

# HB1889



## 104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB1889

Introduced 1/29/2025, by Rep. Anne Stava-Murray

### SYNOPSIS AS INTRODUCED:

750 ILCS 5/505

from Ch. 40, par. 505

Amends the Illinois Marriage and Dissolution of Marriage Act. Excludes from the definition of a parent's "gross income" income or value received by a parent as a gift that is the voluntary transfer of property, including, but not limited to, money that is completely free of repayment or obligation while both the giver and the parent are still alive.

LRB104 08172 JRC 18221 b

A BILL FOR

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 Marriage and Dissolution of  
5 Marriage Act is amended by changing Section 505 as follows:

6 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

8 (a) In a proceeding for dissolution of marriage, legal  
9 separation, declaration of invalidity of marriage, or  
10 dissolution of a civil union, a proceeding for child support  
11 following a legal separation or dissolution of the marriage or  
12 civil union by a court that lacked personal jurisdiction over  
13 the absent spouse, a proceeding for modification of a previous  
14 order for child support under Section 510 of this Act, or any  
15 proceeding authorized under Section 501 or 601 of this Act,  
16 the court may order either or both parents owing a duty of  
17 support to a child of the marriage or civil union to pay an  
18 amount reasonable and necessary for support. The duty of  
19 support owed to a child includes the obligation to provide for  
20 the reasonable and necessary physical, mental and emotional  
21 health needs of the child. For purposes of this Section, the  
22 term "child" shall include any child under age 18 and any child  
23 age 19 or younger who is still attending high school. For

1 purposes of this Section, the term "obligor" means the parent  
2 obligated to pay support to the other parent.

3 (1) Child support guidelines. The Illinois Department  
4 of Healthcare and Family Services shall adopt rules  
5 establishing child support guidelines which include  
6 worksheets to aid in the calculation of the child support  
7 obligations and a schedule of basic child support  
8 obligations that reflects the percentage of combined net  
9 income that parents living in the same household in this  
10 State ordinarily spend on their child. The child support  
11 guidelines have the following purposes:

12 (A) to establish as State policy an adequate  
13 standard of support for a child, subject to the  
14 ability of parents to pay;

15 (B) to make child support obligations more  
16 equitable by ensuring more consistent treatment of  
17 parents in similar circumstances;

18 (C) to improve the efficiency of the court process  
19 by promoting settlements and giving courts and the  
20 parties guidance in establishing levels of child  
21 support;

22 (D) to calculate child support based upon the  
23 parents' combined net income estimated to have been  
24 allocated for the support of the child if the parents  
25 and child were living in an intact household;

26 (E) to adjust child support based upon the needs

1 of the child; and

2 (F) to allocate the amount of child support to be  
3 paid by each parent based upon a parent's net income  
4 and the child's physical care arrangements.

5 (1.5) Computation of basic child support obligation.  
6 The court shall compute the basic child support obligation  
7 by taking the following steps:

8 (A) determine each parent's monthly net income;

9 (B) add the parents' monthly net incomes together  
10 to determine the combined monthly net income of the  
11 parents;

12 (C) select the corresponding appropriate amount  
13 from the schedule of basic child support obligations  
14 based on the parties' combined monthly net income and  
15 number of children of the parties; and

16 (D) calculate each parent's percentage share of  
17 the basic child support obligation.

18 Although a monetary obligation is computed for each  
19 parent as child support, the receiving parent's share is  
20 not payable to the other parent and is presumed to be spent  
21 directly on the child.

22 (2) Duty of support. The court shall determine child  
23 support in each case by applying the child support  
24 guidelines unless the court makes a finding that  
25 application of the guidelines would be inappropriate,  
26 after considering the best interests of the child and

1 evidence which shows relevant factors including, but not  
2 limited to, one or more of the following:

3 (A) the financial resources and needs of the  
4 child;

5 (B) the financial resources and needs of the  
6 parents;

7 (C) the standard of living the child would have  
8 enjoyed had the marriage or civil union not been  
9 dissolved; and

10 (D) the physical and emotional condition of the  
11 child and his or her educational needs.

12 (3) Income.

13 (A) As used in this Section, "gross income" means  
14 the total of all income from all sources, except  
15 "gross income" does not include (i) benefits received  
16 by the parent from means-tested public assistance  
17 programs, including, but not limited to, Temporary  
18 Assistance for Needy Families, Supplemental Security  
19 Income, and the Supplemental Nutrition Assistance  
20 Program; ~~or~~ (ii) benefits and income received by the  
21 parent for other children in the household, including,  
22 but not limited to, child support, survivor benefits,  
23 and foster care payments; or (iii) income or value  
24 received by a parent as a gift that is the voluntary  
25 transfer of property, including but not limited to,  
26 money that is completely free of repayment or

1           obligation while both the giver and the parent are  
2           still alive. Social security disability and retirement  
3           benefits paid for the benefit of the subject child  
4           must be included in the disabled or retired parent's  
5           gross income for purposes of calculating the parent's  
6           child support obligation, but the parent is entitled  
7           to a child support credit for the amount of benefits  
8           paid to the other party for the child. "Gross income"  
9           includes maintenance treated as taxable income for  
10          federal income tax purposes to the payee and received  
11          pursuant to a court order in the pending proceedings  
12          or any other proceedings and shall be included in the  
13          payee's gross income for purposes of calculating the  
14          parent's child support obligation.

15                 (B) As used in this Section, "net income" means  
16                 gross income minus either the standardized tax amount  
17                 calculated pursuant to subparagraph (C) of this  
18                 paragraph (3) or the individualized tax amount  
19                 calculated pursuant to subparagraph (D) of this  
20                 paragraph (3), and minus any adjustments pursuant to  
21                 subparagraph (F) of this paragraph (3). The  
22                 standardized tax amount shall be used unless the  
23                 requirements for an individualized tax amount set  
24                 forth in subparagraph (E) of this paragraph (3) are  
25                 met. "Net income" includes maintenance not includable  
26                 in the gross taxable income of the payee for federal

1 income tax purposes under a court order in the pending  
2 proceedings or any other proceedings and shall be  
3 included in the payee's net income for purposes of  
4 calculating the parent's child support obligation.

5 (C) As used in this Section, "standardized tax  
6 amount" means the total of federal and state income  
7 taxes for a single person claiming the standard tax  
8 deduction, one personal exemption, and the applicable  
9 number of dependency exemptions for the minor child or  
10 children of the parties, and Social Security and  
11 Medicare tax calculated at the Federal Insurance  
12 Contributions Act rate.

13 (I) Unless a court has determined otherwise or  
14 the parties otherwise agree, the party with the  
15 majority of parenting time shall be deemed  
16 entitled to claim the dependency exemption for the  
17 parties' minor child.

18 (II) The Illinois Department of Healthcare and  
19 Family Services shall promulgate a standardized  
20 net income conversion table that computes net  
21 income by deducting the standardized tax amount  
22 from gross income.

23 (D) As used in this Section, "individualized tax  
24 amount" means the aggregate of the following taxes:

25 (I) federal income tax (properly calculated  
26 withholding or estimated payments);

1 (II) State income tax (properly calculated  
2 withholding or estimated payments); and

3 (III) Social Security or self-employment tax,  
4 if applicable (or, if none, mandatory retirement  
5 contributions required by law or as a condition of  
6 employment) and Medicare tax calculated at the  
7 Federal Insurance Contributions Act rate.

8 (E) In lieu of a standardized tax amount, a  
9 determination of an individualized tax amount may be  
10 made under items (I), (II), or (III) below. If an  
11 individualized tax amount determination is made under  
12 this subparagraph (E), all relevant tax attributes  
13 (including filing status, allocation of dependency  
14 exemptions, and whether a party is to claim the use of  
15 the standard deduction or itemized deductions for  
16 federal income tax purposes) shall be as the parties  
17 agree or as the court determines. To determine a  
18 party's reported income, the court may order the party  
19 to complete an Internal Revenue Service Form 4506-T,  
20 Request for Tax Transcript.

21 (I) Agreement. Irrespective of whether the  
22 parties agree on any other issue before the court,  
23 if they jointly stipulate for the record their  
24 concurrence on a computation method for the  
25 individualized tax amount that is different from  
26 the method set forth under subparagraph (D), the

1 stipulated method shall be used by the court  
2 unless the court rejects the proposed stipulated  
3 method for good cause.

4 (II) Summary hearing. If the court determines  
5 child support in a summary hearing under Section  
6 501 and an eligible party opts in to the  
7 individualized tax amount method under this item  
8 (II), the individualized tax amount shall be  
9 determined by the court on the basis of  
10 information contained in one or both parties'  
11 Supreme Court approved Financial Affidavit (Family  
12 & Divorce Cases) and relevant supporting documents  
13 under applicable court rules. No party, however,  
14 is eligible to opt in unless the party, under  
15 applicable court rules, has served the other party  
16 with the required Supreme Court approved Financial  
17 Affidavit (Family & Divorce Cases) and has  
18 substantially produced supporting documents  
19 required by the applicable court rules.

20 (III) Evidentiary hearing. If the court  
21 determines child support in an evidentiary  
22 hearing, whether for purposes of a temporary order  
23 or at the conclusion of a proceeding, item (II) of  
24 this subparagraph (E) does not apply. In each such  
25 case (unless item (I) governs), the individualized  
26 tax amount shall be as determined by the court on

1 the basis of the record established.

2 (F) Adjustments to income.

3 (I) Multi-family adjustment. If a parent is  
4 also legally responsible for support of a child  
5 not shared with the other parent and not subject  
6 to the present proceeding, there shall be an  
7 adjustment to net income as follows:

8 (i) Multi-family adjustment with court  
9 order. The court shall deduct from the  
10 parent's net income the amount of child  
11 support actually paid by the parent pursuant  
12 to a support order unless the court makes a  
13 finding that it would cause economic hardship  
14 to the child.

15 (ii) Multi-family adjustment without court  
16 order. Upon the request or application of a  
17 parent actually supporting a presumed,  
18 acknowledged, or adjudicated child living in  
19 or outside of that parent's household, there  
20 shall be an adjustment to child support. The  
21 court shall deduct from the parent's net  
22 income the amount of financial support  
23 actually paid by the parent for the child or  
24 75% of the support the parent should pay under  
25 the child support guidelines (before this  
26 adjustment), whichever is less, unless the

1 court makes a finding that it would cause  
2 economic hardship to the child. The adjustment  
3 shall be calculated using that parent's income  
4 alone.

5 (II) Spousal Maintenance adjustment.

6 Obligations pursuant to a court order for spousal  
7 maintenance in the pending proceeding actually  
8 paid or payable to the same party to whom child  
9 support is to be payable or actually paid to a  
10 former spouse pursuant to a court order shall be  
11 deducted from the parent's after-tax income,  
12 unless the maintenance obligation is tax  
13 deductible to the payor for federal income tax  
14 purposes, in which case it shall be deducted from  
15 the payor's gross income for purposes of  
16 calculating the parent's child support obligation.

17 (3.1) Business income. For purposes of calculating  
18 child support, net business income from the operation of a  
19 business means gross receipts minus ordinary and necessary  
20 expenses required to carry on the trade or business. As  
21 used in this paragraph, "business" includes, but is not  
22 limited to, sole proprietorships, closely held  
23 corporations, partnerships, other flow-through business  
24 entities, and self-employment. The court shall apply the  
25 following:

26 (A) The accelerated component of depreciation and

1 any business expenses determined either judicially or  
2 administratively to be inappropriate or excessive  
3 shall be excluded from the total of ordinary and  
4 necessary business expenses to be deducted in the  
5 determination of net business income from gross  
6 business income.

7 (B) Any item of reimbursement or in-kind payment  
8 received by a parent from a business, including, but  
9 not limited to, a company car, reimbursed meals, free  
10 housing, or a housing allowance, shall be counted as  
11 income if not otherwise included in the recipient's  
12 gross income, if the item is significant in amount and  
13 reduces personal expenses.

14 (3.2a) Unemployment or underemployment. If a parent is  
15 voluntarily unemployed or underemployed, child support  
16 shall be calculated based on a determination of potential  
17 income. In determining potential income, the court shall  
18 consider the specific circumstances of a party, to the  
19 extent known, including, but not limited to, the parent's:

20 (1) assets;

21 (2) ownership of a substantial non-income  
22 producing asset;

23 (3) residence;

24 (4) employment and earning history;

25 (5) job skills;

26 (6) educational attainment;

- 1 (7) literacy;
- 2 (8) age;
- 3 (9) health;
- 4 (10) criminal records and other employment
- 5 barriers; and
- 6 (11) record of seeking work.

7 The court shall also consider the local job market,  
8 availability of local employers willing to hire the  
9 parent, prevailing earning levels in the local community,  
10 and other relevant background factors in the case. If  
11 there is insufficient work history to determine employment  
12 potential and probable earnings level, there shall be a  
13 rebuttable presumption that the parent's potential income  
14 is 75% of the most recent United States Department of  
15 Health and Human Services Federal Poverty Guidelines for a  
16 family of one person. Incarceration shall not be  
17 considered voluntary unemployment for child support  
18 purposes in establishing or modifying child support.

19 (3.2b) The court may impute income to a party only  
20 upon conducting an evidentiary hearing or by agreement of  
21 the parties. Imputation of income shall be accompanied by  
22 specific written findings identifying the basis or bases  
23 for imputation using these factors.

24 (3.3) Rebuttable presumption in favor of guidelines.  
25 There is a rebuttable presumption in any judicial or  
26 administrative proceeding for child support that the

1 amount of the child support obligation that would result  
2 from the application of the child support guidelines is  
3 the correct amount of child support.

4 (3.3a) Minimum child support obligation. There is a  
5 rebuttable presumption that a minimum child support  
6 obligation of \$40 per month, per child, will be entered  
7 for an obligor who has actual or imputed gross income at or  
8 less than 75% of the most recent United States Department  
9 of Health and Human Services Federal Poverty Guidelines  
10 for a family of one person, with a maximum total child  
11 support obligation for that obligor of \$120 per month to  
12 be divided equally among all of the obligor's children.

13 (3.3b) Zero dollar child support order. For parents  
14 with no gross income, who receive only means-tested  
15 assistance, or who cannot work due to a medically proven  
16 disability, incarceration, or institutionalization, there  
17 is a rebuttable presumption that the \$40 per month minimum  
18 support order is inapplicable and a zero dollar order  
19 shall be entered.

20 (3.4) Deviation factors. In any action to establish or  
21 modify child support, whether pursuant to a temporary or  
22 final administrative or court order, the child support  
23 guidelines shall be used as a rebuttable presumption for  
24 the establishment or modification of the amount of child  
25 support. The court may deviate from the child support  
26 guidelines if the application would be inequitable,

1 unjust, or inappropriate. Any deviation from the  
2 guidelines shall be accompanied by written findings by the  
3 court specifying the reasons for the deviation and the  
4 presumed amount under the child support guidelines without  
5 a deviation. These reasons may include:

6 (A) extraordinary medical expenditures necessary  
7 to preserve the life or health of a party or a child of  
8 either or both of the parties;

9 (B) additional expenses incurred for a child  
10 subject to the child support order who has special  
11 medical, physical, or developmental needs; and

12 (C) any other factor the court determines should  
13 be applied upon a finding that the application of the  
14 child support guidelines would be inappropriate, after  
15 considering the best interest of the child.

16 (3.5) Income in excess of the schedule of basic child  
17 support obligation. A court may use its discretion to  
18 determine child support if the combined adjusted net  
19 income of the parties exceeds the highest level of the  
20 schedule of basic child support obligation, except that  
21 the basic child support obligation shall not be less than  
22 the highest level of combined net income set forth in the  
23 schedule of basic child support obligation.

24 (3.6) Extracurricular activities and school expenses.  
25 The court, in its discretion, in addition to the basic  
26 child support obligation, may order either or both parents

1           owing a duty of support to the child to contribute to the  
2           reasonable school and extracurricular activity expenses  
3           incurred which are intended to enhance the educational,  
4           athletic, social, or cultural development of the child.

5           (3.7) Child care expenses. The court, in its  
6           discretion, in addition to the basic child support  
7           obligation, may order either or both parents owing a duty  
8           of support to the child to contribute to the reasonable  
9           child care expenses of the child. The child care expenses  
10          shall be made payable directly to a party or directly to  
11          the child care provider at the time of child care  
12          services.

13                 (A) "Child care expenses" means actual expenses  
14                 reasonably necessary to enable a parent or non-parent  
15                 custodian to be employed, to attend educational or  
16                 vocational training programs to improve employment  
17                 opportunities, or to search for employment. "Child  
18                 care expenses" also includes deposits for securing  
19                 placement in a child care program, the cost of before  
20                 and after school care, and camps when school is not in  
21                 session. A child's special needs shall be a  
22                 consideration in determining reasonable child care  
23                 expenses.

24                 (B) Child care expenses shall be prorated in  
25                 proportion to each parent's percentage share of  
26                 combined net income, and may be added to the basic

1 child support obligation if not paid directly by each  
2 parent to the provider of child care services. The  
3 obligor's and obligee's portion of actual child care  
4 expenses shall appear in the support order. If  
5 allowed, the value of the federal income tax credit  
6 for child care shall be subtracted from the actual  
7 cost to determine the net child care costs.

8 (C) The amount of child care expenses shall be  
9 adequate to obtain reasonable and necessary child  
10 care. The actual child care expenses shall be used to  
11 calculate the child care expenses, if available. When  
12 actual child care expenses vary, the actual child care  
13 expenses may be averaged over the most recent 12-month  
14 period. When a parent is temporarily unemployed or  
15 temporarily not attending educational or vocational  
16 training programs, future child care expenses shall be  
17 based upon prospective expenses to be incurred upon  
18 return to employment or educational or vocational  
19 training programs.

20 (D) An order for child care expenses may be  
21 modified upon a showing of a substantial change in  
22 circumstances. The party incurring child care expenses  
23 shall notify the other party within 14 days of any  
24 change in the amount of child care expenses that would  
25 affect the annualized child care amount as determined  
26 in the support order.

1           (3.8) Shared physical care. If each parent exercises  
2           146 or more overnights per year with the child, the basic  
3           child support obligation is multiplied by 1.5 to calculate  
4           the shared care child support obligation. The court shall  
5           determine each parent's share of the shared care child  
6           support obligation based on the parent's percentage share  
7           of combined net income. The child support obligation is  
8           then computed for each parent by multiplying that parent's  
9           portion of the shared care support obligation by the  
10          percentage of time the child spends with the other parent.  
11          The respective child support obligations are then offset,  
12          with the parent owing more child support paying the  
13          difference between the child support amounts. The Illinois  
14          Department of Healthcare and Family Services shall  
15          promulgate a worksheet to calculate child support in cases  
16          in which the parents have shared physical care and use the  
17          standardized tax amount to determine net income.

18          (3.9) Split physical care. When there is more than one  
19          child and each parent has physical care of at least one but  
20          not all of the children, the support is calculated by  
21          using 2 child support worksheets to determine the support  
22          each parent owes the other. The support shall be  
23          calculated as follows:

24                 (A) compute the support the first parent would owe  
25                 to other parent as if the child in his or her care was  
26                 the only child of the parties; then

1           (B) compute the support the other parent would owe  
2           to the first parent as if the child in his or her care  
3           were the only child of the parties; then

4           (C) subtract the lesser support obligation from  
5           the greater.

6           The parent who owes the greater obligation shall be  
7           ordered to pay the difference in support to the other  
8           parent, unless the court determines, pursuant to other  
9           provisions of this Section, that it should deviate from  
10          the guidelines.

11          (4) Health care to be addressed by the court.

12           (A) A portion of the basic child support  
13           obligation is intended to cover basic ordinary  
14           out-of-pocket medical expenses. The court, in its  
15           discretion, in addition to the basic child support  
16           obligation, shall also provide for the child's current  
17           and future medical needs by ordering either or both  
18           parents to initiate health insurance coverage for the  
19           child through currently effective health insurance  
20           policies held by the parent or parents, purchase one  
21           or more or all health, dental, or vision insurance  
22           policies for the child, or provide for the child's  
23           current and future medical needs through some other  
24           manner.

25           (B) The court, in its discretion, may order either  
26           or both parents to contribute to the reasonable health

1 care needs of the child not covered by insurance,  
2 including, but not limited to, unreimbursed medical,  
3 dental, orthodontic, or vision expenses and any  
4 prescription medication for the child not covered  
5 under the child's health insurance.

6 (C) If neither parent has access to appropriate  
7 private health insurance coverage, the court may  
8 order:

9 (I) one or both parents to provide health  
10 insurance coverage at any time it becomes  
11 available at a reasonable cost; or

12 (II) the parent or non-parent custodian with  
13 primary physical responsibility for the child to  
14 apply for public health insurance coverage for the  
15 child and require either or both parents to pay a  
16 reasonable amount of the cost of health insurance  
17 for the child.

18 The order may also provide that any time private  
19 health insurance coverage is available at a reasonable  
20 cost to that party it will be provided instead of cash  
21 medical support. As used in this Section, "cash  
22 medical support" means an amount ordered to be paid  
23 toward the cost of health insurance provided by a  
24 public entity or by another person through employment  
25 or otherwise or for other medical costs not covered by  
26 insurance.

1           (D) The amount to be added to the basic child  
2 support obligation shall be the actual amount of the  
3 total health insurance premium that is attributable to  
4 the child who is the subject of the order. If this  
5 amount is not available or cannot be verified, the  
6 total cost of the health insurance premium shall be  
7 divided by the total number of persons covered by the  
8 policy. The cost per person derived from this  
9 calculation shall be multiplied by the number of  
10 children who are the subject of the order and who are  
11 covered under the health insurance policy. This amount  
12 shall be added to the basic child support obligation  
13 and shall be allocated between the parents in  
14 proportion to their respective net incomes.

15           (E) After the health insurance premium for the  
16 child is added to the basic child support obligation  
17 and allocated between the parents in proportion to  
18 their respective incomes for child support purposes,  
19 if the obligor is paying the premium, the amount  
20 calculated for the obligee's share of the health  
21 insurance premium for the child shall be deducted from  
22 the obligor's share of the total child support  
23 obligation. If the obligee is paying for private  
24 health insurance for the child, the child support  
25 obligation shall be increased by the obligor's share  
26 of the premium payment. The obligor's and obligee's

1           portion of health insurance costs shall appear in the  
2           support order.

3           (F) Prior to allowing the health insurance  
4           adjustment, the parent requesting the adjustment must  
5           submit proof that the child has been enrolled in a  
6           health insurance plan and must submit proof of the  
7           cost of the premium. The court shall require the  
8           parent receiving the adjustment to annually submit  
9           proof of continued coverage of the child to the other  
10          parent, or as designated by the court.

11          (G) A reasonable cost for providing health  
12          insurance coverage for the child may not exceed 5% of  
13          the providing parent's gross income. Parents with a  
14          net income below 133% of the most recent United States  
15          Department of Health and Human Services Federal  
16          Poverty Guidelines or whose child is covered by  
17          Medicaid based on that parent's income may not be  
18          ordered to contribute toward or provide private  
19          coverage, unless private coverage is obtainable  
20          without any financial contribution by that parent.

21          (H) If dental or vision insurance is included as  
22          part of the employer's medical plan, the coverage  
23          shall be maintained for the child. If not included in  
24          the employer's medical plan, adding the dental or  
25          vision insurance for the child is at the discretion of  
26          the court.

1           (I) If a parent has been directed to provide  
2 health insurance pursuant to this paragraph and that  
3 parent's spouse or legally recognized partner provides  
4 the insurance for the benefit of the child either  
5 directly or through employment, a credit on the child  
6 support worksheet shall be given to that parent in the  
7 same manner as if the premium were paid by that parent.

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

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

1 other orders as may be necessary to determine and enforce,  
2 on a timely basis, the applicable support ordered.

3 (6) If (i) the obligor was properly served with a  
4 request for discovery of financial information relating to  
5 the obligor's ability to provide child support, (ii) the  
6 obligor failed to comply with the request, despite having  
7 been ordered to do so by the court, and (iii) the obligor  
8 is not present at the hearing to determine support despite  
9 having received proper notice, then any relevant financial  
10 information concerning the obligor's ability to provide  
11 child support that was obtained pursuant to subpoena and  
12 proper notice shall be admitted into evidence without the  
13 need to establish any further foundation for its  
14 admission.

15 (a-3) Life insurance to secure support. At the discretion  
16 of the court, a child support obligation pursuant to this  
17 Section and Sections 510, 513, and 513.5 of this Act may be  
18 secured, in whole or in part, by reasonably affordable life  
19 insurance on the life of one or both parents on such terms as  
20 the parties agree or as the court orders. The court may require  
21 such insurance remain in full force and effect until the  
22 termination of all obligations of support, subject to the  
23 following:

24 (1) Existing life insurance. The court shall be  
25 apprised through evidence, stipulation, or otherwise as to  
26 the level, ownership, and type of existing life insurance

1 death benefit coverage available to one or both parents,  
2 the cost of the premiums, cost ratings, and escalations  
3 and assignment of the policy, if applicable, and all other  
4 relevant circumstances. The court shall make findings  
5 relative thereto.

6 (2) New life insurance. The court shall be apprised  
7 through evidence, stipulation, or otherwise as to the  
8 availability of obtaining reasonably affordable new life  
9 insurance. To the extent the court determines that the  
10 support obligations should be secured, in whole or in  
11 part, by new life insurance on the life of one or both  
12 parents, the court may order that one or both parents  
13 comply with all requirements to obtain such new life  
14 insurance through employment, trade union, fraternal  
15 organizations, associations, or individual means.

16 In determining the level and type of death benefits  
17 coverage to be obtained by a parent, the court shall  
18 consider access and availability of life insurance to that  
19 parent, the cost of the premium, cost ratings, and  
20 escalations, if applicable, and all other relevant  
21 circumstances.

22 (3) Other security. If life insurance is unavailable  
23 to a parent, the court, in its discretion, or as agreed to  
24 by the parties, may order other equitable and reasonable  
25 means to secure a child support obligation.

26 (a-5) In an action to enforce an order for child support

1 based on the obligor's failure to make support payments as  
2 required by the order, notice of proceedings to hold the  
3 obligor in contempt for that failure may be served on the  
4 obligor by personal service or by regular mail addressed to  
5 the last known address of the obligor. The last known address  
6 of the obligor may be determined from records of the clerk of  
7 the court, from the Federal Case Registry of Child Support  
8 Orders, or by any other reasonable means.

9 (b) Failure of either parent to comply with an order to pay  
10 support shall be punishable as in other cases of contempt. In  
11 addition to other penalties provided by law the court may,  
12 after finding the parent guilty of contempt, order that the  
13 parent be:

14 (1) placed on probation with such conditions of  
15 probation as the court deems advisable;

16 (2) sentenced to periodic imprisonment for a period  
17 not to exceed 6 months; provided, however, that the court  
18 may permit the parent to be released for periods of time  
19 during the day or night to:

20 (A) work; or

21 (B) conduct a business or other self-employed  
22 occupation.

23 The court may further order any part or all of the earnings  
24 of a parent during a sentence of periodic imprisonment paid to  
25 the Clerk of the Circuit Court or to the parent having physical  
26 possession of the child or to the non-parent custodian having

1 custody of the child of the sentenced parent for the support of  
2 the child until further order of the court.

3 If a parent who is found guilty of contempt for failure to  
4 comply with an order to pay support is a person who conducts a  
5 business or who is self-employed, the court in addition to  
6 other penalties provided by law may order that the parent do  
7 one or more of the following: (i) provide to the court monthly  
8 financial statements showing income and expenses from the  
9 business or the self-employment; (ii) seek employment and  
10 report periodically to the court with a diary, listing, or  
11 other memorandum of his or her employment search efforts; or  
12 (iii) report to the Department of Employment Security for job  
13 search services to find employment that will be subject to  
14 withholding for child support.

15 If there is a unity of interest and ownership sufficient  
16 to render no financial separation between an obligor and  
17 another person or persons or business entity, the court may  
18 pierce the ownership veil of the person, persons, or business  
19 entity to discover assets of the obligor held in the name of  
20 that person, those persons, or that business entity. The  
21 following circumstances are sufficient to authorize a court to  
22 order discovery of the assets of a person, persons, or  
23 business entity and to compel the application of any  
24 discovered assets toward payment on the judgment for support:

25 (1) the obligor and the person, persons, or business  
26 entity maintain records together.

1           (2) the obligor and the person, persons, or business  
2           entity fail to maintain an arm's length relationship  
3           between themselves with regard to any assets.

4           (3) the obligor transfers assets to the person,  
5           persons, or business entity with the intent to perpetrate  
6           a fraud on the obligee.

7           With respect to assets which are real property, no order  
8           entered under this paragraph shall affect the rights of bona  
9           fide purchasers, mortgagees, judgment creditors, or other lien  
10          holders who acquire their interests in the property prior to  
11          the time a notice of lis pendens pursuant to the Code of Civil  
12          Procedure or a copy of the order is placed of record in the  
13          office of the recorder of deeds for the county in which the  
14          real property is located.

15          The court may also order in cases where the parent is 90  
16          days or more delinquent in payment of support or has been  
17          adjudicated in arrears in an amount equal to 90 days  
18          obligation or more, that the parent's Illinois driving  
19          privileges be suspended until the court determines that the  
20          parent is in compliance with the order of support. The court  
21          may also order that the parent be issued a family financial  
22          responsibility driving permit that would allow limited driving  
23          privileges for employment and medical purposes in accordance  
24          with Section 7-702.1 of the Illinois Vehicle Code. The Clerk  
25          of the Circuit Court shall certify the order suspending the  
26          driving privileges of the parent or granting the issuance of a

1 family financial responsibility driving permit to the  
2 Secretary of State on forms prescribed by the Secretary of  
3 State. Upon receipt of the authenticated documents, the  
4 Secretary of State shall suspend the parent's driving  
5 privileges until further order of the court and shall, if  
6 ordered by the court, subject to the provisions of Section  
7 7-702.1 of the Illinois Vehicle Code, issue a family financial  
8 responsibility driving permit to the parent.

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

22 A support obligation, or any portion of a support  
23 obligation, which becomes due and remains unpaid as of the end  
24 of each month, excluding the child support that was due for  
25 that month to the extent that it was not paid in that month,  
26 shall accrue simple interest as set forth in Section 12-109 of

1 the Code of Civil Procedure. An order for support entered or  
2 modified on or after January 1, 2006 shall contain a statement  
3 that a support obligation required under the order, or any  
4 portion of a support obligation required under the order, that  
5 becomes due and remains unpaid as of the end of each month,  
6 excluding the child support that was due for that month to the  
7 extent that it was not paid in that month, shall accrue simple  
8 interest as set forth in Section 12-109 of the Code of Civil  
9 Procedure. Failure to include the statement in the order for  
10 support does not affect the validity of the order or the  
11 accrual of interest as provided in this Section.

12 (c) A one-time charge of 20% is imposable upon the amount  
13 of past-due child support owed on July 1, 1988 which has  
14 accrued under a support order entered by the court. The charge  
15 shall be imposed in accordance with the provisions of Section  
16 10-21 of the Illinois Public Aid Code and shall be enforced by  
17 the court upon petition.

18 (d) Any new or existing support order entered by the court  
19 under this Section shall be deemed to be a series of judgments  
20 against the person obligated to pay support thereunder, each  
21 such judgment to be in the amount of each payment or  
22 installment of support and each such judgment to be deemed  
23 entered as of the date the corresponding payment or  
24 installment becomes due under the terms of the support order.  
25 Each such judgment shall have the full force, effect and  
26 attributes of any other judgment of this State, including the

1 ability to be enforced. Notwithstanding any other State or  
2 local law to the contrary, a lien arises by operation of law  
3 against the real and personal property of the obligor for each  
4 installment of overdue support owed by the obligor.

5 (e) When child support is to be paid through the Clerk of  
6 the Court in a county of 500,000 inhabitants or less, the order  
7 shall direct the obligor to pay to the Clerk, in addition to  
8 the child support payments, all fees imposed by the county  
9 board under paragraph (2) of subsection (j-5) of Section 27.1b  
10 of the Clerks of Courts Act. When child support is to be paid  
11 through the clerk of the court in a county of more than 500,000  
12 but less than 3,000,000 inhabitants, the order shall direct  
13 the obligor to pay to the clerk, in addition to the child  
14 support payments, all fees imposed by the county board under  
15 paragraph (4) of subsection (bb) of Section 27.2 of the Clerks  
16 of Courts Act. Unless paid pursuant to an Income Withholding  
17 Order/Notice for Support, the payment of the fee shall be by  
18 payment acceptable to the clerk and shall be made to the order  
19 of the Clerk.

20 (f) All orders for support, when entered or modified,  
21 shall include a provision requiring the obligor to notify the  
22 court and, in cases in which a party is receiving child and  
23 spouse services under Article X of the Illinois Public Aid  
24 Code, the Department of Healthcare and Family Services, within  
25 7 days, (i) of the name and address of any new employer of the  
26 obligor, (ii) whether the obligor has access to health

1 insurance coverage through the employer or other group  
2 coverage and, if so, the policy name and number and the names  
3 of persons covered under the policy, except only the initials  
4 of any covered minors shall be included, and (iii) of any new  
5 residential or mailing address or telephone number of the  
6 obligor. In any subsequent action to enforce a support order,  
7 upon a sufficient showing that a diligent effort has been made  
8 to ascertain the location of the obligor, service of process  
9 or provision of notice necessary in the case may be made at the  
10 last known address of the obligor in any manner expressly  
11 provided by the Code of Civil Procedure or this Act, which  
12 service shall be sufficient for purposes of due process.

13 (g) An order for support shall include a date on which the  
14 current support obligation terminates. The termination date  
15 shall be no earlier than the date on which the child covered by  
16 the order will attain the age of 18. However, if the child will  
17 not graduate from high school until after attaining the age of  
18 18, then the termination date shall be no earlier than the  
19 earlier of the date on which the child's high school  
20 graduation will occur or the date on which the child will  
21 attain the age of 19. The order for support shall state that  
22 the termination date does not apply to any arrearage that may  
23 remain unpaid on that date. Nothing in this subsection shall  
24 be construed to prevent the court from modifying the order or  
25 terminating the order in the event the child is otherwise  
26 emancipated.

1 (g-5) If there is an unpaid arrearage or delinquency (as  
2 those terms are defined in the Income Withholding for Support  
3 Act) equal to at least one month's support obligation on the  
4 termination date stated in the order for support or, if there  
5 is no termination date stated in the order, on the date the  
6 child attains the age of majority or is otherwise emancipated,  
7 the periodic amount required to be paid for current support of  
8 that child immediately prior to that date shall automatically  
9 continue to be an obligation, not as current support but as  
10 periodic payment toward satisfaction of the unpaid arrearage  
11 or delinquency. That periodic payment shall be in addition to  
12 any periodic payment previously required for satisfaction of  
13 the arrearage or delinquency. The total periodic amount to be  
14 paid toward satisfaction of the arrearage or delinquency may  
15 be enforced and collected by any method provided by law for  
16 enforcement and collection of child support, including but not  
17 limited to income withholding under the Income Withholding for  
18 Support Act. Each order for support entered or modified on or  
19 after January 1, 2005 (the effective date of Public Act  
20 93-1061) must contain a statement notifying the parties of the  
21 requirements of this subsection. Failure to include the  
22 statement in the order for support does not affect the  
23 validity of the order or the operation of the provisions of  
24 this subsection with regard to the order. This subsection  
25 shall not be construed to prevent or affect the establishment  
26 or modification of an order for support of a minor child or the

1 establishment or modification of an order for support of a  
2 non-minor child or educational expenses under Section 513 of  
3 this Act.

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

24 (i) The court does not lose the powers of contempt,  
25 driver's license suspension, or other child support  
26 enforcement mechanisms, including, but not limited to,

1 criminal prosecution as set forth in this Act, upon the  
2 emancipation of the minor child.

3 (Source: P.A. 102-823, eff. 5-13-22; 103-967, eff. 1-1-25.)