

1 AN ACT in relation to child support.

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

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

6 (305 ILCS 5/10-8.1)

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

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

1 parent.

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

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

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

31 If there is an unpaid arrearage or delinquency (as those
32 terms are defined in the Income Withholding for Support Act)
33 equal to at least one month's support obligation on the
34 termination date stated in the order for support or, if there

1 is no termination date stated in the order, on the date the
2 child attains the age of majority or is otherwise
3 emancipated, then the periodic amount required to be paid for
4 current support of the child immediately before that date
5 shall automatically continue to be an obligation, not as
6 current support but as periodic payments toward satisfaction
7 of the unpaid arrearage or delinquency. These periodic
8 payments shall be in addition to any periodic payment
9 previously required for satisfaction of the arrearage or
10 delinquency. The total periodic amount to be paid toward
11 satisfaction of the arrearage or delinquency may be enforced
12 and collected by any method provided by law for enforcement
13 and collection of child support, including, but not limited
14 to, income withholding under the Income Withholding for
15 Support Act. Each order for support entered or modified on or
16 after the effective date of this amendatory Act of the 92nd
17 General Assembly shall contain a statement notifying the
18 parties of the requirements of this paragraph. Failure to
19 include the statement in the order for support does not
20 affect the validity of the order or the operation of the
21 provisions of this paragraph with regard to the order. This
22 paragraph shall not be construed to prevent or affect the
23 establishment or modification of an order for support of a
24 minor child or the establishment or modification of an order
25 for support of a non-minor child or for educational expenses
26 under Section 513 of the Illinois Marriage and Dissolution of
27 Marriage Act.

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 Training Partnership
25 Act provider for participation in job search, training or
26 work programs and where the duty of support is owed to a
27 child receiving support services under this Article X, the
28 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 majority or is otherwise
10 emancipated. The order for support shall state that the
11 termination date does not apply to any arrearage that may
12 remain unpaid on that date. Nothing in this paragraph shall
13 be construed to prevent the court from modifying the order.

14 If there is an unpaid arrearage or delinquency (as those
15 terms are defined in the Income Withholding for Support Act)
16 equal to at least one month's support obligation on the
17 termination date stated in the order for support or, if there
18 is no termination date stated in the order, on the date the
19 child attains the age of majority or is otherwise
20 emancipated, then the periodic amount required to be paid for
21 current support of the child immediately before that date
22 shall automatically continue to be an obligation, not as
23 current support but as periodic payments toward satisfaction
24 of the unpaid arrearage or delinquency. These periodic
25 payments shall be in addition to any periodic payment
26 previously required for satisfaction of the arrearage or
27 delinquency. The total periodic amount to be paid toward
28 satisfaction of the arrearage or delinquency may be enforced
29 and collected by any method provided by law for enforcement
30 and collection of child support, including, but not limited
31 to, income withholding under the Income Withholding for
32 Support Act. Each order for support entered or modified on or
33 after the effective date of this amendatory Act of the 92nd
34 General Assembly shall contain a statement notifying the

1 parties of the requirements of this paragraph. Failure to
2 include the statement in the order for support does not
3 affect the validity of the order or the operation of the
4 provisions of this paragraph with regard to the order. This
5 paragraph shall not be construed to prevent or affect the
6 establishment or modification of an order for support of a
7 minor child or the establishment or modification of an order
8 for support of a non-minor child or for educational expenses
9 under Section 513 of the Illinois Marriage and Dissolution of
10 Marriage Act.

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

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

1 Sections 12-9.1 and 12-10.2 of this Code. Payments received
2 by a local governmental unit shall be deposited in that
3 unit's General Assistance Fund.

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

9 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
10 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
11 6-28-01.)

12 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

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

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

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 such judgment to
17 be 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 An order for support shall include a date on which the
29 current support obligation terminates. The termination date
30 shall be no earlier than the date on which the child covered
31 by the order will attain the age of majority or 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 paragraph shall

1 be construed to prevent the Department of Public Aid from
2 modifying the order.

3 If there is an unpaid arrearage or delinquency (as those
4 terms are defined in the Income Withholding for Support Act)
5 equal to at least one month's support obligation on the
6 termination date stated in the order for support or, if there
7 is no termination date stated in the order, on the date the
8 child attains the age of majority or is otherwise
9 emancipated, then the periodic amount required to be paid for
10 current support of the child immediately before that date
11 shall automatically continue to be an obligation, not as
12 current support but as periodic payments toward satisfaction
13 of the unpaid arrearage or delinquency. These periodic
14 payments shall be in addition to any periodic payment
15 previously required for satisfaction of the arrearage or
16 delinquency. The total periodic amount to be paid toward
17 satisfaction of the arrearage or delinquency may be enforced
18 and collected by any method provided by law for enforcement
19 and collection of child support, including, but not limited
20 to, income withholding under the Income Withholding for
21 Support Act. Each order for support entered or modified on or
22 after the effective date of this amendatory Act of the 92nd
23 General Assembly shall contain a statement notifying the
24 parties of the requirements of this paragraph. Failure to
25 include the statement in the order for support does not
26 affect the validity of the order or the operation of the
27 provisions of this paragraph with regard to the order. This
28 paragraph shall not be construed to prevent or affect the
29 establishment or modification of an order for support of a
30 minor child or the establishment or modification of an order
31 for support of a non-minor child or for educational expenses
32 under Section 513 of the Illinois Marriage and Dissolution of
33 Marriage Act.

34 An--order--entered--under--this--Section--shall--include--a

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

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

29 Section 10. The Code of Civil Procedure is amended by
 30 changing Section 2-202 as follows:

31 (735 ILCS 5/2-202) (from Ch. 110, par. 2-202)
 32 Sec. 2-202. Persons authorized to serve process; Place of

1 service; Failure to make return.

2 (a) Process shall be served by a sheriff, or if the
3 sheriff is disqualified, by a coroner of some county of the
4 State. A sheriff of a county with a population of less than
5 1,000,000 may employ civilian personnel to serve process. In
6 counties with a population of less than 1,000,000, and in
7 counties with a population of 1,000,000 or more when process
8 is to be served in a case in which a party is receiving child
9 support enforcement services under Article X of the Illinois
10 Public Aid Code, process may be served, without special
11 appointment, by a person who is licensed or registered as a
12 private detective under the Private Detective, Private Alarm,
13 Private Security, and Locksmith Act of 1993 or by a
14 registered employee of a private detective agency certified
15 under that Act. A private detective or licensed employee
16 must supply the sheriff of any county in which he serves
17 process with a copy of his license or certificate; however,
18 the failure of a person to supply the copy shall not in any
19 way impair the validity of process served by the person. The
20 court may, in its discretion upon motion, order service to be
21 made by a private person over 18 years of age and not a party
22 to the action. It is not necessary that service be made by a
23 sheriff or coroner of the county in which service is made. If
24 served or sought to be served by a sheriff or coroner, he or
25 she shall endorse his or her return thereon, and if by a
26 private person the return shall be by affidavit.

27 (a-5) Upon motion and in its discretion, the court may
28 appoint as a special process server a private detective
29 agency certified under the Private Detective, Private Alarm,
30 Private Security, and Locksmith Act of 1993. Under the
31 appointment, any employee of the private detective agency who
32 is registered under that Act may serve the process. The
33 motion and the order of appointment must contain the number
34 of the certificate issued to the private detective agency by

1 the Department of Professional Regulation under the Private
2 Detective, Private Alarm, Private Security, and Locksmith Act
3 of 1993.

4 (b) Summons may be served upon the defendants wherever
5 they may be found in the State, by any person authorized to
6 serve process. An officer may serve summons in his or her
7 official capacity outside his or her county, but fees for
8 mileage outside the county of the officer cannot be taxed as
9 costs. The person serving the process in a foreign county may
10 make return by mail.

11 (c) If any sheriff, coroner, or other person to whom any
12 process is delivered, neglects or refuses to make return of
13 the same, the plaintiff may petition the court to enter a
14 rule requiring the sheriff, coroner, or other person, to make
15 return of the process on a day to be fixed by the court, or
16 to show cause on that day why that person should not be
17 attached for contempt of the court. The plaintiff shall then
18 cause a written notice of the rule to be served on the
19 sheriff, coroner, or other person. If good and sufficient
20 cause be not shown to excuse the officer or other person, the
21 court shall adjudge him or her guilty of a contempt, and
22 shall impose punishment as in other cases of contempt.

23 (d) If process is served by a sheriff or coroner, the
24 court may tax the fee of the sheriff or coroner as costs in
25 the proceeding. If process is served by a private person or
26 entity, the court may establish a fee therefor and tax such
27 fee as costs in the proceedings.

28 (e) In addition to the powers stated in Section 8.1a of
29 the Housing Authorities Act, in counties with a population of
30 3,000,000 or more inhabitants, members of a housing authority
31 police force may serve process for forcible entry and
32 detainer actions commenced by that housing authority and may
33 execute orders of possession for that housing authority.

34 (f) In counties with a population of 3,000,000 or more,

1 process may be served, with special appointment by the court,
 2 by a private process server or a law enforcement agency other
 3 than the county sheriff in proceedings instituted under the
 4 Forcible Entry and Detainer Article of this Code as a result
 5 of a lessor or lessor's assignee declaring a lease void
 6 pursuant to Section 11 of the Controlled Substance and
 7 Cannabis Nuisance Act.

8 (Source: P.A. 90-557, eff. 6-1-98; 91-95, eff. 7-9-99.)

9 Section 15. The Illinois Marriage and Dissolution of
 10 Marriage Act is amended by changing Section 505 as follows:

11 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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 last
33 known address may be determined from records of the clerk of
34 the court, from the Federal Case Registry of Child Support

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

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

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

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

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

21 (f) All orders for support, when entered or modified,
22 shall include a provision requiring the obligor to notify the
23 court and, in cases in which a party is receiving child and
24 spouse services under Article X of the Illinois Public Aid
25 Code, the Illinois Department of Public Aid, within 7 days,
26 (i) of the name and address of any new employer of the
27 obligor, (ii) whether the obligor has access to health
28 insurance coverage through the employer or other group
29 coverage and, if so, the policy name and number and the names
30 of persons covered under the policy, 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 Act, which
5 service shall be sufficient for purposes of due process.

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

14 (g-5) If there is an unpaid arrearage or delinquency (as
15 those terms are defined in the Income Withholding for Support
16 Act) equal to at least one month's support obligation on the
17 termination date stated in the order for support or, if there
18 is no termination date stated in the order, on the date the
19 child attains the age of majority or is otherwise
20 emancipated, then the periodic amount required to be paid for
21 current support of the child immediately before that date
22 shall automatically continue to be an obligation, not as
23 current support but as periodic payments toward satisfaction
24 of the unpaid arrearage or delinquency. These periodic
25 payments shall be in addition to any periodic payment
26 previously required for satisfaction of the arrearage or
27 delinquency. The total periodic amount to be paid toward
28 satisfaction of the arrearage or delinquency may be enforced
29 and collected by any method provided by law for enforcement
30 and collection of child support, including, but not limited
31 to, income withholding under the Income Withholding for
32 Support Act. Each order for support entered or modified on or
33 after the effective date of this amendatory Act of the 92nd
34 General Assembly shall contain a statement notifying the

1 parties of the requirements of this paragraph. Failure to
2 include the statement in the order for support does not
3 affect the validity of the order or the operation of the
4 provisions of this paragraph with regard to the order. This
5 paragraph shall not be construed to prevent or affect the
6 establishment or modification of an order for support of a
7 minor child or the establishment or modification of an order
8 for support of a non-minor child or for educational expenses
9 under Section 513 of the Illinois Marriage and Dissolution of
10 Marriage Act.

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

31 (i) The court does not lose the powers of contempt,
32 driver's license suspension, or other child support
33 enforcement mechanisms, including, but not limited to,
34 criminal prosecution as set forth in this Act, upon the

1 emancipation of the minor child or children.
2 (Source: P.A. 91-113, eff. 7-15-99; 91-397, eff. 1-1-00;
3 91-655, eff. 6-1-00; 91-767, eff. 6-9-00; 92-16, eff.
4 6-28-01; 92-203, eff. 8-1-01; 92-374, eff. 8-15-01; revised
5 10-15-01.)

6 Section 20. The Non-Support Punishment Act is amended by
7 changing Section 20 as follows:

8 (750 ILCS 16/20)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (i-5) If there is an unpaid arrearage or delinquency (as
18 those terms are defined in the Income Withholding for Support
19 Act) equal to at least one month's support obligation on the
20 termination date stated in the order for support or, if there
21 is no termination date stated in the order, on the date the
22 child attains the age of majority or is otherwise
23 emancipated, then the periodic amount required to be paid for
24 current support of the child immediately before that date
25 shall automatically continue to be an obligation, not as
26 current support but as periodic payments toward satisfaction
27 of the unpaid arrearage or delinquency. These periodic
28 payments shall be in addition to any periodic payment
29 previously required for satisfaction of the arrearage or
30 delinquency. The total periodic amount to be paid toward
31 satisfaction of the arrearage or delinquency may be enforced
32 and collected by any method provided by law for enforcement
33 and collection of child support, including, but not limited
34 to, income withholding under the Income Withholding for

1 Support Act. Each order for support entered or modified on or
2 after the effective date of this amendatory Act of the 92nd
3 General Assembly shall contain a statement notifying the
4 parties of the requirements of this paragraph. Failure to
5 include the statement in the order for support does not
6 affect the validity of the order or the operation of the
7 provisions of this paragraph with regard to the order. This
8 paragraph shall not be construed to prevent or affect the
9 establishment or modification of an order for support of a
10 minor child or the establishment or modification of an order
11 for support of a non-minor child or for educational expenses
12 under Section 513 of the Illinois Marriage and Dissolution of
13 Marriage Act.

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

26 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00;
27 92-374, eff. 8-15-01.)

28 Section 25. The Income Withholding for Support Act is
29 amended by adding Section 32 as follows:

30 (750 ILCS 28/32 new)

31 Sec. 32. Income withholding for unpaid arrearage or
32 delinquency after current support obligation terminates.

1 (a) When current support terminates on the date stated
2 in the order for support, or terminates because the child
3 attains the age of majority or is otherwise emancipated, and
4 the amount previously required to be paid for current support
5 of the child automatically continues as an obligation for
6 periodic payments toward satisfaction of the unpaid arrearage
7 or delinquency as provided by law, the obligee or public
8 office may prepare and serve on the obligor's payor an income
9 withholding notice that does all of the following:

10 (1) Contains the information required under
11 subsection (c) of Section 20.

12 (2) Contains the total amount of the unpaid
13 arrears or delinquency as of the date of the notice.

14 (3) Directs the payor to withhold, as a periodic
15 payment toward satisfaction of the unpaid arrearage or
16 delinquency, the total of the following:

17 (A) The periodic amount required to be paid as
18 current support immediately before the date the
19 current support obligation terminated under the
20 order or by the child becoming emancipated by age or
21 otherwise.

22 (B) Any periodic amount previously required
23 for satisfaction of the arrearage or delinquency.

24 (b) The income withholding notice and the obligor's copy
25 of the income withholding notice shall be served as provided
26 in subsection (g) of Section 20.

27 (c) The obligor may contest withholding commenced under
28 this Section by filing a petition to contest withholding with
29 the clerk of the circuit court within 20 days after service
30 of a copy of the income withholding notice on the obligor.
31 The grounds for the petition to contest withholding are
32 limited to the following:

33 (1) A dispute concerning the existence or amount of
34 the unpaid arrearage or delinquency.

1 (2) The accuracy of the periodic amount required to
 2 be withheld for payments of the unpaid arrearage or
 3 delinquency under the income withholding notice.

4 (3) The identity of the obligor.

5 The clerk of the circuit court shall notify the obligor
 6 and the obligee or public office of the time and place of the
 7 hearing on the petition to contest withholding. The court
 8 shall hold the hearing as provided in Section 40.

9 Section 30. The Illinois Parentage Act of 1984 is
 10 amended by changing Sections 13.1 and 14 as follows:

11 (750 ILCS 45/13.1)

12 Sec. 13.1. Temporary order for child support.
 13 Notwithstanding any other law to the contrary, pending the
 14 outcome of a judicial determination of parentage, the court
 15 shall issue a temporary order for child support, upon motion
 16 by a party and a showing of clear and convincing evidence of
 17 paternity. In determining the amount of the temporary child
 18 support award, the court shall use the guidelines and
 19 standards set forth in subsection (a) of Section 505 and in
 20 Section 505.2 of the Illinois Marriage and Dissolution of
 21 Marriage Act.

22 Any new or existing support order entered by the court
 23 under this Section shall be deemed to be a series of
 24 judgments against the person obligated to pay support
 25 thereunder, each such judgment to be in the amount of each
 26 payment or installment of support and each judgment to be
 27 deemed entered as of the date the corresponding payment or
 28 installment becomes due under the terms of the support order.
 29 Each such judgment shall have the full force, effect, and
 30 attributes of any other judgment of this State, including the
 31 ability to be enforced. Any such judgment is subject to
 32 modification or termination only in accordance with Section

1 510 of the Illinois Marriage and Dissolution of Marriage Act.
2 A lien arises by operation of law against the real and
3 personal property of the noncustodial parent for each
4 installment of overdue support owed by the noncustodial
5 parent.

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

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

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

1 If there is an unpaid arrearage or delinquency (as those
2 terms are defined in the Income Withholding for Support Act)
3 equal to at least one month's support obligation on the
4 termination date stated in the order for support or, if there
5 is no termination date stated in the order, on the date the
6 child attains the age of majority or is otherwise
7 emancipated, then the periodic amount required to be paid for
8 current support of the child immediately before that date
9 shall automatically continue to be an obligation, not as
10 current support but as periodic payments toward satisfaction
11 of the unpaid arrearage or delinquency. These periodic
12 payments shall be in addition to any periodic payment
13 previously required for satisfaction of the arrearage or
14 delinquency. The total periodic amount to be paid toward
15 satisfaction of the arrearage or delinquency may be enforced
16 and collected by any method provided by law for enforcement
17 and collection of child support, including, but not limited
18 to, income withholding under the Income Withholding for
19 Support Act. Each order for support entered or modified on or
20 after the effective date of this amendatory Act of the 92nd
21 General Assembly shall contain a statement notifying the
22 parties of the requirements of this paragraph. Failure to
23 include the statement in the order for support does not
24 affect the validity of the order or the operation of the
25 provisions of this paragraph with regard to the order. This
26 paragraph shall not be construed to prevent or affect the
27 establishment or modification of an order for support of a
28 minor child or the establishment or modification of an order
29 for support of a non-minor child or for educational expenses
30 under Section 513 of the Illinois Marriage and Dissolution of
31 Marriage Act.

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

33 (750 ILCS 45/14) (from Ch. 40, par. 2514)

1 Sec. 14. Judgment.

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

1 not invalidate the judgment or order.

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

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

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

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

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

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

34 (5) The extent to which the father would be

1 prejudiced by the delay in bringing the action.

2 For purposes of determining the amount of child support
3 to be paid for any period before the date the order for
4 current child support is entered, there is a rebuttable
5 presumption that the father's net income for the prior period
6 was the same as his net income at the time the order for
7 current child support is entered.

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

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

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

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

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

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

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

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

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

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

15 (i-5) If there is an unpaid arrearage or delinquency (as
16 those terms are defined in the Income Withholding for Support
17 Act) equal to at least one month's support obligation on the
18 termination date stated in the order for support or, if there
19 is no termination date stated in the order, on the date the
20 child attains the age of majority or is otherwise
21 emancipated, then the periodic amount required to be paid for
22 current support of the child immediately before that date
23 shall automatically continue to be an obligation, not as
24 current support but as periodic payments toward satisfaction
25 of the unpaid arrearage or delinquency. These periodic
26 payments shall be in addition to any periodic payment
27 previously required for satisfaction of the arrearage or
28 delinquency. The total periodic amount to be paid toward
29 satisfaction of the arrearage or delinquency may be enforced
30 and collected by any method provided by law for enforcement
31 and collection of child support, including, but not limited
32 to, income withholding under the Income Withholding for
33 Support Act. Each order for support entered or modified on or
34 after the effective date of this amendatory Act of the 92nd

1 General Assembly shall contain a statement notifying the
2 parties of the requirements of this paragraph. Failure to
3 include the statement in the order for support does not
4 affect the validity of the order or the operation of the
5 provisions of this paragraph with regard to the order. This
6 paragraph shall not be construed to prevent or affect the
7 establishment or modification of an order for support of a
8 minor child or the establishment or modification of an order
9 for support of a non-minor child or for educational expenses
10 under Section 513 of the Illinois Marriage and Dissolution of
11 Marriage Act.

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

32 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
33 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

1 Section 99. Effective date. This Act takes effect on
2 July 1, 2002, except that Sections 5, 15, 20, 25, and 30 take
3 effect on January 1, 2003.