Transfer  
25 Committee. The Attorney General or his or her designee shall  
26 be a member of the committee and shall serve as chairperson  
27 of the committee. The Attorney General shall appoint 4 other  
28 members of the committee, 2 of whom shall represent employers  
29 in this State and 2 of whom shall represent the banking  
30 industry in this State. The administrator of the State  
31 Disbursement Unit established under Section 7.295 shall be an  
32 ex officio member of the committee.

1       (b) The committee shall study ways to modify or expand  
2 the use of electronic funds transfers for the payment of  
3 child support. The committee shall report its findings and  
4 recommendations to the Governor and the General Assembly  
5 before December 1, 2001.

6       (c) The committee is abolished on December 1, 2001.

7       (15 ILCS 205/7.175 new)

8       Sec. 7.175. Other actions and remedies for support. The  
9 procedures, actions and remedies provided in Sections 7.1  
10 through 7.305 shall in no way be exclusive, but shall be  
11 available in addition to other actions and remedies of  
12 support, including, but not by way of limitation, the  
13 remedies provided in the Paternity Act, the Non-Support of  
14 Spouse and Children Act, the Non-Support Punishment Act, and  
15 the Revised Uniform Reciprocal Enforcement of Support Act.

16       (15 ILCS 205/7.180 new)

17       Sec. 7.180. Administrative order by registration. The  
18 Attorney General may provide by rule for the administrative  
19 registration of a support order entered by a court or  
20 administrative body of another state. The purpose of  
21 registration shall be to enforce or modify the order in  
22 accordance with the provisions of the Uniform Interstate  
23 Family Support Act. Upon registration, such support order  
24 shall become an administrative order of the Child and Spouse  
25 Support Unit by operation of law. The rule shall provide for  
26 notice to and an opportunity to be heard by the responsible  
27 relative and custodial parent affected and any final  
28 administrative decision rendered by the Attorney General  
29 shall be reviewed only under and in accordance with the  
30 Administrative Review Law.

31       Any new or existing support order registered by the  
32 Attorney General under this Section shall be deemed to be a

1 series of judgments against the person obligated to pay  
2 support thereunder, each such judgment to be in the amount of  
3 each payment or installment of support and each such judgment  
4 to be deemed entered as of the date the corresponding payment  
5 or installment becomes due under the terms of the support  
6 order. Each such judgment shall be enforceable in the same  
7 manner as any other judgment in this State. A lien arises by  
8 operation of law against the real and personal property of  
9 the noncustodial parent for each installment of overdue  
10 support owed by the noncustodial parent.

11 (15 ILCS 205/7.185 new)

12 Sec. 7.185. Income withholding by administrative order.  
13 The Attorney General may provide by rule for entry of an  
14 administrative support order containing income withholding  
15 provisions and for service and enforcement of an income  
16 withholding notice, by the Child and Spouse Support Unit  
17 based upon and in the same manner as prescribed by the Income  
18 Withholding for Support Act. The penalties provided in the  
19 Income Withholding for Support Act shall apply hereto and  
20 shall be enforced by filing an action under that Act. The  
21 rule shall provide for notice to and an opportunity to be  
22 heard by the responsible relative affected and any final  
23 administrative decision rendered by the Attorney General  
24 shall be reviewed only under and in accordance with the  
25 Administrative Review Law.

26 (15 ILCS 205/7.190 new)

27 Sec. 7.190. Federal income tax refund intercept. The  
28 Attorney General may provide by rule for certification to the  
29 Department of Health and Human Services of past due support  
30 owed by responsible relatives under a support order entered  
31 by a court or administrative body of this or any other State  
32 on behalf of resident or non-resident persons. The purpose

1 of certification shall be to intercept federal income tax  
2 refunds due such relatives in order to satisfy such past due  
3 support in whole or in part.

4 The rule shall provide for notice to and an opportunity  
5 to be heard by the responsible relative affected and any  
6 final administrative decision rendered by the Attorney  
7 General shall be reviewed only under and in accordance with  
8 the Administrative Review Law. Certification shall be  
9 accomplished in accordance with Title IV, Part D of the  
10 federal Social Security Act and rules and regulations  
11 promulgated thereunder.

12 (15 ILCS 205/7.195 new)

13 Sec. 7.195. Security, bond or guarantee to secure  
14 payment. The Attorney General may provide by rule for the  
15 requiring of, or for the requesting of the court to require,  
16 a responsible relative to post security or bond or give some  
17 other guarantee of a character and amount sufficient to  
18 assure payment of any amount due under a support order  
19 entered by a court or administrative body of this or any  
20 other State on behalf of resident or non-resident persons.  
21 The rule shall provide for notice to and an opportunity to be  
22 heard by each responsible relative affected and any final  
23 administrative decision rendered by the Attorney General  
24 shall be reviewed only under and in accordance with the  
25 Administrative Review Law.

26 (15 ILCS 205/7.200 new)

27 Sec. 7.200. State income tax refund and other payment  
28 intercept. The Attorney General may provide by rule for  
29 certification to the Comptroller of past due support owed by  
30 responsible relatives under a support order entered by a  
31 court or administrative body of this or any other State on  
32 behalf of resident or non-resident persons. The purpose of



1 certification shall be to intercept state income tax refunds  
2 and other payments due such relatives in order to satisfy  
3 such past due support, in whole or in part, whether or not  
4 such support is owed to the State. The rule shall provide  
5 (i) for notice to and an opportunity to be heard by the  
6 responsible relative and any joint payee affected, (ii) that  
7 any final administrative decision rendered by the Attorney  
8 General shall be reviewed only under and in accordance with  
9 the Administrative Review Law, (iii) for distribution of  
10 intercepted moneys in accordance with the federal Personal  
11 Responsibility and Work Opportunity Reconciliation Act of  
12 1996, and (iv) for provision of the responsible relative's  
13 social security number (or numbers if the responsible  
14 relative has more than one such number) and home address to  
15 the Illinois Department of Public Aid and to the Attorney  
16 General. In any case where a state income tax refund is  
17 intercepted wrongfully or erroneously, the Attorney General  
18 shall pay to such relative and any joint payee affected the  
19 amount of the refund plus interest, if any, on such amount at  
20 the rate of 9% per annum (or at such adjusted rate as is  
21 established under Section 6621(b) of the Internal Revenue  
22 Code). Interest shall be calculated from the date the  
23 Attorney General receives the refund or from 60 days  
24 following the date the Attorney General receives a request to  
25 be heard, whichever is later, until the date of payment to  
26 such relative and joint payee.

27 (15 ILCS 205/7.205 new)

28 Sec. 7.205. Past due support information to licensing  
29 agencies. The Attorney General may provide by rule for  
30 certification to any State licensing agency of past due  
31 support owed by responsible relatives under a support order  
32 entered by a court or administrative body of this or any  
33 other State on behalf of resident or non-resident persons.

1 The rule shall provide for notice to and an opportunity to be  
2 heard by each responsible relative affected and any final  
3 administrative decision rendered by the Attorney General  
4 shall be reviewed only under and in accordance with the  
5 Administrative Review Law.

6 (15 ILCS 205/7.210 new)

7 Sec. 7.210. Administrative determination of paternity.

8 The Attorney General may provide by rule for the  
9 administrative determination of paternity by the Child and  
10 Spouse Support Unit in cases involving applicants for or  
11 recipients of financial aid under Article IV of the Illinois  
12 Public Aid Code and other persons who are given access to the  
13 child and spouse support services of Sections 7.1 through  
14 7.305 as provided in Section 7.5, including persons similarly  
15 situated and receiving similar services in other states. The  
16 rules shall extend to cases in which the mother and alleged  
17 father voluntarily acknowledge paternity in the form required  
18 by the Attorney General, or agree to be bound by the results  
19 of genetic testing, or in which the alleged father has failed  
20 to respond to a notification of support obligation issued  
21 under Section 7.30, and to cases of contested paternity. Any  
22 presumption provided for under the Illinois Parentage Act of  
23 1984 shall apply to cases in which paternity is determined  
24 under the rules of the Attorney General. The rules shall  
25 provide for notice and an opportunity to be heard by the  
26 responsible relative and the person receiving child and  
27 spouse support services under Sections 7.1 through 7.305 if  
28 paternity is not voluntarily acknowledged, and any final  
29 administrative decision rendered by the Attorney General  
30 shall be reviewed only under and in accordance with the  
31 Administrative Review Law. Determinations of paternity made  
32 by the Attorney General under the rules authorized by this  
33 Section shall have the full force and effect of a court

1 judgment of paternity entered under the Illinois Parentage  
2 Act of 1984.

3 In determining paternity in contested cases, the Attorney  
4 General shall conduct the evidentiary hearing in accordance  
5 with Section 11 of the Parentage Act of 1984, except that  
6 references in that Section to "the court" shall be deemed to  
7 mean the Attorney General's hearing officer in cases in which  
8 paternity is determined administratively by the Attorney  
9 General.

10 The Attorney General shall provide by rule for procedures  
11 for genetic testing in accordance with any applicable federal  
12 laws.

13 Notwithstanding any other provision of Sections 7.1  
14 through 7.305, a default determination of paternity may be  
15 made if service of the notice under Section 7.30 was made by  
16 publication under the rules for administrative paternity  
17 determination authorized by this Section. The rules as they  
18 pertain to service by publication shall (i) be based on the  
19 provisions of Section 2-206 and 2-207 of the Code of Civil  
20 Procedure, (ii) provide for service by publication in cases  
21 in which the whereabouts of the alleged father are unknown  
22 after diligent location efforts by the Child and Spouse  
23 Support Unit, and (iii) provide for publication of a notice  
24 of default paternity determination in the same manner that  
25 the notice under Section 7.30 was published.

26 The Attorney General may implement this Section through  
27 the use of emergency rules in accordance with Section 5-45 of  
28 the Illinois Administrative Procedure Act. For purposes of  
29 the Illinois Administrative Procedure Act, the adoption of  
30 rules to implement this Section shall be considered an  
31 emergency and necessary for the public interest, safety, and  
32 welfare.

1       Sec. 7.215. New birth certificate. The Attorney General  
2       shall notify the Department of Public Health of a final  
3       determination of parentage and a voluntary acknowledgment of  
4       paternity made under the rules authorized by Section 7.210,  
5       and the Department of Public Health shall issue a new  
6       certificate of birth pursuant to Section 17 of the Vital  
7       Records Act.

8           (15 ILCS 205/7.220 new)

9       Sec. 7.220. Past due support information to State  
10       Department of Revenue.

11       (a) The Attorney General may provide by rule for  
12       certification to the Illinois Department of Revenue of past  
13       due support owed by responsible relatives under a support  
14       order entered by a court or administrative body of this or  
15       any other State on behalf of resident or non-resident  
16       persons. The rule shall provide for notice to and an  
17       opportunity to be heard by each responsible relative  
18       affected. Any final administrative decision rendered by the  
19       Attorney General shall be reviewed only under and in  
20       accordance with the Administrative Review Law. A responsible  
21       relative may avoid certification to the Illinois Department  
22       of Revenue by establishing a satisfactory repayment record as  
23       determined by the Attorney General.

24       (b) A certified past due support amount shall be final.  
25       The certified amount shall be payable to the Illinois  
26       Department of Revenue upon written notification of the  
27       certification to the responsible relative by the Illinois  
28       Department of Revenue.

29       (c) In the event a responsible relative overpays  
30       pursuant to collection under this Section and the applicable  
31       Sections of the Illinois Income Tax Act, the overpayment  
32       shall be a credit against future support obligations. If the  
33       current support obligation of the responsible relative has

1 terminated under operation of law or court order, any moneys  
2 overpaid but still in the possession of the Attorney General  
3 shall be promptly returned to the responsible relative.

4 (d) Except as otherwise provided in this Article, any  
5 child support delinquency certified to the Illinois  
6 Department of Revenue shall be treated as a child support  
7 delinquency for all other purposes, and any collection action  
8 by the State's Attorney or the Illinois Department of Revenue  
9 with respect to any delinquency certified under Sections 7.1  
10 through 7.305 shall have the same priority against  
11 attachment, execution, assignment, or other collection action  
12 as is provided by any other provision of State law.

13 (e) Any child support delinquency collected by the  
14 Illinois Department of Revenue, including those amounts that  
15 result in overpayment of a child support delinquency, shall  
16 be paid to the State Disbursement Unit established under  
17 Section 7.295.

18 (15 ILCS 205/7.221 new)

19 Sec. 7.221. Requests to other states for administrative  
20 enforcement. The Attorney General may provide by rule for the  
21 procedures to be followed in the administrative enforcement  
22 of interstate cases. The rule may provide for responses to  
23 requests made by other states to enforce support orders in  
24 accordance with any applicable federal laws and regulations,  
25 for certification to other states' child support enforcement  
26 agencies of past due support owed by responsible relatives  
27 under a support order entered by a court or administrative  
28 body of this or any other state on behalf of resident or  
29 nonresident persons (including certification of the amount of  
30 support in arrears and of compliance with all procedural due  
31 process requirements), and for maintenance of records  
32 relating to interstate cases. The purpose of certification  
33 shall be to request the other states' assistance in

1 administrative enforcement of the support orders. The rule  
2 shall provide for notice to and an opportunity to be heard by  
3 the responsible relative affected, and any final  
4 administrative decision rendered by the Attorney General  
5 shall be reviewed only under and in accordance with the  
6 Administrative Review Law.

7 (15 ILCS 205/7.223 new)

8 Sec. 7.223. Grandparents' support obligation. If the  
9 noncustodial parent of a child is an unemancipated minor,  
10 then to the extent that the minor parent has insufficient  
11 financial resources to fulfill his or her support  
12 responsibilities to the child, the parents of that minor  
13 parent are jointly and severally responsible for any child  
14 support for the child of that minor parent if that child is a  
15 recipient of assistance under the State's plan for aid and  
16 services to needy families with children.

17 (15 ILCS 205/7.225 new)

18 Sec. 7.225. Recoveries; deductibility of direct  
19 relatives' support payment. In any actions for the recovery  
20 of the financial aid, including actions for the enforcement  
21 of estate and lien claims, amounts contributed by responsible  
22 relatives either voluntarily or by court or administrative  
23 order and paid to the Illinois Department of Public Aid or to  
24 a local governmental unit shall be deducted from the claim of  
25 the State or the governmental unit.

26 (15 ILCS 205/7.230 new)

27 Sec. 7.230. Support payments ordered under other laws.  
28 The Attorney General, Illinois Department of Public Aid, and  
29 local governmental units are authorized to receive payments  
30 directed by court order for the support of recipients, as  
31 provided in the following Acts:

- 1           (1) The Non-Support of Spouse and Children Act.
  - 2           (1.5) The Non-Support Punishment Act.
  - 3           (2) The Illinois Marriage and Dissolution of  
4 Marriage Act.
  - 5           (3) The Illinois Parentage Act of 1984.
  - 6           (4) The Revised Uniform Reciprocal Enforcement of  
7 Support Act.
  - 8           (5) The Juvenile Court Act or the Juvenile Court  
9 Act of 1987.
  - 10          (6) The Unified Code of Corrections.
  - 11          (7) Part 7 of Article XII of the Code of Civil  
12 Procedure.
  - 13          (8) Part 8 of Article XII of the Code of Civil  
14 Procedure.
  - 15          (9) Other laws which may provide by judicial order  
16 for direct payment of support moneys.
- 17           Payments under this Section to the Illinois Department of  
18 Public Aid or the Attorney General pursuant to the Child  
19 Support Enforcement Program established by Title IV-D of the  
20 Social Security Act shall be paid into the Child Support  
21 Enforcement Trust Fund. All payments under this Section to  
22 the Illinois Department of Human Services shall be deposited  
23 in the DHS Recoveries Trust Fund. Disbursements from these  
24 funds shall be as provided in Sections 12-9.1 and 12-10.2 of  
25 the Illinois Public Aid Code. Payments received by a local  
26 governmental unit shall be deposited in that unit's General  
27 Assistance Fund.
- 28           To the extent the provisions of this Section are  
29 inconsistent with the requirements pertaining to the State  
30 Disbursement Unit under Sections 7.76 and 7.295, the  
31 provisions pertaining to the State Disbursement Unit shall  
32 apply.

1       Sec. 7.235. Amnesty program. The Attorney General may  
 2 provide by rule for the establishment of a child support  
 3 enforcement amnesty program for responsible relatives who owe  
 4 support under Sections 7.1 through 7.305, to the extent  
 5 permitted by federal law and regulation. The rule shall  
 6 provide for the suspending of specified enforcement actions,  
 7 the duration of the suspension period or periods, the action  
 8 the responsible relative must take to avoid future  
 9 enforcement action, and the announcement of the program.

10       (15 ILCS 205/7.240 new)

11       Sec. 7.240. Collection of past-due child support charge.  
 12 The Attorney General may collect, on behalf of the Illinois  
 13 Department of Public Aid, any one-time charge imposed on the  
 14 amount of past-due child support in accordance with Section  
 15 10-21 of the Illinois Public Aid Code, subsection (c) of  
 16 Section 505 of the Illinois Marriage and Dissolution of  
 17 Marriage Act, Section 3 of the Non-Support of Spouse and  
 18 Children Act, Section 24 of the Revised Uniform Reciprocal  
 19 Enforcement of Support Act, and subsection (g) of Section 14  
 20 of the Illinois Parentage Act of 1984.

21       (15 ILCS 205/7.250 new)

22       Sec. 7.250. Employer obligations. If a parent is  
 23 required by a court or administrative order for support to  
 24 provide coverage for a child's health care expenses and if  
 25 that coverage is available to the parent through an employer  
 26 who does business in this State, the employer must do all of  
 27 the following upon receipt of a copy of the order of support  
 28 or order for withholding:

- 29           (1) The employer shall, upon the parent's request,  
 30 permit the parent to include in that coverage a child who  
 31 is otherwise eligible for that coverage, without regard  
 32 to any enrollment season restrictions that might



1 otherwise be applicable as to the time period within  
2 which the child may be added to that coverage.

3 (2) If the parent has health care coverage through  
4 the employer but fails to apply for coverage of the  
5 child, the employer shall include the child in the  
6 parent's coverage upon application by the child's other  
7 parent or the Attorney General.

8 (3) The employer may not eliminate any child from  
9 the parent's health care coverage unless the employee is  
10 no longer employed by the employer and no longer covered  
11 under the employer's group health plan or unless the  
12 employer is provided with satisfactory written evidence  
13 of either of the following:

14 (A) The court or administrative order is no  
15 longer in effect.

16 (B) The child is or will be included in a  
17 comparable health care plan obtained by the parent  
18 under such order that is currently in effect or will  
19 take effect no later than the date the prior  
20 coverage is terminated.

21 The employer may eliminate a child from a parent's  
22 health care coverage if the employer has eliminated  
23 dependent health care coverage for all of its employees.

24 (15 ILCS 205/7.255 new)

25 Sec. 7.255. Definitions. In this Section through  
26 Section 7.285:

27 "Account" means a demand deposit account, checking or  
28 negotiable withdrawal order account, savings account, time  
29 deposit account, or money market mutual fund account.

30 "Financial institution" includes:

31 (1) a depository institution, which is any bank or  
32 saving association;

33 (2) an insured depository institution, which is any

bank or saving institution the deposits of which are insured pursuant to the Federal Deposit Insurance Act, or any uninsured branch or agency of a foreign bank or a commercial lending company owned or controlled by a foreign bank;

(3) a federal depository institution, which is any national bank, any federal savings association, or any federal branch;

(4) a state depository institution, which is any state bank, any state savings association, or any insured branch which is not a federal branch;

(5) a federal credit union, which is a cooperative association organized in accordance with the provisions of the Federal Credit Union Act;

(6) a state chartered credit union which is organized and operated according to the laws of this or any other state, which laws provide for the organization of credit unions similar in principle and objectives to federal credit unions; and

(7) any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this State.

"Financial record" has the meaning given to that term in Section 1101 of the federal Right to Financial Privacy Act of 1978 (12 U.S.C. 3401).

(15 ILCS 205/7.260 new)

Sec. 7.260. Financial institutions data matches.

(a) The Attorney General may design and implement a data match system pursuant to which the Attorney General shall enter into agreements with financial institutions doing business in this State for the purpose of identifying accounts as defined in Section 7.255 of responsible relatives who owe past-due child support.

1       (b) Every agreement entered into with a financial  
2 institution under this Section shall provide, at the option  
3 of the financial institution, either (i) that the financial  
4 institution shall compare data concerning account holders,  
5 owners, or customers who maintain one or more accounts as  
6 defined in Section 7.255 at the financial institution with  
7 data concerning individuals identified by the Attorney  
8 General as responsible relatives who owe past-due child  
9 support and for each of whom the Attorney General shall  
10 provide the name, record address, and social security number  
11 or tax identification number, or (ii) that the financial  
12 institution shall provide the social security number or tax  
13 identification number of the account holders, owners, or  
14 customers who maintain one or more accounts as defined in  
15 Section 7.255 at the financial institution to the Attorney  
16 General, who shall compare that data with data concerning  
17 individuals identified as responsible relatives who owe  
18 past-due child support.

19       (c) Every agreement shall provide that the Attorney  
20 General shall pay to the financial institution providing or  
21 comparing the data a reasonable fee not to exceed the  
22 institution's actual cost of providing the data or performing  
23 the comparison.

24       (d) If the financial institution or Attorney General  
25 determines that the name and either social security number or  
26 tax identification number of an individual identified by the  
27 Attorney General under subsection (b) match the name and  
28 either social security number or tax identification number of  
29 the account holder, owner, or customer who maintains one or  
30 more accounts as defined in Section 7.255 at the financial  
31 institution, then the financial institution shall report the  
32 individual's name and either social security number or tax  
33 identification number to the Attorney General, for each  
34 calendar quarter in which the individual is identified by the

1 Attorney General as a responsible relative who owes past-due  
2 child support.

3 (15 ILCS 205/7.265 new)

4 Sec. 7.265. Types of accounts to be reported. The  
5 reporting requirements of Section 7.260 regarding accounts as  
6 defined in Section 7.255 apply to individual accounts, joint  
7 accounts, and sole proprietorship accounts. In the case of a  
8 joint account, the account holder or owner shall be deemed to  
9 be the primary account holder or owner established by the  
10 financial institution in accordance with federal 1099  
11 reporting requirements.

12 (15 ILCS 205/7.270 new)

13 Sec. 7.270. Accommodation of financial institutions.  
14 The Attorney General shall make a reasonable effort to  
15 accommodate those financial institutions on which the  
16 requirements of Sections 7.1 through 7.305 would impose a  
17 hardship. In the case of a non-automated financial  
18 institution, a paper copy including either social security  
19 numbers or tax identification numbers is an acceptable  
20 format. In order to allow for data processing  
21 implementation, no agreement shall become effective earlier  
22 than 90 days after its execution.

23 (15 ILCS 205/7.275 new)

24 Sec. 7.275. Financial institution's charges on account.  
25 (a) If the Attorney General requests a financial  
26 institution to hold or encumber assets in an account as  
27 defined in Section 7.255, the financial institution at which  
28 the account as defined in Section 7.255 is maintained may  
29 charge and collect its normally scheduled account activity  
30 fees to maintain the account during the period of time the  
31 account assets are held or encumbered.

1       (b) If the Attorney General takes any action to enforce  
 2       a lien or levy imposed on an account, as defined in Section  
 3       7.255, under Section 7.292, the financial institution at  
 4       which the account is maintained may charge to the account a  
 5       fee of up to \$50 and shall deduct the amount of the fee from  
 6       the account before remitting any moneys from the account to  
 7       the Attorney General.

8           (15 ILCS 205/7.280 new)  
 9       Sec. 7.280. Confidentiality. All information provided  
 10       by a financial institution under Sections 7.255 through 7.285  
 11       is confidential and may be used only for the purpose of  
 12       enforcing payment of child support. The Attorney General  
 13       shall adopt rules to safeguard any confidential information  
 14       received from a financial institution.

15           (15 ILCS 205/7.285 new)  
 16       Sec. 7.285. Financial institution's freedom from  
 17       liability. A financial institution that provides information  
 18       under Sections 7.255 through 7.285 shall not be liable to any  
 19       account holder, owner, or other person in any civil,  
 20       criminal, or administrative action for any of the following:

21           (1) Disclosing the required information to the  
 22       Attorney General, any other provisions of the law not  
 23       withstanding.

24           (2) Holding, encumbering, or surrendering any of an  
 25       individual's accounts as defined in Section 7.255 in  
 26       response to a lien or order to withhold and deliver  
 27       issued by:

28                   (A) the Attorney General under Sections 7.290  
 29                   and 7.292; or

30                   (B) a person or entity acting on behalf of the  
 31       Attorney General.

32           (3) Any other action taken or omission made in good

1 faith to comply with Sections 7.255 through 7.285,  
2 including individual or mechanical errors, provided that  
3 the action or omission does not constitute gross  
4 negligence or willful misconduct.

5 (15 ILCS 205/7.290 new)

6 Sec. 7.290. Administrative liens and levies on real  
7 property for past-due child support.

8 (a) The State shall have a lien on all legal and  
9 equitable interests of responsible relatives in their real  
10 property in the amount of past-due child support owing  
11 pursuant to an order for child support entered under Sections  
12 7.60 and 7.80 of this Act or Sections 10-10 and 10-11 of the  
13 Illinois Public Aid Code or under the Illinois Marriage and  
14 Dissolution of Marriage Act, the Non-Support of Spouse and  
15 Children Act, the Non-Support Punishment Act, the Uniform  
16 Interstate Family Support Act, or the Illinois Parentage Act  
17 of 1984.

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

23 (c) When enforcing a lien under subsection (a) of this  
24 Section, the Attorney General shall have the authority to  
25 execute notices of administrative liens and levies, which  
26 shall contain the name and address of the responsible  
27 relative, a legal description of the real property to be  
28 levied, the fact that a lien is being claimed for past-due  
29 child support, and such other information as the Attorney  
30 General may by rule prescribe. The Attorney General shall  
31 record the notice of lien with the recorder or registrar of  
32 titles of the county or counties in which the real estate is  
33 located.

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

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

20       (e) The recorder or registrar of titles of each county  
21 shall procure a file labeled "Child Support Lien Notices" and  
22 an index book labeled "Child Support Lien Notices". When  
23 notice of any lien is presented to the recorder or registrar  
24 of titles for filing, the recorder or registrar of titles  
25 shall file it in numerical order in the file and shall enter  
26 it alphabetically in the index. The entry shall show the  
27 name and last known address of the person named in the  
28 notice, the serial number of the notice, the date and hour of  
29 filing, and the amount of child support due at the time when  
30 the lien is filed.

31       (f) The Attorney General shall not be required to  
32 furnish bond or make a deposit for or pay any costs or fees  
33 of any court or officer thereof in any legal proceeding  
34 involving the lien.

1       (g) To protect the lien of the State for past-due child  
2 support, the Attorney General may, from funds that are  
3 available for that purpose, pay or provide for the payment of  
4 necessary or essential repairs, purchase tax certificates,  
5 pay balances due on land contracts, or pay or cause to be  
6 satisfied any prior liens on the property to which the lien  
7 hereunder applies.

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

11       (i) The Attorney General, acting in behalf of the State,  
12 may foreclose the lien in a judicial proceeding to the same  
13 extent and in the same manner as in the enforcement of other  
14 liens. The process, practice, and procedure for the  
15 foreclosure shall be the same as provided in the Code of  
16 Civil Procedure.

17       (15 ILCS 205/7.292 new)

18       Sec. 7.292. Administrative liens and levies on personal  
19 property for past-due child support.

20       (a) The State shall have a lien on all legal and  
21 equitable interests of responsible relatives in their  
22 personal property, including any account in a financial  
23 institution as defined in Section 7.255, or in the case of an  
24 insurance company or benefit association only in accounts as  
25 defined in Section 7.255, in the amount of past-due child  
26 support owing pursuant to an order for child support entered  
27 under Sections 7.60 and 7.80 of this Act or Sections 10-10  
28 and 10-11 of the Illinois Public Aid Code or under the  
29 Illinois Marriage and Dissolution of Marriage Act, the  
30 Non-Support of Spouse and Children Act, the Non-Support  
31 Punishment Act, the Uniform Interstate Family Support Act, or  
32 the Illinois Parentage Act of 1984.

33       (b) The Attorney General shall provide by rule for



1 notice to and an opportunity to be heard by each responsible  
2 relative affected, and any final administrative decision  
3 rendered by the Attorney General shall be reviewed only under  
4 and in accordance with the Administrative Review Law.

5 (c) When enforcing a lien under subsection (a) of this  
6 Section, the Attorney General shall have the authority to  
7 execute notices of administrative liens and levies, which  
8 shall contain the name and address of the responsible  
9 relative, a description of the property to be levied, the  
10 fact that a lien is being claimed for past-due child support,  
11 and such other information as the Attorney General may by  
12 rule prescribe. The Attorney General may serve the notice of  
13 lien or levy upon any financial institution where the  
14 accounts as defined in Section 7.255 of the responsible  
15 relative may be held, for encumbrance or surrender of the  
16 accounts as defined in Section 7.255 by the financial  
17 institution.

18 (d) The Attorney General shall enforce its lien against  
19 the responsible relative's personal property, other than  
20 accounts as defined in Section 7.255 in financial  
21 institutions, and levy upon such personal property in the  
22 manner provided for enforcement of judgments contained in  
23 Article XII of the Code of Civil Procedure.

24 (e) The Attorney General shall not be required to  
25 furnish bond or make a deposit for or pay any costs or fees  
26 of any court or officer thereof in any legal proceeding  
27 involving the lien.

28 (f) To protect the lien of the State for past-due child  
29 support, the Attorney General may, from funds that are  
30 available for that purpose, pay or provide for the payment of  
31 necessary or essential repairs, purchase tax certificates, or  
32 pay or cause to be satisfied any prior liens on the property  
33 to which the lien hereunder applies.

34 (g) A lien on personal property under this Section shall

1 be released in the manner provided under Article XII of the  
 2 Code of Civil Procedure. Notwithstanding the foregoing, a  
 3 lien under this Section on accounts as defined in Section  
 4 7.255 shall expire upon the passage of 120 days from the date  
 5 of issuance of the Notice of Lien or Levy by the Attorney  
 6 General. However, the lien shall remain in effect during the  
 7 pendency of any appeal or protest.

8 (h) A lien created under this Section is subordinate to  
 9 any prior lien of the financial institution or any prior lien  
 10 holder or any prior right of set-off that the financial  
 11 institution may have against the assets, or in the case of an  
 12 insurance company or benefit association only in the accounts  
 13 as defined in Section 7.255.

14 (i) A financial institution has no obligation under this  
 15 Section to hold, encumber, or surrender the assets, or in the  
 16 case of an insurance company or benefit association only the  
 17 accounts as defined in Section 7.255, until the financial  
 18 institution has been properly served with a subpoena,  
 19 summons, warrant, court or administrative order, or  
 20 administrative lien and levy requiring that action.

21 (15 ILCS 205/7.295 new)

22 Sec. 7.295. State Disbursement Unit.

23 (a) The Attorney General shall establish a State  
 24 Disbursement Unit in accordance with the requirements of  
 25 Title IV-D of the Social Security Act. The Attorney General  
 26 shall enter into an agreement with a State or local  
 27 governmental unit or private entity to perform the functions  
 28 of the State Disbursement Unit as set forth in this Section.  
 29 The State Disbursement Unit shall collect and disburse  
 30 support payments made under court and administrative support  
 31 orders:

32 (1) being enforced in cases in which child and  
 33 spouse support services are being provided under Sections

1 7.1 through 7.305; and

2 (2) in all cases in which child and spouse support  
3 services are not being provided under Sections 7.1  
4 through 7.305 and in which support payments are made  
5 under the provisions of the Income Withholding for  
6 Support Act.

7 (a-5) If the State Disbursement Unit receives a support  
8 payment that was not appropriately made to the Unit under  
9 this Section, the Unit shall immediately return the payment  
10 to the sender, including, if possible, instructions detailing  
11 where to send the support payments.

12 (b) All payments received by the State Disbursement  
13 Unit:

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

17 (2) distributed and disbursed by the State  
18 Disbursement Unit, in accordance with the directions of  
19 the Attorney General, pursuant to Title IV-D of the  
20 Social Security Act and rules promulgated by the Attorney  
21 General.

22 (c) All support payments assigned to the Attorney  
23 General under Sections 7.1 through 7.305 and rules  
24 promulgated by the Attorney General that are disbursed to the  
25 Attorney General by the State Disbursement Unit shall be paid  
26 into the Child Support Enforcement Trust Fund.

27 (d) If the agreement with the State or local  
28 governmental unit or private entity provided for in this  
29 Section is not in effect for any reason, the Attorney General  
30 shall perform the functions of the State Disbursement Unit as  
31 set forth in this Section for a maximum of 12 months.  
32 Payments received by the Attorney General in performance of  
33 the duties of the State Disbursement Unit shall be deposited  
34 into the State Disbursement Unit Revolving Fund established

1 under Section 7.300.

2 (15 ILCS 205/7.297 new)

3 Sec. 7.297. Delayed payment from State Disbursement Unit.

4 (a) In this Section, "adversely affected recipient of  
5 support" means a person who meets all of the following  
6 criteria:

7 (1) The person is entitled to disbursement of a  
8 child support payment from the State Disbursement Unit.

9 (2) The person either (i) does not receive from the  
10 State Disbursement Unit a disbursement of a child support  
11 payment to which he or she is entitled or (ii) receives a  
12 delayed disbursement of a child support payment from the  
13 State Disbursement Unit.

14 (3) As a result of the nonreceipt of the  
15 disbursement of the child support payment or the delayed  
16 disbursement of the child support payment, the person  
17 receives an adverse rating by a credit reporting agency  
18 based, for example, on the person's inability to make a  
19 timely payment of an amount owed to another person.

20 (b) Upon the request of an adversely affected recipient  
21 of support, the Attorney General shall send a letter to the  
22 recipient verifying the delayed or undisbursed child support  
23 payment. The recipient may submit that letter to the  
24 appropriate credit reporting agency for placement in the  
25 recipient's credit file.

26 (c) The Attorney General shall adopt rules necessary to  
27 implement this Section.

28 (15 ILCS 205/7.300 new)

29 Sec. 7.300. State Disbursement Unit Revolving Fund.

30 (a) There is created a revolving fund to be known as the  
31 State Disbursement Unit Revolving Fund, to be held by the  
32 State Treasurer as ex officio custodian, for the following

1 purposes:

2 (1) the deposit of all support payments received by  
3 the Attorney General's State Disbursement Unit; and

4 (2) the disbursement of such payments in accordance  
5 with the provisions of Title IV-D of the Social Security  
6 Act and rules promulgated by the Attorney General.

7 (b) The provisions of this Section shall apply only if  
8 the Attorney General performs the functions of the State  
9 Disbursement Unit under subsection (d) of Section 7.295.

10 (c) Moneys in the State Disbursement Unit Revolving Fund  
11 shall be expended upon the direction of the Attorney General.

12 (15 ILCS 205/7.305 new)

13 Sec. 7.305. State case registry.

14 (a) The Attorney General shall establish an automated  
15 State Case Registry to contain records concerning child  
16 support orders for parties receiving child and spouse support  
17 services under Section 7.1 through this Section, and for all  
18 child support orders entered or modified on or after October  
19 1, 1998, and pursuant to Sections 7.60 and 7.80, and pursuant  
20 to the Illinois Marriage and Dissolution of Marriage Act, the  
21 Non-Support Punishment Act, the Uniform Interstate Family  
22 Support Act, or the Illinois Parentage Act of 1984.

23 (b) The Attorney General shall maintain the following  
24 information in the Registry for all cases described in  
25 subsection (a):

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

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

32 (3) the social security numbers of the custodial  
33 and non-custodial parents and, if available, of the child

1 or children covered by the order;

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

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

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

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

10 (8) the case identification number;

11 (9) the court docket number, if applicable; and

12 (10) any other information that may be required  
13 under Title IV, Part D of the Social Security Act or  
14 regulations promulgated thereunder.

15 (c) The Attorney General shall maintain the following  
16 payment information on child support orders for parties  
17 receiving child and spouse support services under Sections  
18 7.1 through 7.305.

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

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

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

26 (4) the amount of any lien imposed with respect to  
27 the order pursuant to Section 7.290 or Section 7.292 of  
28 this Code.

29 (d) The Attorney General shall establish, update,  
30 maintain, and monitor case records in the Registry of parties  
31 receiving child and spouse support services under Section 7.1  
32 through this Section on the bases of:

33 (1) information on administrative actions and  
34 administrative and judicial proceedings and orders

1 relating to paternity and support;

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

4 (3) information on support collections and  
5 distribution; and

6 (4) any other relevant information.

7 (e) The Attorney General shall use the automated State  
8 Case Registry to share and compare information with, and  
9 receive information from, other data bases and information  
10 comparison services in order to obtain (or provide)  
11 information necessary to enable the Attorney General (or the  
12 federal Department of Health and Human Services or other  
13 State or federal agencies) to carry out the requirements of  
14 the child support enforcement program established under Title  
15 IV, Part D of the Social Security Act. Such information  
16 comparison activities shall include the following:

17 (1) Furnishing to the Federal Case Registry of  
18 Child Support Orders (and updating as necessary, with  
19 information including notice of expiration of orders) the  
20 information specified by the federal Department of Health  
21 and Human Services in regulations.

22 (2) Exchanging information with the Federal Parent  
23 Locator Service for the purposes specified in Section 453  
24 of the Social Security Act.

25 (3) Exchanging information with State agencies (of  
26 this State and of other states) administering programs  
27 funded under Title IV, Part A and Title XIX of the Social  
28 Security Act and other programs designated by the federal  
29 Department of Health and Human Services, as necessary to  
30 perform responsibilities under Title IV, Part D of the  
31 Social Security Act and under such other programs.

32 (4) Exchanging information with other agencies of  
33 this State, agencies of other states, and interstate  
34 information networks, as necessary and appropriate to

1 carry out (or assist other states to carry out) the  
2 purposes of Title IV, Part D of the Social Security Act.

3 (f) The Attorney General shall adopt rules establishing  
4 safeguards, applicable to all confidential information  
5 included in the State Case Registry, that are designed to  
6 protect the privacy rights of persons concerning whom  
7 information is on record in the State Case Registry. Such  
8 safeguards shall include, but not be limited to the  
9 following:

10 (1) Prohibitions against the release of information  
11 on the whereabouts of one party or the child to another  
12 party against whom a protective order with respect to the  
13 former party or the child has been entered.

14 (2) Prohibitions against the release of information  
15 on the whereabouts of one party or the child to another  
16 party if the Attorney General has reasonable evidence of  
17 domestic violence or child abuse (that is, allegations of  
18 domestic violence or child abuse, unless the Attorney  
19 General has an independent, reasonable basis to find the  
20 person making the allegation not credible) to the former  
21 party or child by the party requesting information.

22 (3) Prohibitions against the release of information  
23 on the whereabouts of one party or the child to another  
24 person if the Attorney General has reason to believe the  
25 release of information to that person may result in  
26 physical or emotional harm to the party or child.

27 Section 15. The State Comptroller Act is amended by  
28 changing Section 10.05a as follows:

29 (15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)

30 Sec. 10.05a. Deductions from Warrants and Payments for  
31 Satisfaction of Past Due Child Support. At the direction of  
32 the Department of Public Aid (before the effective date of



1 this amendatory Act of the 92nd General Assembly) or the  
2 Attorney General (on and after that date), the Comptroller  
3 shall deduct from a warrant or other payment described in  
4 Section 10.05 of this Act, in accordance with the procedures  
5 provided therein, and pay over to the Department, the  
6 Attorney General, or the State Disbursement Unit established  
7 under Section 7.295 of the Attorney General Act 10-26-of-the  
8 Illinois-Public-Aid-Code, at the direction of the Department  
9 or the Attorney General, that amount certified as necessary  
10 to satisfy, in whole or in part, past due support owed by a  
11 person on account of support action being taken by the  
12 Department (before the effective date of this amendatory Act  
13 of the 92nd General Assembly) or the Attorney General (on and  
14 after that date) under Article X of the Illinois Public Aid  
15 Code or Sections 7.1 through 7.305 of the Attorney General  
16 Act, whether or not such support is owed to the State. Such  
17 deduction shall have priority over any garnishment except  
18 that for payment of state or federal taxes. In the case of  
19 joint payees, the Comptroller shall deduct and pay over to  
20 the Department, the Attorney General, or the State  
21 Disbursement Unit, as directed by the Department or the  
22 Attorney General, the entire amount certified. The  
23 Comptroller shall provide the Department or the Attorney  
24 General with the address to which the warrant or other  
25 payment was to be mailed and the social security number of  
26 each person from whom a deduction is made pursuant to this  
27 Section.

28 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

29 Section 17. The New Hire Reporting Act is amended by  
30 changing Section 35 as follows:

31 (20 ILCS 1020/35)

32 Sec. 35. Attorney General's Department--of-Public-Aid

1 duties. The Attorney General Department-of-Public-Aid shall  
2 establish a community advisory committee for oversight of the  
3 implementation process, toll-free telephone lines for  
4 employers with child support questions, an expedited hearing  
5 process for non-custodial parents who contest an employer's  
6 execution of an order for withholding and brochures and  
7 public service announcements that inform the general public  
8 about the New Hire Directory and how to utilize it, within  
9 the federal and State confidentiality laws, in pursuit of  
10 child support.

11 (Source: P.A. 90-425, eff. 8-15-97.)

12 Section 18. The Illinois Lottery Law is amended by  
13 changing Section 13 as follows:

14 (20 ILCS 1605/13) (from Ch. 120, par. 1163)

15 Sec. 13. No prize, nor any portion of a prize, nor any  
16 right of any person to a prize awarded shall be assignable.  
17 Any prize, or portion thereof remaining unpaid at the death  
18 of a prize winner, may be paid to the estate of such deceased  
19 prize winner, or to the trustee under a revocable living  
20 trust established by the deceased prize winner as settlor,  
21 provided that a copy of such a trust has been filed with the  
22 Department along with a notarized letter of direction from  
23 the settlor and no written notice of revocation has been  
24 received by the Department prior to the settlor's death.  
25 Following such a settlor's death and prior to any payment to  
26 such a successor trustee, the Director shall obtain from the  
27 trustee and each trust beneficiary a written agreement to  
28 indemnify and hold the Department harmless with respect to  
29 any claims that may be asserted against the Department  
30 arising from payment to or through the trust.  
31 Notwithstanding any other provision of this Section, any  
32 person pursuant to an appropriate judicial order may be paid

1 the prize to which a winner is entitled, and all or part of  
 2 any prize otherwise payable by State warrant under this  
 3 Section shall be withheld upon certification to the State  
 4 Comptroller from the Attorney General Illinois-Department-of  
 5 Public-Aid as provided in Section 7.200 10-17-5 of the  
 6 Attorney General Act Illinois-Public-Aid-Code. The Director  
 7 shall be discharged of all further liability upon payment of  
 8 a prize pursuant to this Section.

9 (Source: P.A. 85-1224.)

10 Section 20. The Department of Professional Regulation  
 11 Law of the Civil Administrative Code of Illinois is amended  
 12 by changing Section 2105-15 as follows:

13 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

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

15 (a) The Department has, subject to the provisions of the  
 16 Civil Administrative Code of Illinois, the following powers  
 17 and duties:

18 (1) To authorize examinations in English to  
 19 ascertain the qualifications and fitness of applicants to  
 20 exercise the profession, trade, or occupation for which  
 21 the examination is held.

22 (2) To prescribe rules and regulations for a fair  
 23 and wholly impartial method of examination of candidates  
 24 to exercise the respective professions, trades, or  
 25 occupations.

26 (3) To pass upon the qualifications of applicants  
 27 for licenses, certificates, and authorities, whether by  
 28 examination, by reciprocity, or by endorsement.

29 (4) To prescribe rules and regulations defining,  
 30 for the respective professions, trades, and occupations,  
 31 what shall constitute a school, college, or university,  
 32 or department of a university, or other institution,

1       reputable and in good standing, and to determine the  
2       reputability and good standing of a school, college, or  
3       university, or department of a university, or other  
4       institution, reputable and in good standing, by reference  
5       to a compliance with those rules and regulations;  
6       provided, that no school, college, or university, or  
7       department of a university, or other institution that  
8       refuses admittance to applicants solely on account of  
9       race, color, creed, sex, or national origin shall be  
10      considered reputable and in good standing.

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

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

14 The Department, without further process or hearings,  
15 shall revoke, suspend, or deny any license or renewal  
16 authorized by the Civil Administrative Code of Illinois  
17 to a person who is certified by the Illinois Department  
18 of Public Aid (before the effective date of this  
19 amendatory Act of the 92nd General Assembly) or the  
20 Attorney General (on and after that date) as being more  
21 than 30 days delinquent in complying with a child support  
22 order or who is certified by a court as being in  
23 violation of the Non-Support of Punishment Act for more  
24 than 60 days. The Department may, however, issue a  
25 license or renewal if the person has established a  
26 satisfactory repayment record as determined by the  
27 Illinois Department of Public Aid (before the effective  
28 date of this amendatory Act of the 92nd General Assembly)  
29 or the Attorney General (on and after that date) or if  
30 the person is determined by the court to be in compliance  
31 with the Non-Support Punishment Act. The Department may  
32 implement this paragraph as added by Public Act 89-6  
33 through the use of emergency rules in accordance with  
34 Section 5-45 of the Illinois Administrative Procedure

1 Act. For purposes of the Illinois Administrative  
2 Procedure Act, the adoption of rules to implement this  
3 paragraph shall be considered an emergency and necessary  
4 for the public interest, safety, and welfare.

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

11 (7) To formulate rules and regulations necessary  
12 for the enforcement of any Act administered by the  
13 Department.

14 (8) To exchange with the Illinois Department of  
15 Public Aid (before the effective date of this amendatory  
16 Act of the 92nd General Assembly) or the Attorney General  
17 (on and after that date) information that may be  
18 necessary for the enforcement of child support orders  
19 entered pursuant to the Attorney General Act, the  
20 Illinois Public Aid Code, the Illinois Marriage and  
21 Dissolution of Marriage Act, the Non-Support of Spouse  
22 and Children Act, the Non-Support Punishment Act, the  
23 Revised Uniform Reciprocal Enforcement of Support Act,  
24 the Uniform Interstate Family Support Act, or the  
25 Illinois Parentage Act of 1984. Notwithstanding any  
26 provisions in this Code to the contrary, the Department  
27 of Professional Regulation shall not be liable under any  
28 federal or State law to any person for any disclosure of  
29 information to the Illinois Department of Public Aid or  
30 the Attorney General under this paragraph (8) or for any  
31 other action taken in good faith to comply with the  
32 requirements of this paragraph (8).

33 (8.5) To require an applicant for any new license  
34 or for the renewal of a license to provide his or her

1           social security number on the license application form.

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

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

11          (c) For the purpose of securing and preparing evidence,  
12 and for the purchase of controlled substances, professional  
13 services, and equipment necessary for enforcement activities,  
14 recoupment of investigative costs, and other activities  
15 directed at suppressing the misuse and abuse of controlled  
16 substances, including those activities set forth in Sections  
17 504 and 508 of the Illinois Controlled Substances Act, the  
18 Director and agents appointed and authorized by the Director  
19 may expend sums from the Professional Regulation Evidence  
20 Fund that the Director deems necessary from the amounts  
21 appropriated for that purpose. Those sums may be advanced to  
22 the agent when the Director deems that procedure to be in the  
23 public interest. Sums for the purchase of controlled  
24 substances, professional services, and equipment necessary  
25 for enforcement activities and other activities as set forth  
26 in this Section shall be advanced to the agent who is to make  
27 the purchase from the Professional Regulation Evidence Fund  
28 on vouchers signed by the Director. The Director and those  
29 agents are authorized to maintain one or more commercial  
30 checking accounts with any State banking corporation or  
31 corporations organized under or subject to the Illinois  
32 Banking Act for the deposit and withdrawal of moneys to be  
33 used for the purposes set forth in this Section; provided,  
34 that no check may be written nor any withdrawal made from any

1 such account except upon the written signatures of 2 persons  
2 designated by the Director to write those checks and make  
3 those withdrawals. Vouchers for those expenditures must be  
4 signed by the Director. All such expenditures shall be  
5 audited by the Director, and the audit shall be submitted to  
6 the Department of Central Management Services for approval.

7 (d) Whenever the Department is authorized or required by  
8 law to consider some aspect of criminal history record  
9 information for the purpose of carrying out its statutory  
10 powers and responsibilities, then, upon request and payment  
11 of fees in conformance with the requirements of Section  
12 2605-400 of the Department of State Police Law (20 ILCS  
13 2605/2605-400), the Department of State Police is authorized  
14 to furnish, pursuant to positive identification, the  
15 information contained in State files that is necessary to  
16 fulfill the request.

17 (e) The provisions of this Section do not apply to  
18 private business and vocational schools as defined by Section  
19 1 of the Private Business and Vocational Schools Act.

20 (f) Beginning July 1, 1995, this Section does not apply  
21 to those professions, trades, and occupations licensed under  
22 the Real Estate License Act of 2000, nor does it apply to any  
23 permits, certificates, or other authorizations to do business  
24 provided for in the Land Sales Registration Act of 1989 or  
25 the Illinois Real Estate Time-Share Act.

26 (Source: P.A. 90-18, eff. 7-1-97; 91-239, eff. 1-1-00;  
27 91-245, eff. 12-31-99; 91-613, eff. 10-1-99; revised  
28 9-29-99.)

29 Section 22. The Department of Revenue Law of the Civil  
30 Administrative Code of Illinois is amended by changing  
31 Section 2505-650 as follows:

32 (20 ILCS 2505/2505-650) (was 20 ILCS 2505/39b52)



1           Sec. 2505-650. Collection of past due support. Upon  
2 certification of past due child support amounts from the  
3 Department of Public Aid (before the effective date of this  
4 amendatory Act of the 92nd General Assembly) or the Attorney  
5 General (on and after that date), the Department of Revenue  
6 may collect the delinquency in any manner authorized for the  
7 collection of any tax administered by the Department of  
8 Revenue. The Department of Revenue shall notify the  
9 Department of Public Aid (before the effective date of this  
10 amendatory Act of the 92nd General Assembly) or the Attorney  
11 General (on and after that date) when the delinquency or any  
12 portion of the delinquency has been collected under this  
13 Section. Any child support delinquency collected by the  
14 Department of Revenue, including those amounts that result in  
15 overpayment of a child support delinquency, shall be  
16 deposited into the Child Support Enforcement Trust Fund or  
17 paid to the State Disbursement Unit established under Section  
18 10-26 of the Illinois Public Aid Code, at the direction of  
19 the Department of Public Aid. The Department of Revenue may  
20 implement this Section through the use of emergency rules in  
21 accordance with Section 5-45 of the Illinois Administrative  
22 Procedure Act. For purposes of the Illinois Administrative  
23 Procedure Act, the adoption of rules to implement this  
24 Section shall be considered an emergency and necessary for  
25 the public interest, safety, and welfare.

26 (Source: P.A. 90-491, eff. 1-1-98; 91-212, eff. 7-20-99;  
27 91-239, eff. 1-1-00; 91-712, eff. 7-1-00.)

28           Section 23. The Department of State Police Law of the  
29 Civil Administrative Code of Illinois is amended by changing  
30 Section 2605-377 as follows:

31           (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

32           Sec. 2605-377. Department of Public Aid; LEADS access.

1           (a) The Attorney General Illinois-Department--of--Public  
 2 Aid is an authorized entity under this Law for the purpose of  
 3 exchanging information, in the form and manner required by  
 4 the Department of State Police, to facilitate the location of  
 5 individuals for establishing paternity, and establishing,  
 6 modifying, and enforcing child support obligations, pursuant  
 7 to Sections 7.1 through 7.305 of the Attorney General Act the  
 8 Illinois-Public-Aid-Code and Title IV, Part D of the Social  
 9 Security Act.

10           (b) The Attorney General Illinois-Department-of-Public  
 11 Aid is an authorized entity under this Section for the  
 12 purpose of obtaining access to various data repositories  
 13 available through LEADS, to facilitate the location of  
 14 individuals for establishing paternity, and establishing,  
 15 modifying, and enforcing child support obligations, pursuant  
 16 to Sections 7.1 through 7.305 of the Attorney General Act the  
 17 Illinois-Public-Aid-Code and Title IV, Part D of the Social  
 18 Security Act. The Department shall enter into an agreement  
 19 with the Attorney General Illinois-Department-of--Public--Aid  
 20 consistent with these purposes.

21 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98;  
 22 90-372, eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff.  
 23 7-30-98; 90-793, eff. 8-14-98; 91-239, eff. 1-1-00; 91-760,  
 24 eff. 1-1-01.)

25           Section 23.5. The Illinois Income Tax Act is amended by  
 26 changing Section 901 as follows:

27           (35 ILCS 5/901) (from Ch. 120, par. 9-901)  
 28           Sec. 901. Collection Authority.

29           (a) In general.

30           The Department shall collect the taxes imposed by this  
 31 Act. The Department shall collect certified past due child  
 32 support amounts under Section 2505-650 of the Department of

1 Revenue Law (20 ILCS 2505/2505-650). Except as provided in  
 2 subsections (c) and (e) of this Section, money collected  
 3 pursuant to subsections (a) and (b) of Section 201 of this  
 4 Act shall be paid into the General Revenue Fund in the State  
 5 treasury; money collected pursuant to subsections (c) and (d)  
 6 of Section 201 of this Act shall be paid into the Personal  
 7 Property Tax Replacement Fund, a special fund in the State  
 8 Treasury; and money collected under Section 2505-650 of the  
 9 Department of Revenue Law (20 ILCS 2505/2505-650) shall be  
 10 paid into the Child Support Enforcement Trust Fund, a special  
 11 fund outside the State Treasury, or to the State Disbursement  
 12 Unit established under Section 7.295 of the Attorney General  
 13 Act 10-26-of-the-Illinois-Public-Aid-Code, as directed by the  
 14 Department of Public Aid (before the effective date of this  
 15 amendatory Act of the 92nd General Assembly) or the Attorney  
 16 General (on and after that date).

17 (b) Local Governmental Distributive Fund.

18 Beginning August 1, 1969, and continuing through June 30,  
 19 1994, the Treasurer shall transfer each month from the  
 20 General Revenue Fund to a special fund in the State treasury,  
 21 to be known as the "Local Government Distributive Fund", an  
 22 amount equal to 1/12 of the net revenue realized from the tax  
 23 imposed by subsections (a) and (b) of Section 201 of this Act  
 24 during the preceding month. Beginning July 1, 1994, and  
 25 continuing through June 30, 1995, the Treasurer shall  
 26 transfer each month from the General Revenue Fund to the  
 27 Local Government Distributive Fund an amount equal to 1/11 of  
 28 the net revenue realized from the tax imposed by subsections  
 29 (a) and (b) of Section 201 of this Act during the preceding  
 30 month. Beginning July 1, 1995, the Treasurer shall transfer  
 31 each month from the General Revenue Fund to the Local  
 32 Government Distributive Fund an amount equal to 1/10 of the  
 33 net revenue realized from the tax imposed by subsections (a)  
 34 and (b) of Section 201 of the Illinois Income Tax Act during

1 the preceding month. Net revenue realized for a month shall  
2 be defined as the revenue from the tax imposed by subsections  
3 (a) and (b) of Section 201 of this Act which is deposited in  
4 the General Revenue Fund, the Educational Assistance Fund and  
5 the Income Tax Surcharge Local Government Distributive Fund  
6 during the month minus the amount paid out of the General  
7 Revenue Fund in State warrants during that same month as  
8 refunds to taxpayers for overpayment of liability under the  
9 tax imposed by subsections (a) and (b) of Section 201 of this  
10 Act.

11 (c) Deposits Into Income Tax Refund Fund.

12 (1) Beginning on January 1, 1989 and thereafter,  
13 the Department shall deposit a percentage of the amounts  
14 collected pursuant to subsections (a) and (b)(1), (2),  
15 and (3), of Section 201 of this Act into a fund in the  
16 State treasury known as the Income Tax Refund Fund. The  
17 Department shall deposit 6% of such amounts during the  
18 period beginning January 1, 1989 and ending on June 30,  
19 1989. Beginning with State fiscal year 1990 and for each  
20 fiscal year thereafter, the percentage deposited into the  
21 Income Tax Refund Fund during a fiscal year shall be the  
22 Annual Percentage. For fiscal years 1999 through 2001,  
23 the Annual Percentage shall be 7.1%. For all other  
24 fiscal years, the Annual Percentage shall be calculated  
25 as a fraction, the numerator of which shall be the amount  
26 of refunds approved for payment by the Department during  
27 the preceding fiscal year as a result of overpayment of  
28 tax liability under subsections (a) and (b)(1), (2), and  
29 (3) of Section 201 of this Act plus the amount of such  
30 refunds remaining approved but unpaid at the end of the  
31 preceding fiscal year, the denominator of which shall be  
32 the amounts which will be collected pursuant to  
33 subsections (a) and (b)(1), (2), and (3) of Section 201  
34 of this Act during the preceding fiscal year. The

1 Director of Revenue shall certify the Annual Percentage  
2 to the Comptroller on the last business day of the fiscal  
3 year immediately preceding the fiscal year for which it  
4 is to be effective.

5 (2) Beginning on January 1, 1989 and thereafter,  
6 the Department shall deposit a percentage of the amounts  
7 collected pursuant to subsections (a) and (b)(6), (7),  
8 and (8), (c) and (d) of Section 201 of this Act into a  
9 fund in the State treasury known as the Income Tax Refund  
10 Fund. The Department shall deposit 18% of such amounts  
11 during the period beginning January 1, 1989 and ending on  
12 June 30, 1989. Beginning with State fiscal year 1990 and  
13 for each fiscal year thereafter, the percentage deposited  
14 into the Income Tax Refund Fund during a fiscal year  
15 shall be the Annual Percentage. For fiscal years 1999,  
16 2000, and 2001, the Annual Percentage shall be 19%. For  
17 all other fiscal years, the Annual Percentage shall be  
18 calculated as a fraction, the numerator of which shall be  
19 the amount of refunds approved for payment by the  
20 Department during the preceding fiscal year as a result  
21 of overpayment of tax liability under subsections (a) and  
22 (b)(6), (7), and (8), (c) and (d) of Section 201 of this  
23 Act plus the amount of such refunds remaining approved  
24 but unpaid at the end of the preceding fiscal year, the  
25 denominator of which shall be the amounts which will be  
26 collected pursuant to subsections (a) and (b)(6), (7),  
27 and (8), (c) and (d) of Section 201 of this Act during  
28 the preceding fiscal year. The Director of Revenue shall  
29 certify the Annual Percentage to the Comptroller on the  
30 last business day of the fiscal year immediately  
31 preceding the fiscal year for which it is to be  
32 effective.

33 (3) The Comptroller shall order transferred and the  
34 Treasurer shall transfer from the Tobacco Settlement

1 Recovery Fund to the Income Tax Refund Fund (i)  
2 \$35,000,000 in January, 2001, (ii) \$35,000,000 in  
3 January, 2002, and (iii) \$35,000,000 in January, 2003.

4 (d) Expenditures from Income Tax Refund Fund.

5 (1) Beginning January 1, 1989, money in the Income  
6 Tax Refund Fund shall be expended exclusively for the  
7 purpose of paying refunds resulting from overpayment of  
8 tax liability under Section 201 of this Act, for paying  
9 rebates under Section 208.1 in the event that the amounts  
10 in the Homeowners' Tax Relief Fund are insufficient for  
11 that purpose, and for making transfers pursuant to this  
12 subsection (d).

13 (2) The Director shall order payment of refunds  
14 resulting from overpayment of tax liability under Section  
15 201 of this Act from the Income Tax Refund Fund only to  
16 the extent that amounts collected pursuant to Section 201  
17 of this Act and transfers pursuant to this subsection (d)  
18 and item (3) of subsection (c) have been deposited and  
19 retained in the Fund.

20 (3) As soon as possible after the end of each  
21 fiscal year, the Director shall order transferred and the  
22 State Treasurer and State Comptroller shall transfer from  
23 the Income Tax Refund Fund to the Personal Property Tax  
24 Replacement Fund an amount, certified by the Director to  
25 the Comptroller, equal to the excess of the amount  
26 collected pursuant to subsections (c) and (d) of Section  
27 201 of this Act deposited into the Income Tax Refund Fund  
28 during the fiscal year over the amount of refunds  
29 resulting from overpayment of tax liability under  
30 subsections (c) and (d) of Section 201 of this Act paid  
31 from the Income Tax Refund Fund during the fiscal year.

32 (4) As soon as possible after the end of each  
33 fiscal year, the Director shall order transferred and the  
34 State Treasurer and State Comptroller shall transfer from

1 the Personal Property Tax Replacement Fund to the Income  
2 Tax Refund Fund an amount, certified by the Director to  
3 the Comptroller, equal to the excess of the amount of  
4 refunds resulting from overpayment of tax liability under  
5 subsections (c) and (d) of Section 201 of this Act paid  
6 from the Income Tax Refund Fund during the fiscal year  
7 over the amount collected pursuant to subsections (c) and  
8 (d) of Section 201 of this Act deposited into the Income  
9 Tax Refund Fund during the fiscal year.

10 (4.5) As soon as possible after the end of fiscal  
11 year 1999 and of each fiscal year thereafter, the  
12 Director shall order transferred and the State Treasurer  
13 and State Comptroller shall transfer from the Income Tax  
14 Refund Fund to the General Revenue Fund any surplus  
15 remaining in the Income Tax Refund Fund as of the end of  
16 such fiscal year; excluding for fiscal years 2000, 2001,  
17 and 2002 amounts attributable to transfers under item (3)  
18 of subsection (c) less refunds resulting from the earned  
19 income tax credit.

20 (5) This Act shall constitute an irrevocable and  
21 continuing appropriation from the Income Tax Refund Fund  
22 for the purpose of paying refunds upon the order of the  
23 Director in accordance with the provisions of this  
24 Section.

25 (e) Deposits into the Education Assistance Fund and the  
26 Income Tax Surcharge Local Government Distributive Fund.

27 On July 1, 1991, and thereafter, of the amounts collected  
28 pursuant to subsections (a) and (b) of Section 201 of this  
29 Act, minus deposits into the Income Tax Refund Fund, the  
30 Department shall deposit 7.3% into the Education Assistance  
31 Fund in the State Treasury. Beginning July 1, 1991, and  
32 continuing through January 31, 1993, of the amounts collected  
33 pursuant to subsections (a) and (b) of Section 201 of the  
34 Illinois Income Tax Act, minus deposits into the Income Tax

1 Refund Fund, the Department shall deposit 3.0% into the  
2 Income Tax Surcharge Local Government Distributive Fund in  
3 the State Treasury. Beginning February 1, 1993 and  
4 continuing through June 30, 1993, of the amounts collected  
5 pursuant to subsections (a) and (b) of Section 201 of the  
6 Illinois Income Tax Act, minus deposits into the Income Tax  
7 Refund Fund, the Department shall deposit 4.4% into the  
8 Income Tax Surcharge Local Government Distributive Fund in  
9 the State Treasury. Beginning July 1, 1993, and continuing  
10 through June 30, 1994, of the amounts collected under  
11 subsections (a) and (b) of Section 201 of this Act, minus  
12 deposits into the Income Tax Refund Fund, the Department  
13 shall deposit 1.475% into the Income Tax Surcharge Local  
14 Government Distributive Fund in the State Treasury.

15 (Source: P.A. 90-613, eff. 7-9-98; 90-655, eff. 7-30-98;  
16 91-212, eff. 7-20-99; 91-239, eff. 1-1-00; 91-700, eff.  
17 5-11-00; 91-704, eff. 7-1-00; 91-712, eff. 7-1-00; revised  
18 6-28-00.)

19 Section 24. The Illinois Banking Act is amended by  
20 changing Section 48.4 as follows:

21 (205 ILCS 5/48.4)

22 Sec. 48.4. Administrative liens for past-due child  
23 support. Any bank governed by this Act shall encumber or  
24 surrender accounts or assets held by the bank on behalf of  
25 any responsible relative who is subject to a child support  
26 lien, upon notice of the lien or levy of the Illinois  
27 Department of Public Aid or its successor agency pursuant to  
28 Section 10-25.5 of the Illinois Public Aid Code or Section  
29 7.292 of the Attorney General Act, or upon notice of  
30 interstate lien from any other state's agency responsible for  
31 implementing the child support enforcement program set forth  
32 in Title IV, Part D of the Social Security Act.



1 (Source: P.A. 90-18, eff. 7-1-97; 90-655, eff. 7-30-98.)

2 Section 25. The Illinois Savings and Loan Act of 1985 is  
3 amended by changing Section 1-6d as follows:

4 (205 ILCS 105/1-6d)

5 Sec. 1-6d. Administrative liens for past-due child  
6 support. Any association governed by this Act shall encumber  
7 or surrender accounts or assets held by the association on  
8 behalf of any responsible relative who is subject to a child  
9 support lien, upon notice of the lien or levy of the Illinois  
10 Department of Public Aid or its successor agency pursuant to  
11 Section 10-25.5 of the Illinois Public Aid Code or Section  
12 7.292 of the Attorney General Act, or upon notice of  
13 interstate lien from any other state's agency responsible for  
14 implementing the child support enforcement program set forth  
15 in Title IV, Part D of the Social Security Act.

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

17 Section 26. The Savings Bank Act is amended by changing  
18 Section 7007 as follows:

19 (205 ILCS 205/7007)

20 Sec. 7007. Administrative liens for past-due child  
21 support. Any savings bank governed by this Act shall  
22 encumber or surrender accounts or assets held by the savings  
23 bank on behalf of any responsible relative who is subject to  
24 a child support lien, upon notice of the lien or levy of the  
25 Illinois Department of Public Aid or its successor agency  
26 pursuant to Section 10-25.5 of the Illinois Public Aid Code  
27 or Section 7.292 of the Attorney General Act, or upon notice  
28 of interstate lien from any other state's agency responsible  
29 for implementing the child support enforcement program set  
30 forth in Title IV, Part D of the Social Security Act.

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

2 Section 27. The Illinois Credit Union Act is amended by  
3 changing Section 43.1 as follows:

4 (205 ILCS 305/43.1)

5 Sec. 43.1. Administrative liens for past-due child  
6 support. Any credit union governed by this Act shall  
7 encumber or surrender accounts or assets held by the credit  
8 union on behalf of any responsible relative who is subject to  
9 a child support lien, upon notice of the lien or levy of the  
10 Illinois Department of Public Aid or its successor agency  
11 pursuant to Section 10-25.5 of the Illinois Public Aid Code  
12 or Section 7.292 of the Attorney General Act, or upon notice  
13 of interstate lien from any other state's agency responsible  
14 for implementing the child support enforcement program set  
15 forth in Title IV, Part D of the Social Security Act.

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

17 Section 28. The Foreign Banking Office Act is amended by  
18 changing Section 20 as follows:

19 (205 ILCS 645/20)

20 Sec. 20. Administrative liens for past-due child  
21 support. Any foreign banking corporation governed by this  
22 Act shall encumber or surrender accounts or assets held by  
23 the foreign banking corporation on behalf of any responsible  
24 relative who is subject to a child support lien, upon notice  
25 of the lien or levy of the Illinois Department of Public Aid  
26 or its successor agency pursuant to Section 10-25.5 of the  
27 Illinois Public Aid Code or Section 7.292 of the Attorney  
28 General Act, or upon notice of interstate lien from any other  
29 state's agency responsible for implementing the child support  
30 enforcement program set forth in Title IV, Part D of the

1 Social Security Act.

2 (Source: P.A. 90-18, eff. 7-1-97; 90-655, eff. 7-30-98.)

3 Section 29. The Illinois Insurance Code is amended by  
4 changing Sections 238, 238.1, 299.1a, 299.1b, and 337.1 as  
5 follows:

6 (215 ILCS 5/238) (from Ch. 73, par. 850)

7 Sec. 238. Exemption.

8 (a) All proceeds payable because of the death of the  
9 insured and the aggregate net cash value of any or all life  
10 and endowment policies and annuity contracts payable to a  
11 wife or husband of the insured, or to a child, parent or  
12 other person dependent upon the insured, whether the power to  
13 change the beneficiary is reserved to the insured or not, and  
14 whether the insured or his estate is a contingent beneficiary  
15 or not, shall be exempt from execution, attachment,  
16 garnishment or other process, for the debts or liabilities of  
17 the insured incurred subsequent to the effective date of this  
18 Code, except as to premiums paid in fraud of creditors within  
19 the period limited by law for the recovery thereof.

20 (b) Any insurance company doing business in this State  
21 and governed by this Code shall encumber or surrender  
22 accounts as defined in Section 10-24 of the Illinois Public  
23 Aid Code or Section 7.255 of the Attorney General Act held by  
24 the insurance company owned by any responsible relative who  
25 is subject to a child support lien, upon notice of the lien  
26 or levy by the Illinois Department of Public Aid or its  
27 successor agency pursuant to Section 10-25.5 of the Illinois  
28 Public Aid Code or Section 7.292 of the Attorney General Act,  
29 or upon notice of interstate lien from any other state's  
30 agency responsible for implementing the child support  
31 enforcement program set forth in Title IV, Part D of the  
32 Social Security Act.

1           This Section does not prohibit the furnishing of  
2 information in accordance with the federal Personal  
3 Responsibility and Work Opportunity Reconciliation Act of  
4 1996. Any insurance company governed by this Code shall  
5 enter into an agreement for data exchanges with the  
6 Department of Public Aid or the Attorney General provided the  
7 Department of Public Aid or the Attorney General pays to the  
8 insurance company a reasonable fee not to exceed its actual  
9 cost incurred. An insurance company providing information in  
10 accordance with this item shall not be liable to any owner of  
11 an account as defined in Section 10-24 of the Illinois Public  
12 Aid Code or Section 7.255 of the Attorney General Act or  
13 other person for any disclosure of information to the  
14 Department of Public Aid or Attorney General, for encumbering  
15 or surrendering any accounts as defined in Section 10-24 of  
16 the Illinois Public Aid Code or Section 7.255 of the Attorney  
17 General Act held by the insurance company in response to a  
18 lien or order to withhold and deliver issued by a State  
19 agency, or for any other action taken pursuant to this item,  
20 including individual or mechanical errors, provided the  
21 action does not constitute gross negligence or willful  
22 misconduct. An insurance company shall have no obligation to  
23 hold, encumber, or surrender any accounts as defined in  
24 Section 10-24 of the Illinois Public Aid Code or Section  
25 7.255 of the Attorney general Act until it has been served  
26 with a subpoena, summons, warrant, court or administrative  
27 order, lien, or levy requiring that action.

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

29 (215 ILCS 5/238.1)

30 Sec. 238.1. Data exchanges; administrative liens.

31 (a) Any insurance company doing business in the State  
32 and governed by this Code shall enter into an agreement for  
33 data exchanges with the Illinois Department of Public Aid or

1 the Attorney General for the purpose of locating accounts as  
 2 defined in Section 10-24 of the Illinois Public Aid Code or  
 3 Section 7.255 of the Attorney General Act of responsible  
 4 relatives to satisfy past-due child support owed by  
 5 responsible relatives under an order for support entered by a  
 6 court or administrative body of this or any other State on  
 7 behalf of resident or non-resident persons.

8 (b) Notwithstanding any provisions in this Code to the  
 9 contrary, an insurance company shall not be liable to any  
 10 person:

11 (1) for any disclosure of information to the  
 12 Illinois Department of Public Aid or Attorney General  
 13 under subsection (a);

14 (2) for encumbering or surrendering any accounts as  
 15 defined in Section 10-24 of the Illinois Public Aid Code  
 16 or Section 7.255 of the Attorney general Act held by such  
 17 insurance company in response to a notice of lien or levy  
 18 issued by the Illinois Department of Public Aid or  
 19 Attorney General, or by any other state's child support  
 20 enforcement agency, as provided for in Section 238 of  
 21 this Code; or

22 (3) for any other action taken in good faith to  
 23 comply with the requirements of subsection (a).

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

25 (215 ILCS 5/299.1a) (from Ch. 73, par. 911.1a)  
 26 Sec. 299.1a. Benefits not Attachable.

27 (a) No money or other charity, relief or aid to be paid,  
 28 provided or rendered by any society shall be liable to  
 29 attachment, garnishment or other process or to be seized,  
 30 taken, appropriated or applied by any legal or equitable  
 31 process or operation of law to pay any debt or liability of a  
 32 member or beneficiary, or any other person who may have a  
 33 right thereunder, either before or after payment by the

1 society.

2 (b) Any benefit association doing business in this State  
3 and governed by this Article XVII shall encumber or surrender  
4 accounts as defined in Section 10-24 of the Illinois Public  
5 Aid Code or Section 7.255 of the Attorney General Act held by  
6 the benefit association owned by any responsible relative who  
7 is subject to a child support lien, upon notice of the lien  
8 or levy by the Illinois Department of Public Aid or its  
9 successor agency pursuant to Section 10-25.5 of the Illinois  
10 Public Aid Code or Section 7.292 of the Attorney General Act,  
11 or upon notice of interstate lien from any other state's  
12 agency responsible for implementing the child support  
13 enforcement program set forth in Title IV, Part D of the  
14 Social Security Act.

15 This Section shall not prohibit the furnishing of  
16 information in accordance with the federal Personal  
17 Responsibility and Work Opportunity Reconciliation Act of  
18 1996. Any benefit association governed by this Article XVII  
19 shall enter into an agreement for data exchanges with the  
20 Department of Public Aid or Attorney General provided the  
21 Department of Public Aid or Attorney General pays to the  
22 benefit association a reasonable fee not to exceed its actual  
23 cost incurred. A benefit association providing information  
24 in accordance with this item shall not be liable to any  
25 account holder or other person for any disclosure of  
26 information to a State agency, for encumbering or  
27 surrendering any accounts as defined in Section 10-24 of the  
28 Illinois Public Aid Code or Section 7.255 of the Attorney  
29 General Act held by the benefit association in response to a  
30 lien or order to withhold and deliver issued by a State  
31 agency, or for any other action taken pursuant to this item,  
32 including individual or mechanical errors, provided the  
33 action does not constitute gross negligence or willful  
34 misconduct. A benefit association shall have no obligation to

1 hold, encumber, or surrender accounts until it has been  
2 served with a subpoena, summons, warrant, court or  
3 administrative order, lien, or levy requiring that action.

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

5 (215 ILCS 5/299.1b)

6 Sec. 299.1b. Data exchanges; administrative liens.

7 (a) Any benefit association doing business in the State  
8 and governed by this Code shall enter into an agreement for  
9 data exchanges with the Illinois Department of Public Aid or  
10 Attorney General for the purpose of locating accounts as  
11 defined in Section 10-24 of the Illinois Public Aid Code or  
12 Section 7.255 of the Attorney General Act of responsible  
13 relatives to satisfy past-due child support owed by  
14 responsible relatives under an order for support entered by a  
15 court or administrative body of this or any other State on  
16 behalf of resident or non-resident persons.

17 (b) Notwithstanding any provisions in this Code to the  
18 contrary, a benefit association shall not be liable to any  
19 person:

20 (1) for any disclosure of information to the  
21 Illinois Department of Public Aid or Attorney General  
22 under subsection (a);

23 (2) for encumbering or surrendering any accounts as  
24 defined in Section 10-24 of the Illinois Public Aid Code  
25 or Section 7.255 of the Attorney General Act held by such  
26 benefit association in response to a notice of lien or  
27 levy issued by the Illinois Department of Public Aid or  
28 Attorney General, or by any other state's child support  
29 enforcement agency, as provided for in Section 299.1a of  
30 this Code; or

31 (3) for any other action taken in good faith to  
32 comply with the requirements of subsection (a).

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

1 (215 ILCS 5/337.1)

2 Sec. 337.1. Data exchanges; administrative liens.

3 (a) Any benefit association governed by this Article  
4 XVIII shall encumber or surrender accounts as defined in  
5 Section 10-24 of the Illinois Public Aid Code or Section  
6 7.255 of the Attorney General Act held by the benefit  
7 association on behalf of any responsible relative who is  
8 subject to a child support lien, upon notice of the lien or  
9 levy by the Illinois Department of Public Aid or its  
10 successor agency pursuant to Section 10-25.5 of the Illinois  
11 Public Aid Code or Section 7.292 of the Attorney General Act,  
12 or upon notice of interstate lien from any other state's  
13 agency responsible for implementing the child support  
14 enforcement program set forth in Title IV, Part D of the  
15 Social Security Act.

16 (b) This Section shall not prohibit the furnishing of  
17 information in accordance with the federal Personal  
18 Responsibility and Work Opportunity Reconciliation Act of  
19 1996. Any benefit association governed by this Article XVIII  
20 shall enter into an agreement for data exchanges with the  
21 Department of Public Aid or Attorney General provided the  
22 Department of Public Aid or Attorney General pays to the  
23 benefit association a reasonable fee not to exceed its actual  
24 cost incurred. A benefit association providing information  
25 in accordance with this item shall not be liable to any owner  
26 of an account as defined in Section 10-24 of the Illinois  
27 Public Aid Code or Section 7.255 of the Attorney General Act  
28 or other person for any disclosure of information to the  
29 Department of Public Aid or Attorney General, for encumbering  
30 or surrendering any accounts held by the benefit association  
31 in response to a lien or order to withhold and deliver issued  
32 by the Department of Public Aid or Attorney General, or for  
33 any other action taken pursuant to this item, including  
34 individual or mechanical errors, provided the action does not



1 constitute gross negligence or willful misconduct. A benefit  
2 association shall have no obligation to hold, encumber, or  
3 surrender the accounts or portions thereof as defined in  
4 Section 10-24 of the Illinois Public Aid Code or Section  
5 7.255 of the Attorney General Act until it has been served  
6 with a subpoena, summons, warrant, court or administrative  
7 order, lien, or levy.  
8 (Source: P.A. 90-18, eff. 7-1-97.)

9 Section 30. The Collection Agency Act is amended by  
10 changing Section 2.04 as follows:

11 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)  
12 Sec. 2.04. Child support indebtedness.  
13 (a) Persons, associations, partnerships, or corporations  
14 engaged in the business of collecting child support  
15 indebtedness owing under a court order as provided under the  
16 Attorney General Act, the Illinois Public Aid Code, the  
17 Illinois Marriage and Dissolution of Marriage Act, the  
18 Non-Support of Spouse and Children Act, the Non-Support  
19 Punishment Act, the Illinois Parentage Act of 1984, or  
20 similar laws of other states are not restricted (i) in the  
21 frequency of contact with an obligor who is in arrears,  
22 whether by phone, mail, or other means, (ii) from contacting  
23 the employer of an obligor who is in arrears, (iii) from  
24 publishing or threatening to publish a list of obligors in  
25 arrears, (iv) from disclosing or threatening to disclose an  
26 arrearage that the obligor disputes, but for which a verified  
27 notice of delinquency has been served under the Income  
28 Withholding for Support Act (or any of its predecessors,  
29 Section 10-16.2 of the Illinois Public Aid Code, Section  
30 706.1 of the Illinois Marriage and Dissolution of Marriage  
31 Act, Section 4.1 of the Non-Support of Spouse and Children  
32 Act, Section 26.1 of the Revised Uniform Reciprocal

1 Enforcement of Support Act, or Section 20 of the Illinois  
 2 Parentage Act of 1984), or (v) from engaging in conduct that  
 3 would not cause a reasonable person mental or physical  
 4 illness. For purposes of this subsection, "obligor" means an  
 5 individual who owes a duty to make periodic payments, under a  
 6 court order, for the support of a child. "Arrearage" means  
 7 the total amount of an obligor's unpaid child support  
 8 obligations.

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

11 (Source: P.A. 90-673, eff. 1-1-99; 91-613, eff. 10-1-99.)

12 Section 32. The Illinois Public Aid Code is amended by  
 13 adding Section 10-1.5 and changing Sections 10-21, 12-4.7c,  
 14 12-9.1, 12-10.2, 12-16, and 12-21.3 as follows:

15 (305 ILCS 5/10-1.5 new)

16 Sec. 10-1.5. Transfer of powers to Attorney General.

17 (a) On the effective date of this amendatory Act of the  
 18 92nd General Assembly, all the rights, powers, and duties  
 19 vested by law in the Illinois Department or the Illinois  
 20 Department's Child and Spouse Support Unit under this Article  
 21 X are transferred to the Attorney General as provided in  
 22 Sections 7.1 through 7.305 of the Attorney General Act.

23 (b) The Illinois Department shall provide to the  
 24 Attorney General all information in the Illinois Department's  
 25 possession concerning recipients that is necessary to enable  
 26 the Attorney General to perform the duties prescribed in  
 27 Sections 7.1 through 7.305 of the Attorney General Act.

28 (305 ILCS 5/10-21) (from Ch. 23, par. 10-21)

29 Sec. 10-21. The Illinois Department may provide by rule  
 30 for the imposition of a one-time charge of 20% of the amount  
 31 of past-due child support owed on July 1, 1988, by

1 responsible relatives of persons receiving support services  
2 under this Article X, which has accrued under a support order  
3 entered by a court or administrative body of this or any  
4 other State, on behalf of resident or non-resident persons.  
5 The rule shall provide for notice to, and an opportunity to  
6 be heard by, the responsible relative affected and any final  
7 administrative decision rendered by the Department shall be  
8 reviewed only under and in accordance with the Administrative  
9 Review Law. No action to impose the charge shall be  
10 commenced after June 30, 1993. Action under this Section  
11 shall be subject to the limitations of Section 10-20 of this  
12 Code.

13 On and after the effective date of this amendatory Act of  
14 the 92nd General Assembly, the Attorney General may collect,  
15 on behalf of the Illinois Department, any charge imposed in  
16 accordance with this Section. Nothing in this amendatory Act  
17 of the 92nd General Assembly shall be construed to affect the  
18 validity of any charge imposed in accordance with this  
19 Section.

20 (Source: P.A. 85-114.)

21 (305 ILCS 5/12-4.7c)

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

23 (a) The Department of Human Services shall exchange with  
24 the Illinois Department of Public Aid (before the effective  
25 date of this amendatory Act of the 92nd General Assembly) or  
26 the Attorney General (on and after that date) information  
27 that may be necessary for the enforcement of child support  
28 orders entered pursuant to Sections 10-10 and 10-11 of this  
29 Code or Sections 7.60 and 7.80 of the Attorney General Act or  
30 pursuant to the Illinois Marriage and Dissolution of Marriage  
31 Act, the Non-Support of Spouse and Children Act, the  
32 Non-Support Punishment Act, the Revised Uniform Reciprocal  
33 Enforcement of Support Act, the Uniform Interstate Family

1 Support Act, or the Illinois Parentage Act of 1984.

2 (b) Notwithstanding any provisions in this Code to the  
3 contrary, the Department of Human Services shall not be  
4 liable to any person for any disclosure of information to the  
5 Illinois Department of Public Aid or the Attorney General  
6 under subsection (a) or for any other action taken in good  
7 faith to comply with the requirements of subsection (a).  
8 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

9 (305 ILCS 5/12-9.1)

10 Sec. 12-9.1. DHS Recoveries Trust Fund; uses. The DHS  
11 Recoveries Trust Fund shall consist of recoveries authorized  
12 by this Code in respect to applicants or recipients under  
13 Articles III, IV, and VI, including recoveries from the  
14 estates of deceased recipients, and payments received by the  
15 Illinois Department of Human Services under Sections 10-3.1,  
16 10-8, 10-10, 10-16, 10-19, and 12-9 of this Code or Sections  
17 7.20, 7.50, 7.60, 7.160, and 7.230 of the Attorney General  
18 Act that are required by those Sections to be paid into the  
19 DHS Recoveries Trust Fund. This Fund shall be held as a  
20 special fund in the State Treasury.

21 Disbursements from the Fund shall be only (1) for the  
22 reimbursement of claims collected by the Illinois Department  
23 of Human Services through error or mistake, (2) for payment  
24 to persons or agencies designated as payees or co-payees on  
25 any instrument, whether or not negotiable, delivered to the  
26 Illinois Department of Human Services as a recovery under  
27 this Section, such payment to be in proportion to the  
28 respective interests of the payees in the amount so  
29 collected, (3) for payments to non-recipients, or to former  
30 recipients of financial aid of the collections which are made  
31 in their behalf under Article X of this Code or Sections 7.1  
32 through 7.305 of the Attorney General Act, (4) for payment to  
33 local governmental units of support payments collected by the

1 Illinois Department of Human Services pursuant to an  
 2 agreement under Section 10-3.1 of this Code or Section 7.20  
 3 of the Attorney General Act, (5) for payment of  
 4 administrative expenses incurred in performing the activities  
 5 authorized by Article X of this Code or Sections 7.1 through  
 6 7.305 of the Attorney General Act, (6) for payment of fees to  
 7 person or agencies in the performance of activities pursuant  
 8 to the collection of moneys owed the State, (7) for payments  
 9 of any amounts which are reimbursable to the federal  
 10 government which are required to be paid by State warrant by  
 11 either the State or federal government, and (8) for  
 12 disbursements to attorneys or advocates for legal  
 13 representation in an appeal of any claim for federal  
 14 Supplemental Security Income benefits before an  
 15 administrative law judge as provided for in Section 3-13 of  
 16 this Code. Disbursements from the Fund for purposes of items  
 17 (5), (6), and (8) of this paragraph shall be subject to  
 18 appropriations from the Fund to the Illinois Department of  
 19 Human Services.

20 The balance in the Fund on the first day of each calendar  
 21 quarter, after payment therefrom of any amounts reimbursable  
 22 to the federal government, and minus the amount reasonably  
 23 anticipated to be needed to make the disbursements during  
 24 that quarter authorized by this Section, shall be certified  
 25 by the Secretary of Human Services and transferred by the  
 26 State Comptroller to the General Revenue Fund within 30 days  
 27 after the first day of each calendar quarter.

28 (Source: P.A. 91-24, eff. 7-1-99.)

29 (305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)  
 30 Sec. 12-10.2. The Child Support Enforcement Trust Fund.  
 31 (a) The Child Support Enforcement Trust Fund, to be held  
 32 by the State Treasurer as ex-officio custodian outside the  
 33 State Treasury, pursuant to the Child Support Enforcement

1 Program established by Title IV-D of the Social Security Act,  
2 shall consist of:

3 (1) all support payments assigned to the Attorney  
4 General Illinois-Department under Sections 7.1 through  
5 7.305 of the Attorney General Act Article-X-of-this-Code  
6 and rules promulgated by the Attorney General Illinois  
7 Department that are disbursed to the Attorney General  
8 Illinois--Department by the State Disbursement Unit  
9 established under Section 7.295 of the Attorney General  
10 Act 10-26,

11 (2) all support payments received by the Attorney  
12 General Illinois--Department as a result of the Child  
13 Support Enforcement Program established by Title IV-D of  
14 the Social Security Act that are not required or directed  
15 to be paid to the State Disbursement Unit established  
16 under Section 7.295 of the Attorney General Act 10-26,

17 (3) all federal grants received by the Attorney  
18 General Illinois--Department funded by Title IV-D of the  
19 Social Security Act, except those federal funds received  
20 under the Title IV-D program as reimbursement for  
21 expenditures from the General Revenue Fund,

22 (4) incentive payments received by the Attorney  
23 General Illinois---Department from other states or  
24 political subdivisions of other states for the  
25 enforcement and collection by the Attorney General  
26 Department of an assigned child support obligation in  
27 behalf of such other states or their political  
28 subdivisions pursuant to the provisions of Title IV-D of  
29 the Social Security Act,

30 (5) incentive payments retained by the Attorney  
31 General Illinois--Department from the amounts which  
32 otherwise would be paid to the federal government to  
33 reimburse the federal government's share of the support  
34 collection for the Attorney General's Department's

1 enforcement and collection of an assigned support  
2 obligation on behalf of the State of Illinois pursuant to  
3 the provisions of Title IV-D of the Social Security Act,

4 (6) all fees charged by the Attorney General  
5 Department for child support enforcement services, as  
6 authorized under Title IV-D of the Social Security Act  
7 and Section 7.5 of the Attorney General Act 10-1-of--this  
8 Code, and any other fees, costs, fines, recoveries, or  
9 penalties provided for by State or federal law and  
10 received by the Attorney General Department under the  
11 Child Support Enforcement Program established by Title  
12 IV-D of the Social Security Act, and

13 (7) all amounts appropriated by the General  
14 Assembly for deposit into the Fund, and

15 (8) any gifts, grants, donations, or awards from  
16 individuals, private businesses, nonprofit associations,  
17 and governmental entities.

18 (b) Disbursements from this Fund shall be only for the  
19 following purposes:

20 (1) for the reimbursement of funds received by the  
21 Attorney General Illinois--Department through error or  
22 mistake,

23 (2) for payments to non-recipients, current  
24 recipients, and former recipients of financial aid of  
25 support payments received on their behalf under Sections  
26 7.1 through 7.305 of the Attorney General Act Article-X  
27 of--this-Code that are not required to be disbursed by the  
28 State Disbursement Unit established under Section 7.295  
29 of the Attorney General Act 10-26,

30 (3) for any other payments required by law to be  
31 paid by the Attorney General Illinois--Department to  
32 non-recipients, current recipients, and former  
33 recipients,

34 (4) for payment of any administrative expenses,

1 including payment to the Health Insurance Reserve Fund  
 2 for group insurance costs at the rate certified by the  
 3 Department of Central Management Services, except those  
 4 required to be paid from the General Revenue Fund,  
 5 including personal and contractual services, incurred in  
 6 performing the Title IV-D activities authorized by  
 7 Sections 7.1 through 7.305 of the Attorney General Act  
 8 ~~Article X of this Code,~~

9 (5) for the reimbursement of the Public Assistance  
 10 Emergency Revolving Fund for expenditures made from that  
 11 Fund for payments to former recipients of public aid for  
 12 child support made to the Attorney General Illinois  
 13 ~~Department~~ when the former public aid recipient is  
 14 legally entitled to all or part of the child support  
 15 payments, pursuant to the provisions of Title IV-D of the  
 16 Social Security Act,

17 (6) for the payment of incentive amounts owed to  
 18 other states or political subdivisions of other states  
 19 that enforce and collect an assigned support obligation  
 20 on behalf of the State of Illinois pursuant to the  
 21 provisions of Title IV-D of the Social Security Act,

22 (7) for the payment of incentive amounts owed to  
 23 political subdivisions of the State of Illinois that  
 24 enforce and collect an assigned support obligation on  
 25 behalf of the State pursuant to the provisions of Title  
 26 IV-D of the Social Security Act, and

27 (8) for payments of any amounts which are  
 28 reimbursable to the Federal government which are required  
 29 to be paid by State warrant by either the State or  
 30 Federal government.

31 Disbursements from this Fund shall be by warrants drawn  
 32 by the State Comptroller on receipt of vouchers duly executed  
 33 and certified by the Attorney General Illinois-Department or  
 34 any other State agency that receives an appropriation from



1 the Fund.

2 (Source: P.A. 90-18, eff. 7-1-97; 90-587, eff. 6-4-98;  
3 91-212, eff. 7-20-99; 91-400, eff. 7-30-99; 91-712, eff.  
4 7-1-00.)

5 (305 ILCS 5/12-16) (from Ch. 23, par. 12-16)

6 Sec. 12-16. Public Aid Claims Enforcement Division of  
7 Office of Attorney General. The Public Aid Claims  
8 Enforcement Division in the Office of the Attorney General,  
9 established pursuant to the 1949 Code, shall institute in  
10 behalf of the State all court actions referred to it by the  
11 Illinois Department of Public Aid, ~~or~~ the Department of Human  
12 Services (as successor to the Illinois Department of Public  
13 Aid) and the Attorney General under this Code and other laws  
14 for the recovery of financial aid provided under the public  
15 aid programs, the enforcement of obligations of support, and  
16 the enforcement of other claims, penalties and obligations.

17 The Division shall be staffed with attorneys appointed by  
18 the Attorney General as Special Assistant Attorneys' General  
19 whose special duty it shall be to execute the aforesaid  
20 duties. The Assistant Attorneys' General shall be assigned  
21 exclusively to such duties. They may engage only in such  
22 political activities as are not prohibited by the Hatch  
23 Political Activity Act, Title 5, U. S. C. A., Sections  
24 118i et seq.

25 The Attorney General may request the appropriate State's  
26 Attorney of a county ~~or staff of the Child and Spouse Support~~  
27 ~~Unit established under Section 10-3.1 of this Code~~ to  
28 institute any such action in behalf of the State or to assist  
29 the Attorney General in the prosecution of actions instituted  
30 by his Office.

31 (Source: P.A. 89-507, eff. 7-1-97.)

32 (305 ILCS 5/12-21.3) (from Ch. 23, par. 12-21.3)

1           Sec. 12-21.3. Supervisors of general assistance in  
2 municipalities of more than 500,000 - Apportionment of  
3 expenses - Requirements for staff. In a county in which is  
4 located any city, village or incorporated town having a  
5 population of more than 500,000 inhabitants, the Director of  
6 the County Department of Public Aid of that county shall be  
7 the Supervisor of General Assistance for such city, village  
8 or incorporated town. After December 31, 1973, the Illinois  
9 Department shall determine, by appropriate time studies and  
10 such other methods as it may deem feasible, the portion of  
11 County Department expenses for salaries and other  
12 administrative costs to be charged against funds available  
13 for public aid purposes under Article VI within any such  
14 municipality. Until January 1, 1974, all County Department  
15 employees assigned to the administration of public aid under  
16 Articles VI and VII shall be appointed in accordance with the  
17 terms and provisions of the law in relation to civil service  
18 in such county. After December 31, 1973, all such employees,  
19 and after July 1, 1979, such employees assigned to the  
20 administration of public aid under Article VI, shall be  
21 appointed as provided in Section 7.300 of the Attorney  
22 General Act 12-8-1. Their compensation rates and standards of  
23 competence, performance, and tenure shall be identical with  
24 those established for employees of the County Department with  
25 comparable or substantially similar duties and  
26 responsibilities in the administration of Articles III, IV  
27 and V and the "Illinois Act on Aging", approved August 29,  
28 1973, as amended. All employees shall meet required Federal  
29 personnel merit standards published in the Federal Register  
30 and applicable to grant-in-aid programs established under  
31 Federal Law.

32           (Source: P.A. 83-333.)

33           (305 ILCS 5/10-1 rep.)

- 1 (305 ILCS 5/10-2 rep.)
- 2 (305 ILCS 5/10-3 rep.)
- 3 (305 ILCS 5/10-3.1 rep.)
- 4 (305 ILCS 5/10-3.2 rep.)
- 5 (305 ILCS 5/10-3.3 rep.)
- 6 (305 ILCS 5/10-3.4 rep.)
- 7 (305 ILCS 5/10-4 rep.)
- 8 (305 ILCS 5/10-5 rep.)
- 9 (305 ILCS 5/10-6 rep.)
- 10 (305 ILCS 5/10-7 rep.)
- 11 (305 ILCS 5/10-8 rep.)
- 12 (305 ILCS 5/10-8.1 rep.)
- 13 (305 ILCS 5/10-9 rep.)
- 14 (305 ILCS 5/10-10 rep.)
- 15 (305 ILCS 5/10-10.1 rep.)
- 16 (305 ILCS 5/10-10.2 rep.)
- 17 (305 ILCS 5/10-10.3 rep.)
- 18 (305 ILCS 5/10-10.4 rep.)
- 19 (305 ILCS 5/10-10.5 rep.)
- 20 (305 ILCS 5/10-11 rep.)
- 21 (305 ILCS 5/10-11.1 rep.)
- 22 (305 ILCS 5/10-11.2 rep.)
- 23 (305 ILCS 5/10-12 rep.)
- 24 (305 ILCS 5/10-12.1 rep.)
- 25 (305 ILCS 5/10-13 rep.)
- 26 (305 ILCS 5/10-13.1 rep.)
- 27 (305 ILCS 5/10-13.2 rep.)
- 28 (305 ILCS 5/10-13.3 rep.)
- 29 (305 ILCS 5/10-13.4 rep.)
- 30 (305 ILCS 5/10-13.5 rep.)
- 31 (305 ILCS 5/10-13.6 rep.)
- 32 (305 ILCS 5/10-13.7 rep.)
- 33 (305 ILCS 5/10-13.8 rep.)
- 34 (305 ILCS 5/10-13.9 rep.)

- 1 (305 ILCS 5/10-13.10 rep.)
- 2 (305 ILCS 5/10-14 rep.)
- 3 (305 ILCS 5/10-14.1 rep.)
- 4 (305 ILCS 5/10-15 rep.)
- 5 (305 ILCS 5/10-16 rep.)
- 6 (305 ILCS 5/10-16.2 rep.)
- 7 (305 ILCS 5/10-16.3 rep.)
- 8 (305 ILCS 5/10-16.4 rep.)
- 9 (305 ILCS 5/10-16.5 rep.)
- 10 (305 ILCS 5/10-16.6 rep.)
- 11 (305 ILCS 5/10-17 rep.)
- 12 (305 ILCS 5/10-17.1 rep.)
- 13 (305 ILCS 5/10-17.2 rep.)
- 14 (305 ILCS 5/10-17.3 rep.)
- 15 (305 ILCS 5/10-17.4 rep.)
- 16 (305 ILCS 5/10-17.5 rep.)
- 17 (305 ILCS 5/10-17.6 rep.)
- 18 (305 ILCS 5/10-17.7 rep.)
- 19 (305 ILCS 5/10-17.8 rep.)
- 20 (305 ILCS 5/10-17.9 rep.)
- 21 (305 ILCS 5/10-17.11 rep.)
- 22 (305 ILCS 5/10-18 rep.)
- 23 (305 ILCS 5/10-19 rep.)
- 24 (305 ILCS 5/10-20 rep.)
- 25 (305 ILCS 5/10-23 rep.)
- 26 (305 ILCS 5/10-24 rep.)
- 27 (305 ILCS 5/10-24.5 rep.)
- 28 (305 ILCS 5/10-24.30 rep.)
- 29 (305 ILCS 5/10-24.35 rep.)
- 30 (305 ILCS 5/10-24.40 rep.)
- 31 (305 ILCS 5/10-24.45 rep.)
- 32 (305 ILCS 5/10-24.50 rep.)
- 33 (305 ILCS 5/10-25 rep.)
- 34 (305 ILCS 5/10-25.5 rep.)

1 (305 ILCS 5/10-26 rep.)

2 (305 ILCS 5/10-26.5 rep.)

3 (305 ILCS 5/10-27 rep.)

4 (305 ILCS 5/12-4.3 rep.)

5 (305 ILCS 5/12-8.1 rep.)

6 Section 35. The Illinois Public Aid Code is amended by  
7 repealing Sections 10-1 through 10-20, Sections 10-23 through  
8 10-27, Section 12-4.3, and Section 12-8.1.

9 Section 38. The Genetic Information Privacy Act is  
10 amended by changing Section 22 as follows:

11 (410 ILCS 513/22)

12 Sec. 22. Tests to determine inherited characteristics in  
13 paternity proceedings. Nothing in this Act shall be  
14 construed to affect or restrict in any way the ordering of or  
15 use of results from deoxyribonucleic acid (DNA) testing or  
16 other tests to determine inherited characteristics by the  
17 court in a judicial proceeding under the Illinois Parentage  
18 Act of 1984, ~~or~~ by the Illinois Department of Public Aid  
19 (before the effective date of this amendatory Act of the 92nd  
20 General Assembly) in an administrative paternity proceeding  
21 under Article X of the Illinois Public Aid Code and rules  
22 promulgated under that Article, or by the Attorney General  
23 (on or after the effective date of this amendatory Act of the  
24 92nd General Assembly) in an administrative paternity  
25 proceeding under Sections 7.1 through 7.305 of the Attorney  
26 General Act and rules promulgated under those Sections.

27 (Source: P.A. 90-25, eff. 1-1-98.)

28 Section 40. The Vital Records Act is amended by changing  
29 Sections 12, 17, and 22 as follows:

30 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

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

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

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

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

27           (a) The physician in attendance at or immediately  
28 after the birth, or in the absence of such a person,

29           (b) Any other person in attendance at or  
30 immediately after the birth, or in the absence of such a  
31 person,

32           (c) The father, the mother, or in the absence of  
33 the father and the inability of the mother, the person in  
34 charge of the premises where the birth occurred.

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

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

17           (5) Upon the birth of a child to an unmarried woman, or  
18 upon the birth of a child to a woman who was married at the  
19 time of conception or birth and whose husband is not the  
20 biological father of the child, the institution immediately  
21 before or after the ~~at--the--time--of~~ birth and the local  
22 registrar or county clerk after the birth shall do the  
23 following:

24           (a) Provide (i) an opportunity for the child's  
25 mother and father to sign an acknowledgment of parentage  
26 and (ii) if the presumed father is not the biological  
27 father, an opportunity for the mother and presumed father  
28 to sign a denial of paternity. The signing and  
29 witnessing of the acknowledgment of parentage or, if the  
30 presumed father of the child is not the biological  
31 father, the acknowledgment of parentage and denial of  
32 paternity conclusively establishes a parent and child  
33 relationship in accordance with Sections 5 and 6 of the  
34 Illinois Parentage Act of 1984.

1           The Office of the Attorney General Illinois  
2 Department-of-Public-Aid shall furnish the acknowledgment  
3 of parentage and denial of paternity form to  
4 institutions, county clerks, and State and local  
5 registrars' offices. The form shall include instructions  
6 to send the original signed and witnessed acknowledgment  
7 of parentage and denial of paternity to the Office of the  
8 Attorney General Illinois-Department-of-Public-Aid.

9           (b) Provide the following documents, furnished by  
10 the Office of the Attorney General Illinois-Department-of  
11 Public-Aid, to the child's mother, biological father, and  
12 (if the person presumed to be the child's father is not  
13 the biological father) presumed father for their review  
14 at the time the opportunity is provided to establish a  
15 parent and child relationship:

16           (i) An explanation of the implications of,  
17 alternatives to, legal consequences of, and the  
18 rights and responsibilities that arise from signing  
19 an acknowledgment of parentage and, if necessary, a  
20 denial of paternity, including an explanation of the  
21 parental rights and responsibilities of child  
22 support, visitation, custody, retroactive support,  
23 health insurance coverage, and payment of birth  
24 expenses.

25           (ii) An explanation of the benefits of having  
26 a child's parentage established and the availability  
27 of parentage establishment and support enforcement  
28 services.

29           (iii) A request for an application for child  
30 support services from the Office of the Attorney  
31 General Illinois-Department-of-Public-Aid.

32           (iv) Instructions concerning the opportunity  
33 to speak, either by telephone or in person, with  
34 staff of the Office of the Attorney General Illinois



1 Department-of-Public-Aid who are trained to clarify  
2 information and answer questions about paternity  
3 establishment.

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

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

15 (6) The institution, State or local registrar, or county  
16 clerk shall provide an opportunity for the child's father or  
17 mother to sign a rescission of parentage. The signing and  
18 witnessing of the rescission of parentage voids the  
19 acknowledgment of parentage and nullifies the presumption of  
20 paternity if executed and filed with the Office of the  
21 Attorney General Illinois-Department-of-Public-Aid within the  
22 time frame contained in Section 5 of the Illinois Parentage  
23 Act of 1984. The Office of the Attorney General Illinois  
24 Department-of-Public-Aid shall furnish the rescission of  
25 parentage form to institutions, county clerks, and State and  
26 local registrars' offices. The form shall include  
27 instructions to send the original signed and witnessed  
28 rescission of parentage to the Office of the Attorney General  
29 Illinois-Department-of-Public-Aid.

30 (7) An acknowledgment of paternity signed pursuant to  
31 Section 6 of the Illinois Parentage Act of 1984 may be  
32 challenged in court only on the basis of fraud, duress, or  
33 material mistake of fact, with the burden of proof upon the  
34 challenging party. Pending outcome of a challenge to the

1 acknowledgment of paternity, the legal responsibilities of  
2 the signatories shall remain in full force and effect, except  
3 upon order of the court upon a showing of good cause.

4 (8) When the process for acknowledgment of parentage as  
5 provided for under subsection (5) establishes the paternity  
6 of a child whose certificate of birth is on file in another  
7 state, the Attorney General Illinois-Department-of-Public-Aid  
8 shall forward a copy of the acknowledgment of parentage, the  
9 denial of paternity, if applicable, and the rescission of  
10 parentage, if applicable, to the birth record agency of the  
11 state where the child's certificate of birth is on file.

12 (9) In the event the parent-child relationship has been  
13 established in accordance with subdivision (a)(1) of Section  
14 6 of the Parentage Act of 1984, the names of the biological  
15 mother and biological father so established shall be entered  
16 on the child's birth certificate, and the names of the  
17 surrogate mother and surrogate mother's husband, if any,  
18 shall not be on the birth certificate.

19 (Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98;  
20 91-308, eff. 7-29-99.)

21 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

22 Sec. 17. (1) For a person born in this State, the State  
23 Registrar of Vital Records shall establish a new certificate  
24 of birth when he receives any of the following:

25 (a) A certificate of adoption as provided in  
26 Section 16 or a certified copy of the order of adoption  
27 together with the information necessary to identify the  
28 original certificate of birth and to establish the new  
29 certificate of birth; except that a new certificate of  
30 birth shall not be established if so requested by the  
31 court ordering the adoption, the adoptive parents, or the  
32 adopted person.

33 (b) A certificate of adoption or a certified copy

1 of the order of adoption entered in a court of competent  
2 jurisdiction of any other state or country declaring  
3 adopted a child born in the State of Illinois, together  
4 with the information necessary to identify the original  
5 certificate of birth and to establish the new certificate  
6 of birth; except that a new certificate of birth shall  
7 not be established if so requested by the court ordering  
8 the adoption, the adoptive parents, or the adopted  
9 person.

10 (c) A request that a new certificate be established  
11 and such evidence as required by regulation proving that  
12 such person has been legitimized, or that the circuit  
13 court, the Attorney General, the Illinois Department of  
14 Public Aid, or a court or administrative agency of any  
15 other state has established the paternity of such a  
16 person by judicial or administrative processes or by  
17 voluntary acknowledgment, which is accompanied by the  
18 social security numbers of all persons determined and  
19 presumed to be the parents.

20 (d) An affidavit by a physician that he has  
21 performed an operation on a person, and that by reason of  
22 the operation the sex designation on such person's birth  
23 record should be changed. The State Registrar of Vital  
24 Records may make any investigation or require any further  
25 information he deems necessary.

26 Each request for a new certificate of birth shall be  
27 accompanied by a fee of \$15 and entitles the applicant to one  
28 certification or certified copy of the new certificate. If  
29 the request is for additional copies, it shall be accompanied  
30 by a fee of \$2 for each additional certification or certified  
31 copy.

32 (2) When a new certificate of birth is established, the  
33 actual place and date of birth shall be shown; provided, in  
34 the case of adoption of a person born in this State by

1 parents who were residents of this State at the time of the  
2 birth of the adopted person, the place of birth may be shown  
3 as the place of residence of the adoptive parents at the time  
4 of such person's birth, if specifically requested by them,  
5 and any new certificate of birth established prior to the  
6 effective date of this amendatory Act may be corrected  
7 accordingly if so requested by the adoptive parents or the  
8 adopted person when of legal age. The social security numbers  
9 of the parents shall not be recorded on the certificate of  
10 birth. The social security numbers may only be used for  
11 purposes allowed under federal law. The new certificate shall  
12 be substituted for the original certificate of birth:

13 (a) Thereafter, the original certificate and the  
14 evidence of adoption, paternity, legitimation, or sex  
15 change shall not be subject to inspection or  
16 certification except upon order of the circuit court or  
17 as provided by regulation.

18 (b) Upon receipt of notice of annulment of  
19 adoption, the original certificate of birth shall be  
20 restored to its place in the files, and the new  
21 certificate and evidence shall not be subject to  
22 inspection or certification except upon order of the  
23 circuit court.

24 (3) If no certificate of birth is on file for the person  
25 for whom a new certificate is to be established under this  
26 Section, a delayed record of birth shall be filed with the  
27 State Registrar of Vital Records as provided in Section 14 or  
28 Section 15 of this Act before a new certificate of birth is  
29 established, except that when the date and place of birth and  
30 parentage have been established in the adoption proceedings,  
31 a delayed record shall not be required.

32 (4) When a new certificate of birth is established by  
33 the State Registrar of Vital Records, all copies of the  
34 original certificate of birth in the custody of any custodian

1 of permanent local records in this State shall be transmitted  
2 to the State Registrar of Vital Records as directed, and  
3 shall be sealed from inspection.

4 (5) Nothing in this Section shall be construed to  
5 prohibit the amendment of a birth certificate in accordance  
6 with subsection (6) of Section 22.

7 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,  
8 eff. 8-9-96; 90-18, eff. 7-1-97.)

9 (410 ILCS 535/22) (from Ch. 111 1/2, par. 73-22)

10 Sec. 22. (1) A certificate or record filed under this  
11 Act may be amended only in accordance with this Act and such  
12 regulations as the Department may adopt to protect the  
13 integrity of vital records. An application for an amendment  
14 shall be accompanied by a fee of \$15 which includes the  
15 provision of one certification or certified copy of the  
16 amended birth record. If the request is for additional  
17 copies, it shall be accompanied by a fee of \$2 for each  
18 additional certification or certified copy. Such amendments  
19 may only be made in connection with the original certificates  
20 and may not be made on copies of such certificates without  
21 the approval of the State Registrar of Vital Records. The  
22 provisions of this Section shall also be applicable to a  
23 certificate or record filed under any former Act relating to  
24 the registration of births, stillbirths, and deaths. Any  
25 original certificate or record filed with the county clerk  
26 prior to January 1, 1916, may be amended by the county clerk  
27 under the same provisions of this Section, or regulations  
28 adopted pursuant thereto, as apply to the State Registrar of  
29 Vital Records governing amendments to certificates or records  
30 filed with the Department subsequent to December 31, 1915.

31 (2) A certificate that is amended under this Section  
32 after its filing shall have the correction entered on its  
33 face; shall clearly indicate that an amendment has been made;

1 and shall show the date of the amendment. A summary  
2 description of the evidence submitted in support of an  
3 amendment shall be permanently retained by the Department  
4 either as an original record or in microphotographic form.  
5 Documents from which such summary descriptions are made may  
6 be returned by the Department to the person or persons  
7 submitting them. The Department shall prescribe by  
8 regulation the conditions under which, within one year after  
9 the date of occurrence, additions or minor corrections may be  
10 made without the certificate being considered amended.

11 (3) An amendment to a delayed birth registration  
12 established under the provisions of Section 15 of this Act  
13 may be made by the State Registrar of Vital Records only upon  
14 the basis of an order from the court which originally  
15 established the facts of birth.

16 (4) Upon receipt of a certified copy of a court order  
17 changing the name or names of a person born in this State,  
18 the official custodian shall amend the original certificate  
19 of birth to reflect the changes.

20 (5) (Blank).

21 (6) When the paternity of a child with a certificate of  
22 birth on file in this State is established through voluntary  
23 acknowledgment, by the Attorney General, or by a court or  
24 administrative agency under the laws of this or any other  
25 state, the State Registrar of Vital Records shall amend the  
26 original record accordingly, upon notification from a circuit  
27 court of this State, the Attorney General, or the Illinois  
28 Department of Public Aid, or upon receipt of a certified copy  
29 of another state's acknowledgment or judicial or  
30 administrative determination of paternity.

31 (7) Notwithstanding any other provision of this Act, if  
32 an adopted person applies in accordance with this Section for  
33 the amendment of the name on his or her birth certificate,  
34 the State Registrar shall amend the birth certificate if the

1 person provides documentation or other evidence supporting  
2 the application that would be deemed sufficient if the  
3 documentation or evidence had been submitted in support of an  
4 application by a person who has not been adopted.

5 (8) When paternity has been established after the birth  
6 in accordance with Section 12, the State Registrar of Vital  
7 Records shall amend the original record accordingly.

8 (9) Upon application by the parents not later than one  
9 year after an acknowledgment of parentage under this Act, the  
10 Attorney General Act, or the Illinois Public Aid Code or a  
11 judicial or administrative determination or establishment of  
12 paternity or parentage, the State Registrar of Vital Records  
13 shall amend the child's name on the child's certificate of  
14 birth in accordance with the application. No more than one  
15 application to change a child's name may be made under this  
16 subsection (9).

17 (10) When a certificate is amended by the State  
18 Registrar of Vital Records under this Section, the State  
19 Registrar of Vital Records shall furnish a copy of the  
20 summary description to the custodian of any permanent local  
21 records and such records shall be amended accordingly.

22 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,  
23 eff. 8-9-96; 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

24 Section 41. The Fish and Aquatic Life Code is amended by  
25 changing Section 20-105 as follows:

26 (515 ILCS 5/20-105) (from Ch. 56, par. 20-105)

27 Sec. 20-105. Revocation and suspension; refusal to  
28 issue.

29 (a) Whenever a license or permit is issued to any person  
30 under this Code and its holder is found guilty of any  
31 misrepresentation in obtaining the license or permit or of a  
32 violation of any of the provisions of this Code, including

1 administrative rules, the license or permit may be revoked by  
2 the Department and the Department may refuse to issue any  
3 permit or license to that person and may suspend the person  
4 from engaging in the activity requiring the permit or license  
5 for a period of time not to exceed 5 years following the  
6 revocation. Department revocation procedure shall be  
7 established by administrative rule.

8 (a-5) Whenever a license or permit is issued under this  
9 Code to any person who owes overdue child support or who,  
10 after receiving notice, fails to comply with a subpoena or  
11 warrant relating to a paternity or child support proceeding,  
12 the license or permit may be revoked by the Department and  
13 the Department may refuse to issue a license or permit to  
14 that person. A failure to comply with a subpoena or warrant  
15 can be remedied by complying with the subpoena or warrant.  
16 Department revocation procedures shall be established by  
17 rule.

18 (b) Whenever any person who has not been issued a  
19 license or a permit under the provisions of this Code is  
20 found guilty of a violation of the provisions of this Code,  
21 including administrative rules, the Department may refuse to  
22 issue any permit or license to that person, and suspend that  
23 person from engaging in the activity requiring the permit or  
24 license for a period of time not to exceed 5 years.

25 (c) Any person who knowingly or intentionally violates  
26 any of the provisions of this Code, including administrative  
27 rules, during the 5 years following the revocation of his or  
28 her license or permit under subsection (a) or during the time  
29 he is suspended under subsection (b), shall be guilty of a  
30 Class A misdemeanor as provided in Section 20-35.

31 (d) A person whose license or permit to engage in any  
32 activity regulated by this Code has been suspended or revoked  
33 may not, during the period of the suspension or revocation or  
34 until obtaining such a license or permit, (i) be in the



1 company of any person engaging in the activity covered by the  
2 suspension or revocation or (ii) serve as a guide, outfitter,  
3 or facilitator for a person who is engaged or prepared to  
4 engage in the activity covered by the suspension or  
5 revocation.

6 (e) No person may be issued or obtain a license or  
7 permit or engage in any activity regulated by this Code  
8 during the time that the person's privilege to engage in the  
9 same or similar activities is suspended or revoked by another  
10 state, by a federal agency, or by a province of Canada.

11 (Source: P.A. 91-545, eff. 8-14-99.)

12 Section 42. The Wildlife Code is amended by changing  
13 Section 3.36 as follows:

14 (520 ILCS 5/3.36) (from Ch. 61, par. 3.36)

15 Sec. 3.36. Revocation and suspension.

16 (a) Whenever a license or permit is issued to any person  
17 under this Act, and the holder thereof is found guilty of any  
18 misrepresentation in obtaining such license or permit or of a  
19 violation of any of the provisions of this Act, including  
20 administrative rules, his license or permit may be revoked by  
21 the Department, and the Department may refuse to issue any  
22 permit or license to such person and may suspend the person  
23 from engaging in the activity requiring the permit or license  
24 for a period of time not to exceed 5 years following such  
25 revocation.

26 Department revocation procedures shall be established by  
27 Administrative rule.

28 (a-5) Whenever a license or permit is issued under this  
29 Code to any person who owes overdue child support or who,  
30 after receiving notice, fails to comply with a subpoena or  
31 warrant relating to a paternity or child support proceeding,  
32 the license or permit may be revoked by the Department and

1 the Department may refuse to issue a license or permit to  
2 that person. A failure to comply with a subpoena or warrant  
3 can be remedied by complying with the subpoena or warrant.  
4 Department revocation procedures shall be established by  
5 rule.

6 (b) Whenever any person who has not been issued a  
7 license or a permit under the provisions of this Code is  
8 found guilty of a violation of the provisions of this Code,  
9 including administrative rules, the Department may refuse to  
10 issue any permit or license to that person, and suspend that  
11 person from engaging in the activity requiring the permit or  
12 license for a period of time not to exceed 5 years.

13 (c) Any person who knowingly or intentionally violates  
14 any of the provisions of this Act, including administrative  
15 rules, during such period when his license or permit is  
16 revoked or denied by virtue of this Section or during the  
17 time he is suspended under subsection (b), shall be guilty of  
18 a Class A misdemeanor.

19 (d) Licenses and permits authorized to be issued under  
20 the provisions of this Act shall be prepared by the  
21 Department and be in such form as prescribed by the  
22 Department. The information required on each license shall be  
23 completed thereon by the issuing agent or his sub-agent at  
24 the time of issuance and each license shall be signed by the  
25 licensee, or initialed by the designated purchaser and then  
26 signed immediately upon receipt by the licensee, and  
27 countersigned by the issuing agent or his sub-agent at the  
28 time of issuance. All such licenses shall be supplied by the  
29 Department, subject to such rules and regulations as the  
30 Department may prescribe. Any license not properly prepared,  
31 obtained and signed as required by this Act shall be void.

32 (e) A person whose license or permit to engage in any  
33 activity regulated by this Code has been suspended or revoked  
34 may not, during the period of the suspension or revocation or

1 until obtaining such a license or permit, (i) be in the  
2 company of any person engaging in the activity covered by the  
3 suspension or revocation or (ii) serve as a guide, outfitter,  
4 or facilitator for a person who is engaged or prepared to  
5 engage in the activity covered by the suspension or  
6 revocation.

7 (f) No person may be issued or obtain a license or  
8 permit or engage in any activity regulated by this Code  
9 during the time that the person's privilege to engage in the  
10 same or similar activities is suspended or revoked by another  
11 state, by a federal agency, or by a province of Canada.

12 (Source: P.A. 90-225, eff. 7-25-97; 91-545, eff. 8-14-99.)

13 Section 44. The Illinois Vehicle Code is amended by  
14 changing Sections 7-701, 7-702, 7-702.1, 7-703, 7-704, 7-705,  
15 7-706, 7-707, and 7-708 as follows:

16 (625 ILCS 5/7-701)

17 Sec. 7-701. Findings and purpose. The General Assembly  
18 finds that the timely receipt of adequate financial support  
19 has the effect of reducing poverty and State expenditures for  
20 welfare dependency among children, and that the timely  
21 payment of adequate child support demonstrates financial  
22 responsibility. Further, the General Assembly finds that the  
23 State has a compelling interest in ensuring that drivers  
24 within the State demonstrate financial responsibility,  
25 including family financial responsibility, in order to safely  
26 own and operate a motor vehicle. To this end, the Secretary  
27 of State is authorized to establish systems to suspend  
28 driver's licenses for failure to comply with court orders of  
29 support and with subpoenas or warrants in paternity or child  
30 support proceedings.

31 (Source: P.A. 91-613, eff. 7-1-00.)

1 (625 ILCS 5/7-702)

2 Sec. 7-702. Suspension of driver's license for failure  
3 to pay child support or comply with certain subpoenas or  
4 warrants.

5 (a) The Secretary of State shall suspend the driver's  
6 license issued to an obligor upon receiving an authenticated  
7 report provided for in subsection (a) of Section 7-703, that  
8 the person (i) is 90 days or more delinquent in court ordered  
9 child support payments or has been adjudicated in arrears in  
10 an amount equal to 90 days obligation or more, and has been  
11 found in contempt by the court for failure to pay the support  
12 or (ii) has failed to comply with a subpoena or warrant in a  
13 paternity or child support proceeding and has been found in  
14 contempt by the court for failure to comply.

15 (b) The Secretary of State shall suspend the driver's  
16 license issued to an obligor upon receiving an authenticated  
17 document provided for in subsection (b) of Section 7-703,  
18 that the person has been adjudicated in arrears in court  
19 ordered child support payments in an amount equal to 90 days  
20 obligation or more, but has not been held in contempt of  
21 court, and that the court has ordered that the person's  
22 driving privileges be suspended. The obligor's driver's  
23 license shall be suspended until such time as the Secretary  
24 of State receives authenticated documentation that the  
25 obligor is in compliance with the court order of support.  
26 When the obligor complies with the court ordered child  
27 support payments, the circuit court shall report the  
28 obligor's compliance with the court order of support to the  
29 Secretary of State, on a form prescribed by the Secretary of  
30 State, and shall order that the obligor's driver's license be  
31 reinstated.

32 (Source: P.A. 91-613, eff. 7-1-00.)

33 (625 ILCS 5/7-702.1)

1           Sec. 7-702.1. Family financial responsibility driving  
2 permits. Following the entry of an order that an obligor has  
3 been found in contempt by the court for failure to pay court  
4 ordered child support payments or to comply with a subpoena  
5 or warrant in a paternity or child support proceeding, or  
6 upon a motion by the obligor who is subject to having his or  
7 her driver's license suspended pursuant to subsection (b) of  
8 Section 7-703, the court may enter an order directing the  
9 Secretary of State to issue a family financial responsibility  
10 driving permit for the purpose of providing the obligor the  
11 privilege of operating a motor vehicle between the obligor's  
12 residence and place of employment, or within the scope of  
13 employment related duties; or for the purpose of providing  
14 transportation for the obligor or a household member to  
15 receive alcohol treatment, other drug treatment, or medical  
16 care. The court may enter an order directing the issuance of  
17 a permit only if the obligor has proven to the satisfaction  
18 of the court that no alternative means of transportation are  
19 reasonably available for the above stated purposes. No  
20 permit shall be issued to a person under the age of 16 years  
21 who possesses an instruction permit.

22           Upon entry of an order granting the issuance of a permit  
23 to an obligor, the court shall report this finding to the  
24 Secretary of State on a form prescribed by the Secretary.  
25 This form shall state whether the permit has been granted for  
26 employment or medical purposes and the specific days and  
27 hours for which limited driving privileges have been granted.

28           The family financial responsibility driving permit shall  
29 be subject to cancellation, invalidation, suspension, and  
30 revocation by the Secretary of State in the same manner and  
31 for the same reasons as a driver's license may be cancelled,  
32 invalidated, suspended, or revoked.

33           The Secretary of State shall, upon receipt of a certified  
34 court order from the court of jurisdiction, issue a family

1 financial responsibility driving permit. In order for this  
2 permit to be issued, an individual's driving privileges must  
3 be valid except for the family financial responsibility  
4 suspension. This permit shall be valid only for employment  
5 and medical purposes as set forth above. The permit shall  
6 state the days and hours for which limited driving privileges  
7 have been granted.

8 Any submitted court order that contains insufficient data  
9 or fails to comply with any provision of this Code shall not  
10 be used for issuance of the permit or entered to the  
11 individual's driving record but shall be returned to the  
12 court of jurisdiction indicating why the permit cannot be  
13 issued at that time. The Secretary of State shall also send  
14 notice of the return of the court order to the individual  
15 requesting the permit.

16 (Source: P.A. 90-369, eff. 1-1-98; 91-613, eff. 7-1-00.)

17 (625 ILCS 5/7-703)

18 Sec. 7-703. Courts to report non-payment of court  
19 ordered support and noncompliance with certain subpoenas and  
20 warrants.

21 (a) The clerk of the circuit court, as provided in  
22 subsection (b) of Section 505 of the Illinois Marriage and  
23 Dissolution of Marriage Act or as provided in Section 15 of  
24 the Illinois Parentage Act of 1984, shall forward to the  
25 Secretary of State, on a form prescribed by the Secretary, an  
26 authenticated document certifying the court's order  
27 suspending the driving privileges of the obligor. For any  
28 such certification, the clerk of the court shall charge the  
29 obligor a fee of \$5 as provided in the Clerks of Courts Act.

30 (b) If an obligor has been adjudicated in arrears in  
31 court ordered child support payments in an amount equal to 90  
32 days obligation or more but has not been held in contempt of  
33 court, the circuit court may order that the obligor's driving

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

10 (Source: P.A. 91-613, eff. 7-1-00.)

11 (625 ILCS 5/7-704)

12 Sec. 7-704. Suspension to continue until compliance with  
13 court order of support or with subpoena or warrant.

14 (a) The suspension of a driver's license shall remain in  
15 effect unless and until the Secretary of State receives  
16 authenticated documentation (i) that the obligor is in  
17 compliance with a court order of support or that the order  
18 has been stayed by a subsequent order of the court or (ii)  
19 that the obligor is in compliance with the subpoena or  
20 warrant in a paternity or child support proceeding. Full  
21 driving privileges shall not be issued by the Secretary of  
22 State until notification of compliance has been received from  
23 the court. The circuit clerks shall report the obligor's  
24 compliance with a court order of support or with a subpoena  
25 or warrant to the Secretary of State, on a form prescribed by  
26 the Secretary.

27 (b) Whenever, after one suspension of an individual's  
28 driver's license for failure to pay child support, another  
29 order of non-payment is entered against the obligor and the  
30 person fails to come into compliance with the court order of  
31 support, then the Secretary shall again suspend the driver's  
32 license of the individual and that suspension shall not be  
33 removed unless the obligor is in full compliance with the

1 court order of support and has made full payment on all  
2 arrearages.

3 (Source: P.A. 89-92, eff. 7-1-96.)

4 (625 ILCS 5/7-705)

5 Sec. 7-705. Notice. The Secretary of State, prior to  
6 suspending a driver's license under this Chapter, shall serve  
7 written notice upon an obligor that the individual's driver's  
8 license will be suspended in 60 days from the date on the  
9 notice unless the obligor satisfies the court order of  
10 support or complies with the subpoena or warrant in a  
11 paternity or child support proceeding and the circuit clerk  
12 notifies the Secretary of State of this compliance.

13 (Source: P.A. 89-92, eff. 7-1-96.)

14 (625 ILCS 5/7-706)

15 Sec. 7-706. Administrative hearing. A driver may  
16 contest this driver's license sanction by requesting an  
17 administrative hearing in accordance with Section 2-118 of  
18 this Code. If a written request for this hearing is received  
19 prior to the effective date of the suspension, the suspension  
20 shall be stayed. If a stay of the suspension is granted, it  
21 shall remain in effect until a hearing decision is entered.  
22 At the conclusion of this hearing, the Secretary of State may  
23 rescind or impose the driver's license suspension. If the  
24 suspension is upheld, it shall become effective 10 days from  
25 the date the hearing decision is entered. If the decision is  
26 to rescind the suspension, no suspension of driving  
27 privileges shall be entered. The scope of this hearing shall  
28 be limited to the following issues:

29 (a) Whether the driver is the obligor covered by the  
30 court order of support or the person to whom the subpoena or  
31 warrant is directed.

32 (b) Whether the authenticated document of a court order



1 of support indicates that the obligor (i) is 90 days or more  
 2 delinquent or has been adjudicated in arrears in an amount  
 3 equal to 90 days obligation or more and has been found in  
 4 contempt of court for failure to pay child support or (ii)  
 5 has failed to comply with a subpoena or warrant in a  
 6 paternity or child support proceeding and has been found in  
 7 contempt by the court for failure to comply.

8 (c) Whether a superseding authenticated document of any  
 9 court order of support or of compliance with a subpoena or  
 10 warrant has been entered.

11 (Source: P.A. 89-92, eff. 7-1-96.)

12 (625 ILCS 5/7-707)

13 Sec. 7-707. Payment of reinstatement fee. When an  
 14 obligor receives ~~Upon-an-obligors-receivng~~ notice from the  
 15 Secretary of State that the suspension of driving privileges  
 16 has been terminated based upon receipt of notification from  
 17 the circuit clerk of the obligor's ~~obligors~~ compliance with a  
 18 court order of support or a subpoena or warrant, the obligor  
 19 shall pay a \$30 reinstatement fee to the Secretary of State  
 20 as set forth in Section 6-118 of this Code. The fee shall be  
 21 deposited into the Family Responsibility Fund. In accordance  
 22 with subsection (e) of Section 6-115 of this Code, the  
 23 Secretary of State may decline to process a renewal of a  
 24 driver's license of a person who has not paid this fee.

25 (Source: P.A. 89-92, eff. 7-1-96; revised 10-20-00.)

26 (625 ILCS 5/7-708)

27 Sec. 7-708. Rules. The Secretary of State, using the  
 28 authority to license motor vehicle operators, may adopt such  
 29 rules as may be necessary to establish standards, policies,  
 30 and procedures for the suspension of driver's licenses for  
 31 non-compliance with a court order of support or with a  
 32 subpoena or warrant in a paternity or child support

1 proceeding.

2 (Source: P.A. 89-92, eff. 7-1-96.)

3 Section 45. The Attorney Act is amended by changing  
4 Section 1 as follows:

5 (705 ILCS 205/1) (from Ch. 13, par. 1)

6 Sec. 1. No person shall be permitted to practice as an  
7 attorney or counselor at law within this State without having  
8 previously obtained a license for that purpose from the  
9 Supreme Court of this State.

10 No person shall receive any compensation directly or  
11 indirectly for any legal services other than a regularly  
12 licensed attorney.

13 A license, as provided for herein, constitutes the person  
14 receiving the same an attorney and counselor at law,  
15 according to the law and customs thereof, for and during his  
16 good behavior in the practice and authorizes him to demand  
17 and receive fees for any services which he may render as an  
18 attorney and counselor at law in this State. No person shall  
19 be granted a license or renewal authorized by this Act who  
20 has defaulted on an educational loan guaranteed by the  
21 Illinois Student Assistance Commission; however, a license or  
22 renewal may be issued to the aforementioned persons who have  
23 established a satisfactory repayment record as determined by  
24 the Illinois Student Assistance Commission. No person shall  
25 be granted a license or renewal authorized by this Act who is  
26 more than 30 days delinquent in complying with a child  
27 support order; a license or renewal may be issued, however,  
28 if the person has established a satisfactory repayment record  
29 as determined (i) by the Illinois Department of Public Aid  
30 for cases being enforced under Article X of the Illinois  
31 Public Aid Code or by the Attorney General for cases being  
32 enforced under Sections 7.1 through 7.305 of the Attorney

1 General Act or (ii) in all other cases by order of court or  
2 by written agreement between the custodial parent and  
3 non-custodial parent. No person shall be refused a license  
4 under this Act on account of sex.

5 Any person practicing, charging or receiving fees for  
6 legal services within this State, either directly or  
7 indirectly, without being licensed to practice as herein  
8 required, is guilty of contempt of court and shall be  
9 punished accordingly, upon complaint being filed in any  
10 Circuit Court of this State. Such proceedings shall be  
11 conducted in the Courts of the respective counties where the  
12 alleged contempt has been committed in the same manner as in  
13 cases of indirect contempt and with the right of review by  
14 the parties thereto.

15 The provisions of this Act shall be in addition to other  
16 remedies permitted by law and shall not be construed to  
17 deprive courts of this State of their inherent right to  
18 punish for contempt or to restrain the unauthorized practice  
19 of law.

20 Nothing in this Act shall be construed to prohibit  
21 representation of a party by a person who is not an attorney  
22 in a proceeding before either panel of the Illinois Labor  
23 Relations Board under the Illinois Public Labor Relations  
24 Act, as now or hereafter amended, the Illinois Educational  
25 Labor Relations Board under the Illinois Educational Labor  
26 Relations Act, as now or hereafter amended, the State Civil  
27 Service Commission, the local Civil Service Commissions, or  
28 the University Civil Service Merit Board, to the extent  
29 allowed pursuant to rules and regulations promulgated by  
30 those Boards and Commissions.

31 (Source: P.A. 91-798, eff. 7-9-00.)

32 Section 47. The Juvenile Court Act of 1987 is amended by  
33 changing Section 6-9 as follows:

1 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

2 Sec. 6-9. Enforcement of liability of parents and  
3 others.

4 (1) If parentage is at issue in any proceeding under  
5 this Act, the Illinois Parentage Act of 1984 shall apply and  
6 the court shall enter orders consistent with that Act. If it  
7 appears at any hearing that a parent or any other person  
8 named in the petition, liable under the law for the support  
9 of the minor, is able to contribute to his or her support,  
10 the court shall enter an order requiring that parent or other  
11 person to pay the clerk of the court, or to the guardian or  
12 custodian appointed under Sections 2-27, 3-28, 4-25 or 5-740,  
13 a reasonable sum from time to time for the care, support and  
14 necessary special care or treatment, of the minor. If the  
15 court determines at any hearing that a parent or any other  
16 person named in the petition, liable under the law for the  
17 support of the minor, is able to contribute to help defray  
18 the costs associated with the minor's detention in a county  
19 or regional detention center, the court shall enter an order  
20 requiring that parent or other person to pay the clerk of the  
21 court a reasonable sum for the care and support of the minor.

22 The court may require reasonable security for the payments.  
23 Upon failure to pay, the court may enforce obedience to the  
24 order by a proceeding as for contempt of court.

25 If it appears that the person liable for the support of  
26 the minor is able to contribute to legal fees for  
27 representation of the minor, the court shall enter an order  
28 requiring that person to pay a reasonable sum for the  
29 representation, to the attorney providing the representation  
30 or to the clerk of the court for deposit in the appropriate  
31 account or fund. The sum may be paid as the court directs,  
32 and the payment thereof secured and enforced as provided in  
33 this Section for support.

34 If it appears at the detention or shelter care hearing of

1 a minor before the court under Section 5-501 that a parent or  
2 any other person liable for support of the minor is able to  
3 contribute to his or her support, that parent or other person  
4 shall be required to pay a fee for room and board at a rate  
5 not to exceed \$10 per day established, with the concurrence  
6 of the chief judge of the judicial circuit, by the county  
7 board of the county in which the minor is detained unless the  
8 court determines that it is in the best interest and welfare  
9 of the minor to waive the fee. The concurrence of the chief  
10 judge shall be in the form of an administrative order. Each  
11 week, on a day designated by the clerk of the circuit court,  
12 that parent or other person shall pay the clerk for the  
13 minor's room and board. All fees for room and board  
14 collected by the circuit court clerk shall be disbursed into  
15 the separate county fund under Section 6-7.

16 Upon application, the court shall waive liability for  
17 support or legal fees under this Section if the parent or  
18 other person establishes that he or she is indigent and  
19 unable to pay the incurred liability, and the court may  
20 reduce or waive liability if the parent or other person  
21 establishes circumstances showing that full payment of  
22 support or legal fees would result in financial hardship to  
23 the person or his or her family.

24 (2) When a person so ordered to pay for the care and  
25 support of a minor is employed for wages, salary or  
26 commission, the court may order him to make the support  
27 payments for which he is liable under this Act out of his  
28 wages, salary or commission and to assign so much thereof as  
29 will pay the support. The court may also order him to make  
30 discovery to the court as to his place of employment and the  
31 amounts earned by him. Upon his failure to obey the orders of  
32 court he may be punished as for contempt of court.

33 (3) If the minor is a recipient of public aid under the  
34 Illinois Public Aid Code, the court shall order that payments

1 made by a parent or through assignment of his wages, salary  
2 or commission be made directly to (a) the Illinois Department  
3 of Public Aid if the minor is a recipient of aid under  
4 Article V of the Code, (b) the Department of Human Services  
5 if the minor is a recipient of aid under Article IV of the  
6 Code, or (c) the local governmental unit responsible for the  
7 support of the minor if he is a recipient under Articles VI  
8 or VII of the Code. The order shall permit the Illinois  
9 Department of Public Aid, the Department of Human Services,  
10 or the local governmental unit, as the case may be, to direct  
11 that subsequent payments be made directly to the guardian or  
12 custodian of the minor, or to some other person or agency in  
13 the minor's behalf, upon removal of the minor from the public  
14 aid rolls; and upon such direction and removal of the minor  
15 from the public aid rolls, the Illinois Department of Public  
16 Aid, Department of Human Services, or local governmental  
17 unit, as the case requires, shall give written notice of such  
18 action to the court. Payments received by the Illinois  
19 Department of Public Aid, Department of Human Services, or  
20 local governmental unit are to be covered, respectively, into  
21 the General Revenue Fund of the State Treasury or General  
22 Assistance Fund of the governmental unit, as provided in  
23 Section 7.230 of the Attorney General Act ~~10-19-of-the~~  
24 ~~Illinois-Public-Aid-Code.~~

25 (Source: P.A. 90-157, eff. 1-1-98; 90-483, eff. 1-1-98;  
26 90-590, eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff.  
27 7-29-99.)

28 Section 48. The Unified Code of Corrections is amended  
29 by changing Section 5-7-6 as follows:

30 (730 ILCS 5/5-7-6) (from Ch. 38, par. 1005-7-6)

31 Sec. 5-7-6. Duty of Clerk of Court or the Department of  
32 Corrections; collection and disposition of compensation.

1 (a) Every gainfully employed offender shall be  
2 responsible for managing his or her earnings. The clerk of  
3 the circuit court shall have only those responsibilities  
4 regarding an offender's earnings as are set forth in this  
5 Section.

6 Every offender, including offenders who are sentenced to  
7 periodic imprisonment for weekends only, gainfully employed  
8 shall pay a fee for room and board at a rate established,  
9 with the concurrence of the chief judge of the judicial  
10 circuit, by the county board of the county in which the  
11 offender is incarcerated. The concurrence of the chief judge  
12 shall be in the form of an administrative order. In  
13 establishing the fee for room and board consideration may be  
14 given to all costs incidental to the incarceration of  
15 offenders. If an offender is necessarily absent from the  
16 institution at mealtime he or she shall, without additional  
17 charge, be furnished with a meal to carry to work. Each  
18 week, on a day designated by the clerk of the circuit court,  
19 every offender shall pay the clerk the fees for the  
20 offender's room and board. Failure to pay the clerk on the  
21 day designated shall result in the termination of the  
22 offender's release. All fees for room and board collected by  
23 the circuit court clerk shall be disbursed into the county's  
24 General Corporate Fund.

25 By order of the court, all or a portion of the earnings  
26 of employed offenders shall be turned over to the clerk to be  
27 distributed for the following purposes, in the order stated:

- 28 (1) the room and board of the offender;
- 29 (2) necessary travel expenses to and from work and  
30 other incidental expenses of the offender, when those  
31 expenses are incurred by the administrator of the  
32 offender's imprisonment;
- 33 (3) support of the offender's dependents, if any.

34 (b) If the offender has one or more dependents who are

1 recipients of financial assistance pursuant to the Illinois  
2 Public Aid Code, or who are residents of a State hospital,  
3 State school or foster care facility provided by the State,  
4 the court shall order the offender to turn over all or a  
5 portion of his earnings to the clerk who shall, after making  
6 the deductions provided for under paragraph (a), distribute  
7 those earnings to the appropriate agency as reimbursement for  
8 the cost of care of such dependents. The order shall permit  
9 the Department of Human Services (acting as successor to the  
10 Illinois Department of Public Aid under the Department of  
11 Human Services Act) or the local governmental unit, as the  
12 case may be, to request the clerk that subsequent payments be  
13 made directly to the dependents, or to some agency or person  
14 in their behalf, upon removal of the dependents from the  
15 public aid rolls; and upon such direction and removal of the  
16 recipients from the public aid rolls, the Department of Human  
17 Services or the local governmental unit, as the case  
18 requires, shall give written notice of such action to the  
19 court. Payments received by the Department of Human Services  
20 or by governmental units in behalf of recipients of public  
21 aid shall be deposited into the General Revenue Fund of the  
22 State Treasury or General Assistance Fund of the governmental  
23 unit, under Section 7.230 of the Attorney General Act 10-19  
24 ~~of the Illinois Public Aid Code.~~

25 (c) The clerk of the circuit court shall keep individual  
26 accounts of all money collected by him as required by this  
27 Article. He shall deposit all moneys as trustee in a  
28 depository designated by the county board and shall make  
29 payments required by the court's order from such trustee  
30 account. Such accounts shall be subject to audit in the same  
31 manner as accounts of the county are audited.

32 (d) If an institution or the Department of Corrections  
33 certifies to the court that it can administer this Section  
34 with respect to persons committed to it under this Article,



1 the clerk of the court shall be relieved of its duties under  
2 this Section and they shall be assumed by such institution or  
3 the Department.

4 (Source: P.A. 90-14, eff. 7-1-97; 91-357, eff. 7-29-99.)

5 Section 49. The Code of Civil Procedure is amended by  
6 changing Section 2-101 as follows:

7 (735 ILCS 5/2-101) (from Ch. 110, par. 2-101)

8 Sec. 2-101. Generally. Except as otherwise provided in  
9 this Act, every action must be commenced (1) in the county of  
10 residence of any defendant who is joined in good faith and  
11 with probable cause for the purpose of obtaining a judgment  
12 against him or her and not solely for the purpose of fixing  
13 venue in that county, or (2) in the county in which the  
14 transaction or some part thereof occurred out of which the  
15 cause of action arose.

16 If a check, draft, money order, or other instrument for  
17 the payment of child support payable to or delivered to the  
18 State Disbursement Unit established under Section 7.295 ~~10-26~~  
19 of the Attorney General Act Illinois--Public-Aid-Code is  
20 returned by the bank or depository for any reason, venue for  
21 the enforcement of any criminal proceedings or civil cause of  
22 action for recovery and attorney fees shall be in the county  
23 where the principal office of the State Disbursement Unit is  
24 located.

25 If all defendants are nonresidents of the State, an  
26 action may be commenced in any county.

27 If the corporate limits of a city, village or town extend  
28 into more than one county, then the venue of an action or  
29 proceeding instituted by that municipality to enforce any  
30 fine, imprisonment, penalty or forfeiture for violation of  
31 any ordinance of that municipality, regardless of the county  
32 in which the violation was committed or occurred, may be in

1 the appropriate court (i) in the county wherein the office of  
 2 the clerk of the municipality is located or (ii) in any  
 3 county in which at least 35% of the territory within the  
 4 municipality's corporate limits is located.

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

6 Section 50. The Illinois Marriage and Dissolution of  
 7 Marriage Act is amended by changing Sections 505, 505.1,  
 8 505.2, 505.3, 506, 507, 507.1, 510, 516, 705, 709, 710, and  
 9 712 as follows:

10 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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  
32 last known address may be determined from records of the  
33 clerk of the court, from the Federal Case Registry of Child  
34 Support Orders, or by any other reasonable means.

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

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

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

13 (A) work; or

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

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

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

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

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

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

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

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

1 ordered by the court, subject to the provisions of Section  
2 7-702.1 of the Illinois Vehicle Code, issue a family  
3 financial responsibility driving permit to the parent.

4 In addition to the penalties or punishment that may be  
5 imposed under this Section, any person whose conduct  
6 constitutes a violation of Section 15 of the Non-Support  
7 Punishment Act may be prosecuted under that Act, and a person  
8 convicted under that Act may be sentenced in accordance with  
9 that Act. The sentence may include but need not be limited  
10 to a requirement that the person perform community service  
11 under Section 50 of that Act or participate in a work  
12 alternative program under Section 50 of that Act. A person  
13 may not be required to participate in a work alternative  
14 program under Section 50 of that Act if the person is  
15 currently participating in a work program pursuant to Section  
16 505.1 of this Act.

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

20 (c) A one-time charge of 20% is imposable upon the  
21 amount of past-due child support owed on July 1, 1988 which  
22 has accrued under a support order entered by the court. The  
23 charge shall be imposed in accordance with the provisions of  
24 Section 10-21 of the Illinois Public Aid Code and shall be  
25 enforced by the court upon petition. On and after the  
26 effective date of this amendatory Act of the 92nd General  
27 Assembly, the Attorney General may collect, on behalf of the  
28 Illinois Department of Public Aid, any charge imposed in  
29 accordance with this subsection. Nothing in this amendatory  
30 Act of the 92nd General Assembly shall be construed to affect  
31 the validity of any charge imposed in accordance this  
32 subsection.

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



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

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

21 (f) All orders for support, when entered or modified,  
22 shall include a provision requiring the obligor to notify the  
23 court and, in cases in which a party is receiving child and  
24 spouse services under Article X of the Illinois Public Aid  
25 Code or under Sections 7.1 through 7.305 of the Attorney  
26 General Act, the Illinois Department of Public Aid (before  
27 the effective date of this amendatory Act of the 92nd General  
28 Assembly) or the Attorney General (on and after that date),  
29 within 7 days, (i) of the name and address of any new  
30 employer of the obligor, (ii) whether the obligor has access  
31 to health insurance coverage through the employer or other  
32 group coverage and, if so, the policy name and number and the  
33 names of persons covered under the policy, and (iii) of any  
34 new residential or mailing address or telephone number of the

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

9 (g) 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 majority or is  
13 otherwise emancipated. The order for support shall state that  
14 the termination date does not apply to any arrearage that may  
15 remain unpaid on that date. Nothing in this subsection shall  
16 be construed to prevent the court from modifying the order.

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

1 both, would be seriously endangered by disclosure of the  
2 party's address.

3 (Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98;  
4 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff.  
5 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655,  
6 eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

7 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

8 Sec. 505.1. (a) Whenever it is determined in a  
9 proceeding to establish or enforce a child support or  
10 maintenance obligation that the person owing a duty of  
11 support is unemployed, the court may order the person to seek  
12 employment and report periodically to the court with a diary,  
13 listing or other memorandum of his or her efforts in  
14 accordance with such order. Additionally, the court may order  
15 the unemployed person to report to the Department of  
16 Employment Security for job search services or to make  
17 application with the local Job Training Partnership Act  
18 provider for participation in job search, training or work  
19 programs and where the duty of support is owed to a child  
20 receiving support services under Article X of the Illinois  
21 Public Aid Code or Sections 7.1 through 7.305 of the Attorney  
22 General Act, as amended, the court may order the unemployed  
23 person to report to the Illinois Department of Human Services  
24 Public--Aid for participation in job search, training or work  
25 programs established under Section 9-6 and Article IXA of the  
26 Illinois Public Aid that Code.

27 (b) Whenever it is determined that a person owes  
28 past-due support for a child or for a child and the parent  
29 with whom the child is living, and the child is receiving  
30 assistance under the Illinois Public Aid Code, the court  
31 shall order at the request of the Illinois Department of  
32 Public Aid (before the effective date of this amendatory Act  
33 of the 92nd General Assembly) or the Attorney General (on and

1 after that date):

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

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

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

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

12 Sec. 505.2. Health insurance.

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

14 (1) "Obligee" means the individual to whom the duty  
15 of support is owed or the individual's legal  
16 representative.

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

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

29 (b) Order.

30 (1) Whenever the court establishes, modifies or  
31 enforces an order for child support or for child support  
32 and maintenance the court shall include in the order a  
33 provision for the health care coverage of the child which

1 shall, upon request of the obligee or Public Office,  
2 require that any child covered by the order be named as a  
3 beneficiary of any health insurance plan that is  
4 available to the obligor through an employer or labor  
5 union or trade union. If the court finds that such a  
6 plan is not available to the obligor, or that the plan is  
7 not accessible to the obligee, the court may, upon  
8 request of the obligee or Public Office, order the  
9 obligor to name the child covered by the order as a  
10 beneficiary of any health insurance plan that is  
11 available to the obligor on a group basis, or as a  
12 beneficiary of an independent health insurance plan to be  
13 obtained by the obligor, after considering the following  
14 factors:

15 (A) the medical needs of the child;

16 (B) the availability of a plan to meet those  
17 needs; and

18 (C) the cost of such a plan to the obligor.

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

23 (2.5) If the obligor changes employment and the new  
24 employer provides a health insurance plan, the Public  
25 Office shall transfer notice of the order to the new  
26 employer. The notice shall operate to enroll the child  
27 in the health insurance plan that is available to the  
28 obligor unless the obligor contests the notice.

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 Section-706-17,-as-new-or-hereafter-amended.

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

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

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

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

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

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

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

1           (3) The employer may not eliminate any child from  
 2 the parent's health care coverage unless the employee is  
 3 no longer employed by the employer and no longer covered  
 4 under the employer's group health plan or unless the  
 5 employer is provided with satisfactory written evidence  
 6 of either of the following:

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

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

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

18 (Source: P.A. 89-183, eff. 1-1-96; 89-507, eff. 7-1-97;  
 19 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; revised 3-9-00.)

20           (750 ILCS 5/505.3)

21           Sec. 505.3. Information to State Case Registry.

22           (a) When an order for support is entered or modified  
 23 under this Act, the clerk of the circuit court shall, within  
 24 5 business days, provide to the State Case Registry  
 25 established under Section 7.305 ~~10-27~~ of the Attorney General  
 26 Act Illinois--Public--Aid--Code the court docket number and  
 27 county in which the order is entered or modified and the  
 28 following information, which the parties shall disclose to  
 29 the court:

30           (1) The names of the custodial and non-custodial  
 31 parents and of the child or children covered by the  
 32 order.

33           (2) The dates of birth of the custodial and



1 non-custodial parents and of the child or children  
2 covered by the order.

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

6 (4) The residential and mailing addresses for the  
7 custodial and non-custodial parents.

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

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

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

14 (b) When a child support order is entered or modified  
15 for a case in which a party is receiving child and spouse  
16 support services under Article X of the Illinois Public Aid  
17 Code (before the effective date of this amendatory Act of the  
18 92nd General Assembly) or under Sections 7.1 through 7.305 of  
19 the Attorney General Act (on and after that date), the clerk  
20 shall provide the State Case Registry with the following  
21 information:

22 (1) The information specified in subsection (a) of  
23 this Section.

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

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

30 (4) The distribution of the amounts received by the  
31 clerk.

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

1 (d) To the extent that updated information is in the  
2 clerk's possession, the clerk shall provide updates of the  
3 information specified in subsection (b) of this Section  
4 within 5 business days after the Illinois Department of  
5 Public Aid's or Attorney General's request for that updated  
6 information.

7 (Source: P.A. 91-212, eff. 7-20-99; revised 1-16-01.)

8 (750 ILCS 5/506) (from Ch. 40, par. 506)

9 Sec. 506. Representation of child.

10 (a) Duties. In any proceedings involving the support,  
11 custody, visitation, education, parentage, property interest,  
12 or general welfare of a minor or dependent child, the court  
13 may, on its own motion or that of any party, and subject to  
14 the terms or specifications the court determines, appoint an  
15 attorney to serve in one of the following capacities:

16 (1) as an attorney to represent the child;

17 (2) as a guardian ad litem to address issues the  
18 court delineates;

19 (3) as a child's representative whose duty shall be  
20 to advocate what the representative finds to be in the  
21 best interests of the child after reviewing the facts and  
22 circumstances of the case. The child's representative  
23 shall have the same power and authority to take part in  
24 the conduct of the litigation as does an attorney for a  
25 party and shall possess all the powers of investigation  
26 and recommendation as does a guardian ad litem. The  
27 child's representative shall consider, but not be bound  
28 by, the expressed wishes of the child. A child's  
29 representative shall have received training in child  
30 advocacy or shall possess such experience as determined  
31 to be equivalent to such training by the chief judge of  
32 the circuit where the child's representative has been  
33 appointed. The child's representative shall not disclose

1 confidential communications made by the child, except as  
2 required by law or by the Rules of Professional Conduct.  
3 The child's representative shall not be called as a  
4 witness regarding the issues set forth in this  
5 subsection.

6 During the proceedings the court may appoint an  
7 additional attorney to serve in another of the capacities  
8 described in subdivisions (a)(1), (a)(2), or (a)(3) on its  
9 own motion or that of a party only for good cause shown and  
10 when the reasons for the additional appointment are set forth  
11 in specific findings.

12 (b) Fees and costs. The court shall enter an order as  
13 appropriate for costs, fees, and disbursements, including a  
14 retainer, when the attorney, guardian ad litem, or child's  
15 representative is appointed, and thereafter as necessary.  
16 Such orders shall require payment by either or both parents,  
17 by any other party or source, or from the marital estate or  
18 the child's separate estate. The court may not order payment  
19 (i) by the Illinois Department of Public Aid in cases in  
20 which the Department is providing child and spouse support  
21 services under Article X of the Illinois Public Aid Code or  
22 (ii) by the Attorney General in cases in which the Attorney  
23 General is providing child and spouse support services under  
24 Sections 7.1 through 7.305 of the Attorney General Act.  
25 Unless otherwise ordered by the court at the time fees and  
26 costs are approved, all fees and costs payable to an  
27 attorney, guardian ad litem, or child's representative under  
28 this Section are by implication deemed to be in the nature of  
29 support of the child and are within the exceptions to  
30 discharge in bankruptcy under 11 U.S.C.A. 523. The  
31 provisions of Sections 501 and 508 of this Act shall apply to  
32 fees and costs for attorneys appointed under this Section.  
33 (Source: P.A. 90-309, eff. 1-1-98; 91-410, eff. 1-1-00.)

1 (750 ILCS 5/507) (from Ch. 40, par. 507)

2 Sec. 507. Payment of maintenance or support to court.

3 (a) In actions instituted under this Act, the court  
4 shall order that maintenance and support payments be made to  
5 the clerk of court as trustee for remittance to the person  
6 entitled to receive the payments. However, the court in its  
7 discretion may direct otherwise where circumstances so  
8 warrant.

9 Upon notification in writing or by electronic  
10 transmission from the Illinois Department of Public Aid  
11 (before the effective date of this amendatory Act of the 92nd  
12 General Assembly) or the Attorney General (on and after that  
13 date) to the clerk of the court that a person who is  
14 receiving support payments under this Section is receiving  
15 services under the Child Support Enforcement Program  
16 established by Title IV-D of the Social Security Act, any  
17 support payments subsequently received by the clerk of the  
18 court shall be transmitted in accordance with the  
19 instructions of the Illinois Department of Public Aid or the  
20 Attorney General until the Department or the Attorney General  
21 gives notice to the clerk of the court to cease the  
22 transmittal. After providing the notification authorized  
23 under this paragraph, the Illinois Department of Public Aid  
24 (before the effective date of this amendatory Act of the 92nd  
25 General Assembly) or the Attorney General (on and after that  
26 date) shall be entitled as a party to notice of any further  
27 proceedings in the case. The clerk of the court shall file a  
28 copy of the Illinois Department of Public Aid's or Attorney  
29 General's notification in the court file. The failure of the  
30 clerk to file a copy of the notification in the court file  
31 shall not, however, affect the Illinois Department of Public  
32 Aid's or Attorney General's right to receive notice of  
33 further proceedings.

34 (b) The clerk of court shall maintain records listing

1 the amount of payments, the date payments are required to be  
 2 made and the names and addresses of the parties affected by  
 3 the order. For those cases in which support is payable to the  
 4 clerk of the circuit court for transmittal to the Illinois  
 5 Department of Public Aid by order of the court or upon  
 6 notification of the Illinois Department of Public Aid or the  
 7 Attorney General, and the Illinois Department of Public Aid  
 8 or the Attorney General collects support by assignment,  
 9 offset, withholding, deduction or other process permitted by  
 10 law, the Illinois Department or the Attorney General, as the  
 11 case may be, shall notify the clerk of the date and amount of  
 12 such collection. Upon notification, the clerk shall record  
 13 the collection on the payment record for the case.

14 (c) The parties affected by the order shall inform the  
 15 clerk of court of any change of address or of other condition  
 16 that may affect the administration of the order.

17 (d) The provisions of this Section shall not apply to  
 18 cases that come under the provisions of Sections 709 through  
 19 712.

20 (e) To the extent the provisions of this Section are  
 21 inconsistent with the requirements pertaining to the State  
 22 Disbursement Unit under Section 507.1 of this Act and Section  
 23 10-26 of the Illinois Public Aid Code, the requirements  
 24 pertaining to the State Disbursement Unit shall apply.

25 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;  
 26 90-790, eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff.  
 27 7-29-99.)

28 (750 ILCS 5/507.1)  
 29 Sec. 507.1. Payment of Support to State Disbursement  
 30 Unit.

31 (a) As used in this Section:  
 32 "Order for support", "obligor", "obligee", and "payor"  
 33 mean those terms as defined in the Income Withholding for

1 Support Act, except that "order for support" shall not mean  
2 orders providing for spousal maintenance under which there is  
3 no child support obligation.

4 (b) Notwithstanding any other provision of this Act to  
5 the contrary, each order for support entered or modified on  
6 or after October 1, 1999 shall require that support payments  
7 be made to the State Disbursement Unit established under  
8 Section 7.295 10-26 of the Attorney General Act Illinois  
9 Public-Aid-Code if:

10 (1) a party to the order is receiving child and  
11 spouse support services under Article X of the Illinois  
12 Public Aid Code or Sections 7.1 through 7.305 of the  
13 Attorney General Act; or

14 (2) no party to the order is receiving child and  
15 spouse support services, but the support payments are  
16 made through income withholding.

17 (c) Support payments shall be made to the State  
18 Disbursement Unit if:

19 (1) the order for support was entered before  
20 October 1, 1999, and a party to the order is receiving  
21 child and spouse support services under Article X of the  
22 Illinois Public Aid Code or Sections 7.1 through 7.305 of  
23 the Attorney General Act; or

24 (2) no party to the order is receiving child and  
25 spouse support services, and the support payments are  
26 being made through income withholding.

27 (c-5) If no party to the order is receiving child and  
28 spouse support services under Article X of the Illinois  
29 Public Aid Code or Sections 7.1 through 7.305 of the Attorney  
30 General Act, and the support payments are not made through  
31 income withholding, then support payments shall be made as  
32 directed by the order for support.

33 (c-10) Within 15 days after the effective date of this  
34 amendatory Act of the 91st General Assembly, the Illinois

1 Department shall provide written notice to the clerk of the  
2 circuit court, the obligor, and, where applicable, the  
3 obligor's payor to make payments to the State Disbursement  
4 Unit if:

5 (1) the order for support was entered before  
6 October 1, 1999, and a party to the order is receiving  
7 child and spouse support services under Article X of the  
8 Illinois Public Aid Code; or

9 (2) no party to the order is receiving child and  
10 spouse support services, and the support payments are  
11 being made through income withholding.

12 (c-15) Within 15 days after the effective date of this  
13 amendatory Act of the 91st General Assembly, the clerk of the  
14 circuit court shall provide written notice to the obligor to  
15 make payments directly to the clerk of the circuit court if  
16 no party to the order is receiving child and spouse support  
17 services under Article X of the Illinois Public Aid Code, the  
18 support payments are not made through income withholding, and  
19 the order for support requires support payments to be made  
20 directly to the clerk of the circuit court.

21 (c-20) If the State Disbursement Unit receives a support  
22 payment that was not appropriately made to the Unit under  
23 this Section, the Unit shall immediately return the payment  
24 to the sender, including, if possible, instructions detailing  
25 where to send the support payment.

26 (d) The notices required under subsections (c-10) and  
27 (c-15) may be sent by ordinary mail, certified mail, return  
28 receipt requested, facsimile transmission, or other  
29 electronic process, or may be served upon the obligor or  
30 payor using any method provided by law for service of a  
31 summons. The Illinois Department of Public Aid shall provide  
32 a copy of the notice to the obligee and to the clerk of the  
33 court.

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

1 (750 ILCS 5/510) (from Ch. 40, par. 510)

2 Sec. 510. Modification and termination of provisions for  
3 maintenance, support, educational expenses, and property  
4 disposition.

5 (a) Except as otherwise provided in paragraph (f) of  
6 Section 502 and in subsection (d), clause (3) of Section  
7 505.2, the provisions of any judgment respecting maintenance  
8 or support may be modified only as to installments accruing  
9 subsequent to due notice by the moving party of the filing of  
10 the motion for modification and, with respect to maintenance,  
11 only upon a showing of a substantial change in circumstances.  
12 An order for child support may be modified as follows:

13 (1) upon a showing of a substantial change in  
14 circumstances; and

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

17 (A) upon a showing of an inconsistency of at  
18 least 20%, but no less than \$10 per month, between  
19 the amount of the existing order and the amount of  
20 child support that results from application of the  
21 guidelines specified in Section 505 of this Act  
22 unless the inconsistency is due to the fact that the  
23 amount of the existing order resulted from a  
24 deviation from the guideline amount and there has  
25 not been a change in the circumstances that resulted  
26 in that deviation; or

27 (B) Upon a showing of a need to provide for  
28 the health care needs of the child under the order  
29 through health insurance or other means. In no  
30 event shall the eligibility for or receipt of  
31 medical assistance be considered to meet the need to  
32 provide for the child's health care needs.

33 The provisions of subparagraph (a)(2)(A) shall apply only  
34 in cases in which a party is receiving child and spouse



1 support services from the Illinois Department of Public Aid  
2 under Article X of the Illinois Public Aid Code or from the  
3 Attorney General under Sections 7.1 through 7.305 of the  
4 Attorney General Act, and only when at least 36 months have  
5 elapsed since the order for child support was entered or last  
6 modified.

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

11 (c) Unless otherwise agreed by the parties in a written  
12 agreement set forth in the judgment or otherwise approved by  
13 the court, the obligation to pay future maintenance is  
14 terminated upon the death of either party, or the remarriage  
15 of the party receiving maintenance, or if the party receiving  
16 maintenance cohabits with another person on a resident,  
17 continuing conjugal basis.

18 (d) Unless otherwise agreed in writing or expressly  
19 provided in a judgment, provisions for the support of a child  
20 are terminated by emancipation of the child, except as  
21 otherwise provided herein, but not by the death of a parent  
22 obligated to support or educate the child. An existing  
23 obligation to pay for support or educational expenses, or  
24 both, is not terminated by the death of a parent. When a  
25 parent obligated to pay support or educational expenses, or  
26 both, dies, the amount of support or educational expenses, or  
27 both, may be enforced, modified, revoked or commuted to a  
28 lump sum payment, as equity may require, and that  
29 determination may be provided for at the time of the  
30 dissolution of the marriage or thereafter.

31 (e) The right to petition for support or educational  
32 expenses, or both, under Sections 505 and 513 is not  
33 extinguished by the death of a parent. Upon a petition filed  
34 before or after a parent's death, the court may award sums of

1 money out of the decedent's estate for the child's support or  
2 educational expenses, or both, as equity may require. The  
3 time within which a claim may be filed against the estate of  
4 a decedent under Sections 505 and 513 and subsection (d) and  
5 this subsection shall be governed by the provisions of the  
6 Probate Act of 1975, as a barrable, noncontingent claim.

7 (Source: P.A. 87-714; 88-42; 88-307; 88-670, eff. 12-2-94.)

8 (750 ILCS 5/516) (from Ch. 40, par. 516)

9 Sec. 516. Public Aid Collection fee.

10 (a) In all cases instituted before the effective date of  
11 this amendatory Act of the 92nd General Assembly by the  
12 Illinois Department of Public Aid on behalf of a child or  
13 spouse, other than one receiving a grant of financial aid  
14 under Article IV of The Illinois Public Aid Code, on whose  
15 behalf an application has been made and approved for support  
16 services as provided by Section 10-1 of that Code, the court  
17 shall impose a collection fee on the individual who owes a  
18 child or spouse support obligation in an amount equal to 10%  
19 of the amount so owed as long as such collection is required  
20 by federal law, which fee shall be in addition to the support  
21 obligation. The imposition of such fee shall be in  
22 accordance with provisions of Title IV, Part D, of the Social  
23 Security Act and regulations duly promulgated thereunder.  
24 The fee shall be payable to the clerk of the circuit court  
25 for transmittal to the Illinois Department of Public Aid and  
26 shall continue until support services are terminated by that  
27 Department, except as otherwise provided in this subsection.

28 If a collection fee is imposed under this subsection and  
29 if, on or after the effective date of this amendatory Act of  
30 the 92nd General Assembly, the child or spouse receives  
31 support services under Section 7.5 of the Attorney General  
32 Act, the fee shall be payable to the clerk of the circuit  
33 court for transmittal to the Attorney General and shall

1 continue until support services are terminated by the  
2 Attorney General. Nothing in this amendatory Act of the 92nd  
3 General Assembly shall be construed to affect the validity of  
4 any collection fee imposed in accordance with the first  
5 paragraph of this subsection.

6 (b) In all cases instituted on or after the effective  
7 date of this amendatory Act of the 92nd General Assembly by  
8 the Attorney General on behalf of a child or spouse, other  
9 than one receiving a grant of financial aid under Article IV  
10 of the Illinois Public Aid Code, on whose behalf an  
11 application has been made and approved for support services  
12 as provided by Section 7.5 of the Attorney General Act, the  
13 court shall impose a collection fee on the individual who  
14 owes a child or spouse support obligation in an amount equal  
15 to 10% of the amount so owed as long as such collection is  
16 required by federal law, which fee shall be in addition to  
17 the support obligation. The imposition of such fee shall be  
18 in accordance with provisions of Title IV, Part D, of the  
19 Social Security Act and regulations duly promulgated  
20 thereunder. The fee shall be payable to the clerk of the  
21 circuit court for transmittal to the Attorney General and  
22 shall continue until support services are terminated by the  
23 Attorney General.

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

25 (750 ILCS 5/705) (from Ch. 40, par. 705)

26 Sec. 705. Support payments; receiving and disbursing  
27 agents.

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

30 (2) In a dissolution of marriage action filed in a  
31 county of less than 3 million population in which an order or  
32 judgment for child support is entered, and in supplementary  
33 proceedings in any such county to enforce or vary the terms

1 of such order or judgment arising out of an action for  
2 dissolution of marriage filed in such county, the court,  
3 except as it otherwise orders, under subsection (4) of this  
4 Section, may direct that child support payments be made to  
5 the clerk of the court.

6 (3) In a dissolution of marriage action filed in any  
7 county of 3 million or more population in which an order or  
8 judgment for child support is entered, and in supplementary  
9 proceedings in any such county to enforce or vary the terms  
10 of such order or judgment arising out of an action for  
11 dissolution of marriage filed in such county, the court,  
12 except as it otherwise orders under subsection (4) of this  
13 Section, may direct that child support payments be made  
14 either to the clerk of the court or to the Court Service  
15 Division of the County Department of Public Aid. After the  
16 effective date of this Act, the court, except as it otherwise  
17 orders under subsection (4) of this Section, may direct that  
18 child support payments be made either to the clerk of the  
19 court, the Attorney General, or to the Illinois Department  
20 of Public Aid.

21 (4) In a dissolution of marriage action or supplementary  
22 proceedings involving maintenance or child support payments,  
23 or both, to persons who are recipients of aid under the  
24 Illinois Public Aid Code, the court shall direct that such  
25 payments be made to (a) the Attorney General Illinois  
26 Department--of-Public-Aid if the persons are recipients under  
27 Articles III, IV, or V of the Code, or (b) the local  
28 governmental unit responsible for their support if they are  
29 recipients under Articles VI or VII of the Code. In  
30 accordance with federal law and regulations, the Illinois  
31 Department of Public Aid or the Attorney General may continue  
32 to collect current maintenance payments or child support  
33 payments, or both, after those persons cease to receive  
34 public assistance and until termination of services under

1 Article X of the Illinois Public Aid Code or under Sections  
2 7.1 through 7.305 of the Attorney General Act. The Illinois  
3 Department of Public Aid or the Attorney General shall pay  
4 the net amount collected to those persons after deducting any  
5 costs incurred in making the collection or any collection fee  
6 from the amount of any recovery made. The order shall permit  
7 the Illinois Department of Public Aid, or the Attorney  
8 General, or the local governmental unit, as the case may be,  
9 to direct that payments be made directly to the former  
10 spouse, the children, or both, or to some person or agency in  
11 their behalf, upon removal of the former spouse or children  
12 from the public aid rolls or upon termination of services  
13 under Article X of the Illinois Public Aid Code or under  
14 Sections 7.1 through 7.305 of the Attorney General Act; and  
15 upon such direction, the Illinois Department, Attorney  
16 General, or local governmental unit, as the case requires,  
17 shall give notice of such action to the court in writing or  
18 by electronic transmission.

19 (5) All clerks of the court and the Court Service  
20 Division of a County Department of Public Aid and, after the  
21 effective date of this Act, all clerks of the court, the  
22 Attorney General, and the Illinois Department of Public Aid,  
23 receiving child support payments under subsections (2) and  
24 (3) of this Section shall disburse the payments to the person  
25 or persons entitled thereto under the terms of the order or  
26 judgment. They shall establish and maintain current records  
27 of all moneys received and disbursed and of defaults and  
28 delinquencies in required payments. The court, by order or  
29 rule, shall make provision for the carrying out of these  
30 duties.

31 Upon notification in writing or by electronic  
32 transmission from the Illinois Department of Public Aid  
33 (before the effective date of this amendatory Act of the 92nd  
34 General Assembly) or the Attorney General (on and after that

1 date) to the clerk of the court that a person who is  
2 receiving support payments under this Section is receiving  
3 services under the Child Support Enforcement Program  
4 established by Title IV-D of the Social Security Act, any  
5 support payments subsequently received by the clerk of the  
6 court shall be transmitted in accordance with the  
7 instructions of the Illinois Department of Public Aid or the  
8 Attorney General until the Department or the Attorney General  
9 gives notice to the clerk of the court to cease the  
10 transmittal. After providing the notification authorized  
11 under this paragraph, the Illinois Department of Public Aid  
12 (before the effective date of this amendatory Act of the 92nd  
13 General Assembly) or the Attorney General (on and after that  
14 date) shall be entitled as a party to notice of any further  
15 proceedings in the case. The clerk of the court shall file a  
16 copy of the Illinois Department of Public Aid's or Attorney  
17 General's notification in the court file. The failure of the  
18 clerk to file a copy of the notification in the court file  
19 shall not, however, affect the Illinois Department of Public  
20 Aid's or Attorney General's right to receive notice of  
21 further proceedings.

22 Payments under this Section to the Illinois Department of  
23 Public Aid or the Attorney General pursuant to the Child  
24 Support Enforcement Program established by Title IV-D of the  
25 Social Security Act shall be paid into the Child Support  
26 Enforcement Trust Fund. All payments under this Section to  
27 the Illinois Department of Human Services shall be deposited  
28 in the DHS Recoveries Trust Fund. Disbursements from these  
29 funds shall be as provided in the Illinois Public Aid Code.  
30 Payments received by a local governmental unit shall be  
31 deposited in that unit's General Assistance Fund. Any order  
32 of court directing payment of child support to a clerk of  
33 court or the Court Service Division of a County Department of  
34 Public Aid, which order has been entered on or after August

1 14, 1961, and prior to the effective date of this Act, may be  
2 amended by the court in line with this Act; and orders  
3 involving payments of maintenance or child support to  
4 recipients of public aid may in like manner be amended to  
5 conform to this Act.

6 (6) No filing fee or costs will be required in any  
7 action brought at the request of the Illinois Department of  
8 Public Aid or the Attorney General in any proceeding under  
9 this Act. However, any such fees or costs may be assessed by  
10 the court against the respondent in the court's order of  
11 support or any modification thereof in a proceeding under  
12 this Act.

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

34 In any action filed in a county with a population of

1 1,000,000 or less, the court shall assess against the  
2 respondent in any order of maintenance or child support any  
3 sum up to \$36 annually authorized by ordinance of the county  
4 board to be collected by the clerk of the court as costs for  
5 administering the collection and disbursement of maintenance  
6 and child support payments. Such sum shall be in addition to  
7 and separate from amounts ordered to be paid as maintenance  
8 or child support.

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

14 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;  
15 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff.  
16 7-20-99; 91-357, eff. 7-29-99; revised 8-31-99.)

17 (750 ILCS 5/709) (from Ch. 40, par. 709)

18 Sec. 709. Mandatory child support payments to clerk.

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

28 The provisions of Sections 709 through 712 shall be  
29 applicable to any county with a population of 2 million or  
30 more and to any other county which notifies the Supreme Court  
31 of its desire to be included within the coverage of these  
32 Sections and is certified pursuant to Supreme Court Rules.

33 The effective date of inclusion, however, shall be



1 subject to approval of the application for reimbursement of  
2 the costs of the support program by the Department of Public  
3 Aid (before the effective date of this amendatory Act of the  
4 92nd General Assembly) or the Attorney General (on and after  
5 that date) as provided in Section 712.

6 (b) In any proceeding for a dissolution of marriage,  
7 legal separation, or declaration of invalidity of marriage,  
8 or in any supplementary proceedings in which a judgment or  
9 modification thereof for the payment of child support is  
10 entered on or after January 1, 1982, in any county covered by  
11 Sections 709 through 712, and the person entitled to payment  
12 is receiving a grant of financial aid under Article IV of the  
13 Illinois Public Aid Code or has applied and qualified for  
14 support services under Section 10-1 of that Code or under  
15 Section 7.5 of the Attorney General Act, the court shall  
16 direct: (1) that such payments be made to the clerk of the  
17 court and (2) that the parties affected shall each thereafter  
18 notify the clerk of any change of address or change in other  
19 conditions that may affect the administration of the order,  
20 including the fact that a party who was previously not on  
21 public aid has become a recipient of public aid, within 10  
22 days of such change. All notices sent to the obligor's last  
23 known address on file with the clerk shall be deemed  
24 sufficient to proceed with enforcement pursuant to the  
25 provisions of Sections 709 through 712.

26 In all other cases, the court may direct that payments be  
27 made to the clerk of the court.

28 (c) Except as provided in subsection (d) of this  
29 Section, the clerk shall disburse the payments to the person  
30 or persons entitled thereto under the terms of the order or  
31 judgment.

32 (d) The court shall determine, prior to the entry of the  
33 support order, if the party who is to receive the support is  
34 presently receiving public aid or has a current application

1 for public aid pending and shall enter the finding on the  
2 record.

3 If the person entitled to payment is a recipient of aid  
4 under the Illinois Public Aid Code, the clerk, upon being  
5 informed of this fact by finding of the court, by  
6 notification by the party entitled to payment, by the  
7 Illinois Department of Public Aid, by the Attorney General,  
8 or by the local governmental unit, shall make all payments  
9 to: (1) the Attorney General Illinois-Department--of--Public  
10 Aid if the person is a recipient under Article III, IV, or V  
11 of the Code or (2) the local governmental unit responsible  
12 for his or her support if the person is a recipient under  
13 Article VI or VII of the Code. In accordance with federal law  
14 and regulations, the Illinois Department of Public Aid may  
15 continue to collect current maintenance payments or child  
16 support payments, or both, after those persons cease to  
17 receive public assistance and until termination of services  
18 under Article X of the Illinois Public Aid Code or under  
19 Sections 7.1 through 7.305 of the Attorney General Act. The  
20 Illinois Department of Public Aid or the Attorney General  
21 shall pay the net amount collected to those persons after  
22 deducting any costs incurred in making the collection or any  
23 collection fee from the amount of any recovery made. Upon  
24 termination of public aid payments to such a recipient or  
25 termination of services under Article X of the Illinois  
26 Public Aid Code or under Sections 7.1 through 7.305 of the  
27 Attorney General Act, the Illinois Department of Public Aid,  
28 the Attorney General, or the appropriate local governmental  
29 unit shall notify the clerk in writing or by electronic  
30 transmission that all subsequent payments are to be sent  
31 directly to the person entitled thereto.

32 Upon notification in writing or by electronic  
33 transmission from the Illinois Department of Public Aid  
34 (before the effective date of this amendatory Act of the 92nd

1 General Assembly) or the Attorney General (on and after that  
2 date) to the clerk of the court that a person who is  
3 receiving support payments under this Section is receiving  
4 services under the Child Support Enforcement Program  
5 established by Title IV-D of the Social Security Act, any  
6 support payments subsequently received by the clerk of the  
7 court shall be transmitted in accordance with the  
8 instructions of the Illinois Department of Public Aid or the  
9 Attorney General until the Department or the Attorney General  
10 gives notice to the clerk of the court to cease the  
11 transmittal. After providing the notification authorized  
12 under this paragraph, the Illinois Department of Public Aid  
13 (before the effective date of this amendatory Act of the 92nd  
14 General Assembly) or the Attorney General (on and after that  
15 date) shall be entitled as a party to notice of any further  
16 proceedings in the case. The clerk of the court shall file a  
17 copy of the Illinois Department of Public Aid's or Attorney  
18 General's notification in the court file. The failure of the  
19 clerk to file a copy of the notification in the court file  
20 shall not, however, affect the Illinois Department of Public  
21 Aid's or Attorney General's right to receive notice of  
22 further proceedings.

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

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

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

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

17 (g) The clerk shall establish and maintain a payment  
18 record of all monies received and disbursed and such record  
19 shall constitute prima facie evidence of such payment and  
20 non-payment, as the case may be.

21 (h) For those cases in which child support is payable to  
22 the clerk of the circuit court for transmittal to the  
23 Illinois Department of Public Aid or the Attorney General by  
24 order of court or upon notification by the Illinois  
25 Department of Public Aid or the Attorney General, the clerk  
26 shall transmit all such payments, within 4 working days of  
27 receipt, to ensure insure that funds are available for  
28 immediate distribution by the Department or the Attorney  
29 General to the person or entity entitled thereto in  
30 accordance with standards of the Child Support Enforcement  
31 Program established under Title IV-D of the Social Security  
32 Act. The clerk shall notify the Department or the Attorney  
33 General of the date of receipt and amount thereof at the time  
34 of transmittal. Where the clerk has entered into an

1 agreement of cooperation with the Department or the Attorney  
 2 General to record the terms of child support orders and  
 3 payments made thereunder directly into the IV-D Agency's  
 4 Department's automated data processing system, the clerk  
 5 shall account for, transmit and otherwise distribute child  
 6 support payments in accordance with such agreement in lieu of  
 7 the requirements contained herein.

8 (i) To the extent the provisions of this Section are  
 9 inconsistent with the requirements pertaining to the State  
 10 Disbursement Unit under Section 507.1 of this Act and  
 11 Sections 7.76 and 7.295 of the Attorney General Act Section  
 12 10-26--of--the--Illinois--Public--Aid--Code, the requirements  
 13 pertaining to the State Disbursement Unit shall apply.

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

16 (750 ILCS 5/710) (from Ch. 40, par. 710)

17 Sec. 710. Enforcement; Penalties.

18 (a) In counties certified as included under the  
 19 provisions of Sections 709 through 712 and whose application  
 20 for reimbursement is approved, there shall be instituted a  
 21 child support enforcement program to be conducted by the  
 22 clerk of the circuit court and the state's attorney of the  
 23 county. The program is to be limited to enforcement of child  
 24 support orders entered pursuant to this Act.

25 The child support enforcement program is to be conducted  
 26 only on behalf of dependent children included in a grant of  
 27 financial aid under Article IV of The Illinois Public Aid  
 28 Code and parties who apply and qualify for support services  
 29 pursuant to Section 10-1 of such Code or Section 7.5 of the  
 30 Attorney General Act.

31 Nothing in this Section shall be construed to prohibit  
 32 the establishment of a child support enforcement program by  
 33 the clerk of the circuit court in cooperation with the

1 State's Attorney of the county.

2 (b) In the event of a delinquency in payment, as  
3 determined from the record maintained by the clerk in a  
4 county covered by the child support enforcement program, such  
5 clerk shall notify both the party obligated to make the  
6 payment, hereinafter called the payor, and the recipient of  
7 such payment, hereinafter called the payee, of such  
8 delinquency and that if the amount then due and owing is not  
9 remitted in the time period required by circuit court rules,  
10 the matter will be referred to the state's attorney for  
11 enforcement proceedings. Upon failure of the payor to remit  
12 as required, the clerk shall refer the matter to the state's  
13 attorney, except as provided by rule of the circuit court.

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

26 If the state's attorney does not commence enforcement  
27 proceedings within 30 days, the clerk shall inform the court  
28 which, upon its own motion, shall appoint counsel for  
29 purposes of enforcement. The fees and expenses of such  
30 counsel shall be paid by the payor and shall not be paid by  
31 the State.

32 Nothing in this Section shall be construed to prevent a  
33 payee from instituting independent enforcement proceedings or  
34 limit the remedies available to payee in such proceedings.

1 However, absent the exercise under this provision of a  
2 private right of enforcement, enforcement shall be as  
3 otherwise provided in this Section.

4 (d) At the time any support order is entered, the payee  
5 shall be informed of the procedure used for enforcement and  
6 shall be given the address and telephone number both of the  
7 clerk and of the Child and Spouse Support Unit as provided in  
8 Section 712.

9 The payee shall be informed that, if no action is taken  
10 within 2 months of any complaint to the clerk, payee may  
11 contact the Unit to seek assistance in obtaining enforcement.

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

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

21 All penalties, fees and expenses assessed against the  
22 payor pursuant to this subsection are to cover the expenses  
23 of enforcement, are to be paid to the clerk and are to be  
24 placed by him in the special fund provided for in Section  
25 711.

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

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

30 (750 ILCS 5/712) (from Ch. 40, par. 712)

31 Sec. 712. (a) The Supreme Court may make Rules  
32 concerning the certification of counties for inclusion in the  
33 child support enforcement program and the application of the

1 procedures created by Sections 709 through 712 in the various  
2 counties.

3 The Supreme Court shall inform each circuit court and  
4 clerk of the court of the availability of the program to  
5 reimburse counties desiring to participate in the program of  
6 enforcement of child support payments.

7 The Supreme Court shall also distribute to each circuit  
8 court and clerk of the court any materials prepared by the  
9 Child and Spouse Support Unit comparing child support  
10 enforcement in counties included and not included in this  
11 program.

12 (b) Before the effective date of this amendatory Act of  
13 the 92nd General Assembly, the Illinois Department of Public  
14 Aid, through the Child and Spouse Support Unit provided for  
15 by Section 10-3.1 of The Illinois Public Aid Code, shall have  
16 general supervision of the child support programs created by  
17 Sections 709 through 712 and shall have the powers and duties  
18 provided in this Section, including the following:

19 (1) to make advance payments to any county included in  
20 the program for expenses in preparing programs to enforce  
21 payment of child support to the clerk from appropriations  
22 made for such purposes by the General Assembly;

23 (2) to make payments to each covered county to pay for  
24 its reasonable expenses actually necessary to maintain a  
25 continuing program not paid for by fees, penalties, or other  
26 monies; provided that, with respect to that portion of the  
27 program on behalf of dependent children included in a grant  
28 of financial aid under Article IV of The Illinois Public Aid  
29 Code the Unit shall pay only such expenses as is its current  
30 practice or as it may deem appropriate; provided further that  
31 the Unit shall only pay expenses of the entire program  
32 subject to the availability of federal monies to pay the  
33 majority of expenses of the entire child support enforcement  
34 program; provided further that the Unit or Department may set



1 standards relating to enforcement which have to be met by any  
2 county seeking to enter a contract with the Department for  
3 reimbursement of expenses of the entire enforcement program  
4 prior to an application for reimbursement being approved and  
5 the contract granted; and provided further that such  
6 standards may relate to, but are not limited to the following  
7 factors: maintenance of the payment record, the definition of  
8 delinquency; the period of time in which a delinquency must  
9 be determined, the payor notified, the remittance received,  
10 the referral to the state's attorney made, and the payment  
11 remitted by the clerk to the payee or other party entitled to  
12 the payment; the conditions under which referral will not be  
13 made to the state's attorney; and the definitions and  
14 procedures for other matters necessary for the conduct and  
15 operation of the program;

16 (3) to monitor the various local programs for  
17 enforcement of child support payments to the clerk;

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

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

22 (6) to assist any county desirous of assistance in  
23 establishing and maintaining a child support enforcement  
24 program.

25 (b-5) On and after the effective date of this amendatory  
26 Act of the 92nd General Assembly, the Attorney General,  
27 through the Child and Spouse Support Unit provided for by  
28 Section 7.20 of the Attorney General Act, shall have general  
29 supervision of the child support programs created by Sections  
30 709 through 712 and shall have the powers and duties provided  
31 in this Section, including those assigned to the Illinois  
32 Department of Public Aid and its Child and Spouse Support  
33 Unit under subsection (b).

34 (c) Any county may apply for financial assistance to the

1 Unit to initiate or maintain a program of child support  
2 enforcement. Every county which desires such assistance  
3 shall apply according to procedures established by the Unit.  
4 In its application, it shall state the following: financial  
5 needs, personnel requirements, anticipated caseloads, any  
6 amounts collected or anticipated in fees or penalties, and  
7 any other information required by the Unit.

8 (d) In the case that any advance money is given to any  
9 county under this Section to initiate an enforcement system,  
10 the county shall reimburse the state within 2 years from the  
11 date such monies are given to it. The Unit may establish an  
12 appropriate schedule of reimbursement for any county.

13 (e) In the event of the unavailability of federal monies  
14 to pay for the greater part of the costs to a county of the  
15 child support enforcement program under Sections 709 through  
16 712 and the resulting cessation of state participation, the  
17 operation of the child support enforcement program under  
18 Sections 709 through 712 shall terminate. The date and the  
19 method of termination shall be determined by Supreme Court  
20 Rule.

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

22 Section 55. The Non-Support Punishment Act is amended by  
23 changing Sections 7, 20, 25, 30, 35, 50, and 60 as follows:

24 (750 ILCS 16/7)

25 Sec. 7. Prosecutions by Attorney General. In addition  
26 to enforcement proceedings by the several State's Attorneys,  
27 a proceeding for the enforcement of this Act may be  
28 instituted and prosecuted by the Attorney General in cases  
29 referred by the Illinois Department of Public Aid (before the  
30 effective date of this amendatory Act of the 92nd General  
31 Assembly) involving persons receiving child and spouse  
32 support services under Article X of the Illinois Public Aid

1 Code or in cases involving persons receiving those services  
2 under Sections 7.1 through 7.305 of the Attorney General Act.  
3 Before referring a case to the Attorney General for  
4 enforcement under this Act, the Department of Public Aid  
5 shall notify the person receiving child and spouse support  
6 services under Article X of the Illinois Public Aid Code of  
7 the Department's intent to refer the case to the Attorney  
8 General under this Section for prosecution.  
9 (Source: P.A. 91-613, eff. 10-1-99.)

10 (750 ILCS 16/20)

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

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

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

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

31 (b) The court shall determine the amount of child support  
32 by using the guidelines and standards set forth in subsection

33 (a) of Section 505 and in Section 505.2 of the Illinois

1 Marriage and Dissolution of Marriage Act.

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

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

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

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

1 arises by operation of law against the real and personal  
2 property of the noncustodial parent for each installment of  
3 overdue support owed by the noncustodial parent.

4 (f) An order for support entered under this Section shall  
5 include a provision requiring the obligor to report to the  
6 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 in  
26 which a party is receiving child and spouse support services  
27 under Article X of the Illinois Public Aid Code or under  
28 Sections 7.1 through 7.305 of the Attorney General Act shall  
29 include a provision requiring the noncustodial parent to  
30 notify the Illinois Department of Public Aid or the Attorney  
31 General, within 7 days, of the name and address of any new  
32 employer of the noncustodial parent, whether the noncustodial  
33 parent has access to health insurance coverage through the  
34 employer or other group coverage and, if so, the policy name

1 and number and the names of persons covered under the policy.

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

10 (i) An order for support shall include a date on which  
11 the current support obligation terminates. The termination  
12 date shall be no earlier than the date on which the child  
13 covered by the order will attain the age of majority or is  
14 otherwise emancipated. The order for support shall state that  
15 the 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.

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

19 (750 ILCS 16/25)

20 Sec. 25. Payment of support to State Disbursement Unit;  
21 clerk of the court.

22 (a) As used in this Section, "order for support",  
23 "obligor", "obligee", and "payor" mean those terms as defined  
24 in the Income Withholding for Support Act.

25 (b) Each order for support entered or modified under  
26 Section 20 of this Act shall require that support payments be  
27 made to the State Disbursement Unit established under Section  
28 7.295 of the Attorney General Act the-Illinois-Public-Aid  
29 Code, under the following circumstances:

- 30 (1) when a party to the order is receiving child and  
31 spouse support services under Article X of the Illinois  
32 Public Aid Code or Sections 7.1 through 7.305 of the  
33 Attorney General Act; or

1           (2) when no party to the order is receiving child  
2           and spouse support services, but the support payments are  
3           made through income withholding.

4           (c) When no party to the order is receiving child and  
5           spouse support services, and payments are not being made  
6           through income withholding, the court shall order the obligor  
7           to make support payments to the clerk of the court.

8           (d) In the case of an order for support entered by the  
9           court under this Act before a party commenced receipt of  
10          child and spouse support services, upon receipt of these  
11          services by a party the Illinois Department of Public Aid  
12          (before the effective date of this amendatory Act of the 92nd  
13          General Assembly) or the Attorney General (on and after that  
14          date) shall provide notice to the obligor to send any support  
15          payments he or she makes personally to the State Disbursement  
16          Unit until further direction of the Department or the  
17          Attorney General. The Department or the Attorney General  
18          shall provide a copy of the notice to the obligee and to the  
19          clerk of the court.

20          (e) If a State Disbursement Unit as specified by federal  
21          law has not been created in Illinois upon the effective date  
22          of this Act, then, until the creation of a State Disbursement  
23          Unit as specified by federal law, the following provisions  
24          regarding payment and disbursement of support payments shall  
25          control and the provisions in subsections (a), (b), (c), and  
26          (d) shall be inoperative. Upon the creation of a State  
27          Disbursement Unit as specified by federal law, this  
28          subsection (e) shall be inoperative and the payment and  
29          disbursement provisions of subsections (a), (b), (c), and (d)  
30          shall control.

31          (1) In cases in which an order for support is  
32          entered under Section 20 of this Act, the court shall  
33          order that maintenance and support payments be made to  
34          the clerk of the court for remittance to the person or

1 agency entitled to receive the payments. However, the  
2 court in its discretion may direct otherwise where  
3 exceptional circumstances so warrant.

4 (2) The court shall direct that support payments be  
5 sent by the clerk to (i) the Illinois Department of  
6 Public Aid if the person in whose behalf payments are  
7 made is receiving aid under Articles III, IV, or V of the  
8 Illinois Public Aid Code, or child and spouse support  
9 services under Article X of the Code, or (ii) to the  
10 local governmental unit responsible for the support of  
11 the person if he or she is a recipient under Article VI  
12 of the Code. In accordance with federal law and  
13 regulations, the Illinois Department of Public Aid may  
14 continue to collect current maintenance payments or child  
15 support payments, or both, after those persons cease to  
16 receive public assistance and until termination of  
17 services under Article X of the Illinois Public Aid Code.  
18 The Illinois Department shall pay the net amount  
19 collected to those persons after deducting any costs  
20 incurred in making the collection or any collection fee  
21 from the amount of any recovery made. The order shall  
22 permit the Illinois Department of Public Aid or the local  
23 governmental unit, as the case may be, to direct that  
24 support payments be made directly to the spouse,  
25 children, or both, or to some person or agency in their  
26 behalf, upon removal of the spouse or children from the  
27 public aid rolls or upon termination of services under  
28 Article X of the Illinois Public Aid Code; and upon such  
29 direction, the Illinois Department or the local  
30 governmental unit, as the case requires, shall give  
31 notice of such action to the court in writing or by  
32 electronic transmission.

33 (3) The clerk of the court shall establish and  
34 maintain current records of all moneys received and



1       disbursed and of delinquencies and defaults in required  
2       payments. The court, by order or rule, shall make  
3       provision for the carrying out of these duties.

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

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

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

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

22 (750 ILCS 16/30)

23 Sec. 30. Information to State Case Registry.

24 (a) When an order for support is entered or modified  
25 under Section 20 of this Act, the clerk of the court shall,  
26 within 5 business days, provide to the State Case Registry  
27 established under Section 7.305 ~~10-27~~-of the Attorney General  
28 Act ~~Illinois--Public--Aid--Code~~ the court docket number and  
29 county in which the order is entered or modified and the  
30 following information, which the parents involved in the case  
31 shall disclose to the court:

32 (1) the names of the custodial and noncustodial  
33 parents and of the child or children covered by the

1 order;

2 (2) the dates of birth of the custodial and  
3 noncustodial parents and of the child or children covered  
4 by the order;

5 (3) the social security numbers of the custodial and  
6 noncustodial parents and, if available, of the child or  
7 children covered by the order;

8 (4) the residential and mailing address for the  
9 custodial and noncustodial parents;

10 (5) the telephone numbers for the custodial and  
11 noncustodial parents;

12 (6) the driver's license numbers for the custodial  
13 and noncustodial parents; and

14 (7) the name, address, and telephone number of each  
15 parent's employer or employers.

16 (b) When an order for support is entered or modified  
17 under Section 20 in a case in which a party is receiving  
18 child and spouse support services under Article X of the  
19 Illinois Public Aid Code or under Sections 7.1 through 7.305  
20 of the Attorney General Act, the clerk shall provide the  
21 State Case Registry with the following information within 5  
22 business days:

23 (1) the information specified in subsection (a);

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

28 (3) any amounts described in subdivision (2) of this  
29 subsection (b) that have been received by the clerk; and

30 (4) the distribution of the amounts received by the  
31 clerk.

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

1 (d) To the extent that updated information is in the  
2 clerk's possession, the clerk shall provide updates of the  
3 information specified in subsection (b) within 5 business  
4 days after the Illinois Department of Public Aid's or  
5 Attorney General's request for that updated information.  
6 (Source: P.A. 91-613, eff. 10-1-99.)

7 (750 ILCS 16/35)

8 Sec. 35. Fine; release of defendant on probation;  
9 violation of order for support; forfeiture of recognizance.

10 (a) Whenever a fine is imposed it may be directed by the  
11 court to be paid, in whole or in part, to the spouse,  
12 ex-spouse, or if the support of a child or children is  
13 involved, to the custodial parent, to the clerk, probation  
14 officer, ~~or~~ to the Illinois Department of Public Aid (before  
15 the effective date of this amendatory Act of the 92nd General  
16 Assembly) if a recipient of child and spouse support services  
17 under Article X of the Illinois Public Aid Code is involved,  
18 or to the Attorney General (on and after the effective date  
19 of this amendatory Act of the 92nd General Assembly) if a  
20 recipient of child and spouse support services under Sections  
21 7.1 through 7.305 of the Attorney General Act is involved, as  
22 the case requires, to be disbursed by such officers or agency  
23 under the terms of the order.

24 (b) The court may also relieve the defendant from custody  
25 on probation for the period fixed in the order or judgment  
26 upon his or her entering into a recognizance, with or without  
27 surety, in the sum as the court orders and approves. The  
28 condition of the recognizance shall be such that if the  
29 defendant makes his or her personal appearance in court  
30 whenever ordered to do so by the court, during such period as  
31 may be so fixed, and further complies with the terms of the  
32 order for support, or any subsequent modification of the  
33 order, then the recognizance shall be void; otherwise it will

1 remain in full force and effect.

2 (c) If the court is satisfied by testimony in open court,  
3 that at any time during the period of one year the defendant  
4 has violated the terms of the order for support, it may  
5 proceed with the trial of the defendant under the original  
6 charge, or sentence him or her under the original conviction,  
7 or enforce the suspended sentence, as the case may be. In  
8 case of forfeiture of recognizance, and enforcement of  
9 recognizance by execution, the sum so recovered may, in the  
10 discretion of the court, be paid, in whole or in part, to the  
11 spouse, ex-spouse, or if the support of a child or children  
12 is involved, to the custodial parent, to the clerk, ~~or~~ to the  
13 Illinois Department of Public Aid (before the effective date  
14 of this amendatory Act of the 92nd General Assembly) if a  
15 recipient of child and spouse support services under Article  
16 X of the Illinois Public Aid Code is involved, or to the  
17 Attorney General (on and after the effective date of this  
18 amendatory Act of the 92nd General Assembly) if a recipient  
19 of child and spouse support services under Sections 7.1  
20 through 7.305 of the Attorney General Act is involved, as the  
21 case requires, to be disbursed by the clerk, ~~or~~ the  
22 Department, or the Attorney General under the terms of the  
23 order.

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

25 (750 ILCS 16/50)

26 Sec. 50. Community service; work alternative program.

27 (a) In addition to any other penalties imposed against an  
28 offender under this Act, the court may order the offender to  
29 perform community service for not less than 30 and not more  
30 than 120 hours per month, if community service is available  
31 in the jurisdiction and is funded and approved by the county  
32 board of the county where the offense was committed. In  
33 addition, whenever any person is placed on supervision for

1 committing an offense under this Act, the supervision shall  
2 be conditioned on the performance of the community service.

3 (b) In addition to any other penalties imposed against an  
4 offender under this Act, the court may sentence the offender  
5 to service in a work alternative program administered by the  
6 sheriff. The conditions of the program are that the offender  
7 obtain or retain employment and participate in a work  
8 alternative program administered by the sheriff during  
9 non-working hours. A person may not be required to  
10 participate in a work alternative program under this  
11 subsection if the person is currently participating in a work  
12 program pursuant to another provision of this Act, Section  
13 7.85 10-11-1 of the Attorney General Act Illinois-Public--Aid  
14 Code, Section 505.1 of the Illinois Marriage and Dissolution  
15 of Marriage Act, or Section 15.1 of the Illinois Parentage  
16 Act of 1984.

17 (c) In addition to any other penalties imposed against  
18 an offender under this Act, the court may order, in cases  
19 where the offender has been in violation of this Act for 90  
20 days or more, that the offender's Illinois driving privileges  
21 be suspended until the court determines that the offender is  
22 in compliance with this Act.

23 The court may determine that the offender is in  
24 compliance with this Act if the offender has agreed (i) to  
25 pay all required amounts of support and maintenance as  
26 determined by the court or (ii) to the garnishment of his or  
27 her income for the purpose of paying those amounts.

28 The court may also order that the offender be issued a  
29 family financial responsibility driving permit that would  
30 allow limited driving privileges for employment and medical  
31 purposes in accordance with Section 7-702.1 of the Illinois  
32 Vehicle Code. The clerk of the circuit court shall certify  
33 the order suspending the driving privileges of the offender  
34 or granting the issuance of a family financial responsibility

1 driving permit to the Secretary of State on forms prescribed  
2 by the Secretary. Upon receipt of the authenticated  
3 documents, the Secretary of State shall suspend the  
4 offender's driving privileges until further order of the  
5 court and shall, if ordered by the court, subject to the  
6 provisions of Section 7-702.1 of the Illinois Vehicle Code,  
7 issue a family financial responsibility driving permit to the  
8 offender.

9 (d) If the court determines that the offender has been  
10 in violation of this Act for more than 60 days, the court may  
11 determine whether the offender has applied for or been issued  
12 a professional license by the Department of Professional  
13 Regulation or another licensing agency. If the court  
14 determines that the offender has applied for or been issued  
15 such a license, the court may certify to the Department of  
16 Professional Regulation or other licensing agency that the  
17 offender has been in violation of this Act for more than 60  
18 days so that the Department or other agency may take  
19 appropriate steps with respect to the license or application  
20 as provided in Section 10-65 of the Illinois Administrative  
21 Procedure Act and Section 2105-15 of the Department of  
22 Professional Regulation Law (20 ILCS 2105/2105-15) ~~60-of-the~~  
23 ~~Civil-Administrative-Code-of-Illinois~~. The court may take  
24 the actions required under this subsection in addition to  
25 imposing any other penalty authorized under this Act.

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

27 (750 ILCS 16/60)

28 Sec. 60. Unemployed persons owing duty of support.

29 (a) Whenever it is determined in a proceeding to  
30 establish or enforce a child support or maintenance  
31 obligation that the person owing a duty of support is  
32 unemployed, the court may order the person to seek employment  
33 and report periodically to the court with a diary, listing or

1 other memorandum of his or her efforts in accordance with  
2 such order. Additionally, the court may order the unemployed  
3 person to report to the Department of Employment Security for  
4 job search services or to make application with the local Job  
5 Jobs Training Partnership Act provider for participation in  
6 job search, training, or work programs and where the duty of  
7 support is owed to a child receiving support services under  
8 Article X of the Illinois Public Aid Code or under Sections  
9 7.1 through 7.305 of the Attorney General Act the court may  
10 order the unemployed person to report to the Illinois  
11 Department of Public Aid for participation in job search,  
12 training, or work programs established under Section 9-6 and  
13 Article IXA of that Code.

14 (b) Whenever it is determined that a person owes past  
15 due support for a child or for a child and the parent with  
16 whom the child is living, and the child is receiving  
17 assistance under the Illinois Public Aid Code, the court  
18 shall order at the request of the Illinois Department of  
19 Public Aid:

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

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

28 (Source: P.A. 91-613, eff. 10-1-99; revised 10-1-99.)

29 Section 65. The Uniform Interstate Family Support Act is  
30 amended by changing Sections 101, 102, 310, and 320 as  
31 follows:

32 (750 ILCS 22/101)



1           Sec. 101. Definitions. In this Act:

2           "Child" means an individual, whether over or under the  
3 age of 18, who is or is alleged to be owed a duty of support  
4 by the individual's parent or who is or is alleged to be the  
5 beneficiary of a support order directed to the parent.

6           "Child-support order" means a support order for a child,  
7 including a child who has attained the age of 18.

8           "Duty of support" means an obligation imposed or  
9 imposable by law to provide support for a child, spouse, or  
10 former spouse including an unsatisfied obligation to provide  
11 support.

12           "Home state" means the state in which a child lived with  
13 a parent or a person acting as parent for at least 6  
14 consecutive months immediately preceding the time of filing  
15 of a petition or comparable pleading for support, and if a  
16 child is less than 6 months old, the state in which the child  
17 lived from birth with any of them. A period of temporary  
18 absence of any of them is counted as part of the 6-month or  
19 other period.

20           "Income" includes earnings or other periodic entitlements  
21 to money from any source and any other property subject to  
22 withholding for support under the law of this State.

23           "Income-withholding order" means an order or other legal  
24 process directed to an obligor's employer or other debtor, as  
25 defined by the Attorney General Act, the Illinois Marriage  
26 and Dissolution of Marriage Act, the Non-Support of Spouse  
27 and Children Act, the Non-Support Punishment Act, the  
28 Illinois Public Aid Code, and the Illinois Parentage Act of  
29 1984, to withhold support from the income of the obligor.

30           "Initiating state" means a state from which a proceeding  
31 is forwarded or in which a proceeding is filed for forwarding  
32 to a responding state under this Act or a law or procedure  
33 substantially similar to this Act.

34           "Initiating tribunal" means the authorized tribunal in an

1 initiating state.

2 "Issuing state" means the state in which a tribunal  
3 issues a support order or renders a judgment determining  
4 parentage.

5 "Issuing tribunal" means the tribunal that issues a  
6 support order or renders a judgment determining parentage.

7 "Obligee" means:

8 (i) an individual to whom a duty of support is or  
9 is alleged to be owed or in whose favor a support order  
10 has been issued or a judgment determining parentage has  
11 been rendered;

12 (ii) a state or political subdivision to which the  
13 rights under a duty of support or support order have been  
14 assigned or which has independent claims based on  
15 financial assistance provided to an individual obligee;  
16 or

17 (iii) an individual seeking a judgment determining  
18 parentage of the individual's child.

19 "Obligor" means an individual, or the estate of a  
20 decedent: (i) who owes or is alleged to owe a duty of  
21 support; (ii) who is alleged but has not been adjudicated to  
22 be a parent of a child; or (iii) who is liable under a  
23 support order.

24 "Register" means to record a support order or judgment  
25 determining parentage in the appropriate Registry of Foreign  
26 Support Orders.

27 "Registering tribunal" means a tribunal in which a  
28 support order is registered.

29 "Responding state" means a state in which a proceeding is  
30 filed or to which a proceeding is forwarded for filing from  
31 an initiating state under this Act or a law or procedure  
32 substantially similar to this Act.

33 "Responding tribunal" means the authorized tribunal in a  
34 responding state.

1 "Spousal-support order" means a support order for a  
2 spouse or former spouse of the obligor.

3 "State" means a state of the United States, the District  
4 of Columbia, Puerto Rico, the United States Virgin Islands,  
5 or any territory or insular possession subject to the  
6 jurisdiction of the United States. The term includes:

- 7 (i) an Indian tribe; and
- 8 (ii) a foreign jurisdiction that has enacted a law  
9 or established procedures for issuance and enforcement of  
10 support orders which are substantially similar to the  
11 procedures under this Act, the Uniform Reciprocal  
12 Enforcement of Support Act, or the Revised Uniform  
13 Reciprocal Enforcement of Support Act.

14 "Support enforcement agency" means a public official or  
15 agency authorized to seek:

- 16 (1) enforcement of support orders or laws relating  
17 to the duty of support;
- 18 (2) establishment or modification of child support;
- 19 (3) determination of parentage; or
- 20 (4) to locate obligors or their assets.

21 "Support order" means a judgment, decree, or order,  
22 whether temporary, final, or subject to modification, for the  
23 benefit of a child, a spouse, or a former spouse, which  
24 provides for monetary support, health care, arrearages, or  
25 reimbursement, and may include related costs and fees,  
26 interest, income withholding, attorney's fees, and other  
27 relief.

28 "Tribunal" means a court, administrative agency, or  
29 quasi-judicial entity authorized to establish, enforce, or  
30 modify support orders or to determine parentage.

31 (Source: P.A. 90-240, eff. 7-28-97; 91-613, eff. 10-1-99.)

32 (750 ILCS 22/102)

33 Sec. 102. Tribunal of State. The circuit court is a

1 tribunal of this State. The Illinois Department of Public Aid  
2 is an initiating tribunal. The Illinois Department of Public  
3 Aid is also a responding tribunal of this State to the extent  
4 that it can administratively establish paternity and  
5 establish, modify, and enforce an administrative  
6 child-support order under authority of Article X of the  
7 Illinois Public Aid Code. The Attorney General is an  
8 initiating tribunal. The Attorney General is also a  
9 responding tribunal of this State to the extent that it can  
10 administratively establish paternity and establish, modify,  
11 and enforce an administrative child support order under the  
12 authority of the Attorney General Act.

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

14 (750 ILCS 22/310)

15 Sec. 310. Duties of the state information agency  
16 Illinois-Department-of-Public-Aid.

17 (a) Before the effective date of this amendatory Act of  
18 the 92nd General Assembly, the Illinois Department of Public  
19 Aid is the state information agency under this Act. On and  
20 after the effective date of this amendatory Act of the 92nd  
21 General Assembly, the Attorney General is the state  
22 information agency under this Act.

23 (b) The state information agency shall:

24 (1) compile and maintain a current list, including  
25 addresses, of the tribunals in this State which have  
26 jurisdiction under this Act and any support enforcement  
27 agencies in this State and transmit a copy to the state  
28 information agency of every other state;

29 (2) maintain a register of tribunals and support  
30 enforcement agencies received from other states;

31 (3) forward to the appropriate tribunal in the  
32 place in this State in which the individual obligee or  
33 the obligor resides, or in which the obligor's property

1 is believed to be located, all documents concerning a  
2 proceeding under this Act received from an initiating  
3 tribunal or the state information agency of the  
4 initiating state; and

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

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

17 (750 ILCS 22/320)

18 Sec. 320. Payment of Support to State Disbursement Unit.

19 (a) As used in this Section:

20 "Order for support", "obligor", "obligee", and "payor"  
21 mean those terms as defined in the Income Withholding for  
22 Support Act, except that "order for support" means an order  
23 entered by any tribunal of this State but shall not mean  
24 orders providing for spousal maintenance under which there is  
25 no child support obligation.

26 (b) Notwithstanding any other provision of this Act to  
27 the contrary, each order for support entered or modified on  
28 or after October 1, 1999 shall require that support payments  
29 be made to the State Disbursement Unit established under  
30 Section 7.295 10-26 of the Attorney General Act Illinois  
31 Public-Aid-Code if:

32 (1) a party to the order is receiving child and  
33 spouse support services under Article X of the Illinois

1 Public Aid Code or Sections 7.1 through 7.305 of the  
2 Attorney General Act; or

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

6 (c) Support payments shall be made to the State  
7 Disbursement Unit if:

8 (1) the order for support was entered before  
9 October 1, 1999, and a party to the order is receiving  
10 child and spouse support services under Article X of the  
11 Illinois Public Aid Code or Sections 7.1 through 7.305 of  
12 the Attorney General Act; or

13 (2) no party to the order is receiving child and  
14 spouse support services, and the support payments are  
15 being made through income withholding.

16 (c-5) If no party to the order is receiving child and  
17 spouse support services under Article X of the Illinois  
18 Public Aid Code or Sections 7.1 through 7.305 of the Attorney  
19 General Act, and the support payments are not made through  
20 income withholding, then support payments shall be made as  
21 directed by the order for support.

22 (c-10) Within 15 days after the effective date of this  
23 amendatory Act of the 91st General Assembly, the Illinois  
24 Department shall provide written notice to the clerk of the  
25 circuit court, the obligor, and, where applicable, the  
26 obligor's payor to make payments to the State Disbursement  
27 Unit if:

28 (1) the order for support was entered before  
29 October 1, 1999, and a party to the order is receiving  
30 child and spouse support services under Article X of the  
31 Illinois Public Aid Code; or

32 (2) no party to the order is receiving child and  
33 spouse support services, and the support payments are  
34 being made through income withholding.

1 (c-15) Within 15 days after the effective date of this  
2 amendatory Act of the 91st General Assembly, the clerk of the  
3 circuit court shall provide written notice to the obligor to  
4 make payments directly to the clerk of the circuit court if  
5 no party to the order is receiving child and spouse support  
6 services under Article X of the Illinois Public Aid Code, the  
7 support payments are not made through income withholding, and  
8 the order for support requires support payments to be made  
9 directly to the clerk of the circuit court.

10 (c-20) If the State Disbursement Unit receives a support  
11 payment that was not appropriately made to the Unit under  
12 this Section, the Unit shall immediately return the payment  
13 to the sender, including, if possible, instructions detailing  
14 where to send the support payments.

15 (d) The notices required under subsections (c-10) and  
16 (c-15) may be sent by ordinary mail, certified mail, return  
17 receipt requested, facsimile transmission, or other  
18 electronic process, or may be served upon the obligor or  
19 payor using any method provided by law for service of a  
20 summons. The Illinois Department of Public Aid shall provide  
21 a copy of the notice to the obligee and to the clerk of the  
22 court.

23 (Source: P.A. 91-677, eff. 1-5-00.)

24 Section 70. The Expedited Child Support Act of 1990 is  
25 amended by changing Sections 5 and 6 as follows:

26 (750 ILCS 25/5) (from Ch. 40, par. 2705)

27 Sec. 5. Actions subject to Expedited Child Support  
28 Hearings.

29 (a) The Chief Judge of each Judicial Circuit that  
30 establishes a System shall delegate to the Administrative  
31 Hearing Officer the authority to hear the following actions:

32 (1) Petitions for child support and for medical

1 support, pursuant to Section 505.2 of the Illinois  
2 Marriage and Dissolution of Marriage Act, for  
3 post-judgment dissolution of marriage and post-judgment  
4 parentage actions where child support or medical support  
5 was reserved or could not be ordered at the time of entry  
6 of the judgment because the court lacked personal  
7 jurisdiction over the obligor.

8 (2) Petitions for modification of child support and  
9 medical support in post-judgment dissolution of marriage  
10 and post-judgment parentage actions.

11 (3) Parentage actions, including the establishment  
12 of child support orders after parentage has been  
13 acknowledged.

14 (4) Actions for the enforcement of any existing  
15 order for child support or medical support in  
16 post-judgment dissolution of marriage and post-judgment  
17 parentage actions.

18 (5) Actions for the establishment of child support  
19 and medical support orders involving parties who are  
20 married and living separately, pursuant to Section 402 of  
21 the Marriage and Dissolution of Marriage Act.

22 (6) Temporary orders for support in any action in  
23 which the custodial parent is a participant in the IV-D  
24 program.

25 (7) Any other child support matter provided for in  
26 the Plan for the creation of the System approved by the  
27 Illinois Supreme Court.

28 (8) Actions brought pursuant to Article X of the  
29 Illinois Public Aid Code.

30 (9) Actions brought pursuant to Sections 7.1  
31 through 7.305 of the Attorney General Act.

32 (b) Notwithstanding the provisions of subsection (a) of  
33 this Section, if the custodial parent is not a participant in  
34 the IV-D program and maintenance is in issue, the case shall



1 be presented directly to the court.

2 (c) Except as provided in subsection (b), the Plan may  
3 provide that the System be available in pre-judgment  
4 proceedings for dissolution of marriage, declaration of  
5 invalidity of marriage and legal separation.

6 (Source: P.A. 86-1401.)

7 (750 ILCS 25/6) (from Ch. 40, par. 2706)

8 Sec. 6. Authority of hearing officers.

9 (a) With the exception of judicial functions exclusively  
10 retained by the court in Section 8 of this Act and in  
11 accordance with Supreme Court rules promulgated pursuant to  
12 this Act, Administrative Hearing Officers shall be authorized  
13 to:

14 (1) Accept voluntary agreements reached by the  
15 parties setting the amount of child support to be paid  
16 and medical support liability and recommend the entry of  
17 orders incorporating such agreements.

18 (2) Accept voluntary acknowledgments of parentage  
19 and recommend entry of an order establishing parentage  
20 based on such acknowledgement. Prior to accepting such  
21 acknowledgment, the Administrative Hearing Officer shall  
22 advise the putative father of his rights and obligations  
23 in accordance with Supreme Court rules promulgated  
24 pursuant to this Act.

25 (3) Manage all stages of discovery, including  
26 setting deadlines by which discovery must be completed;  
27 and directing the parties to submit to appropriate tests  
28 pursuant to Section 11 of the Illinois Parentage Act of  
29 1984.

30 (4) Cause notices to be issued requiring the  
31 Obligor to appear either before the Administrative  
32 Hearing Officer or in court.

33 (5) Administer the oath or affirmation and take

1 testimony under oath or affirmation.

2 (6) Analyze the evidence and prepare written  
3 recommendations based on such evidence, including but not  
4 limited to: (i) proposed findings as to the amount of the  
5 Obligor's income; (ii) proposed findings as to the amount  
6 and nature of appropriate deductions from the Obligor's  
7 income to determine the Obligor's net income; (iii)  
8 proposed findings as to the existence of relevant factors  
9 as set forth in subsection (a)(2) of Section 505 of the  
10 Illinois Marriage and Dissolution of Marriage Act, which  
11 justify setting child support payment levels above or  
12 below the guidelines; (iv) recommended orders for  
13 temporary child support; (v) recommended orders setting  
14 the amount of current child support to be paid; (vi)  
15 proposed findings as to the existence and amount of any  
16 arrearages; (vii) recommended orders reducing any  
17 arrearages to judgement and for the payment of amounts  
18 towards such arrearages; (viii) proposed findings as to  
19 whether there has been a substantial change of  
20 circumstances since the entry of the last child support  
21 order, or other circumstances justifying a modification  
22 of the child support order; and (ix) proposed findings as  
23 to whether the Obligor is employed.

24 (7) With respect to any unemployed Obligor who is  
25 not making child support payments or is otherwise unable  
26 to provide support, recommend that the Obligor be ordered  
27 to seek employment and report periodically of his or her  
28 efforts in accordance with such order. Additionally, the  
29 Administrative Hearing Officer may recommend that the  
30 Obligor be ordered to report to the Department of  
31 Employment Security for job search services or to make  
32 application with the local Job Jobs Training Partnership  
33 Act provider for participation in job search, training or  
34 work programs and, where the duty of support is owed to a

1 child receiving support services under Article X of the  
 2 Illinois Public Aid Code or Sections 7.1 through 7.305 of  
 3 the Attorney General Act, the Administrative Hearing  
 4 Officer may recommend that the Obligor be ordered to  
 5 report to the Illinois Department of Human Services  
 6 Public-Aid for participation in the job search, training  
 7 or work programs established under Section 9-6 and  
 8 Article IXA of the Illinois Public Aid Code, and

9 (8) Recommend the registration of any foreign  
 10 support judgments or orders as the judgments or orders of  
 11 Illinois.

12 (b) In any case in which the Obligee is not  
 13 participating in the IV-D program or has not applied to  
 14 participate in the IV-D program, the Administrative Hearing  
 15 Officer shall:

16 (1) inform the Obligee of the existence of the IV-D  
 17 program and provide applications on request; and

18 (2) inform the Obligee and the Obligor of the  
 19 option of requesting payment to be made through the Clerk  
 20 of the Circuit Court.

21 If a request for payment through the Clerk is made, the  
 22 Administrative Hearing Officer shall note this fact in the  
 23 recommendations to the court.

24 (c) The Administrative Hearing Officer may make  
 25 recommendations in addition to the proposed findings of fact  
 26 and recommended order to which the parties have agreed.

27 (Source: P.A. 86-1401; revised 2-23-00.)

28 Section 72. The Income Withholding for Support Act is  
 29 amended by changing Sections 15, 35, and 45 as follows:

30 (750 ILCS 28/15)

31 Sec. 15. Definitions.

32 (a) "Order for support" means any order of the court

1 which provides for periodic payment of funds for the support  
2 of a child or maintenance of a spouse, whether temporary or  
3 final, and includes any such order which provides for:

4 (1) modification or resumption of, or payment of  
5 arrearage accrued under, a previously existing order;

6 (2) reimbursement of support;

7 (3) payment or reimbursement of the expenses of  
8 pregnancy and delivery (for orders for support entered  
9 under the Illinois Parentage Act of 1984 or its  
10 predecessor the Paternity Act); or

11 (4) enrollment in a health insurance plan that is  
12 available to the obligor through an employer or labor  
13 union or trade union.

14 (b) "Arrearage" means the total amount of unpaid support  
15 obligations as determined by the court and incorporated into  
16 an order for support.

17 (b-5) "Business day" means a day on which State offices  
18 are open for regular business.

19 (c) "Delinquency" means any payment under an order for  
20 support which becomes due and remains unpaid after entry of  
21 the order for support.

22 (d) "Income" means any form of periodic payment to an  
23 individual, regardless of source, including, but not limited  
24 to: wages, salary, commission, compensation as an independent  
25 contractor, workers' compensation, disability, annuity,  
26 pension, and retirement benefits, lottery prize awards,  
27 insurance proceeds, vacation pay, bonuses, profit-sharing  
28 payments, interest, and any other payments, made by any  
29 person, private entity, federal or state government, any unit  
30 of local government, school district or any entity created by  
31 Public Act; however, "income" excludes:

32 (1) any amounts required by law to be withheld,  
33 other than creditor claims, including, but not limited  
34 to, federal, State and local taxes, Social Security and

1 other retirement and disability contributions;

2 (2) union dues;

3 (3) any amounts exempted by the federal Consumer  
4 Credit Protection Act;

5 (4) public assistance payments; and

6 (5) unemployment insurance benefits except as  
7 provided by law.

8 Any other State or local laws which limit or exempt  
9 income or the amount or percentage of income that can be  
10 withheld shall not apply.

11 (e) "Obligor" means the individual who owes a duty to  
12 make payments under an order for support.

13 (f) "Obligee" means the individual to whom a duty of  
14 support is owed or the individual's legal representative.

15 (g) "Payor" means any payor of income to an obligor.

16 (h) "Public office" means any elected official or any  
17 State or local agency which is or may become responsible by  
18 law for enforcement of, or which is or may become authorized  
19 to enforce, an order for support, including, but not limited  
20 to: the Attorney General, the Illinois Department of Public  
21 Aid, the Illinois Department of Human Services, the Illinois  
22 Department of Children and Family Services, and the various  
23 State's Attorneys, Clerks of the Circuit Court and  
24 supervisors of general assistance.

25 (i) "Premium" means the dollar amount for which the  
26 obligor is liable to his employer or labor union or trade  
27 union and which must be paid to enroll or maintain a child in  
28 a health insurance plan that is available to the obligor  
29 through an employer or labor union or trade union.

30 (j) "State Disbursement Unit" means the unit established  
31 to collect and disburse support payments in accordance with  
32 the provisions of Section 7.295 10-26 of the Attorney General  
33 Act Illinois-Public-Aid-Code.

34 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,

1 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

2 (750 ILCS 28/35)

3 Sec. 35. Duties of payor.

4 (a) It shall be the duty of any payor who has been  
5 served with an income withholding notice to deduct and pay  
6 over income as provided in this Section. The payor shall  
7 deduct the amount designated in the income withholding  
8 notice, as supplemented by any notice provided pursuant to  
9 subsection (f) of Section 45, beginning no later than the  
10 next payment of income which is payable or creditable to the  
11 obligor that occurs 14 days following the date the income  
12 withholding notice was mailed, sent by facsimile or other  
13 electronic means, or placed for personal delivery to or  
14 service on the payor. The payor may combine all amounts  
15 withheld for the benefit of an obligee or public office into  
16 a single payment and transmit the payment with a listing of  
17 obligors from whom withholding has been effected. The payor  
18 shall pay the amount withheld to the State Disbursement Unit  
19 within 7 business days after the date the amount would (but  
20 for the duty to withhold income) have been paid or credited  
21 to the obligor. If the payor knowingly fails to pay any  
22 amount withheld to the State Disbursement Unit within 7  
23 business days after the date the amount would have been paid  
24 or credited to the obligor, the payor shall pay a penalty of  
25 \$100 for each day that the withheld amount is not paid to the  
26 State Disbursement Unit after the period of 7 business days  
27 has expired. The failure of a payor, on more than one  
28 occasion, to pay amounts withheld to the State Disbursement  
29 Unit within 7 business days after the date the amount would  
30 have been paid or credited to the obligor creates a  
31 presumption that the payor knowingly failed to pay over the  
32 amounts. This penalty, along with any amount required to be  
33 withheld and paid, may be collected in a civil action which

1 may be brought against the payor in favor of the obligee or  
2 public office. A finding of a payor's nonperformance within  
3 the time required under this Act must be documented by a  
4 certified mail return receipt showing the date the income  
5 withholding notice was served on the payor. For purposes of  
6 this Act, a withheld amount shall be considered paid by a  
7 payor on the date it is mailed by the payor, or on the date  
8 an electronic funds transfer of the amount has been initiated  
9 by the payor, or on the date delivery of the amount has been  
10 initiated by the payor. For each deduction, the payor shall  
11 provide the State Disbursement Unit, at the time of  
12 transmittal, with the date the amount would (but for the duty  
13 to withhold income) have been paid or credited to the  
14 obligor. The payor shall not be required to vary the normal  
15 pay and disbursement cycles in order to comply with this  
16 paragraph.

17 After June 30, 2000, every payor that has 250 or more  
18 employees shall use electronic funds transfer to pay all  
19 amounts withheld under this Section. During the year 2001  
20 and during each year thereafter, every payor that has fewer  
21 than 250 employees and that withheld income under this  
22 Section pursuant to 10 or more income withholding notices  
23 during December of the preceding year shall use electronic  
24 funds transfer to pay all amounts withheld under this  
25 Section.

26 Upon receipt of an income withholding notice requiring  
27 that a minor child be named as a beneficiary of a health  
28 insurance plan available through an employer or labor union  
29 or trade union, the employer or labor union or trade union  
30 shall immediately enroll the minor child as a beneficiary in  
31 the health insurance plan designated by the income  
32 withholding notice. The employer shall withhold any required  
33 premiums and pay over any amounts so withheld and any  
34 additional amounts the employer pays to the insurance carrier

1 in a timely manner. The employer or labor union or trade  
2 union shall mail to the obligee, within 15 days of enrollment  
3 or upon request, notice of the date of coverage, information  
4 on the dependent coverage plan, and all forms necessary to  
5 obtain reimbursement for covered health expenses, such as  
6 would be made available to a new employee. When an order for  
7 dependent coverage is in effect and the insurance coverage is  
8 terminated or changed for any reason, the employer or labor  
9 union or trade union shall notify the obligee within 10 days  
10 of the termination or change date along with notice of  
11 conversion privileges.

12 For withholding of income, the payor shall be entitled to  
13 receive a fee not to exceed \$5 per month to be taken from the  
14 income to be paid to the obligor.

15 (b) Whenever the obligor is no longer receiving income  
16 from the payor, the payor shall return a copy of the income  
17 withholding notice to the obligee or public office and shall  
18 provide information for the purpose of enforcing this Act.

19 (c) Withholding of income under this Act shall be made  
20 without regard to any prior or subsequent garnishments,  
21 attachments, wage assignments, or any other claims of  
22 creditors. Withholding of income under this Act shall not be  
23 in excess of the maximum amounts permitted under the federal  
24 Consumer Credit Protection Act. If the payor has been served  
25 with more than one income withholding notice pertaining to  
26 the same obligor, the payor shall allocate income available  
27 for withholding on a proportionate share basis, giving  
28 priority to current support payments. If there is any income  
29 available for withholding after withholding for all current  
30 support obligations, the payor shall allocate the income to  
31 past due support payments ordered in cases in which cash  
32 assistance under the Illinois Public Aid Code is not being  
33 provided to the obligee and then to past due support payments  
34 ordered in cases in which cash assistance under the Illinois



1 Public Aid Code is being provided to the obligee, both on a  
2 proportionate share basis. A payor who complies with an  
3 income withholding notice that is regular on its face shall  
4 not be subject to civil liability with respect to any  
5 individual, any agency, or any creditor of the obligor for  
6 conduct in compliance with the notice.

7 (d) No payor shall discharge, discipline, refuse to hire  
8 or otherwise penalize any obligor because of the duty to  
9 withhold income.

10 (Source: P.A. 90-673, eff. 1-1-99; 91-212, eff. 7-20-99;  
11 91-677, eff. 1-5-00.)

12 (750 ILCS 28/45)

13 Sec. 45. Additional duties.

14 (a) An obligee who is receiving income withholding  
15 payments under this Act shall notify the State Disbursement  
16 Unit and the Clerk of the Circuit Court of any change of  
17 address within 7 days of such change.

18 (b) An obligee who is a recipient of public aid shall  
19 send a copy of any income withholding notice served by the  
20 obligee to the Attorney General ~~Division of Child Support~~  
21 ~~Enforcement of the Illinois Department of Public Aid.~~

22 (c) Each obligor shall notify the obligee, the public  
23 office, and the Clerk of the Circuit Court of any change of  
24 address within 7 days.

25 (d) An obligor whose income is being withheld pursuant  
26 to this Act shall notify the obligee, the public office, and  
27 the Clerk of the Circuit Court of any new payor, within 7  
28 days.

29 (e) (Blank.)

30 (f) The obligee or public office shall provide notice to  
31 the payor and Clerk of the Circuit Court of any other support  
32 payment made, including but not limited to, a set-off under  
33 federal and State law or partial payment of the delinquency

1 or arrearage, or both.

2 (g) The State Disbursement Unit shall maintain complete,  
3 accurate, and clear records of all income withholding  
4 payments and their disbursements. Certified copies of  
5 payment records maintained by the State Disbursement Unit, a  
6 public office, or the Clerk of the Circuit Court shall,  
7 without further proof, be admitted into evidence in any legal  
8 proceedings under this Act.

9 (h) The Illinois Department of Public Aid (before the  
10 effective date of this amendatory Act of the 92nd General  
11 Assembly) or the Attorney General (on and after that date)  
12 shall design suggested legal forms for proceeding under this  
13 Act and shall make available to the courts such forms and  
14 informational materials which describe the procedures and  
15 remedies set forth herein for distribution to all parties in  
16 support actions.

17 (i) At the time of transmitting each support payment,  
18 the State Disbursement Unit shall provide the obligee or  
19 public office, as appropriate, with any information furnished  
20 by the payor as to the date the amount would (but for the  
21 duty to withhold income) have been paid or credited to the  
22 obligor.

23 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,  
24 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

25 Section 75. The Illinois Parentage Act of 1984 is  
26 amended by changing Sections 4.1, 5, 6, 8, 11, 13, 13.1, 14,  
27 14.1, 15.1, 18, 21, 21.1, 22, and 23 as follows:

28 (750 ILCS 45/4.1)

29 Sec. 4.1. Administrative paternity determinations.  
30 Notwithstanding any other provision of this Act, before the  
31 effective date of this amendatory Act of the 92nd General  
32 Assembly, the Illinois Department of Public Aid may make

1 administrative determinations of paternity and nonpaternity  
 2 in accordance with Section 10-17.7 of the Illinois Public Aid  
 3 Code. On and after that date, the Attorney General may make  
 4 those determinations in accordance with Section 7.210 of the  
 5 Attorney General Act. These determinations of paternity or  
 6 nonpaternity shall have the full force and effect of  
 7 judgments entered under this Act.  
 8 (Source: P.A. 88-687, eff. 1-24-95.)

9 (750 ILCS 45/5) (from Ch. 40, par. 2505)

10 Sec. 5. Presumption of Paternity.

11 (a) A man is presumed to be the natural father of a  
 12 child if:

13 (1) he and the child's natural mother are or have  
 14 been married to each other, even though the marriage is  
 15 or could be declared invalid, and the child is born or  
 16 conceived during such marriage;

17 (2) after the child's birth, he and the child's  
 18 natural mother have married each other, even though the  
 19 marriage is or could be declared invalid, and he is  
 20 named, with his written consent, as the child's father on  
 21 the child's birth certificate;

22 (3) he and the child's natural mother have signed  
 23 an acknowledgment of paternity before the effective date  
 24 of this amendatory Act of the 92nd General Assembly in  
 25 accordance with rules adopted by the Illinois Department  
 26 of Public Aid under Section 10-17.7 of the Illinois  
 27 Public Aid Code or have signed such an acknowledgment on  
 28 or after that date in accordance with rules adopted by  
 29 the Attorney General under Section 7.210 of the Attorney  
 30 General Act; or

31 (4) he and the child's natural mother have signed  
 32 an acknowledgment of parentage or, if the natural father  
 33 is someone other than one presumed to be the father under

1 this Section, an acknowledgment of parentage and denial  
2 of paternity in accordance with Section 12 of the Vital  
3 Records Act.

4 (b) A presumption under subdivision (a)(1) or (a)(2) of  
5 this Section may be rebutted only by clear and convincing  
6 evidence. A presumption under subdivision (a)(3) or (a)(4)  
7 is conclusive, unless the acknowledgment of parentage is  
8 rescinded under the process provided in Section 12 of the  
9 Vital Records Act, upon the earlier of:

10 (1) 60 days after the date the acknowledgment of  
11 parentage is signed, or

12 (2) the date of an administrative or judicial  
13 proceeding relating to the child (including a proceeding  
14 to establish a support order) in which the signatory is a  
15 party;

16 except that if a minor has signed the acknowledgment of  
17 paternity or acknowledgment of parentage and denial of  
18 paternity, the presumption becomes conclusive 6 months after  
19 the minor reaches majority or is otherwise emancipated.

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

21 (750 ILCS 45/6) (from Ch. 40, par. 2506)

22 Sec. 6. Establishment of Parent and Child Relationship  
23 by Consent of the Parties.

24 (a) A parent and child relationship may be established  
25 voluntarily by the signing and witnessing of a voluntary  
26 acknowledgment of parentage in accordance with Section 12 of  
27 the Vital Records Act or Section 10-17.7 of the Illinois  
28 Public Aid Code or Section 7.210 of the Attorney General Act.  
29 The voluntary acknowledgment of parentage shall contain the  
30 social security numbers of the persons signing the voluntary  
31 acknowledgment of parentage; however, failure to include the  
32 social security numbers of the persons signing a voluntary  
33 acknowledgment of parentage does not invalidate the voluntary

1 acknowledgment of parentage.

2 (1) A parent-child relationship may be established  
3 in the event of surrogacy if all of the following  
4 conditions are met prior to the birth of the child:

5 (A) The surrogate mother certifies that she is  
6 not the biological mother of the child, and that she  
7 is carrying the child of the biological father  
8 (sperm donor) and of the biological mother (egg  
9 donor).

10 (B) The husband, if any, of the surrogate  
11 mother certifies that he is not the biological  
12 father of the child and that the child is that of  
13 the biological father (sperm donor) and of the  
14 biological mother (egg donor).

15 (C) The biological mother certifies that she  
16 donated the egg from which the child being carried  
17 by the surrogate mother was conceived.

18 (D) The biological father certifies that he  
19 donated the sperm from which the child being carried  
20 by the surrogate mother was conceived.

21 (E) A physician licensed to practice medicine  
22 in all its branches in the State of Illinois  
23 certifies that the child being carried by the  
24 surrogate mother is the biological child of the  
25 biological mother (egg donor) and biological father  
26 (sperm donor), and that neither the surrogate mother  
27 nor the surrogate mother's husband, if any, is a  
28 biological parent of the child being carried by the  
29 surrogate mother.

30 (F) All certifications shall be in writing and  
31 witnessed by 2 competent adults who are not the  
32 surrogate mother, surrogate mother's husband, if  
33 any, biological mother, or biological father.  
34 Certifications shall be on forms prescribed by the

1 Illinois Department of Public Health, shall be  
2 executed prior to the birth of the child, and shall  
3 be placed in the medical records of the surrogate  
4 mother prior to the birth of the child. Copies of  
5 all certifications shall be delivered to the  
6 Illinois Department of Public Health prior to the  
7 birth of the child.

8 (2) Unless otherwise determined by order of the  
9 Circuit Court, the child shall be presumed to be the  
10 child of the surrogate mother and of the surrogate  
11 mother's husband, if any, if all requirements of  
12 subdivision (a)(1) are not met prior to the birth of the  
13 child. This presumption may be rebutted by clear and  
14 convincing evidence. The circuit court may order the  
15 surrogate mother, surrogate mother's husband, biological  
16 mother, biological father, and child to submit to such  
17 medical examinations and testing as the court deems  
18 appropriate.

19 (b) Notwithstanding any other provisions of this Act,  
20 paternity established in accordance with subsection (a) has  
21 the full force and effect of a judgment entered under this  
22 Act and serves as a basis for seeking a child support order  
23 without any further proceedings to establish paternity.

24 (c) A judicial or administrative proceeding to ratify  
25 paternity established in accordance with subsection (a) is  
26 neither required nor permitted.

27 (d) A signed acknowledgment of paternity entered under  
28 this Act may be challenged in court only on the basis of  
29 fraud, duress, or material mistake of fact, with the burden  
30 of proof upon the challenging party. Pending outcome of the  
31 challenge to the acknowledgment of paternity, the legal  
32 responsibilities of the signatories shall remain in full  
33 force and effect, except upon order of the court upon a  
34 showing of good cause.

1 (e) Once a parent and child relationship is established  
2 in accordance with subsection (a), an order for support may  
3 be established pursuant to a petition to establish an order  
4 for support by consent filed with the clerk of the circuit  
5 court. A copy of the properly completed acknowledgment of  
6 parentage form shall be attached to the petition. The  
7 petition shall ask that the circuit court enter an order for  
8 support. The petition may ask that an order for visitation,  
9 custody, or guardianship be entered. The filing and  
10 appearance fees provided under the Clerks of Courts Act shall  
11 be waived for all cases in which an acknowledgment of  
12 parentage form has been properly completed by the parties and  
13 in which a petition to establish an order for support by  
14 consent has been filed with the clerk of the circuit court.  
15 This subsection shall not be construed to prohibit filing any  
16 petition for child support, visitation, or custody under this  
17 Act, the Illinois Marriage and Dissolution of Marriage Act,  
18 or the Non-Support Punishment Act. This subsection shall  
19 also not be construed to prevent the establishment of an  
20 administrative support order in cases involving persons  
21 receiving child support enforcement services under Article X  
22 of the Illinois Public Aid Code or under Sections 7.1 through  
23 7.305 of the Attorney General Act.  
24 (Source: P.A. 90-18, eff. 7-1-97; 91-308, eff. 7-29-99;  
25 91-613, eff. 10-1-99; revised 9-28-99.)

26 (750 ILCS 45/8) (from Ch. 40, par. 2508)

27 Sec. 8. Statute of limitations.

28 (a) (1) An action brought by or on behalf of a child, an  
29 action brought by a party alleging that he or she is the  
30 child's natural parent, or an action brought by the  
31 Illinois Department of Public Aid, if it is providing or  
32 has provided financial support to the child or if it is  
33 assisting with child support collection services, shall

1 be barred if brought later than 2 years after the child  
2 reaches the age of majority; however, if the action on  
3 behalf of the child is brought by a public agency, other  
4 than the Illinois Department of Public Aid if it is  
5 providing or has provided financial support to the child  
6 or if it is assisting with child support collection  
7 services, it shall be barred 2 years after the agency has  
8 ceased to provide assistance to the child. This Section  
9 also applies to any child for whom paternity has not yet  
10 been established and any child for whom a paternity  
11 action was previously dismissed under a statute of  
12 limitations.

13 (2) Failure to bring an action within 2 years shall  
14 not bar any party from asserting a defense in any action  
15 to declare the non-existence of the parent and child  
16 relationship.

17 (3) An action to declare the non-existence of the  
18 parent and child relationship brought under subsection  
19 (b) of Section 7 of this Act shall be barred if brought  
20 later than 2 years after the petitioner obtains knowledge  
21 of relevant facts. The 2-year period for bringing an  
22 action to declare the nonexistence of the parent and  
23 child relationship shall not extend beyond the date on  
24 which the child reaches the age of 18 years. Failure to  
25 bring an action within 2 years shall not bar any party  
26 from asserting a defense in any action to declare the  
27 existence of the parent and child relationship.

28 (4) An action to declare the non-existence of the  
29 parent and child relationship brought under subsection  
30 (b-5) of Section 7 of this Act shall be barred if brought  
31 more than 6 months after the effective date of this  
32 amendatory Act of 1998 or more than 2 years after the  
33 petitioner obtains actual knowledge of relevant facts,  
34 whichever is later. The 2-year period shall not apply to



1 periods of time where the natural mother or the child  
2 refuses to submit to deoxyribonucleic acid (DNA) tests.  
3 The 2-year period for bringing an action to declare the  
4 nonexistence of the parent and child relationship shall  
5 not extend beyond the date on which the child reaches the  
6 age of 18 years. Failure to bring an action within 2  
7 years shall not bar any party from asserting a defense in  
8 any action to declare the existence of the parent and  
9 child relationship.

10 (b) The time during which any party is not subject to  
11 service of process or is otherwise not subject to the  
12 jurisdiction of the courts of this State shall toll the  
13 aforementioned periods.

14 (c) This Act does not affect the time within which any  
15 rights under the Probate Act of 1975 may be asserted beyond  
16 the time provided by law relating to distribution and closing  
17 of decedent's estates or to the determination of heirship, or  
18 otherwise.

19 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97;  
20 90-715, eff. 8-7-98.)

21 (750 ILCS 45/11) (from Ch. 40, par. 2511)

22 Sec. 11. Tests to determine inherited characteristics.

23 (a) As soon as practicable, the court or Administrative  
24 Hearing Officer in an Expedited Child Support System may, and  
25 upon request of a party shall, order or direct the mother,  
26 child and alleged father to submit to deoxyribonucleic acid  
27 (DNA) tests to determine inherited characteristics. If any  
28 party refuses to submit to the tests, the court may resolve  
29 the question of paternity against that party or enforce its  
30 order if the rights of others and the interests of justice so  
31 require.

32 (b) The tests shall be conducted by an expert qualified  
33 as an examiner of blood or tissue types and appointed by the

1 court. The expert shall determine the testing procedures.  
2 However, any interested party, for good cause shown, in  
3 advance of the scheduled tests, may request a hearing to  
4 object to the qualifications of the expert or the testing  
5 procedures. The expert appointed by the court shall testify  
6 at the pre-test hearing at the expense of the party  
7 requesting the hearing, except as provided in subsection (h)  
8 of this Section for an indigent party. An expert not  
9 appointed by the court shall testify at the pre-test hearing  
10 at the expense of the party retaining the expert. Inquiry  
11 into an expert's qualifications at the pre-test hearing shall  
12 not affect either parties' right to have the expert qualified  
13 at trial.

14 For tests conducted at the request of the Attorney  
15 General, the Attorney General shall identify and use  
16 laboratories that perform, at a reasonable cost, legally and  
17 medically acceptable genetic tests that tend to identify the  
18 father or exclude the alleged father. The Attorney General  
19 shall employ competitive procedures for identifying and using  
20 the laboratories. The Attorney General shall make the list of  
21 those laboratories available to court and law enforcement  
22 officials and, upon request, to the public.

23 (c) The expert shall prepare a written report of the  
24 test results. If the test results show that the alleged  
25 father is not excluded, the report shall contain a combined  
26 paternity index relating to the probability of paternity.  
27 The expert may be called by the court as a witness to testify  
28 to his or her findings and, if called, shall be subject to  
29 cross-examination by the parties. If the test results show  
30 that the alleged father is not excluded, any party may  
31 demand that other experts, qualified as examiners of blood or  
32 tissue types, perform independent tests under order of court,  
33 including, but not limited to, blood types or other tests of  
34 genetic markers such as those found by Human Leucocyte

1 Antigen (HLA) tests. The results of the tests may be offered  
2 into evidence. The number and qualifications of the experts  
3 shall be determined by the court.

4 (d) Documentation of the chain of custody of the blood  
5 or tissue samples, accompanied by an affidavit or  
6 certification in accordance with Section 1-109 of the Code of  
7 Civil Procedure, is competent evidence to establish the chain  
8 of custody.

9 (e) The report of the test results prepared by the  
10 appointed expert shall be made by affidavit or by  
11 certification as provided in Section 1-109 of the Code of  
12 Civil Procedure and shall be mailed to all parties. A proof  
13 of service shall be filed with the court. The verified  
14 report shall be admitted into evidence at trial without  
15 foundation testimony or other proof of authenticity or  
16 accuracy, unless a written motion challenging the  
17 admissibility of the report is filed by either party within  
18 28 days of receipt of the report, in which case expert  
19 testimony shall be required. A party may not file such a  
20 motion challenging the admissibility of the report later than  
21 28 days before commencement of trial. Before trial, the court  
22 shall determine whether the motion is sufficient to deny  
23 admission of the report by verification. Failure to make  
24 that timely motion constitutes a waiver of the right to  
25 object to admission by verification and shall not be grounds  
26 for a continuance of the hearing to determine paternity.

27 (f) Tests taken pursuant to this Section shall have the  
28 following effect:

29 (1) If the court finds that the conclusion of the  
30 expert or experts, as disclosed by the evidence based  
31 upon the tests, is that the alleged father is not the  
32 parent of the child, the question of paternity shall be  
33 resolved accordingly.

34 (2) If the experts disagree in their findings or

1 conclusions, the question shall be weighed with other  
2 competent evidence of paternity.

3 (3) If the tests show that the alleged father is  
4 not excluded and that the combined paternity index is  
5 less than 500 to 1, this evidence shall be admitted by  
6 the court and shall be weighed with other competent  
7 evidence of paternity.

8 (4) If the tests show that the alleged father is  
9 not excluded and that the combined paternity index is at  
10 least 500 to 1, the alleged father is presumed to be the  
11 father, and this evidence shall be admitted. This  
12 presumption may be rebutted by clear and convincing  
13 evidence.

14 (g) Any presumption of parentage as set forth in Section  
15 5 of this Act is rebutted if the court finds that the  
16 conclusion of the expert or experts excludes paternity of the  
17 presumed father.

18 (h) The expense of the tests shall be paid by the party  
19 who requests the tests. Where the tests are requested by the  
20 party seeking to establish paternity and that party is found  
21 to be indigent by the court, the expense shall be paid by the  
22 public agency providing representation; except that where a  
23 public agency is not providing representation, the expense  
24 shall be paid by the county in which the action is brought.  
25 Where the tests are ordered by the court on its own motion or  
26 are requested by the alleged or presumed father and that  
27 father is found to be indigent by the court, the expense  
28 shall be paid by the county in which the action is brought.  
29 Any part of the expense may be taxed as costs in the action,  
30 except that no costs may be taxed against a public agency  
31 that has not requested the tests.

32 (i) The compensation of each expert witness appointed by  
33 the court shall be paid as provided in subsection (h) of this  
34 Section. Any part of the payment may be taxed as costs in

1 the action, except that no costs may be taxed against a  
2 public agency that has not requested the services of the  
3 expert witness.

4 (j) Nothing in this Section shall prevent any party from  
5 obtaining tests of his or her own blood or tissue independent  
6 of those ordered by the court or from presenting expert  
7 testimony interpreting those tests or any other blood tests  
8 ordered pursuant to this Section. Reports of all the  
9 independent tests, accompanied by affidavit or certification  
10 pursuant to Section 1-109 of the Code of Civil Procedure, and  
11 notice of any expert witnesses to be called to testify to the  
12 results of those tests shall be submitted to all parties at  
13 least 30 days before any hearing set to determine the issue  
14 of parentage.

15 (Source: P.A. 87-428; 87-435; 88-353; 88-687, eff. 1-24-95.)

16 (750 ILCS 45/13) (from Ch. 40, par. 2513)

17 Sec. 13. Civil Action.

18 (a) An action under this Act is a civil action governed  
19 by the provisions of the "Code of Civil Procedure", approved  
20 August 19, 1981, as amended, and the Supreme Court rules  
21 applicable thereto, except where otherwise specified in this  
22 Act.

23 (b) Trial by jury is not available under this Act.

24 (c) Certified copies of the bills for costs incurred for  
25 pregnancy, and childbirth, and genetic testing shall be  
26 admitted into evidence at judicial or administrative  
27 proceedings without requiring third-party foundation  
28 testimony and shall constitute prima facie evidence of  
29 amounts incurred for those services or for testing on behalf  
30 of the child or other proof of authenticity or accuracy.

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

32 (750 ILCS 45/13.1)

1           Sec. 13.1.       Temporary order for child support.  
2       Notwithstanding any other law to the contrary, pending the  
3       outcome of a judicial determination of parentage, the court  
4       shall issue a temporary order for child support, upon motion  
5       by a party and a showing of clear and convincing evidence of  
6       paternity based on genetic test results or other evidence.  
7       In determining the amount of the temporary child support  
8       award, the court shall use the guidelines and standards set  
9       forth in subsection (a) of Section 505 and in Section 505.2  
10      of the Illinois Marriage and Dissolution of Marriage Act.

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

27           All orders for support, when entered or modified, shall  
28      include a provision requiring the non-custodial parent to  
29      notify the court, and in cases in which a party is receiving  
30      child and spouse support services under Article X of the  
31      Illinois Public Aid Code or under Sections 7.1 through 7.305  
32      of the Attorney General Act, the Illinois Department of  
33      Public Aid (before the effective date of this amendatory Act  
34      of the 92nd General Assembly) or the Attorney General (on and

1 after that date), within 7 days, (i) of the name, address,  
2 and telephone number of any new employer of the non-custodial  
3 parent, (ii) whether the non-custodial parent has access to  
4 health insurance coverage through the employer or other group  
5 coverage, and, if so, the policy name and number and the  
6 names of persons covered under the policy, and (iii) of any  
7 new residential or mailing address or telephone number of the  
8 non-custodial parent.

9 In any subsequent action to enforce a support order, upon  
10 sufficient showing that diligent effort has been made to  
11 ascertain the location of the non-custodial parent, service  
12 of process or provision of notice necessary in that action  
13 may be made at the last known address of the non-custodial  
14 parent, in any manner expressly provided by the Code of Civil  
15 Procedure or in this Act, which service shall be sufficient  
16 for purposes of due process.

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

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

26 (750 ILCS 45/14) (from Ch. 40, par. 2514)

27 Sec. 14. Judgment.

28 (a) (1) The judgment shall contain or explicitly reserve  
29 provisions concerning any duty and amount of child support  
30 and may contain provisions concerning the custody and  
31 guardianship of the child, visitation privileges with the  
32 child, the furnishing of bond or other security for the  
33 payment of the judgment, which the court shall determine in

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

29 (2) If a judgment of parentage contains no explicit  
30 award of custody, the establishment of a support obligation  
31 or of visitation rights in one parent shall be considered a  
32 judgment granting custody to the other parent. If the  
33 parentage judgment contains no such provisions, custody shall  
34 be presumed to be with the mother; however, the presumption



1 shall not apply if the father has had physical custody for at  
2 least 6 months prior to the date that the mother seeks to  
3 enforce custodial rights.

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

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

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

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

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

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

29 For purposes of determining the amount of child support  
30 to be paid for any period before the date the order for  
31 current child support is entered, there is a rebuttable  
32 presumption that the father's net income for the prior period  
33 was the same as his net income at the time the order for  
34 current child support is entered.

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

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

26           (d) If the judgment or order of the court is at variance  
27 with the child's birth certificate, the court shall order  
28 that a new birth certificate be issued under the Vital  
29 Records Act.

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

34           (f) If, upon a showing of proper service, the father

1 fails to appear in court, or otherwise appear as provided by  
2 law, the court may proceed to hear the cause upon testimony  
3 of the mother or other parties taken in open court and shall  
4 enter a judgment by default. The court may reserve any order  
5 as to the amount of child support until the father has  
6 received notice, by regular mail, of a hearing on the matter.

7 (g) A one-time charge of 20% is imposable upon the  
8 amount of past-due child support owed on July 1, 1988 which  
9 has accrued under a support order entered by the court. The  
10 charge shall be imposed in accordance with the provisions of  
11 Section 10-21 of the Illinois Public Aid Code and shall be  
12 enforced by the court upon petition. On and after the  
13 effective date of this amendatory Act of the 92nd General  
14 Assembly, the Attorney General may collect, on behalf of the  
15 Illinois Department of Public Aid, any charge imposed in  
16 accordance with this subsection. Nothing in this amendatory  
17 Act of the 92nd General Assembly shall be construed to affect  
18 the validity of any charge imposed in accordance with this  
19 subsection.

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 or under Sections 7.1 through 7.305  
25 of the Attorney General Act, the Illinois Department of  
26 Public Aid (before the effective date of this amendatory Act  
27 of the 92nd General Assembly) or the Attorney General (on and  
28 after that date), within 7 days, (i) of the name and address  
29 of any new employer of the non-custodial parent, (ii) whether  
30 the non-custodial parent has access to health insurance  
31 coverage through the employer or other group coverage and, if  
32 so, the policy name and number and the names of persons  
33 covered under the policy, and (iii) of any new residential or  
34 mailing address or telephone number of the non-custodial

1 parent. In any subsequent action to enforce a support order,  
2 upon a sufficient showing that a diligent effort has been  
3 made to ascertain the location of the non-custodial parent,  
4 service of process or provision of notice necessary in the  
5 case may be made at the last known address of the  
6 non-custodial parent in any manner expressly provided by the  
7 Code of Civil Procedure or this Act, which service shall be  
8 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 majority or is  
13 otherwise emancipated. The order for support shall state  
14 that the termination date does not apply to any arrearage  
15 that may remain unpaid on that date. Nothing in this  
16 subsection shall be construed to prevent the court from  
17 modifying the order.

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

1 emotional health of a party or that of a minor child, or  
2 both, would be seriously endangered by disclosure of the  
3 party's address.

4 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;  
5 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

6 (750 ILCS 45/14.1)

7 Sec. 14.1. Information to State Case Registry.

8 (a) When an order for support is entered or modified  
9 under this Act, the clerk of the circuit court shall, within  
10 5 business days, provide to the State Case Registry  
11 established under Section 7.305 ~~10-27~~ of the Attorney  
12 General Act Illinois-Public-Aid-Code the court docket number  
13 and county in which the order is entered or modified  
14 and the following information, which the parties shall  
15 disclose to the court:

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

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

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

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

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

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

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

33 (b) When a child support order is entered or modified

1 for a case in which a party is receiving child and spouse  
2 support services under Article X of the Illinois Public Aid  
3 Code or Sections 7.1 through 7.305 of the Attorney General  
4 Act, the clerk shall provide the State Case Registry with the  
5 following information:

6 (1) The information specified in subsection (a) of  
7 this Section.

8 (2) The amount of monthly or other periodic support  
9 owed under the order and other amounts, including  
10 arrearages, interest, or late payment penalties and fees,  
11 due or overdue under the order.

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

14 (4) The distribution of the amounts received by the  
15 clerk.

16 (c) The parties affected by the order shall inform the  
17 clerk of court of any change of address or of other condition  
18 that may affect the administration of the order.

19 (d) To the extent that updated information is in the  
20 clerk's possession, the clerk shall provide updates of the  
21 information specified in subsection (b) of this Section  
22 within 5 business days after the Illinois Department of  
23 Public Aid's or Attorney General's request for that updated  
24 information.

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

26 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

27 Sec. 15.1. (a) Whenever it is determined in a proceeding  
28 to establish or enforce a child support obligation that the  
29 person owing a duty of support is unemployed, the court may  
30 order the person to seek employment and report periodically  
31 to the court with a diary, listing or other memorandum of his  
32 or her efforts in accordance with such order. Additionally,  
33 the court may order the unemployed person to report to the

1 Department of Employment Security for job search services or  
 2 to make application with the local Job Training Partnership  
 3 Act provider for participation in job search, training or  
 4 work programs and where the duty of support is owed to a  
 5 child receiving support services under Article X of the  
 6 Illinois Public Aid Code or under Sections 7.1 through 7.305  
 7 of the Attorney General Act, as amended, the court may order  
 8 the unemployed person to report to the Illinois Department of  
 9 Human Services Public-Aid for participation in job search,  
 10 training or work programs established under Section 9-6 and  
 11 Article IXA of the Illinois Public Aid ~~that~~ Code.

12 (b) Whenever it is determined that a person owes  
 13 past-due support for a child, and the child is receiving  
 14 assistance under the Illinois Public Aid Code, the court  
 15 shall order the following at the request of the Illinois  
 16 Department of Public Aid (before the effective date of this  
 17 amendatory Act of the 92nd General Assembly) or the Attorney  
 18 General (on and after that date):

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

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

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

28 (750 ILCS 45/18) (from Ch. 40, par. 2518)

29 Sec. 18. Right to Counsel; Free Transcript on Appeal.

30 (a) Any party may be represented by counsel at all  
 31 proceedings under this Act.

32 (a-5) In any proceedings involving the support, custody,  
 33 visitation, education, parentage, property interest, or

1 general welfare of a minor or dependent child, the court may,  
2 on its own motion or that of any party, and subject to the  
3 terms or specifications the court determines, appoint an  
4 attorney to serve in one of the following capacities:

5 (1) as an attorney to represent the child;

6 (2) as a guardian ad litem to address issues the  
7 court delineates;

8 (3) as a child's representative whose duty shall be  
9 to advocate what the representative finds to be in the  
10 best interests of the child after reviewing the facts and  
11 circumstances of the case. The child's representative  
12 shall have the same power and authority to take part in  
13 the conduct of the litigation as does an attorney for a  
14 party and shall possess all the powers of investigation  
15 and recommendation as does a guardian ad litem. The  
16 child's representative shall consider, but not be bound  
17 by, the expressed wishes of the child. A child's  
18 representative shall have received training in child  
19 advocacy or shall possess such experience as determined  
20 to be equivalent to such training by the chief judge of  
21 the circuit where the child's representative has been  
22 appointed. The child's representative shall not disclose  
23 confidential communications made by the child, except as  
24 required by law or by the Rules of Professional Conduct.  
25 The child's representative shall not be called as a  
26 witness regarding the issues set forth in this  
27 subsection.

28 During the proceedings the court may appoint an  
29 additional attorney to serve in another of the capacities  
30 described in subdivisions (1), (2), or (3) of the preceding  
31 paragraph on its own motion or that of a party only for good  
32 cause shown and when the reasons for the additional  
33 appointment are set forth in specific findings.

34 The court shall enter an order as appropriate for costs,



1 fees, and disbursements, including a retainer, when the  
2 attorney, guardian ad litem, or child's representative is  
3 appointed, and thereafter as necessary. Such orders shall  
4 require payment by either or both parents, by any other party  
5 or source, or from the marital estate or the child's separate  
6 estate. The court may not order payment (i) by the Illinois  
7 Department of Public Aid in cases in which the Department is  
8 providing child and spouse support services under Article X  
9 of the Illinois Public Aid Code or (ii) by the Attorney  
10 General in cases in which the Attorney General is providing  
11 child and spouse support services under Sections 7.1 through  
12 7.305 of the Attorney General Act. Unless otherwise ordered  
13 by the court at the time fees and costs are approved, all  
14 fees and costs payable to an attorney, guardian ad litem, or  
15 child's representative under this Section are by implication  
16 deemed to be in the nature of support of the child and are  
17 within the exceptions to discharge in bankruptcy under 11  
18 U.S.C.A. 523. The provisions of Sections 501 and 508 of this  
19 Act shall apply to fees and costs for attorneys appointed  
20 under this Section.

21 (b) Upon the request of a mother or child seeking to  
22 establish the existence of a father and child relationship,  
23 the State's Attorney shall represent the mother or child in  
24 the trial court. If the child is an applicant for or a  
25 recipient of assistance as defined in Section 2-6 of "the  
26 Illinois Public Aid Code"~~7,--approved--April--11,--1967,--as~~  
27 amended~~7,~~ or has applied to the Illinois Department of Public  
28 Aid for services under Article X of such Code (before the  
29 effective date of this amendatory Act of the 92nd General  
30 Assembly) or to the Attorney General for services under  
31 Sections 7.1 through 7.305 of the Attorney General Act (on or  
32 after the effective date of this amendatory Act of the 92nd  
33 General Assembly), the Department or the Attorney General may  
34 file a complaint in the child's behalf under this Act. The

1 Department shall refer the complaint to the Public Aid Claims  
2 Enforcement Division of the Office of the Attorney General as  
3 provided in Section 12-16 of "the Illinois Public Aid Code"  
4 for enforcement by the Attorney General. Legal representation  
5 by the State's Attorney or the Attorney General shall be  
6 limited to the establishment and enforcement of an order for  
7 support, and shall not extend to visitation, custody,  
8 property or other matters. If visitation, custody, property  
9 or other matters are raised by a party and considered by the  
10 court in any proceeding under this Act, the court shall  
11 provide a continuance sufficient to enable the mother or  
12 child to obtain representation for such matters.

13 (c) The Court may appoint counsel to represent any  
14 indigent defendant in the trial court, except that this  
15 representation shall be limited to the establishment of a  
16 parent and child relationship and an order for support, and  
17 shall not extend to visitation, custody, property,  
18 enforcement of an order for support, or other matters. If  
19 visitation, custody, property or other matters are raised by  
20 a party and considered by the court in any proceeding under  
21 this Act, the court shall provide a continuance sufficient to  
22 enable the defendant to obtain representation for such  
23 matters.

24 (d) The court shall furnish on request of any indigent  
25 party a transcript for purposes of appeal.

26 (Source: P.A. 90-23, eff. 1-1-98; 91-410, eff. 1-1-00.)

27 (750 ILCS 45/21) (from Ch. 40, par. 2521)

28 Sec. 21. Support payments; receiving and disbursing  
29 agents.

30 (1) In an action filed in a county of less than 3  
31 million population in which an order for child support is  
32 entered, and in supplementary proceedings in such a county to  
33 enforce or vary the terms of such order arising out of an

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

11 (2) In an action filed in a county of 3 million or more  
 12 population in which an order for child support is entered,  
 13 and in supplementary proceedings in such a county to enforce  
 14 or vary the terms of such order arising out of an action  
 15 filed in such a county, the court, except in actions or  
 16 supplementary proceedings in which the pregnancy and delivery  
 17 expenses of the mother or the child support payments are for  
 18 a recipient of aid under the Illinois Public Aid Code, shall  
 19 direct that child support payments be made either-~~to-the~~  
 20 ~~clerk-of-the-court-or~~ to the Court Service Division of the  
 21 County Department of Public Aid, ~~or--to~~ the clerk of the  
 22 court, the Attorney General, or ~~to~~ the Illinois Department of  
 23 Public Aid, unless in the discretion of the court exceptional  
 24 circumstances warrant otherwise. In such cases where-~~payment~~  
 25 ~~is-to-be-made-to-persons-other-than-the-clerk-of--the--court,~~  
 26 ~~the-Court-Service-Division-of-the-County-Department-of-Public~~  
 27 ~~Aid,--or--the-Illinois-Department-of-Public-Aid,~~ the judgment  
 28 or order of support shall set forth the facts of the  
 29 exceptional circumstances.

30 (3) Where the action or supplementary proceeding is in  
 31 behalf of a mother for pregnancy and delivery expenses or for  
 32 child support, or both, and the mother, child, or both, are  
 33 recipients of aid under the Illinois Public Aid Code, the  
 34 court shall order that the payments be made directly to (a)

1 the Attorney General Illinois-Department-of-Public-Aid if the  
2 mother or child, or both, are recipients under Articles IV or  
3 V of the Code, or (b) the local governmental unit responsible  
4 for the support of the mother or child, or both, if they are  
5 recipients under Articles VI or VII of the Code. In  
6 accordance with federal law and regulations, the Attorney  
7 General or Illinois Department of Public Aid may continue to  
8 collect current maintenance payments or child support  
9 payments, or both, after those persons cease to receive  
10 public assistance and until termination of services under  
11 Article X of the Illinois Public Aid Code or under Sections  
12 7.1 through 7.305 of the Attorney General act. The Attorney  
13 General or Illinois Department of Public Aid shall pay the  
14 net amount collected to those persons after deducting any  
15 costs incurred in making the collection or any collection fee  
16 from the amount of any recovery made. The Illinois Department  
17 of Public Aid, the Attorney General, or the local  
18 governmental unit, as the case may be, may direct that  
19 payments be made directly to the mother of the child, or to  
20 some other person or agency in the child's behalf, upon the  
21 removal of the mother and child from the public aid rolls or  
22 upon termination of services under Article X of the Illinois  
23 Public Aid Code or under Sections 7.1 through 7.305 of the  
24 Attorney General Act; and upon such direction, the Illinois  
25 Department, the Attorney General, or the local governmental  
26 unit, as the case requires, shall give notice of such action  
27 to the court in writing or by electronic transmission.

28 (4) All clerks of the court, and the Court Service  
29 Division of a County Department of Public Aid, and the  
30 Illinois Department of Public Aid, and the Attorney General  
31 receiving child support payments under paragraphs (1) or (2)  
32 shall disburse the same to the person or persons entitled  
33 thereto under the terms of the order. They shall establish  
34 and maintain clear and current records of all moneys received

1 and disbursed and of defaults and delinquencies in required  
2 payments. The court, by order or rule, shall make provision  
3 for the carrying out of these duties.

4 Upon notification in writing or by electronic  
5 transmission from the Illinois Department of Public Aid  
6 (before the effective date of this amendatory Act of the 92nd  
7 General Assembly) or the Attorney General (on and after that  
8 date) to the clerk of the court that a person who is  
9 receiving support payments under this Section is receiving  
10 services under the Child Support Enforcement Program  
11 established by Title IV-D of the Social Security Act, any  
12 support payments subsequently received by the clerk of the  
13 court shall be transmitted in accordance with the  
14 instructions of the Illinois Department of Public Aid or  
15 Attorney General until the Department or Attorney General  
16 gives notice to the clerk of the court to cease the  
17 transmittal. After providing the notification authorized  
18 under this paragraph, the Illinois Department of Public Aid  
19 (before the effective date of this amendatory Act of the 92nd  
20 General Assembly) or the Attorney General (on and after that  
21 date) shall be entitled as a party to notice of any further  
22 proceedings in the case. The clerk of the court shall file a  
23 copy of the Illinois Department of Public Aid's or Attorney  
24 General's notification in the court file. The failure of the  
25 clerk to file a copy of the notification in the court file  
26 shall not, however, affect the Illinois Department of Public  
27 Aid's or Attorney General's right to receive notice of  
28 further proceedings.

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

1 in the DHS Recoveries Trust Fund. Disbursement from these  
2 funds shall be as provided in the Illinois Public Aid Code.  
3 Payments received by a local governmental unit shall be  
4 deposited in that unit's General Assistance Fund.

5 (5) The moneys received by persons or agencies  
6 designated by the court shall be disbursed by them in  
7 accordance with the order. However, the court, on petition  
8 of the state's attorney or the Attorney General, may enter  
9 new orders designating the clerk of the court, the Attorney  
10 General, or the Illinois Department of Public Aid, as the  
11 person or agency authorized to receive and disburse child  
12 support payments and, in the case of recipients of public  
13 aid, the court, on petition of the Attorney General or  
14 State's Attorney, shall direct subsequent payments to be paid  
15 to the Illinois Department of Public Aid, the Attorney  
16 General or to the appropriate local governmental unit, as  
17 provided in paragraph (3). Payments of child support by  
18 principals or sureties on bonds, or proceeds of any sale for  
19 the enforcement of a judgment shall be made to the clerk of  
20 the court, the Illinois Department of Public Aid, the  
21 Attorney General, or the appropriate local governmental unit,  
22 as the respective provisions of this Section require.

23 (6) For those cases in which child support is payable to  
24 the clerk of the circuit court for transmittal to the  
25 Illinois Department of Public Aid or the Attorney General by  
26 order of court or upon notification by the Illinois  
27 Department of Public Aid or the Attorney General, the clerk  
28 shall transmit all such payments, within 4 working days of  
29 receipt, to ensure ~~insure~~ that funds are available for  
30 immediate distribution by the Department or the Attorney  
31 General to the person or entity entitled thereto in  
32 accordance with standards of the Child Support Enforcement  
33 Program established under Title IV-D of the Social Security  
34 Act. The clerk shall notify the Department or the Attorney

1 General of the date of receipt and amount thereof at the time  
 2 of transmittal. Where the clerk has entered into an  
 3 agreement of cooperation with the Department or the Attorney  
 4 General to record the terms of child support orders and  
 5 payments made thereunder directly into the IV-D Agency's  
 6 Department's automated data processing system, the clerk  
 7 shall account for, transmit and otherwise distribute child  
 8 support payments in accordance with such agreement in lieu of  
 9 the requirements contained herein.

10 (7) To the extent the provisions of this Section are  
 11 inconsistent with the requirements pertaining to the State  
 12 Disbursement Unit under Section 21.1 of this Act and Sections  
 13 7.76 and 7.295 of the Attorney General Act Section 10-26 of  
 14 the Illinois Public Aid Code, the requirements pertaining to  
 15 the State Disbursement Unit shall apply.

16 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;  
 17 90-790, eff. 8-14-98; 91-24, eff. 7-1-99; 91-212, eff.  
 18 7-20-99; 91-357, eff. 7-29-99; revised 9-1-99.)

19 (750 ILCS 45/21.1)

20 Sec. 21.1. Payment of Support to State Disbursement Unit.

21 (a) As used in this Section:

22 "Order for support", "obligor", "obligee", and "payor"  
 23 mean those terms as defined in the Income Withholding for  
 24 Support Act, except that "order for support" shall not mean  
 25 orders providing for spousal maintenance under which there is  
 26 no child support obligation.

27 (b) Notwithstanding any other provision of this Act to  
 28 the contrary, each order for support entered or modified on  
 29 or after October 1, 1999 shall require that support payments  
 30 be made to the State Disbursement Unit established under  
 31 Section 7.295 10-26 of the Attorney General Act Illinois  
 32 Public Aid Code if:

33 (1) a party to the order is receiving child and

1 spouse support services under Article X of the Illinois  
2 Public Aid Code or Sections 7.1 through 7.305 of the  
3 Attorney General Act; or

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

7 (c) Support payments shall be made to the State  
8 Disbursement Unit if:

9 (1) the order for support was entered before  
10 October 1, 1999, and a party to the order is receiving  
11 child and spouse support services under Article X of the  
12 Illinois Public Aid Code or Sections 7.1 through 7.305 of  
13 the Attorney General Act; or

14 (2) no party to the order is receiving child and  
15 spouse support services, and the support payments are  
16 being made through income withholding.

17 (c-5) If no party to the order is receiving child and  
18 spouse support services under Article X of the Illinois  
19 Public Aid Code or Sections 7.1 through 7.305 of the Attorney  
20 General Act, and the support payments are not made through  
21 income withholding, then support payments shall be made as  
22 directed by the order for support.

23 (c-10) Within 15 days after the effective date of this  
24 amendatory Act of the 91st General Assembly, the Illinois  
25 Department shall provide written notice to the clerk of the  
26 circuit court, the obligor, and, where applicable, the  
27 obligor's payor to make payments to the State Disbursement  
28 Unit if:

29 (1) the order for support was entered before  
30 October 1, 1999, and a party to the order is receiving  
31 child and spouse support services under Article X of the  
32 Illinois Public Aid Code; or

33 (2) no party to the order is receiving child and  
34 spouse support services, and the support payments are



1 being made through income withholding.

2 (c-15) Within 15 days after the effective date of this  
3 amendatory Act of the 91st General Assembly, the clerk of the  
4 circuit court shall provide written notice to the obligor to  
5 make payments directly to the clerk of the circuit court if  
6 no party to the order is receiving child and spouse support  
7 services under Article X of the Illinois Public Aid Code, the  
8 support payments are not made through income withholding, and  
9 the order for support requires support payments to be made  
10 directly to the clerk of the circuit court.

11 (c-20) If the State Disbursement Unit receives a support  
12 payment that was not appropriately made to the Unit under  
13 this Section, the Unit shall immediately return the payment  
14 to the sender, including, if possible, instructions detailing  
15 where to send the support payments.

16 (d) The notices required under subsections (c-10) and  
17 (c-15) may be sent by ordinary mail, certified mail, return  
18 receipt requested, facsimile transmission, or other  
19 electronic process, or may be served upon the obligor or  
20 payor using any method provided by law for service of a  
21 summons. The Illinois Department of Public Aid shall provide  
22 a copy of the notice to the obligee and to the clerk of the  
23 court.

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

25 (750 ILCS 45/22) (from Ch. 40, par. 2522)

26 Sec. 22. (a) In all cases instituted before the  
27 effective date of this amendatory Act of the 91st General  
28 Assembly by the Illinois Department of Public Aid on behalf  
29 of a child or spouse, other than one receiving a grant of  
30 financial aid under Article IV of The Illinois Public Aid  
31 Code, on whose behalf an application has been made and  
32 approved for support services as provided by Section 10-1 of  
33 that Code, the court shall impose a collection fee on the

1 individual who owes a child or spouse support obligation in  
2 an amount equal to 10% of the amount so owed as long as such  
3 collection is required by federal law, which fee shall be in  
4 addition to the support obligation. The imposition of such  
5 fee shall be in accordance with provisions of Title IV, Part  
6 D, of the Social Security Act and regulations duly  
7 promulgated thereunder. The fee shall be payable to the  
8 clerk of the circuit court for transmittal to the Illinois  
9 Department of Public Aid and shall continue until support  
10 services are terminated by that Department, except as  
11 otherwise provided in this subsection.

12 If a collection fee is imposed under this subsection and  
13 if, on or after the effective date of this amendatory Act of  
14 the 92nd General Assembly, the child or spouse receives  
15 support services under Section 7.5 of the Attorney General  
16 Act, the fee shall be payable to the clerk of the circuit  
17 court for transmittal to the Attorney General and shall  
18 continue until support services are terminated by the  
19 Attorney General. Nothing in this amendatory Act of the 92nd  
20 General Assembly shall be construed to affect the validity of  
21 any collection fee imposed in accordance with the first  
22 paragraph of this subsection.

23 (b) In all cases instituted on or after the effective  
24 date of this amendatory Act of the 92nd General Assembly by  
25 the Attorney General on behalf of a child or spouse, other  
26 than one receiving a grant of financial aid under Article IV  
27 of the Illinois Public Aid Code, on whose behalf an  
28 application has been made and approved for support services  
29 as provided by Section 7.5 of the Attorney General Act, the  
30 court shall impose a collection fee on the individual who  
31 owes a child or spouse support obligation in an amount equal  
32 to 10% of the amount so owed as long as such collection is  
33 required by federal law, which fee shall be in addition to  
34 the support obligation. The imposition of such fee shall be

1 in accordance with provisions of Title IV, Part D, of the  
 2 Social Security Act and regulations duly promulgated  
 3 thereunder. The fee shall be payable to the clerk of the  
 4 circuit court for transmittal to the Attorney General and  
 5 shall continue until support services are terminated by the  
 6 Attorney General.

7 (Source: P.A. 83-1372.)

8 (750 ILCS 45/23) (from Ch. 40, par. 2523)

9 Sec. 23. Notice to Clerk of Circuit Court of Payment  
 10 Received by Illinois Department of Public Aid or Attorney  
 11 General for Recording. For those cases in which support is  
 12 payable to the clerk of the circuit court for transmittal to  
 13 the Illinois Department of Public Aid by order of court, and  
 14 the Illinois Department of Public Aid or the Attorney General  
 15 collects support by assignment offset, withhold, deduction or  
 16 other process permitted by law, the Illinois Department of  
 17 Public Aid or the Attorney General shall notify the clerk of  
 18 the date and amount of such collection. Upon notification,  
 19 the clerk shall record the collection on the payment record  
 20 for the case.

21 (Source: P.A. 83-1372.)

22 Section 77. The Illinois Domestic Violence Act of 1986  
 23 is amended by changing Section 214 as follows:

24 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

25 Sec. 214. Order of protection; remedies.

26 (a) Issuance of order. If the court finds that  
 27 petitioner has been abused by a family or household member or  
 28 that petitioner is a high-risk adult who has been abused,  
 29 neglected, or exploited, as defined in this Act, an order of  
 30 protection prohibiting the abuse, neglect, or exploitation  
 31 shall issue; provided that petitioner must also satisfy the

1 requirements of one of the following Sections, as  
2 appropriate: Section 217 on emergency orders, Section 218 on  
3 interim orders, or Section 219 on plenary orders. Petitioner  
4 shall not be denied an order of protection because petitioner  
5 or respondent is a minor. The court, when determining whether  
6 or not to issue an order of protection, shall not require  
7 physical manifestations of abuse on the person of the victim.  
8 Modification and extension of prior orders of protection  
9 shall be in accordance with this Act.

10 (b) Remedies and standards. The remedies to be included  
11 in an order of protection shall be determined in accordance  
12 with this Section and one of the following Sections, as  
13 appropriate: Section 217 on emergency orders, Section 218 on  
14 interim orders, and Section 219 on plenary orders. The  
15 remedies listed in this subsection shall be in addition to  
16 other civil or criminal remedies available to petitioner.

17 (1) Prohibition of abuse, neglect, or exploitation.  
18 Prohibit respondent's harassment, interference with  
19 personal liberty, intimidation of a dependent, physical  
20 abuse, or willful deprivation, neglect or exploitation,  
21 as defined in this Act, or stalking of the petitioner, as  
22 defined in Section 12-7.3 of the Criminal Code of 1961,  
23 if such abuse, neglect, exploitation, or stalking has  
24 occurred or otherwise appears likely to occur if not  
25 prohibited.

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

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

11           (B) Presumption of hardships. If petitioner  
12 and respondent each has the right to occupancy of a  
13 residence or household, the court shall balance (i)  
14 the hardships to respondent and any minor child or  
15 dependent adult in respondent's care resulting from  
16 entry of this remedy with (ii) the hardships to  
17 petitioner and any minor child or dependent adult in  
18 petitioner's care resulting from continued exposure  
19 to the risk of abuse (should petitioner remain at  
20 the residence or household) or from loss of  
21 possession of the residence or household (should  
22 petitioner leave to avoid the risk of abuse). When  
23 determining the balance of hardships, the court  
24 shall also take into account the accessibility of  
25 the residence or household. Hardships need not be  
26 balanced if respondent does not have a right to  
27 occupancy.

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

1 motion, may order respondent to provide suitable,  
2 accessible, alternate housing for petitioner instead  
3 of excluding respondent from a mutual residence or  
4 household.

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

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

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

34 (5) Physical care and possession of the minor

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

10 If a court finds, after a hearing, that respondent  
11 has committed abuse (as defined in Section 103) of a  
12 minor child, there shall be a rebuttable presumption that  
13 awarding physical care to respondent would not be in the  
14 minor child's best interest.

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

20 If a court finds, after a hearing, that respondent  
21 has committed abuse (as defined in Section 103) of a  
22 minor child, there shall be a rebuttable presumption that  
23 awarding temporary legal custody to respondent would not  
24 be in the child's best interest.

25 (7) Visitation. Determine the visitation rights,  
26 if any, of respondent in any case in which the court  
27 awards physical care or temporary legal custody of a  
28 minor child to petitioner. The court shall restrict or  
29 deny respondent's visitation with a minor child if the  
30 court finds that respondent has done or is likely to do  
31 any of the following: (i) abuse or endanger the minor  
32 child during visitation; (ii) use the visitation as an  
33 opportunity to abuse or harass petitioner or petitioner's  
34 family or household members; (iii) improperly conceal or

1 detain the minor child; or (iv) otherwise act in a manner  
2 that is not in the best interests of the minor child.  
3 The court shall not be limited by the standards set forth  
4 in Section 607.1 of the Illinois Marriage and Dissolution  
5 of Marriage Act. If the court grants visitation, the  
6 order shall specify dates and times for the visitation to  
7 take place or other specific parameters or conditions  
8 that are appropriate. No order for visitation shall  
9 refer merely to the term "reasonable visitation".

10 Petitioner may deny respondent access to the minor  
11 child if, when respondent arrives for visitation,  
12 respondent is under the influence of drugs or alcohol and  
13 constitutes a threat to the safety and well-being of  
14 petitioner or petitioner's minor children or is behaving  
15 in a violent or abusive manner.

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

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

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

34 (10) Possession of personal property. Grant



1 petitioner exclusive possession of personal property and,  
2 if respondent has possession or control, direct  
3 respondent to promptly make it available to petitioner,  
4 if:

5 (i) petitioner, but not respondent, owns the  
6 property; or

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

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

18 No order under this provision shall affect title to  
19 property.

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

25 (i) petitioner, but not respondent, owns the  
26 property; or

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

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

1 Act, as now or hereafter amended.

2 The court may further prohibit respondent from  
3 improperly using the financial or other resources of an  
4 aged member of the family or household for the profit or  
5 advantage of respondent or of any other person.

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

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

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

1           respondent to reimburse petitioner's actual losses,  
2           to the extent that such reimbursement would be  
3           "appropriate temporary relief", as authorized by  
4           subsection (a)(3) of Section 501 of that Act.

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

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

18          (14.5) Prohibition of firearm possession.

19          (a) When a complaint is made under a request  
20          for an order of protection, that the respondent has  
21          threatened or is likely to use firearms illegally  
22          against the petitioner, and the respondent is  
23          present in court, or has failed to appear after  
24          receiving actual notice, the court shall examine on  
25          oath the petitioner, and any witnesses who may be  
26          produced. If the court is satisfied that there is  
27          any danger of the illegal use of firearms, it shall  
28          issue an order that any firearms in the possession  
29          of the respondent, except as provided in subsection  
30          (b), be turned over to the local law enforcement  
31          agency for safekeeping. If the respondent has  
32          failed to appear, the court shall issue a warrant  
33          for seizure of any firearm in the possession of the  
34          respondent. The period of safekeeping shall be for a

1 stated period of time not to exceed 2 years. The  
2 firearm or firearms shall be returned to the  
3 respondent at the end of the stated period or at  
4 expiration of the order of protection, whichever is  
5 sooner.

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

16 (15) Prohibition of access to records. If an order  
17 of protection prohibits respondent from having contact  
18 with the minor child, or if petitioner's address is  
19 omitted under subsection (b) of Section 203, or if  
20 necessary to prevent abuse or wrongful removal or  
21 concealment of a minor child, the order shall deny  
22 respondent access to, and prohibit respondent from  
23 inspecting, obtaining, or attempting to inspect or  
24 obtain, school or any other records of the minor child  
25 who is in the care of petitioner.

26 (16) Order for payment of shelter services. Order  
27 respondent to reimburse a shelter providing temporary  
28 housing and counseling services to the petitioner for the  
29 cost of the services, as certified by the shelter and  
30 deemed reasonable by the court.

31 (17) Order for injunctive relief. Enter injunctive  
32 relief necessary or appropriate to prevent further abuse  
33 of a family or household member or further abuse,  
34 neglect, or exploitation of a high-risk adult with

1 disabilities or to effectuate one of the granted  
2 remedies, if supported by the balance of hardships. If  
3 the harm to be prevented by the injunction is abuse or  
4 any other harm that one of the remedies listed in  
5 paragraphs (1) through (16) of this subsection is  
6 designed to prevent, no further evidence is necessary  
7 that the harm is an irreparable injury.

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific  
10 remedy, other than payment of support, the court shall  
11 consider relevant factors, including but not limited to  
12 the following:

13 (i) the nature, frequency, severity, pattern  
14 and consequences of the respondent's past abuse,  
15 neglect or exploitation of the petitioner or any  
16 family or household member, including the  
17 concealment of his or her location in order to evade  
18 service of process or notice, and the likelihood of  
19 danger of future abuse, neglect, or exploitation to  
20 petitioner or any member of petitioner's or  
21 respondent's family or household; and

22 (ii) the danger that any minor child will be  
23 abused or neglected or improperly removed from the  
24 jurisdiction, improperly concealed within the State  
25 or improperly separated from the child's primary  
26 caretaker.

27 (2) In comparing relative hardships resulting to  
28 the parties from loss of possession of the family home,  
29 the court shall consider relevant factors, including but  
30 not limited to the following:

31 (i) availability, accessibility, cost, safety,  
32 adequacy, location and other characteristics of  
33 alternate housing for each party and any minor child  
34 or dependent adult in the party's care;

1           (ii) the effect on the party's employment; and  
2           (iii) the effect on the relationship of the  
3 party, and any minor child or dependent adult in the  
4 party's care, to family, school, church and  
5 community.

6           (3) Subject to the exceptions set forth in  
7 paragraph (4) of this subsection, the court shall make  
8 its findings in an official record or in writing, and  
9 shall at a minimum set forth the following:

10           (i) That the court has considered the  
11 applicable relevant factors described in paragraphs  
12 (1) and (2) of this subsection.

13           (ii) Whether the conduct or actions of  
14 respondent, unless prohibited, will likely cause  
15 irreparable harm or continued abuse.

16           (iii) Whether it is necessary to grant the  
17 requested relief in order to protect petitioner or  
18 other alleged abused persons.

19           (4) For purposes of issuing an ex parte emergency  
20 order of protection, the court, as an alternative to or  
21 as a supplement to making the findings described in  
22 paragraphs (c)(3)(i) through (c)(3)(iii) of this  
23 subsection, may use the following procedure:

24           When a verified petition for an emergency order of  
25 protection in accordance with the requirements of  
26 Sections 203 and 217 is presented to the court, the court  
27 shall examine petitioner on oath or affirmation. An  
28 emergency order of protection shall be issued by the  
29 court if it appears from the contents of the petition and  
30 the examination of petitioner that the averments are  
31 sufficient to indicate abuse by respondent and to support  
32 the granting of relief under the issuance of the  
33 emergency order of protection.

34           (5) Never married parties. No rights or

1 responsibilities for a minor child born outside of  
2 marriage attach to a putative father until a father and  
3 child relationship has been established under the  
4 Attorney General Act, the Illinois Parentage Act of 1984,  
5 the Illinois Public Aid Code, Section 12 of the Vital  
6 Records Act, the Juvenile Court Act of 1987, the Probate  
7 Act of 1985, the Revised Uniform Reciprocal Enforcement  
8 of Support Act, the Uniform Interstate Family Support  
9 Act, the Expedited Child Support Act of 1990, any  
10 judicial, administrative, or other act of another state  
11 or territory, any other Illinois statute, or by any  
12 foreign nation establishing the father and child  
13 relationship, any other proceeding substantially in  
14 conformity with the Personal Responsibility and Work  
15 Opportunity Reconciliation Act of 1996 (Pub. L. 104-193),  
16 or where both parties appeared in open court or at an  
17 administrative hearing acknowledging under oath or  
18 admitting by affirmation the existence of a father and  
19 child relationship. Absent such an adjudication, finding,  
20 or acknowledgement, no putative father shall be granted  
21 temporary custody of the minor child, visitation with the  
22 minor child, or physical care and possession of the minor  
23 child, nor shall an order of payment for support of the  
24 minor child be entered.

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

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

3 (1) Respondent has cause for any use of force,  
4 unless that cause satisfies the standards for justifiable  
5 use of force provided by Article VII of the Criminal Code  
6 of 1961;

7 (2) Respondent was voluntarily intoxicated;

8 (3) Petitioner acted in self-defense or defense of  
9 another, provided that, if petitioner utilized force,  
10 such force was justifiable under Article VII of the  
11 Criminal Code of 1961;

12 (4) Petitioner did not act in self-defense or  
13 defense of another;

14 (5) Petitioner left the residence or household to  
15 avoid further abuse, neglect, or exploitation by  
16 respondent;

17 (6) Petitioner did not leave the residence or  
18 household to avoid further abuse, neglect, or  
19 exploitation by respondent;

20 (7) Conduct by any family or household member  
21 excused the abuse, neglect, or exploitation by  
22 respondent, unless that same conduct would have excused  
23 such abuse, neglect, or exploitation if the parties had  
24 not been family or household members.

25 (Source: P.A. 89-367, eff. 1-1-96; 90-118, eff. 1-1-98.)

26 Section 80. The Unemployment Insurance Act is amended by  
27 changing Section 1300 as follows:

28 (820 ILCS 405/1300) (from Ch. 48, par. 540)

29 Sec. 1300. Waiver or transfer of benefit rights -  
30 Partial exemption.

31 (A) Except as otherwise provided herein any agreement by  
32 an individual to waive, release or commute his rights under



1 this Act shall be void.

2 (B) Benefits due under this Act shall not be assigned,  
 3 pledged, encumbered, released or commuted and shall be exempt  
 4 from all claims of creditors and from levy, execution and  
 5 attachment or other remedy for recovery or collection of a  
 6 debt. However, nothing in this Section shall prohibit a  
 7 specified or agreed upon deduction from benefits by an  
 8 individual, or a court or administrative order for  
 9 withholding of income, for payment of past due child support  
 10 from being enforced and collected by the Attorney General  
 11 Department-of-Public-Aid on behalf of persons receiving a  
 12 grant of financial aid under Article IV of the Illinois  
 13 Public Aid Code, persons for whom an application has been  
 14 made and approved for support services under Section 7.5 of  
 15 the Attorney General Act 10-1-of--such--Code, or persons  
 16 similarly situated and receiving like support services in  
 17 other states. It is provided that:

18 (1) The aforementioned deduction of benefits and  
 19 order for withholding of income apply only if appropriate  
 20 arrangements have been made for reimbursement to the  
 21 Director by the Attorney General Department-of-Public-Aid  
 22 for any administrative costs incurred by the Director  
 23 under this Section.

24 (2) The Director shall deduct and withhold from  
 25 benefits payable under this Act, or under any arrangement  
 26 for the payment of benefits entered into by the Director  
 27 pursuant to the powers granted under Section 2700 of this  
 28 Act, the amount specified or agreed upon. In the case of  
 29 a court or administrative order for withholding of  
 30 income, the Director shall withhold the amount of the  
 31 order.

32 (3) Any amount deducted and withheld by the  
 33 Director shall be paid to the Attorney General Department  
 34 of-Public-Aid or the State Disbursement Unit established

1 under Section 7.295 of the Attorney General Act 10-26-of  
2 the-Illinois-Public-Aid-Code, as directed by the Attorney  
3 General Department--of--Public--Aid, on behalf of the  
4 individual.

5 (4) Any amount deducted and withheld under  
6 subsection (3) shall for all purposes be treated as if it  
7 were paid to the individual as benefits and paid by such  
8 individual to the Attorney General Department-of-Public  
9 Aid or the State Disbursement Unit in satisfaction of the  
10 individual's child support obligations.

11 (5) For the purpose of this Section, child support  
12 is defined as those obligations which are being enforced  
13 pursuant to a plan described in Title IV, Part D, Section  
14 454 of the Social Security Act and approved by the  
15 Secretary of Health and Human Services.

16 (6) The deduction of benefits and order for  
17 withholding of income for child support shall be governed  
18 by Titles III and IV of the Social Security Act and all  
19 regulations duly promulgated thereunder.

20 (C) Nothing in this Section prohibits an individual from  
21 voluntarily electing to have federal income tax deducted and  
22 withheld from his or her unemployment insurance benefit  
23 payments.

24 (1) The Director shall, at the time that an  
25 individual files his or her claim for benefits that  
26 establishes his or her benefit year, inform the  
27 individual that:

28 (a) unemployment insurance is subject to  
29 federal, State, and local income taxes;

30 (b) requirements exist pertaining to estimated  
31 tax payments;

32 (c) the individual may elect to have federal  
33 income tax deducted and withheld from his or her  
34 payments of unemployment insurance in the amount

1 specified in the federal Internal Revenue Code; and

2 (d) the individual is permitted to change a  
3 previously elected withholding status.

4 (2) Amounts deducted and withheld from unemployment  
5 insurance shall remain in the unemployment fund until  
6 transferred to the federal taxing authority as a payment  
7 of income tax.

8 (3) The Director shall follow all procedures  
9 specified by the United States Department of Labor and  
10 the federal Internal Revenue Service pertaining to the  
11 deducting and withholding of income tax.

12 (4) Amounts shall be deducted and withheld in  
13 accordance with the priorities established in rules  
14 promulgated by the Director.

15 (D) Nothing in this Section prohibits an individual from  
16 voluntarily electing to have State of Illinois income tax  
17 deducted and withheld from his or her unemployment insurance  
18 benefit payments if such deduction and withholding is  
19 provided for pursuant to rules promulgated by the Director.

20 (1) If pursuant to rules promulgated by the  
21 Director, an individual may voluntarily elect to have  
22 State of Illinois income tax deducted and withheld from  
23 his or her unemployment insurance benefit payments, the  
24 Director shall, at the time that an individual files his  
25 or her claim for benefits that establishes his or her  
26 benefit year, in addition to providing the notice  
27 required under subsection C, inform the individual that:

28 (a) the individual may elect to have State of  
29 Illinois income tax deducted and withheld from his  
30 or her payments of unemployment insurance in the  
31 amount specified pursuant to rules promulgated by  
32 the Director; and

33 (b) the individual is permitted to change a  
34 previously elected withholding status.



1           deducted and withheld from unemployment insurance  
2           benefits pursuant to Section 13(c)(3)(B) of the  
3           federal Food Stamp Act of 1977.

4           (3) Any amount deducted and withheld pursuant to  
5           this subsection (E) shall be paid by the Director to the  
6           State food stamp agency.

7           (4) Any amount deducted and withheld pursuant to  
8           this subsection (E) shall for all purposes be treated as  
9           if it were paid to the individual as unemployment  
10          insurance benefits and paid by the individual to the  
11          State food stamp agency as repayment of the individual's  
12          uncollected overissuance of food stamp coupons.

13          (5) For purposes of this subsection (E),  
14          "unemployment insurance benefits" means any compensation  
15          payable under this Act including amounts payable by the  
16          Director pursuant to an agreement under any federal law  
17          providing for compensation, assistance, or allowances  
18          with respect to unemployment.

19          (6) This subsection (E) applies only if  
20          arrangements have been made for reimbursement by the  
21          State food stamp agency for the administrative costs  
22          incurred by the Director under this subsection (E) which  
23          are attributable to the repayment of uncollected  
24          overissuances of food stamp coupons to the State food  
25          stamp agency.

26          (Source: P.A. 90-425, eff. 8-15-97; 90-554, eff. 12-12-97;  
27          91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

28          Section 95. No acceleration or delay. Where this Act  
29          makes changes in a statute that is represented in this Act by  
30          text that is not yet or no longer in effect (for example, a  
31          Section represented by multiple versions), the use of that  
32          text does not accelerate or delay the taking effect of (i)  
33          the changes made by this Act or (ii) provisions derived from

1 any other Public Act.

2 Section 99. Effective date. This Act takes effect on

3 July 1, 2001.

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INDEX

Statutes amended in order of appearance

- 5 ILCS 100/10-65 from Ch. 127, par. 1010-65
- 5 ILCS 220/3 from Ch. 127, par. 743
- 15 ILCS 205/7.1 new
- 15 ILCS 205/7.5 new
- 15 ILCS 205/7.10 new
- 15 ILCS 205/7.15 new
- 15 ILCS 205/7.20 new
- 15 ILCS 205/7.25 new
- 15 ILCS 205/7.27 new
- 15 ILCS 205/7.28 new
- 15 ILCS 205/7.30 new
- 15 ILCS 205/7.35 new
- 15 ILCS 205/7.40 new
- 15 ILCS 205/7.45 new
- 15 ILCS 205/7.50 new
- 15 ILCS 205/7.52 new
- 15 ILCS 205/7.55 new
- 15 ILCS 205/7.60 new
- 15 ILCS 205/7.65 new
- 15 ILCS 205/7.70 new
- 15 ILCS 205/7.75 new
- 15 ILCS 205/7.76 new
- 15 ILCS 205/7.78 new
- 15 ILCS 205/7.80 new
- 15 ILCS 205/7.85 new
- 15 ILCS 205/7.87 new
- 15 ILCS 205/7.90 new
- 15 ILCS 205/7.95 new
- 15 ILCS 205/7.97 new
- 15 ILCS 205/7.100 new
- 15 ILCS 205/7.105 new
- 15 ILCS 205/7.110 new

- 1 15 ILCS 205/7.115 new
- 2 15 ILCS 205/7.120 new
- 3 15 ILCS 205/7.125 new
- 4 15 ILCS 205/7.130 new
- 5 15 ILCS 205/7.135 new
- 6 15 ILCS 205/7.140 new
- 7 15 ILCS 205/7.145 new
- 8 15 ILCS 205/7.150 new
- 9 15 ILCS 205/7.152 new
- 10 15 ILCS 205/7.155 new
- 11 15 ILCS 205/7.160 new
- 12 15 ILCS 205/7.165 new
- 13 15 ILCS 205/7.170 new
- 14 15 ILCS 205/7.172 new
- 15 15 ILCS 205/7.173 new
- 16 15 ILCS 205/7.174 new
- 17 15 ILCS 205/7.175 new
- 18 15 ILCS 205/7.180 new
- 19 15 ILCS 205/7.185 new
- 20 15 ILCS 205/7.190 new
- 21 15 ILCS 205/7.195 new
- 22 15 ILCS 205/7.200 new
- 23 15 ILCS 205/7.205 new
- 24 15 ILCS 205/7.210 new
- 25 15 ILCS 205/7.215 new
- 26 15 ILCS 205/7.220 new
- 27 15 ILCS 205/7.221 new
- 28 15 ILCS 205/7.223 new
- 29 15 ILCS 205/7.225 new
- 30 15 ILCS 205/7.230 new
- 31 15 ILCS 205/7.235 new
- 32 15 ILCS 205/7.240 new
- 33 15 ILCS 205/7.250 new
- 34 15 ILCS 205/7.255 new



1 15 ILCS 205/7.260 new  
2 15 ILCS 205/7.265 new  
3 15 ILCS 205/7.270 new  
4 15 ILCS 205/7.275 new  
5 15 ILCS 205/7.280 new  
6 15 ILCS 205/7.285 new  
7 15 ILCS 205/7.290 new  
8 15 ILCS 205/7.292 new  
9 15 ILCS 205/7.295 new  
10 15 ILCS 205/7.297 new  
11 15 ILCS 205/7.300 new  
12 15 ILCS 205/7.305 new  
13 15 ILCS 405/10.05a from Ch. 15, par. 210.05a  
14 20 ILCS 1020/35  
15 20 ILCS 1605/13 from Ch. 120, par. 1163  
16 20 ILCS 2105/2105-15 was 20 ILCS 2105/60  
17 20 ILCS 2505/2505-650 was 20 ILCS 2505/39b52  
18 20 ILCS 2605/2605-377 was 20 ILCS 2605/55a in part  
19 35 ILCS 5/901 from Ch. 120, par. 9-901  
20 205 ILCS 5/48.4  
21 205 ILCS 105/1-6d  
22 205 ILCS 205/7007  
23 205 ILCS 305/43.1  
24 205 ILCS 645/20  
25 215 ILCS 5/238 from Ch. 73, par. 850  
26 215 ILCS 5/238.1  
27 215 ILCS 5/299.1a from Ch. 73, par. 911.1a  
28 215 ILCS 5/299.1b  
29 215 ILCS 5/337.1  
30 225 ILCS 425/2.04 from Ch. 111, par. 2005.1  
31 305 ILCS 5/10-1.5 new  
32 305 ILCS 5/10-21 from Ch. 23, par. 10-21  
33 305 ILCS 5/12-4.7c  
34 305 ILCS 5/12-10.2 from Ch. 23, par. 12-10.2

- 1 305 ILCS 5/12-9.1
- 2 305 ILCS 5/12-16 from Ch. 23, par. 12-16
- 3 305 ILCS 5/12-21.3 from Ch. 23, par. 12-21.3
- 4 305 ILCS 5/10-1 rep.
- 5 305 ILCS 5/10-2 rep.
- 6 305 ILCS 5/10-3 rep.
- 7 305 ILCS 5/10-3.1 rep.
- 8 305 ILCS 5/10-3.2 rep.
- 9 305 ILCS 5/10-3.3 rep.
- 10 305 ILCS 5/10-3.4 rep.
- 11 305 ILCS 5/10-4 rep.
- 12 305 ILCS 5/10-5 rep.
- 13 305 ILCS 5/10-6 rep.
- 14 305 ILCS 5/10-7 rep.
- 15 305 ILCS 5/10-8 rep.
- 16 305 ILCS 5/10-8.1 rep.
- 17 305 ILCS 5/10-9 rep.
- 18 305 ILCS 5/10-10 rep.
- 19 305 ILCS 5/10-10.1 rep.
- 20 305 ILCS 5/10-10.2 rep.
- 21 305 ILCS 5/10-10.3 rep.
- 22 305 ILCS 5/10-10.4 rep.
- 23 305 ILCS 5/10-10.5 rep.
- 24 305 ILCS 5/10-11 rep.
- 25 305 ILCS 5/10-11.1 rep.
- 26 305 ILCS 5/10-11.2 rep.
- 27 305 ILCS 5/10-12 rep.
- 28 305 ILCS 5/10-12.1 rep.
- 29 305 ILCS 5/10-13 rep.
- 30 305 ILCS 5/10-13.1 rep.
- 31 305 ILCS 5/10-13.2 rep.
- 32 305 ILCS 5/10-13.3 rep.
- 33 305 ILCS 5/10-13.4 rep.
- 34 305 ILCS 5/10-13.5 rep.

- 1 305 ILCS 5/10-13.6 rep.
- 2 305 ILCS 5/10-13.7 rep.
- 3 305 ILCS 5/10-13.8 rep.
- 4 305 ILCS 5/10-13.9 rep.
- 5 305 ILCS 5/10-13.10 rep.
- 6 305 ILCS 5/10-14 rep.
- 7 305 ILCS 5/10-14.1 rep.
- 8 305 ILCS 5/10-15 rep.
- 9 305 ILCS 5/10-16 rep.
- 10 305 ILCS 5/10-16.2 rep.
- 11 305 ILCS 5/10-16.3 rep.
- 12 305 ILCS 5/10-16.4 rep.
- 13 305 ILCS 5/10-16.5 rep.
- 14 305 ILCS 5/10-16.6 rep.
- 15 305 ILCS 5/10-17 rep.
- 16 305 ILCS 5/10-17.1 rep.
- 17 305 ILCS 5/10-17.2 rep.
- 18 305 ILCS 5/10-17.3 rep.
- 19 305 ILCS 5/10-17.4 rep.
- 20 305 ILCS 5/10-17.5 rep.
- 21 305 ILCS 5/10-17.6 rep.
- 22 305 ILCS 5/10-17.7 rep.
- 23 305 ILCS 5/10-17.8 rep.
- 24 305 ILCS 5/10-17.9 rep.
- 25 305 ILCS 5/10-17.11 rep.
- 26 305 ILCS 5/10-18 rep.
- 27 305 ILCS 5/10-19 rep.
- 28 305 ILCS 5/10-20 rep.
- 29 305 ILCS 5/10-23 rep.
- 30 305 ILCS 5/10-24 rep.
- 31 305 ILCS 5/10-24.5 rep.
- 32 305 ILCS 5/10-24.30 rep.
- 33 305 ILCS 5/10-24.35 rep.
- 34 305 ILCS 5/10-24.40 rep.

- 1 305 ILCS 5/10-24.45 rep.
- 2 305 ILCS 5/10-24.50 rep.
- 3 305 ILCS 5/10-25 rep.
- 4 305 ILCS 5/10-25.5 rep.
- 5 305 ILCS 5/10-26 rep.
- 6 305 ILCS 5/10-26.5 rep.
- 7 305 ILCS 5/10-27 rep.
- 8 305 ILCS 5/12-4.3 rep.
- 9 305 ILCS 5/12-8.1 rep.
- 10 410 ILCS 513/22
- 11 410 ILCS 535/12 from Ch. 111 1/2, par. 73-12
- 12 410 ILCS 535/17 from Ch. 111 1/2, par. 73-17
- 13 410 ILCS 535/22 from Ch. 111 1/2, par. 73-22
- 14 515 ILCS 5/20-105 from Ch. 56, par. 20-105
- 15 520 ILCS 5/3.36 from Ch. 61, par. 3.36
- 16 625 ILCS 5/7-701
- 17 625 ILCS 5/7-702
- 18 625 ILCS 5/7-702.1
- 19 625 ILCS 5/7-703
- 20 625 ILCS 5/7-704
- 21 625 ILCS 5/7-705
- 22 625 ILCS 5/7-706
- 23 625 ILCS 5/7-707
- 24 625 ILCS 5/7-708
- 25 705 ILCS 205/1 from Ch. 13, par. 1
- 26 705 ILCS 405/6-9 from Ch. 37, par. 806-9
- 27 730 ILCS 5/5-7-6 from Ch. 38, par. 1005-7-6
- 28 735 ILCS 5/2-101 from Ch. 110, par. 2-101
- 29 750 ILCS 5/505 from Ch. 40, par. 505
- 30 750 ILCS 5/505.1 from Ch. 40, par. 505.1
- 31 750 ILCS 5/505.2 from Ch. 40, par. 505.2
- 32 750 ILCS 5/505.3
- 33 750 ILCS 5/506 from Ch. 40, par. 506
- 34 750 ILCS 5/507 from Ch. 40, par. 507

- 1 750 ILCS 5/507.1
- 2 750 ILCS 5/510 from Ch. 40, par. 510
- 3 750 ILCS 5/516 from Ch. 40, par. 516
- 4 750 ILCS 5/705 from Ch. 40, par. 705
- 5 750 ILCS 5/709 from Ch. 40, par. 709
- 6 750 ILCS 5/710 from Ch. 40, par. 710
- 7 750 ILCS 5/712 from Ch. 40, par. 712
- 8 750 ILCS 16/7
- 9 750 ILCS 16/20
- 10 750 ILCS 16/25
- 11 750 ILCS 16/30
- 12 750 ILCS 16/35
- 13 750 ILCS 16/50
- 14 750 ILCS 16/60
- 15 750 ILCS 22/101
- 16 750 ILCS 22/102
- 17 750 ILCS 22/310
- 18 750 ILCS 22/320
- 19 750 ILCS 25/5 from Ch. 40, par. 2705
- 20 750 ILCS 25/6 from Ch. 40, par. 2706
- 21 750 ILCS 28/15
- 22 750 ILCS 28/35
- 23 750 ILCS 28/45
- 24 750 ILCS 45/4.1
- 25 750 ILCS 45/5 from Ch. 40, par. 2505
- 26 750 ILCS 45/6 from Ch. 40, par. 2506
- 27 750 ILCS 45/8 from Ch. 40, par. 2508
- 28 750 ILCS 45/11 from Ch. 40, par. 2511
- 29 750 ILCS 45/13 from Ch. 40, par. 2513
- 30 750 ILCS 45/13.1
- 31 750 ILCS 45/14 from Ch. 40, par. 2514
- 32 750 ILCS 45/14.1
- 33 750 ILCS 45/15.1 from Ch. 40, par. 2515.1
- 34 750 ILCS 45/18 from Ch. 40, par. 2518

- 1 750 ILCS 45/21 from Ch. 40, par. 2521
- 2 750 ILCS 45/21.1
- 3 750 ILCS 45/22 from Ch. 40, par. 2522
- 4 750 ILCS 45/23 from Ch. 40, par. 2523
- 5 750 ILCS 60/214 from Ch. 40, par. 2312-14
- 6 820 ILCS 405/1300 from Ch. 48, par. 540