



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4385

Introduced 1/4/2006, by Rep. James H. Meyer - Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-8.1

750 ILCS 5/505

750 ILCS 16/20

750 ILCS 45/13.1

from Ch. 40, par. 505

Amends the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, and the Illinois Parentage Act of 1984. Provides that after proper notice has been served upon the non-custodial parent in an action to enforce a child support order, a hearing to show cause for the non-support shall be held within 45 days of the notice.

LRB094 15147 LCT 50326 b

1 AN ACT concerning child support.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 10-8.1 as follows:

6 (305 ILCS 5/10-8.1)

7 Sec. 10-8.1. Temporary order for child support.
8 Notwithstanding any other law to the contrary, pending the
9 outcome of an administrative determination of parentage, the
10 Illinois Department shall issue a temporary order for child
11 support, upon motion by a party and a showing of clear and
12 convincing evidence of paternity. In determining the amount of
13 the temporary child support award, the Illinois Department
14 shall use the guidelines and standards set forth in subsection
15 (a) of Section 505 and in Section 505.2 of the Illinois
16 Marriage and Dissolution of Marriage Act.

17 Any new or existing support order entered by the Illinois
18 Department under this Section shall be deemed to be a series of
19 judgments against the person obligated to pay support
20 thereunder, each such judgment to be in the amount of each
21 payment or installment of support and each judgment to be
22 deemed entered as of the date the corresponding payment or
23 installment becomes due under the terms of the support order.
24 Each such judgment shall have the full force, effect, and
25 attributes of any other judgment of this State, including the
26 ability to be enforced. Any such judgment is subject to
27 modification or termination only in accordance with Section 510
28 of the Illinois Marriage and Dissolution of Marriage Act. A
29 lien arises by operation of law against the real and personal
30 property of the noncustodial parent for each installment of
31 overdue support owed by the noncustodial parent.

32 All orders for support entered or modified in a case in

1 which a party is receiving child support enforcement services
2 under this Article X shall include a provision requiring the
3 non-custodial parent to notify the Illinois Department, within
4 7 days, (i) of the name, address, and telephone number of any
5 new employer of the non-custodial parent, (ii) whether the
6 non-custodial parent has access to health insurance coverage
7 through the employer or other group coverage, and, if so, the
8 policy name and number and the names of persons covered under
9 the policy, and (iii) of any new residential or mailing address
10 or telephone number of the non-custodial parent.

11 In any subsequent action to enforce a support order, upon
12 sufficient showing that diligent effort has been made to
13 ascertain the location of the non-custodial parent, service of
14 process or provision of notice necessary in that action may be
15 made at the last known address of the non-custodial parent, in
16 any manner expressly provided by the Code of Civil Procedure or
17 this Act, which service shall be sufficient for purposes of due
18 process.

19 After proper notice has been served upon the non-custodial
20 parent in an action to enforce a child support order, a hearing
21 to show cause for the non-support shall be held within 45 days
22 of the notice.

23 An order for support shall include a date on which the
24 current support obligation terminates. The termination date
25 shall be no earlier than the date on which the child covered by
26 the order will attain the age of 18. However, if the child will
27 not graduate from high school until after attaining the age of
28 18, then the termination date shall be no earlier than the
29 earlier of the date on which the child's high school graduation
30 will occur or the date on which the child will attain the age
31 of 19. The order for support shall state that the termination
32 date does not apply to any arrearage that may remain unpaid on
33 that date. Nothing in this paragraph shall be construed to
34 prevent the Illinois Department from modifying the order or
35 terminating the order in the event the child is otherwise
36 emancipated.

1 If there is an unpaid arrearage or delinquency (as those
2 terms are defined in the Income Withholding for Support Act)
3 equal to at least one month's support obligation on the
4 termination date stated in the order for support or, if there
5 is no termination date stated in the order, on the date the
6 child attains the age of majority or is otherwise emancipated,
7 then the periodic amount required to be paid for current
8 support of that child immediately prior to that date shall
9 automatically continue to be an obligation, not as current
10 support but as periodic payment toward satisfaction of the
11 unpaid arrearage or delinquency. That periodic payment shall be
12 in addition to any periodic payment previously required for
13 satisfaction of the arrearage or delinquency. The total
14 periodic amount to be paid toward satisfaction of the arrearage
15 or delinquency may be enforced and collected by any method
16 provided by law for the enforcement and collection of child
17 support, including but not limited to income withholding under
18 the Income Withholding for Support Act. Each order for support
19 entered or modified on or after the effective date of this
20 amendatory Act of the 93rd General Assembly must contain a
21 statement notifying the parties of the requirements of this
22 paragraph. Failure to include the statement in the order for
23 support does not affect the validity of the order or the
24 operation of the provisions of this paragraph with regard to
25 the order. This paragraph shall not be construed to prevent or
26 affect the establishment or modification of an order for the
27 support of a minor child or the establishment or modification
28 of an order for the support of a non-minor child or educational
29 expenses under Section 513 of the Illinois Marriage and
30 Dissolution of Marriage Act.

31 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;
32 93-1061, eff. 1-1-05.)

33 Section 10. The Illinois Marriage and Dissolution of
34 Marriage Act is amended by changing Section 505 as follows:

(750 ILCS 5/505) (from Ch. 40, par. 505)

Sec. 505. Child support; contempt; penalties.

(a) In a proceeding for dissolution of marriage, legal separation, declaration of invalidity of marriage, a proceeding for child support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, a proceeding for modification of a previous order for child support under Section 510 of this Act, or any proceeding authorized under Section 501 or 601 of this Act, the court may order either or both parents owing a duty of support to a child of the marriage to pay an amount reasonable and necessary for his support, without regard to marital misconduct. The duty of support owed to a child includes the obligation to provide for the reasonable and necessary physical, mental and emotional health needs of the child. For purposes of this Section, the term "child" shall include any child under age 18 and any child under age 19 who is still attending high school.

(1) The Court shall determine the minimum amount of support by using the following guidelines:

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

(2) The above guidelines shall be applied in each case unless the court makes a finding that application of the guidelines would be inappropriate, after considering the best interests of the child in light of evidence including but not limited to one or more of the following relevant factors:

- (a) the financial resources and needs of the child;
- (b) the financial resources and needs of the

1 custodial parent;

2 (c) the standard of living the child would have
3 enjoyed had the marriage not been dissolved;

4 (d) the physical and emotional condition of the
5 child, and his educational needs; and

6 (e) the financial resources and needs of the
7 non-custodial parent.

8 If the court deviates from the guidelines, the court's
9 finding shall state the amount of support that would have
10 been required under the guidelines, if determinable. The
11 court shall include the reason or reasons for the variance
12 from the guidelines.

13 (3) "Net income" is defined as the total of all income
14 from all sources, minus the following deductions:

15 (a) Federal income tax (properly calculated
16 withholding or estimated payments);

17 (b) State income tax (properly calculated
18 withholding or estimated payments);

19 (c) Social Security (FICA payments);

20 (d) Mandatory retirement contributions required by
21 law or as a condition of employment;

22 (e) Union dues;

23 (f) Dependent and individual
24 health/hospitalization insurance premiums;

25 (g) Prior obligations of support or maintenance
26 actually paid pursuant to a court order;

27 (h) Expenditures for repayment of debts that
28 represent reasonable and necessary expenses for the
29 production of income, medical expenditures necessary
30 to preserve life or health, reasonable expenditures
31 for the benefit of the child and the other parent,
32 exclusive of gifts. The court shall reduce net income
33 in determining the minimum amount of support to be
34 ordered only for the period that such payments are due
35 and shall enter an order containing provisions for its
36 self-executing modification upon termination of such

1 payment period.

2 (4) In cases where the court order provides for
3 health/hospitalization insurance coverage pursuant to
4 Section 505.2 of this Act, the premiums for that insurance,
5 or that portion of the premiums for which the supporting
6 party is responsible in the case of insurance provided
7 through an employer's health insurance plan where the
8 employer pays a portion of the premiums, shall be
9 subtracted from net income in determining the minimum
10 amount of support to be ordered.

11 (4.5) In a proceeding for child support following
12 dissolution of the marriage by a court that lacked personal
13 jurisdiction over the absent spouse, and in which the court
14 is requiring payment of support for the period before the
15 date an order for current support is entered, there is a
16 rebuttable presumption that the supporting party's net
17 income for the prior period was the same as his or her net
18 income at the time the order for current support is
19 entered.

20 (5) If the net income cannot be determined because of
21 default or any other reason, the court shall order support
22 in an amount considered reasonable in the particular case.
23 The final order in all cases shall state the support level
24 in dollar amounts. However, if the court finds that the
25 child support amount cannot be expressed exclusively as a
26 dollar amount because all or a portion of the payor's net
27 income is uncertain as to source, time of payment, or
28 amount, the court may order a percentage amount of support
29 in addition to a specific dollar amount and enter such
30 other orders as may be necessary to determine and enforce,
31 on a timely basis, the applicable support ordered.

32 (6) If (i) the non-custodial parent was properly served
33 with a request for discovery of financial information
34 relating to the non-custodial parent's ability to provide
35 child support, (ii) the non-custodial parent failed to
36 comply with the request, despite having been ordered to do

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

9 (a-5) In an action to enforce an order for support based on
10 the respondent's failure to make support payments as required
11 by the order, notice of proceedings to hold the respondent in
12 contempt for that failure may be served on the respondent by
13 personal service or by regular mail addressed to the
14 respondent's last known address. The respondent's last known
15 address may be determined from records of the clerk of the
16 court, from the Federal Case Registry of Child Support Orders,
17 or by any other reasonable means.

18 (a-7) After proper notice has been served upon the
19 non-custodial parent in an action to enforce a child support
20 order, a hearing to show cause for the non-support shall be
21 held within 45 days of the notice.

22 (b) Failure of either parent to comply with an order to pay
23 support shall be punishable as in other cases of contempt. In
24 addition to other penalties provided by law the Court may,
25 after finding the parent guilty of contempt, order that the
26 parent be:

27 (1) placed on probation with such conditions of
28 probation as the Court deems advisable;

29 (2) sentenced to periodic imprisonment for a period not
30 to exceed 6 months; provided, however, that the Court may
31 permit the parent to be released for periods of time during
32 the day or night to:

33 (A) work; or

34 (B) conduct a business or other self-employed
35 occupation.

36 The Court may further order any part or all of the earnings

1 of a parent during a sentence of periodic imprisonment paid to
2 the Clerk of the Circuit Court or to the parent having custody
3 or to the guardian having custody of the children of the
4 sentenced parent for the support of said children until further
5 order of the Court.

6 If there is a unity of interest and ownership sufficient to
7 render no financial separation between a non-custodial parent
8 and another person or persons or business entity, the court may
9 pierce the ownership veil of the person, persons, or business
10 entity to discover assets of the non-custodial parent held in
11 the name of that person, those persons, or that business
12 entity. The following circumstances are sufficient to
13 authorize a court to order discovery of the assets of a person,
14 persons, or business entity and to compel the application of
15 any discovered assets toward payment on the judgment for
16 support:

17 (1) the non-custodial parent and the person, persons,
18 or business entity maintain records together.

19 (2) the non-custodial parent and the person, persons,
20 or business entity fail to maintain an arms length
21 relationship between themselves with regard to any assets.

22 (3) the non-custodial parent transfers assets to the
23 person, persons, or business entity with the intent to
24 perpetrate a fraud on the custodial parent.

25 With respect to assets which are real property, no order
26 entered under this paragraph shall affect the rights of bona
27 fide purchasers, mortgagees, judgment creditors, or other lien
28 holders who acquire their interests in the property prior to
29 the time a notice of lis pendens pursuant to the Code of Civil
30 Procedure or a copy of the order is placed of record in the
31 office of the recorder of deeds for the county in which the
32 real property is located.

33 The court may also order in cases where the parent is 90
34 days or more delinquent in payment of support or has been
35 adjudicated in arrears in an amount equal to 90 days obligation
36 or more, that the parent's Illinois driving privileges be

1 suspended until the court determines that the parent is in
2 compliance with the order of support. The court may also order
3 that the parent be issued a family financial responsibility
4 driving permit that would allow limited driving privileges for
5 employment and medical purposes in accordance with Section
6 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
7 court shall certify the order suspending the driving privileges
8 of the parent or granting the issuance of a family financial
9 responsibility driving permit to the Secretary of State on
10 forms prescribed by the Secretary. Upon receipt of the
11 authenticated documents, the Secretary of State shall suspend
12 the parent's driving privileges until further order of the
13 court and shall, if ordered by the court, subject to the
14 provisions of Section 7-702.1 of the Illinois Vehicle Code,
15 issue a family financial responsibility driving permit to the
16 parent.

17 In addition to the penalties or punishment that may be
18 imposed under this Section, any person whose conduct
19 constitutes a violation of Section 15 of the Non-Support
20 Punishment Act may be prosecuted under that Act, and a person
21 convicted under that Act may be sentenced in accordance with
22 that Act. The sentence may include but need not be limited to a
23 requirement that the person perform community service under
24 Section 50 of that Act or participate in a work alternative
25 program under Section 50 of that Act. A person may not be
26 required to participate in a work alternative program under
27 Section 50 of that Act if the person is currently participating
28 in a work program pursuant to Section 505.1 of this Act.

29 A support obligation, or any portion of a support
30 obligation, which becomes due and remains unpaid as of the end
31 of each month, excluding the child support that was due for
32 that month to the extent that it was not paid in that month,
33 shall accrue simple interest as set forth in Section 12-109 of
34 the Code of Civil Procedure. An order for support entered or
35 modified on or after January 1, 2006 shall contain a statement
36 that a support obligation required under the order, or any

1 portion of a support obligation required under the order, that
2 becomes due and remains unpaid as of the end of each month,
3 excluding the child support that was due for that month to the
4 extent that it was not paid in that month, shall accrue simple
5 interest as set forth in Section 12-109 of the Code of Civil
6 Procedure. Failure to include the statement in the order for
7 support does not affect the validity of the order or the
8 accrual of interest as provided in this Section.

9 (c) A one-time charge of 20% is imposable upon the amount
10 of past-due child support owed on July 1, 1988 which has
11 accrued under a support order entered by the court. The charge
12 shall be imposed in accordance with the provisions of Section
13 10-21 of the Illinois Public Aid Code and shall be enforced by
14 the court upon petition.

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

27 (e) When child support is to be paid through the clerk of
28 the court in a county of 1,000,000 inhabitants or less, the
29 order shall direct the obligor to pay to the clerk, in addition
30 to the child support payments, all fees imposed by the county
31 board under paragraph (3) of subsection (u) of Section 27.1 of
32 the Clerks of Courts Act. Unless paid in cash or pursuant to an
33 order for withholding, the payment of the fee shall be by a
34 separate instrument from the support payment and shall be made
35 to the order of the Clerk.

36 (f) All orders for support, when entered or modified, shall

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

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

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

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

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

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

7 (i) The court does not lose the powers of contempt,
8 driver's license suspension, or other child support
9 enforcement mechanisms, including, but not limited to,
10 criminal prosecution as set forth in this Act, upon the
11 emancipation of the minor child or children.

12 (Source: P.A. 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05;
13 94-90, eff. 1-1-06.)

14 Section 15. The Non-Support Punishment Act is amended by
15 changing Section 20 as follows:

16 (750 ILCS 16/20)

17 Sec. 20. Entry of order for support; income withholding.

18 (a) In a case in which no court or administrative order for
19 support is in effect against the defendant:

20 (1) at any time before the trial, upon motion of the
21 State's Attorney, or of the Attorney General if the action
22 has been instituted by his office, and upon notice to the
23 defendant, or at the time of arraignment or as a condition
24 of postponement of arraignment, the court may enter such
25 temporary order for support as may seem just, providing for
26 the support or maintenance of the spouse or child or
27 children of the defendant, or both, pendente lite; or

28 (2) before trial with the consent of the defendant, or
29 at the trial on entry of a plea of guilty, or after
30 conviction, instead of imposing the penalty provided in
31 this Act, or in addition thereto, the court may enter an
32 order for support, subject to modification by the court
33 from time to time as circumstances may require, directing
34 the defendant to pay a certain sum for maintenance of the

1 spouse, or for support of the child or children, or both.

2 (b) The court shall determine the amount of child support
3 by using the guidelines and standards set forth in subsection
4 (a) of Section 505 and in Section 505.2 of the Illinois
5 Marriage and Dissolution of Marriage Act.

6 If (i) the non-custodial parent was properly served with a
7 request for discovery of financial information relating to the
8 non-custodial parent's ability to provide child support, (ii)
9 the non-custodial parent failed to comply with the request,
10 despite having been ordered to do so by the court, and (iii)
11 the non-custodial parent is not present at the hearing to
12 determine support despite having received proper notice, then
13 any relevant financial information concerning the
14 non-custodial parent's ability to provide support that was
15 obtained pursuant to subpoena and proper notice shall be
16 admitted into evidence without the need to establish any
17 further foundation for its admission.

18 (c) The court shall determine the amount of maintenance
19 using the standards set forth in Section 504 of the Illinois
20 Marriage and Dissolution of Marriage Act.

21 (d) The court may, for violation of any order under this
22 Section, punish the offender as for a contempt of court, but no
23 pendente lite order shall remain in effect longer than 4
24 months, or after the discharge of any panel of jurors summoned
25 for service thereafter in such court, whichever is sooner.

26 (e) Any order for support entered by the court under this
27 Section shall be deemed to be a series of judgments against the
28 person obligated to pay support under the judgments, each such
29 judgment to be in the amount of each payment or installment of
30 support and each judgment to be deemed entered as of the date
31 the corresponding payment or installment becomes due under the
32 terms of the support order. Each judgment shall have the full
33 force, effect, and attributes of any other judgment of this
34 State, including the ability to be enforced. Each judgment is
35 subject to modification or termination only in accordance with
36 Section 510 of the Illinois Marriage and Dissolution of

1 Marriage Act. A lien arises by operation of law against the
2 real and personal property of the noncustodial parent for each
3 installment of overdue support owed by the noncustodial parent.

4 (f) An order for support entered under this Section shall
5 include a provision requiring the obligor to report to the
6 obligee and to the clerk of the court within 10 days each time
7 the obligor obtains new employment, and each time the obligor's
8 employment is terminated for any reason. The report shall be in
9 writing and shall, in the case of new employment, include the
10 name and address of the new employer.

11 Failure to report new employment or the termination of
12 current employment, if coupled with nonpayment of support for a
13 period in excess of 60 days, is indirect criminal contempt. For
14 any obligor arrested for failure to report new employment, bond
15 shall be set in the amount of the child support that should
16 have been paid during the period of unreported employment.

17 An order for support entered under this Section shall also
18 include a provision requiring the obligor and obligee parents
19 to advise each other of a change in residence within 5 days of
20 the change except when the court finds that the physical,
21 mental, or emotional health of a party or of a minor child, or
22 both, would be seriously endangered by disclosure of the
23 party's address.

24 (g) An order for support entered or modified in a case in
25 which a party is receiving child support enforcement services
26 under Article X of the Illinois Public Aid Code shall include a
27 provision requiring the noncustodial parent to notify the
28 Illinois Department of Public Aid, within 7 days, of the name
29 and address of any new employer of the noncustodial parent,
30 whether the noncustodial parent has access to health insurance
31 coverage through the employer or other group coverage and, if
32 so, the policy name and number and the names of persons covered
33 under the policy.

34 (h) In any subsequent action to enforce an order for
35 support entered under this Act, upon sufficient showing that
36 diligent effort has been made to ascertain the location of the

1 noncustodial parent, service of process or provision of notice
2 necessary in that action may be made at the last known address
3 of the noncustodial parent, in any manner expressly provided by
4 the Code of Civil Procedure or in this Act, which service shall
5 be sufficient for purposes of due process.

6 (h-5) After proper notice has been served upon the
7 non-custodial parent in an action to enforce a child support
8 order, a hearing to show cause for the non-support shall be
9 held within 45 days of the notice.

10 (i) An order for support shall include a date on which the
11 current support obligation terminates. The termination date
12 shall be no earlier than the date on which the child covered by
13 the order will attain the age of 18. However, if the child will
14 not graduate from high school until after attaining the age of
15 18, then the termination date shall be no earlier than the
16 earlier of the date on which the child's high school graduation
17 will occur or the date on which the child will attain the age
18 of 19. The order for support shall state that the termination
19 date does not apply to any arrearage that may remain unpaid on
20 that date. Nothing in this subsection shall be construed to
21 prevent the court from modifying the order or terminating the
22 order in the event the child is otherwise emancipated.

23 (i-5) If there is an unpaid arrearage or delinquency (as
24 those terms are defined in the Income Withholding for Support
25 Act) equal to at least one month's support obligation on the
26 termination date stated in the order for support or, if there
27 is no termination date stated in the order, on the date the
28 child attains the age of majority or is otherwise emancipated,
29 the periodic amount required to be paid for current support of
30 that child immediately prior to that date shall automatically
31 continue to be an obligation, not as current support but as
32 periodic payment toward satisfaction of the unpaid arrearage or
33 delinquency. That periodic payment shall be in addition to any
34 periodic payment previously required for satisfaction of the
35 arrearage or delinquency. The total periodic amount to be paid
36 toward satisfaction of the arrearage or delinquency may be

1 enforced and collected by any method provided by law for
2 enforcement and collection of child support, including but not
3 limited to income withholding under the Income Withholding for
4 Support Act. Each order for support entered or modified on or
5 after the effective date of this amendatory Act of the 93rd
6 General Assembly must contain a statement notifying the parties
7 of the requirements of this subsection. Failure to include the
8 statement in the order for support does not affect the validity
9 of the order or the operation of the provisions of this
10 subsection with regard to the order. This subsection shall not
11 be construed to prevent or affect the establishment or
12 modification of an order for support of a minor child or the
13 establishment or modification of an order for support of a
14 non-minor child or educational expenses under Section 513 of
15 the Illinois Marriage and Dissolution of Marriage Act.

16 (j) A support obligation, or any portion of a support
17 obligation, which becomes due and remains unpaid as of the end
18 of each month, excluding the child support that was due for
19 that month to the extent that it was not paid in that month,
20 shall accrue simple interest as set forth in Section 12-109 of
21 the Code of Civil Procedure. An order for support entered or
22 modified on or after January 1, 2006 shall contain a statement
23 that a support obligation required under the order, or any
24 portion of a support obligation required under the order, that
25 becomes due and remains unpaid as of the end of each month,
26 excluding the child support that was due for that month to the
27 extent that it was not paid in that month, shall accrue simple
28 interest as set forth in Section 12-109 of the Code of Civil
29 Procedure. Failure to include the statement in the order for
30 support does not affect the validity of the order or the
31 accrual of interest as provided in this Section.

32 (Source: P.A. 93-1061, eff. 1-1-05; 94-90, eff. 1-1-06.)

33 Section 20. The Illinois Parentage Act of 1984 is amended
34 by changing Section 13.1 as follows:

1 (750 ILCS 45/13.1)

2 Sec. 13.1. Temporary order for child support.
3 Notwithstanding any other law to the contrary, pending the
4 outcome of a judicial determination of parentage, the court
5 shall issue a temporary order for child support, upon motion by
6 a party and a showing of clear and convincing evidence of
7 paternity. In determining the amount of the temporary child
8 support award, the court shall use the guidelines and standards
9 set forth in subsection (a) of Section 505 and in Section 505.2
10 of the Illinois Marriage and Dissolution of Marriage Act.

11 Any new or existing support order entered by the court
12 under this Section shall be deemed to be a series of judgments
13 against the person obligated to pay support thereunder, each
14 such judgment to be in the amount of each payment or
15 installment of support and each judgment to be deemed entered
16 as of the date the corresponding payment or installment becomes
17 due under the terms of the support order. Each such judgment
18 shall have the full force, effect, and attributes of any other
19 judgment of this State, including the ability to be enforced.
20 Any such judgment is subject to modification or termination
21 only in accordance with Section 510 of the Illinois Marriage
22 and Dissolution of Marriage Act. A lien arises by operation of
23 law against the real and personal property of the noncustodial
24 parent for each installment of overdue support owed by the
25 noncustodial parent.

26 All orders for support, when entered or modified, shall
27 include a provision requiring the non-custodial parent to
28 notify the court, and in cases in which a party is receiving
29 child support enforcement services under Article X of the
30 Illinois Public Aid Code, the Illinois Department of Public
31 Aid, within 7 days, (i) of the name, address, and telephone
32 number of any new employer of the non-custodial parent, (ii)
33 whether the non-custodial parent has access to health insurance
34 coverage through the employer or other group coverage, and, if
35 so, the policy name and number and the names of persons covered
36 under the policy, and (iii) of any new residential or mailing

1 address or telephone number of the non-custodial parent.

2 In any subsequent action to enforce a support order, upon
3 sufficient showing that diligent effort has been made to
4 ascertain the location of the non-custodial parent, service of
5 process or provision of notice necessary in that action may be
6 made at the last known address of the non-custodial parent, in
7 any manner expressly provided by the Code of Civil Procedure or
8 in this Act, which service shall be sufficient for purposes of
9 due process.

10 After proper notice has been served upon the non-custodial
11 parent in an action to enforce a child support order, a hearing
12 to show cause for the non-support shall be held within 45 days
13 of the notice.

14 An order for support shall include a date on which the
15 current support obligation terminates. The termination date
16 shall be no earlier than the date on which the child covered by
17 the order will attain the age of majority or is otherwise
18 emancipated. The order for support shall state that the
19 termination date does not apply to any arrearage that may
20 remain unpaid on that date. Nothing in this paragraph shall be
21 construed to prevent the court from modifying the order.

22 If there is an unpaid arrearage or delinquency (as those
23 terms are defined in the Income Withholding for Support Act)
24 equal to at least one month's support obligation on the
25 termination date stated in the order for support or, if there
26 is no termination date stated in the order, on the date the
27 child attains the age of majority or is otherwise emancipated,
28 then the periodic amount required to be paid for current
29 support of that child immediately prior to that date shall
30 automatically continue to be an obligation, not as current
31 support but as periodic payment toward satisfaction of the
32 unpaid arrearage or delinquency. That periodic payment shall be
33 in addition to any periodic payment previously required for
34 satisfaction of the arrearage or delinquency. The total
35 periodic amount to be paid toward satisfaction of the arrearage
36 or delinquency may be enforced and collected by any method

1 provided by law for the enforcement and collection of child
2 support, including but not limited to income withholding under
3 the Income Withholding for Support Act. Each order for support
4 entered or modified on or after the effective date of this
5 amendatory Act of the 93rd General Assembly must contain a
6 statement notifying the parties of the requirements of this
7 paragraph. Failure to include the statement in the order for
8 support does not affect the validity of the order or the
9 operation of the provisions of this paragraph with regard to
10 the order. This paragraph shall not be construed to prevent or
11 affect the establishment or modification of an order for the
12 support of a minor child or the establishment or modification
13 of an order for the support of a non-minor child or educational
14 expenses under Section 513 of the Illinois Marriage and
15 Dissolution of Marriage Act.

16 (Source: P.A. 92-590, eff. 7-1-02; 93-1061, eff. 1-1-05.)