

1 AN ACT in relation to support.

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

4 Section 5. The Uniform Interstate Family Support Act is
5 amended by renumbering Sections 100, 102, 903, 904, and 905;
6 by changing and renumbering Sections 101 and 103; by changing
7 Sections 201, 202, 204, 205, 206, 207, 208, 209, 301, 302,
8 303, 304, 305, 306, 307, 308, 310, 311, 312, 314, 316, 317,
9 319, 401, 501, 502, 503, 506, 507, 601, 602, 604, 605, 607,
10 610, 611, 612, 701, 801, 802, and 901; by adding Sections
11 210, 211, and 615; by changing the headings of Article 2,
12 Part 1, Article 2, Part 2, and Article 2, Part 3; and by
13 changing the heading of Article 6 as follows:

14 (750 ILCS 22/101) (was 750 ILCS 22/100)

15 Sec. 101. ~~100.~~ Short title. This Act may be cited as
16 the Uniform Interstate Family Support Act.

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

19 (750 ILCS 22/102) (was 750 ILCS 22/101)

20 Sec. 102. ~~101.~~ Definitions. In this Act:

21 "Child" means an individual, whether over or under the
22 age of 18, who is or is alleged to be owed a duty of support
23 by the individual's parent or who is or is alleged to be the
24 beneficiary of a support order directed to the parent.

25 "Child-support order" means a support order for a child,
26 including a child who has attained the age of 18.

27 "Duty of support" means an obligation imposed or
28 imposable by law to provide support for a child, spouse, or
29 former spouse including an unsatisfied obligation to provide
30 support.

1 "Home state" means the state in which a child lived with
2 a parent or a person acting as parent for at least 6
3 consecutive months immediately preceding the time of filing
4 of a petition or comparable pleading for support, and if a
5 child is less than 6 months old, the state in which the child
6 lived from birth with any of them. A period of temporary
7 absence of any of them is counted as part of the 6-month or
8 other period.

9 "Income" includes earnings or other periodic entitlements
10 to money from any source and any other property subject to
11 withholding for support under the law of this State.

12 "Income-withholding order" means an order or other legal
13 process directed to an obligor's employer or other debtor, as
14 defined by the Illinois Marriage and Dissolution of Marriage
15 Act, the Non-Support of Spouse and Children Act, the
16 Non-Support Punishment Act, the Illinois Public Aid Code, and
17 the Illinois Parentage Act of 1984, to withhold support from
18 the income of the obligor.

19 "Initiating state" means a state from which a proceeding
20 is forwarded or in which a proceeding is filed for forwarding
21 to a responding state under this Act or a law or procedure
22 substantially similar to this Act.

23 "Initiating tribunal" means the authorized tribunal in an
24 initiating state.

25 "Issuing state" means the state in which a tribunal
26 issues a support order or renders a judgment determining
27 parentage.

28 "Issuing tribunal" means the tribunal that issues a
29 support order or renders a judgment determining parentage.

30 "Obligee" means:

31 (A) ~~(i)~~ an individual to whom a duty of support is
32 or is alleged to be owed or in whose favor a support
33 order has been issued or a judgment determining
34 parentage has been rendered;

1 (B) ~~(iii)~~ a state or political subdivision to which
2 the rights under a duty of support or support order have
3 been assigned or which has independent claims based on
4 financial assistance provided to an individual obligee;
5 or

6 (C) ~~(iii)~~ an individual seeking a judgment
7 determining parentage of the individual's child.

8 "Obligor" means an individual, or the estate of a
9 decedent:

10 (i) who owes or is alleged to owe a duty of
11 support;

12 (ii) who is alleged but has not been
13 adjudicated to be a parent of a child; or

14 (iii) who is liable under a support order.

15 "Person means an individual, corporation, business trust,
16 estate, trust, partnership, limited liability company,
17 association, joint venture, government, governmental
18 subdivision, agency, instrumentality, public corporation, or
19 any other legal or commercial entity.

20 "Record" means information that is inscribed on a
21 tangible medium or that is stored in an electronic or other
22 medium and is retrievable in perceivable form.

23 "Register" means to record a support order or judgment
24 determining parentage in the appropriate Registry of Foreign
25 Support Orders.

26 "Registering tribunal" means a tribunal in which a
27 support order is registered.

28 "Responding state" means a state in which a proceeding is
29 filed or to which a proceeding is forwarded for filing from
30 an initiating state under this Act or a law or procedure
31 substantially similar to this Act.

32 "Responding tribunal" means the authorized tribunal in a
33 responding state.

34 "Spousal-support order" means a support order for a

1 spouse or former spouse of the obligor.

2 "State" means a state of the United States, the District
3 of Columbia, Puerto Rico, the United States Virgin Islands,
4 or any territory or insular possession subject to the
5 jurisdiction of the United States. The term includes:

6 (A) (i) an Indian tribe; and

7 (B) (ii) a foreign country or political subdivision
8 jurisdiction that:

9 (i) has been declared to be a foreign
10 reciprocating country or political subdivision under
11 federal law;

12 (ii) has established a reciprocal arrangement
13 for child support with this State as provided in
14 Section 308; or

15 (iii) has enacted a law or established
16 procedures for issuance and enforcement of support
17 orders which are substantially similar to the
18 procedures under this Act, ~~the Uniform Reciprocal~~
19 ~~Enforcement of Support Act, or the Revised Uniform~~
20 ~~Reciprocal Enforcement of Support Act.~~

21 "Support enforcement agency" means a public official or
22 agency authorized to seek:

23 (A) (1) enforcement of support orders or laws
24 relating to the duty of support;

25 (B) (2) establishment or modification of child
26 support;

27 (C) (3) determination of parentage; or

28 (D) (4) to locate obligors or their assets; or

29 (E) determination of the controlling child support
30 order.

31 "Support order" means a judgment, decree, or order, or
32 directive, whether temporary, final, or subject to
33 modification, issued by a tribunal for the benefit of a
34 child, a spouse, or a former spouse, which provides for

1 monetary support, health care, arrearages, or reimbursement,
2 and may include related costs and fees, interest, income
3 withholding, attorney's fees, and other relief.

4 "Tribunal" means a court, administrative agency, or
5 quasi-judicial entity authorized to establish, enforce, or
6 modify support orders or to determine parentage.

7 (Source: P.A. 90-240, eff. 7-28-97; 91-613, eff. 10-1-99.)

8 (750 ILCS 22/103) (was 750 ILCS 22/102)

9 Sec. 103. ~~102.~~ Tribunal of State. The circuit court is a
10 tribunal of this State. The Illinois Department of Public Aid
11 is an initiating tribunal. The Illinois Department of Public
12 Aid is also a responding tribunal of this State to the extent
13 that it can administratively establish paternity and
14 establish, modify, and enforce an administrative
15 child-support order under authority of Article X of the
16 Illinois Public Aid Code.

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

18 (750 ILCS 22/104) (was 750 ILCS 22/103)

19 Sec. 104. ~~103.~~ Remedies cumulative.

20 (a) Remedies provided by this Act are cumulative and do
21 not affect the availability of remedies under other law,
22 including the recognition of a support order of a foreign
23 country or political subdivision on the basis of comity.

24 (b) This Act does not:

25 (1) provide the exclusive method of establishing or
26 enforcing a support order under the law of this State; or

27 (2) grant a tribunal of this State jurisdiction to
28 render judgment or issue an order relating to child
29 custody or visitation in a proceeding under this Act.

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

1 (750 ILCS 22/Art. 2, Part 1, heading)

2 PART-1--EXTENDED-PERSONAL-JURISDICTION

3 (750 ILCS 22/201)

4 Sec. 201. Bases for jurisdiction over nonresident.

5 (a) In a proceeding to establish or, enforce, ~~or~~ modify
6 a support order or to determine parentage, a tribunal of this
7 State may exercise personal jurisdiction over a nonresident
8 individual or the individual's guardian or conservator if:

9 (1) the individual is personally served with notice
10 within this State;

11 (2) the individual submits to the jurisdiction of this
12 State by consent, by entering a general appearance, or by
13 filing a responsive document having the effect of waiving any
14 contest to personal jurisdiction;

15 (3) the individual resided with the child in this State;

16 (4) the individual resided in this State and provided
17 prenatal expenses or support for the child;

18 (5) the child resides in this State as a result of the
19 acts or directives of the individual;

20 (6) the individual engaged in sexual intercourse in this
21 State and the child may have been conceived by that act of
22 intercourse;

23 (7) (Blank); or

24 (8) there is any other basis consistent with the
25 constitutions of this State and the United States for the
26 exercise of personal jurisdiction.

27 (b) The bases of personal jurisdiction set forth in
28 subsection (a) or in any other law of this State may not be
29 used to acquire personal jurisdiction for a tribunal of the
30 State to modify a child support order of another state unless
31 the requirements of Section 611 or 615 are met.

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

(750 ILCS 22/202)

Sec. 202. Duration of personal jurisdiction. Personal jurisdiction acquired by a tribunal of this State in a proceeding under this Act or other law of this State relating to a support order continues as long as a tribunal of this State has continuing, exclusive jurisdiction to modify its order or continuing jurisdiction to enforce its order as provided by Sections 205, 206, and 211.

~~Procedure when exercising jurisdiction over nonresident. A tribunal of this State exercising personal jurisdiction over a nonresident under Section 201 may apply Section 316 to receive evidence from another state, and Section 318 to obtain discovery through a tribunal of another state. In all other respects, Articles 3 through 7 do not apply and the tribunal shall apply the procedural and substantive law of this State, including the rules on choice of law other than those established by this Act.~~

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

(750 ILCS 22/Art. 2, Part 2 heading)

~~PART 2. PROCEEDINGS INVOLVING TWO OR MORE STATES~~

(750 ILCS 22/204)

Sec. 204. Simultaneous proceedings in another state.

(a) A tribunal of this State may exercise jurisdiction to establish a support order if the petition is filed after a petition or comparable pleading is filed in another state only if:

(1) the petition in this State is filed before the expiration of the time allowed in the other state for filing a responsive pleading challenging the exercise of jurisdiction by the other state;

(2) the contesting party timely challenges the

1 exercise of jurisdiction in the other state; and

2 (3) if relevant, this State is the home state of
3 the child.

4 (b) A tribunal of this State may not exercise
5 jurisdiction to establish a support order if the petition is
6 filed before a petition or comparable pleading is filed in
7 another state if:

8 (1) the petition or comparable pleading in the
9 other state is filed before the expiration of the time
10 allowed in this State for filing a responsive pleading
11 challenging the exercise of jurisdiction by this State;

12 (2) the contesting party timely challenges the
13 exercise of jurisdiction in this State; and

14 (3) if relevant, the other state is the home state
15 of the child.

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

18 (750 ILCS 22/205)

19 Sec. 205. Continuing, exclusive jurisdiction to modify
20 child-support order.

21 (a) A tribunal of this State that has issued issuing a
22 support order consistent with the law of this State has and
23 shall exercise continuing, exclusive jurisdiction to modify
24 its ~~ever---~~ a child-support order if the order is the
25 controlling order and:

26 (1) at the time of the filing of a request for
27 modification ~~as--long--~~ as this State is remains the
28 residence of the obligor, the individual obligee, or the
29 child for whose benefit the support order is issued; or

30 (2) even if this State is not the residence of the
31 obligor, the individual obligee, or the child for whose
32 benefit the support order is issued, the parties consent
33 in a record or in open court that the tribunal of this

1 State may continue to exercise the jurisdiction to modify
 2 its order until all of the parties who are individuals
 3 have filed written consents with the tribunal of this
 4 State for a tribunal of another state to modify the order
 5 and assume continuing, exclusive jurisdiction.

6 (b) A tribunal of this State that has issued issuing a
 7 child-support order consistent with the law of this State may
 8 not exercise its continuing exclusive jurisdiction to modify
 9 the order if:

10 (1) all of the parties who are individuals file
 11 consent in a record with the tribunal of this State that
 12 a tribunal of another state that has jurisdiction over at
 13 least one of the parties who is an individual or that is
 14 located in the state of residence of the child may modify
 15 the order and assume continuing, exclusive jurisdiction;
 16 or

17 (2) its order is not the controlling order the
 18 order has been modified by a tribunal of another state
 19 pursuant to a law substantially similar to this Act.

20 (c) If a child-support order of this State is modified
 21 by a tribunal of another state pursuant to a law
 22 substantially similar to this Act, a tribunal of this State
 23 loses its continuing, exclusive jurisdiction with regard to
 24 prospective enforcement of the order issued in this State,
 25 and may only:

26 (1) enforce the order that was modified as to
 27 amounts accruing before the modification;

28 (2) enforce nonmodifiable aspects of that order;
 29 and

30 (3) provide other appropriate relief for violations
 31 of that order which occurred before the effective date of
 32 the modification.

33 (d) A tribunal of this State shall recognize the
 34 continuing, exclusive jurisdiction of a tribunal of another

1 state which has issued a child-support order pursuant to the
 2 Uniform Interstate Family Support Act or a law substantially
 3 similar to that this Act which modifies a child-support order
 4 of a tribunal of this State, tribunals of this State shall
 5 recognize the continuing, exclusive jurisdiction of the
 6 tribunal of the other state.

7 (d) A tribunal of this State that lacks continuing,
 8 exclusive jurisdiction to modify a child-support order may
 9 serve as an initiating tribunal to request a tribunal of
 10 another state to modify a support order issued in that state.

11 (e) A temporary support order issued ex parte or pending
 12 resolution of a jurisdictional conflict does not create
 13 continuing, exclusive jurisdiction in the issuing tribunal.

14 ~~(f) A tribunal of this State issuing a support order~~
 15 ~~consistent with the law of this State has continuing,~~
 16 ~~exclusive jurisdiction over a spousal support order~~
 17 ~~throughout the existence of the support obligation. A~~
 18 ~~tribunal of this State may not modify a spousal support order~~
 19 ~~issued by a tribunal of another state having continuing,~~
 20 ~~exclusive jurisdiction over that order under the law of that~~
 21 ~~state.~~

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

23 (750 ILCS 22/206)

24 Sec. 206. ~~Enforcement and modification of support order~~
 25 ~~by tribunal having~~ Continuing jurisdiction to enforce
 26 child-support order.

27 (a) A tribunal of this State that has issued a
 28 child-support order consistent with the law of this State may
 29 serve as an initiating tribunal to request a tribunal of
 30 another state to ~~enforce: or modify a support order issued in~~
 31 ~~that state.~~

32 (1) the order if the order is the controlling order
 33 and has not been modified by a tribunal of another state

1 that assumed jurisdiction pursuant to the Uniform
2 Interstate Family Support Act; or

3 (2) a money judgment for arrears of support and
4 interest on the order accrued before a determination that
5 an order of another state is the controlling order.

6 (b) A tribunal of this State having continuing,
7 exclusive jurisdiction over a support order may act as a
8 responding tribunal to enforce or modify the order. If a
9 party-subject-to-the-continuing,--exclusive--jurisdiction--of
10 the--tribunal--no--longer--resides--in--the-issuing-state,-in
11 subsequent-proceedings-the-tribunal--may--apply--Section--316
12 (Special-Rules-of-Evidence-and-Procedure)-to-receive-evidence
13 from---another---state---and--Section--318--(Assistance--with
14 Discovery)-to-obtain-discovery-through-a-tribunal-of--another
15 state.

16 (c)--A--tribunal--of--this--State-which-lacks-continuing,
17 exclusive-jurisdiction-over-a-spousal-support-order--may--not
18 serve--as--a--responding-tribunal-to-modify-a-spousal-support
19 order-of-another-state.

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

21 (750 ILCS 22/Art. 2, Part 3 heading)

22 PART 3--RECONCILIATION
23 OF MULTIPLE ORDERS

24 (750 ILCS 22/207)

25 Sec. 207. Determination Recognition of controlling
26 child-support order.

27 (a) If a proceeding is brought under this Act and only
28 one tribunal has issued a child-support order, the order of
29 that tribunal controls and must be so recognized.

30 (b) If a proceeding is brought under this Act, and two
31 or more child-support orders have been issued by tribunals of
32 this State or another state with regard to the same obligor

1 and same child, a tribunal of this State having personal
 2 jurisdiction over both the obligor and individual obligee
 3 shall apply the following rules and by order shall determine
 4 in-determining which order controls ~~to-recognize-for-purposes~~
 5 ~~of-continuing, exclusive-jurisdiction:~~

6 (1) If only one of the tribunals would have
 7 continuing, exclusive jurisdiction under this Act, the
 8 order of that tribunal controls and must be so
 9 recognized.

10 (2) If more than one of the tribunals would have
 11 continuing, exclusive jurisdiction under this Act:

12 (A) an order issued by a tribunal in the
 13 current home state of the child controls; ~~and-must~~
 14 ~~be-so-recognized;~~ but

15 (B) if an order has not been issued in the
 16 current home state of the child, the order most
 17 recently issued controls ~~and-must-be-so-recognized.~~

18 (3) If none of the tribunals would have continuing,
 19 exclusive jurisdiction under this Act, the tribunal of
 20 this State ~~having--jurisdiction--over-the-parties~~ shall
 21 issue a child-support order, which controls ~~and--must--be~~
 22 ~~so-recognized.~~

23 (c) If two or more child-support orders have been issued
 24 for the same obligor and same child, upon request of ~~and-if~~
 25 ~~the-obligor-or-the-individual-obligee-resides-in-this--State;~~
 26 a party who is an individual or a support enforcement agency,
 27 ~~may---request~~ a tribunal of this State having personal
 28 jurisdiction over both the obligor and the obligee who is an
 29 individual shall to determine which order controls ~~and-must~~
 30 ~~be-so-recognized~~ under subsection (b). The request may be
 31 filed with a registration for enforcement or registration for
 32 modification pursuant to Article 6, or may be filed as a
 33 separate proceeding. ~~The-request-must--be--accompanied--by--a~~
 34 ~~certified---copy--of--every--support--order--in--effect.---The~~

1 ~~requesting party shall give notice of the request to each~~
2 ~~party whose rights may be affected by the determination.~~

3 (d) A request to determine which is the controlling
4 order must be accompanied by a copy of every child support
5 order in effect and the applicable record of payments. The
6 requesting party shall give notice of the request to each
7 party whose rights may be affected by the determination.

8 (e) The tribunal that issued the controlling order under
9 subsection (a), (b), or (c) ~~is the tribunal that~~ has
10 continuing, ~~exclusive~~ jurisdiction to the extent provided in
11 under Section 205 or 206.

12 (f) (e) A tribunal of this State that which determines
13 by order which is the identity of the controlling order under
14 subsection (b)(1) or (2) or (c), or that which issues a new
15 controlling order under subsection (b)(3), shall state in
16 that order:

17 (1) the basis upon which the tribunal made its
18 determination;

19 (2) the amount of prospective support, if any; and

20 (3) the total amount of consolidated arrears and
21 accrued interest, if any, under all of the orders after
22 all payments made are credited as provided by Section
23 209.

24 (g) (f) Within 30 days after issuance of an order
25 determining which is the identity of the controlling order,
26 the party obtaining the order shall file a certified copy of
27 it in with each tribunal that issued or registered an earlier
28 order of child support. A party or support enforcement agency
29 obtaining who ~~obtains~~ the order that and fails to file a
30 certified copy is subject to appropriate sanctions by a
31 tribunal in which the issue of failure to file arises. The
32 failure to file does not affect the validity or
33 enforceability of the controlling order.

34 (h) An order that has been determined to be the

1 controlling order, or a judgment for consolidated arrears of
2 support and interest, if any, made pursuant to this Section
3 must be recognized in proceedings under this Act.

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

5 (750 ILCS 22/208)

6 Sec. 208. Multiple Child-support orders for two or more
7 obligees. In responding to multiple registrations or
8 petitions for enforcement of two or more child support orders
9 in effect at the same time with regard to the same obligor
10 and different individual obligees, at least one of which was
11 issued by a tribunal of another state, a tribunal of this
12 State shall enforce those orders in the same manner as if the
13 multiple orders had been issued by a tribunal of this State.

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

15 (750 ILCS 22/209)

16 Sec. 209. Credit for payments. A tribunal of this State
17 shall credit amounts Amounts collected and--ereditd for a
18 particular period pursuant to any child-support order against
19 the amounts owed for the same period under any other
20 child-support order for support of the same child a-support
21 order issued by a tribunal of this or another state must--be
22 ereditd-against-the-amounts-aecruing-or-aecrued-for-the-same
23 period--under--a-support-order-issued-by-the-tribunal-of-this
24 State.

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

27 (750 ILCS 22/210 new)

28 Sec. 210. Application of Act to nonresident subject to
29 personal jurisdiction. A tribunal of this State exercising
30 personal jurisdiction over a nonresident in a proceeding
31 under this Act, under other law of this State relating to a

1 support order, or recognizing a support order of a foreign
 2 country or political subdivision on the basis of comity may
 3 receive evidence from another state pursuant to Section 316,
 4 communicate with a tribunal of another state pursuant to
 5 Section 317, and obtain discovery through a tribunal of
 6 another state pursuant to Section 318. In all other respects,
 7 Articles 3 through 7 do not apply and the tribunal shall
 8 apply the procedural and substantive law of this State.

9 (750 ILCS 22/211 new)

10 Sec. 211. Continuing, exclusive jurisdiction to modify
 11 spousal-support order.

12 (a) A tribunal of this State issuing a spousal-support
 13 order consistent with the law of this State has continuing,
 14 exclusive jurisdiction to modify the spousal-support order
 15 throughout the existence of the support obligation.

16 (b) A tribunal of this State may not modify a
 17 spousal-support order issued by a tribunal of another state
 18 having continuing, exclusive jurisdiction over that order
 19 under the law of that state.

20 (c) A tribunal of this State that has continuing,
 21 exclusive jurisdiction over a spousal-support order may serve
 22 as:

23 (1) an initiating tribunal to request a tribunal of
 24 another state to enforce the spousal-support order issued
 25 in this State; or

26 (2) a responding tribunal to enforce or modify its
 27 own spousal-support order.

28 (750 ILCS 22/301)

29 Sec. 301. Proceedings under Act.

30 (a) Except as otherwise provided in this Act, this
 31 Article applies to all proceedings under this Act.

32 (b) ~~This Act provides for the following proceedings:~~

1 (1)--establishment--of--an--order--for--spousal--support
2 or--child--support--pursuant--to--Article--4;

3 (2)--enforcement---of---a---support---order---and
4 income--withholding---order---of---another--state--without
5 registration--pursuant--to--Article--5;

6 (3)--registration--of--an--order--for--spousal--support--or
7 child--support--of--another--state--for--enforcement--pursuant
8 to--Article--6;

9 (4)--modification--of--an--order--for--child--support--or
10 spousal--support--issued--by--a--tribunal--of--this--State
11 pursuant--to--Article--2,--Part--2;

12 (5)--registration--of--an--order--for--child--support--of
13 another--state--for--modification--pursuant--to--Article--6;

14 (6)--determination--of--parentage--pursuant--to--Article
15 7;-and

16 (7)--assertion--of--jurisdiction--over--nonresidents
17 pursuant--to--Article--2,--Part--1.

18 (e) An individual obligee or a support enforcement
19 agency may initiate commence a proceeding authorized under
20 this Act by filing a petition in an initiating tribunal for
21 forwarding to a responding tribunal or by filing a petition
22 or a comparable pleading directly in a tribunal of another
23 state which has or can obtain personal jurisdiction over the
24 obligor.

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

26 (750 ILCS 22/302)

27 Sec. 302. Proceeding Action by minor parent. A minor
28 parent or a guardian or other legal representative of a minor
29 parent may maintain a proceeding on behalf of or for the
30 benefit of the minor's child.

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

1 (750 ILCS 22/303)

2 Sec. 303. Application of law of State. Except as
3 otherwise provided in by this Act, a responding tribunal of
4 this State shall:

5 (1) ~~shall~~ apply the procedural and substantive law,
6 ~~including the rules on choice of law,~~ generally applicable to
7 similar proceedings originating in this State and may
8 exercise all powers and provide all remedies available in
9 those proceedings; and

10 (2) ~~shall~~ determine the duty of support and the amount
11 payable in accordance with the law and support guidelines of
12 this State.

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

14 (750 ILCS 22/304)

15 Sec. 304. Duties of initiating tribunal.

16 (a) Upon the filing of a petition authorized by this
17 Act, an initiating tribunal of this State shall forward ~~three~~
18 ~~copies of~~ the petition and its accompanying documents:

19 (1) to the responding tribunal or appropriate
20 support enforcement agency in the responding state; or

21 (2) if the identity of the responding tribunal is
22 unknown, to the state information agency of the
23 responding state with a request that they be forwarded to
24 the appropriate tribunal and that receipt be
25 acknowledged.

26 (b) If requested by the responding tribunal, a
27 ~~responding state has not enacted this Act or a law or~~
28 ~~procedure substantially similar to this Act,~~ a tribunal of
29 this State shall may issue a certificate or other document
30 and make findings required by the law of the responding
31 state. If the responding state is a foreign country or
32 political subdivision jurisdiction, upon request the tribunal
33 shall may specify the amount of support sought, convert that

1 amount into the equivalent amount in the foreign currency
 2 under applicable official or market exchange rate as publicly
 3 reported, and and provide any other documents necessary to
 4 satisfy the requirements of the responding state.

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

6 (750 ILCS 22/305)

7 Sec. 305. Duties and powers of responding tribunal.

8 (a) When a responding tribunal of this State receives a
 9 petition or comparable pleading from an initiating tribunal
 10 or directly pursuant to Section 301**(b)(e)**, it shall cause the
 11 petition or pleading to be filed and notify the obligee where
 12 and when it was filed.

13 (b) A responding tribunal of this State, to the extent
 14 not prohibited otherwise-authorized by other law, may do one
 15 or more of the following:

16 (1) issue or enforce a support order, modify a
 17 child-support order, determine the controlling
 18 child-support order, or ~~render-a-judgment-to~~ determine
 19 parentage;

20 (2) order an obligor to comply with a support
 21 order, specifying the amount and the manner of
 22 compliance;

23 (3) order income withholding;

24 (4) determine the amount of any arrearages, and
 25 specify a method of payment;

26 (5) enforce orders by civil or criminal contempt,
 27 or both;

28 (6) set aside property for satisfaction of the
 29 support order;

30 (7) place liens and order execution on the
 31 obligor's property;

32 (8) order an obligor to keep the tribunal informed
 33 of the obligor's current residential address, telephone

1 number, employer, address of employment, and telephone
2 number at the place of employment;

3 (9) issue a bench warrant for an obligor who has
4 failed after proper notice to appear at a hearing ordered
5 by the tribunal and enter the bench warrant in any local
6 and state computer systems for criminal warrants;

7 (10) order the obligor to seek appropriate
8 employment by specified methods;

9 (11) award reasonable attorney's fees and other
10 fees and costs; and

11 (12) grant any other available remedy.

12 (c) A responding tribunal of this State shall include in
13 a support order issued under this Act, or in the documents
14 accompanying the order, the calculations on which the support
15 order is based.

16 (d) A responding tribunal of this State may not
17 condition the payment of a support order issued under this
18 Act upon compliance by a party with provisions for
19 visitation.

20 (e) If a responding tribunal of this State issues an
21 order under this Act, the tribunal shall send a copy of the
22 order to the obligee and the obligor and to the initiating
23 tribunal, if any.

24 (f) If requested to enforce a support order, arrears, or
25 judgement or modify a support order stated in a foreign
26 currency, a responding tribunal of this State shall convert
27 the amount stated in the foreign currency to the equivalent
28 amount in dollars under the applicable official or market
29 exchange rate as publicly reported.

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

31 (750 ILCS 22/306)

32 Sec. 306. Inappropriate tribunal. If a petition or
33 comparable pleading is received by an inappropriate tribunal

1 of this State, ~~it~~ the tribunal shall forward the pleading and
2 accompanying documents to an appropriate tribunal in this
3 State or another state and notify the obligee where and when
4 the pleading was sent.

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

6 (750 ILCS 22/307)

7 Sec. 307. Duties of support enforcement agency.

8 (a) A support enforcement agency of this State, upon
9 request, shall provide services to a petitioner in a
10 proceeding under this Act. This subsection does not affect
11 any ability the support enforcement agency may have to
12 require an application for services, charge fees, or recover
13 costs in accordance with federal or State law and
14 regulations.

15 (b) A support enforcement agency that is providing
16 services to the petitioner ~~as-appropriate~~ shall:

17 (1) take all steps necessary to enable an
18 appropriate tribunal in this State or another state to
19 obtain jurisdiction over the respondent;

20 (2) request an appropriate tribunal to set a date,
21 time, and place for a hearing;

22 (3) make a reasonable effort to obtain all relevant
23 information, including information as to income and
24 property of the parties;

25 (4) within 10 days, exclusive of Saturdays,
26 Sundays, and legal holidays, after receipt of a written
27 notice in a record from an initiating, responding, or
28 registering tribunal, send a copy of the notice to the
29 petitioner;

30 (5) within 10 days, exclusive of Saturdays,
31 Sundays, and legal holidays, after receipt of a written
32 communication in a record from the respondent or the
33 respondent's attorney, send a copy of the communication

1 to the petitioner; and

2 (6) notify the petitioner if jurisdiction over the
3 respondent cannot be obtained.

4 (c) A support enforcement agency of this State that
5 requests registration of a child-support order in this State
6 for enforcement or for modification shall make reasonable
7 efforts:

8 (1) to ensure that the order to be registered is
9 the controlling order; or

10 (2) if two or more child-support orders exist and
11 the identity of the controlling order has not been
12 determined, to ensure that a request for such a
13 determination is made in a tribunal having jurisdiction
14 to do so.

15 (d) A support enforcement agency of this State that
16 requests registration and enforcement of a support order,
17 arrears, or judgement stated in a foreign currency shall
18 convert the amounts stated in the foreign currency into the
19 equivalent amounts in dollars under the applicable official
20 or market exchange rate as publicly reported.

21 (e) A support enforcement agency of this State shall
22 issue or request a tribunal of this State to issue a
23 child-support order and an income-withholding order that
24 redirect payment of current support, arrears, and interest if
25 requested to do so by a support enforcement agency of another
26 state pursuant to Section 319 of the Uniform Interstate
27 Family Support Act.

28 (f) (e) This Act does not create or negate a
29 relationship of attorney and client or other fiduciary
30 relationship between a support enforcement agency or the
31 attorney for the agency and the individual being assisted by
32 the agency.

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

1 (750 ILCS 22/308)

2 Sec. 308. Duty of Attorney General.

3 (a) If the support enforcement agency is a prosecuting
4 attorney of this State and if the Attorney General determines
5 that the support enforcement agency is neglecting or refusing
6 to provide services to an individual, the Attorney General
7 may order the agency to perform its duties under this Act or
8 may provide those services directly to the individual.

9 (b) The appropriate State official or agency may
10 determine that a foreign country or political subdivision has
11 established a reciprocal arrangement for child support with
12 this State and take appropriate action for notification of
13 the determination.

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

16 (750 ILCS 22/310)

17 Sec. 310. Duties of the Illinois Department of Public
18 Aid.

19 (a) The Illinois Department of Public Aid is the state
20 information agency under this Act.

21 (b) The state information agency shall:

22 (1) compile and maintain a current list, including
23 addresses, of the tribunals in this State which have
24 jurisdiction under this Act and any support enforcement
25 agencies in this State and transmit a copy to the state
26 information agency of every other state;

27 (2) maintain a register of names and addresses of
28 tribunals and support enforcement agencies received from
29 other states;

30 (3) forward to the appropriate tribunal in the
31 county place in this State in which the individual
32 obligee who is an individual or the obligor resides, or
33 in which the obligor's property is believed to be

1 located, all documents concerning a proceeding under this
2 Act received from an initiating tribunal or the state
3 information agency of the initiating state; and

4 (4) obtain information concerning the location of
5 the obligor and the obligor's property within this State
6 not exempt from execution, by such means as postal
7 verification and federal or state locator services,
8 examination of telephone directories, requests for the
9 obligor's address from employers, and examination of
10 governmental records, including, to the extent not
11 prohibited by other law, those relating to real property,
12 vital statistics, law enforcement, taxation, motor
13 vehicles, driver's licenses, and social security.

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

16 (750 ILCS 22/311)

17 Sec. 311. Pleadings and accompanying documents.

18 (a) In a proceeding under this Act, a A petitioner
19 seeking to establish ~~or~~ modify a support order ~~or~~ to
20 determine parentage or to register and modify a support order
21 of another state in-a-proceeding-under-this-Act must file a
22 verify--the petition. Unless otherwise ordered under Section
23 312, the petition or accompanying documents must provide, so
24 far as known, the name, residential address, and social
25 security numbers of the respondent and the petitioner or the
26 parent and alleged parent, and the name, sex, residential
27 address, social security number, and date of birth of each
28 child for whose benefit whom support is sought or whose
29 parentage is to be determined. Unless filed at the time of
30 registration, the petition must be accompanied by a certified
31 copy of any support order known to have been issued by
32 another tribunal in-effect. The petition may include any
33 other information that may assist in locating or identifying

1 the respondent.

2 (b) The petition must specify the relief sought. The
3 petition and accompanying documents must conform
4 substantially with the requirements imposed by the forms
5 mandated by federal law for use in cases filed by a support
6 enforcement agency.

7 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
8 by P.A. 88-691; 88-691, eff. 1-24-95.)

9 (750 ILCS 22/312)

10 Sec. 312. Nondisclosure of information in exceptional
11 circumstances. If a party alleges in an affidavit or a
12 pleading under oath that the health, safety, or liberty of a
13 party or child would be jeopardized by disclosure of specific
14 identifying information, that information must be sealed and
15 may not be disclosed to the other party or public. After a
16 hearing in which a tribunal takes into consideration the
17 health, safety, or liberty of the party or child, the
18 tribunal may order disclosure of information that the
19 tribunal determines to be in the interest of justice. Upon--a
20 finding, which may be made ex parte, that the health, safety,
21 or liberty of a party or child would be unreasonably put at
22 risk by the disclosure of identifying information, or if an
23 existing order so provides, a tribunal shall order that the
24 address of the child or party or other identifying
25 information not be disclosed in a pleading or other document
26 filed in a proceeding under this Act.

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

29 (750 ILCS 22/314)

30 Sec. 314. Limited immunity of petitioner.

31 (a) Participation by a petitioner in a proceeding under
32 this Act before a responding tribunal, whether in person, by

1 private attorney, or through services provided by the support
2 enforcement agency, does not confer personal jurisdiction
3 over the petitioner in another proceeding.

4 (b) A petitioner is not amenable to service of civil
5 process while physically present in this State to participate
6 in a proceeding under this Act.

7 (c) The immunity granted by this Section does not extend
8 to civil litigation based on acts unrelated to a proceeding
9 under this Act committed by a party while present in this
10 State to participate in the proceeding.

11 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
12 by P.A. 88-691; 88-691, eff. 1-24-95.)

13 (750 ILCS 22/316)

14 Sec. 316. Special rules of evidence and procedure.

15 (a) The physical presence of a nonresident party who is
16 an individual ~~the petitioner~~ in a ~~responding~~ tribunal of this
17 State is not required for the establishment, enforcement, or
18 modification of a support order or the rendition of a
19 judgment determining parentage.

20 (b) An ~~A--verified--petitioner,~~ affidavit, a document
21 substantially complying with federally mandated forms, or and
22 a document incorporated by reference in any of them, which
23 would not be excluded under the hearsay rule if given in
24 person, is admissible in evidence if given under penalty of
25 perjury oath by a party or witness residing in another state.

26 (c) A copy of the record of child-support payments
27 certified as a true copy of the original by the custodian of
28 the record may be forwarded to a responding tribunal. The
29 copy is evidence of facts asserted in it, and is admissible
30 to show whether payments were made.

31 (d) Copies of bills for testing for parentage, and for
32 prenatal and postnatal health care of the mother and child,
33 furnished to the adverse party at least 10 days before trial,

1 are admissible in evidence to prove the amount of the charges
2 billed and that the charges were reasonable, necessary, and
3 customary.

4 (e) Documentary evidence transmitted from another state
5 to a tribunal of this State by telephone, telecopier, or
6 other means that do not provide an original record writing
7 may not be excluded from evidence on an objection based on
8 the means of transmission.

9 (f) In a proceeding under this Act, a tribunal of this
10 State shall may permit a party or witness residing in another
11 state to be deposed or to testify by telephone, audiovisual
12 means, or other electronic means at a designated tribunal or
13 other location in that state. A tribunal of this State shall
14 cooperate with tribunals of other states in designating an
15 appropriate location for the deposition or testimony.

16 (g) If a party called to testify at a civil hearing
17 refuses to answer on the ground that the testimony may be
18 self-incriminating, the trier of fact may draw an adverse
19 inference from the refusal.

20 (h) A privilege against disclosure of communications
21 between spouses does not apply in a proceeding under this
22 Act.

23 (i) The defense of immunity based on the relationship of
24 husband and wife or parent and child does not apply in a
25 proceeding under this Act.

26 (j) A voluntary acknowledgment of paternity, certified
27 as a true copy, is admissible to establish parentage of the
28 child.

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

30 (750 ILCS 22/317)

31 Sec. 317. Communications between tribunals. A tribunal
32 of this State may communicate with a tribunal of another
33 state or foreign country or political subdivision in a record

1 writing, or by telephone or other means, to obtain
 2 information concerning the laws of--that-state, the legal
 3 effect of a judgment, decree, or order of that tribunal, and
 4 the status of a proceeding in the other state or foreign
 5 country or political subdivision. A tribunal of this State
 6 may furnish similar information by similar means to a
 7 tribunal of another state or foreign country or political
 8 subdivision.

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

11 (750 ILCS 22/319)

12 Sec. 319. Receipt and disbursement of payments. A
 13 support enforcement agency or tribunal of this State shall
 14 disburse promptly any amounts received pursuant to a support
 15 order, as directed by the order. The agency or tribunal
 16 shall furnish to a requesting party or tribunal of another
 17 state a certified statement by the custodian of the record of
 18 the amounts and dates of all payments received.

19 (b) If neither the obligor, nor the obligee who is an
 20 individual, nor the child resides in this State, upon request
 21 from the support enforcement agency of this State or another
 22 state, the support enforcement agency of this State or a
 23 tribunal of this State shall:

24 (1) direct that the support payment be made to the
 25 support enforcement agency in the state in which the
 26 obligee is receiving services; and

27 (2) issue and send to the obligor's employer a
 28 conforming income-withholding order or an administrative
 29 notice of change of payee, reflecting the redirected
 30 payments.

31 (3) The support enforcement agency of this State
 32 receiving redirected payments from another state pursuant
 33 to a law similar to subsection (b) shall furnish to a

1 requesting party or tribunal of the other state a
2 certified statement by the custodian of the record of the
3 amount and dates of all payments received.

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

6 (750 ILCS 22/401)

7 Sec. 401. Petition to establish support order.

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

11 (1) the individual seeking the order resides in
12 another state; or

13 (2) the support enforcement agency seeking the
14 order is located in another state.

15 (b) The tribunal may issue a temporary child-support
16 order if the tribunal determines that such an order is
17 appropriate and the individual ordered to pay is:

18 (1) a presumed father of the child;

19 (2) petitioning to have his paternity adjudicated;

20 (3) identified as the father of the child through
21 genetic testing;

22 (4) an alleged father who has declined to submit to
23 genetic testing;

24 (5) shown by clear and convincing evidence to be
25 the father of the child;

26 (6) an acknowledged father as provided by
27 applicable State law;

28 (7) the mother of the child; or

29 (8) an individual who has been ordered to pay child
30 support in a previous proceeding and the order has not
31 been reversed or vacated.

32 ~~(1) -- the respondent has signed a verified statement~~
33 ~~acknowledging parentage;~~

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

3 (3)--there-is-ether-clear--and--convineing--evidence
4 that-the-respndent-is-the-child's-parent-

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

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

10 (750 ILCS 22/501)

11 Sec. 501. Employer's receipt of income-withholding order
12 of another state. An income-withholding order issued in
13 another state may be sent by or on behalf of the obligee, or
14 by the support enforcement agency, to the person or entity
15 defined as the obligor's employer under the
16 income-withholding law of this State without first filing a
17 petition or comparable pleading or registering the order with
18 a tribunal of this State.

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

20 (750 ILCS 22/502)

21 Sec. 502. Employer's compliance with income-withholding
22 order of another state.

23 (a) Upon receipt of an income-withholding order, the
24 obligor's employer shall immediately provide a copy of the
25 order to the obligor.

26 (b) The employer shall treat an income-withholding order
27 issued in another state which appears regular on its face as
28 if it had been issued by a tribunal of this State.

29 (c) Except as otherwise provided in subsection (d) and
30 Section 503 the employer shall withhold and distribute the
31 funds as directed in the withholding order by complying with
32 terms of the order which specify:

1 (1) the duration and amount of periodic payments of
2 current child-support, stated as a sum certain;

3 (2) the person or--agency designated to receive
4 payments and the address to which the payments are to be
5 forwarded;

6 (3) medical support, whether in the form of
7 periodic cash payment, stated as a sum certain, or
8 ordering the obligor to provide health insurance coverage
9 for the child under a policy available through the
10 obligor's employment;

11 (4) the amount of periodic payments of fees and
12 costs for a support enforcement agency, the issuing
13 tribunal, and the obligee's attorney, stated as sums
14 certain; and

15 (5) the amount of periodic payments of arrearages
16 and interest on arrearages, stated as sums certain.

17 (d) An employer shall comply with the law of the state
18 of the obligor's principal place of employment for
19 withholding from income with respect to:

20 (1) the employer's fee for processing an
21 income-withholding order;

22 (2) the maximum amount permitted to be withheld
23 from the obligor's income; and

24 (3) the times within which the employer must
25 implement the withholding order and forward the child
26 support payment.

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

28 (750 ILCS 22/503)

29 Sec. 503. Employer's compliance with two or more
30 ~~multiple~~ income-withholding orders. If an obligor's employer
31 receives two or more ~~multiple~~ income-withholding orders with
32 respect to the earnings of the same obligor, the employer
33 satisfies the terms of the ~~multiple~~ orders if the employer

1 complies with the law of the state of the obligor's principal
2 place of employment to establish the priorities for
3 withholding and allocating income withheld for two or more
4 ~~multiple~~ child support obligees.

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

6 (750 ILCS 22/506)

7 Sec. 506. Contest by obligor.

8 (a) An obligor may contest the validity or enforcement
9 of an income-withholding order issued in another state and
10 received directly by an employer in this State by registering
11 the order in a tribunal of this State and filing a contest to
12 that order as provided in Article 6, or otherwise contesting
13 the order in the same manner as if the order had been issued
14 by a tribunal of this State. ~~Section--604--applies--to--the~~
15 ~~contest.~~

16 (b) The obligor shall give notice of the contest to:

17 (1) a support enforcement agency providing services
18 to the obligee;

19 (2) each employer that has directly received an
20 income-withholding order relating to the obligor; and

21 (3) the person ~~or--agency~~ designated to receive
22 payments in the income-withholding order or if no person
23 ~~or--agency~~ is designated, to the obligee.

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

25 (750 ILCS 22/507)

26 Sec. 507. Administrative enforcement of orders.

27 (a) A party or support enforcement agency seeking to
28 enforce a support order or an income-withholding order, or
29 both, issued by a tribunal of another state may send the
30 documents required for registering the order to a support
31 enforcement agency of this State.

32 (b) Upon receipt of the documents, the support

1 enforcement agency, without initially seeking to register the
 2 order, shall consider and, if appropriate, use any
 3 administrative procedure authorized by the law of this State
 4 to enforce a support order or an income-withholding order, or
 5 both. If the obligor does not contest administrative
 6 enforcement, the order need not be registered. If the
 7 obligor contests the validity or administrative enforcement
 8 of the order, the support enforcement agency shall register
 9 the order pursuant to this Act.

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

11 (750 ILCS 22/Art. 6 heading)

12 ARTICLE 6.

13 REGISTRATION, ENFORCEMENT, AND

14 MODIFICATION OF SUPPORT ORDER

15 AFTER-REGISTRATION

16 (750 ILCS 22/601)

17 Sec. 601. Registration of order for enforcement. A
 18 support order or an income-withholding order issued by a
 19 tribunal of another state may be registered in this State for
 20 enforcement.

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

23 (750 ILCS 22/602)

24 Sec. 602. Procedure to register order for enforcement.

25 (a) A support order or income-withholding order of
 26 another state may be registered in this State by sending the
 27 following records documents and information to the
 28 appropriate tribunal in this State:

29 (1) a letter of transmittal to the tribunal
 30 requesting registration and enforcement;

31 (2) 2 copies, including one certified copy, of the

1 order all--orders to be registered, including any
2 modification of the an order;

3 (3) a sworn statement by the person requesting
4 party-seeking registration or a certified statement by
5 the custodian of the records showing the amount of any
6 arrearage;

7 (4) the name of the obligor and, if known:

8 (i) the obligor's address and social security
9 number;

10 (ii) the name and address of the obligor's
11 employer and any other source of income of the
12 obligor; and

13 (iii) a description and the location of
14 property of the obligor in this State not exempt
15 from execution; and

16 (5) except as otherwise provided in Section 312,
17 the name and address of the obligee and, if applicable,
18 the ~~agency--er~~ person to whom support payments are to be
19 remitted.

20 (b) On receipt of a request for registration, the
21 registering tribunal shall cause the order to be filed as a
22 foreign judgment, together with one copy of the documents and
23 information, regardless of their form.

24 (c) A petition or comparable pleading seeking a remedy
25 that must be affirmatively sought under other law of this
26 State may be filed at the same time as the request for
27 registration or later. The pleading must specify the grounds
28 for the remedy sought.

29 (d) If two or more orders are in effect, the person
30 requesting registration shall:

31 (1) furnish to the tribunal a copy of every support
32 order asserted to be in effect in addition to the
33 documents specified in this Section;

34 (2) specify the order alleged to be the controlling

1 order, if any; and

2 (3) specify the amount of consolidated arrears, if
3 any.

4 (e) A request for a determination of which is the
5 controlling order may be filed separately or with a request
6 for registration and enforcement or for registration and
7 modification. The person requesting registration shall give
8 notice of the request to each party whose rights may be
9 affected by the determination.

10 (Source: P.A. 92-463, eff. 8-22-01.)

11 (750 ILCS 22/604)

12 Sec. 604. Choice of law.

13 (a) Except as otherwise provided in subsection (d), the
14 law of the issuing state governs:

15 (1) the nature, extent, amount, and duration of
16 current payments under a registered support order; and
17 other-obligations-of-support-and

18 (2) the computation and payment of arrearages and
19 accrual of interest on the arrearages under the support
20 order; and

21 (3) the existence and satisfaction of other
22 obligations under the support order.

23 (b) In a proceeding for arrears under a registered
24 support order arrearages, the statute of limitation under-the
25 laws of this State or of the issuing state, whichever is
26 longer, applies.

27 (c) A responding tribunal of this State shall apply the
28 procedures and remedies of this State to enforce current
29 support and collect arrears and interest due on a support
30 order of another state registered in this State.

31 (d) After a tribunal of this or another state determines
32 which is the controlling order and issues an order
33 consolidating arrears, if any, a tribunal of this State shall

1 prospectively apply the law of the state issuing the
2 controlling order, including its law on interest on arrears,
3 on current and future support, and on consolidated arrears.

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

6 (750 ILCS 22/605)

7 Sec. 605. Notice of registration of order.

8 (a) When a support order or income-withholding order
9 issued in another state is registered, the registering
10 tribunal shall notify the nonregistering party. The notice
11 must be accompanied by a copy of the registered order and the
12 documents and relevant information accompanying the order.

13 (b) A The notice must inform the nonregistering party:

14 (1) that a registered order is enforceable as of
15 the date of registration in the same manner as an order
16 issued by a tribunal of this State;

17 (2) that a hearing to contest the validity or
18 enforcement of the registered order must be requested
19 within 20 days after the date of mailing or personal
20 service of the notice;

21 (3) that failure to contest the validity or
22 enforcement of the registered order in a timely manner
23 will result in confirmation of the order and enforcement
24 of the order and the alleged arrearages and precludes
25 further contest of that order with respect to any matter
26 that could have been asserted; and

27 (4) of the amount of any alleged arrearages.

28 (c) If the registering party asserts that two or more
29 orders are in effect, a notice must also:

30 (1) identify the two or more orders and the order
31 alleged by the registering person to be the controlling
32 order and the consolidated arrears, if any;

33 (2) notify the nonregistering party of the right to

1 a determination of which is the controlling order;

2 (3) state that the procedures provided in
3 subsection (b) apply to the determination of which is the
4 controlling order; and

5 (4) state that failure to contest the validity or
6 enforcement of the order alleged to be the controlling
7 order in a timely manner may result in confirmation that
8 the order is the controlling order.

9 (d) (e) Upon registration of an income-withholding order
10 for enforcement, the registering tribunal shall notify the
11 obligor's employer pursuant to the Income Withholding for
12 Support Act.

13 (Source: P.A. 90-240, eff. 7-28-97; 90-655, eff. 7-30-98;
14 90-673, eff. 1-1-99; 91-357, eff. 7-29-99.)

15 (750 ILCS 22/607)

16 Sec. 607. Contest of registration or enforcement.

17 (a) A party contesting the validity or enforcement of a
18 registered order or seeking to vacate the registration has
19 the burden of proving one or more of the following defenses:

20 (1) the issuing tribunal lacked personal
21 jurisdiction over the contesting party;

22 (2) the order was obtained by fraud;

23 (3) the order has been vacated, suspended, or
24 modified by a later order;

25 (4) the issuing tribunal has stayed the order
26 pending appeal;

27 (5) there is a defense under the law of this State
28 to the remedy sought;

29 (6) full or partial payment has been made; or

30 (7) the statute of limitation under Section 604
31 precludes enforcement of some or all of the alleged
32 arrearages; or

33 (8) the alleged controlling order is not the

1 controlling order.

2 (b) If a party presents evidence establishing a full or
3 partial defense under subsection (a), a tribunal may stay
4 enforcement of the registered order, continue the proceeding
5 to permit production of additional relevant evidence, and
6 issue other appropriate orders. An uncontested portion of
7 the registered order may be enforced by all remedies
8 available under the law of this State.

9 (c) If the contesting party does not establish a defense
10 under subsection (a) to the validity or enforcement of the
11 order, the registering tribunal shall issue an order
12 confirming the order.

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

15 (750 ILCS 22/610)

16 Sec. 610. Effect of registration for modification. A
17 tribunal of this State may enforce a child-support order of
18 another state registered for purposes of modification, in the
19 same manner as if the order had been issued by a tribunal of
20 this State, but the registered order may be modified only if
21 the requirements of Section 611, 613, or 615 have been met.

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

23 (750 ILCS 22/611)

24 Sec. 611. Modification of Child-Support Order of Another
25 State.

26 (a) If Section 613 does no apply, except as otherwise
27 provided in Section 615, upon petition a tribunal of this
28 State may modify After a child-support order issued in
29 another state which is has-been registered in this State, ~~the~~
30 ~~responding--tribunal-of-this-State-may-modify-that-order-only~~
31 ~~if-Section-613-does--not--apply--and~~ if, after notice and
32 hearing, the tribunal ~~it~~ finds that:

1 (1) the following requirements are met:

2 (A) (i) neither the child, nor the individual
3 petitioner who is an individual, nor and the
4 respondent resides ~~do--not--reside~~ in the issuing
5 state;

6 (B) (ii) a petitioner who is a nonresident of
7 this State seeks modification; and

8 (C) (iii) the respondent is subject to the
9 personal jurisdiction of the tribunal of this State;

10 or

11 (2) this State is the State of residence of the
12 child, or a party who is an individual, is subject to the
13 personal jurisdiction of the tribunal of this State and
14 all of the parties who are individuals have filed written
15 consents in a record in the issuing tribunal for a
16 tribunal of this State to modify the support order and
17 assume continuing, exclusive jurisdiction ~~over-the-order.~~
18 ~~However, if the issuing state is a foreign jurisdiction~~
19 ~~that has not enacted a law or established procedures~~
20 ~~substantially similar to the procedures under this Act,~~
21 ~~the consent otherwise required of an individual residing~~
22 ~~in this State is not required for the tribunal to assume~~
23 ~~jurisdiction to modify the child support order.~~

24 (b) Modification of a registered child-support order is
25 subject to the same requirements, procedures, and defenses
26 that apply to the modification of an order issued by a
27 tribunal of this State and the order may be enforced and
28 satisfied in the same manner.

29 (c) Except as otherwise provided in Section 615, a
30 tribunal of this State may not modify any aspect of a
31 child-support order that may not be modified under the law of
32 the issuing state, including the duration of the obligation
33 of support. If two or more tribunals have issued
34 child-support orders for the same obligor and same child, the

1 order that controls and must be so recognized under Section
2 207 establishes the aspects of the support order which are
3 nonmodifiable.

4 (d) In a proceeding to modify a child-support order, the
5 law of the state that is determined to have issued the
6 initial controlling order governs the duration of the
7 obligation of support. The obligator's fulfillment of the
8 duty of support established by that order precludes
9 imposition of a further obligation of support by a tribunal
10 of this State.

11 (e) (d) On issuance of an order by a tribunal of this
12 State modifying a child-support order issued in another
13 state, the a tribunal of this State becomes the tribunal
14 having continuing, exclusive jurisdiction.

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

16 (750 ILCS 22/612)

17 Sec. 612. Recognition of order modified in another
18 state. If a child-support order issued by a tribunal of this
19 State is modified shall--recognize--a--modification--of--its
20 earlier--child-support--order by a tribunal of another state
21 which assumed jurisdiction pursuant to the Uniform Interstate
22 Family Support Act, a tribunal of this State a---law
23 substantially--similar--to--this--Act--and, upon request, except
24 as--otherwise--provided--in--this--Act, shall:

25 (1) may enforce its the order that was modified only as
26 to arrears and interest amounts accruing before the
27 modification;

28 ~~(2) enforce only nonmodifiable aspects of that order;~~

29 (2) (3) provide either appropriate relief only for
30 violations of its that order which occurred before the
31 effective date of the modification; and

32 (3) (4) recognize the modifying order of the other
33 state, upon registration, for the purpose of enforcement.

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

2 (750 ILCS 22/615 new)

3 Sec. 615. Jurisdiction to modify child-support order of
4 foreign country or political subdivision.

5 (a) If a foreign country or political subdivision that
6 is a state will not or may not modify its order pursuant to
7 its laws, a tribunal of this State may assume jurisdiction to
8 modify the child-support order and bind all individuals
9 subject to the personal jurisdiction of the tribunal whether
10 or not the consent to modification of a child-support order
11 otherwise required of the individual pursuant to Section 611
12 has been given or whether the individual seeking modification
13 is a resident of this State or of the foreign country or
14 political subdivision.

15 (b) An order issued pursuant to this Section is the
16 controlling order.

17 (750 ILCS 22/701)

18 Sec. 701. Proceeding to determine parentage. (a) A
19 court tribunal of this State authorized to determine
20 parentage of a child may serve as a ~~an--initiating-or~~
21 ~~responding~~ tribunal in a proceeding to determine parentage
22 brought under this Act or a law substantially similar to this
23 Act, ~~to determine that the obligee is a parent of a~~
24 ~~particular child or to determine that an obliger is a parent~~
25 ~~of that child.~~

26 ~~(b) In a proceeding to determine parentage, a responding~~
27 ~~tribunal of this State shall apply the Illinois Parentage Act~~
28 ~~of 1984, and the rules of this State on choice of law.~~

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

31 (750 ILCS 22/801)

1 Sec. 801. Grounds for rendition.

2 (a) For purposes of this Article, "governor" includes an
3 individual performing the functions of governor or the
4 executive authority of a state covered by this Act.

5 (b) The governor of this State may:

6 (1) demand that the governor of another state
7 surrender an individual found in the other state who is
8 charged criminally in this State with having failed to
9 provide for the support of an obligee; or

10 (2) on the demand of by the governor of another
11 state, surrender an individual found in this State who is
12 charged criminally in the other state with having failed
13 to provide for the support of an obligee.

14 (c) A provision for extradition of individuals not
15 inconsistent with this Act applies to the demand even if the
16 individual whose surrender is demanded was not in the
17 demanding state when the crime was allegedly committed and
18 has not fled therefrom.

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

21 (750 ILCS 22/802)

22 Sec. 802. Conditions of rendition.

23 (a) Before making demand that the governor of another
24 state surrender an individual charged criminally in this
25 State with having failed to provide for the support of an
26 obligee, the Governor of this State may require a prosecutor
27 of this State to demonstrate that at least 60 days previously
28 the obligee had initiated proceedings for support pursuant
29 to this Act or that the proceeding would be of no avail.

30 (b) If, under this Act or a law substantially similar to
31 this Act, ~~the Uniform Reciprocal Enforcement of Support Act,~~
32 ~~or the Revised Uniform Reciprocal Enforcement of Support Act,~~
33 the Governor of another state makes a demand that the

1 governor of this State surrender an individual charged
 2 criminally in that state with having failed to provide for
 3 the support of a child or other individual to whom a duty of
 4 support is owed, the governor may require a prosecutor to
 5 investigate the demand and report whether a proceeding for
 6 support has been initiated or would be effective. If it
 7 appears that a proceeding would be effective but has not been
 8 initiated, the governor may delay honoring the demand for a
 9 reasonable time to permit the initiation of a proceeding.

10 (c) If a proceeding for support has been initiated and
 11 the individual whose rendition is demanded prevails, the
 12 governor may decline to honor the demand. If the obligee
 13 prevails and the individual whose rendition is demanded is
 14 subject to a support order, the governor may decline to honor
 15 the demand if the individual is complying with the support
 16 order.

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

19 (750 ILCS 22/901)

20 Sec. 901. Uniformity of application and construction.
 21 In applying and construing this Uniform Act consideration
 22 must be given to the need to promote uniformity of This Act
 23 ~~shall be applied and construed to effectuate its general~~
 24 ~~purpose to make uniform~~ the law with respect to its the
 25 subject of ~~this Act~~ matter among states that enact ~~enacting~~
 26 it.

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

29 (750 ILCS 22/902) (was 750 ILCS 22/903)

30 Sec. 902. ~~903.~~ Severability clause. If any provision of
 31 this Act or its application to any person or circumstance is
 32 held invalid, the invalidity does not affect other provisions

1 or applications of this Act which can be given effect without
2 the invalid provision or application, and to this end the
3 provisions of this Act are severable.

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

6 (750 ILCS 22/903) (was 750 ILCS 22/904)

7 Sec. 903. ~~904.~~ Effective date. (See Sec. 999 for
8 effective date.)

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

11 (750 ILCS 22/904) (was 750 ILCS 22/905)

12 Sec. 904. ~~905.~~ Repeal. The Revised Uniform Reciprocal
13 Enforcement of Support Act is repealed on the effective date
14 of this amendatory Act of 1997. An action that was commenced
15 under the Revised Uniform Reciprocal Enforcement of Support
16 Act and is pending on the effective date of this amendatory
17 Act of 1997 shall be decided in accordance with that Act as
18 it existed immediately before its repeal by this amendatory
19 Act of 1997.

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

21 (750 ILCS 22/902 rep.)

22 Section 10. The Uniform Interstate Family Support Act is
23 amended by repealing Section 902.

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