

1 AMENDMENT TO HOUSE BILL 2298

2 AMENDMENT NO. _____. Amend House Bill 2298 as follows:
3 by replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Illinois Public Aid Code is amended by
6 changing Sections 10-2, 10-8.1, 10-10, and 10-11 as follows:

7 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

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

1 a child born out of wedlock, or legally adopted child.

2 In addition to the primary obligation of support imposed
3 upon responsible relatives, such relatives, if individually
4 or together in any combination they have sufficient income or
5 other resources to support a needy person, in whole or in
6 part, shall be liable for any financial aid extended under
7 this Code to a person for whose support they are responsible,
8 including amounts expended for funeral and burial costs.

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

10 (305 ILCS 5/10-8.1)

11 Sec. 10-8.1. Temporary order for child support.
12 Notwithstanding any other law to the contrary, pending the
13 outcome of an administrative determination of parentage, the
14 Illinois Department shall issue a temporary order for child
15 support, upon motion by a party and a showing of clear and
16 convincing evidence of paternity. In determining the amount
17 of the temporary child support award, the Illinois Department
18 shall use the guidelines and standards set forth in
19 subsection (a) of Section 505 and in Section 505.2 of the
20 Illinois Marriage and Dissolution of Marriage Act.

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 judgment to be
26 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

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

4 All orders for support entered or modified in a case in
5 which a party is receiving child and spouse support services
6 under this Article X shall include a provision requiring the
7 non-custodial parent to notify the Illinois Department,
8 within 7 days, (i) of the name, address, and telephone number
9 of any new employer of the non-custodial parent, (ii) whether
10 the non-custodial parent has access to health insurance
11 coverage through the employer or other group coverage, and,
12 if so, the policy name and number and the names of persons
13 covered under the policy, and (iii) of any new residential or
14 mailing address or telephone number of the non-custodial
15 parent.

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

24 An order for support shall include a date on which the
25 current support obligation terminates. The termination date
26 shall be no earlier than the date on which the child covered
27 by the order will attain the age of 18. However, if the
28 child will not graduate from high school until after
29 attaining the age of 18, then the termination date shall be
30 no earlier than the earlier of the date on which the child's
31 high school graduation will occur or the date on which the
32 child will attain the age of 19 majority--or--is--otherwise
33 emancipated. The order for support shall state that the
34 termination date does not apply to any arrearage that may

1 remain unpaid on that date. Nothing in this paragraph shall
2 be construed to prevent the Illinois Department from
3 modifying the order.

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

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

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

29 Action shall be brought in the circuit court to obtain
30 support, or for the recovery of aid granted during the period
31 such support was not provided, or both for the obtainment of
32 support and the recovery of the aid provided. Actions for
33 the recovery of aid may be taken separately or they may be

1 consolidated with actions to obtain support. Such actions
2 may be brought in the name of the person or persons requiring
3 support, or may be brought in the name of the Illinois
4 Department or the local governmental unit, as the case
5 requires, in behalf of such persons.

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

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

25 If (i) the responsible relative was properly served with
26 a request for discovery of financial information relating to
27 the responsible relative's ability to provide child support,
28 (ii) the responsible relative failed to comply with the
29 request, despite having been ordered to do so by the court,
30 and (iii) the responsible relative is not present at the
31 hearing to determine support despite having received proper
32 notice, then any relevant financial information concerning
33 the responsible relative's ability to provide child support
34 that was obtained pursuant to subpoena and proper notice

1 shall be admitted into evidence without the need to establish
2 any further foundation for its admission.

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

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

1 ability to be enforced. Any such judgment is subject to
2 modification or termination only in accordance with Section
3 510 of the Illinois Marriage and Dissolution of Marriage Act.
4 A lien arises by operation of law against the real and
5 personal property of the noncustodial parent for each
6 installment of overdue support owed by the noncustodial
7 parent.

8 When an order is entered for the support of a minor, the
9 court may provide therein for reasonable visitation of the
10 minor by the person or persons who provided support pursuant
11 to the order. Whoever willfully refuses to comply with such
12 visitation order or willfully interferes with its enforcement
13 may be declared in contempt of court and punished therefor.

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

1 some person or agency in his behalf, upon removal of the
2 person from the public aid rolls or upon termination of
3 services under Article X.

4 If the notice of support due issued pursuant to Section
5 10-7 directs that support payments be made directly to the
6 needy person, or to some person or agency in his behalf, and
7 the recipient is removed from the public aid rolls, court
8 action may be taken against the responsible relative
9 hereunder if he fails to furnish support in accordance with
10 the terms of such notice.

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

26 Whenever it is determined in a proceeding to establish or
27 enforce a child support or maintenance obligation that the
28 person owing a duty of support is unemployed, the court may
29 order the person to seek employment and report periodically
30 to the court with a diary, listing or other memorandum of his
31 or her efforts in accordance with such order. Additionally,
32 the court may order the unemployed person to report to the
33 Department of Employment Security for job search services or
34 to make application with the local Job Jobs Training

1 Partnership Act provider for participation in job search,
2 training or work programs and where the duty of support is
3 owed to a child receiving support services under this Article
4 X, the court may order the unemployed person to report to the
5 Illinois Department for participation in job search, training
6 or work programs established under Section 9-6 and Article
7 IXA of this Code.

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

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

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

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

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

31 All orders for support, when entered or modified, shall
32 include a provision requiring the non-custodial parent to
33 notify the court and, in cases in which a party is receiving
34 child and spouse support services under this Article X, the

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

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

29 Upon notification in writing or by electronic
30 transmission from the Illinois Department to the clerk of the
31 court that a person who is receiving support payments under
32 this Section is receiving services under the Child Support
33 Enforcement Program established by Title IV-D of the Social
34 Security Act, any support payments subsequently received by

1 the clerk of the court shall be transmitted in accordance
2 with the instructions of the Illinois Department until the
3 Illinois Department gives notice to the clerk of the court to
4 cease the transmittal. After providing the notification
5 authorized under this paragraph, the Illinois Department
6 shall be entitled as a party to notice of any further
7 proceedings in the case. The clerk of the court shall file a
8 copy of the Illinois Department's notification in the court
9 file. The clerk's failure to file a copy of the notification
10 in the court file shall not, however, affect the Illinois
11 Department's right to receive notice of further proceedings.

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

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

27 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
28 90-655, eff. 7-30-98; 90-673, eff. 1-1-99; 90-790, eff.
29 8-14-98; 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-357,
30 eff. 7-29-99; 91-767, eff. 6-9-00; revised 1-16-01.)

31 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)
32 Sec. 10-11. Administrative Orders. In lieu of actions
33 for court enforcement of support under Section 10-10, the

1 Child and Spouse Support Unit of the Illinois Department, in
2 accordance with the rules of the Illinois Department, may
3 issue an administrative order requiring the responsible
4 relative to comply with the terms of the determination and
5 notice of support due, determined and issued under Sections
6 10-6 and 10-7. The Unit may also enter an administrative
7 order under subsection (b) of Section 10-7. The
8 administrative order shall be served upon the responsible
9 relative by United States registered or certified mail. In
10 cases in which the responsible relative appeared at the
11 office of the Child and Spouse Support Unit in response to
12 the notice of support obligation issued under Section 10-4,
13 however, or in cases of default in which the notice was
14 served on the responsible relative by certified mail, return
15 receipt requested, or by any method provided by law for
16 service of summons, the administrative determination of
17 paternity or administrative support order may be sent to the
18 responsible relative by ordinary mail addressed to the
19 responsible relative's last known address.

20 If a responsible relative or a person receiving child and
21 spouse support services under this Article fails to petition
22 the Illinois Department for release from or modification of
23 the administrative order, as provided in Section 10-12 or
24 Section 10-12.1, the order shall become final and there shall
25 be no further administrative or judicial remedy. Likewise a
26 decision by the Illinois Department as a result of an
27 administrative hearing, as provided in Sections 10-13 to
28 10-13.10, shall become final and enforceable if not
29 judicially reviewed under the Administrative Review Law, as
30 provided in Section 10-14.

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

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

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

33 A one-time charge of 20% is imposable upon the amount of
34 past-due child support owed on July 1, 1988, which has

1 accrued under a support order entered by the Illinois
2 Department under this Section. The charge shall be imposed
3 in accordance with the provisions of Section 10-21 and shall
4 be enforced by the court in a suit filed under Section 10-15.

5 An order for support shall include a date on which the
6 support obligation terminates. The termination date shall be
7 no earlier than the date on which the child covered by the
8 order will attain the age of 18. However, if the child will
9 not graduate from high school until after attaining the age
10 of 18, then the termination date shall be no earlier than the
11 earlier of the date that the child's graduation will occur or
12 the date on which the child will attain the age of 19.

13 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
14 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.
15 7-20-99.)

16 Section 10. The Illinois Marriage and Dissolution of
17 Marriage Act is amended by changing Sections 505, 505.2, 510,
18 and 513 as follows:

19 (750 ILCS 5/505) (from Ch. 40, par. 505)
20 Sec. 505. Child support; contempt; penalties.

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

1 and necessary physical, mental and emotional health needs of
 2 the child. For purposes of this Section, the term "child"
 3 shall include any child under age 18 and any child under age
 4 19 who is still attending high school.

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

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

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

- 21 (a) the financial resources and needs of the
22 child;
- 23 (b) the financial resources and needs of the
24 custodial parent;
- 25 (c) the standard of living the child would
26 have enjoyed had the marriage not been dissolved;
- 27 (d) the physical and emotional condition of
28 the child, and his educational needs; and
- 29 (e) the financial resources and needs of the
30 non-custodial parent.

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

1 reasons for the variance from the guidelines.

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

4 (a) Federal income tax (properly calculated
5 withholding or estimated payments);

6 (b) State income tax (properly calculated
7 withholding or estimated payments);

8 (c) Social Security (FICA payments);

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

11 (e) Union dues;

12 (f) Dependent and individual
13 health/hospitalization insurance premiums;

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

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

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

1 amount of support to be ordered.

2 (4.5) In a proceeding for child support following
3 dissolution of the marriage by a court that lacked
4 personal jurisdiction over the absent spouse, and in
5 which the court is requiring payment of support for the
6 period before the date an order for current support is
7 entered, there is a rebuttable presumption that the
8 supporting party's net income for the prior period was
9 the same as his or her net income at the time the order
10 for current support is entered.

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

24 (6) If (i) the non-custodial parent was properly
25 served with a request for discovery of financial
26 information relating to the non-custodial parent's
27 ability to provide child support, (ii) the non-custodial
28 parent failed to comply with the request, despite having
29 been ordered to do so by the court, and (iii) the
30 non-custodial parent is not present at the hearing to
31 determine support despite having received proper notice,
32 then any relevant financial information concerning the
33 non-custodial parent's ability to provide child support
34 that was obtained pursuant to subpoena and proper notice

1 shall be admitted into evidence without the need to
2 establish any further foundation for its admission.

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

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

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

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

23 (A) work; or

24 (B) conduct a business or other self-employed
25 occupation.

26 The Court may further order any part or all of the
27 earnings of a parent during a sentence of periodic
28 imprisonment paid to the Clerk of the Circuit Court or to the
29 parent having custody or to the guardian having custody of
30 the ~~minor~~ children of the sentenced parent for the support of
31 said ~~minor~~ children until further order of the Court.

32 If there is a unity of interest and ownership sufficient
33 to render no financial separation between a non-custodial
34 parent and another person or persons or business entity, the

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

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

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

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

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

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

1 accordance with Section 7-702.1 of the Illinois Vehicle Code.
2 The clerk of the circuit court shall certify the order
3 suspending the driving privileges of the parent or granting
4 the issuance of a family financial responsibility driving
5 permit to the Secretary of State on forms prescribed by the
6 Secretary. Upon receipt of the authenticated documents, the
7 Secretary of State shall suspend the parent's driving
8 privileges until further order of the court and shall, if
9 ordered by the court, subject to the provisions of Section
10 7-702.1 of the Illinois Vehicle Code, issue a family
11 financial responsibility driving permit to the parent.

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

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

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

34 (d) Any new or existing support order entered by the

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

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

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

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

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

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

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

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

10 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

11 Sec. 505.2. Health insurance.

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

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

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

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

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

30 (b) Order.

31 (1) Whenever the court establishes, modifies or
32 enforces an order for child support or for child support
33 and maintenance the court shall include in the order a

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

16 (A) the medical needs of the child;

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

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

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

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

31 (c) Implementation and enforcement.

32 (1) When the court order requires that a ~~minor~~
33 child be named as a beneficiary of a health insurance
34 plan, other than a health insurance plan available

1 through an employer or labor union or trade union, the
2 obligor shall provide written proof to the obligee or
3 Public Office that the required insurance has been
4 obtained, or that application for insurability has been
5 made, within 30 days of receiving notice of the court
6 order. Unless the obligor was present in court when the
7 order was issued, notice of the order shall be given
8 pursuant to Illinois Supreme Court Rules. If an obligor
9 fails to provide the required proof, he may be held in
10 contempt of court.

11 (2) When the court requires that a ~~minor~~ child be
12 named as a beneficiary of a health insurance plan
13 available through an employer or labor union or trade
14 union, the court's order shall be implemented in
15 accordance with the Income Withholding for Support Act
16 ~~Section-706-1, -as-now-or-hereafter-amended.~~

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

1 (e) Authorization for payment. The signature of the
2 obligee is a valid authorization to the insurer to process a
3 claim for payment under the insurance plan to the provider of
4 the health care services or to the obligee.

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

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

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

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

30 (3) The employer may not eliminate any child from
31 the parent's health care coverage unless the employee is
32 no longer employed by the employer and no longer covered
33 under the employer's group health plan or unless the
34 employer is provided with satisfactory written evidence

1 of either of the following:

2 (A) The order for support is no longer in
3 effect.

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

9 The employer may eliminate a child from a parent's
10 health care plan obtained by the parent under such order
11 if the employer has eliminated dependent health care
12 coverage for all of its employees.

13 (Source: P.A. 89-183, eff. 1-1-96; 89-507, eff. 7-1-97;
14 89-626, eff. 8-9-96; 90-18, eff. 7-1-97; revised 3-9-00.)

15 (750 ILCS 5/510) (from Ch. 40, par. 510)

16 Sec. 510. Modification and termination of provisions for
17 maintenance, support, educational expenses, and property
18 disposition.

19 (a) Except as otherwise provided in paragraph (f) of
20 Section 502 and in subsection (d), clause (3) of Section
21 505.2, the provisions of any judgment respecting maintenance
22 or support may be modified only as to installments accruing
23 subsequent to due notice by the moving party of the filing of
24 the motion for modification and, with respect to maintenance,
25 only upon a showing of a substantial change in circumstances.
26 An order for child support may be modified as follows:

27 (1) upon a showing of a substantial change in
28 circumstances; and

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

31 (A) upon a showing of an inconsistency of at
32 least 20%, but no less than \$10 per month, between
33 the amount of the existing order and the amount of

1 child support that results from application of the
2 guidelines specified in Section 505 of this Act
3 unless the inconsistency is due to the fact that the
4 amount of the existing order resulted from a
5 deviation from the guideline amount and there has
6 not been a change in the circumstances that resulted
7 in that deviation; or

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

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

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

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

31 (d) Unless otherwise provided in this Act, or as agreed
32 in writing or expressly provided in the judgment, provisions
33 for the support of a child are terminated by emancipation of
34 the child before age 18, or by the later of the child

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

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

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

27 (750 ILCS 5/513) (from Ch. 40, par. 513)

28 Sec. 513. Support for Non-minor Children and Educational
29 Expenses.

30 (a) The court may award sums of money out of the
31 property and income of either or both parties or the estate
32 of a deceased parent, as equity may require, for the support
33 of the child or children of the parties who have attained

1 majority in the following instances:

2 (1) When the child is mentally or physically
3 disabled and not otherwise emancipated, an application
4 for support may be made before or after the child has
5 attained majority.

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

27 If educational expenses are ordered payable, each
28 parent and the child shall sign any consents necessary
29 for the educational institution to provide the supporting
30 parent with access to the child's academic transcripts,
31 records, and grade reports. The consents shall not apply
32 to any non-academic records. Failure to execute the
33 required consent may be a basis for a modification or
34 termination of any order entered under this Section.

1 The authority under this Section to make provision
 2 for educational expenses, except where the child is
 3 mentally or physically disabled and not otherwise
 4 emancipated, terminates when the child receives a
 5 baccalaureate degree.

6 (b) In making awards under paragraph (1) or (2) of
 7 subsection (a), or pursuant to a petition or motion to
 8 decrease, modify, or terminate any such award, the court
 9 shall consider all relevant factors that appear reasonable
 10 and necessary, including:

- 11 (1) The financial resources of both parents.
- 12 (2) The standard of living the child would have
 13 enjoyed had the marriage not been dissolved.
- 14 (3) The financial resources of the child.
- 15 (4) The child's academic performance.

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

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

19 (750 ILCS 16/15)

20 Sec. 15. Failure to support.

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

23 (1) willfully, without any lawful excuse, refuses
 24 to provide for the support or maintenance of his or her
 25 spouse, with the knowledge that the spouse is in need of
 26 such support or maintenance, or, without lawful excuse,
 27 deserts or willfully refuses to provide for the support
 28 or maintenance of his or her child or children ~~under the~~
 29 ~~age of 18 years~~₇, in need of support or maintenance and
 30 the person has the ability to provide the support; or

31 (2) willfully fails to pay a support obligation
 32 required under a court or administrative order for

1 support, if the obligation has remained unpaid for a
2 period longer than 6 months, or is in arrears in an
3 amount greater than \$5,000, and the person has the
4 ability to provide the support; or

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

11 (4) willfully fails to pay a support obligation
12 required under a court or administrative order for
13 support, if the obligation has remained unpaid for a
14 period longer than one year, or is in arrears in an
15 amount greater than \$20,000, and the person has the
16 ability to provide the support.

17 (a-5) Presumption of ability to pay support. The
18 existence of a court or administrative order of support that
19 was not based on a default judgment and was in effect for the
20 time period charged in the indictment or information creates
21 a rebuttable presumption that the obligor has the ability to
22 pay the support obligation for that time period.

23 (b) Sentence. A person convicted of a first offense
24 under subdivision (a)(1) or (a)(2) is guilty of a Class A
25 misdemeanor. A person convicted of an offense under
26 subdivision (a)(3) or (a)(4) or a second or subsequent
27 offense under subdivision (a)(1) or (a)(2) is guilty of a
28 Class 4 felony.

29 (c) Expungement. A person convicted of a first offense
30 under subdivision (a)(1) or (a)(2) who is eligible for the
31 Earnfare program, shall, in lieu of the sentence prescribed
32 in subsection (b), be referred to the Earnfare program. Upon
33 certification of completion of the Earnfare program, the
34 conviction shall be expunged. If the person fails to

1 successfully complete the Earnfare program, he or she shall
2 be sentenced in accordance with subsection (b).

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

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

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

18 (3) from \$10,000 to \$25,000 if the support
19 obligation has remained unpaid for a period longer than 8
20 years, or is in arrears in an amount greater than
21 \$20,000.

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

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

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

31 (750 ILCS 16/20)

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

33 (a) In a case in which no court or administrative order

1 for support is in effect against the defendant:

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

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

19 (b) The court shall determine the amount of child support
20 by using the guidelines and standards set forth in subsection
21 (a) of Section 505 and in Section 505.2 of the Illinois
22 Marriage and Dissolution of Marriage Act.

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

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

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

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

25 (f) An order for support entered under this Section shall
26 include a provision requiring the obligor to report to the
27 obligee and to the clerk of the court within 10 days each
28 time the obligor obtains new employment, and each time the
29 obligor's employment is terminated for any reason. The
30 report shall be in writing and shall, in the case of new
31 employment, include the name and address of the new employer.

32 Failure to report new employment or the termination of
33 current employment, if coupled with nonpayment of support for
34 a period in excess of 60 days, is indirect criminal contempt.

1 For any obligor arrested for failure to report new
2 employment, bond shall be set in the amount of the child
3 support that should have been paid during the period of
4 unreported employment.

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

12 (g) An order for support entered or modified in a case in
13 which a party is receiving child and spouse support services
14 under Article X of the Illinois Public Aid Code shall include
15 a provision requiring the noncustodial parent to notify the
16 Illinois Department of Public Aid, within 7 days, of the name
17 and address of any new employer of the noncustodial parent,
18 whether the noncustodial parent 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.

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

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

1 attaining the age of 18, then the termination date shall be
2 no earlier than the earlier of the date on which the child's
3 high school graduation will occur or the date on which the
4 child will attain the age of 19 majority-or-is-otherwise
5 emancipated. The order for support shall state that the
6 termination date does not apply to any arrearage that may
7 remain unpaid on that date. Nothing in this subsection shall
8 be construed to prevent the court from modifying the order.
9 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00.)

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

12 (750 ILCS 45/14) (from Ch. 40, par. 2514)

13 Sec. 14. Judgment.

14 (a) (1) The judgment shall contain or explicitly reserve
15 provisions concerning any duty and amount of child support
16 and may contain provisions concerning the custody and
17 guardianship of the child, visitation privileges with the
18 child, the furnishing of bond or other security for the
19 payment of the judgment, which the court shall determine in
20 accordance with the relevant factors set forth in the
21 Illinois Marriage and Dissolution of Marriage Act and any
22 other applicable law of Illinois, to guide the court in a
23 finding in the best interests of the child. In determining
24 custody, joint custody, or visitation, the court shall apply
25 the relevant standards of the Illinois Marriage and
26 Dissolution of Marriage Act. Specifically, in determining the
27 amount of any child support award, the court shall use the
28 guidelines and standards set forth in subsection (a) of
29 Section 505 and in Section 505.2 of the Illinois Marriage and
30 Dissolution of Marriage Act. For purposes of Section 505 of
31 the Illinois Marriage and Dissolution of Marriage Act, "net
32 income" of the non-custodial parent shall include any

1 benefits available to that person under the Illinois Public
2 Aid Code or from other federal, State or local
3 government-funded programs. The court shall, in any event
4 and regardless of the amount of the non-custodial parent's
5 net income, in its judgment order the non-custodial parent to
6 pay child support to the custodial parent in a minimum amount
7 of not less than \$10 per month. In an action brought within 2
8 years after a child's birth, the judgment or order may direct
9 either parent to pay the reasonable expenses incurred by
10 either parent related to the mother's pregnancy and the
11 delivery of the child. The judgment or order shall contain
12 the father's social security number, which the father shall
13 disclose to the court; however, failure to include the
14 father's social security number on the judgment or order does
15 not invalidate the judgment or order.

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

25 (b) The court shall order all child support payments,
26 determined in accordance with such guidelines, to commence
27 with the date summons is served. The level of current
28 periodic support payments shall not be reduced because of
29 payments set for the period prior to the date of entry of the
30 support order. The Court may order any child support
31 payments to be made for a period prior to the commencement of
32 the action. In determining whether and the extent to which
33 the payments shall be made for any prior period, the court
34 shall consider all relevant facts, including the factors for

1 determining the amount of support specified in the Illinois
2 Marriage and Dissolution of Marriage Act and other equitable
3 factors including but not limited to:

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

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

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

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

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

16 For purposes of determining the amount of child support
17 to be paid for any period before the date the order for
18 current child support is entered, there is a rebuttable
19 presumption that the father's net income for the prior period
20 was the same as his net income at the time the order for
21 current child support is entered.

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

34 (c) Any new or existing support order entered by the

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

13 (d) If the judgment or order of the court is at variance
14 with the child's birth certificate, the court shall order
15 that a new birth certificate be issued under the Vital
16 Records Act.

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

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

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

34 (h) All orders for support, when entered or modified,

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

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

33 (j) An order entered under this Section shall include a
34 provision requiring the obligor to report to the obligee and

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

19 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
20 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)".