

1 AN ACT concerning families.

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

4 Section 5. The Illinois Parentage Act of 1984 is amended
5 by changing Sections 14 and 16 and by adding Section 13.5 as
6 follows:

7 (750 ILCS 45/13.5 new)

8 Sec. 13.5. Injunctive relief.

9 (a) In any action brought under this Act for the initial
10 determination of custody or visitation of a child or for
11 modification of a prior custody or visitation order, the
12 court, upon application of any party, may enjoin a party
13 having physical possession or custody of a child from
14 temporarily or permanently removing the child from Illinois
15 pending the adjudication of the issues of custody and
16 visitation.

17 (b) Injunctive relief under this Act shall be governed
18 by the relevant provisions of the Code of Civil Procedure.

19 (750 ILCS 45/14) (from Ch. 40, par. 2514)

20 Sec. 14. Judgment.

21 (a) (1) The judgment shall contain or explicitly reserve
22 provisions concerning any duty and amount of child support
23 and may contain provisions concerning the custody and
24 guardianship of the child, visitation privileges with the
25 child, the furnishing of bond or other security for the
26 payment of the judgment, which the court shall determine in
27 accordance with the relevant factors set forth in the
28 Illinois Marriage and Dissolution of Marriage Act and any
29 other applicable law of Illinois, to guide the court in a
30 finding in the best interests of the child. In determining

1 custody, joint custody, removal, or visitation, the court
2 shall apply the relevant standards of the Illinois Marriage
3 and Dissolution of Marriage Act, including Section 609.
4 Specifically, in determining the amount of any child support
5 award, the court shall use the guidelines and standards set
6 forth in subsection (a) of Section 505 and in Section 505.2
7 of the Illinois Marriage and Dissolution of Marriage Act.
8 For purposes of Section 505 of the Illinois Marriage and
9 Dissolution of Marriage Act, "net income" of the
10 non-custodial parent shall include any benefits available to
11 that person under the Illinois Public Aid Code or from other
12 federal, State or local government-funded programs. The
13 court shall, in any event and regardless of the amount of the
14 non-custodial parent's net income, in its judgment order the
15 non-custodial parent to pay child support to the custodial
16 parent in a minimum amount of not less than \$10 per month. In
17 an action brought within 2 years after a child's birth, the
18 judgment or order may direct either parent to pay the
19 reasonable expenses incurred by either parent related to the
20 mother's pregnancy and the delivery of the child. The
21 judgment or order shall contain the father's social security
22 number, which the father shall disclose to the court;
23 however, failure to include the father's social security
24 number on the judgment or order does not invalidate the
25 judgment or order.

26 (2) If a judgment of parentage contains no explicit
27 award of custody, the establishment of a support obligation
28 or of visitation rights in one parent shall be considered a
29 judgment granting custody to the other parent. If the
30 parentage judgment contains no such provisions, custody shall
31 be presumed to be with the mother; however, the presumption
32 shall not apply if the father has had physical custody for at
33 least 6 months prior to the date that the mother seeks to
34 enforce custodial rights.

1 (b) The court shall order all child support payments,
2 determined in accordance with such guidelines, to commence
3 with the date summons is served. The level of current
4 periodic support payments shall not be reduced because of
5 payments set for the period prior to the date of entry of the
6 support order. The Court may order any child support
7 payments to be made for a period prior to the commencement of
8 the action. In determining whether and the extent to which
9 the payments shall be made for any prior period, the court
10 shall consider all relevant facts, including the factors for
11 determining the amount of support specified in the Illinois
12 Marriage and Dissolution of Marriage Act and other equitable
13 factors including but not limited to:

14 (1) The father's prior knowledge of the fact and
15 circumstances of the child's birth.

16 (2) The father's prior willingness or refusal to
17 help raise or support the child.

18 (3) The extent to which the mother or the public
19 agency bringing the action previously informed the father
20 of the child's needs or attempted to seek or require his
21 help in raising or supporting the child.

22 (4) The reasons the mother or the public agency did
23 not file the action earlier.

24 (5) The extent to which the father would be
25 prejudiced by the delay in bringing the action.

26 For purposes of determining the amount of child support
27 to be paid for any period before the date the order for
28 current child support is entered, there is a rebuttable
29 presumption that the father's net income for the prior period
30 was the same as his net income at the time the order for
31 current child support is entered.

32 If (i) the non-custodial parent was properly served with
33 a request for discovery of financial information relating to
34 the non-custodial parent's ability to provide child support,

1 (ii) the non-custodial parent failed to comply with the
2 request, despite having been ordered to do so by the court,
3 and (iii) the non-custodial parent is not present at the
4 hearing to determine support despite having received proper
5 notice, then any relevant financial information concerning
6 the non-custodial parent's ability to provide child support
7 that was obtained pursuant to subpoena and proper notice
8 shall be admitted into evidence without the need to establish
9 any further foundation for its admission.

10 (c) Any new or existing support order entered by the
11 court under this Section shall be deemed to be a series of
12 judgments against the person obligated to pay support
13 thereunder, each judgment to be in the amount of each payment
14 or installment of support and each such judgment to be deemed
15 entered as of the date the corresponding payment or
16 installment becomes due under the terms of the support order.
17 Each judgment shall have the full force, effect and
18 attributes of any other judgment of this State, including the
19 ability to be enforced. A lien arises by operation of law
20 against the real and personal property of the noncustodial
21 parent for each installment of overdue support owed by the
22 noncustodial parent.

23 (d) If the judgment or order of the court is at variance
24 with the child's birth certificate, the court shall order
25 that a new birth certificate be issued under the Vital
26 Records Act.

27 (e) On request of the mother and the father, the court
28 shall order a change in the child's name. After hearing
29 evidence the court may stay payment of support during the
30 period of the father's minority or period of disability.

31 (f) If, upon a showing of proper service, the father
32 fails to appear in court, or otherwise appear as provided by
33 law, the court may proceed to hear the cause upon testimony
34 of the mother or other parties taken in open court and shall

1 enter a judgment by default. The court may reserve any order
2 as to the amount of child support until the father has
3 received notice, by regular mail, of a hearing on the matter.

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

10 (h) All orders for support, when entered or modified,
11 shall include a provision requiring the non-custodial parent
12 to notify the court and, in cases in which party is receiving
13 child support enforcement services under Article X of the
14 Illinois Public Aid Code, the Illinois Department of Public
15 Aid, within 7 days, (i) of the name and address of any new
16 employer of the non-custodial parent, (ii) whether the
17 non-custodial parent has access to health insurance coverage
18 through the employer or other group coverage and, if so, the
19 policy name and number and the names of persons covered under
20 the policy, and (iii) of any new residential or mailing
21 address or telephone number of the non-custodial parent. In
22 any subsequent action to enforce a support order, upon a
23 sufficient showing that a diligent effort has been made to
24 ascertain the location of the non-custodial parent, service
25 of process or provision of notice necessary in the case may
26 be made at the last known address of the non-custodial parent
27 in any manner expressly provided by the Code of Civil
28 Procedure or this Act, which service shall be sufficient for
29 purposes of due process.

30 (i) An order for support shall include a date on which
31 the current support obligation terminates. The termination
32 date shall be no earlier than the date on which the child
33 covered by the order will attain the age of majority or is
34 otherwise emancipated. The order for support shall state

1 that the termination date does not apply to any arrearage
2 that may remain unpaid on that date. Nothing in this
3 subsection shall be construed to prevent the court from
4 modifying the order.

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

25 (Source: P.A. 91-767, eff. 6-9-00, 92-590, eff. 7-1-02.)

26 (750 ILCS 45/16) (from Ch. 40, par. 2516)

27 Sec. 16. Modification of Judgment. The court has
28 continuing jurisdiction to modify an order for support,
29 custody, ~~or~~ visitation, or removal included in a judgment
30 entered under this Act. Any custody, ~~or~~ visitation, or
31 removal judgment modification shall be in accordance with the
32 relevant factors specified in the "Illinois Marriage and
33 Dissolution of Marriage Act, including Section 609"~~7~~-approved

1 ~~September-22, 1977, as now or hereafter amended.~~ Any support
2 judgment is subject to modification or termination only in
3 accordance with Section 510 of the Illinois Marriage and
4 Dissolution of Marriage Act.

5 (Source: P.A. 85-2.)

6 Section 99. Effective date. This Act takes effect upon
7 becoming law.