

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 2. The Children and Family Services Act is
5 amended by changing Section 9.1 as follows:

6 (20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

7 Sec. 9.1. The parents or guardians of the estates of
8 children accepted for care and training under the Juvenile
9 Court Act or the Juvenile Court Act of 1987, or through a
10 voluntary placement agreement with the parents or guardians
11 shall be liable for the payment to the Department, or to a
12 licensed or approved child care facility designated by the
13 Department of sums representing charges for the care and
14 training of those children at a rate to be determined by the
15 Department. The Department shall establish a standard by
16 which shall be measured the ability of parents or guardians
17 to pay for the care and training of their children, and shall
18 implement the standard by rules governing its application.
19 The standard and the rules shall take into account ability to
20 pay as measured by annual income and family size. Medical or
21 other treatment provided on behalf of the family may also be
22 taken into account in determining ability to pay if the
23 Department concludes that such treatment is appropriate.

24 In addition, the Department may provide by rule for
25 referral of Title IV-E foster care maintenance cases to the
26 Department of Public Aid for child support enforcement
27 services under Title IV-D of the Social Security Act. The
28 Department shall consider "good cause" as defined in
29 regulations promulgated under Title IV-A of the Social
30 Security Act, among other criteria, when determining whether
31 to refer a case and, upon referral, the parent or guardian of

1 the estate of a child who is receiving Title IV-E foster care
2 maintenance payments shall be deemed to have made an
3 assignment to the Department of any and all rights, title and
4 interest in any support obligation on behalf of a child. The
5 rights to support assigned to the Department shall constitute
6 an obligation owed the State by the person who is responsible
7 for providing the support, and shall be collectible under all
8 applicable processes.

9 The acceptance of children for services or care shall not
10 be limited or conditioned in any manner on the financial
11 status or ability of parents or guardians to make such
12 payments.

13 (Source: P.A. 85-1209; 86-1311.)

14 Section 5. The Illinois Public Aid Code is amended by
15 changing Sections 9-6, 10-1, 10-3, 10-3.1, 10-4, 10-7, 10-8,
16 10-8.1, 10-10, 10-10.1, 10-10.4, 10-11, 10-11.1, 10-12.1,
17 10-13, 10-14, 10-14.1, 10-15, 10-17.2, 10-17.7, 10-26, and
18 12-8 as follows:

19 (305 ILCS 5/9-6) (from Ch. 23, par. 9-6)

20 Sec. 9-6. Job Search, Training and Work Programs. The
21 Illinois Department and local governmental units shall
22 initiate, promote and develop job search, training and work
23 programs which will provide employment for and contribute to
24 the training and experience of persons receiving aid under
25 Articles III, V, and VI.

26 The job search, training and work programs shall be
27 designed to preserve and improve the work habits and skills
28 of recipients for whom jobs are not otherwise immediately
29 available and to provide training and experience for
30 recipients who lack the skills required for such employment
31 opportunities as are or may become available. The Illinois
32 Department and local governmental unit shall determine by

1 rule those classes of recipients who shall be subject to
2 participation in such programs. If made subject to
3 participation, every applicant for or recipient of public aid
4 who is determined to be "able to engage in employment", as
5 defined by the Department or local governmental unit pursuant
6 to rules and regulations, for whom unsubsidized jobs are not
7 otherwise immediately available shall be required to
8 participate in any program established under this Section.

9 The Illinois Department shall establish with the Director
10 of Central Management Services an outreach and training
11 program designed to encourage and assist recipients
12 participating in job search, training and work programs to
13 participate in open competitive examinations for trainee and
14 other entry level positions to maximize opportunities for
15 placement on open competitive eligible listings and referral
16 to State agencies for employment consideration.

17 The Department shall provide payment for transportation,
18 day-care and Workers' Compensation costs which occur for
19 recipients as a result of participating in job search,
20 training and work programs as described in this Section. The
21 Department may decline to initiate such programs in areas
22 where eligible recipients would be so few in number as to not
23 economically justify such programs; and in this event the
24 Department shall not require persons in such areas to
25 participate in any job search, training, or work programs
26 whatsoever as a condition of their continued receipt of, or
27 application for, aid.

28 The programs may include, but shall not be limited to,
29 service in child care centers, in preschool programs as
30 teacher aides and in public health programs as home visitors
31 and health aides; the maintenance of or services required in
32 connection with public offices, buildings and grounds; state,
33 county and municipal hospitals, forest preserves, parks,
34 playgrounds, streets and highways, and other governmental

1 maintenance or construction directed toward environmental
2 improvement; and similar facilities.

3 The Illinois Department or local governmental units may
4 enter into agreements with local taxing bodies and private
5 not-for-profit organizations, agencies and institutions to
6 provide for the supervision and administration of job search,
7 work and training projects authorized by this Section. Such
8 agreements shall stipulate the requirements for utilization
9 of recipients in such projects. In addition to any other
10 requirements dealing with the administration of these
11 programs, the Department shall assure, pursuant to rules and
12 regulations, that:

13 (a) Recipients may not displace regular employees.

14 (b) The maximum number of hours of mandatory work
15 is 8 hours per day and 40 hours per week, not to exceed
16 120 hours per month.

17 (c) The maximum number of hours per month shall be
18 determined by dividing the recipient's benefits by the
19 federal minimum wage, rounded to the lowest full hour.
20 "Recipient's benefits" in this subsection includes: (i)
21 both cash assistance and food stamps provided to the
22 entire assistance unit or household by the Illinois
23 Department where the job search, work and training
24 program is administered by the Illinois Department and,
25 where federal programs are involved, includes all such
26 cash assistance and food stamps provided to the greatest
27 extent allowed by federal law; or (ii) includes only cash
28 assistance provided to the entire assistance unit by the
29 local governmental unit where the job search, work and
30 training program is administered by the local
31 governmental unit.

32 (d) The recipient shall be provided or compensated
33 for transportation to and from the work location.

34 (e) Appropriate terms regarding recipient

1 compensation are met.

2 Local taxing bodies and private not-for-profit
3 organizations, agencies and institutions which utilize
4 recipients in job search, work and training projects
5 authorized by this Section are urged to include such
6 recipients in the formulation of their employment policies.

7 Unless directly paid by an employing local taxing body or
8 not-for-profit agency, a recipient participating in a work
9 project who meets all requirements set forth by the Illinois
10 Department shall receive credit towards his or her monthly
11 assistance benefits for work performed based upon the
12 applicable minimum wage rate. Where a recipient is paid
13 directly by an employing agency, the Illinois Department or
14 local governmental unit shall provide for payment to such
15 employing entity the appropriate amount of assistance
16 benefits to which the recipient would otherwise be entitled
17 under this Code.

18 The Illinois Department or its designee, including local
19 governmental units, may enter into agreements with the
20 agencies or institutions providing work under programs
21 established hereunder for payment to each such employer
22 (hereinafter called "public service employer") of all or a
23 portion of the wages to be paid to persons for the work
24 performed and other appropriate costs.

25 If the number of persons receiving aid under Article VI
26 is insufficient to justify the establishment of job search,
27 training and work programs on a local basis by a local
28 governmental unit, or if for other good cause the
29 establishment of a local program is impractical or
30 unwarranted, the local governmental unit shall cooperate with
31 other local governmental units, with civic and non-profit
32 community agencies, and with the Illinois Department in
33 developing a program or programs which will jointly serve the
34 participating governmental units and agencies.

1 A local governmental unit receiving State funds shall
2 refer all recipients able to engage in employment to such job
3 search, training and work programs as are established,
4 whether within or without the governmental unit, and as are
5 accessible to persons receiving aid from the governmental
6 unit. The Illinois Department shall withhold allocation of
7 state funds to any governmental unit which fails or refuses
8 to make such referrals.

9 Participants in job search, training and work programs
10 shall be required to maintain current registration for
11 regular employment under Section 11-10 and to accept any bona
12 fide offer of regular employment. They shall likewise be
13 required to accept education, work and training opportunities
14 available to them under other provisions of this Code or
15 Federal law. The Illinois Department or local governmental
16 unit shall provide by rule for periodic review of the
17 circumstances of each participant to determine the
18 feasibility of his placement in regular employment or other
19 work, education and training opportunities.

20 Moneys made available for public aid purposes under
21 Articles IV and VI may be expended to pay public service
22 employers all or a portion of the wages of public service
23 employees and other appropriate costs, to provide necessary
24 supervisory personnel and equipment, to purchase Workers'
25 Compensation Insurance or to pay Workers' Compensation
26 claims, and to provide transportation to and from work sites.

27 The Department shall provide through rules and
28 regulations for sanctions against applicants and recipients
29 of aid under this Code who fail to cooperate with the
30 regulations and requirements established pursuant to this
31 Section. Such sanctions may include the loss of eligibility
32 to receive aid under Article VI of this Code for up to 3
33 months.

34 The Department, in cooperation with a local governmental

1 unit, may maintain a roster of persons who are required to
 2 participate in a local job search, training and work program.
 3 In such cases, the roster shall be available for inspection
 4 by employers for the selection of possible workers.

5 In addition to the programs authorized by this Section,
 6 the Illinois Department is authorized to administer any job
 7 search, training or work projects in conjunction with the
 8 Federal Food Stamp Program, either under this Section or
 9 under other regulations required by the Federal government.

10 The Illinois Department may also administer pilot
 11 programs to provide job search, training and work programs to
 12 unemployed parents of children receiving child support
 13 enforcement services under Article X of this Code.

14 (Source: P.A. 92-111, eff. 1-1-02.)

15 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

16 Sec. 10-1. Declaration of Public Policy - Persons
 17 Eligible for Child and-Spouse Support Enforcement Services -
 18 Fees for Non-Applicants and Non-Recipients.) It is the intent
 19 of this Code that the financial aid and social welfare
 20 services herein provided supplement rather than supplant the
 21 primary and continuing obligation of the family unit for
 22 self-support to the fullest extent permitted by the resources
 23 available to it. This primary and continuing obligation
 24 applies whether the family unit of parents and children or of
 25 husband and wife remains intact and resides in a common
 26 household or whether the unit has been broken by absence of
 27 one or more members of the unit. The obligation of the
 28 family unit is particularly applicable when a member is in
 29 necessitous circumstances and lacks the means of a livelihood
 30 compatible with health and well-being.

31 It is the purpose of this Article to provide for locating
 32 an absent parent or spouse, for determining his financial
 33 circumstances, and for enforcing his legal obligation of

1 support, if he is able to furnish support, in whole or in
2 part. The Illinois Department of Public Aid shall give
3 priority to establishing, enforcing and collecting the
4 current support obligation, and then to past due support owed
5 to the family unit, except with respect to collections
6 effected through the intercept programs provided for in this
7 Article.

8 The child and--spouse support enforcement services
9 provided hereunder shall be furnished dependents of an absent
10 parent or spouse who are applicants for or recipients of
11 financial aid under this Code. It is not, however, a
12 condition of eligibility for financial aid that there be no
13 responsible relatives who are reasonably able to provide
14 support. Nor, except as provided in Sections 4-1.7 and 10-8,
15 shall the existence of such relatives or their payment of
16 support contributions disqualify a needy person for financial
17 aid.

18 By accepting financial aid under this Code, a spouse or a
19 parent or other person having custody of a child shall be
20 deemed to have made assignment to the Illinois Department for
21 aid under Articles III, IV, V and VII or to a local
22 governmental unit for aid under Article VI of any and all
23 rights, title, and interest in any support obligation up to
24 the amount of financial aid provided. The rights to support
25 assigned to the Illinois Department of Public Aid or local
26 governmental unit shall constitute an obligation owed the
27 State or local governmental unit by the person who is
28 responsible for providing the support, and shall be
29 collectible under all applicable processes.

30 The Illinois Department of Public Aid shall also furnish
31 the child and--spouse support enforcement services established
32 under this Article in behalf of persons who are not
33 applicants for or recipients of financial aid under this Code
34 in accordance with the requirements of Title IV, Part D of

1 the Social Security Act. The Department may establish a
2 schedule of reasonable fees, to be paid for the services
3 provided and may deduct a collection fee, not to exceed 10%
4 of the amount collected, from such collection. The Illinois
5 Department of Public Aid shall cause to be published and
6 distributed publications reasonably calculated to inform the
7 public that individuals who are not recipients of or
8 applicants for public aid under this Code are eligible for
9 the child and-spouse support enforcement services under this
10 Article X. Such publications shall set forth an explanation,
11 in plain language, that the child and--spouse support
12 enforcement services program is independent of any public aid
13 program under the Code and that the receiving of child and
14 spouse support enforcement services service in no way implies
15 that the person receiving such services service is receiving
16 public aid.

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

18 (305 ILCS 5/10-3) (from Ch. 23, par. 10-3)
19 Sec. 10-3. Standard and Regulations for Determining
20 Ability to Support.† The Illinois Department shall establish
21 a standard by which shall be measured the ability of
22 responsible relatives to provide support, and shall implement
23 the standard by rules governing its application. The
24 standard and the rules shall take into account the buying and
25 consumption patterns of self-supporting persons of modest
26 income, present or future contingencies having direct bearing
27 on maintenance of the relative's self-support status and
28 fulfillment of his obligations to his immediate family, and
29 any unusual or exceptional circumstances including
30 estrangement or other personal or social factors, that have a
31 bearing on family relationships and the relative's ability to
32 meet his support obligations. The standard shall be
33 recomputed periodically to reflect changes in the cost of

1 living and other pertinent factors.

2 In addition to the standard, the Illinois Department may
3 establish guidelines to be used exclusively to measure the
4 ability of responsible relatives to provide support on behalf
5 of applicants for or recipients of financial aid under
6 Article IV of this Act and other persons who are given access
7 to the child and-spouse support enforcement services of this
8 Article as provided in Section 10-1. In such case, the
9 Illinois Department shall base the guidelines upon the
10 applicable provisions of Sections 504, 505 and 505.2 of the
11 Illinois Marriage and Dissolution of Marriage Act, as
12 amended, and shall implement such guidelines by rules
13 governing their application.

14 The term "administrative administration enforcement
15 unit", when used in this Article, means local governmental
16 units or the Child and Spouse Support Unit established under
17 Section 10-3.1 when exercising the powers designated in this
18 Article. The administrative enforcement unit shall apply the
19 standard or guidelines, rules and procedures provided for by
20 this Section and Sections 10-4 through 10-8 in determining
21 the ability of responsible relatives to provide support for
22 applicants for or recipients of financial aid under this
23 Code, except that the administrative enforcement unit may
24 apply such standard or guidelines, rules and procedures at
25 its discretion with respect to those applicants for or
26 recipients of financial aid under Article IV and other
27 persons who are given access to the child and-spouse support
28 enforcement services of this Article as provided by Section
29 10-1.

30 (Source: P.A. 86-649; revised 12-13-01.)

31 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

32 Sec. 10-3.1. Child and Spouse Support Unit. The
33 Illinois Department shall establish within its administrative

1 staff a Child and Spouse Support Unit to search for and
2 locate absent parents and spouses liable for the support of
3 persons resident in this State and to exercise the support
4 enforcement powers and responsibilities assigned the
5 Department by this Article. The unit shall cooperate with
6 all law enforcement officials in this State and with the
7 authorities of other States in locating persons responsible
8 for the support of persons resident in other States and shall
9 invite the cooperation of these authorities in the
10 performance of its duties.

11 In addition to other duties assigned the Child and Spouse
12 Support Unit by this Article, the Unit may refer to the
13 Attorney General or units of local government with the
14 approval of the Attorney General, any actions under Sections
15 10-10 and 10-15 for judicial enforcement of the support
16 liability. The Child and Spouse Support Unit shall act for
17 the Department in referring to the Attorney General support
18 matters requiring judicial enforcement under other laws. If
19 requested by the Attorney General to so act, as provided in
20 Section 12-16, attorneys of the Unit may assist the Attorney
21 General or themselves institute actions in behalf of the
22 Illinois Department under the Revised Uniform Reciprocal
23 Enforcement of Support Act; under the Illinois Parentage Act
24 of 1984; under the Non-Support of Spouse and Children Act;
25 under the Non-Support Punishment Act; or under any other law,
26 State or Federal, providing for support of a spouse or
27 dependent child.

28 The Illinois Department shall also have the authority to
29 enter into agreements with local governmental units or
30 individuals, with the approval of the Attorney General, for
31 the collection of moneys owing because of the failure of a
32 parent to make child support payments for any child receiving
33 services under this Article. Such agreements may be on a
34 contingent fee basis, but such contingent fee shall not

1 exceed 25% of the total amount collected.

2 An attorney who provides representation pursuant to this
3 Section shall represent the Illinois Department exclusively.
4 Regardless of the designation of the plaintiff in an action
5 brought pursuant to this Section, an attorney-client
6 relationship does not exist for purposes of that action
7 between that attorney and (i) an applicant for or recipient
8 of child and-spouse support enforcement services or (ii) any
9 other party to the action other than the Illinois Department.
10 Nothing in this Section shall be construed to modify any
11 power or duty (including a duty to maintain confidentiality)
12 of the Child and Spouse Support Unit or the Illinois
13 Department otherwise provided by law.

14 The Illinois Department may also enter into agreements
15 with local governmental units for the Child and Spouse
16 Support Unit to exercise the investigative and enforcement
17 powers designated in this Article, including the issuance of
18 administrative orders under Section 10-11, in locating
19 responsible relatives and obtaining support for persons
20 applying for or receiving aid under Article VI. Payments for
21 defrayment of administrative costs and support payments
22 obtained shall be deposited into the DHS Recoveries Trust
23 Fund. Support payments shall be paid over to the General
24 Assistance Fund of the local governmental unit at such time
25 or times as the agreement may specify.

26 With respect to those cases in which it has support
27 enforcement powers and responsibilities under this Article,
28 the Illinois Department may provide by rule for periodic or
29 other review of each administrative and court order for
30 support to determine whether a modification of the order
31 should be sought. The Illinois Department shall provide for
32 and conduct such review in accordance with any applicable
33 federal law and regulation.

34 As part of its process for review of orders for support,

1 the Illinois Department, through written notice, may require
2 the responsible relative to disclose his or her Social
3 Security Number and past and present information concerning
4 the relative's address, employment, gross wages, deductions
5 from gross wages, net wages, bonuses, commissions, number of
6 dependent exemptions claimed, individual and dependent health
7 insurance coverage, and any other information necessary to
8 determine the relative's ability to provide support in a case
9 receiving child and-spouse support enforcement services under
10 this Article X.

11 The Illinois Department may send a written request for
12 the same information to the relative's employer. The
13 employer shall respond to the request for information within
14 15 days after the date the employer receives the request. If
15 the employer willfully fails to fully respond within the
16 15-day period, the employer shall pay a penalty of \$100 for
17 each day that the response is not provided to the Illinois
18 Department after the 15-day period has expired. The penalty
19 may be collected in a civil action which may be brought
20 against the employer in favor of the Illinois Department.

21 A written request for information sent to an employer
22 pursuant to this Section shall consist of (i) a citation of
23 this Section as the statutory authority for the request and
24 for the employer's obligation to provide the requested
25 information, (ii) a returnable form setting forth the
26 employer's name and address and listing the name of the
27 employee with respect to whom information is requested, and
28 (iii) a citation of this Section as the statutory authority
29 authorizing the employer to withhold a fee of up to \$20 from
30 the wages or income to be paid to each responsible relative
31 for providing the information to the Illinois Department
32 within the 15-day period. If the employer is withholding
33 support payments from the responsible relative's income
34 pursuant to an order for withholding, the employer may

1 withhold the fee provided for in this Section only after
2 withholding support as required under the order. Any amounts
3 withheld from the responsible relative's income for payment
4 of support and the fee provided for in this Section shall not
5 be in excess of the amounts permitted under the federal
6 Consumer Credit Protection Act.

7 In a case receiving child and-spouse support enforcement
8 services, the Illinois Department may request and obtain
9 information from a particular employer under this Section no
10 more than once in any 12-month period, unless the information
11 is necessary to conduct a review of a court or administrative
12 order for support at the request of the person receiving
13 child and-spouse support enforcement services.

14 The Illinois Department shall establish and maintain an
15 administrative unit to receive and transmit to the Child and
16 Spouse Support Unit information supplied by persons applying
17 for or receiving child and--spouse support enforcement
18 services under Section 10-1. In addition, the Illinois
19 Department shall address and respond to any alleged
20 deficiencies that persons receiving or applying for services
21 from the Child and Spouse Support Unit may identify
22 concerning the Child and Spouse Support Unit's provision of
23 child and-spouse support enforcement services. Within 60 days
24 after an action or failure to act by the Child and Spouse
25 Support Unit that affects his or her case, a recipient of or
26 applicant for child and-spouse support enforcement services
27 under Article X of this Code may request an explanation of
28 the Unit's handling of the case. At the requestor's option,
29 the explanation may be provided either orally in an
30 interview, in writing, or both. If the Illinois Department
31 fails to respond to the request for an explanation or fails
32 to respond in a manner satisfactory to the applicant or
33 recipient within 30 days from the date of the request for an
34 explanation, the applicant or recipient may request a

1 conference for further review of the matter by the Office of
2 the Administrator of the Child and Spouse Support Unit. A
3 request for a conference may be submitted at any time within
4 60 days after the explanation has been provided by the Child
5 and Spouse Support Unit or within 60 days after the time for
6 providing the explanation has expired.

7 The applicant or recipient may request a conference
8 concerning any decision denying or terminating child or
9 spouse support enforcement services under Article X of this
10 Code, and the applicant or recipient may also request a
11 conference concerning the Unit's failure to provide services
12 or the provision of services in an amount or manner that is
13 considered inadequate. For purposes of this Section, the
14 Child and Spouse Support Unit includes all local governmental
15 units or individuals with whom the Illinois Department has
16 contracted under Section 10-3.1.

17 Upon receipt of a timely request for a conference, the
18 Office of the Administrator shall review the case. The
19 applicant or recipient requesting the conference shall be
20 entitled, at his or her option, to appear in person or to
21 participate in the conference by telephone. The applicant or
22 recipient requesting the conference shall be entitled to be
23 represented and to be afforded a reasonable opportunity to
24 review the Illinois Department's file before or at the
25 conference. At the conference, the applicant or recipient
26 requesting the conference shall be afforded an opportunity to
27 present all relevant matters in support of his or her claim.
28 Conferences shall be without cost to the applicant or
29 recipient requesting the conference and shall be conducted by
30 a representative of the Child or Spouse Support Unit who did
31 not participate in the action or inaction being reviewed.

32 The Office of the Administrator shall conduct a
33 conference and inform all interested parties, in writing, of
34 the results of the conference within 60 days from the date of

1 filing of the request for a conference.

2 In addition to its other powers and responsibilities
3 established by this Article, the Child and Spouse Support
4 Unit shall conduct an annual assessment of each institution's
5 program for institution based paternity establishment under
6 Section 12 of the Vital Records Act.

7 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99;
8 92-16, eff. 6-28-01.)

9 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

10 Sec. 10-4. Notification of Support Obligation. The
11 administrative enforcement unit within the authorized area of
12 its operation shall notify each responsible relative of an
13 applicant or recipient, or responsible relatives of other
14 persons given access to the child support enforcement
15 services of this Article, of his legal obligation to support
16 and shall request such information concerning his financial
17 status as may be necessary to determine whether he is
18 financially able to provide such support, in whole or in
19 part. In cases involving a child born out of wedlock, the
20 notification shall include a statement that the responsible
21 relative has been named as the biological father of the child
22 identified in the notification.

23 In the case of applicants, the notification shall be sent
24 as soon as practical after the filing of the application. In
25 the case of recipients, the notice shall be sent at such time
26 as may be established by rule of the Illinois Department.

27 The notice shall be accompanied by the forms or
28 questionnaires provided in Section 10-5. It shall inform the
29 relative that he may be liable for reimbursement of any
30 support furnished from public aid funds prior to
31 determination of the relative's financial circumstances, as
32 well as for future support. In the alternative, when support
33 is sought on behalf of applicants for or recipients of

1 financial aid under Article IV of this Code and other persons
2 who are given access to the child and--spouse support
3 enforcement services of this Article as provided in Section
4 10-1, the notice shall inform the relative that the relative
5 may be required to pay support for a period before the date
6 an administrative support order is entered, as well as future
7 support.

8 Neither the mailing nor receipt of such notice shall be
9 deemed a jurisdictional requirement for the subsequent
10 exercise of the investigative procedures undertaken by an
11 administrative enforcement unit or the entry of any order or
12 determination of paternity or support or reimbursement by the
13 administrative enforcement unit; except that notice shall be
14 served by certified mail addressed to the responsible
15 relative at his or her last known address, return receipt
16 requested, or by any method provided by law for service of
17 summons, in cases where a determination of paternity or
18 support by default is sought on behalf of applicants for or
19 recipients of financial aid under Article IV of this Act and
20 other persons who are given access to the child and--spouse
21 support enforcement services of this Article as provided in
22 Section 10-1.

23 (Source: P.A. 88-687, eff. 1-24-95.)

24 (305 ILCS 5/10-7) (from Ch. 23, par. 10-7)

25 Sec. 10-7. Notice of support due.

26 (a) When an administrative enforcement unit has
27 determined that a responsible relative is financially able to
28 contribute to the support of an applicant or recipient, the
29 responsible relative shall be notified by mailing him a copy
30 of the determination by United States registered or certified
31 mail, advising him of his legal obligation to make support
32 payments for such period or periods of time, definite in
33 duration or indefinite, as the circumstances require. The

1 notice shall direct payment as provided in Section 10-8.
2 Where applicable, the determination and notice may include a
3 demand for reimbursement for emergency aid granted an
4 applicant or recipient during the period between the
5 application and determination of the relative's obligation
6 for support and for aid granted during any subsequent period
7 the responsible relative was financially able to provide
8 support but failed or refused to do so.

9 (b) In the alternative, when support is sought on behalf
10 of applicants for or recipients of financial aid under
11 Article IV of this Act and other persons who are given access
12 to the child and-spouse support enforcement services of this
13 Article as provided in Section 10-1, the administrative
14 enforcement unit shall not be required to send the notice and
15 may enter an administrative order immediately under the
16 provisions of Section 10-11. The order shall be based upon
17 the determination made under the provisions of Section 10-6
18 or, in instances of default, upon the needs of the persons
19 for whom support is sought. In addition to requiring payment
20 of future support, the administrative order may require
21 payment of support for a period before the date the order is
22 entered. The amount of support to be paid for the prior
23 period shall be determined under the guidelines established
24 by the Illinois Department pursuant to Section 10-3. The
25 order shall direct payment as provided in Section 10-10.

26 (Source: P.A. 88-687, eff. 1-24-95.)

27 (305 ILCS 5/10-8) (from Ch. 23, par. 10-8)

28 Sec. 10-8. Support Payments - Partial Support - Full
29 Support. The notice to responsible relatives issued pursuant
30 to Section 10-7 shall direct payment (a) to the Illinois
31 Department in cases of applicants and recipients under
32 Articles III, IV, V and VII, (b) except as provided in
33 Section 10-3.1, to the local governmental unit in the case of

1 applicants and recipients under Article VI, and (c) to the
2 Illinois Department in cases of non-applicants and
3 non-recipients given access to the child and-spouse support
4 enforcement services of this Article, as provided by Section
5 10-1. However, if the support payments by responsible
6 relatives are sufficient to meet needs of a recipient in
7 full, including current and anticipated medical needs, and
8 the Illinois Department or the local governmental unit, as
9 the case may be, has reasonable grounds to believe that such
10 needs will continue to be provided in full by the responsible
11 relatives, the relatives may be directed to make subsequent
12 support payments to the needy person or to some person or
13 agency in his behalf and the recipient shall be removed from
14 the rolls. In such instance the recipient also shall be
15 notified by registered or certified mail of the action taken.
16 If a recipient removed from the rolls requests the Illinois
17 Department to continue to collect the support payments in his
18 behalf, the Department, at its option, may do so and pay
19 amounts so collected to the person. The Department may
20 provide for deducting any costs incurred by it in making the
21 collection from the amount of any recovery made and pay only
22 the net amount to the person.

23 Payments under this Section to the Illinois Department
24 pursuant to the Child Support Enforcement Program established
25 by Title IV-D of the Social Security Act shall be paid into
26 the Child Support Enforcement Trust Fund. All payments under
27 this Section to the Illinois Department of Human Services
28 shall be deposited in the DHS Recoveries Trust Fund.
29 Disbursements from these funds shall be as provided in
30 Sections 12-9.1 and 12-10.2 of this Code. Payments received
31 by a local governmental unit shall be deposited in that
32 unit's General Assistance Fund.

33 To the extent the provisions of this Section are
34 inconsistent with the requirements pertaining to the State

1 Disbursement Unit under Sections 10-10.4 and 10-26 of this
2 Code, the requirements pertaining to the State Disbursement
3 Unit shall apply.

4 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
5 92-16, eff. 6-28-01.)

6 (305 ILCS 5/10-8.1)

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

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

33 All orders for support entered or modified in a case in

1 which a party is receiving child and--spouse support
2 enforcement services under this Article X shall include a
3 provision requiring the non-custodial parent to notify 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
9 names of persons covered under the policy, and (iii) of any
10 new residential or mailing address or telephone number of the
11 non-custodial parent.

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

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

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

30 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

31 Sec. 10-10. Court enforcement; applicability also to
32 persons who are not applicants or recipients. Except where
33 the Illinois Department, by agreement, acts for the local

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

21 Action shall be brought in the circuit court to obtain
22 support, or for the recovery of aid granted during the period
23 such support was not provided, or both for the obtainment of
24 support and the recovery of the aid provided. Actions for
25 the recovery of aid may be taken separately or they may be
26 consolidated with actions to obtain support. Such actions
27 may be brought in the name of the person or persons requiring
28 support, or may be brought in the name of the Illinois
29 Department or the local governmental unit, as the case
30 requires, in behalf of such persons.

31 The court may enter such orders for the payment of moneys
32 for the support of the person as may be just and equitable
33 and may direct payment thereof for such period or periods of
34 time as the circumstances require, including support for a

1 period before the date the order for support is entered. The
2 order may be entered against any or all of the defendant
3 responsible relatives and may be based upon the proportionate
4 ability of each to contribute to the person's support.

5 The Court shall determine the amount of child support
6 (including child support for a period before the date the
7 order for child support is entered) by using the guidelines
8 and standards set forth in subsection (a) of Section 505 and
9 in Section 505.2 of the Illinois Marriage and Dissolution of
10 Marriage Act. For purposes of determining the amount of child
11 support to be paid for a period before the date the order for
12 child support is entered, there is a rebuttable presumption
13 that the responsible relative's net income for that period
14 was the same as his or her net income at the time the order
15 is entered.

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

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

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

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

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

33 When an order is entered for the support of a minor, the
34 court may provide therein for reasonable visitation of the

1 minor by the person or persons who provided support pursuant
2 to the order. Whoever willfully refuses to comply with such
3 visitation order or willfully interferes with its enforcement
4 may be declared in contempt of court and punished therefor.

5 Except where the local governmental unit has entered into
6 an agreement with the Illinois Department for the Child and
7 Spouse Support Unit to act for it, as provided in Section
8 10-3.1, support orders entered by the court in cases
9 involving applicants or recipients under Article VI shall
10 provide that payments thereunder be made directly to the
11 local governmental unit. Orders for the support of all other
12 applicants or recipients shall provide that payments
13 thereunder be made directly to the Illinois Department. In
14 accordance with federal law and regulations, the Illinois
15 Department may continue to collect current maintenance
16 payments or child support payments, or both, after those
17 persons cease to receive public assistance and until
18 termination of services under Article X. The Illinois
19 Department shall pay the net amount collected to those
20 persons after deducting any costs incurred in making the
21 collection or any collection fee from the amount of any
22 recovery made. In both cases the order shall permit the
23 local governmental unit or the Illinois Department, as the
24 case may be, to direct the responsible relative or relatives
25 to make support payments directly to the needy person, or to
26 some person or agency in his behalf, upon removal of the
27 person from the public aid rolls or upon termination of
28 services under Article X.

29 If the notice of support due issued pursuant to Section
30 10-7 directs that support payments be made directly to the
31 needy person, or to some person or agency in his behalf, and
32 the recipient is removed from the public aid rolls, court
33 action may be taken against the responsible relative
34 hereunder if he fails to furnish support in accordance with

1 the terms of such notice.

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

17 Whenever it is determined in a proceeding to establish or
18 enforce a child support or maintenance obligation that the
19 person owing a duty of support is unemployed, the court may
20 order the person to seek employment and report periodically
21 to the court with a diary, listing or other memorandum of his
22 or her efforts in accordance with such order. Additionally,
23 the court may order the unemployed person to report to the
24 Department of Employment Security for job search services or
25 to make application with the local Job Training Partnership
26 Act provider for participation in job search, training or
27 work programs and where the duty of support is owed to a
28 child receiving child support enforcement services under this
29 Article X, the court may order the unemployed person to
30 report to the Illinois Department for participation in job
31 search, training or work programs established under Section
32 9-6 and Article IXA of this Code.

33 Whenever it is determined that a person owes past-due
34 support for a child receiving assistance under this Code, the

1 court shall order at the request of the Illinois Department:

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

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

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

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

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

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

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

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

33 Payments under this Section to the Illinois Department
34 pursuant to the Child Support Enforcement Program established

1 by Title IV-D of the Social Security Act shall be paid into
2 the Child Support Enforcement Trust Fund. All payments under
3 this Section to the Illinois Department of Human Services
4 shall be deposited in the DHS Recoveries Trust Fund.
5 Disbursements from these funds shall be as provided in
6 Sections 12-9.1 and 12-10.2 of this Code. Payments received
7 by a local governmental unit shall be deposited in that
8 unit's General Assistance Fund.

9 To the extent the provisions of this Section are
10 inconsistent with the requirements pertaining to the State
11 Disbursement Unit under Sections 10-10.4 and 10-26 of this
12 Code, the requirements pertaining to the State Disbursement
13 Unit shall apply.

14 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
15 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
16 6-28-01.)

17 (305 ILCS 5/10-10.1) (from Ch. 23, par. 10-10.1)

18 Sec. 10-10.1. Public Aid Collection Fee. In all cases
19 instituted by the Illinois Department on behalf of a child or
20 spouse, other than one receiving a grant of financial aid
21 under Article IV, on whose behalf an application has been
22 made and approved for child support enforcement services as
23 provided by Section 10-1, the court shall impose a collection
24 fee on the individual who owes a child or spouse support
25 obligation in an amount equal to 10% of the amount so owed as
26 long as such collection is required by federal law, which fee
27 shall be in addition to the support obligation. The
28 imposition of such fee shall be in accordance with provisions
29 of Title IV, Part D, of the Social Security Act and
30 regulations duly promulgated thereunder. The fee shall be
31 payable to the clerk of the circuit court for transmittal to
32 the Illinois Department and shall continue until child
33 support enforcement services are terminated by the

1 Department.

2 (Source: P.A. 82-979.)

3 (305 ILCS 5/10-10.4)

4 Sec. 10-10.4. Payment of Support to State Disbursement
5 Unit.

6 (a) As used in this Section:

7 "Order for support", "obligor", "obligee", and "payor"
8 mean those terms as defined in the Income Withholding for
9 Support Act, except that "order for support" shall not mean
10 orders providing for spousal maintenance under which there is
11 no child support obligation.

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

17 (1) a party to the order is receiving child and
18 spouse support enforcement services under this Article X;
19 or

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

23 (c) Support payments shall be made to the State
24 Disbursement Unit if:

25 (1) the order for support was entered before
26 October 1, 1999, and a party to the order is receiving
27 child and-spouse support enforcement services under this
28 Article X; or

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

32 (c-5) If no party to the order is receiving child and
33 spouse support enforcement services under this Article X, and

1 the support payments are not being made through income
2 withholding, then support payments shall be made as directed
3 in the order for support.

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

8 (1) to make support payments to the State
9 Disbursement Unit if:

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

13 (B) no party to the order for support is
14 receiving child support enforcement services under
15 this Article X, but the support payments are made
16 through income withholding; or

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

28 (1) the order for support was entered before
29 October 1, 1999, and a party to the order is receiving
30 child and spouse support services under this Article X;
31 or

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

1 (c-15) Within 15 days after the effective date of this
2 amendatory Act of the 91st General Assembly, the clerk of the
3 circuit court shall provide written notice to the obligor to
4 make payments directly to the clerk of the circuit court if
5 no party to the order is receiving child and-spouse support
6 enforcement services under this Article X, the support
7 payments are not made through income withholding, and the
8 order for support requires support payments to be made
9 directly to the clerk of the circuit court.

10 (c-20) If the State Disbursement Unit receives a support
11 payment that was not appropriately made to the Unit under
12 this Section, the Unit shall immediately return the payment
13 to the sender, including, if possible, instructions detailing
14 where to send the support payments.

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

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

24 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

25 Sec. 10-11. Administrative Orders. In lieu of actions
26 for court enforcement of support under Section 10-10, the
27 Child and Spouse Support Unit of the Illinois Department, in
28 accordance with the rules of the Illinois Department, may
29 issue an administrative order requiring the responsible
30 relative to comply with the terms of the determination and
31 notice of support due, determined and issued under Sections
32 10-6 and 10-7. The Unit may also enter an administrative
33 order under subsection (b) of Section 10-7. The

1 administrative order shall be served upon the responsible
2 relative by United States registered or certified mail. In
3 cases in which the responsible relative appeared at the
4 office of the Child and Spouse Support Unit in response to
5 the notice of support obligation issued under Section 10-4,
6 however, or in cases of default in which the notice was
7 served on the responsible relative by certified mail, return
8 receipt requested, or by any method provided by law for
9 service of summons, the administrative determination of
10 paternity or administrative support order may be sent to the
11 responsible relative by ordinary mail addressed to the
12 responsible relative's last known address.

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

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

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

6 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 A one-time charge of 20% is imposable upon the amount of
27 past-due child support owed on July 1, 1988, which has
28 accrued under a support order entered by the Illinois
29 Department under this Section. The charge shall be imposed
30 in accordance with the provisions of Section 10-21 and shall
31 be enforced by the court in a suit filed under Section 10-15.
32 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
33 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.
34 7-20-99.)

1 (305 ILCS 5/10-11.1) (from Ch. 23, par. 10-11.1)
 2 Sec. 10-11.1. (a) Whenever it is determined in a
 3 proceeding under Sections 10-6, 10-7, 10-11 or 10-17.1 that
 4 the responsible relative is unemployed, and support is sought
 5 on behalf of applicants for or recipients of financial aid
 6 under Article IV of this Code or other persons who are given
 7 access to the child and-spouse support enforcement services
 8 of this Article as provided in Section 10-1, the
 9 administrative enforcement unit may order the responsible
 10 relative to report to the Illinois Department for
 11 participation in job search, training or work programs
 12 established under Section 9-6 and Article IXA of this Code or
 13 to the Illinois Department of Employment Security for job
 14 search services or to make application with the local Job
 15 Training Partnership Act provider for participation in job
 16 search, training or work programs.

17 (b) Whenever it is determined that a responsible
 18 relative owes past-due support for a child under an
 19 administrative support order entered under subsection (b) of
 20 Section 10-7 or under Section 10-11 or 10-17.1 and the child
 21 is receiving assistance under this Code, the administrative
 22 enforcement unit shall order the following:

23 (1) that the responsible relative pay the past-due
 24 support in accordance with a plan approved by the
 25 administrative enforcement unit; or

26 (2) if the responsible relative owing past-due
 27 support is unemployed, is subject to such a plan, and is
 28 not incapacitated, that the responsible relative
 29 participate in job search, training, or work programs
 30 established under Section 9-6 and Article IXA of this
 31 Code.

32 (Source: P.A. 92-16, eff. 6-28-01.)

33 (305 ILCS 5/10-12.1)

1 Sec. 10-12.1. Petition by person receiving child and
2 spouse support enforcement services for release from or
3 modification of administrative support order or
4 administrative determination of paternity. Any person
5 receiving child and-spouse support enforcement services under
6 this Article who is aggrieved by an administrative order
7 entered under Section 10-11 or 10-11.1 or an administrative
8 determination of paternity entered under Section 10-17.7 who
9 has been duly notified of the order or determination may,
10 within 30 days after the date of mailing of the order or
11 determination, petition the Illinois Department for release
12 from or modification of the order or determination. The day
13 immediately subsequent to the mailing of the order or
14 determination shall be considered as the first day and the
15 day the petition is received by the Illinois Department shall
16 be considered as the last day in computing the 30-day appeal
17 period. Upon receiving a petition within the 30-day appeal
18 period, the Illinois Department shall provide for a hearing
19 to be held on the petition.

20 (Source: P.A. 90-790, eff. 8-14-98.)

21 (305 ILCS 5/10-13) (from Ch. 23, par. 10-13)

22 Sec. 10-13. Hearing on Petition. The Illinois Department,
23 or any officer or employee thereof designated in writing by
24 the Illinois Department, shall conduct hearings and
25 investigations in connection with petitions filed pursuant to
26 Section 10-12 or Section 10-12.1. Responsible relatives and
27 persons receiving child and--spouse support enforcement
28 services under this Article shall be entitled to appear in
29 person, to be represented by counsel at the hearing and to
30 present all relevant matter in support of their petitions.
31 The provisions of Sections 10-13.1 through 10-13.10 shall
32 govern the hearing.

33 The hearing shall be de novo and the Illinois

1 Department's determination of liability or non-liability
2 shall be independent of the determination of the
3 administrative enforcement unit.

4 (Source: P.A. 90-790, eff. 8-14-98.)

5 (305 ILCS 5/10-14) (from Ch. 23, par. 10-14)

6 Sec. 10-14. Review of Illinois department decision on
7 petition for hearing. Any responsible relative or person
8 receiving child and-spouse support enforcement services under
9 this Article affected by a final administrative decision of
10 the Illinois Department in a hearing, conducted pursuant to
11 Sections 10-13 through 10-13.10 in which such relative or
12 person receiving services was a party, may have the decision
13 reviewed only under and in accordance with the Administrative
14 Review Law, as amended. The provisions of the Administrative
15 Review Law, and the rules adopted pursuant thereto, shall
16 apply to and govern all proceedings for the judicial review
17 of such final administrative decisions of the Illinois
18 Department. The term "administrative decision" is defined as
19 in Section 3-101 of the Code of Civil Procedure.

20 Appeals from all final orders and judgments entered by a
21 court upon review of the Illinois Department's order in any
22 case may be taken by either party to the proceeding and shall
23 be governed by the rules applicable to appeals in civil
24 cases.

25 The remedy herein provided for appeal shall be exclusive,
26 and no court shall have jurisdiction to review the subject
27 matter of any order made by the Illinois Department except as
28 herein provided.

29 (Source: P.A. 90-790, eff. 8-14-98.)

30 (305 ILCS 5/10-14.1)

31 Sec. 10-14.1. Relief from administrative orders.
32 Notwithstanding the 30-day appeal period provided in Sections

1 10-12 and 10-12.1 and the limitation on review of final
2 administrative decisions contained in Section 10-14, a
3 responsible relative or a person receiving child and--spouse
4 support enforcement services under this Article who is
5 aggrieved by an administrative order entered under Section
6 10-11 or 10-11.1 or an administrative determination of
7 paternity entered under Section 10-17.7 and who did not
8 petition within the 30-day appeal period may petition the
9 Illinois Department for relief from the administrative order
10 or determination on the same grounds as are provided for
11 relief from judgments under Section 2-1401 of the Code of
12 Civil Procedure. The petition must be filed not later than 2
13 years after the entry of the order or determination by the
14 Illinois Department. The day immediately subsequent to the
15 mailing of the order or determination shall be considered as
16 the first day and the day the petition is received by the
17 Illinois Department shall be considered as the last day in
18 computing the 2-year period. Any period during which the
19 person seeking relief is under a legal disability or duress
20 or during which the grounds for relief are fraudulently
21 concealed shall be excluded in computing the period of 2
22 years.

23 Upon receiving a petition within the 2-year period, the
24 Illinois Department shall provide for a hearing to be held on
25 the petition.

26 (Source: P.A. 90-790, eff. 8-14-98.)

27 (305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

28 Sec. 10-15. Enforcement of administrative order; costs
29 and fees. If a responsible relative refuses, neglects, or
30 fails to comply with a final administrative support or
31 reimbursement order of the Illinois Department entered by the
32 Child and Spouse Support Unit pursuant to Sections 10-11 or
33 10-11.1 or registered pursuant to Section 10-17.1, the Child

1 and Spouse Support Unit may file suit against the responsible
2 relative or relatives to secure compliance with the
3 administrative order.

4 Suits shall be instituted in the name of the People of
5 the State of Illinois on the relation of the Department of
6 Public Aid of the State of Illinois and the spouse or
7 dependent children for whom the support order has been
8 issued.

9 The court shall order the payment of the support
10 obligation, or orders for reimbursement of moneys for support
11 provided, directly to the Illinois Department but the order
12 shall permit the Illinois Department to direct the
13 responsible relative or relatives to make payments of support
14 directly to the spouse or dependent children, or to some
15 person or agency in his or their behalf, as provided in
16 Section 10-8 or 10-10, as applicable.

17 Whenever it is determined in a proceeding to enforce an
18 administrative order that the responsible relative is
19 unemployed, and support is sought on behalf of applicants for
20 or recipients of financial aid under Article IV of this Code
21 or other persons who are given access to the child and-spouse
22 support enforcement services of this Article as provided in
23 Section 10-1, the court may order the responsible relative to
24 seek employment and report periodically to the court with a
25 diary, listing or other memorandum of his or her efforts in
26 accordance with such order. In addition, the court may order
27 the unemployed responsible relative to report to the Illinois
28 Department for participation in job search, training or work
29 programs established under Section 9-6 of this Code or to the
30 Illinois Department of Employment Security for job search
31 services or to make application with the local Job Training
32 Partnership Act provider for participation in job search,
33 training or work programs.

34 Charges imposed in accordance with the provisions of

1 Section 10-21 shall be enforced by the Court in a suit filed
2 under this Section.

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

8 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01.)

9 (305 ILCS 5/10-17.2) (from Ch. 23, par. 10-17.2)

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

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

25 (305 ILCS 5/10-17.7)

26 Sec. 10-17.7. Administrative determination of paternity.
27 The Illinois Department may provide by rule for the
28 administrative determination of paternity by the Child and
29 Spouse Support Unit in cases involving applicants for or
30 recipients of financial aid under Article IV of this Act and
31 other persons who are given access to the child and--spouse
32 support enforcement services of this Article as provided in

1 Section 10-1, including persons similarly situated and
2 receiving similar services in other states. The rules shall
3 extend to cases in which the mother and alleged father
4 voluntarily acknowledge paternity in the form required by the
5 Illinois Department or agree to be bound by the results of
6 genetic testing or in which the alleged father has failed to
7 respond to a notification of support obligation issued under
8 Section 10-4 and to cases of contested paternity. Any
9 presumption provided for under the Illinois Parentage Act of
10 1984 shall apply to cases in which paternity is determined
11 under the rules of the Illinois Department. The rules shall
12 provide for notice and an opportunity to be heard by the
13 responsible relative and the person receiving child and
14 spouse support enforcement services under this Article if
15 paternity is not voluntarily acknowledged, and any final
16 administrative decision rendered by the Illinois Department
17 shall be reviewed only under and in accordance with the
18 Administrative Review Law. Determinations of paternity made
19 by the Illinois Department under the rules authorized by this
20 Section shall have the full force and effect of a court
21 judgment of paternity entered under the Illinois Parentage
22 Act of 1984.

23 In determining paternity in contested cases, the Illinois
24 Department shall conduct the evidentiary hearing in
25 accordance with Section 11 of the Parentage Act of 1984,
26 except that references in that Section to "the court" shall
27 be deemed to mean the Illinois Department's hearing officer
28 in cases in which paternity is determined administratively by
29 the Illinois Department.

30 Notwithstanding any other provision of this Article, a
31 default determination of paternity may be made if service of
32 the notice under Section 10-4 was made by publication under
33 the rules for administrative paternity determination
34 authorized by this Section. The rules as they pertain to

1 service by publication shall (i) be based on the provisions
2 of Section 2-206 and 2-207 of the Code of Civil Procedure,
3 (ii) provide for service by publication in cases in which the
4 whereabouts of the alleged father are unknown after diligent
5 location efforts by the Child and Spouse Support Unit, and
6 (iii) provide for publication of a notice of default
7 paternity determination in the same manner that the notice
8 under Section 10-4 was published.

9 The Illinois Department may implement this Section
10 through the use of emergency rules in accordance with Section
11 5-45 of the Illinois Administrative Procedure Act. For
12 purposes of the Illinois Administrative Procedure Act, the
13 adoption of rules to implement this Section shall be
14 considered an emergency and necessary for the public
15 interest, safety, and welfare.

16 (Source: P.A. 89-6, eff. 3-6-95; 89-641, eff. 8-9-96; 90-790,
17 eff. 8-14-98.)

18 (305 ILCS 5/12-8) (from Ch. 23, par. 12-8)

19 Sec. 12-8. Public Assistance Emergency Revolving Fund -
20 Uses. The Public Assistance Emergency Revolving Fund,
21 established by Act approved July 8, 1955 shall be held by the
22 Illinois Department and shall be used for the following
23 purposes:

24 1. To provide immediate financial aid to applicants
25 in acute need who have been determined eligible for aid
26 under Articles III, IV, or V.

27 2. To provide emergency aid to recipients under
28 said Articles who have failed to receive their grants
29 because of mail box or other thefts, or who are victims
30 of a burnout, eviction, or other circumstances causing
31 privation, in which cases the delays incident to the
32 issuance of grants from appropriations would cause
33 hardship and suffering.

1 3. To provide emergency aid for transportation,
2 meals and lodging to applicants who are referred to
3 cities other than where they reside for physical
4 examinations to establish blindness or disability, or to
5 determine the incapacity of the parent of a dependent
6 child.

7 4. To provide emergency transportation expense
8 allowances to recipients engaged in vocational training
9 and rehabilitation projects.

10 5. To assist public aid applicants in obtaining
11 copies of birth certificates, death certificates,
12 marriage licenses or other similar legal documents which
13 may facilitate the verification of eligibility for public
14 aid under this Code.

15 6. To provide immediate payments to current or
16 former recipients of child support enforcement services,
17 or refunds to responsible relatives, for child support
18 made to the Illinois Department under Title IV-D of the
19 Social Security Act when such recipients of services or
20 responsible relatives are legally entitled to all or part
21 of such child support payments under applicable State or
22 federal law.

23 7. To provide payments to individuals or providers
24 of transportation to and from medical care for the
25 benefit of recipients under Articles III, IV, V, and VI.

26 Disbursements from the Public Assistance Emergency
27 Revolving Fund shall be made by the Illinois Department.

28 Expenditures from the Public Assistance Emergency
29 Revolving Fund shall be for purposes which are properly
30 chargeable to appropriations made to the Illinois Department,
31 or, in the case of payments under subparagraph 6, to the
32 Child Support Enforcement Trust Fund, except that no
33 expenditure shall be made for purposes which are properly
34 chargeable to appropriations for the following objects:

1 personal services; extra help; state contributions to
2 retirement system; state contributions to Social Security;
3 state contributions for employee group insurance; contractual
4 services; travel; commodities; printing; equipment;
5 electronic data processing; operation of auto equipment;
6 telecommunications services; library books; and refunds. The
7 Illinois Department shall reimburse the Public Assistance
8 Emergency Revolving Fund by warrants drawn by the State
9 Comptroller on the appropriation or appropriations which are
10 so chargeable, or, in the case of payments under subparagraph
11 6, by warrants drawn on the Child Support Enforcement Trust
12 Fund, payable to the Revolving Fund.

13 The Illinois Department shall consult, in writing, with
14 the Citizens Assembly/Council on Public Aid with respect to
15 the investment of funds from the Public Assistance Emergency
16 Revolving Fund outside the State Treasury in certificates of
17 deposit or other interest-bearing accounts.

18 (Source: P.A. 92-111, eff. 1-1-02.)

19 Section 7. The Vital Records Act is amended by changing
20 Section 12 as follows:

21 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

22 Sec. 12. Live births; place of registration.

23 (1) Each live birth which occurs in this State shall be
24 registered with the local or subregistrar of the district in
25 which the birth occurred as provided in this Section, within
26 7 days after the birth. When a birth occurs on a moving
27 conveyance, the city, village, township, or road district in
28 which the child is first removed from the conveyance shall be
29 considered the place of birth and a birth certificate shall
30 be filed in the registration district in which the place is
31 located.

32 (2) When a birth occurs in an institution, the person in

1 charge of the institution or his designated representative
2 shall obtain and record all the personal and statistical
3 particulars relative to the parents of the child that are
4 required to properly complete the live birth certificate;
5 shall secure the required personal signatures on the hospital
6 worksheet; shall prepare the certificate from this worksheet;
7 and shall file the certificate with the local registrar. The
8 institution shall retain the hospital worksheet permanently
9 or as otherwise specified by rule. The physician in
10 attendance shall verify or provide the date of birth and
11 medical information required by the certificate, within 24
12 hours after the birth occurs.

13 (3) When a birth occurs outside an institution, the
14 certificate shall be prepared and filed by one of the
15 following in the indicated order of priority:

16 (a) The physician in attendance at or immediately
17 after the birth, or in the absence of such a person,

18 (b) Any other person in attendance at or
19 immediately after the birth, or in the absence of such a
20 person,

21 (c) The father, the mother, or in the absence of
22 the father and the inability of the mother, the person in
23 charge of the premises where the birth occurred.

24 (4) Unless otherwise provided in this Act, if the mother
25 was not married to the father of the child at either the time
26 of conception or the time of birth, the name of the father
27 shall be entered on the child's birth certificate only if the
28 mother and the person to be named as the father have signed
29 an acknowledgment of parentage in accordance with subsection
30 (5).

31 Unless otherwise provided in this Act, if the mother was
32 married at the time of conception or birth and the presumed
33 father (that is, the mother's husband) is not the biological
34 father of the child, the name of the biological father shall

1 be entered on the child's birth certificate only if, in
2 accordance with subsection (5), (i) the mother and the person
3 to be named as the father have signed an acknowledgment of
4 parentage and (ii) the mother and presumed father have signed
5 a denial of paternity.

6 (5) Upon the birth of a child to an unmarried woman, or
7 upon the birth of a child to a woman who was married at the
8 time of conception or birth and whose husband is not the
9 biological father of the child, the institution at the time
10 of birth and the local registrar or county clerk after the
11 birth shall do the following:

12 (a) Provide (i) an opportunity for the child's
13 mother and father to sign an acknowledgment of parentage
14 and (ii) if the presumed father is not the biological
15 father, an opportunity for the mother and presumed father
16 to sign a denial of paternity. The signing and
17 witnessing of the acknowledgment of parentage or, if the
18 presumed father of the child is not the biological
19 father, the acknowledgment of parentage and denial of
20 paternity conclusively establishes a parent and child
21 relationship in accordance with Sections 5 and 6 of the
22 Illinois Parentage Act of 1984.

23 The Illinois Department of Public Aid shall furnish
24 the acknowledgment of parentage and denial of paternity
25 form to institutions, county clerks, and State and local
26 registrars' offices. The form shall include instructions
27 to send the original signed and witnessed acknowledgment
28 of parentage and denial of paternity to the Illinois
29 Department of Public Aid.

30 (b) Provide the following documents, furnished by
31 the Illinois Department of Public Aid, to the child's
32 mother, biological father, and (if the person presumed to
33 be the child's father is not the biological father)
34 presumed father for their review at the time the

1 opportunity is provided to establish a parent and child
2 relationship:

3 (i) An explanation of the implications of,
4 alternatives to, legal consequences of, and the
5 rights and responsibilities that arise from signing
6 an acknowledgment of parentage and, if necessary, a
7 denial of paternity, including an explanation of the
8 parental rights and responsibilities of child
9 support, visitation, custody, retroactive support,
10 health insurance coverage, and payment of birth
11 expenses.

12 (ii) An explanation of the benefits of having
13 a child's parentage established and the availability
14 of parentage establishment and child support
15 enforcement services.

16 (iii) A request for an application for child
17 support enforcement services from the Illinois
18 Department of Public Aid.

19 (iv) Instructions concerning the opportunity
20 to speak, either by telephone or in person, with
21 staff of the Illinois Department of Public Aid who
22 are trained to clarify information and answer
23 questions about paternity establishment.

24 (v) Instructions for completing and signing
25 the acknowledgment of parentage and denial of
26 paternity.

27 (c) Provide an oral explanation of the documents
28 and instructions set forth in subdivision (5)(b),
29 including an explanation of the implications of,
30 alternatives to, legal consequences of, and the rights
31 and responsibilities that arise from signing an
32 acknowledgment of parentage and, if necessary, a denial
33 of paternity. The oral explanation may be given in
34 person or through the use of video or audio equipment.

1 (6) The institution, State or local registrar, or county
2 clerk shall provide an opportunity for the child's father or
3 mother to sign a rescission of parentage. The signing and
4 witnessing of the rescission of parentage voids the
5 acknowledgment of parentage and nullifies the presumption of
6 paternity if executed and filed with the Illinois Department
7 of Public Aid within the time frame contained in Section 5 of
8 the Illinois Parentage Act of 1984. The Illinois Department
9 of Public Aid shall furnish the rescission of parentage form
10 to institutions, county clerks, and State and local
11 registrars' offices. The form shall include instructions to
12 send the original signed and witnessed rescission of
13 parentage to the Illinois Department of Public Aid.

14 (7) An acknowledgment of paternity signed pursuant to
15 Section 6 of the Illinois Parentage Act of 1984 may be
16 challenged in court only on the basis of fraud, duress, or
17 material mistake of fact, with the burden of proof upon the
18 challenging party. Pending outcome of a challenge to the
19 acknowledgment of paternity, the legal responsibilities of
20 the signatories shall remain in full force and effect, except
21 upon order of the court upon a showing of good cause.

22 (8) When the process for acknowledgment of parentage as
23 provided for under subsection (5) establishes the paternity
24 of a child whose certificate of birth is on file in another
25 state, the Illinois Department of Public Aid shall forward a
26 copy of the acknowledgment of parentage, the denial of
27 paternity, if applicable, and the rescission of parentage, if
28 applicable, to the birth record agency of the state where the
29 child's certificate of birth is on file.

30 (9) In the event the parent-child relationship has been
31 established in accordance with subdivision (a)(1) of Section
32 6 of the Parentage Act of 1984, the names of the biological
33 mother and biological father so established shall be entered
34 on the child's birth certificate, and the names of the

1 surrogate mother and surrogate mother's husband, if any,
2 shall not be on the birth certificate.

3 (Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98;
4 91-308, eff. 7-29-99.)

5 Section 10. The Illinois Marriage and Dissolution of
6 Marriage Act is amended by changing Sections 505.1, 506,
7 507.1, 510, 516, 709, and 710 as follows:

8 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

9 Sec. 505.1. (a) Whenever it is determined in a
10 proceeding to establish or enforce a child support or
11 maintenance obligation that the person owing a duty of
12 support is unemployed, the court may order the person to seek
13 employment and report periodically to the court with a diary,
14 listing or other memorandum of his or her efforts in
15 accordance with such order. Additionally, the court may order
16 the unemployed person to report to the Department of
17 Employment Security for job search services or to make
18 application with the local Job Training Partnership Act
19 provider for participation in job search, training or work
20 programs and where the duty of support is owed to a child
21 receiving child support enforcement services under Article X
22 of the Illinois Public Aid Code, as amended, the court may
23 order the unemployed person to report to the Illinois
24 Department of Public Aid for participation in job search,
25 training or work programs established under Section 9-6 and
26 Article IXA of that Code.

27 (b) Whenever it is determined that a person owes
28 past-due support for a child or for a child and the parent
29 with whom the child is living, and the child is receiving
30 assistance under the Illinois Public Aid Code, the court
31 shall order at the request of the Illinois Department of
32 Public Aid:

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

3 (2) if the person owing past-due support is
4 unemployed, is subject to such a plan, and is not
5 incapacitated, that the person participate in such job
6 search, training, or work programs established under
7 Section 9-6 and Article IXA of the Illinois Public Aid
8 Code as the court deems appropriate.

9 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

10 (750 ILCS 5/506) (from Ch. 40, par. 506)

11 Sec. 506. Representation of child.

12 (a) Duties. In any proceedings involving the support,
13 custody, visitation, education, parentage, property interest,
14 or general welfare of a minor or dependent child, the court
15 may, on its own motion or that of any party, and subject to
16 the terms or specifications the court determines, appoint an
17 attorney to serve in one of the following capacities:

18 (1) as an attorney to represent the child;

19 (2) as a guardian ad litem to address issues the
20 court delineates;

21 (3) as a child's representative whose duty shall be
22 to advocate what the representative finds to be in the
23 best interests of the child after reviewing the facts and
24 circumstances of the case. The child's representative
25 shall have the same power and authority to take part in
26 the conduct of the litigation as does an attorney for a
27 party and shall possess all the powers of investigation
28 and recommendation as does a guardian ad litem. The
29 child's representative shall consider, but not be bound
30 by, the expressed wishes of the child. A child's
31 representative shall have received training in child
32 advocacy or shall possess such experience as determined
33 to be equivalent to such training by the chief judge of

1 the circuit where the child's representative has been
2 appointed. The child's representative shall not disclose
3 confidential communications made by the child, except as
4 required by law or by the Rules of Professional Conduct.
5 The child's representative shall not be called as a
6 witness regarding the issues set forth in this
7 subsection.

8 During the proceedings the court may appoint an
9 additional attorney to serve in another of the capacities
10 described in subdivisions (a)(1), (a)(2), or (a)(3) on its
11 own motion or that of a party only for good cause shown and
12 when the reasons for the additional appointment are set forth
13 in specific findings.

14 (b) Fees and costs. The court shall enter an order as
15 appropriate for costs, fees, and disbursements, including a
16 retainer, when the attorney, guardian ad litem, or child's
17 representative is appointed, and thereafter as necessary.
18 Such orders shall require payment by either or both parents,
19 by any other party or source, or from the marital estate or
20 the child's separate estate. The court may not order payment
21 by the Illinois Department of Public Aid in cases in which
22 the Department is providing child and---spouse support
23 enforcement services under Article X of the Illinois Public
24 Aid Code. Unless otherwise ordered by the court at the time
25 fees and costs are approved, all fees and costs payable to an
26 attorney, guardian ad litem, or child's representative under
27 this Section are by implication deemed to be in the nature of
28 support of the child and are within the exceptions to
29 discharge in bankruptcy under 11 U.S.C.A. 523. The
30 provisions of Sections 501 and 508 of this Act shall apply to
31 fees and costs for attorneys appointed under this Section.
32 (Source: P.A. 90-309, eff. 1-1-98; 91-410, eff. 1-1-00.)

33 (750 ILCS 5/507.1)

1 Sec. 507.1. Payment of Support to State Disbursement
2 Unit.

3 (a) As used in this Section:

4 "Order for support", "obligor", "obligee", and "payor"
5 mean those terms as defined in the Income Withholding for
6 Support Act, except that "order for support" shall not mean
7 orders providing for spousal maintenance under which there is
8 no child support obligation.

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

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

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

20 (c) Support payments shall be made to the State
21 Disbursement Unit if:

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

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

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

34 (c-10) At any time, and notwithstanding the existence of

1 an order directing payments to be made elsewhere, the
2 Department of Public Aid may provide notice to the obligor
3 and, where applicable, to the obligor's payor:

4 (1) to make support payments to the State
5 Disbursement Unit if:

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

9 (B) no party to the order for support is
10 receiving child support enforcement services under
11 Article X of the Illinois Public Aid Code, but the
12 support payments are made through income
13 withholding; or

14 (2) to make support payments to the State
15 Disbursement Unit of another state upon request of
16 another state's Title IV-D child support enforcement
17 agency, in accordance with the requirements of Title IV,
18 Part D of the Social Security Act and regulations
19 promulgated under that Part D.

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

22 ~~Within 15 days after the effective date of this amendatory~~
23 ~~Act of the 91st General Assembly, the Illinois Department~~
24 ~~shall provide written notice to the clerk of the circuit~~
25 ~~court, the obligor, and, where applicable, the obligor's~~
26 ~~payor to make payments to the State Disbursement Unit if:~~

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

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

34 (c-15) Within 15 days after the effective date of this

1 amendatory Act of the 91st General Assembly, the clerk of the
 2 circuit court shall provide written notice to the obligor to
 3 make payments directly to the clerk of the circuit court if
 4 no party to the order is receiving child and-spouse support
 5 enforcement services under Article X of the Illinois Public
 6 Aid Code, the support payments are not made through income
 7 withholding, and the order for support requires support
 8 payments to be made directly to the clerk of the circuit
 9 court. The clerk shall provide a copy of the notice to the
 10 obligee.

11 (c-20) If the State Disbursement Unit receives a support
 12 payment that was not appropriately made to the Unit under
 13 this Section, the Unit shall immediately return the payment
 14 to the sender, including, if possible, instructions detailing
 15 where to send the support payment.

16 (d) The notices required under subsections (c-10) and
 17 (c-15) may be sent by ordinary mail, certified mail, return
 18 receipt requested, facsimile transmission, or other
 19 electronic process, or may be served upon the obligor or
 20 payor using any method provided by law for service of a
 21 summons. ~~The Illinois Department of Public Aid shall provide~~
 22 ~~a copy of the notice to the obligee and to the clerk of the~~
 23 ~~court.~~

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

25 (750 ILCS 5/510) (from Ch. 40, par. 510)

26 Sec. 510. Modification and termination of provisions for
 27 maintenance, support, educational expenses, and property
 28 disposition.

29 (a) Except as otherwise provided in paragraph (f) of
 30 Section 502 and in subsection (b) (d), clause (3) of Section
 31 505.2, the provisions of any judgment respecting maintenance
 32 or support may be modified only as to installments accruing
 33 subsequent to due notice by the moving party of the filing of

1 the motion for modification and, with respect to maintenance,
 2 only upon a showing of a substantial change in circumstances.
 3 An order for child support may be modified as follows:

4 (1) upon a showing of a substantial change in
 5 circumstances; and

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

8 (A) upon a showing of an inconsistency of at
 9 least 20%, but no less than \$10 per month, between
 10 the amount of the existing order and the amount of
 11 child support that results from application of the
 12 guidelines specified in Section 505 of this Act
 13 unless the inconsistency is due to the fact that the
 14 amount of the existing order resulted from a
 15 deviation from the guideline amount and there has
 16 not been a change in the circumstances that resulted
 17 in that deviation; or

18 (B) Upon a showing of a need to provide for
 19 the health care needs of the child under the order
 20 through health insurance or other means. In no
 21 event shall the eligibility for or receipt of
 22 medical assistance be considered to meet the need to
 23 provide for the child's health care needs.

24 The provisions of subparagraph (a)(2)(A) shall apply only
 25 in cases in which a party is receiving child and--spouse
 26 support enforcement services from the Illinois Department of
 27 Public Aid under Article X of the Illinois Public Aid Code,
 28 and only when at least 36 months have elapsed since the order
 29 for child support was entered or last modified.

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

34 (c) Unless otherwise agreed by the parties in a written

1 agreement set forth in the judgment or otherwise approved by
2 the court, the obligation to pay future maintenance is
3 terminated upon the death of either party, or the remarriage
4 of the party receiving maintenance, or if the party receiving
5 maintenance cohabits with another person on a resident,
6 continuing conjugal basis.

7 (d) Unless otherwise agreed in writing or expressly
8 provided in a judgment, provisions for the support of a child
9 are terminated by emancipation of the child, except as
10 otherwise provided herein, but not by the death of a parent
11 obligated to support or educate the child. An existing
12 obligation to pay for support or educational expenses, or
13 both, is not terminated by the death of a parent. When a
14 parent obligated to pay support or educational expenses, or
15 both, dies, the amount of support or educational expenses, or
16 both, may be enforced, modified, revoked or commuted to a
17 lump sum payment, as equity may require, and that
18 determination may be provided for at the time of the
19 dissolution of the marriage or thereafter.

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

30 (f) A petition to modify or terminate child support,
31 custody, or visitation shall not delay any child support
32 enforcement litigation or supplementary proceeding on behalf
33 of the obligee, including, but not limited to, a petition for
34 a rule to show cause, for non-wage garnishment, or for a

1 restraining order.

2 (Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

3 (750 ILCS 5/516) (from Ch. 40, par. 516)

4 Sec. 516. Public Aid collection fee. In all cases
5 instituted by the Illinois Department of Public Aid on behalf
6 of a child or spouse, other than one receiving a grant of
7 financial aid under Article IV of The Illinois Public Aid
8 Code, on whose behalf an application has been made and
9 approved for child support enforcement services as provided
10 by Section 10-1 of that Code, the court shall impose a
11 collection fee on the individual who owes a child or spouse
12 support obligation in an amount equal to 10% of the amount so
13 owed as long as such collection is required by federal law,
14 which fee shall be in addition to the support obligation.
15 The imposition of such fee shall be in accordance with
16 provisions of Title IV, Part D, of the Social Security Act
17 and regulations duly promulgated thereunder. The fee shall
18 be payable to the clerk of the circuit court for transmittal
19 to the Illinois Department of Public Aid and shall continue
20 until child support enforcement services are terminated by
21 that Department.

22 (Source: P.A. 82-979.)

23 (750 ILCS 5/709) (from Ch. 40, par. 709)

24 Sec. 709. Mandatory child support payments to clerk.

25 (a) As of January 1, 1982, child support orders entered
26 in any county covered by this subsection shall be made
27 pursuant to the provisions of Sections 709 through 712 of
28 this Act. For purposes of these Sections, the term "child
29 support payment" or "payment" shall include any payment
30 ordered to be made solely for the purpose of the support of a
31 child or children or any payment ordered for general support
32 which includes any amount for support of any child or

1 children.

2 The provisions of Sections 709 through 712 shall be
3 applicable to any county with a population of 2 million or
4 more and to any other county which notifies the Supreme Court
5 of its desire to be included within the coverage of these
6 Sections and is certified pursuant to Supreme Court Rules.

7 The effective date of inclusion, however, shall be
8 subject to approval of the application for reimbursement of
9 the costs of the support program by the Department of Public
10 Aid as provided in Section 712.

11 (b) In any proceeding for a dissolution of marriage,
12 legal separation, or declaration of invalidity of marriage,
13 or in any supplementary proceedings in which a judgment or
14 modification thereof for the payment of child support is
15 entered on or after January 1, 1982, in any county covered by
16 Sections 709 through 712, and the person entitled to payment
17 is receiving a grant of financial aid under Article IV of the
18 Illinois Public Aid Code or has applied and qualified for
19 child support enforcement services under Section 10-1 of that
20 Code, the court shall direct: (1) that such payments be made
21 to the clerk of the court and (2) that the parties affected
22 shall each thereafter notify the clerk of any change of
23 address or change in other conditions that may affect the
24 administration of the order, including the fact that a party
25 who was previously not on public aid has become a recipient
26 of public aid, within 10 days of such change. All notices
27 sent to the obligor's last known address on file with the
28 clerk shall be deemed sufficient to proceed with enforcement
29 pursuant to the provisions of Sections 709 through 712.

30 In all other cases, the court may direct that payments be
31 made to the clerk of the court.

32 (c) Except as provided in subsection (d) of this
33 Section, the clerk shall disburse the payments to the person
34 or persons entitled thereto under the terms of the order or

1 judgment.

2 (d) The court shall determine, prior to the entry of the
3 support order, if the party who is to receive the support is
4 presently receiving public aid or has a current application
5 for public aid pending and shall enter the finding on the
6 record.

7 If the person entitled to payment is a recipient of aid
8 under the Illinois Public Aid Code, the clerk, upon being
9 informed of this fact by finding of the court, by
10 notification by the party entitled to payment, by the
11 Illinois Department of Public Aid or by the local
12 governmental unit, shall make all payments to: (1) the
13 Illinois Department of Public Aid if the person is a
14 recipient under Article III, IV, or V of the Code or (2) the
15 local governmental unit responsible for his or her support if
16 the person is a recipient under Article VI or VII of the
17 Code. In accordance with federal law and regulations, the
18 Illinois Department of Public Aid may continue to collect
19 current maintenance payments or child support payments, or
20 both, after those persons cease to receive public assistance
21 and until termination of services under Article X of the
22 Illinois Public Aid Code. The Illinois Department of Public
23 Aid shall pay the net amount collected to those persons after
24 deducting any costs incurred in making the collection or any
25 collection fee from the amount of any recovery made. Upon
26 termination of public aid payments to such a recipient or
27 termination of services under Article X of the Illinois
28 Public Aid Code, the Illinois Department of Public Aid or the
29 appropriate local governmental unit shall notify the clerk in
30 writing or by electronic transmission that all subsequent
31 payments are to be sent directly to the person entitled
32 thereto.

33 Upon notification in writing or by electronic
34 transmission from the Illinois Department of Public Aid to

1 the clerk of the court that a person who is receiving support
2 payments under this Section is receiving services under the
3 Child Support Enforcement Program established by Title IV-D
4 of the Social Security Act, any support payments subsequently
5 received by the clerk of the court shall be transmitted in
6 accordance with the instructions of the Illinois Department
7 of Public Aid until the Department gives notice to the clerk
8 of the court to cease the transmittal. After providing the
9 notification authorized under this paragraph, the Illinois
10 Department of Public Aid shall be entitled as a party to
11 notice of any further proceedings in the case. The clerk of
12 the court shall file a copy of the Illinois Department of
13 Public Aid's notification in the court file. The failure of
14 the clerk to file a copy of the notification in the court
15 file shall not, however, affect the Illinois Department of
16 Public Aid's right to receive notice of further proceedings.

17 Payments under this Section to the Illinois Department of
18 Public Aid pursuant to the Child Support Enforcement Program
19 established by Title IV-D of the Social Security Act shall be
20 paid into the Child Support Enforcement Trust Fund. All
21 payments under this Section to the Illinois Department of
22 Human Services shall be deposited in the DHS Recoveries Trust
23 Fund. Disbursements from these funds shall be as provided in
24 the Illinois Public Aid Code. Payments received by a local
25 governmental unit shall be deposited in that unit's General
26 Assistance Fund.

27 (e) Any order or judgment may be amended by the court,
28 upon its own motion or upon the motion of either party, to
29 conform with the provisions of Sections 709 through 712,
30 either as to the requirement of making payments to the clerk
31 or, where payments are already being made to the clerk, as to
32 the statutory fees provided for under Section 711.

33 (f) The clerk may invest in any interest bearing account
34 or in any securities, monies collected for the benefit of a

1 payee, where such payee cannot be found; however, the
2 investment may be only for the period until the clerk is able
3 to locate and present the payee with such monies. The clerk
4 may invest in any interest bearing account, or in any
5 securities, monies collected for the benefit of any other
6 payee; however, this does not alter the clerk's obligation to
7 make payments to the payee in a timely manner. Any interest
8 or capital gains accrued shall be for the benefit of the
9 county and shall be paid into the special fund established in
10 subsection (b) of Section 711.

11 (g) The clerk shall establish and maintain a payment
12 record of all monies received and disbursed and such record
13 shall constitute prima facie evidence of such payment and
14 non-payment, as the case may be.

15 (h) For those cases in which child support is payable to
16 the clerk of the circuit court for transmittal to the
17 Illinois Department of Public Aid by order of court or upon
18 notification by the Illinois Department of Public Aid, the
19 clerk shall transmit all such payments, within 4 working days
20 of receipt, to insure that funds are available for immediate
21 distribution by the Department to the person or entity
22 entitled thereto in accordance with standards of the Child
23 Support Enforcement Program established under Title IV-D of
24 the Social Security Act. The clerk shall notify the
25 Department of the date of receipt and amount thereof at the
26 time of transmittal. Where the clerk has entered into an
27 agreement of cooperation with the Department to record the
28 terms of child support orders and payments made thereunder
29 directly into the Department's automated data processing
30 system, the clerk shall account for, transmit and otherwise
31 distribute child support payments in accordance with such
32 agreement in lieu of the requirements contained herein.

33 (i) To the extent the provisions of this Section are
34 inconsistent with the requirements pertaining to the State

1 Disbursement Unit under Section 507.1 of this Act and Section
2 10-26 of the Illinois Public Aid Code, the requirements
3 pertaining to the State Disbursement Unit shall apply.

4 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
5 92-16, eff. 6-28-01.)

6 (750 ILCS 5/710) (from Ch. 40, par. 710)

7 Sec. 710. Enforcement; Penalties.

8 (a) In counties certified as included under the
9 provisions of Sections 709 through 712 and whose application
10 for reimbursement is approved, there shall be instituted a
11 child support enforcement program to be conducted by the
12 clerk of the circuit court and the state's attorney of the
13 county. The program is to be limited to enforcement of child
14 support orders entered pursuant to this Act.

15 The child support enforcement program is to be conducted
16 only on behalf of dependent children included in a grant of
17 financial aid under Article IV of The Illinois Public Aid
18 Code and parties who apply and qualify for child support
19 enforcement services pursuant to Section 10-1 of such Code.

20 Nothing in this Section shall be construed to prohibit
21 the establishment of a child support enforcement program by
22 the clerk of the circuit court in cooperation with the
23 State's Attorney of the county.

24 (b) In the event of a delinquency in payment, as
25 determined from the record maintained by the clerk in a
26 county covered by the child support enforcement program, such
27 clerk shall notify both the party obligated to make the
28 payment, hereinafter called the payor, and the recipient of
29 such payment, hereinafter called the payee, of such
30 delinquency and that if the amount then due and owing is not
31 remitted in the time period required by circuit court rules,
32 the matter will be referred to the state's attorney for
33 enforcement proceedings. Upon failure of the payor to remit

1 as required, the clerk shall refer the matter to the state's
2 attorney, except as provided by rule of the circuit court.

3 (c) Upon referral from the clerk, the state's attorney
4 shall promptly initiate enforcement proceedings against the
5 payor. Legal representation by the state's attorney shall be
6 limited to child support and shall not extend to visitation,
7 custody, property or other matters; however, if the payor
8 properly files pleadings raising such matters during the
9 course of the child support hearing and the court finds that
10 it has jurisdiction of such matters, the payee shall be
11 granted the opportunity to obtain a continuance in order to
12 secure representation for those other matters, and the court
13 shall not delay entry of an appropriate support order pending
14 the disposition of such other matters.

15 If the state's attorney does not commence enforcement
16 proceedings within 30 days, the clerk shall inform the court
17 which, upon its own motion, shall appoint counsel for
18 purposes of enforcement. The fees and expenses of such
19 counsel shall be paid by the payor and shall not be paid by
20 the State.

21 Nothing in this Section shall be construed to prevent a
22 payee from instituting independent enforcement proceedings or
23 limit the remedies available to payee in such proceedings.
24 However, absent the exercise under this provision of a
25 private right of enforcement, enforcement shall be as
26 otherwise provided in this Section.

27 (d) At the time any support order is entered, the payee
28 shall be informed of the procedure used for enforcement and
29 shall be given the address and telephone number both of the
30 clerk and of the Child and Spouse Support Unit as provided in
31 Section 712.

32 The payee shall be informed that, if no action is taken
33 within 2 months of any complaint to the clerk, payee may
34 contact the Unit to seek assistance in obtaining enforcement.

1 (e) Upon a finding that payor is in default and that
2 such non-payment is for a period of two months and that such
3 non-payment is without good cause, the court shall order the
4 payor to pay a sum equal to 2% of the arrearage as a penalty
5 along with his payment.

6 The court may further assess against the payor any fees
7 and expenses incurred in the enforcement of any order or the
8 reasonable value thereof and may impose any penalty otherwise
9 available to it in a case of contempt.

10 All penalties, fees and expenses assessed against the
11 payor pursuant to this subsection are to cover the expenses
12 of enforcement, are to be paid to the clerk and are to be
13 placed by him in the special fund provided for in Section
14 711.

15 (f) Any person not covered by the child support
16 enforcement program may institute private and independent
17 proceedings to enforce payment of support.

18 (Source: P.A. 88-284.)

19 Section 15. The Non-Support Punishment Act is amended by
20 changing Sections 7, 20, 25, 35, and 60 as follows:

21 (750 ILCS 16/7)

22 Sec. 7. Prosecutions by Attorney General. In addition
23 to enforcement proceedings by the several State's Attorneys,
24 a proceeding for the enforcement of this Act may be
25 instituted and prosecuted by the Attorney General in cases
26 referred by the Illinois Department of Public Aid involving
27 persons receiving child and--spouse support enforcement
28 services under Article X of the Illinois Public Aid Code.
29 Before referring a case to the Attorney General for
30 enforcement under this Act, the Department of Public Aid
31 shall notify the person receiving child and--spouse support
32 enforcement services under Article X of the Illinois Public

1 Aid Code of the Department's intent to refer the case to the
2 Attorney General under this Section for prosecution.

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

4 (750 ILCS 16/20)

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

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

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

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

25 (b) The court shall determine the amount of child
26 support by using the guidelines and standards set forth in
27 subsection (a) of Section 505 and in Section 505.2 of the
28 Illinois Marriage and Dissolution of Marriage Act.

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

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

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

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

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

33 (f) An order for support entered under this Section
34 shall include a provision requiring the obligor to report to

1 the obligee and to the clerk of the court within 10 days each
2 time the obligor obtains new employment, and each time the
3 obligor's employment is terminated for any reason. The
4 report shall be in writing and shall, in the case of new
5 employment, include the name and address of the new employer.

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

13 An order for support entered under this Section shall
14 also include a provision requiring the obligor and obligee
15 parents to advise each other of a change in residence within
16 5 days of the change except when the court finds that the
17 physical, mental, or emotional health of a party or of a
18 minor child, or both, would be seriously endangered by
19 disclosure of the party's address.

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

30 (h) In any subsequent action to enforce an order for
31 support entered under this Act, upon sufficient showing that
32 diligent effort has been made to ascertain the location of
33 the noncustodial parent, service of process or provision of
34 notice necessary in that action may be made at the last known

1 address of the noncustodial parent, in any manner expressly
2 provided by the Code of Civil Procedure or in this Act, which
3 service shall be sufficient for purposes of due process.

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

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

24 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00;
25 92-374, eff. 8-15-01.)

26 (750 ILCS 16/25)

27 Sec. 25. Payment of support to State Disbursement Unit;
28 clerk of the court.

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

32 (b) Each order for support entered or modified under
33 Section 20 of this Act shall require that support payments be

1 made to the State Disbursement Unit established under the
2 Illinois Public Aid Code, under the following circumstances:

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

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

9 (c) When no party to the order is receiving child and
10 spouse support enforcement services, and payments are not
11 being made through income withholding, the court shall order
12 the obligor to make support payments to the clerk of the
13 court.

14 (d) At any time, and notwithstanding the existence of an
15 order directing payments to be made elsewhere, the Department
16 of Public Aid may provide notice to the obligor and, where
17 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 In--the--case--of--an--order--for--support--entered--by--the--court
 3 under--this--Act--before--a--party--commenced--receipt--of--child--and
 4 spouse--support--services,--upon--receipt--of--these--services--by--a
 5 party--the--Illinois--Department--of--Public--Aid--shall--provide
 6 notice--to--the--obligor--to--send--any--support--payments--he--or--she
 7 makes--personally--to--the--State--Disbursement--Unit--until--further
 8 direction--of--the--Department.--The--Department--shall--provide--a
 9 copy--of--the--notice--to--the--obligee--and--to--the--clerk--of--the
 10 court.

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

23 (1) In cases in which an order for support is
 24 entered under Section 20 of this Act, the court shall
 25 order that maintenance and support payments be made to
 26 the clerk of the court for remittance to the person or
 27 agency entitled to receive the payments. However, the
 28 court in its discretion may direct otherwise where
 29 exceptional circumstances so warrant.

30 (2) The court shall direct that support payments be
 31 sent by the clerk to (i) the Illinois Department of
 32 Public Aid if the person in whose behalf payments are
 33 made is receiving aid under Articles III, IV, or V of the
 34 Illinois Public Aid Code, or child and-spouse support

1 enforcement services under Article X of the Code, or (ii)
2 to the local governmental unit responsible for the
3 support of the person if he or she is a recipient under
4 Article VI of the Code. In accordance with federal law
5 and regulations, the Illinois Department of Public Aid
6 may continue to collect current maintenance payments or
7 child support payments, or both, after those persons
8 cease to receive public assistance and until termination
9 of services under Article X of the Illinois Public Aid
10 Code. The Illinois Department shall pay the net amount
11 collected to those persons after deducting any costs
12 incurred in making the collection or any collection fee
13 from the amount of any recovery made. The order shall
14 permit the Illinois Department of Public Aid or the local
15 governmental unit, as the case may be, to direct that
16 support payments be made directly to the spouse,
17 children, or both, or to some person or agency in their
18 behalf, upon removal of the spouse or children from the
19 public aid rolls or upon termination of services under
20 Article X of the Illinois Public Aid Code; and upon such
21 direction, the Illinois Department or the local
22 governmental unit, as the case requires, shall give
23 notice of such action to the court in writing or by
24 electronic transmission.

25 (3) The clerk of the court shall establish and
26 maintain current records of all moneys received and
27 disbursed and of delinquencies and defaults in required
28 payments. The court, by order or rule, shall make
29 provision for the carrying out of these duties.

30 (4) Upon notification in writing or by electronic
31 transmission from the Illinois Department of Public Aid
32 to the clerk of the court that a person who is receiving
33 support payments under this Section is receiving services
34 under the Child Support Enforcement Program established

1 by Title IV-D of the Social Security Act, any support
2 payments subsequently received by the clerk of the court
3 shall be transmitted in accordance with the instructions
4 of the Illinois Department of Public Aid until the
5 Department gives notice to cease the transmittal. After
6 providing the notification authorized under this
7 paragraph, the Illinois Department of Public Aid shall be
8 a party and entitled to notice of any further proceedings
9 in the case. The clerk of the court shall file a copy of
10 the Illinois Department of Public Aid's notification in
11 the court file. The failure of the clerk to file a copy
12 of the notification in the court file shall not, however,
13 affect the Illinois Department of Public Aid's rights as
14 a party or its right to receive notice of further
15 proceedings.

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

27 (6) For those cases in which child support is
28 payable to the clerk of the circuit court for transmittal
29 to the Illinois Department of Public Aid by order of
30 court or upon notification by the Illinois Department of
31 Public Aid, the clerk shall transmit all such payments,
32 within 4 working days of receipt, to insure that funds
33 are available for immediate distribution by the
34 Department to the person or entity entitled thereto in

1 accordance with standards of the Child Support
2 Enforcement Program established under Title IV-D of the
3 Social Security Act. The clerk shall notify the
4 Department of the date of receipt and amount thereof at
5 the time of transmittal. Where the clerk has entered
6 into an agreement of cooperation with the Department to
7 record the terms of child support orders and payments
8 made thereunder directly into the Department's automated
9 data processing system, the clerk shall account for,
10 transmit and otherwise distribute child support payments
11 in accordance with such agreement in lieu of the
12 requirements contained herein.

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

14 (750 ILCS 16/35)

15 Sec. 35. Fine; release of defendant on probation;
16 violation of order for support; forfeiture of recognizance.

17 (a) Whenever a fine is imposed it may be directed by the
18 court to be paid, in whole or in part, to the spouse,
19 ex-spouse, or if the support of a child or children is
20 involved, to the custodial parent, to the clerk, probation
21 officer, or to the Illinois Department of Public Aid if a
22 recipient of child and-spouse support enforcement services
23 under Article X of the Illinois Public Aid Code is involved
24 as the case requires, to be disbursed by such officers or
25 agency under the terms of the order.

26 (b) The court may also relieve the defendant from custody
27 on probation for the period fixed in the order or judgment
28 upon his or her entering into a recognizance, with or without
29 surety, in the sum as the court orders and approves. The
30 condition of the recognizance shall be such that if the
31 defendant makes his or her personal appearance in court
32 whenever ordered to do so by the court, during such period as
33 may be so fixed, and further complies with the terms of the

1 order for support, or any subsequent modification of the
2 order, then the recognizance shall be void; otherwise it will
3 remain in full force and effect.

4 (c) If the court is satisfied by testimony in open court,
5 that at any time during the period of one year the defendant
6 has violated the terms of the order for support, it may
7 proceed with the trial of the defendant under the original
8 charge, or sentence him or her under the original conviction,
9 or enforce the suspended sentence, as the case may be. In
10 case of forfeiture of recognizance, and enforcement of
11 recognizance by execution, the sum so recovered may, in the
12 discretion of the court, be paid, in whole or in part, to the
13 spouse, ex-spouse, or if the support of a child or children
14 is involved, to the custodial parent, to the clerk, or to the
15 Illinois Department of Public Aid if a recipient of child and
16 spouse support enforcement services under Article X of the
17 Illinois Public Aid Code is involved as the case requires, to
18 be disbursed by the clerk or the Department under the terms
19 of the order.

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

21 (750 ILCS 16/60)

22 Sec. 60. Unemployed persons owing duty of support.

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

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

7 (b) Whenever it is determined that a person owes past
8 due support for a child or for a child and the parent with
9 whom the child is living, and the child is receiving
10 assistance under the Illinois Public Aid Code, the court
11 shall order at the request of the Illinois Department of
12 Public Aid:

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

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

21 (Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

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

24 (750 ILCS 22/320)

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

26 (a) As used in this Section:

27 "Order for support", "obligor", "obligee", and "payor"
28 mean those terms as defined in the Income Withholding for
29 Support Act, except that "order for support" means an order
30 entered by any tribunal of this State but shall not mean
31 orders providing for spousal maintenance under which there is
32 no child support obligation.

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

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

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

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

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

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

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

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

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

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

1 (B) no party to the order for support is
 2 receiving child support enforcement services under
 3 Article X of the Illinois Public Aid Code, but the
 4 support payments are made through income
 5 withholding; or

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

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

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

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

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

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

1 court. The clerk shall provide a copy of the notice to the
2 obligee.

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

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

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

17 Section 22. The Expedited Child Support Act of 1990 is
18 amended by changing Section 6 as follows:

19 (750 ILCS 25/6) (from Ch. 40, par. 2706)

20 Sec. 6. Authority of hearing officers.

21 (a) With the exception of judicial functions exclusively
22 retained by the court in Section 8 of this Act and in
23 accordance with Supreme Court rules promulgated pursuant to
24 this Act, Administrative Hearing Officers shall be authorized
25 to:

26 (1) Accept voluntary agreements reached by the
27 parties setting the amount of child support to be paid
28 and medical support liability and recommend the entry of
29 orders incorporating such agreements.

30 (2) Accept voluntary acknowledgments of parentage
31 and recommend entry of an order establishing parentage
32 based on such acknowledgement. Prior to accepting such

1 acknowledgment, the Administrative Hearing Officer shall
2 advise the putative father of his rights and obligations
3 in accordance with Supreme Court rules promulgated
4 pursuant to this Act.

5 (3) Manage all stages of discovery, including
6 setting deadlines by which discovery must be completed;
7 and directing the parties to submit to appropriate tests
8 pursuant to Section 11 of the Illinois Parentage Act of
9 1984.

10 (4) Cause notices to be issued requiring the
11 Obligor to appear either before the Administrative
12 Hearing Officer or in court.

13 (5) Administer the oath or affirmation and take
14 testimony under oath or affirmation.

15 (6) Analyze the evidence and prepare written
16 recommendations based on such evidence, including but not
17 limited to: (i) proposed findings as to the amount of the
18 Obligor's income; (ii) proposed findings as to the amount
19 and nature of appropriate deductions from the Obligor's
20 income to determine the Obligor's net income; (iii)
21 proposed findings as to the existence of relevant factors
22 as set forth in subsection (a)(2) of Section 505 of the
23 Illinois Marriage and Dissolution of Marriage Act, which
24 justify setting child support payment levels above or
25 below the guidelines; (iv) recommended orders for
26 temporary child support; (v) recommended orders setting
27 the amount of current child support to be paid; (vi)
28 proposed findings as to the existence and amount of any
29 arrearages; (vii) recommended orders reducing any
30 arrearages to judgement and for the payment of amounts
31 towards such arrearages; (viii) proposed findings as to
32 whether there has been a substantial change of
33 circumstances since the entry of the last child support
34 order, or other circumstances justifying a modification

1 of the child support order; and (ix) proposed findings as
2 to whether the Obligor is employed.

3 (7) With respect to any unemployed Obligor who is
4 not making child support payments or is otherwise unable
5 to provide support, recommend that the Obligor be ordered
6 to seek employment and report periodically of his or her
7 efforts in accordance with such order. Additionally, the
8 Administrative Hearing Officer may recommend that the
9 Obligor be ordered to report to the Department of
10 Employment Security for job search services or to make
11 application with the local Job Training Partnership Act
12 provider for participation in job search, training or
13 work programs and, where the duty of support is owed to a
14 child receiving child support enforcement services under
15 Article X of the Illinois Public Aid Code, the
16 Administrative Hearing Officer may recommend that the
17 Obligor be ordered to report to the Illinois Department
18 of Public Aid for participation in the job search,
19 training or work programs established under Section 9-6
20 of the Public Aid Code.

21 (8) Recommend the registration of any foreign
22 support judgments or orders as the judgments or orders of
23 Illinois.

24 (b) In any case in which the Obligee is not
25 participating in the IV-D program or has not applied to
26 participate in the IV-D program, the Administrative Hearing
27 Officer shall:

28 (1) inform the Obligee of the existence of the IV-D
29 program and provide applications on request; and

30 (2) inform the Obligee and the Obligor of the
31 option of requesting payment to be made through the Clerk
32 of the Circuit Court.

33 If a request for payment through the Clerk is made, the
34 Administrative Hearing Officer shall note this fact in the

1 recommendations to the court.

2 (c) The Administrative Hearing Officer may make
3 recommendations in addition to the proposed findings of fact
4 and recommended order to which the parties have agreed.

5 (Source: P.A. 92-16, eff. 6-28-01.)

6 Section 25. The Income Withholding for Support Act is
7 amended by changing Sections 15 and 35 and adding Section 22
8 as follows:

9 (750 ILCS 28/15)

10 Sec. 15. Definitions.

11 (a) "Order for support" means any order of the court
12 which provides for periodic payment of funds for the support
13 of a child or maintenance of a spouse, whether temporary or
14 final, and includes any such order which provides for:

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

17 (2) reimbursement of support;

18 (3) payment or reimbursement of the expenses of
19 pregnancy and delivery (for orders for support entered
20 under the Illinois Parentage Act of 1984 or its
21 predecessor the Paternity Act); or

22 (4) enrollment in a health insurance plan that is
23 available to the obligor through an employer or labor
24 union or trade union.

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

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

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

1 (d) "Income" means any form of periodic payment to an
2 individual, regardless of source, including, but not limited
3 to: wages, salary, commission, compensation as an independent
4 contractor, workers' compensation, disability, annuity,
5 pension, and retirement benefits, lottery prize awards,
6 insurance proceeds, vacation pay, bonuses, profit-sharing
7 payments, interest, and any other payments, made by any
8 person, private entity, federal or state government, any unit
9 of local government, school district or any entity created by
10 Public Act; however, "income" excludes:

11 (1) any amounts required by law to be withheld,
12 other than creditor claims, including, but not limited
13 to, federal, State and local taxes, Social Security and
14 other retirement and disability contributions;

15 (2) union dues;

16 (3) any amounts exempted by the federal Consumer
17 Credit Protection Act;

18 (4) public assistance payments; and

19 (5) unemployment insurance benefits except as
20 provided by law.

21 Any other State or local laws which limit or exempt
22 income or the amount or percentage of income that can be
23 withheld shall not apply.

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

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

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

29 (h) "Public office" means any elected official or any
30 State or local agency which is or may become responsible by
31 law for enforcement of, or which is or may become authorized
32 to enforce, an order for support, including, but not limited
33 to: the Attorney General, the Illinois Department of Public
34 Aid, the Illinois Department of Human Services, the Illinois

1 Department of Children and Family Services, and the various
2 State's Attorneys, Clerks of the Circuit Court and
3 supervisors of general assistance.

4 (i) "Premium" means the dollar amount for which the
5 obligor is liable to his employer or labor union or trade
6 union and which must be paid to enroll or maintain a child in
7 a health insurance plan that is available to the obligor
8 through an employer or labor union or trade union.

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

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

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

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

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

32 (1) any State or local governmental agency with a
33 group health plan; and

34 (2) any payor with a group health plan or "church

1 plan" covered under the Employee Retirement Income
2 Security Act of 1974.

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

5 (750 ILCS 28/22 new)

6 Sec. 22. Use of National Medical Support Notice to
7 enforce health insurance coverage.

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

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

29 (c) At the time of service of a National Medical Support
30 Notice on the employer, the Title IV-D Agency shall serve a
31 copy of the Notice on the obligor by ordinary mail addressed
32 to the obligor's last known address. The Title IV-D Agency
33 shall file a copy of the National Medical Support Notice,

1 together with proofs of service on the employer and the
2 obligor, with the clerk of the circuit court.

3 (d) Within 20 business days after the date of a National
4 Medical Support Notice, an employer served with the Notice
5 shall transfer the severable notice to plan administrator to
6 the appropriate group health plan providing any health
7 insurance coverage for which the child is eligible. As
8 required in the part of the National Medical Support Notice
9 directed to the employer, the employer shall withhold any
10 employee premium necessary for coverage of the child and
11 shall send any amount withheld directly to the plan. The
12 employer shall commence the withholding no later than the
13 next payment of income that occurs 14 days following the date
14 the National Medical Support Notice was mailed, sent by
15 facsimile or other electronic means, or placed for personal
16 delivery to or service on the employer.

17 Notwithstanding the requirement to withhold premiums from
18 the obligor's income, if the plan administrator informs the
19 employer that the child is enrolled in an option under the
20 plan for which the employer has determined that the obligor's
21 premium exceeds the amount that may be withheld from the
22 obligor's income due to the withholding limitation or
23 prioritization contained in Section 35 of this Act, the
24 employer shall complete the appropriate item in the part of
25 the National Medical Support Notice directed to the employer
26 according to the instructions in the Notice and shall return
27 that part to the Title IV-D Agency.

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

34 (1) The employer does not maintain or contribute to

1 plans providing dependent or family health insurance
2 coverage.

3 (2) The obligor is among a class of employees that
4 is not eligible for family health insurance coverage
5 under any group health plan maintained by the employer or
6 to which the employer contributes.

7 (3) Health insurance coverage is not available
8 because the obligor is no longer employed by the
9 employer.

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

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

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

34 (i) The Title IV-D Agency shall promptly notify the

1 employer when there is no longer a current order for health
2 insurance coverage in effect which the Title IV-D Agency is
3 responsible for enforcing.

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

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

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

32 (750 ILCS 28/35)

33 Sec. 35. Duties of payor.

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

1 For purposes of this Act, a withheld amount shall be
2 considered paid by a payor on the date it is mailed by the
3 payor, or on the date an electronic funds transfer of the
4 amount has been initiated by the payor, or on the date
5 delivery of the amount has been initiated by the payor. For
6 each deduction, the payor shall provide the State
7 Disbursement Unit, at the time of transmittal, with the date
8 the amount would (but for the duty to withhold income) have
9 been paid or credited to the obligor.

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

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

1 terminated or changed for any reason, the employer or labor
2 union or trade union shall notify the obligee within 10 days
3 of the termination or change date along with notice of
4 conversion privileges.

5 For withholding of income, the payor shall be entitled to
6 receive a fee not to exceed \$5 per month to be taken from the
7 income to be paid to the obligor.

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

12 (c) Withholding of income under this Act shall be made
13 without regard to any prior or subsequent garnishments,
14 attachments, wage assignments, or any other claims of
15 creditors. Withholding of income under this Act shall not be
16 in excess of the maximum amounts permitted under the federal
17 Consumer Credit Protection Act. Income available for
18 withholding shall be applied first to the current support
19 obligation, then to any premium required for employer, labor
20 union, or trade union-related health insurance coverage
21 ordered under the order for support, and then to payments
22 required on past-due support obligations. If there is
23 insufficient available income remaining to pay the full
24 amount of the required health insurance premium after
25 withholding of income for the current support obligation,
26 then the remaining available income shall be applied to
27 payments required on past-due support obligations. If the
28 payor has been served with more than one income withholding
29 notice pertaining to the same obligor, the payor shall
30 allocate income available for withholding on a proportionate
31 share basis, giving priority to current support payments. If
32 there--is--any--income--available---for---withholding---after
33 withholding--for--all--current-support-obligations,--the-payor
34 shall-allocate--the--income--to--past--due--support--payments

1 ordered--in-cases-in-which-cash-assistance-under-the-Illinois
 2 Public-Aid-Code-is-not-being-provided-to-the-obligee-and-then
 3 to-past-due-support-payments-ordered-in-cases-in-which--cash
 4 assistance--under--the--Illinois--Public--Aid--Code--is-being
 5 provided-to-the-obligee,-both-on-a-proportionate-share-basis.
 6 A payor who complies with an income withholding notice that
 7 is regular on its face shall not be subject to civil
 8 liability with respect to any individual, any agency, or any
 9 creditor of the obligor for conduct in compliance with the
 10 notice.

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

14 (Source: P.A. 90-673, eff. 1-1-99; 91-212, eff. 7-20-99;
 15 91-677, eff. 1-5-00.)

16 Section 30. The Illinois Parentage Act of 1984 is
 17 amended by changing Sections 13.1, 14, 15.1, 18, 21.1, and 22
 18 as follows:

19 (750 ILCS 45/13.1)

20 Sec. 13.1. Temporary order for child support.
 21 Notwithstanding any other law to the contrary, pending the
 22 outcome of a judicial determination of parentage, the court
 23 shall issue a temporary order for child support, upon motion
 24 by a party and a showing of clear and convincing evidence of
 25 paternity. In determining the amount of the temporary child
 26 support award, the court shall use the guidelines and
 27 standards set forth in subsection (a) of Section 505 and in
 28 Section 505.2 of the Illinois Marriage and Dissolution of
 29 Marriage Act.

30 Any new or existing support order entered by the court
 31 under this Section shall be deemed to be a series of
 32 judgments against the person obligated to pay support

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

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

27 In any subsequent action to enforce a support order, upon
28 sufficient showing that diligent effort has been made to
29 ascertain the location of the non-custodial parent, service
30 of process or provision of notice necessary in that action
31 may be made at the last known address of the non-custodial
32 parent, in any manner expressly provided by the Code of Civil
33 Procedure or in this Act, which service shall be sufficient
34 for purposes of due process.

1 An order for support shall include a date on which the
2 current support obligation terminates. The termination date
3 shall be no earlier than the date on which the child covered
4 by the order will attain the age of majority or is otherwise
5 emancipated. The order for support shall state that the
6 termination date does not apply to any arrearage that may
7 remain unpaid on that date. Nothing in this paragraph shall
8 be construed to prevent the court from modifying the order.
9 (Source: P.A. 90-18, eff. 7-1-97.)

10 (750 ILCS 45/14) (from Ch. 40, par. 2514)

11 Sec. 14. Judgment.

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

1 and regardless of the amount of the non-custodial parent's
2 net income, in its judgment order the non-custodial parent to
3 pay child support to the custodial parent in a minimum amount
4 of not less than \$10 per month. In an action brought within 2
5 years after a child's birth, the judgment or order may direct
6 either parent to pay the reasonable expenses incurred by
7 either parent related to the mother's pregnancy and the
8 delivery of the child. The judgment or order shall contain
9 the father's social security number, which the father shall
10 disclose to the court; however, failure to include the
11 father's social security number on the judgment or order does
12 not invalidate the judgment or order.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (j) An order entered under this Section shall include a
27 provision requiring the obligor to report to the obligee and
28 to the clerk of court within 10 days each time the obligor
29 obtains new employment, and each time the obligor's
30 employment is terminated for any reason. The report shall be
31 in writing and shall, in the case of new employment, include
32 the name and address of the new employer. Failure to report
33 new employment or the termination of current employment, if
34 coupled with nonpayment of support for a period in excess of

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

12 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
13 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

14 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

15 Sec. 15.1. (a) Whenever it is determined in a proceeding
16 to establish or enforce a child support obligation that the
17 person owing a duty of support is unemployed, the court may
18 order the person to seek employment and report periodically
19 to the court with a diary, listing or other memorandum of his
20 or her efforts in accordance with such order. Additionally,
21 the court may order the unemployed person to report to the
22 Department of Employment Security for job search services or
23 to make application with the local Job Training Partnership
24 Act provider for participation in job search, training or
25 work programs and where the duty of support is owed to a
26 child receiving child support enforcement services under
27 Article X of the Illinois Public Aid Code, as amended, the
28 court may order the unemployed person to report to the
29 Illinois Department of Public Aid for participation in job
30 search, training or work programs established under Section
31 9-6 and Article IXA of that Code.

32 (b) Whenever it is determined that a person owes
33 past-due support for a child, and the child is receiving

1 assistance under the Illinois Public Aid Code, the court
2 shall order the following at the request of the Illinois
3 Department of Public Aid:

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

6 (2) if the person owing past-due support is
7 unemployed, is subject to such a plan, and is not
8 incapacitated, that the person participate in such job
9 search, training, or work programs established under
10 Section 9-6 and Article IXA of the Illinois Public Aid
11 Code as the court deems appropriate.

12 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

13 (750 ILCS 45/18) (from Ch. 40, par. 2518)

14 Sec. 18. Right to Counsel; Free Transcript on Appeal.

15 (a) Any party may be represented by counsel at all
16 proceedings under this Act.

17 (a-5) In any proceedings involving the support, custody,
18 visitation, education, parentage, property interest, or
19 general welfare of a minor or dependent child, the court may,
20 on its own motion or that of any party, and subject to the
21 terms or specifications the court determines, appoint an
22 attorney to serve in one of the following capacities:

23 (1) as an attorney to represent the child;

24 (2) as a guardian ad litem to address issues the
25 court delineates;

26 (3) as a child's representative whose duty shall be
27 to advocate what the representative finds to be in the
28 best interests of the child after reviewing the facts and
29 circumstances of the case. The child's representative
30 shall have the same power and authority to take part in
31 the conduct of the litigation as does an attorney for a
32 party and shall possess all the powers of investigation
33 and recommendation as does a guardian ad litem. The

1 child's representative shall consider, but not be bound
2 by, the expressed wishes of the child. A child's
3 representative shall have received training in child
4 advocacy or shall possess such experience as determined
5 to be equivalent to such training by the chief judge of
6 the circuit where the child's representative has been
7 appointed. The child's representative shall not disclose
8 confidential communications made by the child, except as
9 required by law or by the Rules of Professional Conduct.
10 The child's representative shall not be called as a
11 witness regarding the issues set forth in this
12 subsection.

13 During the proceedings the court may appoint an
14 additional attorney to serve in another of the capacities
15 described in subdivisions (1), (2), or (3) of the preceding
16 paragraph on its own motion or that of a party only for good
17 cause shown and when the reasons for the additional
18 appointment are set forth in specific findings.

19 The court shall enter an order as appropriate for costs,
20 fees, and disbursements, including a retainer, when the
21 attorney, guardian ad litem, or child's representative is
22 appointed, and thereafter as necessary. Such orders shall
23 require payment by either or both parents, by any other party
24 or source, or from the marital estate or the child's separate
25 estate. The court may not order payment by the Illinois
26 Department of Public Aid in cases in which the Department is
27 providing child and-spouse support enforcement services under
28 Article X of the Illinois Public Aid Code. Unless otherwise
29 ordered by the court at the time fees and costs are approved,
30 all fees and costs payable to an attorney, guardian ad litem,
31 or child's representative under this Section are by
32 implication deemed to be in the nature of support of the
33 child and are within the exceptions to discharge in
34 bankruptcy under 11 U.S.C.A. 523. The provisions of Sections

1 501 and 508 of this Act shall apply to fees and costs for
2 attorneys appointed under this Section.

3 (b) Upon the request of a mother or child seeking to
4 establish the existence of a father and child relationship,
5 the State's Attorney shall represent the mother or child in
6 the trial court. If the child is an applicant for or a
7 recipient of assistance as defined in Section 2-6 of "The
8 Illinois Public Aid Code", approved April 11, 1967, as
9 amended, or has applied to the Illinois Department of Public
10 Aid for services under Article X of such Code, the Department
11 may file a complaint in the child's behalf under this Act.
12 The Department shall refer the complaint to the Public Aid
13 Claims Enforcement Division of the Office of the Attorney
14 General as provided in Section 12-16 of "The Illinois Public
15 Aid Code" for enforcement by the Attorney General. Legal
16 representation by the State's Attorney or the Attorney
17 General shall be limited to the establishment and enforcement
18 of an order for support, and shall not extend to visitation,
19 custody, property or other matters. If visitation, custody,
20 property or other matters are raised by a party and
21 considered by the court in any proceeding under this Act, the
22 court shall provide a continuance sufficient to enable the
23 mother or child to obtain representation for such matters.

24 (c) The Court may appoint counsel to represent any
25 indigent defendant in the trial court, except that this
26 representation shall be limited to the establishment of a
27 parent and child relationship and an order for support, and
28 shall not extend to visitation, custody, property,
29 enforcement of an order for support, or other matters. If
30 visitation, custody, property or other matters are raised by
31 a party and considered by the court in any proceeding under
32 this Act, the court shall provide a continuance sufficient to
33 enable the defendant to obtain representation for such
34 matters.

1 (d) The court shall furnish on request of any indigent
2 party a transcript for purposes of appeal.

3 (Source: P.A. 90-23, eff. 1-1-98; 91-410, eff. 1-1-00.)

4 (750 ILCS 45/21.1)

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

6 (a) As used in this Section:

7 "Order for support", "obligor", "obligee", and "payor"
8 mean those terms as defined in the Income Withholding for
9 Support Act, except that "order for support" shall not mean
10 orders providing for spousal maintenance under which there is
11 no child support obligation.

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

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

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

23 (c) Support payments shall be made to the State
24 Disbursement Unit if:

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

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

32 (c-5) If no party to the order is receiving child and
33 spouse support enforcement services under Article X of the

1 Illinois Public Aid Code, and the support payments are not
2 made through income withholding, then support payments shall
3 be made as directed by the order for support.

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

8 (1) to make support payments to the State
9 Disbursement Unit if:

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

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

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

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

26 ~~Within 15 days after the effective date of this amendatory~~
27 ~~Act of the 91st General Assembly, the Illinois Department~~
28 ~~shall provide written notice to the clerk of the circuit~~
29 ~~court, the obligor, and, where applicable, the obligor's~~
30 ~~payor to make payments to the State Disbursement Unit if:~~

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

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

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

14 (c-20) If the State Disbursement Unit receives a support
 15 payment that was not appropriately made to the Unit under
 16 this Section, the Unit shall immediately return the payment
 17 to the sender, including, if possible, instructions detailing
 18 where to send the support payments.

19 (d) The notices ~~required~~ under subsections (c-10) and
 20 (c-15) may be sent by ordinary mail, certified mail, return
 21 receipt requested, facsimile transmission, or other
 22 electronic process, or may be served upon the obligor or
 23 payor using any method provided by law for service of a
 24 summons. ~~The Illinois Department of Public Aid shall provide~~
 25 ~~a copy of the notice to the obligee and to the clerk of the~~
 26 ~~court.~~

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

28 (750 ILCS 45/22) (from Ch. 40, par. 2522)
 29 Sec. 22. In all cases instituted by the Illinois
 30 Department of Public Aid on behalf of a child or spouse,
 31 other than one receiving a grant of financial aid under
 32 Article IV of The Illinois Public Aid Code, on whose behalf
 33 an application has been made and approved for child support

1 enforcement services as provided by Section 10-1 of that
2 Code, the court shall impose a collection fee on the
3 individual who owes a child or spouse support obligation in
4 an amount equal to 10% of the amount so owed as long as such
5 collection is required by federal law, which fee shall be in
6 addition to the support obligation. The imposition of such
7 fee shall be in accordance with provisions of Title IV, Part
8 D, of the Social Security Act and regulations duly
9 promulgated thereunder. The fee shall be payable to the
10 clerk of the circuit court for transmittal to the Illinois
11 Department of Public Aid and shall continue until support
12 services are terminated by that Department.

13 (Source: P.A. 83-1372.)

14 Section 35. The Unemployment Insurance Act is amended by
15 changing Section 1300 as follows:

16 (820 ILCS 405/1300) (from Ch. 48, par. 540)

17 Sec. 1300. Waiver or transfer of benefit rights -
18 Partial exemption.

19 (A) Except as otherwise provided herein any agreement by
20 an individual to waive, release or commute his rights under
21 this Act shall be void.

22 (B) Benefits due under this Act shall not be assigned,
23 pledged, encumbered, released or commuted and shall be exempt
24 from all claims of creditors and from levy, execution and
25 attachment or other remedy for recovery or collection of a
26 debt. However, nothing in this Section shall prohibit a
27 specified or agreed upon deduction from benefits by an
28 individual, or a court or administrative order for
29 withholding of income, for payment of past due child support
30 from being enforced and collected by the Department of Public
31 Aid on behalf of persons receiving a grant of financial aid
32 under Article IV of the Illinois Public Aid Code, persons for

1 whom an application has been made and approved for child
2 support enforcement services under Section 10-1 of such Code,
3 or persons similarly situated and receiving like support
4 services in other states. It is provided that:

5 (1) The aforementioned deduction of benefits and
6 order for withholding of income apply only if appropriate
7 arrangements have been made for reimbursement to the
8 Director by the Department of Public Aid for any
9 administrative costs incurred by the Director under this
10 Section.

11 (2) The Director shall deduct and withhold from
12 benefits payable under this Act, or under any arrangement
13 for the payment of benefits entered into by the Director
14 pursuant to the powers granted under Section 2700 of this
15 Act, the amount specified or agreed upon. In the case of
16 a court or administrative order for withholding of
17 income, the Director shall withhold the amount of the
18 order.

19 (3) Any amount deducted and withheld by the
20 Director shall be paid to the Department of Public Aid or
21 the State Disbursement Unit established under Section
22 10-26 of the Illinois Public Aid Code, as directed by the
23 Department of Public Aid, on behalf of the individual.

24 (4) Any amount deducted and withheld under
25 subsection (3) shall for all purposes be treated as if it
26 were paid to the individual as benefits and paid by such
27 individual to the Department of Public Aid or the State
28 Disbursement Unit in satisfaction of the individual's
29 child support obligations.

30 (5) For the purpose of this Section, child support
31 is defined as those obligations which are being enforced
32 pursuant to a plan described in Title IV, Part D, Section
33 454 of the Social Security Act and approved by the
34 Secretary of Health and Human Services.

1 (6) The deduction of benefits and order for
2 withholding of income for child support shall be governed
3 by Titles III and IV of the Social Security Act and all
4 regulations duly promulgated thereunder.

5 (C) Nothing in this Section prohibits an individual from
6 voluntarily electing to have federal income tax deducted and
7 withheld from his or her unemployment insurance benefit
8 payments.

9 (1) The Director shall, at the time that an
10 individual files his or her claim for benefits that
11 establishes his or her benefit year, inform the
12 individual that:

13 (a) unemployment insurance is subject to
14 federal, State, and local income taxes;

15 (b) requirements exist pertaining to estimated
16 tax payments;

17 (c) the individual may elect to have federal
18 income tax deducted and withheld from his or her
19 payments of unemployment insurance in the amount
20 specified in the federal Internal Revenue Code; and

21 (d) the individual is permitted to change a
22 previously elected withholding status.

23 (2) Amounts deducted and withheld from unemployment
24 insurance shall remain in the unemployment fund until
25 transferred to the federal taxing authority as a payment
26 of income tax.

27 (3) The Director shall follow all procedures
28 specified by the United States Department of Labor and
29 the federal Internal Revenue Service pertaining to the
30 deducting and withholding of income tax.

31 (4) Amounts shall be deducted and withheld in
32 accordance with the priorities established in rules
33 promulgated by the Director.

34 (D) Nothing in this Section prohibits an individual from

1 voluntarily electing to have State of Illinois income tax
2 deducted and withheld from his or her unemployment insurance
3 benefit payments if such deduction and withholding is
4 provided for pursuant to rules promulgated by the Director.

5 (1) If pursuant to rules promulgated by the
6 Director, an individual may voluntarily elect to have
7 State of Illinois income tax deducted and withheld from
8 his or her unemployment insurance benefit payments, the
9 Director shall, at the time that an individual files his
10 or her claim for benefits that establishes his or her
11 benefit year, in addition to providing the notice
12 required under subsection C, inform the individual that:

13 (a) the individual may elect to have State of
14 Illinois income tax deducted and withheld from his
15 or her payments of unemployment insurance in the
16 amount specified pursuant to rules promulgated by
17 the Director; and

18 (b) the individual is permitted to change a
19 previously elected withholding status.

20 (2) Amounts deducted and withheld from unemployment
21 insurance shall remain in the unemployment fund until
22 transferred to the Department of Revenue as a payment of
23 State of Illinois income tax.

24 (3) Amounts shall be deducted and withheld in
25 accordance with the priorities established in rules
26 promulgated by the Director.

27 (E) Nothing in this Section prohibits the deduction and
28 withholding of an uncollected overissuance of food stamp
29 coupons from unemployment insurance benefits pursuant to this
30 subsection (E).

31 (1) At the time that an individual files a claim
32 for benefits that establishes his or her benefit year,
33 that individual must disclose whether or not he or she
34 owes an uncollected overissuance (as defined in Section

1 13(c)(1) of the federal Food Stamp Act of 1977) of food
2 stamp coupons. The Director shall notify the State food
3 stamp agency enforcing such obligation of any individual
4 who discloses that he or she owes an uncollected
5 overissuance of food stamp coupons and who meets the
6 monetary eligibility requirements of subsection E of
7 Section 500.

8 (2) The Director shall deduct and withhold from any
9 unemployment insurance benefits payable to an individual
10 who owes an uncollected overissuance of food stamp
11 coupons:

12 (a) the amount specified by the individual to
13 the Director to be deducted and withheld under this
14 subsection (E);

15 (b) the amount (if any) determined pursuant to
16 an agreement submitted to the State food stamp
17 agency under Section 13(c)(3)(A) of the federal Food
18 Stamp Act of 1977; or

19 (c) any amount otherwise required to be
20 deducted and withheld from unemployment insurance
21 benefits pursuant to Section 13(c)(3)(B) of the
22 federal Food Stamp Act of 1977.

23 (3) Any amount deducted and withheld pursuant to
24 this subsection (E) shall be paid by the Director to the
25 State food stamp agency.

26 (4) Any amount deducted and withheld pursuant to
27 this subsection (E) shall for all purposes be treated as
28 if it were paid to the individual as unemployment
29 insurance benefits and paid by the individual to the
30 State food stamp agency as repayment of the individual's
31 uncollected overissuance of food stamp coupons.

32 (5) For purposes of this subsection (E),
33 "unemployment insurance benefits" means any compensation
34 payable under this Act including amounts payable by the

1 Director pursuant to an agreement under any federal law
2 providing for compensation, assistance, or allowances
3 with respect to unemployment.

4 (6) This subsection (E) applies only if
5 arrangements have been made for reimbursement by the
6 State food stamp agency for the administrative costs
7 incurred by the Director under this subsection (E) which
8 are attributable to the repayment of uncollected
9 overissuances of food stamp coupons to the State food
10 stamp agency.

11 (Source: P.A. 90-425, eff. 8-15-97; 90-554, eff. 12-12-97;
12 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

13 Section 99. Effective date. This Act takes effect on
14 July 1, 2002.