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LRB094 04153 LCB 41150 a

1 AMENDMENT TO HOUSE BILL 173

2 AMENDMENT NO. _____. Amend House Bill 173 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Income Withholding for Support Act is
5 amended by changing Section 20 as follows:

6 (750 ILCS 28/20)

7 Sec. 20. Entry of order for support containing income
8 withholding provisions; income withholding notice.

9 (a) In addition to any content required under other laws,
10 every order for support entered on or after July 1, 1997,
11 shall:

12 (1) Require an income withholding notice to be prepared
13 and served immediately upon any payor of the obligor by the
14 obligee or public office, unless a written agreement is
15 reached between and signed by both parties providing for an
16 alternative arrangement, approved and entered into the
17 record by the court, which ensures payment of support. In
18 that case, the order for support shall provide that an
19 income withholding notice is to be prepared and served only
20 if the obligor becomes delinquent in paying the order for
21 support; and

22 (2) Contain a dollar amount to be paid until payment in
23 full of any delinquency that accrues after entry of the
24 order for support. The amount for payment of delinquency

1 shall not be less than 20% of the total of the current
2 support amount and the amount to be paid periodically for
3 payment of any arrearage stated in the order for support;
4 and

5 (3) Include the obligor's Social Security Number,
6 which the obligor shall disclose to the court. If the
7 obligor is not a United States citizen, the obligor shall
8 disclose to the court, and the court shall include in the
9 order for support, the obligor's alien registration
10 number, passport number, and home country's social
11 security or national health number, if applicable.

12 (b) At the time the order for support is entered, the Clerk
13 of the Circuit Court shall provide a copy of the order to the
14 obligor and shall make copies available to the obligee and
15 public office.

16 (c) The income withholding notice shall:

17 (1) be in the standard format prescribed by the federal
18 Department of Health and Human Services; and

19 (1.1) state the date of entry of the order for support
20 upon which the income withholding notice is based; and

21 (2) direct any payor to withhold the dollar amount
22 required for current support under the order for support;
23 and

24 (3) direct any payor to withhold the dollar amount
25 required to be paid periodically under the order for
26 support for payment of the amount of any arrearage stated
27 in the order for support; and

28 (4) direct any payor or labor union or trade union to
29 enroll a child as a beneficiary of a health insurance plan
30 and withhold or cause to be withheld, if applicable, any
31 required premiums; and

32 (5) state the amount of the payor income withholding
33 fee specified under this Section; and

34 (6) state that the amount actually withheld from the

1 obligor's income for support and other purposes, including
2 the payor withholding fee specified under this Section, may
3 not be in excess of the maximum amount permitted under the
4 federal Consumer Credit Protection Act; and

5 (7) state the duties of the payor and the fines and
6 penalties for failure to withhold and pay over income and
7 for discharging, disciplining, refusing to hire, or
8 otherwise penalizing the obligor because of the duty to
9 withhold and pay over income under this Section; and

10 (8) state the rights, remedies, and duties of the
11 obligor under this Section; and

12 (9) include the Social Security number of the obligor;
13 ~~and include the Social Security Numbers of the obligor, the~~
14 ~~obligee, and the child or children included in the order~~
15 ~~for support; and~~

16 (10) include the date that withholding for current
17 support terminates, which shall be the date of termination
18 of the current support obligation set forth in the order
19 for support; and

20 (11) contain the signature of the obligee or the
21 printed name and telephone number of the authorized
22 representative of the public office, except that the
23 failure to contain the signature of the obligee or the
24 printed name and telephone number of the authorized
25 representative of the public office shall not affect the
26 validity of the income withholding notice; and

27 (12) direct any payor to pay over amounts withheld for
28 payment of support to the State Disbursement Unit.

29 (d) The accrual of a delinquency as a condition for service
30 of an income withholding notice, under the exception to
31 immediate withholding in subsection (a) of this Section, shall
32 apply only to the initial service of an income withholding
33 notice on a payor of the obligor.

34 (e) Notwithstanding the exception to immediate withholding

1 contained in subsection (a) of this Section, if the court finds
2 at the time of any hearing that an arrearage has accrued, the
3 court shall order immediate service of an income withholding
4 notice upon the payor.

5 (f) If the order for support, under the exception to
6 immediate withholding contained in subsection (a) of this
7 Section, provides that an income withholding notice is to be
8 prepared and served only if the obligor becomes delinquent in
9 paying the order for support, the obligor may execute a written
10 waiver of that condition and request immediate service on the
11 payor.

12 (g) The obligee or public office may serve the income
13 withholding notice on the payor or its superintendent, manager,
14 or other agent by ordinary mail or certified mail return
15 receipt requested, by facsimile transmission or other
16 electronic means, by personal delivery, or by any method
17 provided by law for service of a summons. At the time of
18 service on the payor and as notice that withholding has
19 commenced, the obligee or public office shall serve a copy of
20 the income withholding notice on the obligor by ordinary mail
21 addressed to his or her last known address. A copy of the
22 income withholding notice together with proofs of service on
23 the payor and the obligor shall be filed with the Clerk of the
24 Circuit Court.

25 (h) At any time after the initial service of an income
26 withholding notice, any other payor of the obligor may be
27 served with the same income withholding notice without further
28 notice to the obligor. A copy of the income withholding notice
29 together with a proof of service on the other payor shall be
30 filed with the Clerk of the Circuit Court.

31 (i) New service of an income withholding notice is not
32 required in order to resume withholding of income in the case
33 of an obligor with respect to whom an income withholding notice
34 was previously served on the payor if withholding of income was

1 terminated because of an interruption in the obligor's
2 employment of less than 180 days.

3 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
4 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)".