

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 Section 10-16.5 as follows:

6 (305 ILCS 5/10-16.5)

7 Sec. 10-16.5. Interest on support obligations. A  
8 support obligation, or any portion of a support obligation,  
9 which becomes due and remains unpaid for 30 days or more  
10 shall accrue simple interest at the rate of 9% per annum. An  
11 order for support entered or modified on or after January 1,  
12 2002 shall contain a statement that a support obligation  
13 required under the order, or any portion of a support  
14 obligation required under the order, that becomes due and  
15 remains unpaid for 30 days or more shall accrue simple  
16 interest at the rate of 9% per annum. Failure to include the  
17 statement in the order for support does not affect the  
18 validity of the order or the accrual of interest as provided  
19 in this Section.

20 (Source: P.A. 91-397, eff. 1-1-00.)

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

23 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

25 (a) In a proceeding for dissolution of marriage, legal  
26 separation, declaration of invalidity of marriage, a  
27 proceeding for child support following dissolution of the  
28 marriage by a court which lacked personal jurisdiction over  
29 the absent spouse, a proceeding for modification of a

1 previous order for child support under Section 510 of this  
 2 Act, or any proceeding authorized under Section 501 or 601 of  
 3 this Act, the court may order either or both parents owing a  
 4 duty of support to a child of the marriage to pay an amount  
 5 reasonable and necessary for his support, without regard to  
 6 marital misconduct. The duty of support owed to a minor  
 7 child includes the obligation to provide for the reasonable  
 8 and necessary physical, mental and emotional health needs of  
 9 the child.

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

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

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

- 26 (a) the financial resources and needs of the  
27 child;
- 28 (b) the financial resources and needs of the  
29 custodial parent;
- 30 (c) the standard of living the child would  
31 have enjoyed had the marriage not been dissolved;
- 32 (d) the physical and emotional condition of  
33 the child, and his educational needs; and
- 34 (e) the financial resources and needs of the

1 non-custodial parent.

2 If the court deviates from the guidelines, the  
3 court's finding shall state the amount of support that  
4 would have been required under the guidelines, if  
5 determinable. The court shall include the reason or  
6 reasons for the variance from the guidelines.

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

9 (a) Federal income tax (properly calculated  
10 withholding or estimated payments);

11 (b) State income tax (properly calculated  
12 withholding or estimated payments);

13 (c) Social Security (FICA payments);

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

16 (e) Union dues;

17 (f) Dependent and individual  
18 health/hospitalization insurance premiums;

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

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

32 (4) In cases where the court order provides for  
33 health/hospitalization insurance coverage pursuant to  
34 Section 505.2 of this Act, the premiums for that

1 insurance, or that portion of the premiums for which the  
2 supporting party is responsible in the case of insurance  
3 provided through an employer's health insurance plan  
4 where the employer pays a portion of the premiums, shall  
5 be subtracted from net income in determining the minimum  
6 amount of support to be ordered.

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

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

29 (6) If (i) the non-custodial parent was properly  
30 served with a request for discovery of financial  
31 information relating to the non-custodial parent's  
32 ability to provide child support, (ii) the non-custodial  
33 parent failed to comply with the request, despite having  
34 been ordered to do so by the court, and (iii) the

1 non-custodial parent is not present at the hearing to  
 2 determine support despite having received proper notice,  
 3 then any relevant financial information concerning the  
 4 non-custodial parent's ability to provide child support  
 5 that was obtained pursuant to subpoena and proper notice  
 6 shall be admitted into evidence without the need to  
 7 establish any further foundation for its admission.

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

17 (b) Failure of either parent to comply with an order to  
 18 pay support shall be punishable as in other cases of  
 19 contempt. In addition to other penalties provided by law the  
 20 Court may, after finding the parent guilty of contempt, order  
 21 that the parent be:

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

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

28 (A) work; or

29 (B) conduct a business or other self-employed  
 30 occupation.

31 The Court may further order any part or all of the  
 32 earnings of a parent during a sentence of periodic  
 33 imprisonment paid to the Clerk of the Circuit Court or to the  
 34 parent having custody or to the guardian having custody of

1 the minor children of the sentenced parent for the support of  
2 said minor children until further order of the Court.

3 If there is a unity of interest and ownership sufficient  
4 to render no financial separation between a non-custodial  
5 parent and another person or persons or business entity, the  
6 court may pierce the ownership veil of the person, persons,  
7 or business entity to discover assets of the non-custodial  
8 parent held in the name of that person, those persons, or  
9 that business entity. The following circumstances are  
10 sufficient to authorize a court to order discovery of the  
11 assets of a person, persons, or business entity and to compel  
12 the application of any discovered assets toward payment on  
13 the judgment for support:

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

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

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

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

31 The court may also order in cases where the parent is 90  
32 days or more delinquent in payment of support or has been  
33 adjudicated in arrears in an amount equal to 90 days  
34 obligation or more, that the parent's Illinois driving

1 privileges be suspended until the court determines that the  
2 parent is in compliance with the order of support. The court  
3 may also order that the parent be issued a family financial  
4 responsibility driving permit that would allow limited  
5 driving privileges for employment and medical purposes in  
6 accordance with Section 7-702.1 of the Illinois Vehicle Code.  
7 The clerk of the circuit court shall certify the order  
8 suspending the driving privileges of the parent or granting  
9 the issuance of a family financial responsibility driving  
10 permit to the Secretary of State on forms prescribed by the  
11 Secretary. Upon receipt of the authenticated documents, the  
12 Secretary of State shall suspend the parent's driving  
13 privileges until further order of the court and shall, if  
14 ordered by the court, subject to the provisions of Section  
15 7-702.1 of the Illinois Vehicle Code, issue a family  
16 financial responsibility driving permit to the parent.

17 In addition to the penalties or punishment that may be  
18 imposed under this Section, any person whose conduct  
19 constitutes a violation of Section 15 of the Non-Support  
20 Punishment Act may be prosecuted under that Act, and a person  
21 convicted under that Act may be sentenced in accordance with  
22 that Act. The sentence may include but need not be limited  
23 to a requirement that the person perform community service  
24 under Section 50 of that Act or participate in a work  
25 alternative program under Section 50 of that Act. A person  
26 may not be required to participate in a work alternative  
27 program under Section 50 of that Act if the person is  
28 currently participating in a work program pursuant to Section  
29 505.1 of this Act.

30 A support obligation, or any portion of a support  
31 obligation, which becomes due and remains unpaid for 30 days  
32 or more shall accrue simple interest at the rate of 9% per  
33 annum. An order for support entered or modified on or after  
34 January 1, 2002 shall contain a statement that a support

1 obligation required under the order, or any portion of a  
2 support obligation required under the order, that becomes due  
3 and remains unpaid for 30 days or more shall accrue simple  
4 interest at the rate of 9% per annum. Failure to include the  
5 statement in the order for support does not affect the  
6 validity of the order or the accrual of interest as provided  
7 in this Section.

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

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

27 (e) When child support is to be paid through the clerk  
28 of the court in a county of 1,000,000 inhabitants or less,  
29 the order shall direct the obligor to pay to the clerk, in  
30 addition to the child support payments, all fees imposed by  
31 the county board under paragraph (3) of subsection (u) of  
32 Section 27.1 of the Clerks of Courts Act. Unless paid in  
33 cash or pursuant to an order for withholding, the payment of  
34 the fee shall be by a separate instrument from the support



1 payment and shall be made to the order of the Clerk.

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

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

29 (h) An order entered under this Section shall include a  
30 provision requiring the obligor to report to the obligee and  
31 to the clerk of court within 10 days each time the obligor  
32 obtains new employment, and each time the obligor's  
33 employment is terminated for any reason. The report shall be  
34 in writing and shall, in the case of new employment, include

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

15 (Source: P.A. 90-18, eff. 7-1-97; 90-476, eff. 1-1-98;  
 16 90-539, eff. 6-1-98; 90-655, eff. 7-30-98; 90-733, eff.  
 17 8-11-98; 91-113, eff. 7-15-99; 91-397, eff. 1-1-00; 91-655,  
 18 eff. 6-1-00; 91-767, eff. 6-9-00; revised 6-28-00.)

19 Section 15. The Non-Support Punishment Act is amended by  
 20 changing Section 20 as follows:

21 (750 ILCS 16/20)  
 22 Sec. 20. Entry of order for support; income withholding.  
 23 (a) In a case in which no court or administrative order  
 24 for support is in effect against the defendant:  
 25 (1) at any time before the trial, upon motion of the  
 26 State's Attorney, or of the Attorney General if the  
 27 action has been instituted by his office, and upon notice  
 28 to the defendant, or at the time of arraignment or as a  
 29 condition of postponement of arraignment, the court may  
 30 enter such temporary order for support as may seem just,  
 31 providing for the support or maintenance of the spouse or  
 32 child or children of the defendant, or both, pendente

1           lite; or

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

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

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

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

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

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

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

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

30           An order for support entered under this Section shall  
31 also include a provision requiring the obligor and obligee  
32 parents to advise each other of a change in residence within  
33 5 days of the change except when the court finds that the  
34 physical, mental, or emotional health of a party or of a

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

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

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

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

29 (j) A support obligation, or any portion of a support  
30 obligation, which becomes due and remains unpaid for 30 days  
31 or more shall accrue simple interest at the rate of 9% per  
32 annum. An order for support entered or modified on or after  
33 January 1, 2002 shall contain a statement that a support  
34 obligation required under the order, or any portion of a

1 support obligation required under the order, that becomes due  
 2 and remains unpaid for 30 days or more shall accrue simple  
 3 interest at the rate of 9% per annum. Failure to include the  
 4 statement in the order for support does not affect the  
 5 validity of the order or the accrual of interest as provided  
 6 in this Section.

7 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00.)

8 Section 20. The Illinois Parentage Act of 1984 is  
 9 amended by changing Section 20.7 as follows:

10 (750 ILCS 45/20.7)

11 Sec. 20.7. Interest on support obligations. A support  
 12 obligation, or any portion of a support obligation, which  
 13 becomes due and remains unpaid for 30 days or more shall  
 14 accrue simple interest at the rate of 9% per annum. An order  
 15 for support entered or modified on or after January 1, 2002  
 16 shall contain a statement that a support obligation required  
 17 under the order, or any portion of a support obligation  
 18 required under the order, that becomes due and remains unpaid  
 19 for 30 days or more shall accrue simple interest at the rate  
 20 of 9% per annum. Failure to include the statement in the  
 21 order for support does not affect the validity of the order  
 22 or the accrual of interest as provided in this Section.

23 (Source: P.A. 91-397, eff. 1-1-00.)

24 Section 99. Effective date. This Act takes effect upon  
 25 becoming law.