

# SB3078



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3078

Introduced 2/2/2024, by Sen. Laura M. Murphy

### SYNOPSIS AS INTRODUCED:

750 ILCS 28/40

Amends the Income Withholding for Support Act. Allows the obligor, at any time, to provide evidence of a change in circumstances to the Department of Healthcare and Family Services through an online portal. Provides that, if the Department determines that the obligor is entitled to relief under the modification provisions of this Act, the Department shall petition the court on behalf of the obligor.

LRB103 37956 JRC 68088 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 Income Withholding for Support Act is  
5 amended by changing Section 40 as follows:

6 (750 ILCS 28/40)

7 Sec. 40. Petitions to contest withholding or to modify,  
8 suspend, terminate, or correct income withholding notices.

9 (a) When an obligor files a petition to contest  
10 withholding, the court, after due notice to all parties, shall  
11 hear the matter as soon as practicable and shall enter an order  
12 granting or denying relief, ordering service of an amended  
13 income withholding notice, where applicable, or otherwise  
14 resolving the matter.

15 The court shall deny the obligor's petition if the court  
16 finds that when the income withholding notice was mailed, sent  
17 by facsimile transmission or other electronic means, or placed  
18 for personal delivery to or service on the payor:

19 (1) a delinquency existed; or

20 (2) the parties' written agreement providing an  
21 alternative arrangement to immediate withholding under  
22 subsection (a) of Section 20 no longer ensured payment of  
23 support.

1 (b) At any time, an obligor, obligee, public office or  
2 Clerk of the Circuit Court may petition the court to:

3 (1) modify, suspend or terminate the income  
4 withholding notice because of a modification, suspension  
5 or termination of the underlying order for support; or

6 (2) modify the amount of income to be withheld to  
7 reflect payment in full or in part of the delinquency or  
8 arrearage by income withholding or otherwise; or

9 (3) suspend the income withholding notice because of  
10 inability to deliver income withheld to the obligee due to  
11 the obligee's failure to provide a mailing address or  
12 other means of delivery.

13 (b-5) At any time, an obligor may provide evidence of a  
14 change in circumstances to the Department of Healthcare and  
15 Family Services through an online portal. If the Department  
16 determines that the obligor satisfies (1), (2), or (3) in  
17 subsection (b), the Department shall petition the court for  
18 the obligor.

19 (c) At any time an obligor may petition the court to  
20 correct a term contained in an income withholding notice to  
21 conform to that stated in the underlying order for support  
22 for:

23 (1) the amount of current support;

24 (2) the amount of the arrearage;

25 (3) the periodic amount for payment of the arrearage;

26 or

1           (4) the periodic amount for payment of the  
2 delinquency.

3           (d) The obligor, obligee or public office shall serve on  
4 the payor, in the manner provided for service of income  
5 withholding notices in subsection (g) of Section 20, a copy of  
6 any order entered pursuant to this Section that affects the  
7 duties of the payor.

8           (e) At any time, a public office or Clerk of the Circuit  
9 Court may serve a notice on the payor to:

10           (1) cease withholding of income for payment of current  
11 support for a child when the support obligation for that  
12 child has automatically ceased under the order for support  
13 through emancipation or otherwise; or

14           (2) cease withholding of income for payment of  
15 delinquency or arrearage when the delinquency or arrearage  
16 has been paid in full.

17           (f) The notice provided for under subsection (e) of this  
18 Section shall be served on the payor in the manner provided for  
19 service of income withholding notices in subsection (g) of  
20 Section 20, and a copy shall be provided to the obligor and the  
21 obligee.

22           (g) The income withholding notice shall continue to be  
23 binding upon the payor until service of an amended income  
24 withholding notice or any order of the court or notice entered  
25 or provided for under this Section.

26           (Source: P.A. 90-673, eff. 1-1-99.)