

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 Marriage and Dissolution of
5 Marriage Act is amended by changing Section 505.2 as follows:

6 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

7 Sec. 505.2. Health insurance.

8 (a) Definitions. As used in this Section:

9 (1) "Obligee" means the individual to whom the duty of
10 support is owed or the individual's legal representative.

11 (2) "Obligor" means the individual who owes a duty of
12 support pursuant to an order for support.

13 (3) "Public office" means any elected official or any
14 State or local agency which is or may become responsible by
15 law for enforcement of, or which is or may become
16 authorized to enforce, an order for support, including, but
17 not limited to: the Attorney General, the Illinois
18 Department of Public Aid, the Illinois Department of Human
19 Services, the Illinois Department of Children and Family
20 Services, and the various State's Attorneys, Clerks of the
21 Circuit Court and supervisors of general assistance.

22 (4) "Child" shall have the meaning ascribed to it in
23 Section 505.

24 (b) Order.

25 (1) Whenever the court establishes, modifies or
26 enforces an order for child support or for child support
27 and maintenance the court shall include in the order a
28 provision for the health care coverage of the child which
29 shall, upon request of the obligee or Public Office,
30 require that any child covered by the order be named as a
31 beneficiary of any health insurance plan that is available
32 to the obligor through an employer or labor union or trade

1 union. If the court finds that such a plan is not available
2 to the obligor, or that the plan is not accessible to the
3 obligee, the court may, upon request of the obligee or
4 Public Office, order the obligor to name the child covered
5 by the order as a beneficiary of any health insurance plan
6 that is available to the obligor on a group basis, or as a
7 beneficiary of an independent health insurance plan to be
8 obtained by the obligor, after considering the following
9 factors:

10 (A) the medical needs of the child;

11 (B) the availability of a plan to meet those needs;

12 and

13 (C) the cost of such a plan to the obligor.

14 (2) If the employer or labor union or trade union
15 offers more than one plan, the order shall require the
16 obligor to name the child as a beneficiary of the plan in
17 which the obligor is enrolled.

18 (3) Nothing in this Section shall be construed to limit
19 the authority of the court to establish or modify a support
20 order to provide for payment of expenses, including
21 deductibles, copayments and any other health expenses,
22 which are in addition to expenses covered by an insurance
23 plan of which a child is ordered to be named a beneficiary
24 pursuant to this Section.

25 (c) Implementation and enforcement.

26 (1) When the court order requires that a minor child be
27 named as a beneficiary of a health insurance plan, other
28 than a health insurance plan available through an employer
29 or labor union or trade union, the obligor shall provide
30 written proof to the obligee or Public Office that the
31 required insurance has been obtained, or that application
32 for insurability has been made, within 30 days of receiving
33 notice of the court order. Unless the obligor was present
34 in court when the order was issued, notice of the order
35 shall be given pursuant to Illinois Supreme Court Rules. If
36 an obligor fails to provide the required proof, he may be

1 held in contempt of court.

2 (2) When the court requires that a child be named as a
3 beneficiary of a health insurance plan available through an
4 employer or labor union or trade union, the court's order
5 shall be implemented in accordance with the Income
6 Withholding for Support Act.

7 (2.5) The court shall order the obligor to reimburse
8 the obligee for 50% of the premium for placing the child on
9 his or her health insurance policy if:

10 (i) a health insurance plan is not available to the
11 obligor through an employer or labor union or trade
12 union and the court does not order the obligor to cover
13 the child as a beneficiary of any health insurance plan
14 that is available to the obligor on a group basis or as
15 a beneficiary of an independent health insurance plan
16 to be obtained by the obligor; or

17 (ii) the obligor does not obtain medical insurance
18 for the child within 90 days of the date of the court
19 order requiring the obligor to obtain insurance for the
20 child.

21 The provisions of subparagraph (i) of paragraph 2.5 of
22 subsection (c) shall be applied, unless the court makes a
23 finding that to apply those provisions would be
24 inappropriate after considering all of the factors listed
25 in paragraph 2 of subsection (a) of Section 505.

26 The court may order the obligor to reimburse the
27 obligee for 100% of the premium for placing the child on
28 his or her health insurance policy.

29 (d) Failure to maintain insurance. The dollar amount of the
30 premiums for court-ordered health insurance, or that portion of
31 the premiums for which the obligor is responsible in the case
32 of insurance provided under a group health insurance plan
33 through an employer or labor union or trade union where the
34 employer or labor union or trade union pays a portion of the
35 premiums, shall be considered an additional child support
36 obligation owed by the obligor. Whenever the obligor fails to

1 provide or maintain health insurance pursuant to an order for
2 support, the obligor shall be liable to the obligee for the
3 dollar amount of the premiums which were not paid, and shall
4 also be liable for all medical expenses incurred by the child
5 which would have been paid or reimbursed by the health
6 insurance which the obligor was ordered to provide or maintain.
7 In addition, the obligee may petition the court to modify the
8 order based solely on the obligor's failure to pay the premiums
9 for court-ordered health insurance.

10 (e) Authorization for payment. The signature of the obligee
11 is a valid authorization to the insurer to process a claim for
12 payment under the insurance plan to the provider of the health
13 care services or to the obligee.

14 (f) Disclosure of information. The obligor's employer or
15 labor union or trade union shall disclose to the obligee or
16 Public Office, upon request, information concerning any
17 dependent coverage plans which would be made available to a new
18 employee or labor union member or trade union member. The
19 employer or labor union or trade union shall disclose such
20 information whether or not a court order for medical support
21 has been entered.

22 (g) Employer obligations. If a parent is required by an
23 order for support to provide coverage for a child's health care
24 expenses and if that coverage is available to the parent
25 through an employer who does business in this State, the
26 employer must do all of the following upon receipt of a copy of
27 the order of support or order for withholding:

28 (1) The employer shall, upon the parent's request,
29 permit the parent to include in that coverage a child who
30 is otherwise eligible for that coverage, without regard to
31 any enrollment season restrictions that might otherwise be
32 applicable as to the time period within which the child may
33 be added to that coverage.

34 (2) If the parent has health care coverage through the
35 employer but fails to apply for coverage of the child, the
36 employer shall include the child in the parent's coverage

1 upon application by the child's other parent or the
2 Illinois Department of Public Aid.

3 (3) The employer may not eliminate any child from the
4 parent's health care coverage unless the employee is no
5 longer employed by the employer and no longer covered under
6 the employer's group health plan or unless the employer is
7 provided with satisfactory written evidence of either of
8 the following:

9 (A) The order for support is no longer in effect.

10 (B) The child is or will be included in a
11 comparable health care plan obtained by the parent
12 under such order that is currently in effect or will
13 take effect no later than the date the prior coverage
14 is terminated.

15 The employer may eliminate a child from a parent's
16 health care plan obtained by the parent under such order if
17 the employer has eliminated dependent health care coverage
18 for all of its employees.

19 (Source: P.A. 92-16, eff. 6-28-01; 92-876, eff. 6-1-03.)

20 Section 10. The Illinois Parentage Act of 1984 is amended
21 by changing Section 14 as follows:

22 (750 ILCS 45/14) (from Ch. 40, par. 2514)

23 Sec. 14. Judgment.

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

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

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

32 (b) The court shall order all child support payments,
33 determined in accordance with such guidelines, to commence with
34 the date summons is served. The level of current periodic
35 support payments shall not be reduced because of payments set
36 for the period prior to the date of entry of the support order.

1 The Court may order any child support payments to be made for a
2 period prior to the commencement of the action. In determining
3 whether and the extent to which the payments shall be made for
4 any prior period, the court shall consider all relevant facts,
5 including the factors for determining the amount of support
6 specified in the Illinois Marriage and Dissolution of Marriage
7 Act and other equitable factors including but not limited to:

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

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

12 (3) The extent to which the mother or the public agency
13 bringing the action previously informed the father of the
14 child's needs or attempted to seek or require his help in
15 raising or supporting the child.

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

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

20 For purposes of determining the amount of child support to
21 be paid for any period before the date the order for current
22 child support is entered, there is a rebuttable presumption
23 that the father's net income for the prior period was the same
24 as his net income at the time the order for current child
25 support is entered.

26 If (i) the non-custodial parent was properly served with a
27 request for discovery of financial information relating to the
28 non-custodial parent's ability to provide child support, (ii)
29 the non-custodial parent failed to comply with the request,
30 despite having been ordered to do so by the court, and (iii)
31 the non-custodial parent is not present at the hearing to
32 determine support despite having received proper notice, then
33 any relevant financial information concerning the
34 non-custodial parent's ability to provide child support that
35 was obtained pursuant to subpoena and proper notice shall be
36 admitted into evidence without the need to establish any

1 further foundation for its admission.

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

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

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

21 (f) If, upon a showing of proper service, the father fails
22 to appear in court, or otherwise appear as provided by law, the
23 court may proceed to hear the cause upon testimony of the
24 mother or other parties taken in open court and shall enter a
25 judgment by default. The court may reserve any order as to the
26 amount of child support until the father has received notice,
27 by regular mail, of a hearing on the matter.

28 (g) A one-time charge of 20% is imposable upon the amount
29 of past-due child support owed on July 1, 1988 which has
30 accrued under a support order entered by the court. The charge
31 shall be imposed in accordance with the provisions of Section
32 10-21 of the Illinois Public Aid Code and shall be enforced by
33 the court upon petition.

34 (h) All orders for support, when entered or modified, shall
35 include a provision requiring the non-custodial parent to
36 notify the court and, in cases in which party is receiving

1 child support enforcement services under Article X of the
2 Illinois Public Aid Code, the Illinois Department of Public
3 Aid, within 7 days, (i) of the name and address of any new
4 employer of the non-custodial parent, (ii) whether the
5 non-custodial parent has access to health insurance coverage
6 through the employer or other group coverage and, if so, the
7 policy name and number and the names of persons covered under
8 the policy, and (iii) of any new residential or mailing address
9 or telephone number of the non-custodial parent. In any
10 subsequent action to enforce a support order, upon a sufficient
11 showing that a diligent effort has been made to ascertain the
12 location of the non-custodial parent, service of process or
13 provision of notice necessary in the case may be made at the
14 last known address of the non-custodial parent in any manner
15 expressly provided by the Code of Civil Procedure or this Act,
16 which service shall be sufficient for purposes of due process.

17 (i) An order for support shall include a date on which the
18 current support obligation terminates. The termination date
19 shall be no earlier than the date on which the child covered by
20 the order will attain the age of 18. However, if the child will
21 not graduate from high school until after attaining the age of
22 18, then the termination date shall be no earlier than the
23 earlier of the date on which the child's high school graduation
24 will occur or the date on which the child will attain the age
25 of 19. The order for support shall state that the termination
26 date does not apply to any arrearage that may remain unpaid on
27 that date. Nothing in this subsection shall be construed to
28 prevent the court from modifying the order or terminating the
29 order in the event the child is otherwise emancipated.

30 (i-5) If there is an unpaid arrearage or delinquency (as
31 those terms are defined in the Income Withholding for Support
32 Act) equal to at least one month's support obligation on the
33 termination date stated in the order for support or, if there
34 is no termination date stated in the order, on the date the
35 child attains the age of majority or is otherwise emancipated,
36 the periodic amount required to be paid for current support of

1 that child immediately prior to that date shall automatically
2 continue to be an obligation, not as current support but as
3 periodic payment toward satisfaction of the unpaid arrearage or
4 delinquency. That periodic payment shall be in addition to any
5 periodic payment previously required for satisfaction of the
6 arrearage or delinquency. The total periodic amount to be paid
7 toward satisfaction of the arrearage or delinquency may be
8 enforced and collected by any method provided by law for
9 enforcement and collection of child support, including but not
10 limited to income withholding under the Income Withholding for
11 Support Act. Each order for support entered or modified on or
12 after the effective date of this amendatory Act of the 93rd
13 General Assembly must contain a statement notifying the parties
14 of the requirements of this subsection. Failure to include the
15 statement in the order for support does not affect the validity
16 of the order or the operation of the provisions of this
17 subsection with regard to the order. This subsection shall not
18 be construed to prevent or affect the establishment or
19 modification of an order for support of a minor child or the
20 establishment or modification of an order for support of a
21 non-minor child or educational expenses under Section 513 of
22 the Illinois Marriage and Dissolution of Marriage Act.

23 (j) An order entered under this Section shall include a
24 provision requiring the obligor to report to the obligee and to
25 the clerk of court within 10 days each time the obligor obtains
26 new employment, and each time the obligor's employment is
27 terminated for any reason. The report shall be in writing and
28 shall, in the case of new employment, include the name and
29 address of the new employer. Failure to report new employment
30 or the termination of current employment, if coupled with
31 nonpayment of support for a period in excess of 60 days, is
32 indirect criminal contempt. For any obligor arrested for
33 failure to report new employment bond shall be set in the
34 amount of the child support that should have been paid during
35 the period of unreported employment. An order entered under
36 this Section shall also include a provision requiring the

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

6 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139,
7 eff. 7-10-03; 93-1061, eff. 1-1-05.)