

1 AN ACT concerning civil law.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-25 and 10-25.5 as follows:

6 (305 ILCS 5/10-25)

7 Sec. 10-25. Administrative liens and levies on real
8 property for past-due child support and for fines against a
9 payor of income who wilfully fails to withhold or pay over
10 income pursuant to a properly served income withholding notice
11 or otherwise fails to comply with any duties imposed by the
12 Income Withholding for Support Act.

13 (a) Notwithstanding any other State or local law to the
14 contrary, the State shall have a lien on all legal and
15 equitable interests of responsible relatives in their real
16 property in the amount of past-due child support owing pursuant
17 to an order for child support entered under Sections 10-10 and
18 10-11 of this Code, or under the Illinois Marriage and
19 Dissolution of Marriage Act, the Non-Support of Spouse and
20 Children Act, the Non-Support Punishment Act, the Uniform
21 Interstate Family Support Act, or the Illinois Parentage Act of
22 1984.

23 (a-5) The State shall have a lien on all legal and

1 equitable interests of a payor of income, as that term is
2 described in the Income Withholding for Support Act, in the
3 payor's real property in the amount of any fine imposed by the
4 Illinois Department pursuant to the Income Withholding for
5 Support Act.

6 (b) The Illinois Department shall provide by rule for
7 notice to and an opportunity to be heard by each responsible
8 relative or payor of income affected, and any final
9 administrative decision rendered by the Illinois Department
10 shall be reviewed only under and in accordance with the
11 Administrative Review Law.

12 (c) When enforcing a lien under subsection (a) of this
13 Section, the Illinois Department shall have the authority to
14 execute notices of administrative liens and levies, which shall
15 contain the name and address of the responsible relative or
16 payor of income, a legal description of the real property to be
17 levied, the fact that a lien is being claimed for past-due
18 child support or for the fines imposed on a payor of income
19 pursuant to the Income Withholding for Support Act, and such
20 other information as the Illinois Department may by rule
21 prescribe. The Illinois Department shall record the notice of
22 lien with the recorder or registrar of titles of the county or
23 counties in which the real estate is located.

24 (d) The State's lien under subsection (a) shall be
25 enforceable upon the recording or filing of a notice of lien
26 with the recorder or registrar of titles of the county or

1 counties in which the real estate is located. The lien shall be
2 prior to any lien thereafter recorded or filed and shall be
3 notice to a subsequent purchaser, assignor, or encumbrancer of
4 the existence and nature of the lien. The lien shall be
5 inferior to the lien of general taxes, special assessment, and
6 special taxes heretofore or hereafter levied by any political
7 subdivision or municipal corporation of the State.

8 In the event that title to the land to be affected by the
9 notice of lien is registered under the Registered Titles
10 (Torrens) Act, the notice shall be filed in the office of the
11 registrar of titles as a memorial or charge upon each folium of
12 the register of titles affected by the notice; but the State
13 shall not have a preference over the rights of any bona fide
14 purchaser, mortgagee, judgment creditor, or other lien holders
15 registered prior to the registration of the notice.

16 (e) The recorder or registrar of titles of each county
17 shall procure a file labeled "Child Support Lien Notices" and
18 an index book labeled "Child Support Lien Notices". When notice
19 of any lien is presented to the recorder or registrar of titles
20 for filing, the recorder or registrar of titles shall file it
21 in numerical order in the file and shall enter it
22 alphabetically in the index. The entry shall show the name and
23 last known address of the person or payor of income named in
24 the notice, the serial number of the notice, the date and hour
25 of filing, and the amount of child support or the amount of the
26 fine imposed on the payor of income due at the time when the

1 lien is filed.

2 (f) The Illinois Department shall not be required to
3 furnish bond or make a deposit for or pay any costs or fees of
4 any court or officer thereof in any legal proceeding involving
5 the lien.

6 (g) To protect the lien of the State for past-due child
7 support and for any fine imposed against a payor of income, the
8 Illinois Department may, from funds that are available for that
9 purpose, pay or provide for the payment of necessary or
10 essential repairs, purchase tax certificates, pay balances due
11 on land contracts, or pay or cause to be satisfied any prior
12 liens on the property to which the lien hereunder applies.

13 (h) A lien on real property under this Section shall be
14 released pursuant to Section 12-101 of the Code of Civil
15 Procedure.

16 (i) The Illinois Department, acting in behalf of the State,
17 may foreclose the lien in a judicial proceeding to the same
18 extent and in the same manner as in the enforcement of other
19 liens. The process, practice, and procedure for the foreclosure
20 shall be the same as provided in the Code of Civil Procedure.

21 (Source: P.A. 97-186, eff. 7-22-11.)

22 (305 ILCS 5/10-25.5)

23 Sec. 10-25.5. Administrative liens and levies on personal
24 property for past-due child support and for fines against a
25 payor of income who wilfully fails to withhold or pay over

1 income pursuant to a properly served income withholding notice
2 or otherwise fails to comply with any duties imposed by the
3 Income Withholding for Support Act.

4 (a) Notwithstanding any other State or local law to the
5 contrary, the State shall have a lien on all legal and
6 equitable interests of responsible relatives in their personal
7 property, including any account in a financial institution as
8 defined in Section 10-24, or in the case of an insurance
9 company or benefit association only in accounts as defined in
10 Section 10-24, in the amount of past-due child support owing
11 pursuant to an order for child support entered under Sections
12 10-10 and 10-11 of this Code, or under the Illinois Marriage
13 and Dissolution of Marriage Act, the Non-Support of Spouse and
14 Children Act, the Non-Support Punishment Act, the Uniform
15 Interstate Family Support Act, or the Illinois Parentage Act of
16 1984.

17 (a-5) The State shall have a lien on all legal and
18 equitable interests of a payor of income, as that term is
19 described in the Income Withholding for Support Act, in the
20 payor's personal property in the amount of any fine imposed by
21 the Illinois Department pursuant to the Income Withholding for
22 Support Act.

23 (b) The Illinois Department shall provide by rule for
24 notice to and an opportunity to be heard by each responsible
25 relative or payor of income affected, and any final
26 administrative decision rendered by the Illinois Department

1 shall be reviewed only under and in accordance with the
2 Administrative Review Law.

3 (c) When enforcing a lien under subsection (a) of this
4 Section, the Illinois Department shall have the authority to
5 execute notices of administrative liens and levies, which shall
6 contain the name and address of the responsible relative or
7 payor of income, a description of the property to be levied,
8 the fact that a lien is being claimed for past-due child
9 support, and such other information as the Illinois Department
10 may by rule prescribe. The Illinois Department may serve the
11 notice of lien or levy upon any financial institution where the
12 accounts as defined in Section 10-24 of the responsible
13 relative may be held, for encumbrance or surrender of the
14 accounts as defined in Section 10-24 by the financial
15 institution.

16 (d) The Illinois Department shall enforce its lien against
17 the responsible relative's or payor's of income personal
18 property, other than accounts as defined in Section 10-24 in
19 financial institutions, and levy upon such personal property in
20 the manner provided for enforcement of judgments contained in
21 Article XII of the Code of Civil Procedure.

22 (e) The Illinois Department shall not be required to
23 furnish bond or make a deposit for or pay any costs or fees of
24 any court or officer thereof in any legal proceeding involving
25 the lien.

26 (f) To protect the lien of the State for past-due child

1 support and for any fine imposed on a payor of income, the
2 Illinois Department may, from funds that are available for that
3 purpose, pay or provide for the payment of necessary or
4 essential repairs, purchase tax certificates, or pay or cause
5 to be satisfied any prior liens on the property to which the
6 lien hereunder applies.

7 (g) A lien on personal property under this Section shall be
8 released in the manner provided under Article XII of the Code
9 of Civil Procedure. Notwithstanding the foregoing, a lien under
10 this Section on accounts as defined in Section 10-24 shall
11 expire upon the passage of 120 days from the date of issuance
12 of the Notice of Lien or Levy by the Illinois Department.
13 However, the lien shall remain in effect during the pendency of
14 any appeal or protest.

15 (h) A lien created under this Section is subordinate to any
16 prior lien of the financial institution or any prior lien
17 holder or any prior right of set-off that the financial
18 institution may have against the assets, or in the case of an
19 insurance company or benefit association only in the accounts
20 as defined in Section 10-24.

21 (i) A financial institution has no obligation under this
22 Section to hold, encumber, or surrender the assets, or in the
23 case of an insurance company or benefit association only the
24 accounts as defined in Section 10-24, until the financial
25 institution has been properly served with a subpoena, summons,
26 warrant, court or administrative order, or administrative lien

1 and levy requiring that action.

2 (Source: P.A. 97-186, eff. 7-22-11.)

3 Section 10. The Income Withholding for Support Act is
4 amended by adding Section 50.5 as follows:

5 (750 ILCS 28/50.5 new)

6 Sec. 50.5. Administrative fines imposed by the Department
7 of Healthcare and Family Services.

8 (a) The administrative fines provided for under this
9 Section are in addition to any existing fines or penalties
10 against a payor of income provided for in other Sections of
11 this Act and do not affect who would be entitled to receive
12 those existing fines and penalties. In addition to any fines or
13 penalties provided for in this Act, when a payor of income
14 wilfully fails, after receiving 2 reminders from the Department
15 of Healthcare and Family Services, to withhold or pay over
16 income pursuant to a properly served income withholding notice
17 or otherwise fails to comply with any duties imposed by this
18 Act, the Department may impose a fine upon the payor of income
19 not to exceed \$1,000 per payroll period. The fine shall be
20 payable to the Department of Healthcare and Family Services and
21 may be used to defray the costs incurred by the Department in
22 the collection of the past-due support and penalties provided
23 for in this Act. The Department of Healthcare and Family
24 Services shall place the fines collected into a special fund

1 created to implement the purposes of this Section and the fines
2 shall be utilized for the purposes provided for in this
3 Section. After deducting the costs incurred by the Department
4 of Healthcare and Family Services in the collection of the
5 past-due support and penalties provided for in this Act, the
6 remainder of the fines collected under this Section shall be
7 distributed proportionally to the counties based on their
8 population. The counties shall use these funds to assist low
9 income families in defraying the costs associated with seeking
10 parenting time.

11 (b) The Department of Healthcare and Family Services may
12 collect the fine through administrative liens and levies on the
13 real and personal property of the payor of income as provided
14 in Sections 10-25 and 10-25.5 of the Illinois Public Aid Code.

15 (c) The payor of income may contest the fine as provided in
16 Sections 10-25 and 10-25.5 of the Illinois Public Aid Code.

17 (d) The Department of Healthcare and Family Services may
18 adopt rules necessary for the implementation of this Section.

19 Section 99. Effective date. This Act takes effect on July
20 1, 2017.