

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.