

SB2961



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2961

Introduced 1/31/2024, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

750 ILCS 5/505

from Ch. 40, par. 505

Amends the Illinois Marriage and Dissolution of Marriage Act. Requires the court, when entering an order for child support, to verbally provide notice to the obligor of (i) the obligor's existing and ongoing obligations to make payment to the obligee, (ii) the obligor's ability to request a modification of the order, and (iii) the possible penalties that may be incurred if the obligor falls into arrears.

LRB103 37960 JRC 68092 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 (2.5) Notice from the court. Whenever the court enters
13 an order for child support, the court shall verbally
14 provide notice to the obligor of (i) the obligor's
15 existing and ongoing obligations to make payment to the
16 obligee, (ii) the obligor's ability to request a
17 modification of the order, and (iii) the possible
18 penalties that may be incurred if the obligor falls into
19 arrears.

20 (3) Income.

21 (A) As used in this Section, "gross income" means
22 the total of all income from all sources, except
23 "gross income" does not include (i) benefits received
24 by the parent from means-tested public assistance
25 programs, including, but not limited to, Temporary
26 Assistance for Needy Families, Supplemental Security

1 Income, and the Supplemental Nutrition Assistance
2 Program or (ii) benefits and income received by the
3 parent for other children in the household, including,
4 but not limited to, child support, survivor benefits,
5 and foster care payments. Social security disability
6 and retirement benefits paid for the benefit of the
7 subject child must be included in the disabled or
8 retired parent's gross income for purposes of
9 calculating the parent's child support obligation, but
10 the parent is entitled to a child support credit for
11 the amount of benefits paid to the other party for the
12 child. "Gross income" includes maintenance treated as
13 taxable income for federal income tax purposes to the
14 payee and received pursuant to a court order in the
15 pending proceedings or any other proceedings and shall
16 be included in the payee's gross income for purposes
17 of calculating the parent's child support obligation.

18 (B) As used in this Section, "net income" means
19 gross income minus either the standardized tax amount
20 calculated pursuant to subparagraph (C) of this
21 paragraph (3) or the individualized tax amount
22 calculated pursuant to subparagraph (D) of this
23 paragraph (3), and minus any adjustments pursuant to
24 subparagraph (F) of this paragraph (3). The
25 standardized tax amount shall be used unless the
26 requirements for an individualized tax amount set

1 forth in subparagraph (E) of this paragraph (3) are
2 met. "Net income" includes maintenance not includable
3 in the gross taxable income of the payee for federal
4 income tax purposes under a court order in the pending
5 proceedings or any other proceedings and shall be
6 included in the payee's net income for purposes of
7 calculating the parent's child support obligation.

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

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

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

26 (D) As used in this Section, "individualized tax

1 amount" means the aggregate of the following taxes:

2 (I) federal income tax (properly calculated
3 withholding or estimated payments);

4 (II) State income tax (properly calculated
5 withholding or estimated payments); and

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

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

24 (I) Agreement. Irrespective of whether the
25 parties agree on any other issue before the court,
26 if they jointly stipulate for the record their

1 concurrence on a computation method for the
2 individualized tax amount that is different from
3 the method set forth under subparagraph (D), the
4 stipulated method shall be used by the court
5 unless the court rejects the proposed stipulated
6 method for good cause.

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

23 (III) Evidentiary hearing. If the court
24 determines child support in an evidentiary
25 hearing, whether for purposes of a temporary order
26 or at the conclusion of a proceeding, item (II) of

1 this subparagraph (E) does not apply. In each such
2 case (unless item (I) governs), the individualized
3 tax amount shall be as determined by the court on
4 the basis of the record established.

5 (F) Adjustments to income.

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

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

18 (ii) Multi-family adjustment without court
19 order. Upon the request or application of a
20 parent actually supporting a presumed,
21 acknowledged, or adjudicated child living in
22 or outside of that parent's household, there
23 shall be an adjustment to child support. The
24 court shall deduct from the parent's net
25 income the amount of financial support
26 actually paid by the parent for the child or

1 75% of the support the parent should pay under
2 the child support guidelines (before this
3 adjustment), whichever is less, unless the
4 court makes a finding that it would cause
5 economic hardship to the child. The adjustment
6 shall be calculated using that parent's income
7 alone.

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

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

1 entities, and self-employment. The court shall apply the
2 following:

3 (A) The accelerated component of depreciation and
4 any business expenses determined either judicially or
5 administratively to be inappropriate or excessive
6 shall be excluded from the total of ordinary and
7 necessary business expenses to be deducted in the
8 determination of net business income from gross
9 business income.

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

17 (3.2) Unemployment or underemployment. If a parent is
18 voluntarily unemployed or underemployed, child support
19 shall be calculated based on a determination of potential
20 income. A determination of potential income shall be made
21 by determining employment potential and probable earnings
22 level based on the obligor's work history, occupational
23 qualifications, prevailing job opportunities, the
24 ownership by a parent of a substantial non-income
25 producing asset, and earnings levels in the community. If
26 there is insufficient work history to determine employment

1 potential and probable earnings level, there shall be a
2 rebuttable presumption that the parent's potential income
3 is 75% of the most recent United States Department of
4 Health and Human Services Federal Poverty Guidelines for a
5 family of one person.

6 (3.3) Rebuttable presumption in favor of guidelines.
7 There is a rebuttable presumption in any judicial or
8 administrative proceeding for child support that the
9 amount of the child support obligation that would result
10 from the application of the child support guidelines is
11 the correct amount of child support.

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

21 (3.3b) Zero dollar child support order. For parents
22 with no gross income, who receive only means-tested
23 assistance, or who cannot work due to a medically proven
24 disability, incarceration, or institutionalization, there
25 is a rebuttable presumption that the \$40 per month minimum
26 support order is inapplicable and a zero dollar order

1 shall be entered.

2 (3.4) Deviation factors. In any action to establish or
3 modify child support, whether pursuant to a temporary or
4 final administrative or court order, the child support
5 guidelines shall be used as a rebuttable presumption for
6 the establishment or modification of the amount of child
7 support. The court may deviate from the child support
8 guidelines if the application would be inequitable,
9 unjust, or inappropriate. Any deviation from the
10 guidelines shall be accompanied by written findings by the
11 court specifying the reasons for the deviation and the
12 presumed amount under the child support guidelines without
13 a deviation. These reasons may include:

14 (A) extraordinary medical expenditures necessary
15 to preserve the life or health of a party or a child of
16 either or both of the parties;

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

20 (C) any other factor the court determines should
21 be applied upon a finding that the application of the
22 child support guidelines would be inappropriate, after
23 considering the best interest of the child.

24 (3.5) Income in excess of the schedule of basic child
25 support obligation. A court may use its discretion to
26 determine child support if the combined adjusted net

1 income of the parties exceeds the highest level of the
2 schedule of basic child support obligation, except that
3 the basic child support obligation shall not be less than
4 the highest level of combined net income set forth in the
5 schedule of basic child support obligation.

6 (3.6) Extracurricular activities and school expenses.
7 The court, in its discretion, in addition to the basic
8 child support obligation, may order either or both parents
9 owing a duty of support to the child to contribute to the
10 reasonable school and extracurricular activity expenses
11 incurred which are intended to enhance the educational,
12 athletic, social, or cultural development of the child.

13 (3.7) Child care expenses. The court, in its
14 discretion, in addition to the basic child support
15 obligation, may order either or both parents owing a duty
16 of support to the child to contribute to the reasonable
17 child care expenses of the child. The child care expenses
18 shall be made payable directly to a party or directly to
19 the child care provider at the time of child care
20 services.

21 (A) "Child care expenses" means actual expenses
22 reasonably necessary to enable a parent or non-parent
23 custodian to be employed, to attend educational or
24 vocational training programs to improve employment
25 opportunities, or to search for employment. "Child
26 care expenses" also includes deposits for securing

1 placement in a child care program, the cost of before
2 and after school care, and camps when school is not in
3 session. A child's special needs shall be a
4 consideration in determining reasonable child care
5 expenses.

6 (B) Child care expenses shall be prorated in
7 proportion to each parent's percentage share of
8 combined net income, and may be added to the basic
9 child support obligation if not paid directly by each
10 parent to the provider of child care services. The
11 obligor's and obligee's portion of actual child care
12 expenses shall appear in the support order. If
13 allowed, the value of the federal income tax credit
14 for child care shall be subtracted from the actual
15 cost to determine the net child care costs.

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

1 training programs.

2 (D) An order for child care expenses may be
3 modified upon a showing of a substantial change in
4 circumstances. The party incurring child care expenses
5 shall notify the other party within 14 days of any
6 change in the amount of child care expenses that would
7 affect the annualized child care amount as determined
8 in the support order.

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

26 (3.9) Split physical care. When there is more than one

1 child and each parent has physical care of at least one but
2 not all of the children, the support is calculated by
3 using 2 child support worksheets to determine the support
4 each parent owes the other. The support shall be
5 calculated as follows:

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

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

12 (C) subtract the lesser support obligation from
13 the greater.

14 The parent who owes the greater obligation shall be
15 ordered to pay the difference in support to the other
16 parent, unless the court determines, pursuant to other
17 provisions of this Section, that it should deviate from
18 the guidelines.

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

20 (A) A portion of the basic child support
21 obligation is intended to cover basic ordinary
22 out-of-pocket medical expenses. The court, in its
23 discretion, in addition to the basic child support
24 obligation, shall also provide for the child's current
25 and future medical needs by ordering either or both
26 parents to initiate health insurance coverage for the

1 child through currently effective health insurance
2 policies held by the parent or parents, purchase one
3 or more or all health, dental, or vision insurance
4 policies for the child, or provide for the child's
5 current and future medical needs through some other
6 manner.

7 (B) The court, in its discretion, may order either
8 or both parents to contribute to the reasonable health
9 care needs of the child not covered by insurance,
10 including, but not limited to, unreimbursed medical,
11 dental, orthodontic, or vision expenses and any
12 prescription medication for the child not covered
13 under the child's health insurance.

14 (C) If neither parent has access to appropriate
15 private health insurance coverage, the court may
16 order:

17 (I) one or both parents to provide health
18 insurance coverage at any time it becomes
19 available at a reasonable cost; or

20 (II) the parent or non-parent custodian with
21 primary physical responsibility for the child to
22 apply for public health insurance coverage for the
23 child and require either or both parents to pay a
24 reasonable amount of the cost of health insurance
25 for the child.

26 The order may also provide that any time private

1 health insurance coverage is available at a reasonable
2 cost to that party it will be provided instead of cash
3 medical support. As used in this Section, "cash
4 medical support" means an amount ordered to be paid
5 toward the cost of health insurance provided by a
6 public entity or by another person through employment
7 or otherwise or for other medical costs not covered by
8 insurance.

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

23 (E) After the health insurance premium for the
24 child is added to the basic child support obligation
25 and allocated between the parents in proportion to
26 their respective incomes for child support purposes,

1 if the obligor is paying the premium, the amount
2 calculated for the obligee's share of the health
3 insurance premium for the child shall be deducted from
4 the obligor's share of the total child support
5 obligation. If the obligee is paying for private
6 health insurance for the child, the child support
7 obligation shall be increased by the obligor's share
8 of the premium payment. The obligor's and obligee's
9 portion of health insurance costs shall appear in the
10 support order.

11 (F) Prior to allowing the health insurance
12 adjustment, the parent requesting the adjustment must
13 submit proof that the child has been enrolled in a
14 health insurance plan and must submit proof of the
15 cost of the premium. The court shall require the
16 parent receiving the adjustment to annually submit
17 proof of continued coverage of the child to the other
18 parent, or as designated by the court.

19 (G) A reasonable cost for providing health
20 insurance coverage for the child may not exceed 5% of
21 the providing parent's gross income. Parents with a
22 net income below 133% of the most recent United States
23 Department of Health and Human Services Federal
24 Poverty Guidelines or whose child is covered by
25 Medicaid based on that parent's income may not be
26 ordered to contribute toward or provide private

1 coverage, unless private coverage is obtainable
2 without any financial contribution by that parent.

3 (H) If dental or vision insurance is included as
4 part of the employer's medical plan, the coverage
5 shall be maintained for the child. If not included in
6 the employer's medical plan, adding the dental or
7 vision insurance for the child is at the discretion of
8 the court.

9 (I) If a parent has been directed to provide
10 health insurance pursuant to this paragraph and that
11 parent's spouse or legally recognized partner provides
12 the insurance for the benefit of the child either
13 directly or through employment, a credit on the child
14 support worksheet shall be given to that parent in the
15 same manner as if the premium were paid by that parent.

16 (4.5) In a proceeding for child support following
17 dissolution of the marriage or civil union by a court that
18 lacked personal jurisdiction over the absent spouse, and
19 in which the court is requiring payment of support for the
20 period before the date an order for current support is
21 entered, there is a rebuttable presumption that the
22 obligor's net income for the prior period was the same as
23 his or her net income at the time the order for current
24 support is entered.

25 (5) If the net income cannot be determined because of
26 default or any other reason, the court shall order support

1 in an amount considered reasonable in the particular case.
2 The final order in all cases shall state the support level
3 in dollar amounts. However, if the court finds that the
4 child support amount cannot be expressed exclusively as a
5 dollar amount because all or a portion of the obligor's
6 net income is uncertain as to source, time of payment, or
7 amount, the court may order a percentage amount of support
8 in addition to a specific dollar amount and enter such
9 other orders as may be necessary to determine and enforce,
10 on a timely basis, the applicable support ordered.

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

23 (a-3) Life insurance to secure support. At the discretion
24 of the court, a child support obligation pursuant to this
25 Section and Sections 510, 513, and 513.5 of this Act may be
26 secured, in whole or in part, by reasonably affordable life

1 insurance on the life of one or both parents on such terms as
2 the parties agree or as the court orders. The court may require
3 such insurance remain in full force and effect until the
4 termination of all obligations of support, subject to the
5 following:

6 (1) Existing life insurance. The court shall be
7 apprised through evidence, stipulation, or otherwise as to
8 the level, ownership, and type of existing life insurance
9 death benefit coverage available to one or both parents,
10 the cost of the premiums, cost ratings, and escalations
11 and assignment of the policy, if applicable, and all other
12 relevant circumstances. The court shall make findings
13 relative thereto.

14 (2) New life insurance. The court shall be apprised
15 through evidence, stipulation, or otherwise as to the
16 availability of obtaining reasonably affordable new life
17 insurance. To the extent the court determines that the
18 support obligations should be secured, in whole or in
19 part, by new life insurance on the life of one or both
20 parents, the court may order that one or both parents
21 comply with all requirements to obtain such new life
22 insurance through employment, trade union, fraternal
23 organizations, associations, or individual means.

24 In determining the level and type of death benefits
25 coverage to be obtained by a parent, the court shall
26 consider access and availability of life insurance to that

1 parent, the cost of the premium, cost ratings, and
2 escalations, if applicable, and all other relevant
3 circumstances.

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

8 (a-5) In an action to enforce an order for child support
9 based on the obligor's failure to make support payments as
10 required by the order, notice of proceedings to hold the
11 obligor in contempt for that failure may be served on the
12 obligor by personal service or by regular mail addressed to
13 the last known address of the obligor. The last known address
14 of the obligor may be determined from records of the clerk of
15 the court, from the Federal Case Registry of Child Support
16 Orders, or by any other reasonable means.

17 (b) Failure of either parent to comply with an order to pay
18 support shall be punishable as in other cases of contempt. In
19 addition to other penalties provided by law the court may,
20 after finding the parent guilty of contempt, order that the
21 parent be:

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

24 (2) sentenced to periodic imprisonment for a period
25 not to exceed 6 months; provided, however, that the court
26 may permit the parent to be released for periods of time

1 during the day or night to:

2 (A) work; or

3 (B) conduct a business or other self-employed
4 occupation.

5 The court may further order any part or all of the earnings
6 of a parent during a sentence of periodic imprisonment paid to
7 the Clerk of the Circuit Court or to the parent having physical
8 possession of the child or to the non-parent custodian having
9 custody of the child of the sentenced parent for the support of
10 the child until further order of the court.

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

23 If there is a unity of interest and ownership sufficient
24 to render no financial separation between an obligor and
25 another person or persons or business entity, the court may
26 pierce the ownership veil of the person, persons, or business

1 entity to discover assets of the obligor held in the name of
2 that person, those persons, or that business entity. The
3 following circumstances are sufficient to authorize a court to
4 order discovery of the assets of a person, persons, or
5 business entity and to compel the application of any
6 discovered assets toward payment on the judgment for support:

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

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

12 (3) the obligor transfers assets to the person,
13 persons, or business entity with the intent to perpetrate
14 a fraud on the obligee.

15 With respect to assets which are real property, no order
16 entered under this paragraph shall affect the rights of bona
17 fide purchasers, mortgagees, judgment creditors, or other lien
18 holders who acquire their interests in the property prior to
19 the time a notice of lis pendens pursuant to the Code of Civil
20 Procedure or a copy of the order is placed of record in the
21 office of the recorder of deeds for the county in which the
22 real property is located.

23 The court may also order in cases where the parent is 90
24 days or more delinquent in payment of support or has been
25 adjudicated in arrears in an amount equal to 90 days
26 obligation or more, that the parent's Illinois driving

1 privileges be suspended until the court determines that the
2 parent is in compliance with the order of support. The court
3 may also order that the parent be issued a family financial
4 responsibility driving permit that would allow limited driving
5 privileges for employment and medical purposes in accordance
6 with Section 7-702.1 of the Illinois Vehicle Code. The Clerk
7 of the Circuit Court shall certify the order suspending the
8 driving privileges of the parent or granting the issuance of a
9 family financial responsibility driving permit to the
10 Secretary of State on forms prescribed by the Secretary of
11 State. Upon receipt of the authenticated documents, the
12 Secretary of State shall suspend the parent's driving
13 privileges until further order of the court and shall, if
14 ordered by the court, subject to the provisions of Section
15 7-702.1 of the Illinois Vehicle Code, issue a family financial
16 responsibility driving permit to the parent.

17 In addition to the penalties or punishment that may be
18 imposed under this Section, any person whose conduct
19 constitutes a violation of Section 15 of the Non-Support
20 Punishment Act may be prosecuted under that Act, and a person
21 convicted under that Act may be sentenced in accordance with
22 that Act. The sentence may include but need not be limited to a
23 requirement that the person perform community service under
24 Section 50 of that Act or participate in a work alternative
25 program under Section 50 of that Act. A person may not be
26 required to participate in a work alternative program under

1 Section 50 of that Act if the person is currently
2 participating in a work program pursuant to Section 505.1 of
3 this Act.

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

20 (c) A one-time charge of 20% is imposable upon the amount
21 of past-due child support owed on July 1, 1988 which has
22 accrued under a support order entered by the court. The charge
23 shall be imposed in accordance with the provisions of Section
24 10-21 of the Illinois Public Aid Code and shall be enforced by
25 the court upon petition.

26 (d) Any new or existing support order entered by the court

1 under this Section shall be deemed to be a series of judgments
2 against the person obligated to pay support thereunder, each
3 such judgment to be in the amount of each payment or
4 installment of support and each such judgment to be deemed
5 entered as of the date the corresponding payment or
6 installment becomes due under the terms of the support order.
7 Each such judgment shall have the full force, effect and
8 attributes of any other judgment of this State, including the
9 ability to be enforced. Notwithstanding any other State or
10 local law to the contrary, a lien arises by operation of law
11 against the real and personal property of the obligor for each
12 installment of overdue support owed by the obligor.

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

1 of the Clerk.

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

21 (g) An order for support shall include a date on which the
22 current support obligation terminates. The termination date
23 shall be no earlier than the date on which the child covered by
24 the order will attain the age of 18. However, if the child will
25 not graduate from high school until after attaining the age of
26 18, then the termination date shall be no earlier than the

1 earlier of the date on which the child's high school
2 graduation will occur or the date on which the child will
3 attain the age of 19. The order for support shall state that
4 the termination date does not apply to any arrearage that may
5 remain unpaid on that date. Nothing in this subsection shall
6 be construed to prevent the court from modifying the order or
7 terminating the order in the event the child is otherwise
8 emancipated.

9 (g-5) If there is an unpaid arrearage or delinquency (as
10 those terms are defined in the Income Withholding for Support
11 Act) equal to at least one month's support obligation on the
12 termination date stated in the order for support or, if there
13 is no termination date stated in the order, on the date the
14 child attains the age of majority or is otherwise emancipated,
15 the periodic amount required to be paid for current support of
16 that child immediately prior to that date shall automatically
17 continue to be an obligation, not as current support but as
18 periodic payment toward satisfaction of the unpaid arrearage
19 or delinquency. That periodic payment shall be in addition to
20 any periodic payment previously required for satisfaction of
21 the arrearage or delinquency. The total periodic amount to be
22 paid toward satisfaction of the arrearage or delinquency may
23 be enforced and collected by any method provided by law for
24 enforcement and collection of child support, including but not
25 limited to income withholding under the Income Withholding for
26 Support Act. Each order for support entered or modified on or

1 after January 1, 2005 (the effective date of Public Act
2 93-1061) must contain a statement notifying the parties of the
3 requirements of this subsection. Failure to include the
4 statement in the order for support does not affect the
5 validity of the order or the operation of the provisions of
6 this subsection with regard to the order. This subsection
7 shall not be construed to prevent or affect the establishment
8 or modification of an order for support of a minor child or the
9 establishment or modification of an order for support of a
10 non-minor child or educational expenses under Section 513 of
11 this Act.

12 (h) An order entered under this Section shall include a
13 provision requiring either parent to report to the other
14 parent and to the Clerk of Court within 10 days each time
15 either parent obtains new employment, and each time either
16 parent's employment is terminated for any reason. The report
17 shall be in writing and shall, in the case of new employment,
18 include the name and address of the new employer. Failure to
19 report new employment or the termination of current
20 employment, if coupled with nonpayment of support for a period
21 in excess of 60 days, is indirect criminal contempt. For
22 either parent arrested for failure to report new employment
23 bond shall be set in the amount of the child support that
24 should have been paid during the period of unreported
25 employment. An order entered under this Section shall also
26 include a provision requiring either obligor and obligee to

1 advise the other of a change in residence within 5 days of the
2 change except when the court finds that the physical, mental,
3 or emotional health of a party or that of a child, or both,
4 would be seriously endangered by disclosure of the party's
5 address.

6 (i) The court does not lose the powers of contempt,
7 driver's license suspension, or other child support
8 enforcement mechanisms, including, but not limited to,
9 criminal prosecution as set forth in this Act, upon the
10 emancipation of the minor child.

11 (Source: P.A. 102-823, eff. 5-13-22.)