

1 AMENDMENT TO HOUSE BILL 16

2 AMENDMENT NO. _____. Amend House Bill 16 by replacing the
3 title with the following:

4 "AN ACT in relation to support."; and

5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Uniform Interstate Family Support Act is
8 amended by renumbering Sections 100, 102, 903, 904, and 905;
9 by changing and renumbering Sections 101 and 103; by changing
10 Sections 201, 202, 204, 205, 206, 207, 208, 209, 301, 302,
11 303, 304, 305, 306, 307, 310, 311, 312, 314, 316, 317, 319,
12 401, 501, 502, 503, 506, 507, 601, 602, 604, 605, 607, 610,
13 611, 612, 701, 801, 802, and 901; by adding Sections 210,
14 211, and 615; by changing the headings of Article 2, Part 1,
15 Article 2, Part 2, and Article 2, Part 3; and by changing the
16 heading of Article 6 as follows:

17 (750 ILCS 22/101) (was 750 ILCS 22/100)

18 Sec. 101. ~~100~~. Short title. This Act may be cited as
19 the Uniform Interstate Family Support Act.

20 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
21 by P.A. 88-691.)

1 (750 ILCS 22/102) (was 750 ILCS 22/101)

2 Sec. 102. ~~101.~~ Definitions. In this Act:

3 "Child" means an individual, whether over or under the
4 age of 18, who is or is alleged to be owed a duty of support
5 by the individual's parent or who is or is alleged to be the
6 beneficiary of a support order directed to the parent.

7 "Child-support order" means a support order for a child,
8 including a child who has attained the age of 18.

9 "Duty of support" means an obligation imposed or
10 imposable by law to provide support for a child, spouse, or
11 former spouse including an unsatisfied obligation to provide
12 support.

13 "Home state" means the state in which a child lived with
14 a parent or a person acting as parent for at least 6
15 consecutive months immediately preceding the time of filing
16 of a petition or comparable pleading for support, and if a
17 child is less than 6 months old, the state in which the child
18 lived from birth with any of them. A period of temporary
19 absence of any of them is counted as part of the 6-month or
20 other period.

21 "Income" includes earnings or other periodic entitlements
22 to money from any source and any other property subject to
23 withholding for support under the law of this State.

24 "Income-withholding order" means an order or other legal
25 process directed to an obligor's employer or other debtor, as
26 defined by the Illinois Marriage and Dissolution of Marriage
27 Act, the Non-Support of Spouse and Children Act, the
28 Non-Support Punishment Act, the Illinois Public Aid Code, and
29 the Illinois Parentage Act of 1984, to withhold support from
30 the income of the obligor.

31 "Initiating state" means a state from which a proceeding
32 is forwarded or in which a proceeding is filed for forwarding
33 to a responding state under this Act or a law or procedure
34 substantially similar to this Act.

1 "Initiating tribunal" means the authorized tribunal in an
2 initiating state.

3 "Issuing state" means the state in which a tribunal
4 issues a support order or renders a judgment determining
5 parentage.

6 "Issuing tribunal" means the tribunal that issues a
7 support order or renders a judgment determining parentage.

8 "Obligee" means:

9 (A) (i) an individual to whom a duty of support is
10 or is alleged to be owed or in whose favor a support
11 order has been issued or a judgment determining
12 parentage has been rendered;

13 (B) (ii) a state or political subdivision to which
14 the rights under a duty of support or support order have
15 been assigned or which has independent claims based on
16 financial assistance provided to an individual obligee;
17 or

18 (C) (iii) an individual seeking a judgment
19 determining parentage of the individual's child.

20 "Obligor" means an individual, or the estate of a
21 decedent:

22 (i) who owes or is alleged to owe a duty of
23 support;

24 (ii) who is alleged but has not been
25 adjudicated to be a parent of a child; or

26 (iii) who is liable under a support order.

27 "Person means an individual, corporation, business trust,
28 estate, trust, partnership, limited liability company,
29 association, joint venture, government, governmental
30 subdivision, agency, instrumentality, public corporation, or
31 any other legal or commercial entity.

32 "Record" means information that is inscribed on a
33 tangible medium or that is stored in an electronic or other
34 medium and is retrievable in perceivable form.

1 "Register" means to record a support order or judgment
2 determining parentage in the appropriate Registry of Foreign
3 Support Orders.

4 "Registering tribunal" means a tribunal in which a
5 support order is registered.

6 "Responding state" means a state in which a proceeding is
7 filed or to which a proceeding is forwarded for filing from
8 an initiating state under this Act or a law or procedure
9 substantially similar to this Act.

10 "Responding tribunal" means the authorized tribunal in a
11 responding state.

12 "Spousal-support order" means a support order for a
13 spouse or former spouse of the obligor.

14 "State" means a state of the United States, the District
15 of Columbia, Puerto Rico, the United States Virgin Islands,
16 or any territory or insular possession subject to the
17 jurisdiction of the United States. The term includes:

18 (A) (i) an Indian tribe; and

19 (B) (ii) a foreign country or political subdivision
20 jurisdiction that:

21 (i) has been declared to be a foreign
22 reciprocating country or political subdivision under
23 federal law;

24 (ii) has established a reciprocal arrangement
25 for child support with this State as provided in
26 Section 308; or

27 (iii) has enacted a law or established
28 procedures for issuance and enforcement of support
29 orders which are substantially similar to the
30 procedures under this Act, ~~the Uniform Reciprocal~~
31 ~~Enforcement of Support Act, or the Revised Uniform~~
32 ~~Reciprocal Enforcement of Support Act.~~

33 "Support enforcement agency" means a public official or
34 agency authorized to seek:

1 (A) ~~(1)~~ enforcement of support orders or laws
2 relating to the duty of support;

3 (B) ~~(2)~~ establishment or modification of child
4 support;

5 (C) ~~(3)~~ determination of parentage; or

6 (D) ~~(4)~~ to locate obligors or their assets; or

7 (E) determination of the controlling child support
8 order.

9 "Support order" means a judgment, decree, or order, or
10 directive, whether temporary, final, or subject to
11 modification, issued by a tribunal for the benefit of a
12 child, a spouse, or a former spouse, which provides for
13 monetary support, health care, arrearages, or reimbursement,
14 and may include related costs and fees, interest, income
15 withholding, attorney's fees, and other relief.

16 "Tribunal" means a court, administrative agency, or
17 quasi-judicial entity authorized to establish, enforce, or
18 modify support orders or to determine parentage.

19 (Source: P.A. 90-240, eff. 7-28-97; 91-613, eff. 10-1-99.)

20 (750 ILCS 22/103) (was 750 ILCS 22/102)

21 Sec. 103. ~~102.~~ Tribunal of State. The circuit court is a
22 tribunal of this State. The Illinois Department of Public Aid
23 is an initiating tribunal. The Illinois Department of Public
24 Aid is also a responding tribunal of this State to the extent
25 that it can administratively establish paternity and
26 establish, modify, and enforce an administrative
27 child-support order under authority of Article X of the
28 Illinois Public Aid Code.

29 (Source: P.A. 90-240, eff. 7-28-97.)

30 (750 ILCS 22/104) (was 750 ILCS 22/103)

31 Sec. 104. ~~103.~~ Remedies cumulative.

32 (a) Remedies provided by this Act are cumulative and do

1 not affect the availability of remedies under other law,
2 including the recognition of a support order of a foreign
3 country or political subdivision on the basis of comity.

4 (b) This Act does not:

5 (1) provide the exclusive method of establishing or
6 enforcing a support order under the law of this State; or

7 (2) grant a tribunal of this State jurisdiction to
8 render judgment or issue an order relating to child
9 custody or visitation in a proceeding under this Act.

10 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
11 by P.A. 88-691.)

12 (750 ILCS 22/Art. 2, Part 1, heading)

13 ~~PART-1.-EXTENDED-PERSONAL-JURISDICTION~~

14 (750 ILCS 22/201)

15 Sec. 201. Bases for jurisdiction over nonresident.

16 (a) In a proceeding to establish or, enforce, ~~or~~ ~~modify~~
17 a support order or to determine parentage, a tribunal of this
18 State may exercise personal jurisdiction over a nonresident
19 individual or the individual's guardian or conservator if:

20 (1) the individual is personally served with notice
21 within this State;

22 (2) the individual submits to the jurisdiction of this
23 State by consent, by entering a general appearance, or by
24 filing a responsive document having the effect of waiving any
25 contest to personal jurisdiction;

26 (3) the individual resided with the child in this State;

27 (4) the individual resided in this State and provided
28 prenatal expenses or support for the child;

29 (5) the child resides in this State as a result of the
30 acts or directives of the individual;

31 (6) the individual engaged in sexual intercourse in this
32 State and the child may have been conceived by that act of

1 intercourse;

2 (7) (Blank); or

3 (8) there is any other basis consistent with the
4 constitutions of this State and the United States for the
5 exercise of personal jurisdiction.

6 (b) The bases of personal jurisdiction set forth in
7 subsection (a) or in any other law of this State may not be
8 used to acquire personal jurisdiction for a tribunal of the
9 State to modify a child support order of another state unless
10 the requirements of Section 611 or 615 are met.

11 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
12 by P.A. 88-691.)

13 (750 ILCS 22/202)

14 Sec. 202. Duration of personal jurisdiction. Personal
15 jurisdiction acquired by a tribunal of this State in a
16 proceeding under this Act or other law of this State relating
17 to a support order continues as long as a tribunal of this
18 State has continuing, exclusive jurisdiction to modify its
19 order or continuing jurisdiction to enforce its order as
20 provided by Sections 205, 206, and 211.

21 ~~Procedure when exercising jurisdiction over nonresident.~~
22 ~~A tribunal of this State exercising personal jurisdiction~~
23 ~~over a nonresident under Section 201 may apply Section 316 to~~
24 ~~receive evidence from another state, and Section 318 to~~
25 ~~obtain discovery through a tribunal of another state. In all~~
26 ~~other respects, Articles 3 through 7 do not apply and the~~
27 ~~tribunal shall apply the procedural and substantive law of~~
28 ~~this State, including the rules on choice of law other than~~
29 ~~those established by this Act.~~

30 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
31 by P.A. 88-691.)

32 (750 ILCS 22/Art. 2, Part 2 heading)

1 PART-2.-PROCEEDINGS-INVOLVING-TWO-OR-MORE-STATES

2 (750 ILCS 22/204)

3 Sec. 204. Simultaneous proceedings in-another-state.

4 (a) A tribunal of this State may exercise jurisdiction
5 to establish a support order if the petition is filed after a
6 petition or comparable pleading is filed in another state
7 only if:

8 (1) the petition in this State is filed before the
9 expiration of the time allowed in the other state for
10 filing a responsive pleading challenging the exercise of
11 jurisdiction by the other state;

12 (2) the contesting party timely challenges the
13 exercise of jurisdiction in the other state; and

14 (3) if relevant, this State is the home state of
15 the child.

16 (b) A tribunal of this State may not exercise
17 jurisdiction to establish a support order if the petition is
18 filed before a petition or comparable pleading is filed in
19 another state if:

20 (1) the petition or comparable pleading in the
21 other state is filed before the expiration of the time
22 allowed in this State for filing a responsive pleading
23 challenging the exercise of jurisdiction by this State;

24 (2) the contesting party timely challenges the
25 exercise of jurisdiction in this State; and

26 (3) if relevant, the other state is the home state
27 of the child.

28 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
29 by P.A. 88-691.)

30 (750 ILCS 22/205)

31 Sec. 205. Continuing, exclusive jurisdiction to modify
32 child-support order.

1 (a) A tribunal of this State that has issued issuing a
 2 support order consistent with the law of this State has and
 3 shall exercise continuing, exclusive jurisdiction to modify
 4 its ever---a child-support order if the order is the
 5 controlling order and:

6 (1) at the time of the filing of a request for
 7 modification as--long--as this State is remains the
 8 residence of the obligor, the individual obligee, or the
 9 child for whose benefit the support order is issued; or

10 (2) even if this State is not the residence of the
 11 obligor, the individual obligee, or the child for whose
 12 benefit the support order is issued, the parties consent
 13 in a record or in open court that the tribunal of this
 14 State may continue to exercise the jurisdiction to modify
 15 its order until-all-of-the-parties--who--are--individuals
 16 have--filed--written--consents--with-the-tribunal-of-this
 17 State-for-a-tribunal-of-another-state-to-modify-the-order
 18 and-assume-continuing,-exclusive-jurisdiction.

19 (b) A tribunal of this State that has issued issuing a
 20 child-support order consistent with the law of this State may
 21 not exercise its continuing exclusive jurisdiction to modify
 22 the order if:

23 (1) all of the parties who are individuals file
 24 consent in a record with the tribunal of this State that
 25 a tribunal of another state that has jurisdiction over at
 26 least one of the parties who is an individual or that is
 27 located in the state of residence of the child may modify
 28 the order and assume continuing, exclusive jurisdiction;
 29 or

30 (2) its order is not the controlling order the
 31 order--has--been--modified-by-a-tribunal-of-another-state
 32 pursuant-to-a-law-substantially-similar-to-this-Act.

33 (c) If a-child-support-order-of-this-State--is--modified
 34 by---a---tribunal---of---another--state--pursuant--to--a--law

1 substantially-similar-to-this-Act,-a-tribunal-of--this--State
2 loses--its--continuing,-exclusive-jurisdiction-with-regard-to
3 prospective-enforcement-of-the-order-issued--in--this--State,
4 and-may-only:

5 (1)--enforce--the--order--that--was--modified--as-to
6 amounts-accruing-before-the-modification;

7 (2)--enforce-nonmodifiable-aspects--of--that--order;
8 and

9 (3)--provide-other-appropriate-relief-for-violations
10 of-that-order-which-occurred-before-the-effective-date-of
11 the-modification.

12 (d)--A---tribunal--of--this--State--shall--recognize--the
13 continuing,-exclusive-jurisdiction-of a tribunal of another
14 state which has issued a child-support order pursuant to the
15 Uniform Interstate Family Support Act or a law substantially
16 similar to that this Act which modifies a child-support order
17 of a tribunal of this State, tribunals of this State shall
18 recognize the continuing, exclusive jurisdiction of the
19 tribunal of the other state.

20 (d) A tribunal of this State that lacks continuing,
21 exclusive jurisdiction to modify a child-support order may
22 serve as an initiating tribunal to request a tribunal of
23 another state to modify a support order issued in that state.

24 (e) A temporary support order issued ex parte or pending
25 resolution of a jurisdictional conflict does not create
26 continuing, exclusive jurisdiction in the issuing tribunal.

27 (f)--A-tribunal-of-this-State--issuing--a--support--order
28 consistent--with--the--law--of--this--State--has--continuing,
29 exclusive---jurisdiction---over---a---spousal-support---order
30 throughout--the--existence--of--the--support--obligation,---A
31 tribunal-of-this-State-may-not-modify-a-spousal-support-order
32 issued--by--a--tribunal--of--another-state-having-continuing,
33 exclusive-jurisdiction-over--that-order-under-the-law-of-that
34 state.

1 (Source: P.A. 90-240, eff. 7-28-97.)

2 (750 ILCS 22/206)

3 Sec. 206. ~~Enforcement-and-modification-of-support--order~~
4 ~~by---tribunal---having~~ Continuing jurisdiction to enforce
5 child-support order.

6 (a) A tribunal of this State that has issued a
7 child-support order consistent with the law of this State may
8 serve as an initiating tribunal to request a tribunal of
9 another state to enforce: ~~er-modify-a-support-order-issued-in~~
10 ~~that-state.~~

11 (1) the order if the order is the controlling order
12 and has not been modified by a tribunal of another state
13 that assumed jurisdiction pursuant to the Uniform
14 Interstate Family Support Act; or

15 (2) a money judgment for arrears of support and
16 interest on the order accrued before a determination that
17 an order of another state is the controlling order.

18 (b) A tribunal of this State having continuing,
19 exclusive jurisdiction over a support order may act as a
20 responding tribunal to enforce ~~er-modify~~ the order. ~~If-a~~
21 ~~party-subject-to-the-continuing,--exclusive--jurisdiction--of~~
22 ~~the--tribunal--no--longer--resides--in--the-issuing-state,-in~~
23 ~~subsequent-proceedings-the-tribunal--may--apply--Section--316~~
24 ~~(Special-Rules-of-Evidence-and-Procedure)-to-receive-evidence~~
25 ~~from---another---state---and--Section--318--(Assistance--with~~
26 ~~Discovery)-to-obtain-discovery-through-a-tribunal-of--another~~
27 ~~state.~~

28 ~~(c)--A--tribunal--of--this--State-which-lacks-continuing,~~
29 ~~exclusive-jurisdiction-over-a-spousal-support-order--may--not~~
30 ~~serve--as--a--responding-tribunal-to-modify-a-spousal-support~~
31 ~~order-of-another-state.~~

32 (Source: P.A. 90-240, eff. 7-28-97.)

(750 ILCS 22/Art. 2, Part 3 heading)

~~PART-3--RECONCILIATION
OF-MULTIPLE-ORDERS~~

(750 ILCS 22/207)

Sec. 207. Determination Recognition of controlling child-support order.

(a) If a proceeding is brought under this Act and only one tribunal has issued a child-support order, the order of that tribunal controls and must be so recognized.

(b) If a proceeding is brought under this Act, and two or more child-support orders have been issued by tribunals of this State or another state with regard to the same obligor and same child, a tribunal of this State having personal jurisdiction over both the obligor and individual obligee shall apply the following rules and by order shall determine in-determining which order controls ~~to-recognize-for-purposes of-continuing, exclusive-jurisdiction:~~

(1) If only one of the tribunals would have continuing, exclusive jurisdiction under this Act, the order of that tribunal controls and must be so recognized.

(2) If more than one of the tribunals would have continuing, exclusive jurisdiction under this Act:

(A) ~~an order issued by a tribunal in the current home state of the child controls; and-must be-so-recognized,~~ but

(B) if an order has not been issued in the current home state of the child, the order most recently issued controls ~~and-must-be-so-recognized.~~

(3) If none of the tribunals would have continuing, exclusive jurisdiction under this Act, the tribunal of this State ~~having--jurisdiction--over-the-parties~~ shall issue a child-support order, which controls ~~and--must--be~~

1 so-recognized.

2 (c) If two or more child-support orders have been issued
3 for the same obligor and same child, upon request of and-if
4 ~~the-obligor-or-the-individual-obligee-resides-in-this--State,~~
5 a party who is an individual or a support enforcement agency,
6 ~~may---~~request a tribunal of this State having personal
7 jurisdiction over both the obligor and the obligee who is an
8 individual shall to determine which order controls and-must
9 be-so-recognized under subsection (b). The request may be
10 filed with a registration for enforcement or registration for
11 modification pursuant to Article 6, or may be filed as a
12 separate proceeding. ~~The-request-must--be--accompanied--by--a~~
13 ~~certified---copy--of--every--support--order--in--effect---~~The
14 ~~requesting-party-shall-give-notice-of--the--request--to--each~~
15 ~~party-whose-rights-may-be-affected-by-the-determination.~~

16 (d) A request to determine which is the controlling
17 order must be accompanied by a copy of every child-support
18 order in effect and the applicable record of payments. The
19 requesting party shall give notice of the request to each
20 party whose rights may be affected by the determination.

21 (e) The tribunal that issued the controlling order under
22 subsection (a), (b), or (c) ~~is--the--tribunal--that~~ has
23 continuing,~~--exclusive~~ jurisdiction to the extent provided in
24 under Section 205 or 206.

25 (f) (e) A tribunal of this State that which determines
26 by order which is the-identity-of the controlling order under
27 subsection (b)(1) or (2) or (c), or that which issues a new
28 controlling order under subsection (b)(3), shall state in
29 that order:

- 30 (1) the basis upon which the tribunal made its
- 31 determination;
- 32 (2) the amount of prospective support, if any; and
- 33 (3) the total amount of consolidated arrears and
- 34 accrued interest, if any, under all of the orders after

1 all payments made are credited as provided by Section
2 209.

3 (g) (f) Within 30 days after issuance of an order
4 determining which is the identity of the controlling order,
5 the party obtaining the order shall file a certified copy of
6 it in with each tribunal that issued or registered an earlier
7 order of child support. A party or support enforcement agency
8 obtaining who--obtains the order that and fails to file a
9 certified copy is subject to appropriate sanctions by a
10 tribunal in which the issue of failure to file arises. The
11 failure to file does not affect the validity or
12 enforceability of the controlling order.

13 (h) An order that has been determined to be the
14 controlling order, or a judgment for consolidated arrears of
15 support and interest, if any, made pursuant to this Section
16 must be recognized in proceedings under this Act.

17 (Source: P.A. 90-240, eff. 7-28-97.)

18 (750 ILCS 22/208)

19 Sec. 208. Multiple Child-support orders for two or more
20 obligees. In responding to multiple registrations or
21 petitions for enforcement of two or more child support orders
22 in effect at the same time with regard to the same obligor
23 and different individual obligees, at least one of which was
24 issued by a tribunal of another state, a tribunal of this
25 State shall enforce those orders in the same manner as if the
26 multiple orders had been issued by a tribunal of this State.

27 (Source: P.A. 90-240, eff. 7-28-97.)

28 (750 ILCS 22/209)

29 Sec. 209. Credit for payments. A tribunal of this State
30 shall credit amounts Amounts collected and--ereditd for a
31 particular period pursuant to any child-support order against
32 the amounts owed for the same period under any other

1 child-support order for support of the same child a support
 2 order issued by a tribunal of this or another state must--be
 3 credited-against-the-amounts-accruing-or-accrued-for-the-same
 4 period--under--a-support-order-issued-by-the-tribunal-of-this
 5 State.

6 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
 7 by P.A. 88-691.)

8 (750 ILCS 22/210 new)

9 Sec. 210. Application of Act to nonresident subject to
 10 personal jurisdiction. A tribunal of this State exercising
 11 personal jurisdiction over a nonresident in a proceeding
 12 under this Act, under other law of this State relating to a
 13 support order, or recognizing a support order of a foreign
 14 country or political subdivision on the basis of comity may
 15 receive evidence from another state pursuant to Section 316,
 16 communicate with a tribunal of another state pursuant to
 17 Section 317, and obtain discovery through a tribunal of
 18 another state pursuant to Section 318. In all other respects,
 19 Articles 3 through 7 do not apply and the tribunal shall
 20 apply the procedural and substantive law of this State.

21 (750 ILCS 22/211 new)

22 Sec. 211. Continuing, exclusive jurisdiction to modify
 23 spousal-support order.

24 (a) A tribunal of this State issuing a spousal-support
 25 order consistent with the law of this State has continuing,
 26 exclusive jurisdiction to modify the spousal-support order
 27 throughout the existence of the support obligation.

28 (b) A tribunal of this State may not modify a
 29 spousal-support order issued by a tribunal of another state
 30 having continuing, exclusive jurisdiction over that order
 31 under the law of that state.

32 (c) A tribunal of this State that has continuing,

1 exclusive jurisdiction over a spousal-support order may serve
2 as:

3 (1) an initiating tribunal to request a tribunal of
4 another state to enforce the spousal-support order issued
5 in this State; or

6 (2) a responding tribunal to enforce or modify its
7 own spousal-support order.

8 (750 ILCS 22/301)

9 Sec. 301. Proceedings under Act.

10 (a) Except as otherwise provided in this Act, this
11 Article applies to all proceedings under this Act.

12 (b) ~~This Act provides for the following proceedings:~~

13 ~~(1) establishment of an order for spousal support~~
14 ~~or child support pursuant to Article 4;~~

15 ~~(2) enforcement of a support order and~~
16 ~~income withholding order of another state without~~
17 ~~registration pursuant to Article 5;~~

18 ~~(3) registration of an order for spousal support or~~
19 ~~child support of another state for enforcement pursuant~~
20 ~~to Article 6;~~

21 ~~(4) modification of an order for child support or~~
22 ~~spousal support issued by a tribunal of this State~~
23 ~~pursuant to Article 2, Part 2;~~

24 ~~(5) registration of an order for child support of~~
25 ~~another state for modification pursuant to Article 6;~~

26 ~~(6) determination of parentage pursuant to Article~~
27 ~~7; and~~

28 ~~(7) assertion of jurisdiction over nonresidents~~
29 ~~pursuant to Article 2, Part 1.~~

30 (e) An individual obligee or a support enforcement
31 agency may initiate commence a proceeding authorized under
32 this Act by filing a petition in an initiating tribunal for
33 forwarding to a responding tribunal or by filing a petition

1 or a comparable pleading directly in a tribunal of another
2 state which has or can obtain personal jurisdiction over the
3 obligor.

4 (Source: P.A. 90-240, eff. 7-28-97.)

5 (750 ILCS 22/302)

6 Sec. 302. Proceeding Action by minor parent. A minor
7 parent or a guardian or other legal representative of a minor
8 parent may maintain a proceeding on behalf of or for the
9 benefit of the minor's child.

10 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
11 by P.A. 88-691.)

12 (750 ILCS 22/303)

13 Sec. 303. Application of law of State. Except as
14 otherwise provided in by this Act, a responding tribunal of
15 this State shall:

16 (1) ~~shall~~ apply the procedural and substantive law,
17 ~~including the rules on choice of law,~~ generally applicable to
18 similar proceedings originating in this State and may
19 exercise all powers and provide all remedies available in
20 those proceedings; and

21 (2) ~~shall~~ determine the duty of support and the amount
22 payable in accordance with the law and support guidelines of
23 this State.

24 (Source: P.A. 90-240, eff. 7-28-97.)

25 (750 ILCS 22/304)

26 Sec. 304. Duties of initiating tribunal.

27 (a) Upon the filing of a petition authorized by this
28 Act, an initiating tribunal of this State shall forward ~~three~~
29 ~~copies of~~ the petition and its accompanying documents:

30 (1) to the responding tribunal or appropriate
31 support enforcement agency in the responding state; or

1 (2) if the identity of the responding tribunal is
2 unknown, to the state information agency of the
3 responding state with a request that they be forwarded to
4 the appropriate tribunal and that receipt be
5 acknowledged.

6 (b) If requested by the responding tribunal, a
7 ~~responding--state--has--not--enacted--this--Act--or--a-law-or~~
8 ~~procedure-substantially-similar-to-this-Act,~~ a tribunal of
9 this State shall may issue a certificate or other document
10 and make findings required by the law of the responding
11 state. If the responding state is a foreign country or
12 political subdivision jurisdiction, upon request the tribunal
13 shall may specify the amount of support sought, convert that
14 amount into the equivalent amount in the foreign currency
15 under applicable official or market exchange rate as publicly
16 reported, and provide any other documents necessary to
17 satisfy the requirements of the responding state.

18 (Source: P.A. 90-240, eff. 7-28-97.)

19 (750 ILCS 22/305)

20 Sec. 305. Duties and powers of responding tribunal.

21 (a) When a responding tribunal of this State receives a
22 petition or comparable pleading from an initiating tribunal
23 or directly pursuant to Section 301(b)(e), it shall cause the
24 petition or pleading to be filed and notify the obligee where
25 and when it was filed.

26 (b) A responding tribunal of this State, to the extent
27 not prohibited ~~otherwise-authorized~~ by other law, may do one
28 or more of the following:

29 (1) issue or enforce a support order, modify a
30 child-support order, determine the controlling
31 child-support order, or ~~render-a-judgment-to~~ determine
32 parentage;

33 (2) order an obligor to comply with a support

1 order, specifying the amount and the manner of
2 compliance;

3 (3) order income withholding;

4 (4) determine the amount of any arrearages, and
5 specify a method of payment;

6 (5) enforce orders by civil or criminal contempt,
7 or both;

8 (6) set aside property for satisfaction of the
9 support order;

10 (7) place liens and order execution on the
11 obligor's property;

12 (8) order an obligor to keep the tribunal informed
13 of the obligor's current residential address, telephone
14 number, employer, address of employment, and telephone
15 number at the place of employment;

16 (9) issue a bench warrant for an obligor who has
17 failed after proper notice to appear at a hearing ordered
18 by the tribunal and enter the bench warrant in any local
19 and state computer systems for criminal warrants;

20 (10) order the obligor to seek appropriate
21 employment by specified methods;

22 (11) award reasonable attorney's fees and other
23 fees and costs; and

24 (12) grant any other available remedy.

25 (c) A responding tribunal of this State shall include in
26 a support order issued under this Act, or in the documents
27 accompanying the order, the calculations on which the support
28 order is based.

29 (d) A responding tribunal of this State may not
30 condition the payment of a support order issued under this
31 Act upon compliance by a party with provisions for
32 visitation.

33 (e) If a responding tribunal of this State issues an
34 order under this Act, the tribunal shall send a copy of the

1 order to the obligee and the obligor and to the initiating
2 tribunal, if any.

3 (f) If requested to enforce a support order, arrears, or
4 judgement or modify a support order stated in a foreign
5 currency, a responding tribunal of this State shall convert
6 the amount stated in the foreign currency to the equivalent
7 amount in dollars under the applicable official or market
8 exchange rate as publicly reported.

9 (Source: P.A. 90-240, eff. 7-28-97.)

10 (750 ILCS 22/306)

11 Sec. 306. Inappropriate tribunal. If a petition or
12 comparable pleading is received by an inappropriate tribunal
13 of this State, ~~it~~ the tribunal shall forward the pleading and
14 accompanying documents to an appropriate tribunal in this
15 State or another state and notify the obligee where and when
16 the pleading was sent.

17 (Source: P.A. 90-240, eff. 7-28-97.)

18 (750 ILCS 22/307)

19 Sec. 307. Duties of support enforcement agency.

20 (a) A support enforcement agency of this State, upon
21 request, shall provide services to a petitioner in a
22 proceeding under this Act. This subsection does not affect
23 any ability the support enforcement agency may have to
24 require an application for services, charge fees, or recover
25 costs in accordance with federal or State law and
26 regulations.

27 (b) A support enforcement agency that is providing
28 services to the petitioner ~~as-appropriate~~ shall:

29 (1) take all steps necessary to enable an
30 appropriate tribunal in this State or another state to
31 obtain jurisdiction over the respondent;

32 (2) request an appropriate tribunal to set a date,

1 time, and place for a hearing;

2 (3) make a reasonable effort to obtain all relevant
3 information, including information as to income and
4 property of the parties;

5 (4) within 10 days, exclusive of Saturdays,
6 Sundays, and legal holidays, after receipt of a written
7 notice in a record from an initiating, responding, or
8 registering tribunal, send a copy of the notice to the
9 petitioner;

10 (5) within 10 days, exclusive of Saturdays,
11 Sundays, and legal holidays, after receipt of a written
12 communication in a record from the respondent or the
13 respondent's attorney, send a copy of the communication
14 to the petitioner; and

15 (6) notify the petitioner if jurisdiction over the
16 respondent cannot be obtained.

17 (c) A support enforcement agency of this State that
18 requests registration of a child-support order in this State
19 for enforcement or for modification shall make reasonable
20 efforts:

21 (1) to ensure that the order to be registered is
22 the controlling order; or

23 (2) if two or more child-support orders exist and
24 the identity of the controlling order has not been
25 determined, to ensure that a request for such a
26 determination is made in a tribunal having jurisdiction
27 to do so.

28 (d) A support enforcement agency of this State that
29 requests registration and enforcement of a support order,
30 arrears, or judgement stated in a foreign currency shall
31 convert the amounts stated in the foreign currency into the
32 equivalent amounts in dollars under the applicable official
33 or market exchange rate as publicly reported.

34 (e) A support enforcement agency of this State shall

1 issue or request a tribunal of this State to issue a
2 child-support order and an income-withholding order that
3 redirect payment of current support, arrears, and interest if
4 requested to do so by a support enforcement agency of another
5 state pursuant to Section 319 of the Uniform Interstate
6 Family Support Act.

7 (f) ~~(e)~~ This Act does not create or negate a
8 relationship of attorney and client or other fiduciary
9 relationship between a support enforcement agency or the
10 attorney for the agency and the individual being assisted by
11 the agency.

12 (Source: P.A. 90-240, eff. 7-28-97.)

13 (750 ILCS 22/310)

14 Sec. 310. Duties of the Illinois Department of Public
15 Aid.

16 (a) The Illinois Department of Public Aid is the state
17 information agency under this Act.

18 (b) The state information agency shall:

19 (1) compile and maintain a current list, including
20 addresses, of the tribunals in this State which have
21 jurisdiction under this Act and any support enforcement
22 agencies in this State and transmit a copy to the state
23 information agency of every other state;

24 (2) maintain a register of names and addresses of
25 tribunals and support enforcement agencies received from
26 other states;

27 (3) forward to the appropriate tribunal in the
28 county place in this State in which the individual
29 obligee who is an individual or the obligor resides, or
30 in which the obligor's property is believed to be
31 located, all documents concerning a proceeding under this
32 Act received from an initiating tribunal or the state
33 information agency of the initiating state; and

1 (4) obtain information concerning the location of
 2 the obligor and the obligor's property within this State
 3 not exempt from execution, by such means as postal
 4 verification and federal or state locator services,
 5 examination of telephone directories, requests for the
 6 obligor's address from employers, and examination of
 7 governmental records, including, to the extent not
 8 prohibited by other law, those relating to real property,
 9 vital statistics, law enforcement, taxation, motor
 10 vehicles, driver's licenses, and social security.

11 (c) The Illinois Department of Public Aid may determine
 12 that a foreign country or political subdivision has
 13 established a reciprocal arrangement for child support with
 14 Illinois and take appropriate action for notification of this
 15 determination.

16 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
 17 by P.A. 88-691.)

18 (750 ILCS 22/311)

19 Sec. 311. Pleadings and accompanying documents.

20 (a) In a proceeding under this Act, a A petitioner
 21 seeking to establish ~~or~~ ~~modify~~ a support order ~~or~~ to
 22 determine parentage or to register and modify a support order
 23 of another state in-a-proceeding-under-this-Act must file a
 24 ~~verify-the~~ petition. Unless otherwise ordered under Section
 25 312, the petition or accompanying documents must provide, so
 26 far as known, the name, residential address, and social
 27 security numbers of the respondent and the petitioner or the
 28 parent and alleged parent, and the name, sex, residential
 29 address, social security number, and date of birth of each
 30 child for whose benefit ~~whom~~ support is sought or whose
 31 parentage is to be determined. Unless filed at the time of
 32 registration, the petition must be accompanied by a certified
 33 copy of any support order known to have been issued by

1 another tribunal in--effect. The petition may include any
2 other information that may assist in locating or identifying
3 the respondent.

4 (b) The petition must specify the relief sought. The
5 petition and accompanying documents must conform
6 substantially with the requirements imposed by the forms
7 mandated by federal law for use in cases filed by a support
8 enforcement agency.

9 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
10 by P.A. 88-691; 88-691, eff. 1-24-95.)

11 (750 ILCS 22/312)

12 Sec. 312. Nondisclosure of information in exceptional
13 circumstances. If a party alleges in an affidavit or a
14 pleading under oath that the health, safety, or liberty of a
15 party or child would be jeopardized by disclosure of specific
16 identifying information, that information must be sealed and
17 may not be disclosed to the other party or public. After a
18 hearing in which a tribunal takes into consideration the
19 health, safety, or liberty of the party or child, the
20 tribunal may order disclosure of information that the
21 tribunal determines to be in the interest of justice. Upon a
22 finding, which may be made ex parte, that the health, safety,
23 or liberty of a party or child would be unreasonably put at
24 risk by the disclosure of identifying information, or if an
25 existing order so provides, a tribunal shall order that the
26 address of the child or party or other identifying
27 information not be disclosed in a pleading or other document
28 filed in a proceeding under this Act.

29 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
30 by P.A. 88-691.)

31 (750 ILCS 22/314)

32 Sec. 314. Limited immunity of petitioner.

1 (a) Participation by a petitioner in a proceeding under
2 this Act before a responding tribunal, whether in person, by
3 private attorney, or through services provided by the support
4 enforcement agency, does not confer personal jurisdiction
5 over the petitioner in another proceeding.

6 (b) A petitioner is not amenable to service of civil
7 process while physically present in this State to participate
8 in a proceeding under this Act.

9 (c) The immunity granted by this Section does not extend
10 to civil litigation based on acts unrelated to a proceeding
11 under this Act committed by a party while present in this
12 State to participate in the proceeding.

13 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
14 by P.A. 88-691; 88-691, eff. 1-24-95.)

15 (750 ILCS 22/316)

16 Sec. 316. Special rules of evidence and procedure.

17 (a) The physical presence of a nonresident party who is
18 an individual ~~the petitioner~~ in a ~~responding~~ tribunal of this
19 State is not required for the establishment, enforcement, or
20 modification of a support order or the rendition of a
21 judgment determining parentage.

22 (b) An ~~A--verified--petitioner~~, affidavit, a document
23 substantially complying with federally mandated forms, or and
24 a document incorporated by reference in any of them, which
25 would not be excluded under the hearsay rule if given in
26 person, is admissible in evidence if given under penalty of
27 perjury ~~oath~~ by a party or witness residing in another state.

28 (c) A copy of the record of child-support payments
29 certified as a true copy of the original by the custodian of
30 the record may be forwarded to a responding tribunal. The
31 copy is evidence of facts asserted in it, and is admissible
32 to show whether payments were made.

33 (d) Copies of bills for testing for parentage, and for

1 prenatal and postnatal health care of the mother and child,
2 furnished to the adverse party at least 10 days before trial,
3 are admissible in evidence to prove the amount of the charges
4 billed and that the charges were reasonable, necessary, and
5 customary.

6 (e) Documentary evidence transmitted from another state
7 to a tribunal of this State by telephone, telecopier, or
8 other means that do not provide an original record writing
9 may not be excluded from evidence on an objection based on
10 the means of transmission.

11 (f) In a proceeding under this Act, a tribunal of this
12 State shall ~~may~~ permit a party or witness residing in another
13 state to be deposed or to testify by telephone, audiovisual
14 means, or other electronic means at a designated tribunal or
15 other location in that state. A tribunal of this State shall
16 cooperate with tribunals of other states in designating an
17 appropriate location for the deposition or testimony.

18 (g) If a party called to testify at a civil hearing
19 refuses to answer on the ground that the testimony may be
20 self-incriminating, the trier of fact may draw an adverse
21 inference from the refusal.

22 (h) A privilege against disclosure of communications
23 between spouses does not apply in a proceeding under this
24 Act.

25 (i) The defense of immunity based on the relationship of
26 husband and wife or parent and child does not apply in a
27 proceeding under this Act.

28 (j) A voluntary acknowledgment of paternity, certified
29 as a true copy, is admissible to establish parentage of the
30 child.

31 (Source: P.A. 90-240, eff. 7-28-97.)

32 (750 ILCS 22/317)

33 Sec. 317. Communications between tribunals. A tribunal

1 of this State may communicate with a tribunal of another
 2 state or foreign country or political subdivision in a record
 3 writing, or by telephone or other means, to obtain
 4 information concerning the laws ~~of--that--state~~, the legal
 5 effect of a judgment, decree, or order of that tribunal, and
 6 the status of a proceeding in the other state or foreign
 7 country or political subdivision. A tribunal of this State
 8 may furnish similar information by similar means to a
 9 tribunal of another state or foreign country or political
 10 subdivision.

11 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
 12 by P.A. 88-691.)

13 (750 ILCS 22/319)

14 Sec. 319. Receipt and disbursement of payments. A
 15 support enforcement agency or tribunal of this State shall
 16 disburse promptly any amounts received pursuant to a support
 17 order, as directed by the order. The agency or tribunal
 18 shall furnish to a requesting party or tribunal of another
 19 state a certified statement by the custodian of the record of
 20 the amounts and dates of all payments received.

21 (b) If neither the obligor, nor the obligee who is an
 22 individual, nor the child resides in this State, upon request
 23 from the support enforcement agency of this State or another
 24 state, the support enforcement agency of this State or a
 25 tribunal of this State shall:

26 (1) direct that the support payment be made to the
 27 support enforcement agency in the state in which the
 28 obligee is receiving services; and

29 (2) issue and send to the obligor's employer a
 30 conforming income-withholding order or an administrative
 31 notice of change of payee, reflecting the redirected
 32 payments.

33 (3) The support enforcement agency of this State

1 receiving redirected payments from another state pursuant
 2 to a law similar to subsection (b) shall furnish to a
 3 requesting party or tribunal of the other state a
 4 certified statement by the custodian of the record of the
 5 amount and dates of all payments received.

6 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
 7 by P.A. 88-691.)

8 (750 ILCS 22/401)

9 Sec. 401. Petition to establish support order.

10 (a) If a support order entitled to recognition under
 11 this Act has not been issued, a responding tribunal of this
 12 State may issue a support order if:

13 (1) the individual seeking the order resides in
 14 another state; or

15 (2) the support enforcement agency seeking the
 16 order is located in another state.

17 (b) The tribunal may issue a temporary child-support
 18 order if the tribunal determines that such an order is
 19 appropriate and the individual ordered to pay is:

20 (1) a presumed father of the child;

21 (2) petitioning to have his paternity adjudicated;

22 (3) identified as the father of the child through
 23 genetic testing;

24 (4) an alleged father who has declined to submit to
 25 genetic testing;

26 (5) shown by clear and convincing evidence to be
 27 the father of the child;

28 (6) an acknowledged father as provided by
 29 applicable State law;

30 (7) the mother of the child; or

31 (8) an individual who has been ordered to pay child
 32 support in a previous proceeding and the order has not
 33 been reversed or vacated.

1 (1)--the--respondent-has-signed-a-verified-statement
2 acknowledging-parentage;

3 (2)--the--respondent--has--been--determined--by---or
4 pursuant-to-law-to-be-the-parent;-or

5 (3)--there--is--other--clear-and-convincing-evidence
6 that-the-respondent-is-the-child's-parent.

7 (c) Upon finding, after notice and opportunity to be
8 heard, that a respondent owes a duty of support, the tribunal
9 shall issue a support order directed to the respondent and
10 may issue other orders pursuant to Section 305.

11 (Source: P.A. 90-240, eff. 7-28-97.)

12 (750 ILCS 22/501)

13 Sec. 501. Employer's receipt of income-withholding order
14 of another state. An income-withholding order issued in
15 another state may be sent by or on behalf of the obligee, or
16 by the support enforcement agency, to the person or--entity
17 defined as the obligor's employer under the
18 income-withholding law of this State without first filing a
19 petition or comparable pleading or registering the order with
20 a tribunal of this State.

21 (Source: P.A. 90-240, eff. 7-28-97.)

22 (750 ILCS 22/502)

23 Sec. 502. Employer's compliance with income-withholding
24 order of another state.

25 (a) Upon receipt of an income-withholding order, the
26 obligor's employer shall immediately provide a copy of the
27 order to the obligor.

28 (b) The employer shall treat an income-withholding order
29 issued in another state which appears regular on its face as
30 if it had been issued by a tribunal of this State.

31 (c) Except as otherwise provided in subsection (d) and
32 Section 503 the employer shall withhold and distribute the

1 funds as directed in the withholding order by complying with
2 terms of the order which specify:

3 (1) the duration and amount of periodic payments of
4 current child-support, stated as a sum certain;

5 (2) the person or--agency designated to receive
6 payments and the address to which the payments are to be
7 forwarded;

8 (3) medical support, whether in the form of
9 periodic cash payment, stated as a sum certain, or
10 ordering the obligor to provide health insurance coverage
11 for the child under a policy available through the
12 obligor's employment;

13 (4) the amount of periodic payments of fees and
14 costs for a support enforcement agency, the issuing
15 tribunal, and the obligee's attorney, stated as sums
16 certain; and

17 (5) the amount of periodic payments of arrearages
18 and interest on arrearages, stated as sums certain.

19 (d) An employer shall comply with the law of the state
20 of the obligor's principal place of employment for
21 withholding from income with respect to:

22 (1) the employer's fee for processing an
23 income-withholding order;

24 (2) the maximum amount permitted to be withheld
25 from the obligor's income; and

26 (3) the times within which the employer must
27 implement the withholding order and forward the child
28 support payment.

29 (Source: P.A. 90-240, eff. 7-28-97.)

30 (750 ILCS 22/503)

31 Sec. 503. Employer's compliance with two or more
32 ~~multiple~~ income-withholding orders. If an obligor's employer
33 receives two or more ~~multiple~~ income-withholding orders with

1 respect to the earnings of the same obligor, the employer
 2 satisfies the terms of the ~~multiple~~ orders if the employer
 3 complies with the law of the state of the obligor's principal
 4 place of employment to establish the priorities for
 5 withholding and allocating income withheld for two or more
 6 ~~multiple~~ child support obligees.

7 (Source: P.A. 90-240, eff. 7-28-97.)

8 (750 ILCS 22/506)

9 Sec. 506. Contest by obligor.

10 (a) An obligor may contest the validity or enforcement
 11 of an income-withholding order issued in another state and
 12 received directly by an employer in this State by registering
 13 the order in a tribunal of this State and filing a contest to
 14 that order as provided in Article 6, or otherwise contesting
 15 the order in the same manner as if the order had been issued
 16 by a tribunal of this State. ~~Section 604 applies to the~~
 17 ~~contest.~~

18 (b) The obligor shall give notice of the contest to:

19 (1) a support enforcement agency providing services
 20 to the obligee;

21 (2) each employer that has directly received an
 22 income-withholding order relating to the obligor; and

23 (3) the person ~~or~~ ~~agency~~ designated to receive
 24 payments in the income-withholding order or if no person
 25 ~~or~~ ~~agency~~ is designated, to the obligee.

26 (Source: P.A. 90-240, eff. 7-28-97.)

27 (750 ILCS 22/507)

28 Sec. 507. Administrative enforcement of orders.

29 (a) A party or support enforcement agency seeking to
 30 enforce a support order or an income-withholding order, or
 31 both, issued by a tribunal of another state may send the
 32 documents required for registering the order to a support

1 enforcement agency of this State.

2 (b) Upon receipt of the documents, the support
3 enforcement agency, without initially seeking to register the
4 order, shall consider and, if appropriate, use any
5 administrative procedure authorized by the law of this State
6 to enforce a support order or an income-withholding order, or
7 both. If the obligor does not contest administrative
8 enforcement, the order need not be registered. If the
9 obligor contests the validity or administrative enforcement
10 of the order, the support enforcement agency shall register
11 the order pursuant to this Act.

12 (Source: P.A. 90-240, eff. 7-28-97.)

13 (750 ILCS 22/Art. 6 heading)

14 ARTICLE 6.

15 REGISTRATION, ENFORCEMENT, AND

16 MODIFICATION OF SUPPORT ORDER

17 AFTER-REGISTRATION

18 (750 ILCS 22/601)

19 Sec. 601. Registration of order for enforcement. A
20 support order or an income-withholding order issued by a
21 tribunal of another state may be registered in this State for
22 enforcement.

23 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
24 by P.A. 88-691.)

25 (750 ILCS 22/602)

26 Sec. 602. Procedure to register order for enforcement.

27 (a) A support order or income-withholding order of
28 another state may be registered in this State by sending the
29 following records documents and information to the
30 appropriate tribunal in this State:

31 (1) a letter of transmittal to the tribunal

1 requesting registration and enforcement;

2 (2) 2 copies, including one certified copy, of the
3 order ~~all---orders~~ to be registered, including any
4 modification of the an order;

5 (3) a sworn statement by the person requesting
6 party--seeking registration or a certified statement by
7 the custodian of the records showing the amount of any
8 arrearage;

9 (4) the name of the obligor and, if known:

10 (i) the obligor's address and social security
11 number;

12 (ii) the name and address of the obligor's
13 employer and any other source of income of the
14 obligor; and

15 (iii) a description and the location of
16 property of the obligor in this State not exempt
17 from execution; and

18 (5) except as otherwise provided in Section 312,
19 the name and address of the obligee and, if applicable,
20 the ~~agency-or~~ person to whom support payments are to be
21 remitted.

22 (b) On receipt of a request for registration, the
23 registering tribunal shall cause the order to be filed as a
24 foreign judgment, together with one copy of the documents and
25 information, regardless of their form.

26 (c) A petition or comparable pleading seeking a remedy
27 that must be affirmatively sought under other law of this
28 State may be filed at the same time as the request for
29 registration or later. The pleading must specify the grounds
30 for the remedy sought.

31 (d) If two or more orders are in effect, the person
32 requesting registration shall:

33 (1) furnish to the tribunal a copy of every support
34 order asserted to be in effect in addition to the

1 documents specified in this Section;

2 (2) specify the order alleged to be the controlling
3 order, if any; and

4 (3) specify the amount of consolidated arrears, if
5 any.

6 (e) A request for a determination of which is the
7 controlling order may be filed separately or with a request
8 for registration and enforcement or for registration and
9 modification. The person requesting registration shall give
10 notice of the request to each party whose rights may be
11 affected by the determination.

12 (Source: P.A. 92-463, eff. 8-22-01.)

13 (750 ILCS 22/604)

14 Sec. 604. Choice of law.

15 (a) Except as otherwise provided in subsection (d), the
16 law of the issuing state governs:

17 (1) the nature, extent, amount, and duration of
18 current payments under a registered support order; and
19 other-obligations-of-support-and

20 (2) the computation and payment of arrearages and
21 accrual of interest on the arrearages under the support
22 order; and

23 (3) the existence and satisfaction of other
24 obligations under the support order.

25 (b) In a proceeding for arrears under a registered
26 support order arrearages, the statute of limitation under-the
27 laws of this State or of the issuing state, whichever is
28 longer, applies.

29 (c) A responding tribunal of this State shall apply the
30 procedures and remedies of this State to enforce current
31 support and collect arrears and interest due on a support
32 order of another state registered in this State.

33 (d) After a tribunal of this or another state determines

1 which is the controlling order and issues an order
2 consolidating arrears, if any, a tribunal of this State shall
3 prospectively apply the law of the state issuing the
4 controlling order, including its law on interest on arrears,
5 on current and future support, and on consolidated arrears.

6 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
7 by P.A. 88-691.)

8 (750 ILCS 22/605)

9 Sec. 605. Notice of registration of order.

10 (a) When a support order or income-withholding order
11 issued in another state is registered, the registering
12 tribunal shall notify the nonregistering party. The notice
13 must be accompanied by a copy of the registered order and the
14 documents and relevant information accompanying the order.

15 (b) A The notice must inform the nonregistering party:

16 (1) that a registered order is enforceable as of
17 the date of registration in the same manner as an order
18 issued by a tribunal of this State;

19 (2) that a hearing to contest the validity or
20 enforcement of the registered order must be requested
21 within 20 days after the date of mailing or personal
22 service of the notice;

23 (3) that failure to contest the validity or
24 enforcement of the registered order in a timely manner
25 will result in confirmation of the order and enforcement
26 of the order and the alleged arrearages and precludes
27 further contest of that order with respect to any matter
28 that could have been asserted; and

29 (4) of the amount of any alleged arrearages.

30 (c) If the registering party asserts that two or more
31 orders are in effect, a notice must also:

32 (1) identify the two or more orders and the order
33 alleged by the registering person to be the controlling

1 order and the consolidated arrears, if any;

2 (2) notify the nonregistering party of the right to
3 a determination of which is the controlling order;

4 (3) state that the procedures provided in
5 subsection (b) apply to the determination of which is the
6 controlling order; and

7 (4) state that failure to contest the validity or
8 enforcement of the order alleged to be the controlling
9 order in a timely manner may result in confirmation that
10 the order is the controlling order.

11 (d) (e) Upon registration of an income-withholding order
12 for enforcement, the registering tribunal shall notify the
13 obligor's employer pursuant to the Income Withholding for
14 Support Act.

15 (Source: P.A. 90-240, eff. 7-28-97; 90-655, eff. 7-30-98;
16 90-673, eff. 1-1-99; 91-357, eff. 7-29-99.)

17 (750 ILCS 22/607)

18 Sec. 607. Contest of registration or enforcement.

19 (a) A party contesting the validity or enforcement of a
20 registered order or seeking to vacate the registration has
21 the burden of proving one or more of the following defenses:

22 (1) the issuing tribunal lacked personal
23 jurisdiction over the contesting party;

24 (2) the order was obtained by fraud;

25 (3) the order has been vacated, suspended, or
26 modified by a later order;

27 (4) the issuing tribunal has stayed the order
28 pending appeal;

29 (5) there is a defense under the law of this State
30 to the remedy sought;

31 (6) full or partial payment has been made; or

32 (7) the statute of limitation under Section 604
33 precludes enforcement of some or all of the alleged

1 arrearrages; or

2 (8) the alleged controlling order is not the
3 controlling order.

4 (b) If a party presents evidence establishing a full or
5 partial defense under subsection (a), a tribunal may stay
6 enforcement of the registered order, continue the proceeding
7 to permit production of additional relevant evidence, and
8 issue other appropriate orders. An uncontested portion of
9 the registered order may be enforced by all remedies
10 available under the law of this State.

11 (c) If the contesting party does not establish a defense
12 under subsection (a) to the validity or enforcement of the
13 order, the registering tribunal shall issue an order
14 confirming the order.

15 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
16 by P.A. 88-691.)

17 (750 ILCS 22/610)

18 Sec. 610. Effect of registration for modification. A
19 tribunal of this State may enforce a child-support order of
20 another state registered for purposes of modification, in the
21 same manner as if the order had been issued by a tribunal of
22 this State, but the registered order may be modified only if
23 the requirements of Section 611, 613, or 615 have been met.

24 (Source: P.A. 90-240, eff. 7-28-97.)

25 (750 ILCS 22/611)

26 Sec. 611. Modification of Child-Support Order of Another
27 State.

28 (a) If Section 613 does no apply, except as otherwise
29 provided in Section 615, upon petition a tribunal of this
30 State may modify After a child-support order issued in
31 another state which is has-been registered in this State, ~~the~~
32 ~~responding-tribunal-of-this-State-may-modify-that-order--only~~

1 if--Section--613--does--not--apply--and if, after notice and
2 hearing, the tribunal it finds that:

3 (1) the following requirements are met:

4 (A) (i) neither the child, nor the individual
5 petitioner who is an individual, nor and the
6 respondent resides do--not--reside in the issuing
7 state;

8 (B) (ii) a petitioner who is a nonresident of
9 this State seeks modification; and

10 (C) (iii) the respondent is subject to the
11 personal jurisdiction of the tribunal of this State;

12 or

13 (2) this State is the State of residence of the
14 child, or a party who is an individual, is subject to the
15 personal jurisdiction of the tribunal of this State and
16 all of the parties who are individuals have filed written
17 consents in a record in the issuing tribunal for a
18 tribunal of this State to modify the support order and
19 assume continuing, exclusive jurisdiction ~~over the order.~~
20 ~~However, if the issuing state is a foreign jurisdiction~~
21 ~~that has not enacted a law or established procedures~~
22 ~~substantially similar to the procedures under this Act,~~
23 ~~the consent otherwise required of an individual residing~~
24 ~~in this State is not required for the tribunal to assume~~
25 ~~jurisdiction to modify the child support order.~~

26 (b) Modification of a registered child-support order is
27 subject to the same requirements, procedures, and defenses
28 that apply to the modification of an order issued by a
29 tribunal of this State and the order may be enforced and
30 satisfied in the same manner.

31 (c) Except as otherwise provided in Section 615, a
32 tribunal of this State may not modify any aspect of a
33 child-support order that may not be modified under the law of
34 the issuing state, including the duration of the obligation

1 of support. If two or more tribunals have issued
2 child-support orders for the same obligor and same child, the
3 order that controls and must be so recognized under Section
4 207 establishes the aspects of the support order which are
5 nonmodifiable.

6 (d) In a proceeding to modify a child-support order, the
7 law of the state that is determined to have issued the
8 initial controlling order governs the duration of the
9 obligation of support. The obligor's fulfillment of the duty
10 of support established by that order precludes imposition of
11 a further obligation of support by a tribunal of this State.

12 (e) (d) On issuance of an order by a tribunal of this
13 State modifying a child-support order issued in another
14 state, the a tribunal of this State becomes the tribunal
15 having continuing, exclusive jurisdiction.

16 (Source: P.A. 90-240, eff. 7-28-97.)

17 (750 ILCS 22/612)

18 Sec. 612. Recognition of order modified in another
19 state. If a child-support order issued by a tribunal of this
20 State is modified ~~shall--recognize--a--modification--of--its~~
21 ~~earlier-child-support-order~~ by a tribunal of another state
22 which assumed jurisdiction pursuant to the Uniform Interstate
23 Family Support Act, a tribunal of this State a--law
24 ~~substantially-similar-to-this-Act-and,-upon--request,---except~~
25 ~~as-otherwise-provided-in-this-Act,-shall:~~

26 (1) may enforce its the order that was modified only as
27 to arrears and interest amounts accruing before the
28 modification;

29 ~~(2)--enforce--only--nonmodifiable--aspects--of--that--order;~~

30 (2) (3) provide either appropriate relief only for
31 violations of its that order which occurred before the
32 effective date of the modification; and

33 (3) (4) recognize the modifying order of the other

1 state, upon registration, for the purpose of enforcement.
2 (Source: P.A. 90-240, eff. 7-28-97.)

3 (750 ILCS 22/615 new)

4 Sec. 615. Jurisdiction to modify child-support order of
5 foreign country or political subdivision.

6 (a) If a foreign country or political subdivision that
7 otherwise meets the requirements for inclusion under this Act
8 as set forth in subpart (B) of the definition of "State"
9 contained in Section 102 will not or may not modify its order
10 pursuant to its laws, a tribunal of this State may assume
11 jurisdiction to modify the child-support order and bind all
12 individuals subject to the personal jurisdiction of the
13 tribunal whether or not the consent to modification of a
14 child-support order otherwise required of the individual
15 pursuant to Section 611 has been given or whether the
16 individual seeking modification is a resident of this State
17 or of the foreign country or political subdivision.

18 (b) An order issued pursuant to this Section is the
19 controlling order.

20 (750 ILCS 22/701)

21 Sec. 701. Proceeding to determine parentage. (a) A
22 tribunal of this State authorized to determine parentage of a
23 child may serve as ~~a~~ an-initiating-or responding tribunal in
24 a proceeding to determine parentage brought under this Act or
25 a law substantially similar to this Act, ~~to determine that~~
26 ~~the obligee is a parent of a particular child or to determine~~
27 ~~that an obligor is a parent of that child.~~

28 ~~(b) In a proceeding to determine parentage, a responding~~
29 ~~tribunal of this State shall apply the Illinois Parentage Act~~
30 ~~of 1984, and the rules of this State on choice of law.~~

31 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
32 by P.A. 88-691.)

1 (750 ILCS 22/801)

2 Sec. 801. Grounds for rendition.

3 (a) For purposes of this Article, "governor" includes an
4 individual performing the functions of governor or the
5 executive authority of a state covered by this Act.

6 (b) The governor of this State may:

7 (1) demand that the governor of another state
8 surrender an individual found in the other state who is
9 charged criminally in this State with having failed to
10 provide for the support of an obligee; or

11 (2) on the demand of by the governor of another
12 state, surrender an individual found in this State who is
13 charged criminally in the other state with having failed
14 to provide for the support of an obligee.

15 (c) A provision for extradition of individuals not
16 inconsistent with this Act applies to the demand even if the
17 individual whose surrender is demanded was not in the
18 demanding state when the crime was allegedly committed and
19 has not fled therefrom.

20 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
21 by P.A. 88-691.)

22 (750 ILCS 22/802)

23 Sec. 802. Conditions of rendition.

24 (a) Before making demand that the governor of another
25 state surrender an individual charged criminally in this
26 State with having failed to provide for the support of an
27 obligee, the Governor of this State may require a prosecutor
28 of this State to demonstrate that at least 60 days previously
29 the obligee had initiated proceedings for support pursuant
30 to this Act or that the proceeding would be of no avail.

31 (b) If, under this Act or a law substantially similar to
32 this Act, ~~the Uniform Reciprocal Enforcement of Support Act,~~
33 ~~or the Revised Uniform Reciprocal Enforcement of Support Act,~~

1 the Governor of another state makes a demand that the
 2 governor of this State surrender an individual charged
 3 criminally in that state with having failed to provide for
 4 the support of a child or other individual to whom a duty of
 5 support is owed, the governor may require a prosecutor to
 6 investigate the demand and report whether a proceeding for
 7 support has been initiated or would be effective. If it
 8 appears that a proceeding would be effective but has not been
 9 initiated, the governor may delay honoring the demand for a
 10 reasonable time to permit the initiation of a proceeding.

11 (c) If a proceeding for support has been initiated and
 12 the individual whose rendition is demanded prevails, the
 13 governor may decline to honor the demand. If the obligee
 14 prevails and the individual whose rendition is demanded is
 15 subject to a support order, the governor may decline to honor
 16 the demand if the individual is complying with the support
 17 order.

18 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
 19 by P.A. 88-691.)

20 (750 ILCS 22/901)

21 Sec. 901. Uniformity of application and construction.
 22 In applying and construing this Uniform Act consideration
 23 must be given to the need to promote uniformity of This-Act
 24 ~~shall be applied and construed to effectuate its general~~
 25 ~~purpose to make uniform~~ the law with respect to its the
 26 subject of ~~this-Act~~ matter among states that enact ~~enacting~~
 27 it.

28 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
 29 by P.A. 88-691.)

30 (750 ILCS 22/902) (was 750 ILCS 22/903)

31 Sec. 902. ~~903.~~ Severability clause. If any provision of
 32 this Act or its application to any person or circumstance is

1 held invalid, the invalidity does not affect other provisions
2 or applications of this Act which can be given effect without
3 the invalid provision or application, and to this end the
4 provisions of this Act are severable.

5 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
6 by P.A. 88-691.)

7 (750 ILCS 22/903) (was 750 ILCS 22/904)

8 Sec. 903. ~~904~~. Effective date. (See Sec. 999 for
9 effective date.)

10 (Source: P.A. 88-550, eff. date changed from 1-1-95 to 1-1-96
11 by P.A. 88-691.)

12 (750 ILCS 22/904) (was 750 ILCS 22/905)

13 Sec. 904. ~~905~~. Repeal. The Revised Uniform Reciprocal
14 Enforcement of Support Act is repealed on the effective date
15 of this amendatory Act of 1997. An action that was commenced
16 under the Revised Uniform Reciprocal Enforcement of Support
17 Act and is pending on the effective date of this amendatory
18 Act of 1997 shall be decided in accordance with that Act as
19 it existed immediately before its repeal by this amendatory
20 Act of 1997.

21 (Source: P.A. 90-240, eff. 7-28-97.)

22 (750 ILCS 22/902 rep.)

23 Section 10. The Uniform Interstate Family Support Act is
24 amended by repealing Section 902.

25 Section 99. Operative date. This Act shall become
26 operative upon at least one of the following 2 events taking
27 place, whichever occurs first, but in no event prior to July
28 1, 2004:

29 (1) The amendment by Congress of subdivision (f) of
30 42 U.S.C. Sec. 666 to statutorily require or authorize,

1 in connection with the approval of state plans for
2 purposes of federal funding, the adoption of the Uniform
3 Interstate Family Support Act as promulgated by the
4 National Conference of Commissioners on Uniform State
5 Laws in 2001.

6 (2) The approval, either generally or with specific
7 application to Illinois, by the federal office of Child
8 Support Enforcement or by the Secretary of Health and
9 Human Services, of a waiver, exemption, finding, or other
10 indicia of regulatory approval of the Uniform Interstate
11 Family Support Act, as promulgated by the National
12 Conference of Commissioners on Uniform State Laws in
13 2001, in connection with the approval of state plans for
14 purposes of federal funding."