

1 AN ACT in relation to child support.

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

4 Section 5. The Illinois Public Aid Code is amended by  
5 changing Sections 10-10, 10-10.4, and 10-17.2 as follows:

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

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

30 Action shall be brought in the circuit court to obtain  
31 support, or for the recovery of aid granted during the period

1 such support was not provided, or both for the obtainment of  
2 support and the recovery of the aid provided. Actions for  
3 the recovery of aid may be taken separately or they may be  
4 consolidated with actions to obtain support. Such actions  
5 may be brought in the name of the person or persons requiring  
6 support, or may be brought in the name of the Illinois  
7 Department or the local governmental unit, as the case  
8 requires, in behalf of such persons.

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

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

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

1 notice, then any relevant financial information concerning  
2 the responsible relative's ability to provide child support  
3 that was obtained pursuant to subpoena and proper notice  
4 shall be admitted into evidence without the need to establish  
5 any further foundation for its admission.

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

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

29 Any new or existing support order entered by the court  
30 under this Section shall be deemed to be a series of  
31 judgments against the person obligated to pay support  
32 thereunder, each such judgment to be in the amount of each  
33 payment or installment of support and each such judgment to  
34 be deemed entered as of the date the corresponding payment or

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

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

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

1 local governmental unit or the Illinois Department, as the  
2 case may be, to direct the responsible relative or relatives  
3 to make support payments directly to the needy person, or to  
4 some person or agency in his behalf, upon removal of the  
5 person from the public aid rolls or upon termination of  
6 services under Article X.

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

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

29 Whenever it is determined in a proceeding to establish or  
30 enforce a child support or maintenance obligation that the  
31 person owing a duty of support is unemployed, the court may  
32 order the person to seek employment and report periodically  
33 to the court with a diary, listing or other memorandum of his  
34 or her efforts in accordance with such order. Additionally,

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

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

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

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

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

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

34 All orders for support, when entered or modified, shall

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

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

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

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

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

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

26 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;  
27 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.  
28 6-28-01.)

29 (305 ILCS 5/10-10.4)

30 Sec. 10-10.4. Payment of Support to State Disbursement  
31 Unit.

32 (a) As used in this Section:

33 "Order for support", "obligor", "obligee", and "payor"



1 mean those terms as defined in the Income Withholding for  
2 Support Act, except that "order for support" shall not mean  
3 orders providing for spousal maintenance under which there is  
4 no child support obligation.

5 (b) Notwithstanding any other provision of this Code to  
6 the contrary, each court or administrative order for support  
7 entered or modified on or after October 1, 1999 shall require  
8 that support payments be made to the State Disbursement Unit  
9 established under Section 10-26 if:

10 (1) a party to the order is receiving child and  
11 spouse support enforcement services under this Article X;  
12 or

13 (2) no party to the order is receiving child and  
14 spouse support enforcement services, but the support  
15 payments are made through income withholding.

16 (c) Support payments shall be made to the State  
17 Disbursement Unit if:

18 (1) the order for support was entered before  
19 October 1, 1999, and a party to the order is receiving  
20 child and-spouse support enforcement services under this  
21 Article X; or

22 (2) no party to the order is receiving child and  
23 spouse support enforcement services, and the support  
24 payments are being made through income withholding.

25 (c-5) If no party to the order is receiving child and  
26 spouse support enforcement services under this Article X, and  
27 the support payments are not being made through income  
28 withholding, then support payments shall be made as directed  
29 in the order for support.

30 (c-10) At any time, and notwithstanding the existence of  
31 an order directing payments to be made elsewhere, the  
32 Department of Public Aid may provide notice to the obligor  
33 and, where applicable, to the obligor's payor:

34 (1) to make support payments to the State

1 Disbursement Unit if:

2 (A) a party to the order for support is  
3 receiving child support enforcement services under  
4 this Article X; or

5 (B) no party to the order for support is  
6 receiving child support enforcement services under  
7 this Article X, but the support payments are made  
8 through income withholding; or

9 (2) to make support payments to the State  
10 Disbursement Unit of another state upon request of  
11 another state's Title IV-D child support enforcement  
12 agency, in accordance with the requirements of Title IV,  
13 Part D of the Social Security Act and regulations  
14 promulgated under that Part D. Within 15 days after the  
15 effective date of this amendatory Act of the 91st General  
16 Assembly, the Illinois Department shall provide written  
17 notice to the clerk of the circuit court, the obligor,  
18 and, where applicable, the obligor's payer to make  
19 payments to the State Disbursement Unit if:

20 (1) the order for support was entered before  
21 October 1, 1999, and a party to the order is receiving  
22 child and spouse support services under this Article X;  
23 or

24 (2) no party to the order is receiving child and  
25 spouse support services, and the support payments are  
26 being made through income withholding.

27 (c-15) Within 15 days after the effective date of this  
28 amendatory Act of the 91st General Assembly, the clerk of the  
29 circuit court shall provide written notice to the obligor to  
30 make payments directly to the clerk of the circuit court if  
31 no party to the order is receiving child and spouse support  
32 enforcement services under this Article X, the support  
33 payments are not made through income withholding, and the  
34 order for support requires support payments to be made

1 directly to the clerk of the circuit court.

2 (c-20) If the State Disbursement Unit receives a support  
3 payment that was not appropriately made to the Unit under  
4 this Section, the Unit shall immediately return the payment  
5 to the sender, including, if possible, instructions detailing  
6 where to send the support payments.

7 (d) The notices required under subsections (c-10) and  
8 (c-15) may be sent by ordinary mail, certified mail, return  
9 receipt requested, facsimile transmission, or other  
10 electronic process, or may be served upon the obligor or  
11 payor using any method provided by law for service of a  
12 summons. A copy of the notice shall be provided to the  
13 obligee and, when the order for support was entered by the  
14 court, to the clerk of the court.

15 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

16 (305 ILCS 5/10-17.2) (from Ch. 23, par. 10-17.2)

17 Sec. 10-17.2. Income Withholding By Administrative  
18 Order. The Illinois Department may provide by rule for entry  
19 of an administrative support order containing income  
20 withholding provisions and for service and enforcement of an  
21 income withholding notice and a National Medical Support  
22 Notice, by the Child and Spouse Support Unit based upon and  
23 in the same manner as prescribed by the Income Withholding  
24 for Support Act. The penalties provided in the Income  
25 Withholding for Support Act shall apply hereto and shall be  
26 enforced by filing an action under that Act. The rule shall  
27 provide for notice to and an opportunity to be heard by the  
28 responsible relative affected and any final administrative  
29 decision rendered by the Department shall be reviewed only  
30 under and in accordance with the Administrative Review Law.

31 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99.)

32 Section 10. The Illinois Marriage and Dissolution of

1 Marriage Act is amended by changing Sections 507 and 507.1 as  
2 follows:

3 (750 ILCS 5/507) (from Ch. 40, par. 507)

4 Sec. 507. Payment of maintenance or support to court.

5 (a) In actions instituted under this Act, the court  
6 shall order that maintenance and support payments be made to  
7 the clerk of court as trustee for remittance to the person  
8 entitled to receive the payments. However, the court in its  
9 discretion may direct otherwise where circumstances so  
10 warrant.

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

30 (b) The clerk of court shall maintain records listing  
31 the amount of payments, the date payments are required to be  
32 made and the names and addresses of the parties affected by  
33 the order. For those cases in which support is payable to the

1 clerk of the circuit court for transmittal to the Illinois  
2 Department of Public Aid by order of the court or upon  
3 notification of the Illinois Department of Public Aid, and  
4 the Illinois Department of Public Aid collects support by  
5 assignment, offset, withholding, deduction or other process  
6 permitted by law, the Illinois Department shall notify the  
7 clerk of the date and amount of such collection. Upon  
8 notification, the clerk shall record the collection on the  
9 payment record for the case.

10 (c) The parties affected by the order shall inform the  
11 clerk of court of any change of address or of other condition  
12 that may affect the administration of the order.

13 (d) The provisions of this Section shall not apply to  
14 cases that come under the provisions of Sections 709 through  
15 712.

16 (e) To the extent the provisions of this Section are  
17 inconsistent with the requirements pertaining to the State  
18 Disbursement Unit under Section 507.1 of this Act and Section  
19 10-26 of the Illinois Public Aid Code, the requirements  
20 pertaining to the State Disbursement Unit shall apply.

21 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99;  
22 90-790, eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff.  
23 7-29-99.)

24 (750 ILCS 5/507.1)  
25 Sec. 507.1. Payment of Support to State Disbursement  
26 Unit.

27 (a) As used in this Section:  
28 "Order for support", "obligor", "obligee", and "payor"  
29 mean those terms as defined in the Income Withholding for  
30 Support Act, except that "order for support" shall not mean  
31 orders providing for spousal maintenance under which there is  
32 no child support obligation.

33 (b) Notwithstanding any other provision of this Act to

1 the contrary, each order for support entered or modified on  
2 or after October 1, 1999 shall require that support payments  
3 be made to the State Disbursement Unit established under  
4 Section 10-26 of the Illinois Public Aid Code if:

5 (1) a party to the order is receiving child and  
6 spouse support enforcement services under Article X of  
7 the Illinois Public Aid Code; or

8 (2) no party to the order is receiving child and  
9 spouse support enforcement services, but the support  
10 payments are made through income withholding.

11 (c) Support payments shall be made to the State  
12 Disbursement Unit if:

13 (1) the order for support was entered before  
14 October 1, 1999, and a party to the order is receiving  
15 child and--spouse support enforcement services under  
16 Article X of the Illinois Public Aid Code; or

17 (2) no party to the order is receiving child and  
18 spouse support enforcement services, and the support  
19 payments are being made through income withholding.

20 (c-5) If no party to the order is receiving child and  
21 spouse support enforcement services under Article X of the  
22 Illinois Public Aid Code, and the support payments are not  
23 made through income withholding, then support payments shall  
24 be made as directed by the order for support.

25 (c-10) At any time, and notwithstanding the existence of  
26 an order directing payments to be made elsewhere, the  
27 Department of Public Aid may provide notice to the obligor  
28 and, where applicable, to the obligor's payor:

29 (1) to make support payments to the State  
30 Disbursement Unit if:

31 (A) a party to the order for support is  
32 receiving child support enforcement services under  
33 Article X of the Illinois Public Aid Code; or

34 (B) no party to the order for support is

1 receiving child support enforcement services under  
2 Article X of the Illinois Public Aid Code, but the  
3 support payments are made through income  
4 withholding; or

5 (2) to make support payments to the State  
6 Disbursement Unit of another state upon request of  
7 another state's Title IV-D child support enforcement  
8 agency, in accordance with the requirements of Title IV,  
9 Part D of the Social Security Act and regulations  
10 promulgated under that Part D.

11 The Department of Public Aid shall provide a copy of the  
12 notice to the obligee and to the clerk of the circuit court.

13 ~~Within 15 days after the effective date of this amendatory~~  
14 ~~Act of the 91st General Assembly, the Illinois Department~~  
15 ~~shall provide written notice to the clerk of the circuit~~  
16 ~~court, the obligor, and, where applicable, the obligor's~~  
17 ~~payer to make payments to the State Disbursement Unit if:~~

18 (1) ~~the order for support was entered before~~  
19 ~~October 1, 1999, and a party to the order is receiving~~  
20 ~~child and spouse support services under Article X of the~~  
21 ~~Illinois Public Aid Code; or~~

22 (2) ~~no party to the order is receiving child and~~  
23 ~~spouse support services, and the support payments are~~  
24 ~~being made through income withholding.~~

25 (c-15) Within 15 days after the effective date of this  
26 amendatory Act of the 91st General Assembly, the clerk of the  
27 circuit court shall provide written notice to the obligor to  
28 make payments directly to the clerk of the circuit court if  
29 no party to the order is receiving child and spouse support  
30 enforcement services under Article X of the Illinois Public  
31 Aid Code, the support payments are not made through income  
32 withholding, and the order for support requires support  
33 payments to be made directly to the clerk of the circuit  
34 court. The clerk shall provide a copy of the notice to the

1 obligee.

2 (c-20) If the State Disbursement Unit receives a support  
3 payment that was not appropriately made to the Unit under  
4 this Section, the Unit shall immediately return the payment  
5 to the sender, including, if possible, instructions detailing  
6 where to send the support payment.

7 (d) The notices required under subsections (c-10) and  
8 (c-15) may be sent by ordinary mail, certified mail, return  
9 receipt requested, facsimile transmission, or other  
10 electronic process, or may be served upon the obligor or  
11 payor using any method provided by law for service of a  
12 summons. ~~The Illinois Department of Public Aid shall provide~~  
13 ~~a copy of the notice to the obligee and to the clerk of the~~  
14 ~~court.~~

15 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

16 Section 15. The Non-Support Punishment Act is amended by  
17 changing Section 25 as follows:

18 (750 ILCS 16/25)

19 Sec. 25. Payment of support to State Disbursement Unit;  
20 clerk of the court.

21 (a) As used in this Section, "order for support",  
22 "obligor", "obligee", and "payor" mean those terms as defined  
23 in the Income Withholding for Support Act.

24 (b) Each order for support entered or modified under  
25 Section 20 of this Act shall require that support payments be  
26 made to the State Disbursement Unit established under the  
27 Illinois Public Aid Code, under the following circumstances:

28 (1) when a party to the order is receiving child and  
29 spouse support enforcement services under Article X of  
30 the Illinois Public Aid Code; or

31 (2) when no party to the order is receiving child  
32 and spouse support enforcement services, but the support



1 payments are made through income withholding.

2 (c) When no party to the order is receiving child and  
3 spouse support enforcement services, and payments are not  
4 being made through income withholding, the court shall order  
5 the obligor to make support payments to the clerk of the  
6 court.

7 (d) At any time, and notwithstanding the existence of an  
8 order directing payments to be made elsewhere, the Department  
9 of Public Aid may provide notice to the obligor and, where  
10 applicable, to the obligor's payor:

11 (1) to make support payments to the State  
12 Disbursement Unit if:

13 (A) a party to the order for support is  
14 receiving child support enforcement services under  
15 Article X of the Illinois Public Aid Code; or

16 (B) no party to the order for support is  
17 receiving child support enforcement services under  
18 Article X of the Illinois Public Aid Code, but the  
19 support payments are made through income  
20 withholding; or

21 (2) to make support payments to the State  
22 Disbursement Unit of another state upon request of  
23 another state's Title IV-D child support enforcement  
24 agency, in accordance with the requirements of Title IV,  
25 Part D of the Social Security Act and regulations  
26 promulgated under that Part D.

27 The Department of Public Aid shall provide a copy of the  
28 notice to the obligee and to the clerk of the circuit court.

29 ~~In-the-case-of-an-order-for--support--entered--by--the--court~~  
30 ~~under--this-Act-before-a-party-commenced-receipt-of-child-and~~  
31 ~~spouse-support-services,-upon-receipt-of-these-services-by--a~~  
32 ~~party--the--Illinois--Department--of-Public-Aid-shall-provide~~  
33 ~~notice-to-the-obligor-to-send-any-support-payments-he-or--she~~  
34 ~~makes-personally-to-the-State-Disbursement-Unit-until-further~~

1 ~~direction--of-the-Department.--The-Department-shall-provide-a~~  
 2 ~~copy-of-the-notice-to-the-obligee-and-to--the--clerk--of--the~~  
 3 ~~court.~~

4 (e) If a State Disbursement Unit as specified by federal  
 5 law has not been created in Illinois upon the effective date  
 6 of this Act, then, until the creation of a State Disbursement  
 7 Unit as specified by federal law, the following provisions  
 8 regarding payment and disbursement of support payments shall  
 9 control and the provisions in subsections (a), (b), (c), and  
 10 (d) shall be inoperative. Upon the creation of a State  
 11 Disbursement Unit as specified by federal law, this  
 12 ~~subsection-(e)-shall--be--inoperative--and~~ the payment and  
 13 disbursement provisions of subsections (a), (b), (c), and (d)  
 14 shall control, and this subsection (e) shall be inoperative  
 15 to the extent that it conflicts with those subsections.

16 (1) In cases in which an order for support is  
 17 entered under Section 20 of this Act, the court shall  
 18 order that maintenance and support payments be made to  
 19 the clerk of the court for remittance to the person or  
 20 agency entitled to receive the payments. However, the  
 21 court in its discretion may direct otherwise where  
 22 exceptional circumstances so warrant.

23 (2) The court shall direct that support payments be  
 24 sent by the clerk to (i) the Illinois Department of  
 25 Public Aid if the person in whose behalf payments are  
 26 made is receiving aid under Articles III, IV, or V of the  
 27 Illinois Public Aid Code, or child and spouse support  
 28 services under Article X of the Code, or (ii) to the  
 29 local governmental unit responsible for the support of  
 30 the person if he or she is a recipient under Article VI  
 31 of the Code. In accordance with federal law and  
 32 regulations, the Illinois Department of Public Aid may  
 33 continue to collect current maintenance payments or child  
 34 support payments, or both, after those persons cease to

1 receive public assistance and until termination of  
2 services under Article X of the Illinois Public Aid Code.  
3 The Illinois Department shall pay the net amount  
4 collected to those persons after deducting any costs  
5 incurred in making the collection or any collection fee  
6 from the amount of any recovery made. The order shall  
7 permit the Illinois Department of Public Aid or the local  
8 governmental unit, as the case may be, to direct that  
9 support payments be made directly to the spouse,  
10 children, or both, or to some person or agency in their  
11 behalf, upon removal of the spouse or children from the  
12 public aid rolls or upon termination of services under  
13 Article X of the Illinois Public Aid Code; and upon such  
14 direction, the Illinois Department or the local  
15 governmental unit, as the case requires, shall give  
16 notice of such action to the court in writing or by  
17 electronic transmission.

18 (3) The clerk of the court shall establish and  
19 maintain current records of all moneys received and  
20 disbursed and of delinquencies and defaults in required  
21 payments. The court, by order or rule, shall make  
22 provision for the carrying out of these duties.

23 (4) Upon notification in writing or by electronic  
24 transmission from the Illinois Department of Public Aid  
25 to the clerk of the court that a person who is receiving  
26 support payments under this Section is receiving services  
27 under the Child Support Enforcement Program established  
28 by Title IV-D of the Social Security Act, any support  
29 payments subsequently received by the clerk of the court  
30 shall be transmitted in accordance with the instructions  
31 of the Illinois Department of Public Aid until the  
32 Department gives notice to cease the transmittal. After  
33 providing the notification authorized under this  
34 paragraph, the Illinois Department of Public Aid shall be

1 a party and entitled to notice of any further proceedings  
2 in the case. The clerk of the court shall file a copy of  
3 the Illinois Department of Public Aid's notification in  
4 the court file. The failure of the clerk to file a copy  
5 of the notification in the court file shall not, however,  
6 affect the Illinois Department of Public Aid's rights as  
7 a party or its right to receive notice of further  
8 proceedings.

9 (5) Payments under this Section to the Illinois  
10 Department of Public Aid pursuant to the Child Support  
11 Enforcement Program established by Title IV-D of the  
12 Social Security Act shall be paid into the Child Support  
13 Enforcement Trust Fund. All other payments under this  
14 Section to the Illinois Department of Public Aid shall be  
15 deposited in the Public Assistance Recoveries Trust Fund.  
16 Disbursements from these funds shall be as provided in  
17 the Illinois Public Aid Code. Payments received by a  
18 local governmental unit shall be deposited in that unit's  
19 General Assistance Fund.

20 (6) For those cases in which child support is  
21 payable to the clerk of the circuit court for transmittal  
22 to the Illinois Department of Public Aid by order of  
23 court or upon notification by the Illinois Department of  
24 Public Aid, the clerk shall transmit all such payments,  
25 within 4 working days of receipt, to insure that funds  
26 are available for immediate distribution by the  
27 Department to the person or entity entitled thereto in  
28 accordance with standards of the Child Support  
29 Enforcement Program established under Title IV-D of the  
30 Social Security Act. The clerk shall notify the  
31 Department of the date of receipt and amount thereof at  
32 the time of transmittal. Where the clerk has entered  
33 into an agreement of cooperation with the Department to  
34 record the terms of child support orders and payments

1 made thereunder directly into the Department's automated  
2 data processing system, the clerk shall account for,  
3 transmit and otherwise distribute child support payments  
4 in accordance with such agreement in lieu of the  
5 requirements contained herein.

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

7 Section 20. The Uniform Interstate Family Support Act is  
8 amended by changing Section 320 as follows:

9 (750 ILCS 22/320)

10 Sec. 320. Payment of Support to State Disbursement Unit.

11 (a) As used in this Section:

12 "Order for support", "obligor", "obligee", and "payor"  
13 mean those terms as defined in the Income Withholding for  
14 Support Act, except that "order for support" means an order  
15 entered by any tribunal of this State but shall not mean  
16 orders providing for spousal maintenance under which there is  
17 no child support obligation.

18 (b) Notwithstanding any other provision of this Act to  
19 the contrary, each order for support entered or modified on  
20 or after October 1, 1999 shall require that support payments  
21 be made to the State Disbursement Unit established under  
22 Section 10-26 of the Illinois Public Aid Code if:

23 (1) a party to the order is receiving child and  
24 spouse support enforcement services under Article X of  
25 the Illinois Public Aid Code; or

26 (2) no party to the order is receiving child and  
27 spouse support enforcement services, but the support  
28 payments are made through income withholding.

29 (c) Support payments shall be made to the State  
30 Disbursement Unit if:

31 (1) the order for support was entered before  
32 October 1, 1999, and a party to the order is receiving

1 child and--spouse support enforcement services under  
2 Article X of the Illinois Public Aid Code; or

3 (2) no party to the order is receiving child and  
4 spouse support enforcement services, and the support  
5 payments are being made through income withholding.

6 (c-5) If no party to the order is receiving child and  
7 spouse support enforcement services under Article X of the  
8 Illinois Public Aid Code, and the support payments are not  
9 made through income withholding, then support payments shall  
10 be made as directed by the order for support.

11 (c-10) At any time, and notwithstanding the existence of  
12 an order directing payments to be made elsewhere, the  
13 Department of Public Aid may provide notice to the obligor  
14 and, where applicable, to the obligor's payor:

15 (1) to make support payments to the State  
16 Disbursement Unit if:

17 (A) a party to the order for support is  
18 receiving child support enforcement services under  
19 Article X of the Illinois Public Aid Code; or

20 (B) no party to the order for support is  
21 receiving child support enforcement services under  
22 Article X of the Illinois Public Aid Code, but the  
23 support payments are made through income  
24 withholding; or

25 (2) to make support payments to the State  
26 Disbursement Unit of another state upon request of  
27 another state's Title IV-D child support enforcement  
28 agency, in accordance with the requirements of Title IV,  
29 Part D of the Social Security Act and regulations  
30 promulgated under that Part D.

31 The Department of Public Aid shall provide a copy of the  
32 notice to the obligee and to the clerk of the circuit court.

33 Within--15--days--after--the--effective--date--of--this--amendatory  
34 Act--of--the--91st--General--Assembly,--the--Illinois--Department

1 shall--provide--written--notice--to--the--clerk--of--the--circuit  
2 court,--the--obligor,--and,--where--applicable,--the--obligor's  
3 payor--to--make--payments--to--the--State--Disbursement--Unit--if:

4 (1)--the---order--for--support--was--entered--before  
5 October-1,1999,--and--a--party--to--the--order--is--receiving  
6 child--and--spouse--support--services--under--Article--X--of--the  
7 Illinois--Public--Aid--Code;--or

8 (2)--no--party--to--the--order--is--receiving--child--and  
9 spouse--support--services,--and--the--support--payments--are  
10 being--made--through--income--withholding.

11 (c-15) Within 15 days after the effective date of this  
12 amendatory Act of the 91st General Assembly, the clerk of the  
13 circuit court shall provide written notice to the obligor to  
14 make payments directly to the clerk of the circuit court if  
15 no party to the order is receiving child and-spouse support  
16 enforcement services under Article X of the Illinois Public  
17 Aid Code, the support payments are not made through income  
18 withholding, and the order for support requires support  
19 payments to be made directly to the clerk of the circuit  
20 court. The clerk shall provide a copy of the notice to the  
21 obligee.

22 (c-20) If the State Disbursement Unit receives a support  
23 payment that was not appropriately made to the Unit under  
24 this Section, the Unit shall immediately return the payment  
25 to the sender, including, if possible, instructions detailing  
26 where to send the support payments.

27 (d) The notices required under subsections (c-10) and  
28 (c-15) may be sent by ordinary mail, certified mail, return  
29 receipt requested, facsimile transmission, or other  
30 electronic process, or may be served upon the obligor or  
31 payor using any method provided by law for service of a  
32 summons. The Illinois Department of Public Aid shall provide  
33 a--copy--of--the--notice--to--the--obligee--and--to--the--clerk--of--the  
34 court.

1 (Source: P.A. 91-677, eff. 1-5-00.)

2 Section 25. The Income Withholding for Support Act is  
3 amended by changing Sections 15 and 35 and adding Section 22  
4 as follows:

5 (750 ILCS 28/15)

6 Sec. 15. Definitions.

7 (a) "Order for support" means any order of the court  
8 which provides for periodic payment of funds for the support  
9 of a child or maintenance of a spouse, whether temporary or  
10 final, and includes any such order which provides for:

11 (1) modification or resumption of, or payment of  
12 arrearage accrued under, a previously existing order;

13 (2) reimbursement of support;

14 (3) payment or reimbursement of the expenses of  
15 pregnancy and delivery (for orders for support entered  
16 under the Illinois Parentage Act of 1984 or its  
17 predecessor the Paternity Act); or

18 (4) enrollment in a health insurance plan that is  
19 available to the obligor through an employer or labor  
20 union or trade union.

21 (b) "Arrearage" means the total amount of unpaid support  
22 obligations as determined by the court and incorporated into  
23 an order for support.

24 (b-5) "Business day" means a day on which State offices  
25 are open for regular business.

26 (c) "Delinquency" means any payment under an order for  
27 support which becomes due and remains unpaid after entry of  
28 the order for support.

29 (d) "Income" means any form of periodic payment to an  
30 individual, regardless of source, including, but not limited  
31 to: wages, salary, commission, compensation as an independent  
32 contractor, workers' compensation, disability, annuity,



1 pension, and retirement benefits, lottery prize awards,  
2 insurance proceeds, vacation pay, bonuses, profit-sharing  
3 payments, interest, and any other payments, made by any  
4 person, private entity, federal or state government, any unit  
5 of local government, school district or any entity created by  
6 Public Act; however, "income" excludes:

7 (1) any amounts required by law to be withheld,  
8 other than creditor claims, including, but not limited  
9 to, federal, State and local taxes, Social Security and  
10 other retirement and disability contributions;

11 (2) union dues;

12 (3) any amounts exempted by the federal Consumer  
13 Credit Protection Act;

14 (4) public assistance payments; and

15 (5) unemployment insurance benefits except as  
16 provided by law.

17 Any other State or local laws which limit or exempt  
18 income or the amount or percentage of income that can be  
19 withheld shall not apply.

20 (e) "Obligor" means the individual who owes a duty to  
21 make payments under an order for support.

22 (f) "Obligee" means the individual to whom a duty of  
23 support is owed or the individual's legal representative.

24 (g) "Payor" means any payor of income to an obligor.

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

34 (i) "Premium" means the dollar amount for which the

1 obligor is liable to his employer or labor union or trade  
2 union and which must be paid to enroll or maintain a child in  
3 a health insurance plan that is available to the obligor  
4 through an employer or labor union or trade union.

5 (j) "State Disbursement Unit" means the unit established  
6 to collect and disburse support payments in accordance with  
7 the provisions of Section 10-26 of the Illinois Public Aid  
8 Code.

9 (k) "Title IV-D Agency" means the agency of this State  
10 charged by law with the duty to administer the child support  
11 enforcement program established under Title IV, Part D of the  
12 Social Security Act and Article X of the Illinois Public Aid  
13 Code.

14 (l) "Title IV-D case" means a case in which an obligee  
15 or obligor is receiving child support enforcement services  
16 under Title IV, Part D of the Social Security Act and Article  
17 X of the Illinois Public Aid Code.

18 (m) "National Medical Support Notice" means the notice  
19 required for enforcement of orders for support providing for  
20 health insurance coverage of a child under Title IV, Part D  
21 of the Social Security Act, the Employee Retirement Income  
22 Security Act of 1974, and federal regulations promulgated  
23 under those Acts.

24 (n) "Employer" means a payor or labor union or trade  
25 union with an employee group health insurance plan and, for  
26 purposes of the National Medical Support Notice, also  
27 includes but is not limited to:

28 (1) any State or local governmental agency with a  
29 group health insurance plan; and

30 (2) any payor with a group health insurance plan or  
31 "church plan" covered under the Employee Retirement  
32 Income Security Act of 1974.

33 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,  
34 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

1 (750 ILCS 28/22 new)

2 Sec. 22. Use of National Medical Support Notice to  
3 enforce health insurance coverage.

4 (a) Notwithstanding the provisions of subdivision (c)(4)  
5 of Section 20, when an order for support is being enforced by  
6 the Title IV-D Agency under this Act, any requirement for  
7 health insurance coverage to be provided through an employer,  
8 including withholding of premiums from the income of the  
9 obligor, shall be enforced through use of a National Medical  
10 Support Notice instead of through provisions in an income  
11 withholding notice.

12 (b) A National Medical Support Notice may be served on  
13 the employer in the manner and under the circumstances  
14 provided for serving an income withholding notice under this  
15 Act, except that an order for support that conditions service  
16 of an income withholding notice on the obligor becoming  
17 delinquent in paying the order for support, as provided under  
18 subdivision (a)(1) of Section 20, shall not prevent immediate  
19 service of a National Medical Support Notice by the Title  
20 IV-D Agency. The Title IV-D Agency may serve a National  
21 Medical Support Notice on an employer in conjunction with  
22 service of an income withholding notice. Service of an income  
23 withholding notice is not a condition for service of a  
24 National Medical Support Notice, however.

25 (c) At the time of service of a National Medical Support  
26 Notice on the employer, the Title IV-D Agency shall serve a  
27 copy of the Notice on the obligor by ordinary mail addressed  
28 to the obligor's last known address. The Title IV-D Agency  
29 shall file a copy of the National Medical Support Notice,  
30 together with proofs of service on the employer and the  
31 obligor, with the clerk of the circuit court.

32 (d) Within 20 business days after the date of a National  
33 Medical Support Notice, an employer served with the Notice  
34 shall transfer the severable notice to plan administrator to

1 the appropriate group health plan providing any health  
2 insurance coverage for which the child is eligible. As  
3 required in the part of the National Medical Support Notice  
4 directed to the employer, the employer shall withhold any  
5 employee premium necessary for coverage of the child and  
6 shall send any amount withheld directly to the plan. The  
7 employer shall commence the withholding no later than the  
8 next payment of income that occurs 14 days following the date  
9 the National Medical Support Notice was mailed, sent by  
10 facsimile or other electronic means, or placed for personal  
11 delivery to or service on the employer.

12 Notwithstanding the requirement to withhold premiums from  
13 the obligor's income, if the plan administrator informs the  
14 employer that the child is enrolled in an option under the  
15 plan for which the employer has determined that the obligor's  
16 premium exceeds the amount that may be withheld from the  
17 obligor's income due to the withholding limitation or  
18 prioritization contained in this Act, the employer shall  
19 complete the appropriate item in the part of the National  
20 Medical Support Notice directed to the employer according to  
21 the instructions in the Notice and shall return that part to  
22 the Title IV-D Agency.

23 (e) If one of the following circumstances exists, an  
24 employer served with a National Medical Support Notice shall  
25 complete the part of the Notice directed to the employer in  
26 accordance with the instructions in the Notice and shall  
27 return that part to the Title IV-D Agency within 20 business  
28 days after the date of the Notice:

29 (1) The employer does not maintain or contribute to  
30 plans providing dependent or family health insurance  
31 coverage.

32 (2) The obligor is among a class of employees that  
33 is not eligible for family health insurance coverage  
34 under any group health plan maintained by the employer or

1 to which the employer contributes.

2 (3) Health insurance coverage is not available  
3 because the obligor is no longer employed by the  
4 employer.

5 (f) The administrator of a health insurance plan to whom  
6 an employer has transferred the severable notice to plan  
7 administrator part of a National Medical Support Notice shall  
8 complete that part with the health insurance coverage  
9 information required under the instructions in the Notice and  
10 shall return that part to the Title IV-D Agency within 40  
11 business days after the date of the Notice.

12 (g) The obligor may contest withholding under this  
13 Section based only on a mistake of fact and may contest  
14 withholding by filing a petition with the clerk of the  
15 circuit court within 20 days after service of a copy of the  
16 National Medical Support Notice on the obligor. The obligor  
17 must serve a copy of the petition on the Title IV-D Agency at  
18 the address stated in the National Medical Support Notice.  
19 The National Medical Support Notice, including the  
20 requirement to withhold any required premium, shall continue  
21 to be binding on the employer until the employer is served  
22 with a court order resolving the contest or until notified by  
23 the Title IV-D Agency.

24 (h) Whenever the obligor is no longer receiving income  
25 from the employer, the employer shall return a copy of the  
26 National Medical Support Notice to the Title IV-D Agency and  
27 shall provide information for the purpose of enforcing health  
28 insurance coverage under this Section.

29 (i) The Title IV-D Agency shall promptly notify the  
30 employer when there is no longer a current order for health  
31 insurance coverage in effect which the Title IV-D Agency is  
32 responsible for enforcing.

33 (j) Unless stated otherwise in this Section, all of the  
34 provisions of this Act relating to income withholding for

1 support shall pertain to income withholding for health  
2 insurance coverage under a National Medical Support Notice,  
3 including but not limited to the duties of the employer and  
4 obligor, and the penalties contained in Section 35 and  
5 Section 50. In addition, an employer who willfully fails to  
6 transfer the severable notice to plan administrator part of a  
7 National Medical Support Notice to the appropriate group  
8 health plan providing health insurance coverage for which the  
9 child is eligible, within 20 business days after the date of  
10 the Notice, is liable for the full amount of medical expenses  
11 incurred by or on behalf of the child which would have been  
12 paid or reimbursed by the health insurance coverage had the  
13 severable notice to plan administrator part of the Notice  
14 been timely transferred to the group health insurance plan.  
15 This penalty may be collected in a civil action that may be  
16 brought against the employer in favor of the obligee or the  
17 Title IV-D Agency.

18 (k) To the extent that any other State or local law may  
19 be construed to limit or prevent compliance by an employer or  
20 health insurance plan administrator with the requirements of  
21 this Section and federal law and regulations pertaining to  
22 the National Medical Support Notice, that State or local law  
23 shall not apply.

24 (l) As the Title IV-D Agency, the Department of Public  
25 Aid shall adopt any rules necessary for use of and compliance  
26 with the National Medical Support Notice.

27 (750 ILCS 28/35)

28 Sec. 35. Duties of payor.

29 (a) It shall be the duty of any payor who has been  
30 served with an income withholding notice to deduct and pay  
31 over income as provided in this Section. The payor shall  
32 deduct the amount designated in the income withholding  
33 notice, as supplemented by any notice provided pursuant to

1 subsection (f) of Section 45, beginning no later than the  
2 next payment of income which is payable or creditable to the  
3 obligor that occurs 14 days following the date the income  
4 withholding notice was mailed, sent by facsimile or other  
5 electronic means, or placed for personal delivery to or  
6 service on the payor. The payor may combine all amounts  
7 withheld for the benefit of an obligee or public office into  
8 a single payment and transmit the payment with a listing of  
9 obligors from whom withholding has been effected. The payor  
10 shall pay the amount withheld to the State Disbursement Unit  
11 within 7 business days after the date the amount would (but  
12 for the duty to withhold income) have been paid or credited  
13 to the obligor. If the payor knowingly fails to pay any  
14 amount withheld to the State Disbursement Unit within 7  
15 business days after the date the amount would have been paid  
16 or credited to the obligor, the payor shall pay a penalty of  
17 \$100 for each day that the withheld amount is not paid to the  
18 State Disbursement Unit after the period of 7 business days  
19 has expired. The failure of a payor, on more than one  
20 occasion, to pay amounts withheld to the State Disbursement  
21 Unit within 7 business days after the date the amount would  
22 have been paid or credited to the obligor creates a  
23 presumption that the payor knowingly failed to pay over the  
24 amounts. This penalty may be collected in a civil action  
25 which may be brought against the payor in favor of the  
26 obligee or public office. A finding of a payor's  
27 nonperformance within the time required under this Act must  
28 be documented by a certified mail return receipt showing the  
29 date the income withholding notice was served on the payor.  
30 For purposes of this Act, a withheld amount shall be  
31 considered paid by a payor on the date it is mailed by the  
32 payor, or on the date an electronic funds transfer of the  
33 amount has been initiated by the payor, or on the date  
34 delivery of the amount has been initiated by the payor. For

1 each deduction, the payor shall provide the State  
2 Disbursement Unit, at the time of transmittal, with the date  
3 the amount would (but for the duty to withhold income) have  
4 been paid or credited to the obligor.

5 After June 30, 2000, every payor that has 250 or more  
6 employees shall use electronic funds transfer to pay all  
7 amounts withheld under this Section. During the year 2001  
8 and during each year thereafter, every payor that has fewer  
9 than 250 employees and that withheld income under this  
10 Section pursuant to 10 or more income withholding notices  
11 during December of the preceding year shall use electronic  
12 funds transfer to pay all amounts withheld under this  
13 Section.

14 Upon receipt of an income withholding notice requiring  
15 that a minor child be named as a beneficiary of a health  
16 insurance plan available through an employer or labor union  
17 or trade union, the employer or labor union or trade union  
18 shall immediately enroll the minor child as a beneficiary in  
19 the health insurance plan designated by the income  
20 withholding notice. The employer shall withhold any required  
21 premiums and pay over any amounts so withheld and any  
22 additional amounts the employer pays to the insurance carrier  
23 in a timely manner. The employer or labor union or trade  
24 union shall mail to the obligee, within 15 days of enrollment  
25 or upon request, notice of the date of coverage, information  
26 on the dependent coverage plan, and all forms necessary to  
27 obtain reimbursement for covered health expenses, such as  
28 would be made available to a new employee. When an order for  
29 dependent coverage is in effect and the insurance coverage is  
30 terminated or changed for any reason, the employer or labor  
31 union or trade union shall notify the obligee within 10 days  
32 of the termination or change date along with notice of  
33 conversion privileges.

34 For withholding of income, the payor shall be entitled to



1 receive a fee not to exceed \$5 per month to be taken from the  
2 income to be paid to the obligor.

3 (b) Whenever the obligor is no longer receiving income  
4 from the payor, the payor shall return a copy of the income  
5 withholding notice to the obligee or public office and shall  
6 provide information for the purpose of enforcing this Act.

7 (c) Withholding of income under this Act shall be made  
8 without regard to any prior or subsequent garnishments,  
9 attachments, wage assignments, or any other claims of  
10 creditors. Withholding of income under this Act shall not be  
11 in excess of the maximum amounts permitted under the federal  
12 Consumer Credit Protection Act. If the payor has been served  
13 with more than one income withholding notice pertaining to  
14 the same obligor, the payor shall allocate income available  
15 for withholding on a proportionate share basis, giving  
16 priority to current support payments. If there is any income  
17 available for withholding after withholding for all current  
18 support obligations, the payor shall allocate the income to  
19 past due support payments ordered in cases in which cash  
20 assistance under the Illinois Public Aid Code is not being  
21 provided to the obligee and then to past due support payments  
22 ordered in cases in which cash assistance under the Illinois  
23 Public Aid Code is being provided to the obligee, both on a  
24 proportionate share basis. The payor shall give priority to  
25 withholding for cash support and then to withholding of  
26 premiums for health insurance coverage. A payor who complies  
27 with an income withholding notice that is regular on its face  
28 shall not be subject to civil liability with respect to any  
29 individual, any agency, or any creditor of the obligor for  
30 conduct in compliance with the notice.

31 (d) No payor shall discharge, discipline, refuse to hire  
32 or otherwise penalize any obligor because of the duty to  
33 withhold income.

34 (Source: P.A. 90-673, eff. 1-1-99; 91-212, eff. 7-20-99;

1 91-677, eff. 1-5-00.)

2 Section 30. The Illinois Parentage Act of 1984 is  
3 amended by changing Sections 21 and 21.1 as follows:

4 (750 ILCS 45/21) (from Ch. 40, par. 2521)

5 Sec. 21. Support payments; receiving and disbursing  
6 agents.

7 (1) In an action filed in a county of less than 3  
8 million population in which an order for child support is  
9 entered, and in supplementary proceedings in such a county to  
10 enforce or vary the terms of such order arising out of an  
11 action filed in such a county, the court, except in actions  
12 or supplementary proceedings in which the pregnancy and  
13 delivery expenses of the mother or the child support payments  
14 are for a recipient of aid under the Illinois Public Aid  
15 Code, shall direct that child support payments be made to the  
16 clerk of the court unless in the discretion of the court  
17 exceptional circumstances warrant otherwise. In cases where  
18 payment is to be made to persons other than the clerk of the  
19 court the judgment or order of support shall set forth the  
20 facts of the exceptional circumstances.

21 (2) In an action filed in a county of 3 million or more  
22 population in which an order for child support is entered,  
23 and in supplementary proceedings in such a county to enforce  
24 or vary the terms of such order arising out of an action  
25 filed in such a county, the court, except in actions or  
26 supplementary proceedings in which the pregnancy and delivery  
27 expenses of the mother or the child support payments are for  
28 a recipient of aid under the Illinois Public Aid Code, shall  
29 direct that child support payments be made either to the  
30 clerk of the court or to the Court Service Division of the  
31 County Department of Public Aid, or to the clerk of the court  
32 or to the Illinois Department of Public Aid, unless in the

1 discretion of the court exceptional circumstances warrant  
2 otherwise. In cases where payment is to be made to persons  
3 other than the clerk of the court, the Court Service Division  
4 of the County Department of Public Aid, or the Illinois  
5 Department of Public Aid, the judgment or order of support  
6 shall set forth the facts of the exceptional circumstances.

7 (3) Where the action or supplementary proceeding is in  
8 behalf of a mother for pregnancy and delivery expenses or for  
9 child support, or both, and the mother, child, or both, are  
10 recipients of aid under the Illinois Public Aid Code, the  
11 court shall order that the payments be made directly to (a)  
12 the Illinois Department of Public Aid if the mother or child,  
13 or both, are recipients under Articles IV or V of the Code,  
14 or (b) the local governmental unit responsible for the  
15 support of the mother or child, or both, if they are  
16 recipients under Articles VI or VII of the Code. In  
17 accordance with federal law and regulations, the Illinois  
18 Department of Public Aid may continue to collect current  
19 maintenance payments or child support payments, or both,  
20 after those persons cease to receive public assistance and  
21 until termination of services under Article X of the Illinois  
22 Public Aid Code. The Illinois Department of Public Aid shall  
23 pay the net amount collected to those persons after deducting  
24 any costs incurred in making the collection or any collection  
25 fee from the amount of any recovery made. The Illinois  
26 Department of Public Aid or the local governmental unit, as  
27 the case may be, may direct that payments be made directly to  
28 the mother of the child, or to some other person or agency in  
29 the child's behalf, upon the removal of the mother and child  
30 from the public aid rolls or upon termination of services  
31 under Article X of the Illinois Public Aid Code; and upon  
32 such direction, the Illinois Department or the local  
33 governmental unit, as the case requires, shall give notice of  
34 such action to the court in writing or by electronic

1 transmission.

2 (4) All clerks of the court and the Court Service  
3 Division of a County Department of Public Aid and the  
4 Illinois Department of Public Aid, receiving child support  
5 payments under paragraphs (1) or (2) shall disburse the same  
6 to the person or persons entitled thereto under the terms of  
7 the order. They shall establish and maintain clear and  
8 current records of all moneys received and disbursed and of  
9 defaults and delinquencies in required payments. The court,  
10 by order or rule, shall make provision for the carrying out  
11 of these duties.

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

30 Payments under this Section to the Illinois Department of  
31 Public Aid pursuant to the Child Support Enforcement Program  
32 established by Title IV-D of the Social Security Act shall be  
33 paid into the Child Support Enforcement Trust Fund. All  
34 payments under this Section to the Illinois Department of

1 Human Services shall be deposited in the DHS Recoveries Trust  
2 Fund. Disbursement from these funds shall be as provided in  
3 the Illinois Public Aid Code. Payments received by a local  
4 governmental unit shall be deposited in that unit's General  
5 Assistance Fund.

6 (5) The moneys received by persons or agencies  
7 designated by the court shall be disbursed by them in  
8 accordance with the order. However, the court, on petition  
9 of the state's attorney, may enter new orders designating the  
10 clerk of the court or the Illinois Department of Public Aid,  
11 as the person or agency authorized to receive and disburse  
12 child support payments and, in the case of recipients of  
13 public aid, the court, on petition of the Attorney General or  
14 State's Attorney, shall direct subsequent payments to be paid  
15 to the Illinois Department of Public Aid or to the  
16 appropriate local governmental unit, as provided in paragraph  
17 (3). Payments of child support by principals or sureties on  
18 bonds, or proceeds of any sale for the enforcement of a  
19 judgment shall be made to the clerk of the court, the  
20 Illinois Department of Public Aid or the appropriate local  
21 governmental unit, as the respective provisions of this  
22 Section require.

23 (6) For those cases in which child support is payable to  
24 the clerk of the circuit court for transmittal to the  
25 Illinois Department of Public Aid by order of court or upon  
26 notification by the Illinois Department of Public Aid, the  
27 clerk shall transmit all such payments, within 4 working days  
28 of receipt, to insure that funds are available for immediate  
29 distribution by the Department to the person or entity  
30 entitled thereto in accordance with standards of the Child  
31 Support Enforcement Program established under Title IV-D of  
32 the Social Security Act. The clerk shall notify the  
33 Department of the date of receipt and amount thereof at the  
34 time of transmittal. Where the clerk has entered into an

1 agreement of cooperation with the Department to record the  
2 terms of child support orders and payments made thereunder  
3 directly into the Department's automated data processing  
4 system, the clerk shall account for, transmit and otherwise  
5 distribute child support payments in accordance with such  
6 agreement in lieu of the requirements contained herein.

7 (7) To the extent the provisions of this Section are  
8 inconsistent with the requirements pertaining to the State  
9 Disbursement Unit under Section 21.1 of this Act and Section  
10 10-26 of the Illinois Public Aid Code, the requirements  
11 pertaining to the State Disbursement Unit shall apply.

12 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;  
13 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

14 (750 ILCS 45/21.1)

15 Sec. 21.1. Payment of Support to State Disbursement Unit.

16 (a) As used in this Section:

17 "Order for support", "obligor", "obligee", and "payor"  
18 mean those terms as defined in the Income Withholding for  
19 Support Act, except that "order for support" shall not mean  
20 orders providing for spousal maintenance under which there is  
21 no child support obligation.

22 (b) Notwithstanding any other provision of this Act to  
23 the contrary, each order for support entered or modified on  
24 or after October 1, 1999 shall require that support payments  
25 be made to the State Disbursement Unit established under  
26 Section 10-26 of the Illinois Public Aid Code if:

27 (1) a party to the order is receiving child and  
28 spouse support enforcement services under Article X of  
29 the Illinois Public Aid Code; or

30 (2) no party to the order is receiving child and  
31 spouse support enforcement services, but the support  
32 payments are made through income withholding.

33 (c) Support payments shall be made to the State

1 Disbursement Unit if:

2 (1) the order for support was entered before  
3 October 1, 1999, and a party to the order is receiving  
4 child and--spouse support enforcement services under  
5 Article X of the Illinois Public Aid Code; or

6 (2) no party to the order is receiving child and  
7 spouse support enforcement services, and the support  
8 payments are being made through income withholding.

9 (c-5) If no party to the order is receiving child and  
10 spouse support enforcement services under Article X of the  
11 Illinois Public Aid Code, and the support payments are not  
12 made through income withholding, then support payments shall  
13 be made as directed by the order for support.

14 (c-10) At any time, and notwithstanding the existence of  
15 an order directing payments to be made elsewhere, the  
16 Department of Public Aid may provide notice to the obligor  
17 and, where applicable, to the obligor's payor:

18 (1) to make support payments to the State  
19 Disbursement Unit if:

20 (A) a party to the order for support is  
21 receiving child support enforcement services under  
22 Article X of the Illinois Public Aid Code; or

23 (B) no party to the order for support is  
24 receiving child support enforcement services under  
25 Article X of the Illinois Public Aid Code, but the  
26 support payments are made through income  
27 withholding; or

28 (2) to make support payments to the State  
29 Disbursement Unit of another state upon request of  
30 another state's Title IV-D child support enforcement  
31 agency, in accordance with the requirements of Title IV,  
32 Part D of the Social Security Act and regulations  
33 promulgated under that Part D.

34 The Department of Public Aid shall provide a copy of the

1 notice to the obligee and to the clerk of the circuit court.  
 2 Within 15 days after the effective date of this amendatory  
 3 Act of the 91st General Assembly, the Illinois Department  
 4 shall provide written notice to the clerk of the circuit  
 5 court, the obligor, and, where applicable, the obligor's  
 6 payor to make payments to the State Disbursement Unit if:

7 (1) the order for support was entered before  
 8 October 1, 1999, and a party to the order is receiving  
 9 child and spouse support services under Article X of the  
 10 Illinois Public Aid Code; or

11 (2) no party to the order is receiving child and  
 12 spouse support services, and the support payments are  
 13 being made through income withholding.

14 (c-15) Within 15 days after the effective date of this  
 15 amendatory Act of the 91st General Assembly, the clerk of the  
 16 circuit court shall provide written notice to the obligor to  
 17 directly to the clerk of the circuit court if no party to the  
 18 order is receiving child and spouse support enforcement  
 19 services under Article X of the Illinois Public Aid Code, the  
 20 support payments are not made through income withholding, and  
 21 the order for support requires support payments to be made  
 22 directly to the clerk of the circuit court. The clerk shall  
 23 provide a copy of the notice to the obligee.

24 (c-20) If the State Disbursement Unit receives a support  
 25 payment that was not appropriately made to the Unit under  
 26 this Section, the Unit shall immediately return the payment  
 27 to the sender, including, if possible, instructions detailing  
 28 where to send the support payments.

29 (d) The notices required under subsections (c-10) and  
 30 (c-15) may be sent by ordinary mail, certified mail, return  
 31 receipt requested, facsimile transmission, or other  
 32 electronic process, or may be served upon the obligor or  
 33 payor using any method provided by law for service of a  
 34 summons. The Illinois Department of Public Aid shall provide



1 a-copy-of-the-notice-to-the-obligee-and-to-the-clerk--of--the  
2 court.

3 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

4 Section 99. Effective date. This Act takes effect on  
5 July 1, 2002.