

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 Public Aid Code is amended by
5 changing Sections 10-2, 10-8.1, 10-10, and 10-11 as follows:

6 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

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

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

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

1 (305 ILCS 5/10-8.1)

2 Sec. 10-8.1. Temporary order for child support.
3 Notwithstanding any other law to the contrary, pending the
4 outcome of an administrative determination of parentage, the
5 Illinois Department shall issue a temporary order for child
6 support, upon motion by a party and a showing of clear and
7 convincing evidence of paternity. In determining the amount
8 of the temporary child support award, the Illinois Department
9 shall use the guidelines and standards set forth in
10 subsection (a) of Section 505 and in Section 505.2 of the
11 Illinois Marriage and Dissolution of Marriage Act.

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

28 All orders for support entered or modified in a case in
29 which a party is receiving child and spouse support services
30 under this Article X shall include a provision requiring the
31 non-custodial parent to notify the Illinois Department,
32 within 7 days, (i) of the name, address, and telephone number
33 of any new employer of the non-custodial parent, (ii) whether
34 the non-custodial parent has access to health insurance

1 coverage through the employer or other group coverage, and,
 2 if so, the policy name and number and the names of persons
 3 covered under the policy, and (iii) of any new residential or
 4 mailing address or telephone number of the non-custodial
 5 parent.

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

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

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

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

30 Sec. 10-10. Court enforcement; applicability also to
 31 persons who are not applicants or recipients. Except where
 32 the Illinois Department, by agreement, acts for the local
 33 governmental unit, as provided in Section 10-3.1, local

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

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

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

1 order may be entered against any or all of the defendant
2 responsible relatives and may be based upon the proportionate
3 ability of each to contribute to the person's support.

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

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

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

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

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

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

32 When an order is entered for the support of a minor, the
33 court may provide therein for reasonable visitation of the
34 minor by the person or persons who provided support pursuant

1 to the order. Whoever willfully refuses to comply with such
2 visitation order or willfully interferes with its enforcement
3 may be declared in contempt of court and punished therefor.

4 Except where the local governmental unit has entered into
5 an agreement with the Illinois Department for the Child and
6 Spouse Support Unit to act for it, as provided in Section
7 10-3.1, support orders entered by the court in cases
8 involving applicants or recipients under Article VI shall
9 provide that payments thereunder be made directly to the
10 local governmental unit. Orders for the support of all other
11 applicants or recipients shall provide that payments
12 thereunder be made directly to the Illinois Department. In
13 accordance with federal law and regulations, the Illinois
14 Department may continue to collect current maintenance
15 payments or child support payments, or both, after those
16 persons cease to receive public assistance and until
17 termination of services under Article X. The Illinois
18 Department shall pay the net amount collected to those
19 persons after deducting any costs incurred in making the
20 collection or any collection fee from the amount of any
21 recovery made. In both cases the order shall permit the
22 local governmental unit or the Illinois Department, as the
23 case may be, to direct the responsible relative or relatives
24 to make support payments directly to the needy person, or to
25 some person or agency in his behalf, upon removal of the
26 person from the public aid rolls or upon termination of
27 services under Article X.

28 If the notice of support due issued pursuant to Section
29 10-7 directs that support payments be made directly to the
30 needy person, or to some person or agency in his behalf, and
31 the recipient is removed from the public aid rolls, court
32 action may be taken against the responsible relative
33 hereunder if he fails to furnish support in accordance with
34 the terms of such notice.

1 Actions may also be brought under this Section in behalf
2 of any person who is in need of support from responsible
3 relatives, as defined in Section 2-11 of Article II who is
4 not an applicant for or recipient of financial aid under this
5 Code. In such instances, the State's Attorney of the county
6 in which such person resides shall bring action against the
7 responsible relatives hereunder. If the Illinois Department,
8 as authorized by Section 10-1, extends the support services
9 provided by this Article to spouses and dependent children
10 who are not applicants or recipients under this Code, the
11 Child and Spouse Support Unit established by Section 10-3.1
12 shall bring action against the responsible relatives
13 hereunder and any support orders entered by the court in such
14 cases shall provide that payments thereunder be made directly
15 to the Illinois Department.

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 Job Jobs Training
25 Partnership Act provider for participation in job search,
26 training or work programs and where the duty of support is
27 owed to a child receiving support services under this Article
28 X, the court may order the unemployed person to report to the
29 Illinois Department for participation in job search, training
30 or work programs established under Section 9-6 and Article
31 IXA of this Code.

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

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

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

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

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

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

1 non-custodial parent, service of process or provision of
2 notice necessary in the case may be made at the last known
3 address of the non-custodial parent in any manner expressly
4 provided by the Code of Civil Procedure or this Code, which
5 service shall be sufficient for 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 18. However, if the
10 child will not graduate from high school until after
11 attaining the age of 18, then the termination date shall be
12 no earlier than the earlier of the date on which the child's
13 high school graduation will occur or the date on which the
14 child will attain the age of 19 majority-or-is-otherwise
15 emancipated. The order for support shall state that the
16 termination date does not apply to any arrearage that may
17 remain unpaid on that date. Nothing in this paragraph shall
18 be construed to prevent the court from modifying the order.

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

1 Department's right to receive notice of further proceedings.

2 Payments under this Section to the Illinois Department
3 pursuant to the Child Support Enforcement Program established
4 by Title IV-D of the Social Security Act shall be paid into
5 the Child Support Enforcement Trust Fund. All payments under
6 this Section to the Illinois Department of Human Services
7 shall be deposited in the DHS Recoveries Trust Fund.
8 Disbursements from these funds shall be as provided in
9 Sections 12-9.1 and 12-10.2 of this Code. Payments received
10 by a local governmental unit shall be deposited in that
11 unit's General Assistance Fund.

12 To the extent the provisions of this Section are
13 inconsistent with the requirements pertaining to the State
14 Disbursement Unit under Sections 10-10.4 and 10-26 of this
15 Code, the requirements pertaining to the State Disbursement
16 Unit shall apply.

17 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
18 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 90-790, eff.
19 8-14-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357,
20 eff. 7-29-99; 91-767, eff. 6-9-00; revised 1-16-01.)

21 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

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

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

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

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

1 installment of overdue support owed by the noncustodial
2 parent.

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

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

29 An order for support shall include a date on which the
30 support obligation terminates. The termination date shall be
31 no earlier than the date on which the child covered by the
32 order will attain the age of 18. However, if the child will
33 not graduate from high school until after attaining the age
34 of 18, then the termination date shall be no earlier than the

1 earlier of the date that the child's graduation will occur or
2 the date on which the child will attain the age of 19.

3 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
4 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.
5 7-20-99.)

6 Section 10. The Illinois Marriage and Dissolution of
7 Marriage Act is amended by changing Sections 505, 505.2, 510,
8 and 513 as follows:

9 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

11 (a) In a proceeding for dissolution of marriage, legal
12 separation, declaration of invalidity of marriage, a
13 proceeding for child support following dissolution of the
14 marriage by a court which lacked personal jurisdiction over
15 the absent spouse, a proceeding for modification of a
16 previous order for child support under Section 510 of this
17 Act, or any proceeding authorized under Section 501 or 601 of
18 this Act, the court may order either or both parents owing a
19 duty of support to a child of the marriage to pay an amount
20 reasonable and necessary for his support, without regard to
21 marital misconduct. The duty of support owed to a ~~minor~~
22 child includes the obligation to provide for the reasonable
23 and necessary physical, mental and emotional health needs of
24 the child. For purposes of this Section, the term "child"
25 shall include any child under age 18 and any child under age
26 19 who is still attending high school.

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

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

1	3	32%
2	4	40%
3	5	45%
4	6 or more	50%

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

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

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

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

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

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

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

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

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

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

32 (c) Social Security (FICA payments);

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

1 (e) Union dues;
 2 (f) Dependent and individual
 3 health/hospitalization insurance premiums;

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

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

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

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

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

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

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

1 Support Orders, or by any other reasonable means.

2 (b) Failure of either parent to comply with an order to
3 pay support 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, that the parent's Illinois driving
20 privileges be suspended until the court determines that the
21 parent is in compliance with the order of support. The court
22 may also order that the parent be issued a family financial
23 responsibility driving permit that would allow limited
24 driving privileges for employment and medical purposes in
25 accordance with Section 7-702.1 of the Illinois Vehicle Code.
26 The clerk of the circuit court shall certify the order
27 suspending the driving privileges of the parent or granting
28 the issuance of a family financial responsibility driving
29 permit to the Secretary of State on forms prescribed by the
30 Secretary. Upon receipt of the authenticated documents, the
31 Secretary of State shall suspend the parent's driving
32 privileges until further order of the court and shall, if
33 ordered by the court, subject to the provisions of Section
34 7-702.1 of the Illinois Vehicle Code, issue a family

1 financial responsibility driving permit to the parent.

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

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

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

24 (d) Any new or existing support order entered by the
25 court under this Section shall be deemed to be a series of
26 judgments against the person obligated to pay support
27 thereunder, each such judgment to be in the amount of each
28 payment or installment of support and each such judgment to
29 be deemed entered as of the date the corresponding payment or
30 installment becomes due under the terms of the support order.
31 Each such judgment shall have the full force, effect and
32 attributes of any other judgment of this State, including the
33 ability to be enforced. A lien arises by operation of law
34 against the real and personal property of the noncustodial

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

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

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

31 (g) An order for support shall include a date on which
32 the current support obligation terminates. The termination
33 date shall be the date on which the child covered by the
34 order will attain the age of 18. However, if the child will

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

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

30 (Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98;
31 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff.
32 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655,
33 eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

1 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)
2 Sec. 505.2. Health insurance.

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

4 (1) "Obligee" means the individual to whom the duty
5 of support is owed or the individual's legal
6 representative.

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

9 (3) "Public office" means any elected official or
10 any State or local agency which is or may become
11 responsible by law for enforcement of, or which is or may
12 become authorized to enforce, an order for support,
13 including, but not limited to: the Attorney General, the
14 Illinois Department of Public Aid, the Illinois
15 Department of Human Services, the Illinois Department of
16 Children and Family Services, and the various State's
17 Attorneys, Clerks of the Circuit Court and supervisors of
18 general assistance.

19 (4) "Child" shall have the meaning ascribed to it
20 in Section 505.

21 (b) Order.

22 (1) Whenever the court establishes, modifies or
23 enforces an order for child support or for child support
24 and maintenance the court shall include in the order a
25 provision for the health care coverage of the child which
26 shall, upon request of the obligee or Public Office,
27 require that any child covered by the order be named as a
28 beneficiary of any health insurance plan that is
29 available to the obligor through an employer or labor
30 union or trade union. If the court finds that such a
31 plan is not available to the obligor, or that the plan is
32 not accessible to the obligee, the court may, upon
33 request of the obligee or Public Office, order the
34 obligor to name the child covered by the order as a

1 beneficiary of any health insurance plan that is
2 available to the obligor on a group basis, or as a
3 beneficiary of an independent health insurance plan to be
4 obtained by the obligor, after considering the following
5 factors:

6 (A) the medical needs of the child;

7 (B) the availability of a plan to meet those
8 needs; and

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

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

14 (3) Nothing in this Section shall be construed to
15 limit the authority of the court to establish or modify a
16 support order to provide for payment of expenses,
17 including deductibles, copayments and any other health
18 expenses, which are in addition to expenses covered by an
19 insurance plan of which a child is ordered to be named a
20 beneficiary pursuant to this Section.

21 (c) Implementation and enforcement.

22 (1) When the court order requires that a ~~minor~~
23 child be named as a beneficiary of a health insurance
24 plan, other than a health insurance plan available
25 through an employer or labor union or trade union, the
26 obligor shall provide written proof to the obligee or
27 Public Office that the required insurance has been
28 obtained, or that application for insurability has been
29 made, within 30 days of receiving notice of the court
30 order. Unless the obligor was present in court when the
31 order was issued, notice of the order shall be given
32 pursuant to Illinois Supreme Court Rules. If an obligor
33 fails to provide the required proof, he may be held in
34 contempt of court.

1 (2) When the court requires that a ~~miner~~ child be
2 named as a beneficiary of a health insurance plan
3 available through an employer or labor union or trade
4 union, the court's order shall be implemented in
5 accordance with the Income Withholding for Support Act
6 ~~Section-706-17--as-now-or-hereafter-amended.~~

7 (d) Failure to maintain insurance. The dollar amount of
8 the premiums for court-ordered health insurance, or that
9 portion of the premiums for which the obligor is responsible
10 in the case of insurance provided under a group health
11 insurance plan through an employer or labor union or trade
12 union where the employer or labor union or trade union pays a
13 portion of the premiums, shall be considered an additional
14 child support obligation owed by the obligor. Whenever the
15 obligor fails to provide or maintain health insurance
16 pursuant to an order for support, the obligor shall be liable
17 to the obligee for the dollar amount of the premiums which
18 were not paid, and shall also be liable for all medical
19 expenses incurred by the ~~miner~~ child which would have been
20 paid or reimbursed by the health insurance which the obligor
21 was ordered to provide or maintain. In addition, the obligee
22 may petition the court to modify the order based solely on
23 the obligor's failure to pay the premiums for court-ordered
24 health insurance.

25 (e) Authorization for payment. The signature of the
26 obligee is a valid authorization to the insurer to process a
27 claim for payment under the insurance plan to the provider of
28 the health care services or to the obligee.

29 (f) Disclosure of information. The obligor's employer
30 or labor union or trade union shall disclose to the obligee
31 or Public Office, upon request, information concerning any
32 dependent coverage plans which would be made available to a
33 new employee or labor union member or trade union member.
34 The employer or labor union or trade union shall disclose

1 such information whether or not a court order for medical
2 support has been entered.

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

9 (1) The employer shall, upon the parent's request,
10 permit the parent to include in that coverage a child who
11 is otherwise eligible for that coverage, without regard
12 to any enrollment season restrictions that might
13 otherwise be applicable as to the time period within
14 which the child may be added to that coverage.

15 (2) If the parent has health care coverage through
16 the employer but fails to apply for coverage of the
17 child, the employer shall include the child in the
18 parent's coverage upon application by the child's other
19 parent or the Illinois Department of Public Aid.

20 (3) The employer may not eliminate any child from
21 the parent's health care coverage unless the employee is
22 no longer employed by the employer and no longer covered
23 under the employer's group health plan or unless the
24 employer is provided with satisfactory written evidence
25 of either of the following:

26 (A) The order for support is no longer in
27 effect.

28 (B) The child is or will be included in a
29 comparable health care plan obtained by the parent
30 under such order that is currently in effect or will
31 take effect no later than the date the prior
32 coverage is terminated.

33 The employer may eliminate a child from a parent's
34 health care plan obtained by the parent under such order

1 if the employer has eliminated dependent health care
2 coverage for all of its employees.

3 (Source: P.A. 89-183, eff. 1-1-96; 89-507, eff. 7-1-97;
4 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; revised 3-9-00.)

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

6 Sec. 510. Modification and termination of provisions for
7 maintenance, support, educational expenses, and property
8 disposition.

9 (a) Except as otherwise provided in paragraph (f) of
10 Section 502 and in subsection (d), clause (3) of Section
11 505.2, the provisions of any judgment respecting maintenance
12 or support may be modified only as to installments accruing
13 subsequent to due notice by the moving party of the filing of
14 the motion for modification and, with respect to maintenance,
15 only upon a showing of a substantial change in circumstances.
16 An order for child support may be modified as follows:

17 (1) upon a showing of a substantial change in
18 circumstances; and

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

21 (A) upon a showing of an inconsistency of at
22 least 20%, but no less than \$10 per month, between
23 the amount of the existing order and the amount of
24 child support that results from application of the
25 guidelines specified in Section 505 of this Act
26 unless the inconsistency is due to the fact that the
27 amount of the existing order resulted from a
28 deviation from the guideline amount and there has
29 not been a change in the circumstances that resulted
30 in that deviation; or

31 (B) Upon a showing of a need to provide for
32 the health care needs of the child under the order
33 through health insurance or other means. In no

1 event shall the eligibility for or receipt of
 2 medical assistance be considered to meet the need to
 3 provide for the child's health care needs.

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

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

14 (c) Unless otherwise agreed by the parties in a written
 15 agreement set forth in the judgment or otherwise approved by
 16 the court, the obligation to pay future maintenance is
 17 terminated upon the death of either party, or the remarriage
 18 of the party receiving maintenance, or if the party receiving
 19 maintenance cohabits with another person on a resident,
 20 continuing conjugal basis.

21 (d) Unless otherwise provided in this Act, or as agreed
 22 in writing or expressly provided in the judgment, provisions
 23 for the support of a child are terminated by emancipation of
 24 the child, or if the child has attained the age of 18 and is
 25 still attending high school, provisions for the support of
 26 the child are terminated upon the date that the child
 27 graduates from high school or the date the child attains the
 28 age of 19, whichever is earlier, but not by the death of a
 29 parent obligated to support or educate the child. Unless
 30 otherwise--agreed--in--writing--or--expressly--provided--in--a
 31 judgment,--provisions--for--the--support--of--a--child--are
 32 terminated--by--emancipation--of--the--child,--except--as--otherwise
 33 provided--herein,--but--not--by--the--death--of--a--parent--obligated
 34 to--support--or--educate--the--child. An existing obligation to

1 pay for support or educational expenses, or both, is not
 2 terminated by the death of a parent. When a parent obligated
 3 to pay support or educational expenses, or both, dies, the
 4 amount of support or educational expenses, or both, may be
 5 enforced, modified, revoked or commuted to a lump sum
 6 payment, as equity may require, and that determination may be
 7 provided for at the time of the dissolution of the marriage
 8 or thereafter.

9 (e) The right to petition for support or educational
 10 expenses, or both, under Sections 505 and 513 is not
 11 extinguished by the death of a parent. Upon a petition filed
 12 before or after a parent's death, the court may award sums of
 13 money out of the decedent's estate for the child's support or
 14 educational expenses, or both, as equity may require. The
 15 time within which a claim may be filed against the estate of
 16 a decedent under Sections 505 and 513 and subsection (d) and
 17 this subsection shall be governed by the provisions of the
 18 Probate Act of 1975, as a barrable, noncontingent claim.

19 (Source: P.A. 87-714; 88-42; 88-307; 88-670, eff. 12-2-94.)

20 (750 ILCS 5/513) (from Ch. 40, par. 513)

21 Sec. 513. Support for Non-minor Children and Educational
 22 Expenses.

23 (a) The court may award sums of money out of the
 24 property and income of either or both parties or the estate
 25 of a deceased parent, as equity may require, for the support
 26 of the child or children of the parties who have attained
 27 majority in the following instances:

28 (1) When the child is mentally or physically
 29 disabled and not otherwise emancipated, an application
 30 for support may be made before or after the child has
 31 attained majority.

32 (2) The court may also make provision for the
 33 educational expenses of the child or children of the

1 parties, whether of minor or majority age, and an
2 application for educational expenses may be made before
3 or after the child has attained majority, or after the
4 death of either parent. The authority under this Section
5 to make provision for educational expenses extends not
6 only to periods of college education or professional or
7 other training after graduation from high school, but
8 also to any period during which the child of the parties
9 is still attending high school, even though he or she
10 attained the age of 19 18. The educational expenses may
11 include, but shall not be limited to, room, board, dues,
12 tuition, transportation, books, fees, registration and
13 application costs, medical expenses including medical
14 insurance, dental expenses, and living expenses during
15 the school year and periods of recess, which sums may be
16 ordered payable to the child, to either parent, or to the
17 educational institution, directly or through a special
18 account or trust created for that purpose, as the court
19 sees fit.

20 If educational expenses are ordered payable, each
21 parent and the child shall sign any consents necessary
22 for the educational institution to provide the supporting
23 parent with access to the child's academic transcripts,
24 records, and grade reports. The consents shall not apply
25 to any non-academic records. Failure to execute the
26 required consent may be a basis for a modification or
27 termination of any order entered under this Section.

28 The authority under this Section to make provision
29 for educational expenses, except where the child is
30 mentally or physically disabled and not otherwise
31 emancipated, terminates when the child receives a
32 baccalaureate degree.

33 (b) In making awards under paragraph (1) or (2) of
34 subsection (a), or pursuant to a petition or motion to

1 decrease, modify, or terminate any such award, the court
2 shall consider all relevant factors that appear reasonable
3 and necessary, including:

- 4 (1) The financial resources of both parents.
- 5 (2) The standard of living the child would have
6 enjoyed had the marriage not been dissolved.
- 7 (3) The financial resources of the child.
- 8 (4) The child's academic performance.

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

10 Section 15. The Non-Support Punishment Act is amended by
11 changing Sections 15 and 20 as follows:

12 (750 ILCS 16/15)

13 Sec. 15. Failure to support.

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

16 (1) willfully, without any lawful excuse, refuses
17 to provide for the support or maintenance of his or her
18 spouse, with the knowledge that the spouse is in need of
19 such support or maintenance, or, without lawful excuse,
20 deserts or willfully refuses to provide for the support
21 or maintenance of his or her child or children ~~under--the~~
22 ~~age--of--18--years,~~ in need of support or maintenance and
23 the person has the ability to provide the support; or

24 (2) willfully fails to pay a support obligation
25 required under a court or administrative order for
26 support, if the obligation has remained unpaid for a
27 period longer than 6 months, or is in arrears in an
28 amount greater than \$5,000, and the person has the
29 ability to provide the support; or

30 (3) leaves the State with the intent to evade a
31 support obligation required under a court or
32 administrative order for support, if the obligation,

1 regardless of when it accrued, has remained unpaid for a
2 period longer than 6 months, or is in arrears in an
3 amount greater than \$10,000; or

4 (4) willfully fails to pay a support obligation
5 required under a court or administrative order for
6 support, if the obligation has remained unpaid for a
7 period longer than one year, or is in arrears in an
8 amount greater than \$20,000, and the person has the
9 ability to provide the support.

10 (a-5) Presumption of ability to pay support. The
11 existence of a court or administrative order of support that
12 was not based on a default judgment and was in effect for the
13 time period charged in the indictment or information creates
14 a rebuttable presumption that the obligor has the ability to
15 pay the support obligation for that time period.

16 (b) Sentence. A person convicted of a first offense
17 under subdivision (a)(1) or (a)(2) is guilty of a Class A
18 misdemeanor. A person convicted of an offense under
19 subdivision (a)(3) or (a)(4) or a second or subsequent
20 offense under subdivision (a)(1) or (a)(2) is guilty of a
21 Class 4 felony.

22 (c) Expungement. A person convicted of a first offense
23 under subdivision (a)(1) or (a)(2) who is eligible for the
24 Earnfare program, shall, in lieu of the sentence prescribed
25 in subsection (b), be referred to the Earnfare program. Upon
26 certification of completion of the Earnfare program, the
27 conviction shall be expunged. If the person fails to
28 successfully complete the Earnfare program, he or she shall
29 be sentenced in accordance with subsection (b).

30 (d) Fine. Sentences of imprisonment and fines for
31 offenses committed under this Act shall be as provided under
32 Articles 8 and 9 of Chapter V of the Unified Code of
33 Corrections, except that the court shall order restitution of
34 all unpaid support payments and may impose the following

1 fines, alone, or in addition to a sentence of imprisonment
2 under the following circumstances:

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

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

11 (3) from \$10,000 to \$25,000 if the support
12 obligation has remained unpaid for a period longer than 8
13 years, or is in arrears in an amount greater than
14 \$20,000.

15 (e) Restitution shall be ordered in an amount equal to
16 the total unpaid support obligation as it existed at the time
17 of sentencing. Any amounts paid by the obligor shall be
18 allocated first to current support and then to restitution
19 ordered and then to fines imposed under this Section.

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

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

24 (750 ILCS 16/20)

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

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

28 (1) at any time before the trial, upon motion of the
29 State's Attorney, or of the Attorney General if the
30 action has been instituted by his office, and upon notice
31 to the defendant, or at the time of arraignment or as a
32 condition of postponement of arraignment, the court may
33 enter such temporary order for support as may seem just,

1 providing for the support or maintenance of the spouse or
2 child or children of the defendant, or both, pendente
3 lite; or

4 (2) before trial with the consent of the defendant,
5 or at the trial on entry of a plea of guilty, or after
6 conviction, instead of imposing the penalty provided in
7 this Act, or in addition thereto, the court may enter an
8 order for support, subject to modification by the court
9 from time to time as circumstances may require, directing
10 the defendant to pay a certain sum for maintenance of the
11 spouse, or for support of the child or children, or both.

12 (b) The court shall determine the amount of child support
13 by using the guidelines and standards set forth in subsection
14 (a) of Section 505 and in Section 505.2 of the Illinois
15 Marriage and Dissolution of Marriage Act.

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

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

31 (d) The court may, for violation of any order under this
32 Section, punish the offender as for a contempt of court, but
33 no pendente lite order shall remain in effect longer than 4
34 months, or after the discharge of any panel of jurors

1 summoned for service thereafter in such court, whichever is
2 sooner.

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

18 (f) An order for support entered under this Section shall
19 include a provision requiring the obligor to report to the
20 obligee and to the clerk of the court within 10 days each
21 time the obligor obtains new employment, and each time the
22 obligor's employment is terminated for any reason. The
23 report shall be in writing and shall, in the case of new
24 employment, include the name and address of the new employer.

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

32 An order for support entered under this Section shall
33 also include a provision requiring the obligor and obligee
34 parents to advise each other of a change in residence within

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

5 (g) An order for support entered or modified in a case in
6 which a party is receiving child and spouse support services
7 under Article X of the Illinois Public Aid Code shall include
8 a provision requiring the noncustodial parent to notify the
9 Illinois Department of Public Aid, within 7 days, of the name
10 and address of any new employer of the noncustodial parent,
11 whether the noncustodial parent has access to health
12 insurance coverage through the employer or other group
13 coverage and, if so, the policy name and number and the names
14 of persons covered under the policy.

15 (h) In any subsequent action to enforce an order for
16 support entered under this Act, upon sufficient showing that
17 diligent effort has been made to ascertain the location of
18 the noncustodial parent, service of process or provision of
19 notice necessary in that action may be made at the last known
20 address of the noncustodial parent, in any manner expressly
21 provided by the Code of Civil Procedure or in this Act, which
22 service shall be sufficient for purposes of due process.

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

1 be construed to prevent the court from modifying the order.
2 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00.)

3 Section 20. The Illinois Parentage Act of 1984 is
4 amended by changing Section 14 as follows:

5 (750 ILCS 45/14) (from Ch. 40, par. 2514)
6 Sec. 14. Judgment.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (j) 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 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
13 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)