



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4387

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

SYNOPSIS AS INTRODUCED:

See Index

Creates the Department of Child Support Services Act. Creates the Department of Child Support Services and the position of Director of Child Support Services. Designates the Department of Child Support Services as the single State agency to administer the State's Title IV-D State plan for securing child and spouse support and determining paternity; transfers those functions from the Department of Healthcare and Family Services (formerly Department of Public Aid) to the Department of Child Support Services. Provides for the confidentiality of records to facilitate and enhance the child and spouse support enforcement program, and makes a violation of the confidentiality provisions a Class A misdemeanor. Provides that the Department of Child Support Services is the successor agency to the Department of Healthcare and Family Services for purposes of child and spouse support enforcement. Provides for the transfer of functions, employees, and property from the Department of Healthcare and Family Services to the Department of Child Support Services. Amends the Departments of State Government Law of the Civil Administrative Code of Illinois to add the Department of Child Support Services as a department of State government and the Director of Child Support Services as the head of the Department. Amends various Acts to change references from the Department of Public Aid to the Department of Child Support Services in connection with child and spouse support enforcement and to add references to the Department of Healthcare and Family Services in appropriate contexts. Effective immediately.

LRB094 15149 DRJ 50328 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

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 1. Short title. This Act may be cited as the
5 Department of Child Support Services Act.

6 Section 5. Definitions. In this Act:

7 "Department" means the Department of Child Support
8 Services.

9 "Director" means the Director of Child Support Services.

10 Section 10. Department; Director; organization.

11 (a) The Department of Child Support Services is created.

12 (b) The Governor shall appoint the Director of Child
13 Support Services as the head of the Department.

14 (c) The Director shall create divisions and administrative
15 units within the Department and shall assign functions, powers,
16 duties, and personnel as may now or in the future be required
17 by federal law. The Director may create other divisions and
18 administrative units and may assign other functions, powers,
19 duties, and personnel as may be necessary or desirable to carry
20 out the functions and responsibilities vested by law in the
21 Department.

22 (d) The Director shall ensure that there is an adequate
23 organizational structure and sufficient staff to perform
24 functions delegated to any governmental unit relating to Part D
25 (commencing with Section 651) of Subchapter 4 of Chapter 7 of
26 Title 42 of the United States Code, including a sufficient
27 number of attorneys to ensure that all requirements of due
28 process are satisfied in the establishment and enforcement of
29 child support orders.

30 Section 15. Department functions.

1 (a) The Department shall exercise the rights, powers,
2 duties, and functions provided by law, including, but not
3 limited to, the rights, powers, duties, and functions
4 transferred to the Department under this Act.

5 (b) The Department shall administer all services and
6 perform all functions necessary to establish, collect, and
7 distribute child and spouse support. The Department is
8 designated the single organizational unit whose duty it shall
9 be to administer the Title IV-D State plan for securing child
10 and spouse support and determining paternity. State plan
11 functions shall be performed by other agencies as required by
12 law, by delegation of the Department, or by cooperative
13 agreement. In performing its functions under this Section, the
14 Department shall strive to reduce the cost of, and increase the
15 speed and efficiency of, child and spouse support enforcement
16 operations.

17 (c) The Department shall ensure that its offices and
18 services are reasonably accessible throughout the State and
19 shall establish systems for informing the public, including
20 custodial and noncustodial parents of dependent children, of
21 its services and operations.

22 (d) The Department shall maximize the use of federal funds
23 available for the costs of administering a child support
24 services department and, to the maximum extent feasible, shall
25 obtain funds from federal financial incentives for the
26 efficient collection of child support, to defray the remaining
27 costs of administration of the Department consistent with
28 effective and efficient support enforcement.

29 Section 20. Confidentiality of records.

30 (a) It is the intent of the General Assembly to protect
31 individual rights of privacy, and to facilitate and enhance the
32 effectiveness of the child and spouse support enforcement
33 program, by ensuring the confidentiality of support
34 enforcement and child abduction records, and to thereby
35 encourage the full and frank disclosure of information relevant

1 to all of the following:

2 (1) The establishment or maintenance of parent and
3 child relationships and support obligations.

4 (2) The enforcement of the child support liability of
5 absent parents.

6 (3) The enforcement of spouse support liability of the
7 spouse or former spouse to the extent required by the State
8 plan.

9 (4) The location of absent parents.

10 (5) The location of parents and of children abducted,
11 concealed, or detained by them.

12 (b) Except as provided in subsection (c), all files,
13 applications, papers, documents, and records established or
14 maintained by any public entity pursuant to the administration
15 and implementation of the child and spouse support enforcement
16 program established pursuant to Part D (commencing with Section
17 651) of Subchapter IV of Chapter 7 of Title 42 of the United
18 States Code and this Act, shall be confidential and shall not
19 be open to examination or released for disclosure for any
20 purpose not directly connected with the administration of the
21 child and spouse support enforcement program. No public entity
22 shall disclose any file, application, paper, document, or
23 record, or the information contained therein, except as
24 expressly authorized by this Section.

25 In no case shall information be released or the whereabouts
26 of one party or the child disclosed to another party, or to the
27 attorney of any other party, if a protective order has been
28 issued by a court or administrative agency with respect to the
29 party or the Department has reason to believe that the release
30 of the information may result in physical or emotional harm to
31 the party or the child. When the Department is prohibited from
32 releasing information pursuant to this subsection, the
33 information shall be omitted from any pleading or document to
34 be submitted to the court, and this subsection shall be cited
35 in the pleading or other document as the authority for the
36 omission. The information shall be released only upon an order

1 of the court pursuant to paragraph (6) of subsection (c).

2 Notwithstanding any other provision of law, a proof of
3 service filed by the Department shall not disclose the address
4 where service of process was accomplished. Instead, the
5 Department shall keep the address in its own records. The proof
6 of service shall specify that the address is on record at the
7 Department and that the address may be released only upon an
8 order from the court pursuant to paragraph (6) of subsection
9 (c). Upon request by a party served, the Department shall
10 release to that person the address where service was effected.

11 (c) Disclosure of the information described in subsection
12 (b) is authorized as follows:

13 (1) All files, applications, papers, documents, and
14 records as described in subsection (b) shall be available
15 and may be used by a public entity for all administrative,
16 civil, or criminal investigations, actions, proceedings,
17 or prosecutions conducted in connection with the
18 administration of the child and spouse support enforcement
19 program approved under Part D (commencing with Section 651)
20 of Subchapter IV of Chapter 7 of Title 42 of the United
21 States Code and to the Departments of Human Services and
22 Public Aid in connection with administering programs
23 operated under the Illinois Public Aid Code.

24 (2) A document requested by a person who wrote,
25 prepared, or furnished the document may be examined by or
26 disclosed to that person or his or her designee.

27 (3) The payment history of an obligor pursuant to a
28 support order may be examined by or released to the court,
29 the obligor, or the person on whose behalf enforcement
30 actions are being taken or that person's designee.

31 (4) Income and expense information of either parent may
32 be released to the other parent for the purpose of
33 establishing or modifying a support order.

34 (5) Public records subject to disclosure under the
35 Freedom of Information Act may be released.

36 (6) After a noticed motion and a finding by the court,

1 in a case in which support establishment or enforcement
2 actions are being taken, that release or disclosure to the
3 obligor or obligee is required by due process of law, the
4 court may order a public entity that possesses an
5 application, paper, document, or record as described in
6 subsection (b) to make that item available to the obligor
7 or obligee for examination or copying, or to disclose to
8 the obligor or obligee the contents of that item. At any
9 hearing of a motion filed pursuant to this paragraph, the
10 court shall inquire of the Department and the parties
11 appearing at the hearing whether there is reason to believe
12 that release of the requested information may result in
13 physical or emotional harm to a party. If the court
14 determines that harm may occur, the court shall issue any
15 protective orders or injunctive orders restricting the use
16 and disclosure of the information as are necessary to
17 protect the individuals.

18 (7) To the extent not prohibited by federal law or
19 regulation, information indicating the existence or
20 imminent threat of a crime against a child, or the location
21 of a concealed, detained, or abducted child or the location
22 of the concealing, detaining, or abducting person, may be
23 disclosed to any State's Attorney, any appropriate law
24 enforcement agency, or any State or local child protective
25 agency, or may be used in any judicial proceedings to
26 prosecute that crime or to protect the child.

27 (8) The social security number, most recent address,
28 and place of employment of the absent parent may be
29 released to an authorized person as defined in Section
30 653(c) of Title 42 of the United States Code, but only if
31 the authorized person has filed a request for the
32 information, and only if the information has been provided
33 to the Department by the federal Parent Locator Service
34 pursuant to Section 653 of Title 42 of the United States
35 Code.

36 (d) In this Section:

1 "Administration and implementation of the child and spouse
2 support enforcement program", as used in this Section, means
3 the carrying out of the State plan for establishing, modifying,
4 and enforcing child support obligations, enforcing spouse
5 support orders, and determining paternity pursuant to Part D
6 (commencing with Section 651) of Subchapter IV of Chapter 7 of
7 Title 42 of the United States Code and this Act.

8 "Obligor" has the meaning ascribed to that term in the
9 Income Withholding for Support Act.

10 "Putative parent" means any person reasonably believed to
11 be the parent of a child for whom the Department is attempting
12 to establish paternity or establish, modify, or enforce
13 support.

14 (e) Any person who knowingly violates this Section is
15 guilty of a Class A misdemeanor.

16 (f) Nothing in this Section shall be construed to compel
17 the disclosure of information relating to a deserting parent
18 who is a recipient of aid under a public assistance program for
19 which federal aid is paid to this State, if that information is
20 required to be kept confidential by the federal law or
21 regulations relating to the program.

22 Section 25. Department as successor agency. For the
23 purposes of the Successor Agency Act and for purposes of
24 Section 9b of the State Finance Act, the Department of Child
25 Support Services is declared to be the successor agency of the
26 Department of Healthcare and Family Services, but only with
27 respect to the functions of the Department of Healthcare and
28 Family Services that are transferred to the Department of Child
29 Support Services under this Act.

30 Section 30. Transfer of powers. All of the rights, powers,
31 duties, and functions vested in the Department of Healthcare
32 and Family Services (or in any office, council, committee,
33 division, or bureau thereof) in connection with the
34 administration of the Title IV-D State plan for securing child

1 and spouse support and determining paternity, including the
2 rights, powers, duties, and functions under Article X of the
3 Illinois Public Aid Code, are transferred to the Department of
4 Child Support Services on the effective date of this Act.

5 Section 35. Transfer of personnel.

6 (a) Except as provided in subsection (b), personnel
7 employed by the Department of Healthcare and Family Services on
8 the date immediately preceding the effective date of this Act
9 to perform duties pertaining to one or more functions
10 transferred to the Department of Child Support Services under
11 this Act are transferred to the Department of Child Support
12 Services on the effective date of this Act.

13 (b) In the case of a person employed by the Department of
14 Healthcare and Family Services to perform both duties
15 pertaining to a function transferred to the Department of Child
16 Support Services under this Act and duties pertaining to a
17 function retained by the Department of Healthcare and Family
18 Services, the Director of Child Support Services, in
19 consultation with the Director of Healthcare and Family
20 Services, shall determine whether to transfer the employee to
21 the Department of Child Support Services; until this
22 determination has been made, the transfer shall not take
23 effect.

24 (c) The rights of State employees, the State, and its
25 agencies under the Personnel Code and applicable collective
26 bargaining agreements and retirement plans are not affected by
27 this Act.

28 Section 40. Transfer of property.

29 (a) Except as provided in subsection (b), all books,
30 records, documents, property (real and personal), unexpended
31 appropriations, and pending business pertaining to the rights,
32 powers, duties, and functions transferred to the Department of
33 Child Support Services under this Act shall be transferred and
34 delivered to the Department of Child Support Services promptly

1 after the effective date of this Act.

2 (b) In the case of books, records, or documents that
3 pertain both to a function transferred to the Department of
4 Child Support Services under this Act and to a function
5 retained by the Department of Healthcare and Family Services,
6 the Director of Child Support Services, in consultation with
7 the Director of Healthcare and Family Services, shall determine
8 whether the books, records, or documents shall be transferred,
9 copied, or left with the Department of Healthcare and Family
10 Services; until this determination has been made, the transfer
11 shall not take effect.

12 In the case of property or an unexpended appropriation that
13 pertains both to a function transferred to the Department of
14 Child Support Services under this Act and to a function
15 retained by the Department of Healthcare and Family Services,
16 the Director of Child Support Services, in consultation with
17 the Director of Healthcare and Family Services, shall determine
18 whether the property or unexpended appropriation shall be
19 transferred, divided, or left with the Department of Healthcare
20 and Family Services; until this determination has been made
21 (and, in the case of an unexpended appropriation, notice of the
22 determination has been filed with the State Comptroller), the
23 transfer shall not take effect.

24 Section 45. Rules.

25 (a) The rules of the Department of Healthcare and Family
26 Services that are in effect on the date immediately preceding
27 the effective date of this Act and pertain to the rights,
28 powers, duties, and functions transferred to the Department of
29 Child Support Services under this Act shall become the rules of
30 the Department of Child Support Services on the effective date
31 of this Act and shall continue in effect until amended or
32 repealed by the Department of Child Support Services.

33 (b) Any rules pertaining to the rights, powers, duties, and
34 functions transferred to the Department of Child Support
35 Services under this Act that have been proposed by the

1 Department of Healthcare and Family Services but have not taken
2 effect or been finally adopted by the date immediately
3 preceding the effective date of this Act shall become proposed
4 rules of the Department of Child Support Services on the
5 effective date of this Act, and any rulemaking procedures that
6 have already been completed by the Department of Healthcare and
7 Family Services for those proposed rules need not be repeated.

8 (c) As soon as practicable after the effective date of this
9 Act, the Department of Child Support Services shall revise and
10 clarify the rules transferred to it under this Act to reflect
11 the reorganization of rights, powers, duties, and functions
12 effected by this Act using the procedures for recodification of
13 rules available under the Illinois Administrative Procedure
14 Act, except that existing title, part, and section numbering
15 for the affected rules may be retained. The Department of Child
16 Support Services may propose and adopt under the Illinois
17 Administrative Procedure Act such other rules as may be
18 necessary to consolidate and clarify the rules of the
19 Department of Healthcare and Family Services reorganized by
20 this Act.

21 Section 50. Savings provisions.

22 (a) The rights, powers, duties, and functions transferred
23 to the Department of Child Support Services by this Act shall
24 be vested in and exercised by the Department subject to the
25 provisions of this Act. An act done by the Department or an
26 officer, employee, or agent of the Department in the exercise
27 of the transferred rights, powers, duties, or functions shall
28 have the same legal effect as if done by the Department of
29 Healthcare and Family Services or an officer, employee, or
30 agent of that Department.

31 (b) The transfer of rights, powers, duties, and functions
32 to the Department of Child Support Services under this Act does
33 not invalidate any previous action taken by or in respect to
34 the Department of Healthcare and Family Services or any of that
35 Department's officers, employees, or agents. References to the

1 Department of Healthcare and Family Services or its officers,
2 employees, or agents in any document, contract, agreement, or
3 law shall, in appropriate contexts, be deemed to refer to the
4 Department of Child Support Services or its officers,
5 employees, or agents.

6 (c) The transfer of rights, powers, duties, and functions
7 to the Department of Child Support Services under this Act does
8 not affect any person's rights, obligations, or duties,
9 including any civil or criminal penalties applicable thereto,
10 arising out of those transferred rights, powers, duties, and
11 functions.

12 (d) With respect to matters that pertain to a right, power,
13 duty, or function transferred to the Department of Child
14 Support Services under this Act:

15 (1) On and after the effective date of this Act, a
16 report or notice that was previously required to be made or
17 given by any person to the Department of Healthcare and
18 Family Services or any of its officers, employees, or
19 agents shall be made or given in the same manner to the
20 Department of Child Support Services or its appropriate
21 officer, employee, or agent.

22 (2) On and after the effective date of this Act, a
23 document that was previously required to be furnished or
24 served by any person to or upon the Department of
25 Healthcare and Family Services or any of its officers,
26 employees, or agents shall be furnished or served in the
27 same manner to or upon the Department of Child Support
28 Services or its appropriate officer, employee, or agent.

29 (e) This Act does not affect any act done, ratified, or
30 cancelled, any right occurring or established, or any action or
31 proceeding had or commenced in an administrative, civil, or
32 criminal cause before the effective date of this Act. Any such
33 action or proceeding that pertains to a right, power, duty, or
34 function transferred to the Department of Child Support
35 Services under this Act and that is pending on that date may be
36 prosecuted, defended, or continued by the Department of Child

1 Support Services.

2 Section 900. The State Comptroller Act is amended by
3 changing Section 10.05a as follows:

4 (15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)

5 Sec. 10.05a. Deductions from Warrants and Payments for
6 Satisfaction of Past Due Child Support. At the direction of the
7 Department of Child Support Services ~~Public Aid~~, the
8 Comptroller shall deduct from a warrant or other payment
9 described in Section 10.05 of this Act, in accordance with the
10 procedures provided therein, and pay over to the Department or
11 the State Disbursement Unit established under Section 10-26 of
12 the Illinois Public Aid Code, at the direction of the
13 Department, that amount certified as necessary to satisfy, in
14 whole or in part, past due support owed by a person on account
15 of support action being taken by the Department or its
16 predecessor, the Department of Healthcare and Family Services
17 (formerly Department of Public Aid), under Article X of the
18 Illinois Public Aid Code, whether or not such support is owed
19 to the State. Such deduction shall have priority over any
20 garnishment except that for payment of state or federal taxes.
21 In the case of joint payees, the Comptroller shall deduct and
22 pay over to the Department or the State Disbursement Unit, as
23 directed by the Department, the entire amount certified. The
24 Comptroller shall provide the Department with the address to
25 which the warrant or other payment was to be mailed and the
26 social security number of each person from whom a deduction is
27 made pursuant to this Section.

28 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

29 Section 905. The Civil Administrative Code of Illinois is
30 amended by changing Sections 5-15 and 5-20 and by adding
31 Section 5-323 as follows:

32 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

1 Sec. 5-15. Departments of State government. The
2 Departments of State government are created as follows:

3 The Department on Aging.

4 The Department of Agriculture.

5 The Department of Central Management Services.

6 The Department of Child Support Services.

7 The Department of Children and Family Services.

8 The Department of Commerce and Economic Opportunity.

9 The Department of Corrections.

10 The Department of Employment Security.

11 The Emergency Management Agency.

12 The Department of Financial Institutions.

13 The Department of Human Rights.

14 The Department of Human Services.

15 The Department of Insurance.

16 The Department of Labor.

17 The Department of the Lottery.

18 The Department of Natural Resources.

19 The Department of Professional Regulation.

20 The Department of Public Aid.

21 The Department of Public Health.

22 The Department of Revenue.

23 The Department of State Police.

24 The Department of Transportation.

25 The Department of Veterans' Affairs.

26 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

27 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

28 Sec. 5-20. Heads of departments. Each department shall have
29 an officer as its head who shall be known as director or
30 secretary and who shall, subject to the provisions of the Civil
31 Administrative Code of Illinois, execute the powers and
32 discharge the duties vested by law in his or her respective
33 department.

34 The following officers are hereby created:

35 Director of Aging, for the Department on Aging.

1 Director of Agriculture, for the Department of
2 Agriculture.

3 Director of Central Management Services, for the
4 Department of Central Management Services.

5 Director of Child Support Services, for the Department of
6 Child Support Services.

7 Director of Children and Family Services, for the
8 Department of Children and Family Services.

9 Director of Commerce and Economic Opportunity, for the
10 Department of Commerce and Economic Opportunity.

11 Director of Corrections, for the Department of
12 Corrections.

13 Director of Emergency Management Agency, for the Emergency
14 Management Agency.

15 Director of Employment Security, for the Department of
16 Employment Security.

17 Director of Financial Institutions, for the Department of
18 Financial Institutions.

19 Director of Human Rights, for the Department of Human
20 Rights.

21 Secretary of Human Services, for the Department of Human
22 Services.

23 Director of Insurance, for the Department of Insurance.

24 Director of Labor, for the Department of Labor.

25 Director of the Lottery, for the Department of the Lottery.

26 Director of Natural Resources, for the Department of
27 Natural Resources.

28 Director of Professional Regulation, for the Department of
29 Professional Regulation.

30 Director of Public Aid, for the Department of Public Aid.

31 Director of Public Health, for the Department of Public
32 Health.

33 Director of Revenue, for the Department of Revenue.

34 Director of State Police, for the Department of State
35 Police.

36 Secretary of Transportation, for the Department of

1 Transportation.

2 Director of Veterans' Affairs, for the Department of
3 Veterans' Affairs.

4 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04.)

5 (20 ILCS 5/5-323 new)

6 Sec. 5-323. In the Department of Child Support Services.
7 The Director of Child Support Services is entitled to an annual
8 salary as set by the Governor from time to time or an amount as
9 set by the Compensation Review Board, whichever is greater.

10 Section 910. The Department of Employment Security Law of
11 the Civil Administrative Code of Illinois is amended by
12 changing Section 1005-130 as follows:

13 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

14 Sec. 1005-130. Exchange of information for child support
15 enforcement.

16 (a) The Department has the power to exchange with the
17 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~
18 information that may be necessary for the enforcement of child
19 support orders entered pursuant to the Illinois Public Aid
20 Code, the Illinois Marriage and Dissolution of Marriage Act,
21 the Non-Support of Spouse and Children Act, the Non-Support
22 Punishment Act, the Revised Uniform Reciprocal Enforcement of
23 Support Act, the Uniform Interstate Family Support Act, or the
24 Illinois Parentage Act of 1984.

25 (b) Notwithstanding any provisions in the Civil
26 Administrative Code of Illinois to the contrary, the Department
27 of Employment Security shall not be liable to any person for
28 any disclosure of information to the Department of Child
29 Support Services or its predecessor, the Department of
30 Healthcare and Family Services (formerly Illinois Department
31 of Public Aid), under subsection (a) or for any other action
32 taken in good faith to comply with the requirements of
33 subsection (a).

1 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,
2 eff. 6-28-01.)

3 Section 915. The Department of Professional Regulation Law
4 of the Civil Administrative Code of Illinois is amended by
5 changing Section 2105-15 as follows:

6 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

7 Sec. 2105-15. General powers and duties.

8 (a) The Department has, subject to the provisions of the
9 Civil Administrative Code of Illinois, the following powers and
10 duties:

11 (1) To authorize examinations in English to ascertain
12 the qualifications and fitness of applicants to exercise
13 the profession, trade, or occupation for which the
14 examination is held.

15 (2) To prescribe rules and regulations for a fair and
16 wholly impartial method of examination of candidates to
17 exercise the respective professions, trades, or
18 occupations.

19 (3) To pass upon the qualifications of applicants for
20 licenses, certificates, and authorities, whether by
21 examination, by reciprocity, or by endorsement.

22 (4) To prescribe rules and regulations defining, for
23 the respective professions, trades, and occupations, what
24 shall constitute a school, college, or university, or
25 department of a university, or other institution,
26 reputable and in good standing, and to determine the
27 reputability and good standing of a school, college, or
28 university, or department of a university, or other
29 institution, reputable and in good standing, by reference
30 to a compliance with those rules and regulations; provided,
31 that no school, college, or university, or department of a
32 university, or other institution that refuses admittance
33 to applicants solely on account of race, color, creed, sex,
34 or national origin shall be considered reputable and in

1 good standing.

2 (5) To conduct hearings on proceedings to revoke,
3 suspend, refuse to renew, place on probationary status, or
4 take other disciplinary action as authorized in any
5 licensing Act administered by the Department with regard to
6 licenses, certificates, or authorities of persons
7 exercising the respective professions, trades, or
8 occupations and to revoke, suspend, refuse to renew, place
9 on probationary status, or take other disciplinary action
10 as authorized in any licensing Act administered by the
11 Department with regard to those licenses, certificates, or
12 authorities. The Department shall issue a monthly
13 disciplinary report. The Department shall deny any license
14 or renewal authorized by the Civil Administrative Code of
15 Illinois to any person who has defaulted on an educational
16 loan or scholarship provided by or guaranteed by the
17 Illinois Student Assistance Commission or any governmental
18 agency of this State; however, the Department may issue a
19 license or renewal if the aforementioned persons have
20 established a satisfactory repayment record as determined
21 by the Illinois Student Assistance Commission or other
22 appropriate governmental agency of this State.
23 Additionally, beginning June 1, 1996, any license issued by
24 the Department may be suspended or revoked if the
25 Department, after the opportunity for a hearing under the
26 appropriate licensing Act, finds that the licensee has
27 failed to make satisfactory repayment to the Illinois
28 Student Assistance Commission for a delinquent or
29 defaulted loan. For the purposes of this Section,
30 "satisfactory repayment record" shall be defined by rule.
31 The Department shall refuse to issue or renew a license to,
32 or shall suspend or revoke a license of, any person who,
33 after receiving notice, fails to comply with a subpoena or
34 warrant relating to a paternity or child support
35 proceeding. However, the Department may issue a license or
36 renewal upon compliance with the subpoena or warrant.

1 The Department, without further process or hearings,
2 shall revoke, suspend, or deny any license or renewal
3 authorized by the Civil Administrative Code of Illinois to
4 a person who is certified by the Department of Child
5 Support Services or its predecessor, the Department of
6 Healthcare and Family Services (formerly Illinois
7 Department of Public Aid), as being more than 30 days
8 delinquent in complying with a child support order or who
9 is certified by a court as being in violation of the
10 Non-Support Punishment Act for more than 60 days. The
11 Department may, however, issue a license or renewal if the
12 person has established a satisfactory repayment record as
13 determined by the ~~Illinois~~ Department of Child Support
14 Services ~~Public Aid~~ or if the person is determined by the
15 court to be in compliance with the Non-Support Punishment
16 Act. The Department may implement this paragraph as added
17 by Public Act 89-6 through the use of emergency rules in
18 accordance with Section 5-45 of the Illinois
19 Administrative Procedure Act. For purposes of the Illinois
20 Administrative Procedure Act, the adoption of rules to
21 implement this paragraph shall be considered an emergency
22 and necessary for the public interest, safety, and welfare.

23 (6) To transfer jurisdiction of any realty under the
24 control of the Department to any other department of the
25 State Government or to acquire or accept federal lands when
26 the transfer, acquisition, or acceptance is advantageous
27 to the State and is approved in writing by the Governor.

28 (7) To formulate rules and regulations necessary for
29 the enforcement of any Act administered by the Department.

30 (8) To exchange with the ~~Illinois~~ Department of Child
31 Support Services ~~Public Aid~~ information that may be
32 necessary for the enforcement of child support orders
33 entered pursuant to the Illinois Public Aid Code, the
34 Illinois Marriage and Dissolution of Marriage Act, the
35 Non-Support of Spouse and Children Act, the Non-Support
36 Punishment Act, the Revised Uniform Reciprocal Enforcement

1 of Support Act, the Uniform Interstate Family Support Act,
2 or the Illinois Parentage Act of 1984. Notwithstanding any
3 provisions in this Code to the contrary, the Department of
4 Professional Regulation shall not be liable under any
5 federal or State law to any person for any disclosure of
6 information to the Department of Child Support Services or
7 its predecessor, the Department of Healthcare and Family
8 Services (formerly Illinois Department of Public Aid),
9 under this paragraph (8) or for any other action taken in
10 good faith to comply with the requirements of this
11 paragraph (8).

12 (9) To perform other duties prescribed by law.

13 (b) The Department may, when a fee is payable to the
14 Department for a wall certificate of registration provided by
15 the Department of Central Management Services, require that
16 portion of the payment for printing and distribution costs be
17 made directly or through the Department to the Department of
18 Central Management Services for deposit into the Paper and
19 Printing Revolving Fund. The remainder shall be deposited into
20 the General Revenue Fund.

21 (c) For the purpose of securing and preparing evidence, and
22 for the purchase of controlled substances, professional
23 services, and equipment necessary for enforcement activities,
24 recoupment of investigative costs, and other activities
25 directed at suppressing the misuse and abuse of controlled
26 substances, including those activities set forth in Sections
27 504 and 508 of the Illinois Controlled Substances Act, the
28 Director and agents appointed and authorized by the Director
29 may expend sums from the Professional Regulation Evidence Fund
30 that the Director deems necessary from the amounts appropriated
31 for that purpose. Those sums may be advanced to the agent when
32 the Director deems that procedure to be in the public interest.
33 Sums for the purchase of controlled substances, professional
34 services, and equipment necessary for enforcement activities
35 and other activities as set forth in this Section shall be
36 advanced to the agent who is to make the purchase from the

1 Professional Regulation Evidence Fund on vouchers signed by the
2 Director. The Director and those agents are authorized to
3 maintain one or more commercial checking accounts with any
4 State banking corporation or corporations organized under or
5 subject to the Illinois Banking Act for the deposit and
6 withdrawal of moneys to be used for the purposes set forth in
7 this Section; provided, that no check may be written nor any
8 withdrawal made from any such account except upon the written
9 signatures of 2 persons designated by the Director to write
10 those checks and make those withdrawals. Vouchers for those
11 expenditures must be signed by the Director. All such
12 expenditures shall be audited by the Director, and the audit
13 shall be submitted to the Department of Central Management
14 Services for approval.

15 (d) Whenever the Department is authorized or required by
16 law to consider some aspect of criminal history record
17 information for the purpose of carrying out its statutory
18 powers and responsibilities, then, upon request and payment of
19 fees in conformance with the requirements of Section 2605-400
20 of the Department of State Police Law (20 ILCS 2605/2605-400),
21 the Department of State Police is authorized to furnish,
22 pursuant to positive identification, the information contained
23 in State files that is necessary to fulfill the request.

24 (e) The provisions of this Section do not apply to private
25 business and vocational schools as defined by Section 1 of the
26 Private Business and Vocational Schools Act.

27 (f) Beginning July 1, 1995, this Section does not apply to
28 those professions, trades, and occupations licensed under the
29 Real Estate License Act of 2000, nor does it apply to any
30 permits, certificates, or other authorizations to do business
31 provided for in the Land Sales Registration Act of 1989 or the
32 Illinois Real Estate Time-Share Act.

33 (g) Notwithstanding anything that may appear in any
34 individual licensing statute or administrative rule, the
35 Department shall deny any license application or renewal
36 authorized under any licensing Act administered by the

1 Department to any person who has failed to file a return, or to
2 pay the tax, penalty, or interest shown in a filed return, or
3 to pay any final assessment of tax, penalty, or interest, as
4 required by any tax Act administered by the Illinois Department
5 of Revenue, until such time as the requirement of any such tax
6 Act are satisfied; however, the Department may issue a license
7 or renewal if the person has established a satisfactory
8 repayment record as determined by the Illinois Department of
9 Revenue. For the purpose of this Section, "satisfactory
10 repayment record" shall be defined by rule.

11 In addition, a complaint filed with the Department by the
12 Illinois Department of Revenue that includes a certification,
13 signed by its Director or designee, attesting to the amount of
14 the unpaid tax liability or the years for which a return was
15 not filed, or both, is prima facie evidence of the licensee's
16 failure to comply with the tax laws administered by the
17 Illinois Department of Revenue. Upon receipt of that
18 certification, the Department shall, without a hearing,
19 immediately suspend all licenses held by the licensee.
20 Enforcement of the Department's order shall be stayed for 60
21 days. The Department shall provide notice of the suspension to
22 the licensee by mailing a copy of the Department's order by
23 certified and regular mail to the licensee's last known address
24 as registered with the Department. The notice shall advise the
25 licensee that the suspension shall be effective 60 days after
26 the issuance of the Department's order unless the Department
27 receives, from the licensee, a request for a hearing before the
28 Department to dispute the matters contained in the order.

29 Any suspension imposed under this subsection (g) shall be
30 terminated by the Department upon notification from the
31 Illinois Department of Revenue that the licensee is in
32 compliance with all tax laws administered by the Illinois
33 Department of Revenue.

34 The Department shall promulgate rules for the
35 administration of this subsection (g).

36 (h) ~~(g)~~ The Department may grant the title "Retired", to be

1 used immediately adjacent to the title of a profession
2 regulated by the Department, to eligible retirees. The use of
3 the title "Retired" shall not constitute representation of
4 current licensure, registration, or certification. Any person
5 without an active license, registration, or certificate in a
6 profession that requires licensure, registration, or
7 certification shall not be permitted to practice that
8 profession.

9 (Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; revised
10 8-19-05.)

11 Section 920. The Department of Revenue Law of the Civil
12 Administrative Code of Illinois is amended by changing Sections
13 2505-65 and 2505-650 as follows:

14 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

15 Sec. 2505-65. Exchange of information.

16 (a) The Department has the power to exchange with any
17 state, with any local subdivisions of any state, or with the
18 federal government, except when specifically prohibited by
19 law, any information that may be necessary to efficient tax
20 administration and that may be acquired as a result of the
21 administration of the laws set forth in the Sections following
22 Section 95-10 and preceding Section 2505-60.

23 (b) The Department has the power to exchange with the
24 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~
25 information that may be necessary for the enforcement of child
26 support orders entered pursuant to the Illinois Public Aid
27 Code, the Illinois Marriage and Dissolution of Marriage Act,
28 the Non-Support of Spouse and Children Act, the Non-Support
29 Punishment Act, the Revised Uniform Reciprocal Enforcement of
30 Support Act, the Uniform Interstate Family Support Act, or the
31 Illinois Parentage Act of 1984. Notwithstanding any provisions
32 in this Code to the contrary, the Department of Revenue shall
33 not be liable to any person for any disclosure of information
34 to the Department of Child Support Services or its predecessor,

1 the Department of Healthcare and Family Services (formerly
2 Illinois Department of Public Aid), under this subsection (b)
3 or for any other action taken in good faith to comply with the
4 requirements of this subsection (b).

5 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,
6 eff. 6-28-01.)

7 (20 ILCS 2505/2505-650) (was 20 ILCS 2505/39b52)

8 Sec. 2505-650. Collection of past due support. Upon
9 certification of past due child support amounts from the
10 Department of Child Support Services ~~Public Aid~~, the Department
11 of Revenue may collect the delinquency in any manner authorized
12 for the collection of any tax administered by the Department of
13 Revenue. The Department of Revenue shall notify the Department
14 of Child Support Services ~~Public Aid~~ when the delinquency or
15 any portion of the delinquency has been collected under this
16 Section. Any child support delinquency collected by the
17 Department of Revenue, including those amounts that result in
18 overpayment of a child support delinquency, shall be deposited
19 into the Child Support Enforcement Trust Fund or paid to the
20 State Disbursement Unit established under Section 10-26 of the
21 Illinois Public Aid Code, at the direction of the Department of
22 Child Support Services ~~Public Aid~~. The Department of Revenue
23 may implement this Section through the use of emergency rules
24 in accordance with Section 5-45 of the Illinois Administrative
25 Procedure Act. For purposes of the Illinois Administrative
26 Procedure Act, the adoption of rules to implement this Section
27 shall be considered an emergency and necessary for the public
28 interest, safety, and welfare.

29 (Source: P.A. 90-491, eff. 1-1-98; 91-212, eff. 7-20-99;
30 91-239, eff. 1-1-00; 91-712, eff. 7-1-00.)

31 Section 925. The Department of State Police Law of the
32 Civil Administrative Code of Illinois is amended by changing
33 Section 2605-377 as follows:

1 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

2 Sec. 2605-377. Department of Public Aid; LEADS access.

3 (a) The ~~Illinois~~ Department of Child Support Services
4 ~~Public Aid~~ is an authorized entity under this Law for the
5 purpose of exchanging information, in the form and manner
6 required by the Department of State Police, to facilitate the
7 location of individuals for establishing paternity, and
8 establishing, modifying, and enforcing child support
9 obligations, pursuant to the Illinois Public Aid Code and Title
10 IV, Part D of the Social Security Act.

11 (b) The ~~Illinois~~ Department of Child Support Services
12 ~~Public Aid~~ is an authorized entity under this Section for the
13 purpose of obtaining access to various data repositories
14 available through LEADS, to facilitate the location of
15 individuals for establishing paternity, and establishing,
16 modifying, and enforcing child support obligations, pursuant
17 to the Illinois Public Aid Code and Title IV, Part D of the
18 Social Security Act. The Department shall enter into an
19 agreement with the ~~Illinois~~ Department of Child Support
20 Services ~~Public Aid~~ consistent with these purposes.

21 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,
22 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
23 eff. 8-14-98; 91-239, eff. 1-1-00; 91-760, eff. 1-1-01.)

24 Section 930. The Illinois Income Tax Act is amended by
25 changing Section 901 as follows:

26 (35 ILCS 5/901) (from Ch. 120, par. 9-901)

27 Sec. 901. Collection Authority.

28 (a) In general.

29 The Department shall collect the taxes imposed by this Act.
30 The Department shall collect certified past due child support
31 amounts under Section 2505-650 of the Department of Revenue Law
32 (20 ILCS 2505/2505-650). Except as provided in subsections (c)
33 and (e) of this Section, money collected pursuant to
34 subsections (a) and (b) of Section 201 of this Act shall be

1 paid into the General Revenue Fund in the State treasury; money
2 collected pursuant to subsections (c) and (d) of Section 201 of
3 this Act shall be paid into the Personal Property Tax
4 Replacement Fund, a special fund in the State Treasury; and
5 money collected under Section 2505-650 of the Department of
6 Revenue Law (20 ILCS 2505/2505-650) shall be paid into the
7 Child Support Enforcement Trust Fund, a special fund outside
8 the State Treasury, or to the State Disbursement Unit
9 established under Section 10-26 of the Illinois Public Aid
10 Code, as directed by the Department of Child Support Services
11 ~~Public Aid~~.

12 (b) Local Governmental Distributive Fund.

13 Beginning August 1, 1969, and continuing through June 30,
14 1994, the Treasurer shall transfer each month from the General
15 Revenue Fund to a special fund in the State treasury, to be
16 known as the "Local Government Distributive Fund", an amount
17 equal to 1/12 of the net revenue realized from the tax imposed
18 by subsections (a) and (b) of Section 201 of this Act during
19 the preceding month. Beginning July 1, 1994, and continuing
20 through June 30, 1995, the Treasurer shall transfer each month
21 from the General Revenue Fund to the Local Government
22 Distributive Fund an amount equal to 1/11 of the net revenue
23 realized from the tax imposed by subsections (a) and (b) of
24 Section 201 of this Act during the preceding month. Beginning
25 July 1, 1995, the Treasurer shall transfer each month from the
26 General Revenue Fund to the Local Government Distributive Fund
27 an amount equal to the net of (i) 1/10 of the net revenue
28 realized from the tax imposed by subsections (a) and (b) of
29 Section 201 of the Illinois Income Tax Act during the preceding
30 month (ii) minus, beginning July 1, 2003 and ending June 30,
31 2004, \$6,666,666, and beginning July 1, 2004, zero. Net revenue
32 realized for a month shall be defined as the revenue from the
33 tax imposed by subsections (a) and (b) of Section 201 of this
34 Act which is deposited in the General Revenue Fund, the
35 Educational Assistance Fund and the Income Tax Surcharge Local
36 Government Distributive Fund during the month minus the amount

1 paid out of the General Revenue Fund in State warrants during
2 that same month as refunds to taxpayers for overpayment of
3 liability under the tax imposed by subsections (a) and (b) of
4 Section 201 of this Act.

5 (c) Deposits Into Income Tax Refund Fund.

6 (1) Beginning on January 1, 1989 and thereafter, the
7 Department shall deposit a percentage of the amounts
8 collected pursuant to subsections (a) and (b) (1), (2), and
9 (3), of Section 201 of this Act into a fund in the State
10 treasury known as the Income Tax Refund Fund. The
11 Department shall deposit 6% of such amounts during the
12 period beginning January 1, 1989 and ending on June 30,
13 1989. Beginning with State fiscal year 1990 and for each
14 fiscal year thereafter, the percentage deposited into the
15 Income Tax Refund Fund during a fiscal year shall be the
16 Annual Percentage. For fiscal years 1999 through 2001, the
17 Annual Percentage shall be 7.1%. For fiscal year 2003, the
18 Annual Percentage shall be 8%. For fiscal year 2004, the
19 Annual Percentage shall be 11.7%. Upon the effective date
20 of this amendatory Act of the 93rd General Assembly, the
21 Annual Percentage shall be 10% for fiscal year 2005. For
22 fiscal year 2006, the Annual Percentage shall be 9.75%. For
23 all other fiscal years, the Annual Percentage shall be
24 calculated as a fraction, the numerator of which shall be
25 the amount of refunds approved for payment by the
26 Department during the preceding fiscal year as a result of
27 overpayment of tax liability under subsections (a) and
28 (b) (1), (2), and (3) of Section 201 of this Act plus the
29 amount of such refunds remaining approved but unpaid at the
30 end of the preceding fiscal year, minus the amounts
31 transferred into the Income Tax Refund Fund from the
32 Tobacco Settlement Recovery Fund, and the denominator of
33 which shall be the amounts which will be collected pursuant
34 to subsections (a) and (b) (1), (2), and (3) of Section 201
35 of this Act during the preceding fiscal year; except that
36 in State fiscal year 2002, the Annual Percentage shall in

1 no event exceed 7.6%. The Director of Revenue shall certify
2 the Annual Percentage to the Comptroller on the last
3 business day of the fiscal year immediately preceding the
4 fiscal year for which it is to be effective.

5 (2) Beginning on January 1, 1989 and thereafter, the
6 Department shall deposit a percentage of the amounts
7 collected pursuant to subsections (a) and (b) (6), (7), and
8 (8), (c) and (d) of Section 201 of this Act into a fund in
9 the State treasury known as the Income Tax Refund Fund. The
10 Department shall deposit 18% of such amounts during the
11 period beginning January 1, 1989 and ending on June 30,
12 1989. Beginning with State fiscal year 1990 and for each
13 fiscal year thereafter, the percentage deposited into the
14 Income Tax Refund Fund during a fiscal year shall be the
15 Annual Percentage. For fiscal years 1999, 2000, and 2001,
16 the Annual Percentage shall be 19%. For fiscal year 2003,
17 the Annual Percentage shall be 27%. For fiscal year 2004,
18 the Annual Percentage shall be 32%. Upon the effective date
19 of this amendatory Act of the 93rd General Assembly, the
20 Annual Percentage shall be 24% for fiscal year 2005. For
21 fiscal year 2006, the Annual Percentage shall be 20%. For
22 all other fiscal years, the Annual Percentage shall be
23 calculated as a fraction, the numerator of which shall be
24 the amount of refunds approved for payment by the
25 Department during the preceding fiscal year as a result of
26 overpayment of tax liability under subsections (a) and
27 (b) (6), (7), and (8), (c) and (d) of Section 201 of this
28 Act plus the amount of such refunds remaining approved but
29 unpaid at the end of the preceding fiscal year, and the
30 denominator of which shall be the amounts which will be
31 collected pursuant to subsections (a) and (b) (6), (7), and
32 (8), (c) and (d) of Section 201 of this Act during the
33 preceding fiscal year; except that in State fiscal year
34 2002, the Annual Percentage shall in no event exceed 23%.
35 The Director of Revenue shall certify the Annual Percentage
36 to the Comptroller on the last business day of the fiscal

1 year immediately preceding the fiscal year for which it is
2 to be effective.

3 (3) The Comptroller shall order transferred and the
4 Treasurer shall transfer from the Tobacco Settlement
5 Recovery Fund to the Income Tax Refund Fund (i) \$35,000,000
6 in January, 2001, (ii) \$35,000,000 in January, 2002, and
7 (iii) \$35,000,000 in January, 2003.

8 (d) Expenditures from Income Tax Refund Fund.

9 (1) Beginning January 1, 1989, money in the Income Tax
10 Refund Fund shall be expended exclusively for the purpose
11 of paying refunds resulting from overpayment of tax
12 liability under Section 201 of this Act, for paying rebates
13 under Section 208.1 in the event that the amounts in the
14 Homeowners' Tax Relief Fund are insufficient for that
15 purpose, and for making transfers pursuant to this
16 subsection (d).

17 (2) The Director shall order payment of refunds
18 resulting from overpayment of tax liability under Section
19 201 of this Act from the Income Tax Refund Fund only to the
20 extent that amounts collected pursuant to Section 201 of
21 this Act and transfers pursuant to this subsection (d) and
22 item (3) of subsection (c) have been deposited and retained
23 in the Fund.

24 (3) As soon as possible after the end of each fiscal
25 year, the Director shall order transferred and the State
26 Treasurer and State Comptroller shall transfer from the
27 Income Tax Refund Fund to the Personal Property Tax
28 Replacement Fund an amount, certified by the Director to
29 the Comptroller, equal to the excess of the amount
30 collected pursuant to subsections (c) and (d) of Section
31 201 of this Act deposited into the Income Tax Refund Fund
32 during the fiscal year over the amount of refunds resulting
33 from overpayment of tax liability under subsections (c) and
34 (d) of Section 201 of this Act paid from the Income Tax
35 Refund Fund during the fiscal year.

36 (4) As soon as possible after the end of each fiscal

1 year, the Director shall order transferred and the State
2 Treasurer and State Comptroller shall transfer from the
3 Personal Property Tax Replacement Fund to the Income Tax
4 Refund Fund an amount, certified by the Director to the
5 Comptroller, equal to the excess of the amount of refunds
6 resulting from overpayment of tax liability under
7 subsections (c) and (d) of Section 201 of this Act paid
8 from the Income Tax Refund Fund during the fiscal year over
9 the amount collected pursuant to subsections (c) and (d) of
10 Section 201 of this Act deposited into the Income Tax
11 Refund Fund during the fiscal year.

12 (4.5) As soon as possible after the end of fiscal year
13 1999 and of each fiscal year thereafter, the Director shall
14 order transferred and the State Treasurer and State
15 Comptroller shall transfer from the Income Tax Refund Fund
16 to the General Revenue Fund any surplus remaining in the
17 Income Tax Refund Fund as of the end of such fiscal year;
18 excluding for fiscal years 2000, 2001, and 2002 amounts
19 attributable to transfers under item (3) of subsection (c)
20 less refunds resulting from the earned income tax credit.

21 (5) This Act shall constitute an irrevocable and
22 continuing appropriation from the Income Tax Refund Fund
23 for the purpose of paying refunds upon the order of the
24 Director in accordance with the provisions of this Section.

25 (e) Deposits into the Education Assistance Fund and the
26 Income Tax Surcharge Local Government Distributive Fund.

27 On July 1, 1991, and thereafter, of the amounts collected
28 pursuant to subsections (a) and (b) of Section 201 of this Act,
29 minus deposits into the Income Tax Refund Fund, the Department
30 shall deposit 7.3% into the Education Assistance Fund in the
31 State Treasury. Beginning July 1, 1991, and continuing through
32 January 31, 1993, of the amounts collected pursuant to
33 subsections (a) and (b) of Section 201 of the Illinois Income
34 Tax Act, minus deposits into the Income Tax Refund Fund, the
35 Department shall deposit 3.0% into the Income Tax Surcharge
36 Local Government Distributive Fund in the State Treasury.

1 Beginning February 1, 1993 and continuing through June 30,
2 1993, of the amounts collected pursuant to subsections (a) and
3 (b) of Section 201 of the Illinois Income Tax Act, minus
4 deposits into the Income Tax Refund Fund, the Department shall
5 deposit 4.4% into the Income Tax Surcharge Local Government
6 Distributive Fund in the State Treasury. Beginning July 1,
7 1993, and continuing through June 30, 1994, of the amounts
8 collected under subsections (a) and (b) of Section 201 of this
9 Act, minus deposits into the Income Tax Refund Fund, the
10 Department shall deposit 1.475% into the Income Tax Surcharge
11 Local Government Distributive Fund in the State Treasury.

12 (Source: P.A. 93-32, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91,
13 eff. 7-1-05.)

14 Section 935. The Counties Code is amended by changing
15 Sections 3-5036.5, 4-2002, and 4-2002.1 as follows:

16 (55 ILCS 5/3-5036.5)

17 Sec. 3-5036.5. Exchange of information for child support
18 enforcement.

19 (a) The Recorder shall exchange with the ~~Illinois~~
20 Department of Child Support Services ~~Public Aid~~ information
21 that may be necessary for the enforcement of child support
22 orders entered pursuant to the Illinois Public Aid Code, the
23 Illinois Marriage and Dissolution of Marriage Act, the
24 Non-Support of Spouse and Children Act, the Non-Support
25 Punishment Act, the Revised Uniform Reciprocal Enforcement of
26 Support Act, the Uniform Interstate Family Support Act, or the
27 Illinois Parentage Act of 1984.

28 (b) Notwithstanding any provisions in this Code to the
29 contrary, the Recorder shall not be liable to any person for
30 any disclosure of information to the Department of Child
31 Support Services or its predecessor, the Department of
32 Healthcare and Family Services (formerly Illinois Department
33 of Public Aid), under subsection (a) or for any other action
34 taken in good faith to comply with the requirements of

1 subsection (a).

2 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

3 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

4 Sec. 4-2002. State's attorney fees in counties under
5 3,000,000 population. This Section applies only to counties
6 with fewer than 3,000,000 inhabitants.

7 (a) State's attorneys shall be entitled to the following
8 fees, however, the fee requirement of this subsection does not
9 apply to county boards:

10 For each conviction in prosecutions on indictments for
11 first degree murder, second degree murder, involuntary
12 manslaughter, criminal sexual assault, aggravated criminal
13 sexual assault, aggravated criminal sexual abuse, kidnapping,
14 arson and forgery, \$30. All other cases punishable by
15 imprisonment in the penitentiary, \$30.

16 For each conviction in other cases tried before judges of
17 the circuit court, \$15; except that if the conviction is in a
18 case which may be assigned to an associate judge, whether or
19 not it is in fact assigned to an associate judge, the fee shall
20 be \$10.

21 For preliminary examinations for each defendant held to
22 bail or recognizance, \$10.

23 For each examination of a party bound over to keep the
24 peace, \$10.

25 For each defendant held to answer in a circuit court on a
26 charge of paternity, \$10.

27 For each trial on a charge of paternity, \$30.

28 For each case of appeal taken from his county or from the
29 county to which a change of venue is taken to his county to the
30 Supreme or Appellate Court when prosecuted or defended by him,
31 \$50.

32 For each day actually employed in the trial of a case, \$25;
33 in which case the court before whom the case is tried shall
34 make an order specifying the number of days for which a per
35 diem shall be allowed.

1 For each day actually employed in the trial of cases of
2 felony arising in their respective counties and taken by change
3 of venue to another county, \$25; and the court before whom the
4 case is tried shall make an order specifying the number of days
5 for which said per diem shall be allowed; and it is hereby made
6 the duty of each State's attorney to prepare and try each case
7 of felony arising when so taken by change of venue.

8 For assisting in a trial of each case on an indictment for
9 felony brought by change of venue to their respective counties,
10 the same fees they would be entitled to if such indictment had
11 been found for an offense committed in his county, and it shall
12 be the duty of the State's attorney of the county to which such
13 cause is taken by change of venue to assist in the trial
14 thereof.

15 For each case of forfeited recognizance where the
16 forfeiture is set aside at the instance of the defense, in
17 addition to the ordinary costs, \$10 for each defendant.

18 For each proceeding in a circuit court to inquire into the
19 alleged mental illness of any person, \$10 for each defendant.

20 For each proceeding in a circuit court to inquire into the
21 alleged dependency or delinquency of any child, \$10.

22 For each day actually employed in the hearing of a case of
23 habeas corpus in which the people are interested, \$25.

24 All the foregoing fees shall be taxed as costs to be
25 collected from the defendant, if possible, upon conviction. But
26 in cases of inquiry into the mental illness of any person
27 alleged to be mentally ill, in cases on a charge of paternity
28 and in cases of appeal in the Supreme or Appellate Court, where
29 judgment is in favor of the accused, the fees allowed the
30 State's attorney therein shall be retained out of the fines and
31 forfeitures collected by them in other cases.

32 Ten per cent of all moneys except revenue, collected by
33 them and paid over to the authorities entitled thereto, which
34 per cent together with the fees provided for herein that are
35 not collected from the parties tried or examined, shall be paid
36 out of any fines and forfeited recognizances collected by them,

1 provided however, that in proceedings to foreclose the lien of
2 delinquent real estate taxes State's attorneys shall receive a
3 fee, to be credited to the earnings of their office, of 10% of
4 the total amount realized from the sale of real estate sold in
5 such proceedings. Such fees shall be paid from the total amount
6 realized from the sale of the real estate sold in such
7 proceedings.

8 State's attorneys shall have a lien for their fees on all
9 judgments for fines or forfeitures procured by them and on
10 moneys except revenue received by them until such fees and
11 earnings are fully paid.

12 No fees shall be charged on more than 10 counts in any one
13 indictment or information on trial and conviction; nor on more
14 than 10 counts against any one defendant on pleas of guilty.

15 The Circuit Court may direct that of all monies received,
16 by restitution or otherwise, which monies are ordered paid to
17 the Department of Healthcare and Family Services, the
18 Department of Child Support Services, ~~Public Aid~~ or the
19 Department of Human Services (acting as successor to the
20 Department of Public Aid under the Department of Human Services
21 Act) as a direct result of the efforts of the State's attorney
22 and which payments arise from Civil or Criminal prosecutions
23 involving the Illinois Public Aid Code or the Criminal Code,
24 the following amounts shall be paid quarterly by the Department
25 of Healthcare and Family Services, the Department of Child
26 Support Services, ~~Public Aid~~ or the Department of Human
27 Services to the General Corporate Fund of the County in which
28 the prosecution or cause of action took place:

29 (1) where the monies result from child support
30 obligations, not more than 25% of the federal share of the
31 monies received,

32 (2) where the monies result from other than child
33 support obligations, not more than 25% of the State's share
34 of the monies received.

35 (b) A municipality shall be entitled to a \$10 prosecution
36 fee for each conviction for a violation of The Illinois Vehicle

1 Code prosecuted by the municipal attorney pursuant to Section
2 16-102 of that Code which is tried before a circuit or
3 associate judge and shall be entitled to a \$10 prosecution fee
4 for each conviction for a violation of a municipal vehicle
5 ordinance or nontraffic ordinance prosecuted by the municipal
6 attorney which is tried before a circuit or associate judge.
7 Such fee shall be taxed as costs to be collected from the
8 defendant, if possible, upon conviction. A municipality shall
9 have a lien for such prosecution fees on all judgments or fines
10 procured by the municipal attorney from prosecutions for
11 violations of The Illinois Vehicle Code and municipal vehicle
12 ordinances or nontraffic ordinances.

13 For the purposes of this subsection (b), "municipal vehicle
14 ordinance" means any ordinance enacted pursuant to Sections
15 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
16 Municipal Code or any ordinance enacted by a municipality which
17 is similar to a provision of Chapter 11 of The Illinois Vehicle
18 Code.

19 (Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97.)

20 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

21 Sec. 4-2002.1. State's attorney fees in counties of
22 3,000,000 or more population. This Section applies only to
23 counties with 3,000,000 or more inhabitants.

24 (a) State's attorneys shall be entitled to the following
25 fees:

26 For each conviction in prosecutions on indictments for
27 first degree murder, second degree murder, involuntary
28 manslaughter, criminal sexual assault, aggravated criminal
29 sexual assault, aggravated criminal sexual abuse, kidnapping,
30 arson and forgery, \$60. All other cases punishable by
31 imprisonment in the penitentiary, \$60.

32 For each conviction in other cases tried before judges of
33 the circuit court, \$30; except that if the conviction is in a
34 case which may be assigned to an associate judge, whether or
35 not it is in fact assigned to an associate judge, the fee shall

1 be \$20.

2 For preliminary examinations for each defendant held to
3 bail or recognizance, \$20.

4 For each examination of a party bound over to keep the
5 peace, \$20.

6 For each defendant held to answer in a circuit court on a
7 charge of paternity, \$20.

8 For each trial on a charge of paternity, \$60.

9 For each case of appeal taken from his county or from the
10 county to which a change of venue is taken to his county to the
11 Supreme or Appellate Court when prosecuted or defended by him,
12 \$100.

13 For each day actually employed in the trial of a case, \$50;
14 in which case the court before whom the case is tried shall
15 make an order specifying the number of days for which a per
16 diem shall be allowed.

17 For each day actually employed in the trial of cases of
18 felony arising in their respective counties and taken by change
19 of venue to another county, \$50; and the court before whom the
20 case is tried shall make an order specifying the number of days
21 for which said per diem shall be allowed; and it is hereby made
22 the duty of each State's attorney to prepare and try each case
23 of felony arising when so taken by change of venue.

24 For assisting in a trial of each case on an indictment for
25 felony brought by change of venue to their respective counties,
26 the same fees they would be entitled to if such indictment had
27 been found for an offense committed in his county, and it shall
28 be the duty of the State's attorney of the county to which such
29 cause is taken by change of venue to assist in the trial
30 thereof.

31 For each case of forfeited recognizance where the
32 forfeiture is set aside at the instance of the defense, in
33 addition to the ordinary costs, \$20 for each defendant.

34 For each proceeding in a circuit court to inquire into the
35 alleged mental illness of any person, \$20 for each defendant.

36 For each proceeding in a circuit court to inquire into the

1 alleged dependency or delinquency of any child, \$20.

2 For each day actually employed in the hearing of a case of
3 habeas corpus in which the people are interested, \$50.

4 All the foregoing fees shall be taxed as costs to be
5 collected from the defendant, if possible, upon conviction. But
6 in cases of inquiry into the mental illness of any person
7 alleged to be mentally ill, in cases on a charge of paternity
8 and in cases of appeal in the Supreme or Appellate Court, where
9 judgment is in favor of the accused, the fees allowed the
10 State's attorney therein shall be retained out of the fines and
11 forfeitures collected by them in other cases.

12 Ten per cent of all moneys except revenue, collected by
13 them and paid over to the authorities entitled thereto, which
14 per cent together with the fees provided for herein that are
15 not collected from the parties tried or examined, shall be paid
16 out of any fines and forfeited recognizances collected by them,
17 provided however, that in proceedings to foreclose the lien of
18 delinquent real estate taxes State's attorneys shall receive a
19 fee, to be credited to the earnings of their office, of 10% of
20 the total amount realized from the sale of real estate sold in
21 such proceedings. Such fees shall be paid from the total amount
22 realized from the sale of the real estate sold in such
23 proceedings.

24 State's attorneys shall have a lien for their fees on all
25 judgments for fines or forfeitures procured by them and on
26 moneys except revenue received by them until such fees and
27 earnings are fully paid.

28 No fees shall be charged on more than 10 counts in any one
29 indictment or information on trial and conviction; nor on more
30 than 10 counts against any one defendant on pleas of guilty.

31 The Circuit Court may direct that of all monies received,
32 by restitution or otherwise, which monies are ordered paid to
33 the Department of Healthcare and Family Services, the
34 Department of Child Support Services, ~~Public Aid~~ or the
35 Department of Human Services (acting as successor to the
36 Department of Public Aid under the Department of Human Services

1 Act) as a direct result of the efforts of the State's attorney
2 and which payments arise from Civil or Criminal prosecutions
3 involving the Illinois Public Aid Code or the Criminal Code,
4 the following amounts shall be paid quarterly by the Department
5 of Healthcare and Family Services, the Department of Child
6 Support Services, ~~Public Aid~~ or the Department of Human
7 Services to the General Corporate Fund of the County in which
8 the prosecution or cause of action took place:

9 (1) where the monies result from child support
10 obligations, not less than 25% of the federal share of the
11 monies received,

12 (2) where the monies result from other than child
13 support obligations, not less than 25% of the State's share
14 of the monies received.

15 (b) A municipality shall be entitled to a \$10 prosecution
16 fee for each conviction for a violation of the Illinois Vehicle
17 Code prosecuted by the municipal attorney pursuant to Section
18 16-102 of that Code which is tried before a circuit or
19 associate judge and shall be entitled to a \$10 prosecution fee
20 for each conviction for a violation of a municipal vehicle
21 ordinance prosecuted by the municipal attorney which is tried
22 before a circuit or associate judge. Such fee shall be taxed as
23 costs to be collected from the defendant, if possible, upon
24 conviction. A municipality shall have a lien for such
25 prosecution fees on all judgments or fines procured by the
26 municipal attorney from prosecutions for violations of the
27 Illinois Vehicle Code and municipal vehicle ordinances.

28 For the purposes of this subsection (b), "municipal vehicle
29 ordinance" means any ordinance enacted pursuant to Sections
30 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
31 Municipal Code or any ordinance enacted by a municipality which
32 is similar to a provision of Chapter 11 of the Illinois Vehicle
33 Code.

34 (Source: P.A. 89-507, eff. 7-1-97.)

35 Section 940. The Illinois Banking Act is amended by

1 changing Section 48.4 as follows:

2 (205 ILCS 5/48.4)

3 Sec. 48.4. Enforcement of child support.

4 (a) Any bank governed by this Act shall encumber or
5 surrender accounts or assets held by the bank on behalf of any
6 responsible relative who is subject to a child support lien,
7 upon notice of the lien or levy of the ~~Illinois~~ Department of
8 Child Support Services ~~Public Aid~~ or its successor agency
9 pursuant to Section 10-25.5 of the Illinois Public Aid Code, or
10 upon notice of interstate lien or levy from any other state's
11 agency responsible for implementing the child support
12 enforcement program set forth in Title IV, Part D of the Social
13 Security Act.

14 (b) Within 90 days after receiving notice from the
15 Department of Healthcare and Family Services (formerly
16 Department of Public Aid) or its successor agency, the
17 Department of Child Support Services, that the Department has
18 adopted a child support enforcement debit authorization form as
19 required under the Illinois Public Aid Code, each bank governed
20 by this Act shall take all appropriate steps to implement the
21 use of the form in relation to accounts held by the bank. Upon
22 receiving from the Department of Child Support Services ~~Public~~
23 ~~Aid~~ a copy of a child support enforcement debit authorization
24 form signed by an obligor, a bank holding an account on behalf
25 of the obligor shall debit the account and transfer the debited
26 amounts to the State Disbursement Unit according to the
27 instructions in the child support enforcement debit
28 authorization form.

29 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04.)

30 Section 945. The Illinois Savings and Loan Act of 1985 is
31 amended by changing Section 1-6d as follows:

32 (205 ILCS 105/1-6d)

33 Sec. 1-6d. Enforcement of child support.

1 (a) Any association governed by this Act shall encumber or
2 surrender accounts or assets held by the association on behalf
3 of any responsible relative who is subject to a child support
4 lien, upon notice of the lien or levy of the ~~Illinois~~
5 Department of Child Support Services ~~Public Aid~~ or its
6 successor agency pursuant to Section 10-25.5 of the Illinois
7 Public Aid Code, or upon notice of interstate lien or levy from
8 any other state's agency responsible for implementing the child
9 support enforcement program set forth in Title IV, Part D of
10 the Social Security Act.

11 (b) Within 90 days after receiving notice from the
12 Department of Healthcare and Family Services (formerly
13 Department of Public Aid) or its successor agency, the
14 Department of Child Support Services, that the Department has
15 adopted a child support enforcement debit authorization form as
16 required under the Illinois Public Aid Code, each association
17 governed by this Act shall take all appropriate steps to
18 implement the use of the form in relation to accounts held by
19 the association. Upon receiving from the Department of Child
20 Support Services ~~Public Aid~~ a copy of a child support
21 enforcement debit authorization form signed by an obligor, an
22 association holding an account on behalf of the obligor shall
23 debit the account and transfer the debited amounts to the State
24 Disbursement Unit according to the instructions in the child
25 support enforcement debit authorization form.

26 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04.)

27 Section 950. The Savings Bank Act is amended by changing
28 Section 7007 as follows:

29 (205 ILCS 205/7007)

30 Sec. 7007. Enforcement of child support.

31 (a) Any savings bank governed by this Act shall encumber or
32 surrender accounts or assets held by the savings bank on behalf
33 of any responsible relative who is subject to a child support
34 lien, upon notice of the lien or levy of the ~~Illinois~~

1 Department of Child Support Services ~~Public Aid~~ or its
2 successor agency pursuant to Section 10-25.5 of the Illinois
3 Public Aid Code, or upon notice of interstate lien or levy from
4 any other state's agency responsible for implementing the child
5 support enforcement program set forth in Title IV, Part D of
6 the Social Security Act.

7 (b) Within 90 days after receiving notice from the
8 Department of Healthcare and Family Services (formerly
9 Department of Public Aid) or its successor agency, the
10 Department of Child Support Services, that the Department has
11 adopted a child support enforcement debit authorization form as
12 required under the Illinois Public Aid Code, each savings bank
13 governed by this Act shall take all appropriate steps to
14 implement the use of the form in relation to accounts held by
15 the savings bank. Upon receiving from the Department of Child
16 Support Services ~~Public Aid~~ a copy of a child support
17 enforcement debit authorization form signed by an obligor, a
18 savings bank holding an account on behalf of the obligor shall
19 debit the account and transfer the debited amounts to the State
20 Disbursement Unit according to the instructions in the child
21 support enforcement debit authorization form.

22 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04.)

23 Section 955. The Illinois Credit Union Act is amended by
24 changing Section 43.1 as follows:

25 (205 ILCS 305/43.1)

26 Sec. 43.1. Enforcement of child support.

27 (a) Any credit union governed by this Act shall encumber or
28 surrender accounts or assets held by the credit union on behalf
29 of any responsible relative who is subject to a child support
30 lien, upon notice of the lien or levy of the ~~Illinois~~
31 Department of Child Support Services ~~Public Aid~~ or its
32 successor agency pursuant to Section 10-25.5 of the Illinois
33 Public Aid Code, or upon notice of interstate lien from any
34 other state's agency responsible for implementing the child

1 support enforcement program set forth in Title IV, Part D of
2 the Social Security Act.

3 (b) Within 90 days after receiving notice from the
4 Department of Healthcare and Family Services (formerly
5 Department of Public Aid) or its successor agency, the
6 Department of Child Support Services, that the Department has
7 adopted a child support enforcement debit authorization form as
8 required under the Illinois Public Aid Code, each credit union
9 governed by this Act shall take all appropriate steps to
10 implement the use of the form in relation to accounts held by
11 the credit union. Upon receiving from the Department of Child
12 Support Services ~~Public Aid~~ a copy of a child support
13 enforcement debit authorization form signed by an obligor, a
14 credit union holding an account on behalf of the obligor shall
15 debit the account and transfer the debited amounts to the State
16 Disbursement Unit according to the instructions in the child
17 support enforcement debit authorization form.

18 (Source: P.A. 93-736, eff. 7-14-04.)

19 Section 960. The Foreign Banking Office Act is amended by
20 changing Section 20 as follows:

21 (205 ILCS 645/20)

22 Sec. 20. Enforcement of child support.

23 (a) Any foreign banking corporation governed by this Act
24 shall encumber or surrender accounts or assets held by the
25 foreign banking corporation on behalf of any responsible
26 relative who is subject to a child support lien, upon notice of
27 the lien or levy of the ~~Illinois~~ Department of Child Support
28 Services ~~Public Aid~~ or its successor agency pursuant to Section
29 10-25.5 of the Illinois Public Aid Code, or upon notice of
30 interstate lien from any other state's agency responsible for
31 implementing the child support enforcement program set forth in
32 Title IV, Part D of the Social Security Act.

33 (b) Within 90 days after receiving notice from the
34 Department of Healthcare and Family Services (formerly

1 Department of Public Aid) or its successor agency, the
2 Department of Child Support Services, that the Department has
3 adopted a child support enforcement debit authorization form as
4 required under the Illinois Public Aid Code, each foreign
5 banking corporation governed by this Act shall take all
6 appropriate steps to implement the use of the form in relation
7 to accounts held by the corporation. Upon receiving from the
8 Department of Child Support Services ~~Public Aid~~ a copy of a
9 child support enforcement debit authorization form signed by an
10 obligor, a foreign banking corporation holding an account on
11 behalf of the obligor shall debit the account and transfer the
12 debited amounts to the State Disbursement Unit according to the
13 instructions in the child support enforcement debit
14 authorization form.

15 (Source: P.A. 93-736, eff. 7-14-04.)

16 Section 965. The Illinois Insurance Code is amended by
17 changing Sections 238, 238.1, 299.1a, 299.1b, and 337.1 as
18 follows:

19 (215 ILCS 5/238) (from Ch. 73, par. 850)

20 Sec. 238. Exemption.

21 (a) All proceeds payable because of the death of the
22 insured and the aggregate net cash value of any or all life and
23 endowment policies and annuity contracts payable to a wife or
24 husband of the insured, or to a child, parent or other person
25 dependent upon the insured, whether the power to change the
26 beneficiary is reserved to the insured or not, and whether the
27 insured or his estate is a contingent beneficiary or not, shall
28 be exempt from execution, attachment, garnishment or other
29 process, for the debts or liabilities of the insured incurred
30 subsequent to the effective date of this Code, except as to
31 premiums paid in fraud of creditors within the period limited
32 by law for the recovery thereof.

33 (b) Any insurance company doing business in this State and
34 governed by this Code shall encumber or surrender accounts as

1 defined in Section 10-24 of the Illinois Public Aid Code held
2 by the insurance company owned by any responsible relative who
3 is subject to a child support lien, upon notice of the lien or
4 levy by the ~~Illinois~~ Department of Child Support Services
5 ~~Public Aid~~ or its successor agency pursuant to Section 10-25.5
6 of the Illinois Public Aid Code, or upon notice of interstate
7 lien from any other state's agency responsible for implementing
8 the child support enforcement program set forth in Title IV,
9 Part D of the Social Security Act.

10 This Section does not prohibit the furnishing of
11 information in accordance with the federal Personal
12 Responsibility and Work Opportunity Reconciliation Act of
13 1996. Any insurance company governed by this Code shall enter
14 into an agreement for data exchanges with the Department of
15 Child Support Services ~~Public Aid~~ provided the Department of
16 Child Support Services ~~Public Aid~~ pays to the insurance company
17 a reasonable fee not to exceed its actual cost incurred. An
18 insurance company providing information in accordance with
19 this item shall not be liable to any owner of an account as
20 defined in Section 10-24 of the Illinois Public Aid Code or
21 other person for any disclosure of information to the
22 Department of Child Support Services or its predecessor, the
23 Department of Healthcare and Family Services (formerly
24 Department of Public Aid), for encumbering or surrendering any
25 accounts as defined in Section 10-24 of the Illinois Public Aid
26 Code held by the insurance company in response to a lien or
27 order to withhold and deliver issued by a State agency, or for
28 any other action taken pursuant to this item, including
29 individual or mechanical errors, provided the action does not
30 constitute gross negligence or willful misconduct. An
31 insurance company shall have no obligation to hold, encumber,
32 or surrender any accounts as defined in Section 10-24 of the
33 Illinois Public Aid Code until it has been served with a
34 subpoena, summons, warrant, court or administrative order,
35 lien, or levy requiring that action.

36 (Source: P.A. 90-18, eff. 7-1-97.)

1 (215 ILCS 5/238.1)

2 Sec. 238.1. Data exchanges; administrative liens.

3 (a) Any insurance company doing business in the State and
4 governed by this Code shall enter into an agreement for data
5 exchanges with the ~~Illinois~~ Department of Child Support
6 Services ~~Public Aid~~ for the purpose of locating accounts as
7 defined in Section 10-24 of the Illinois Public Aid Code of
8 responsible relatives to satisfy past-due child support owed by
9 responsible relatives under an order for support entered by a
10 court or administrative body of this or any other State on
11 behalf of resident or non-resident persons.

12 (b) Notwithstanding any provisions in this Code to the
13 contrary, an insurance company shall not be liable to any
14 person:

15 (1) for any disclosure of information to the Department
16 of Child Support Services or its predecessor, the
17 Department of Healthcare and Family Services (formerly
18 Illinois Department of Public Aid), under subsection (a);

19 (2) for encumbering or surrendering any accounts as
20 defined in Section 10-24 of the Illinois Public Aid Code
21 held by such insurance company in response to a notice of
22 lien or levy issued by the Department of Child Support
23 Services or its predecessor, the Department of Healthcare
24 and Family Services (formerly Illinois Department of
25 Public Aid), or by any other state's child support
26 enforcement agency, as provided for in Section 238 of this
27 Code; or

28 (3) for any other action taken in good faith to comply
29 with the requirements of subsection (a).

30 (Source: P.A. 90-18, eff. 7-1-97.)

31 (215 ILCS 5/299.1a) (from Ch. 73, par. 911.1a)

32 Sec. 299.1a. Benefits not Attachable.

33 (a) No money or other charity, relief or aid to be paid,
34 provided or rendered by any society shall be liable to

1 attachment, garnishment or other process or to be seized,
2 taken, appropriated or applied by any legal or equitable
3 process or operation of law to pay any debt or liability of a
4 member or beneficiary, or any other person who may have a right
5 thereunder, either before or after payment by the society.

6 (b) Any benefit association doing business in this State
7 and governed by this Article XVII shall encumber or surrender
8 accounts as defined in Section 10-24 of the Illinois Public Aid
9 Code held by the benefit association owned by any responsible
10 relative who is subject to a child support lien, upon notice of
11 the lien or levy by the Illinois Department of Public Aid or
12 its successor agency pursuant to Section 10-25.5 of the
13 Illinois Public Aid Code, or upon notice of interstate lien
14 from any other state's agency responsible for implementing the
15 child support enforcement program set forth in Title IV, Part D
16 of the Social Security Act.

17 This Section shall not prohibit the furnishing of
18 information in accordance with the federal Personal
19 Responsibility and Work Opportunity Reconciliation Act of
20 1996. Any benefit association governed by this Article XVII
21 shall enter into an agreement for data exchanges with the
22 Department of Child Support Services ~~Public Aid~~ provided the
23 Department of Child Support Services ~~Public Aid~~ pays to the
24 benefit association a reasonable fee not to exceed its actual
25 cost incurred. A benefit association providing information in
26 accordance with this item shall not be liable to any account
27 holder or other person for any disclosure of information to a
28 State agency, for encumbering or surrendering any accounts as
29 defined in Section 10-24 of the Illinois Public Aid Code held
30 by the benefit association in response to a lien or order to
31 withhold and deliver issued by a State agency, or for any other
32 action taken pursuant to this item, including individual or
33 mechanical errors, provided the action does not constitute
34 gross negligence or willful misconduct. A benefit association
35 shall have no obligation to hold, encumber, or surrender
36 accounts until it has been served with a subpoena, summons,

1 warrant, court or administrative order, lien, or levy requiring
2 that action.

3 (Source: P.A. 90-18, eff. 7-1-97.)

4 (215 ILCS 5/299.1b)

5 Sec. 299.1b. Data exchanges; administrative liens.

6 (a) Any benefit association doing business in the State and
7 governed by this Code shall enter into an agreement for data
8 exchanges with the ~~Illinois~~ Department of Child Support
9 Services ~~Public Aid~~ for the purpose of locating accounts as
10 defined in Section 10-24 of the Illinois Public Aid Code of
11 responsible relatives to satisfy past-due child support owed by
12 responsible relatives under an order for support entered by a
13 court or administrative body of this or any other State on
14 behalf of resident or non-resident persons.

15 (b) Notwithstanding any provisions in this Code to the
16 contrary, a benefit association shall not be liable to any
17 person:

18 (1) for any disclosure of information to the Department
19 of Child Support Services or its predecessor, the
20 Department of Healthcare and Family Services (formerly
21 Illinois Department of Public Aid), under subsection (a);

22 (2) for encumbering or surrendering any accounts as
23 defined in Section 10-24 of the Illinois Public Aid Code
24 held by such benefit association in response to a notice of
25 lien or levy issued by the Department of Child Support
26 Services or its predecessor, the Department of Healthcare
27 and Family Services (formerly Illinois Department of
28 Public Aid), or by any other state's child support
29 enforcement agency, as provided for in Section 299.1a of
30 this Code; or

31 (3) for any other action taken in good faith to comply
32 with the requirements of subsection (a).

33 (Source: P.A. 90-18, eff. 7-1-97.)

34 (215 ILCS 5/337.1)

1 Sec. 337.1. Data exchanges; administrative liens.

2 (a) Any benefit association governed by this Article XVIII
3 shall encumber or surrender accounts as defined in Section
4 10-24 of the Illinois Public Aid Code held by the benefit
5 association on behalf of any responsible relative who is
6 subject to a child support lien, upon notice of the lien or
7 levy by the Illinois Department of Public Aid or its successor
8 agency pursuant to Section 10-25.5 of the Illinois Public Aid
9 Code, or upon notice of interstate lien from any other state's
10 agency responsible for implementing the child support
11 enforcement program set forth in Title IV, Part D of the Social
12 Security Act.

13 (b) This Section shall not prohibit the furnishing of
14 information in accordance with the federal Personal
15 Responsibility and Work Opportunity Reconciliation Act of
16 1996. Any benefit association governed by this Article XVIII
17 shall enter into an agreement for data exchanges with the
18 Department of Child Support Services ~~Public Aid~~ provided the
19 Department of Child Support Services ~~Public Aid~~ pays to the
20 benefit association a reasonable fee not to exceed its actual
21 cost incurred. A benefit association providing information in
22 accordance with this item shall not be liable to any owner of
23 an account as defined in Section 10-24 of the Illinois Public
24 Aid Code or other person for any disclosure of information to
25 the Department of Child Support Services or its predecessor,
26 the Department of Healthcare and Family Services (formerly
27 Department of Public Aid), for encumbering or surrendering any
28 accounts held by the benefit association in response to a lien
29 or order to withhold and deliver issued by the Department of
30 Child Support Services or its predecessor, the Department of
31 Healthcare and Family Services (formerly Department of Public
32 Aid), or for any other action taken pursuant to this item,
33 including individual or mechanical errors, provided the action
34 does not constitute gross negligence or willful misconduct. A
35 benefit association shall have no obligation to hold, encumber,
36 or surrender the accounts or portions thereof as defined in

1 Section 10-24 of the Illinois Public Aid Code until it has been
2 served with a subpoena, summons, warrant, court or
3 administrative order, lien, or levy.

4 (Source: P.A. 90-18, eff. 7-1-97.)

5 Section 970. The Illinois Public Aid Code is amended by
6 changing Sections 2-12 and 2-12.5 and by adding Section 10-0.5
7 as follows:

8 (305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

9 Sec. 2-12. "Illinois Department"; "Department". In this
10 Code, "Illinois Department" or "Department", when a particular
11 entity is not specified, means the following:

12 (1) In the case of a function performed before July 1, 1997
13 (the effective date of the Department of Human Services Act),
14 the term means the Department of Public Aid.

15 (2) In the case of a function to be performed on or after
16 July 1, 1997 under Article III, IV, VI, IX, or IXA, the term
17 means the Department of Human Services as successor to the
18 Illinois Department of Public Aid.

19 (3) In the case of a function to be performed on or after
20 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, ~~X~~ XIV,
21 or XV, the term means the Illinois Department of Public Aid.

22 (3.5) In the case of a function to be performed on or after
23 July 1, 1997 and before the effective date of this amendatory
24 Act of the 94th General Assembly under Article X, the term
25 means the Department of Healthcare and Family Services
26 (formerly Illinois Department of Public Aid).

27 (3.10) In the case of a function to be performed on or
28 after the effective date of this amendatory Act of the 94th
29 General Assembly under Article X, the term means the Department
30 of Child Support Services.

31 (4) In the case of a function to be performed on or after
32 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the
33 term means the Department of Human Services (acting as
34 successor to the Illinois Department of Public Aid) or the

1 Illinois Department of Public Aid or both, according to whether
2 that function, in the specific context, has been allocated to
3 the Department of Human Services or the Department of Public
4 Aid or both of those departments.

5 (Source: P.A. 89-507, eff. 7-1-97.)

6 (305 ILCS 5/2-12.5)

7 Sec. 2-12.5. "Director of the Illinois Department";
8 "Director of the Department"; "Director". In this Code,
9 "Director of the Illinois Department", "Director of the
10 Department", or "Director", when a particular official is not
11 specified, means the following:

12 (1) In the case of a function performed before July 1, 1997
13 (the effective date of the Department of Human Services Act),
14 the term means the Director of Public Aid.

15 (2) In the case of a function to be performed on or after
16 July 1, 1997 under Article III, IV, VI, IX, or IXA, the term
17 means the Secretary of Human Services.

18 (3) In the case of a function to be performed on or after
19 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, ~~X~~ XIV,
20 or XV, the term means the Director of Public Aid.

21 (3.5) In the case of a function to be performed on or after
22 July 1, 1997 and before the effective date of this amendatory
23 Act of the 94th General Assembly under Article X, the term
24 means the Director of Healthcare and Family Services (formerly
25 Director of Public Aid).

26 (3.10) In the case of a function to be performed on or
27 after the effective date of this amendatory Act of the 94th
28 General Assembly under Article X, the term means the Director
29 of Child Support Services.

30 (4) In the case of a function to be performed on or after
31 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the
32 term means the Secretary of Human Services or the Director of
33 Public Aid or both, according to whether that function, in the
34 specific context, has been allocated to the Department of Human
35 Services or the Department of Public Aid or both of those

1 departments.

2 (Source: P.A. 89-507, eff. 7-1-97.)

3 (305 ILCS 5/10-0.5 new)

4 Sec. 10-0.5. Department or Director of Child Support
5 Services.

6 (a) On and after the effective date of this amendatory Act
7 of the 94th General Assembly, the Department of Child Support
8 Services and the Director of Child Support Services shall
9 perform all functions performed immediately before that date by
10 the Department of Healthcare and Family Services and the
11 Director of Healthcare and Family Services, respectively,
12 under this Article X, as provided in the Department of Child
13 Support Services Act.

14 (b) On and after the effective date of this amendatory Act
15 of the 94th General Assembly, unless the context requires
16 otherwise:

17 (1) References in this Article X to "the Department of
18 Healthcare and Family Services", "the Illinois Department
19 of Public Aid", "the Department of Public Aid", the
20 "Illinois Department", or "the Department" mean the
21 Department of Child Support Services.

22 (2) References in this Article X to "the Director of
23 Healthcare and Family Services", "the Director of Public
24 Aid", "the Director of the Illinois Department", "the
25 Director of the Department", or "the Director" mean the
26 Director of Child Support Services.

27 Section 975. The Vital Records Act is amended by changing
28 Section 24 as follows:

29 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

30 Sec. 24. (1) To protect the integrity of vital records, to
31 insure their proper use, and to insure the efficient and proper
32 administration of the vital records system, access to vital
33 records, and indexes thereof, including vital records in the

1 custody of local registrars and county clerks originating prior
2 to January 1, 1916, is limited to the custodian and his
3 employees, and then only for administrative purposes, except
4 that the indexes of those records in the custody of local
5 registrars and county clerks, originating prior to January 1,
6 1916, shall be made available to persons for the purpose of
7 genealogical research. Original, photographic or
8 microphotographic reproductions of original records of births
9 100 years old and older and deaths 50 years old and older, and
10 marriage records 75 years old and older on file in the State
11 Office of Vital Records and in the custody of the county clerks
12 may be made available for inspection in the Illinois State
13 Archives reference area, Illinois Regional Archives
14 Depositories, and other libraries approved by the Illinois
15 State Registrar and the Director of the Illinois State
16 Archives, provided that the photographic or microphotographic
17 copies are made at no cost to the county or to the State of
18 Illinois. It is unlawful for any custodian to permit inspection
19 of, or to disclose information contained in, vital records, or
20 to copy or permit to be copied, all or part of any such record
21 except as authorized by this Act or regulations adopted
22 pursuant thereto.

23 (2) The State Registrar of Vital Records, or his agent, and
24 any municipal, county, multi-county, public health district,
25 or regional health officer recognized by the Department may
26 examine vital records for the purpose only of carrying out the
27 public health programs and responsibilities under his
28 jurisdiction.

29 (3) The State Registrar of Vital Records, may disclose, or
30 authorize the disclosure of, data contained in the vital
31 records when deemed essential for bona fide research purposes
32 which are not for private gain.

33 This amendatory Act of 1973 does not apply to any home rule
34 unit.

35 (4) The State Registrar shall exchange with the ~~Illinois~~
36 Department of Child Support Services ~~Public Aid~~ information

1 that may be necessary for the establishment of paternity and
2 the establishment, modification, and enforcement of child
3 support orders entered pursuant to the Illinois Public Aid
4 Code, the Illinois Marriage and Dissolution of Marriage Act,
5 the Non-Support of Spouse and Children Act, the Non-Support
6 Punishment Act, the Revised Uniform Reciprocal Enforcement of
7 Support Act, the Uniform Interstate Family Support Act, or the
8 Illinois Parentage Act of 1984. Notwithstanding any provisions
9 in this Act to the contrary, the State Registrar shall not be
10 liable to any person for any disclosure of information to the
11 Department of Child Support Services or its predecessor, the
12 Department of Healthcare and Family Services (formerly
13 Illinois Department of Public Aid), under this subsection or
14 for any other action taken in good faith to comply with the
15 requirements of this subsection.

16 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

17 Section 980. The Illinois Vehicle Code is amended by
18 changing Sections 2-109.1 and 2-123 as follows:

19 (625 ILCS 5/2-109.1)

20 Sec. 2-109.1. Exchange of information.

21 (a) The Secretary of State shall exchange information with
22 the ~~Illinois~~ Department of Child Support Services ~~Public Aid~~
23 which may be necessary for the establishment of paternity and
24 the establishment, modification, and enforcement of child
25 support orders pursuant to the Illinois Public Aid Code, the
26 Illinois Marriage and Dissolution of Marriage Act, the
27 Non-Support of Spouse and Children Act, the Non-Support
28 Punishment Act, the Revised Uniform Reciprocal Enforcement of
29 Support Act, the Uniform Interstate Family Support Act, or the
30 Illinois Parentage Act of 1984.

31 (b) Notwithstanding any provisions in this Code to the
32 contrary, the Secretary of State shall not be liable to any
33 person for any disclosure of information to the Department of
34 Child Support Services or its predecessor, the Department of

1 Healthcare and Family Services (formerly Illinois Department
2 of Public Aid), under subsection (a) or for any other action
3 taken in good faith to comply with the requirements of
4 subsection (a).

5 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00.)

6 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

7 Sec. 2-123. Sale and Distribution of Information.

8 (a) Except as otherwise provided in this Section, the
9 Secretary may make the driver's license, vehicle and title
10 registration lists, in part or in whole, and any statistical
11 information derived from these lists available to local
12 governments, elected state officials, state educational
13 institutions, and all other governmental units of the State and
14 Federal Government requesting them for governmental purposes.
15 The Secretary shall require any such applicant for services to
16 pay for the costs of furnishing such services and the use of
17 the equipment involved, and in addition is empowered to
18 establish prices and charges for the services so furnished and
19 for the use of the electronic equipment utilized.

20 (b) The Secretary is further empowered to and he may, in
21 his discretion, furnish to any applicant, other than listed in
22 subsection (a) of this Section, vehicle or driver data on a
23 computer tape, disk, other electronic format or computer
24 processable medium, or printout at a fixed fee of \$250 for
25 orders received before October 1, 2003 and \$500 for orders
26 received on or after October 1, 2003, in advance, and require
27 in addition a further sufficient deposit based upon the
28 Secretary of State's estimate of the total cost of the
29 information requested and a charge of \$25 for orders received
30 before October 1, 2003 and \$50 for orders received on or after
31 October 1, 2003, per 1,000 units or part thereof identified or
32 the actual cost, whichever is greater. The Secretary is
33 authorized to refund any difference between the additional
34 deposit and the actual cost of the request. This service shall
35 not be in lieu of an abstract of a driver's record nor of a

1 title or registration search. This service may be limited to
2 entities purchasing a minimum number of records as required by
3 administrative rule. The information sold pursuant to this
4 subsection shall be the entire vehicle or driver data list, or
5 part thereof. The information sold pursuant to this subsection
6 shall not contain personally identifying information unless
7 the information is to be used for one of the purposes
8 identified in subsection (f-5) of this Section. Commercial
9 purchasers of driver and vehicle record databases shall enter
10 into a written agreement with the Secretary of State that
11 includes disclosure of the commercial use of the information to
12 be purchased.

13 (b-1) The Secretary is further empowered to and may, in his
14 or her discretion, furnish vehicle or driver data on a computer
15 tape, disk, or other electronic format or computer processible
16 medium, at no fee, to any State or local governmental agency
17 that uses the information provided by the Secretary to transmit
18 data back to the Secretary that enables the Secretary to
19 maintain accurate driving records, including dispositions of
20 traffic cases. This information may be provided without fee not
21 more often than once every 6 months.

22 (c) Secretary of State may issue registration lists. The
23 Secretary of State shall compile and publish, at least
24 annually, a list of all registered vehicles. Each list of
25 registered vehicles shall be arranged serially according to the
26 registration numbers assigned to registered vehicles and shall
27 contain in addition the names and addresses of registered
28 owners and a brief description of each vehicle including the
29 serial or other identifying number thereof. Such compilation
30 may be in such form as in the discretion of the Secretary of
31 State may seem best for the purposes intended.

32 (d) The Secretary of State shall furnish no more than 2
33 current available lists of such registrations to the sheriffs
34 of all counties and to the chiefs of police of all cities and
35 villages and towns of 2,000 population and over in this State
36 at no cost. Additional copies may be purchased by the sheriffs

1 or chiefs of police at the fee of \$500 each or at the cost of
2 producing the list as determined by the Secretary of State.
3 Such lists are to be used for governmental purposes only.

4 (e) (Blank).

5 (e-1) (Blank).

6 (f) The Secretary of State shall make a title or
7 registration search of the records of his office and a written
8 report on the same for any person, upon written application of
9 such person, accompanied by a fee of \$5 for each registration
10 or title search. The written application shall set forth the
11 intended use of the requested information. No fee shall be
12 charged for a title or registration search, or for the
13 certification thereof requested by a government agency. The
14 report of the title or registration search shall not contain
15 personally identifying information unless the request for a
16 search was made for one of the purposes identified in
17 subsection (f-5) of this Section. The report of the title or
18 registration search shall not contain highly restricted
19 personal information unless specifically authorized by this
20 Code.

21 The Secretary of State shall certify a title or
22 registration record upon written request. The fee for
23 certification shall be \$5 in addition to the fee required for a
24 title or registration search. Certification shall be made under
25 the signature of the Secretary of State and shall be
26 authenticated by Seal of the Secretary of State.

27 The Secretary of State may notify the vehicle owner or
28 registrant of the request for purchase of his title or
29 registration information as the Secretary deems appropriate.

30 No information shall be released to the requestor until
31 expiration of a 10 day period. This 10 day period shall not
32 apply to requests for information made by law enforcement
33 officials, government agencies, financial institutions,
34 attorneys, insurers, employers, automobile associated
35 businesses, persons licensed as a private detective or firms
36 licensed as a private detective agency under the Private

1 Detective, Private Alarm, Private Security, and Locksmith Act
2 of 2004, who are employed by or are acting on behalf of law
3 enforcement officials, government agencies, financial
4 institutions, attorneys, insurers, employers, automobile
5 associated businesses, and other business entities for
6 purposes consistent with the Illinois Vehicle Code, the vehicle
7 owner or registrant or other entities as the Secretary may
8 exempt by rule and regulation.

9 Any misrepresentation made by a requestor of title or
10 vehicle information shall be punishable as a petty offense,
11 except in the case of persons licensed as a private detective
12 or firms licensed as a private detective agency which shall be
13 subject to disciplinary sanctions under Section 40-10 of the
14 Private Detective, Private Alarm, Private Security, and
15 Locksmith Act of 2004.

16 (f-5) The Secretary of State shall not disclose or
17 otherwise make available to any person or entity any personally
18 identifying information obtained by the Secretary of State in
19 connection with a driver's license, vehicle, or title
20 registration record unless the information is disclosed for one
21 of the following purposes:

22 (1) For use by any government agency, including any
23 court or law enforcement agency, in carrying out its
24 functions, or any private person or entity acting on behalf
25 of a federal, State, or local agency in carrying out its
26 functions.

27 (2) For use in connection with matters of motor vehicle
28 or driver safety and theft; motor vehicle emissions; motor
29 vehicle product alterations, recalls, or advisories;
30 performance monitoring of motor vehicles, motor vehicle
31 parts, and dealers; and removal of non-owner records from
32 the original owner records of motor vehicle manufacturers.

33 (3) For use in the normal course of business by a
34 legitimate business or its agents, employees, or
35 contractors, but only:

36 (A) to verify the accuracy of personal information

1 submitted by an individual to the business or its
2 agents, employees, or contractors; and

3 (B) if such information as so submitted is not
4 correct or is no longer correct, to obtain the correct
5 information, but only for the purposes of preventing
6 fraud by, pursuing legal remedies against, or
7 recovering on a debt or security interest against, the
8 individual.

9 (4) For use in research activities and for use in
10 producing statistical reports, if the personally
11 identifying information is not published, redisclosed, or
12 used to contact individuals.

13 (5) For use in connection with any civil, criminal,
14 administrative, or arbitral proceeding in any federal,
15 State, or local court or agency or before any
16 self-regulatory body, including the service of process,
17 investigation in anticipation of litigation, and the
18 execution or enforcement of judgments and orders, or
19 pursuant to an order of a federal, State, or local court.

20 (6) For use by any insurer or insurance support
21 organization or by a self-insured entity or its agents,
22 employees, or contractors in connection with claims
23 investigation activities, antifraud activities, rating, or
24 underwriting.

25 (7) For use in providing notice to the owners of towed
26 or impounded vehicles.

27 (8) For use by any person licensed as a private
28 detective or firm licensed as a private detective agency
29 under the Private Detective, Private Alarm, Private
30 Security, and Locksmith Act of 1993, private investigative
31 agency or security service licensed in Illinois for any
32 purpose permitted under this subsection.

33 (9) For use by an employer or its agent or insurer to
34 obtain or verify information relating to a holder of a
35 commercial driver's license that is required under chapter
36 313 of title 49 of the United States Code.

1 (10) For use in connection with the operation of
2 private toll transportation facilities.

3 (11) For use by any requester, if the requester
4 demonstrates it has obtained the written consent of the
5 individual to whom the information pertains.

6 (12) For use by members of the news media, as defined
7 in Section 1-148.5, for the purpose of newsgathering when
8 the request relates to the operation of a motor vehicle or
9 public safety.

10 (13) For any other use specifically authorized by law,
11 if that use is related to the operation of a motor vehicle
12 or public safety.

13 (f-6) The Secretary of State shall not disclose or
14 otherwise make available to any person or entity any highly
15 restricted personal information obtained by the Secretary of
16 State in connection with a driver's license, vehicle, or title
17 registration record unless specifically authorized by this
18 Code.

19 (g) 1. The Secretary of State may, upon receipt of a
20 written request and a fee of \$6 before October 1, 2003 and
21 a fee of \$12 on and after October 1, 2003, furnish to the
22 person or agency so requesting a driver's record. Such
23 document may include a record of: current driver's license
24 issuance information, except that the information on
25 judicial driving permits shall be available only as
26 otherwise provided by this Code; convictions; orders
27 entered revoking, suspending or cancelling a driver's
28 license or privilege; and notations of accident
29 involvement. All other information, unless otherwise
30 permitted by this Code, shall remain confidential.
31 Information released pursuant to a request for a driver's
32 record shall not contain personally identifying
33 information, unless the request for the driver's record was
34 made for one of the purposes set forth in subsection (f-5)
35 of this Section.

36 2. The Secretary of State shall not disclose or

1 otherwise make available to any person or entity any highly
2 restricted personal information obtained by the Secretary
3 of State in connection with a driver's license, vehicle, or
4 title registration record unless specifically authorized
5 by this Code. The Secretary of State may certify an
6 abstract of a driver's record upon written request
7 therefor. Such certification shall be made under the
8 signature of the Secretary of State and shall be
9 authenticated by the Seal of his office.

10 3. All requests for driving record information shall be
11 made in a manner prescribed by the Secretary and shall set
12 forth the intended use of the requested information.

13 The Secretary of State may notify the affected driver
14 of the request for purchase of his driver's record as the
15 Secretary deems appropriate.

16 No information shall be released to the requester until
17 expiration of a 10 day period. This 10 day period shall not
18 apply to requests for information made by law enforcement
19 officials, government agencies, financial institutions,
20 attorneys, insurers, employers, automobile associated
21 businesses, persons licensed as a private detective or
22 firms licensed as a private detective agency under the
23 Private Detective, Private Alarm, Private Security, and
24 Locksmith Act of 2004, who are employed by or are acting on
25 behalf of law enforcement officials, government agencies,
26 financial institutions, attorneys, insurers, employers,
27 automobile associated businesses, and other business
28 entities for purposes consistent with the Illinois Vehicle
29 Code, the affected driver or other entities as the
30 Secretary may exempt by rule and regulation.

31 Any misrepresentation made by a requestor of driver
32 information shall be punishable as a petty offense, except
33 in the case of persons licensed as a private detective or
34 firms licensed as a private detective agency which shall be
35 subject to disciplinary sanctions under Section 40-10 of
36 the Private Detective, Private Alarm, Private Security,

1 and Locksmith Act of 2004.

2 4. The Secretary of State may furnish without fee, upon
3 the written request of a law enforcement agency, any
4 information from a driver's record on file with the
5 Secretary of State when such information is required in the
6 enforcement of this Code or any other law relating to the
7 operation of motor vehicles, including records of
8 dispositions; documented information involving the use of
9 a motor vehicle; whether such individual has, or previously
10 had, a driver's license; and the address and personal
11 description as reflected on said driver's record.

12 5. Except as otherwise provided in this Section, the
13 Secretary of State may furnish, without fee, information
14 from an individual driver's record on file, if a written
15 request therefor is submitted by any public transit system
16 or authority, public defender, law enforcement agency, a
17 state or federal agency, or an Illinois local
18 intergovernmental association, if the request is for the
19 purpose of a background check of applicants for employment
20 with the requesting agency, or for the purpose of an
21 official investigation conducted by the agency, or to
22 determine a current address for the driver so public funds
23 can be recovered or paid to the driver, or for any other
24 purpose set forth in subsection (f-5) of this Section.

25 The Secretary may also furnish the courts a copy of an
26 abstract of a driver's record, without fee, subsequent to
27 an arrest for a violation of Section 11-501 or a similar
28 provision of a local ordinance. Such abstract may include
29 records of dispositions; documented information involving
30 the use of a motor vehicle as contained in the current
31 file; whether such individual has, or previously had, a
32 driver's license; and the address and personal description
33 as reflected on said driver's record.

34 6. Any certified abstract issued by the Secretary of
35 State or transmitted electronically by the Secretary of
36 State pursuant to this Section, to a court or on request of

1 a law enforcement agency, for the record of a named person
2 as to the status of the person's driver's license shall be
3 prima facie evidence of the facts therein stated and if the
4 name appearing in such abstract is the same as that of a
5 person named in an information or warrant, such abstract
6 shall be prima facie evidence that the person named in such
7 information or warrant is the same person as the person
8 named in such abstract and shall be admissible for any
9 prosecution under this Code and be admitted as proof of any
10 prior conviction or proof of records, notices, or orders
11 recorded on individual driving records maintained by the
12 Secretary of State.

13 7. Subject to any restrictions contained in the
14 Juvenile Court Act of 1987, and upon receipt of a proper
15 request and a fee of \$6 before October 1, 2003 and a fee of
16 \$12 on or after October 1, 2003, the Secretary of State
17 shall provide a driver's record to the affected driver, or
18 the affected driver's attorney, upon verification. Such
19 record shall contain all the information referred to in
20 paragraph 1 of this subsection (g) plus: any recorded
21 accident involvement as a driver; information recorded
22 pursuant to subsection (e) of Section 6-117 and paragraph
23 (4) of subsection (a) of Section 6-204 of this Code. All
24 other information, unless otherwise permitted by this
25 Code, shall remain confidential.

26 (h) The Secretary shall not disclose social security
27 numbers or any associated information obtained from the Social
28 Security Administration except pursuant to a written request
29 by, or with the prior written consent of, the individual
30 except: (1) to officers and employees of the Secretary who have
31 a need to know the social security numbers in performance of
32 their official duties, (2) to law enforcement officials for a
33 lawful, civil or criminal law enforcement investigation, and if
34 the head of the law enforcement agency has made a written
35 request to the Secretary specifying the law enforcement
36 investigation for which the social security numbers are being

1 sought, (3) to the United States Department of Transportation,
2 or any other State, pursuant to the administration and
3 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
4 (4) pursuant to the order of a court of competent jurisdiction,
5 or (5) to the Department of Child Support Services ~~Public Aid~~
6 for utilization in the child support enforcement duties
7 assigned to that Department under provisions of the Illinois
8 Public Aid Code after the individual has received advanced
9 meaningful notification of what redisclosure is sought by the
10 Secretary in accordance with the federal Privacy Act.

11 (i) (Blank).

12 (j) Medical statements or medical reports received in the
13 Secretary of State's Office shall be confidential. No
14 confidential information may be open to public inspection or
15 the contents disclosed to anyone, except officers and employees
16 of the Secretary who have a need to know the information
17 contained in the medical reports and the Driver License Medical
18 Advisory Board, unless so directed by an order of a court of
19 competent jurisdiction.

20 (k) All fees collected under this Section shall be paid
21 into the Road Fund of the State Treasury, except that (i) for
22 fees collected before October 1, 2003, \$3 of the \$6 fee for a
23 driver's record shall be paid into the Secretary of State
24 Special Services Fund, (ii) for fees collected on and after
25 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
26 be paid into the Secretary of State Special Services Fund and
27 \$6 shall be paid into the General Revenue Fund, and (iii) for
28 fees collected on and after October 1, 2003, 50% of the amounts
29 collected pursuant to subsection (b) shall be paid into the
30 General Revenue Fund.

31 (l) (Blank).

32 (m) Notations of accident involvement that may be disclosed
33 under this Section shall not include notations relating to
34 damage to a vehicle or other property being transported by a
35 tow truck. This information shall remain confidential,
36 provided that nothing in this subsection (m) shall limit

1 disclosure of any notification of accident involvement to any
2 law enforcement agency or official.

3 (n) Requests made by the news media for driver's license,
4 vehicle, or title registration information may be furnished
5 without charge or at a reduced charge, as determined by the
6 Secretary, when the specific purpose for requesting the
7 documents is deemed to be in the public interest. Waiver or
8 reduction of the fee is in the public interest if the principal
9 purpose of the request is to access and disseminate information
10 regarding the health, safety, and welfare or the legal rights
11 of the general public and is not for the principal purpose of
12 gaining a personal or commercial benefit. The information
13 provided pursuant to this subsection shall not contain
14 personally identifying information unless the information is
15 to be used for one of the purposes identified in subsection
16 (f-5) of this Section.

17 (o) The redisclosure of personally identifying information
18 obtained pursuant to this Section is prohibited, except to the
19 extent necessary to effectuate the purpose for which the
20 original disclosure of the information was permitted.

21 (p) The Secretary of State is empowered to adopt rules to
22 effectuate this Section.

23 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
24 eff. 1-1-05; 94-56, eff. 6-17-05.)

25 Section 985. The Attorney Act is amended by changing
26 Section 1 as follows:

27 (705 ILCS 205/1) (from Ch. 13, par. 1)

28 Sec. 1. No person shall be permitted to practice as an
29 attorney or counselor at law within this State without having
30 previously obtained a license for that purpose from the Supreme
31 Court of this State.

32 No person shall receive any compensation directly or
33 indirectly for any legal services other than a regularly
34 licensed attorney, nor may an unlicensed person advertise or

1 hold himself or herself out to provide legal services.

2 A license, as provided for herein, constitutes the person
3 receiving the same an attorney and counselor at law, according
4 to the law and customs thereof, for and during his good
5 behavior in the practice and authorizes him to demand and
6 receive fees for any services which he may render as an
7 attorney and counselor at law in this State. No person shall be
8 granted a license or renewal authorized by this Act who has
9 defaulted on an educational loan guaranteed by the Illinois
10 Student Assistance Commission; however, a license or renewal
11 may be issued to the aforementioned persons who have
12 established a satisfactory repayment record as determined by
13 the Illinois Student Assistance Commission. No person shall be
14 granted a license or renewal authorized by this Act who is more
15 than 30 days delinquent in complying with a child support
16 order; a license or renewal may be issued, however, if the
17 person has established a satisfactory repayment record as
18 determined (i) by the ~~Illinois~~ Department of Child Support
19 Services ~~Public Aid~~ for cases being enforced under Article X of
20 the Illinois Public Aid Code or (ii) in all other cases by
21 order of court or by written agreement between the custodial
22 parent and non-custodial parent. No person shall be refused a
23 license under this Act on account of sex.

24 Any person practicing, charging or receiving fees for legal
25 services or advertising or holding himself or herself out to
26 provide legal services within this State, either directly or
27 indirectly, without being licensed to practice as herein
28 required, is guilty of contempt of court and shall be punished
29 accordingly, upon complaint being filed in any Circuit Court of
30 this State. Such proceedings shall be conducted in the Courts
31 of the respective counties where the alleged contempt has been
32 committed in the same manner as in cases of indirect contempt
33 and with the right of review by the parties thereto.

34 The provisions of this Act shall be in addition to other
35 remedies permitted by law and shall not be construed to deprive
36 courts of this State of their inherent right to punish for

1 contempt or to restrain the unauthorized practice of law.

2 Nothing in this Act shall be construed to conflict with,
3 amend, or modify Section 5 of the Corporation Practice of Law
4 Prohibition Act or prohibit representation of a party by a
5 person who is not an attorney in a proceeding before either
6 panel of the Illinois Labor Relations Board under the Illinois
7 Public Labor Relations Act, as now or hereafter amended, the
8 Illinois Educational Labor Relations Board under the Illinois
9 Educational Labor Relations Act, as now or hereafter amended,
10 the State Civil Service Commission, the local Civil Service
11 Commissions, or the University Civil Service Merit Board, to
12 the extent allowed pursuant to rules and regulations
13 promulgated by those Boards and Commissions or the giving of
14 information, training, or advocacy or assistance in any
15 meetings or administrative proceedings held pursuant to the
16 federal Individuals with Disabilities Education Act, the
17 federal Rehabilitation Act of 1973, the federal Americans with
18 Disabilities Act of 1990, or the federal Social Security Act,
19 to the extent allowed by those laws or the federal regulations
20 or State statutes implementing those laws.

21 (Source: P.A. 94-659, eff. 1-1-06.)

22 Section 990. The Unified Code of Corrections is amended by
23 changing Section 3-5-4 as follows:

24 (730 ILCS 5/3-5-4)

25 Sec. 3-5-4. Exchange of information for child support
26 enforcement.

27 (a) The Department shall exchange with the ~~Illinois~~
28 Department of Child Support Services ~~Public Aid~~ information
29 that may be necessary for the enforcement of child support
30 orders entered pursuant to the Illinois Public Aid Code, the
31 Illinois Marriage and Dissolution of Marriage Act, the
32 Non-Support of Spouse and Children Act, the Non-Support
33 Punishment Act, the Revised Uniform Reciprocal Enforcement of
34 Support Act, the Uniform Interstate Family Support Act, or the

1 Illinois Parentage Act of 1984.

2 (b) Notwithstanding any provisions in this Code to the
3 contrary, the Department shall not be liable to any person for
4 any disclosure of information to the Department of Child
5 Support Services or its predecessor, the Department of
6 Healthcare and Family Services (formerly Illinois Department
7 of Public Aid), under subsection (a) or for any other action
8 taken in good faith to comply with the requirements of
9 subsection (a).

10 (Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99.)

11 Section 995. The Illinois Marriage and Dissolution of
12 Marriage Act is amended by changing Sections 505, 505.1, 505.2,
13 505.3, 506, 507, 507.1, 510, 516, 704, 705, 709, and 712 as
14 follows:

15 (750 ILCS 5/505) (from Ch. 40, par. 505)

16 Sec. 505. Child support; contempt; penalties.

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

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

1	Number of Children	Percent of Supporting Party's
2		Net Income
3	1	20%
4	2	28%
5	3	32%
6	4	40%
7	5	45%
8	6 or more	50%

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

- 15 (a) the financial resources and needs of the child;
- 16 (b) the financial resources and needs of the
17 custodial parent;
- 18 (c) the standard of living the child would have
19 enjoyed had the marriage not been dissolved;
- 20 (d) the physical and emotional condition of the
21 child, and his educational needs; and
- 22 (e) the financial resources and needs of the
23 non-custodial parent.

24 If the court deviates from the guidelines, the court's
25 finding shall state the amount of support that would have
26 been required under the guidelines, if determinable. The
27 court shall include the reason or reasons for the variance
28 from the guidelines.

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

- 31 (a) Federal income tax (properly calculated
32 withholding or estimated payments);
- 33 (b) State income tax (properly calculated
34 withholding or estimated payments);
- 35 (c) Social Security (FICA payments);
- 36 (d) Mandatory retirement contributions required by

1 law or as a condition of employment;

2 (e) Union dues;

3 (f) Dependent and individual
4 health/hospitalization insurance premiums;

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

7 (h) Expenditures for repayment of debts that
8 represent reasonable and necessary expenses for the
9 production of income, medical expenditures necessary
10 to preserve life or health, reasonable expenditures
11 for the benefit of the child and the other parent,
12 exclusive of gifts. The court shall reduce net income
13 in determining the minimum amount of support to be
14 ordered only for the period that such payments are due
15 and shall enter an order containing provisions for its
16 self-executing modification upon termination of such
17 payment period.

18 (4) In cases where the court order provides for
19 health/hospitalization insurance coverage pursuant to
20 Section 505.2 of this Act, the premiums for that insurance,
21 or that portion of the premiums for which the supporting
22 party is responsible in the case of insurance provided
23 through an employer's health insurance plan where the
24 employer pays a portion of the premiums, shall be
25 subtracted from net income in determining the minimum
26 amount of support to be ordered.

27 (4.5) In a proceeding for child support following
28 dissolution of the marriage by a court that lacked personal
29 jurisdiction over the absent spouse, and in which the court
30 is requiring payment of support for the period before the
31 date an order for current support is entered, there is a
32 rebuttable presumption that the supporting party's net
33 income for the prior period was the same as his or her net
34 income at the time the order for current support is
35 entered.

36 (5) If the net income cannot be determined because of

1 default or any other reason, the court shall order support
2 in an amount considered reasonable in the particular case.
3 The final order in all cases shall state the support level
4 in dollar amounts. However, if the court finds that the
5 child support amount cannot be expressed exclusively as a
6 dollar amount because all or a portion of the payor's net
7 income is uncertain as to source, time of payment, or
8 amount, the court may order a percentage amount of support
9 in addition to a specific dollar amount and enter such
10 other orders as may be necessary to determine and enforce,
11 on a timely basis, the applicable support ordered.

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

25 (a-5) In an action to enforce an order for support based on
26 the respondent's failure to make support payments as required
27 by the order, notice of proceedings to hold the respondent in
28 contempt for that failure may be served on the respondent by
29 personal service or by regular mail addressed to the
30 respondent's last known address. The respondent's last known
31 address may be determined from records of the clerk of the
32 court, from the Federal Case Registry of Child Support Orders,
33 or by any other reasonable means.

34 (b) Failure of either parent to comply with an order to pay
35 support shall be punishable as in other cases of contempt. In
36 addition to other penalties provided by law the Court may,

1 after finding the parent guilty of contempt, order that the
2 parent be:

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

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

9 (A) work; or

10 (B) conduct a business or other self-employed
11 occupation.

12 The Court may further order any part or all of the earnings
13 of a parent during a sentence of periodic imprisonment paid to
14 the Clerk of the Circuit Court or to the parent having custody
15 or to the guardian having custody of the children of the
16 sentenced parent for the support of said children until further
17 order of the Court.

18 If there is a unity of interest and ownership sufficient to
19 render no financial separation between a non-custodial parent
20 and another person or persons or business entity, the court may
21 pierce the ownership veil of the person, persons, or business
22 entity to discover assets of the non-custodial parent held in
23 the name of that person, those persons, or that business
24 entity. The following circumstances are sufficient to
25 authorize a court to order discovery of the assets of a person,
26 persons, or business entity and to compel the application of
27 any discovered assets toward payment on the judgment for
28 support:

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

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

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

1 With respect to assets which are real property, no order
2 entered under this paragraph shall affect the rights of bona
3 fide purchasers, mortgagees, judgment creditors, or other lien
4 holders who acquire their interests in the property prior to
5 the time a notice of lis pendens pursuant to the Code of Civil
6 Procedure or a copy of the order is placed of record in the
7 office of the recorder of deeds for the county in which the
8 real property is located.

9 The court may also order in cases where the parent is 90
10 days or more delinquent in payment of support or has been
11 adjudicated in arrears in an amount equal to 90 days obligation
12 or more, that the parent's Illinois driving privileges be
13 suspended until the court determines that the parent is in
14 compliance with the order of support. The court may also order
15 that the parent be issued a family financial responsibility
16 driving permit that would allow limited driving privileges for
17 employment and medical purposes in accordance with Section
18 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
19 court shall certify the order suspending the driving privileges
20 of the parent or granting the issuance of a family financial
21 responsibility driving permit to the Secretary of State on
22 forms prescribed by the Secretary. Upon receipt of the
23 authenticated documents, the Secretary of State shall suspend
24 the parent's driving privileges until further order of the
25 court and shall, if ordered by the court, subject to the
26 provisions of Section 7-702.1 of the Illinois Vehicle Code,
27 issue a family financial responsibility driving permit to the
28 parent.

29 In addition to the penalties or punishment that may be
30 imposed under this Section, any person whose conduct
31 constitutes a violation of Section 15 of the Non-Support
32 Punishment Act may be prosecuted under that Act, and a person
33 convicted under that Act may be sentenced in accordance with
34 that Act. The sentence may include but need not be limited to a
35 requirement that the person perform community service under
36 Section 50 of that Act or participate in a work alternative

1 program under Section 50 of that Act. A person may not be
2 required to participate in a work alternative program under
3 Section 50 of that Act if the person is currently participating
4 in a work program pursuant to Section 505.1 of this Act.

5 A support obligation, or any portion of a support
6 obligation, which becomes due and remains unpaid as of the end
7 of each month, excluding the child support that was due for
8 that month to the extent that it was not paid in that month,
9 shall accrue simple interest as set forth in Section 12-109 of
10 the Code of Civil Procedure. An order for support entered or
11 modified on or after January 1, 2006 shall contain a statement
12 that a support obligation required under the order, or any
13 portion of a support obligation required under the order, that
14 becomes due and remains unpaid as of the end of each month,
15 excluding the child support that was due for that month to the
16 extent that it was not paid in that month, shall accrue simple
17 interest as set forth in Section 12-109 of the Code of Civil
18 Procedure. Failure to include the statement in the order for
19 support does not affect the validity of the order or the
20 accrual of interest as provided in this Section.

21 (c) A one-time charge of 20% is imposable upon the amount
22 of past-due child support owed on July 1, 1988 which has
23 accrued under a support order entered by the court. The charge
24 shall be imposed in accordance with the provisions of Section
25 10-21 of the Illinois Public Aid Code and shall be enforced by
26 the court upon petition.

27 (d) Any new or existing support order entered by the court
28 under this Section shall be deemed to be a series of judgments
29 against the person obligated to pay support thereunder, each
30 such judgment to be in the amount of each payment or
31 installment of support and each such judgment to be deemed
32 entered as of the date the corresponding payment or installment
33 becomes due under the terms of the support order. Each such
34 judgment shall have the full force, effect and attributes of
35 any other judgment of this State, including the ability to be
36 enforced. A lien arises by operation of law against the real

1 and personal property of the noncustodial parent for each
2 installment of overdue support owed by the noncustodial parent.

3 (e) When child support is to be paid through the clerk of
4 the court in a county of 1,000,000 inhabitants or less, the
5 order shall direct the obligor to pay to the clerk, in addition
6 to the child support payments, all fees imposed by the county
7 board under paragraph (3) of subsection (u) of Section 27.1 of
8 the Clerks of Courts Act. Unless paid in cash or pursuant to an
9 order for withholding, the payment of the fee shall be by a
10 separate instrument from the support payment and shall be made
11 to the order of the Clerk.

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

31 (g) An order for support shall include a date on which the
32 current support obligation terminates. The termination date
33 shall be no earlier than the date on which the child covered by
34 the order will attain the age of 18. However, if the child will
35 not graduate from high school until after attaining the age of
36 18, then the termination date shall be no earlier than the

1 earlier of the date on which the child's high school graduation
2 will occur or the date on which the child will attain the age
3 of 19. The order for support shall state that the termination
4 date does not apply to any arrearage that may remain unpaid on
5 that date. Nothing in this subsection shall be construed to
6 prevent the court from modifying the order or terminating the
7 order in the event the child is otherwise emancipated.

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

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

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

25 (Source: P.A. 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05;
26 94-90, eff. 1-1-06.)

27 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

28 Sec. 505.1. (a) Whenever it is determined in a proceeding
29 to establish or enforce a child support or maintenance
30 obligation that the person owing a duty of support is
31 unemployed, the court may order the person to seek employment
32 and report periodically to the court with a diary, listing or
33 other memorandum of his or her efforts in accordance with such
34 order. Additionally, the court may order the unemployed person
35 to report to the Department of Employment Security for job

1 search services or to make application with the local Job
2 Training Partnership Act provider for participation in job
3 search, training or work programs and where the duty of support
4 is owed to a child receiving child support enforcement services
5 under Article X of the Illinois Public Aid Code, as amended,
6 the court may order the unemployed person to report to the
7 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ for
8 participation in job search, training or work programs
9 established under Section 9-6 and Article IXA of that Code.

10 (b) Whenever it is determined that a person owes past-due
11 support for a child or for a child and the parent with whom the
12 child is living, and the child is receiving assistance under
13 the Illinois Public Aid Code, the court shall order at the
14 request of the ~~Illinois~~ Department of Child Support Services
15 ~~Public Aid~~:

16 (1) that the person pay the past-due support in
17 accordance with a plan approved by the court; or

18 (2) if the person owing past-due support is unemployed,
19 is subject to such a plan, and is not incapacitated, that
20 the person participate in such job search, training, or
21 work programs established under Section 9-6 and Article IXA
22 of the Illinois Public Aid Code as the court deems
23 appropriate.

24 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

25 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

26 Sec. 505.2. Health insurance.

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

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

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

32 (3) "Public office" means any elected official or any
33 State or local agency which is or may become responsible by
34 law for enforcement of, or which is or may become
35 authorized to enforce, an order for support, including, but

1 not limited to: the Attorney General, the ~~Illinois~~
2 Department of Child Support Services ~~Public Aid~~, the
3 Illinois Department of Human Services, the Illinois
4 Department of Children and Family Services, and the various
5 State's Attorneys, Clerks of the Circuit Court and
6 supervisors of general assistance.

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

9 (b) Order.

10 (1) Whenever the court establishes, modifies or
11 enforces an order for child support or for child support
12 and maintenance the court shall include in the order a
13 provision for the health care coverage of the child which
14 shall, upon request of the obligee or Public Office,
15 require that any child covered by the order be named as a
16 beneficiary of any health insurance plan that is available
17 to the obligor through an employer or labor union or trade
18 union. If the court finds that such a plan is not available
19 to the obligor, or that the plan is not accessible to the
20 obligee, the court may, upon request of the obligee or
21 Public Office, order the obligor to name the child covered
22 by the order as a beneficiary of any health insurance plan
23 that is available to the obligor on a group basis, or as a
24 beneficiary of an independent health insurance plan to be
25 obtained by the obligor, after considering the following
26 factors:

27 (A) the medical needs of the child;

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

29 and

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

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

35 (3) Nothing in this Section shall be construed to limit
36 the authority of the court to establish or modify a support

1 order to provide for payment of expenses, including
2 deductibles, copayments and any other health expenses,
3 which are in addition to expenses covered by an insurance
4 plan of which a child is ordered to be named a beneficiary
5 pursuant to this Section.

6 (c) Implementation and enforcement.

7 (1) When the court order requires that a minor child be
8 named as a beneficiary of a health insurance plan, other
9 than a health insurance plan available through an employer
10 or labor union or trade union, the obligor shall provide
11 written proof to the obligee or Public Office that the
12 required insurance has been obtained, or that application
13 for insurability has been made, within 30 days of receiving
14 notice of the court order. Unless the obligor was present
15 in court when the order was issued, notice of the order
16 shall be given pursuant to Illinois Supreme Court Rules. If
17 an obligor fails to provide the required proof, he may be
18 held in contempt of court.

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

24 (d) Failure to maintain insurance. The dollar amount of the
25 premiums for court-ordered health insurance, or that portion of
26 the premiums for which the obligor is responsible in the case
27 of insurance provided under a group health insurance plan
28 through an employer or labor union or trade union where the
29 employer or labor union or trade union pays a portion of the
30 premiums, shall be considered an additional child support
31 obligation owed by the obligor. Whenever the obligor fails to
32 provide or maintain health insurance pursuant to an order for
33 support, the obligor shall be liable to the obligee for the
34 dollar amount of the premiums which were not paid, and shall
35 also be liable for all medical expenses incurred by the child
36 which would have been paid or reimbursed by the health

1 insurance which the obligor was ordered to provide or maintain.
2 In addition, the obligee may petition the court to modify the
3 order based solely on the obligor's failure to pay the premiums
4 for court-ordered health insurance.

5 (e) Authorization for payment. The signature of the obligee
6 is a valid authorization to the insurer to process a claim for
7 payment under the insurance plan to the provider of the health
8 care services or to the obligee.

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

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

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

29 (2) If the parent has health care coverage through the
30 employer but fails to apply for coverage of the child, the
31 employer shall include the child in the parent's coverage
32 upon application by the child's other parent or the
33 Illinois Department of Public Aid.

34 (3) The employer may not eliminate any child from the
35 parent's health care coverage unless the employee is no
36 longer employed by the employer and no longer covered under

1 the employer's group health plan or unless the employer is
2 provided with satisfactory written evidence of either of
3 the following:

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

5 (B) The child is or will be included in a
6 comparable health care plan obtained by the parent
7 under such order that is currently in effect or will
8 take effect no later than the date the prior coverage
9 is terminated.

10 The employer may eliminate a child from a parent's
11 health care plan obtained by the parent under such order if
12 the employer has eliminated dependent health care coverage
13 for all of its employees.

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

15 (750 ILCS 5/505.3)

16 Sec. 505.3. Information to State Case Registry.

17 (a) In this Section:

18 "Order for support", "obligor", "obligee", and "business
19 day" are defined as set forth in the Income Withholding for
20 Support Act.

21 "State Case Registry" means the State Case Registry
22 established under Section 10-27 of the Illinois Public Aid
23 Code.

24 (b) Each order for support entered or modified by the
25 circuit court under this Act shall require that the obligor and
26 obligee (i) file with the clerk of the circuit court the
27 information required by this Section (and any other information
28 required under Title IV, Part D of the Social Security Act or
29 by the federal Department of Health and Human Services) at the
30 time of entry or modification of the order for support and (ii)
31 file updated information with the clerk within 5 business days
32 of any change. Failure of the obligor or obligee to file or
33 update the required information shall be punishable as in cases
34 of contempt. The failure shall not prevent the court from
35 entering or modifying the order for support, however.

1 (c) The obligor shall file the following information: the
2 obligor's name, date of birth, social security number, and
3 mailing address.

4 If either the obligor or the obligee receives child support
5 enforcement services from the ~~Illinois~~ Department of Child
6 Support Services ~~Public Aid~~ under Article X of the Illinois
7 Public Aid Code, the obligor shall also file the following
8 information: the obligor's telephone number, driver's license
9 number, and residential address (if different from the
10 obligor's mailing address), and the name, address, and
11 telephone number of the obligor's employer or employers.

12 (d) The obligee shall file the following information:

13 (1) The names of the obligee and the child or children
14 covered by the order for support.

15 (2) The dates of birth of the obligee and the child or
16 children covered by the order for support.

17 (3) The social security numbers of the obligee and the
18 child or children covered by the order for support.

19 (4) The obligee's mailing address.

20 (e) In cases in which the obligee receives child support
21 enforcement services from the ~~Illinois~~ Department of Child
22 Support Services ~~Public Aid~~ under Article X of the Illinois
23 Public Aid Code, the order for support shall (i) require that
24 the obligee file the information required under subsection (d)
25 with the ~~Illinois~~ Department of Child Support Services ~~Public~~
26 ~~Aid~~ for inclusion in the State Case Registry, rather than file
27 the information with the clerk, and (ii) require that the
28 obligee include the following additional information:

29 (1) The obligee's telephone and driver's license
30 numbers.

31 (2) The obligee's residential address, if different
32 from the obligee's mailing address.

33 (3) The name, address, and telephone number of the
34 obligee's employer or employers.

35 The order for support shall also require that the obligee
36 update the information filed with the ~~Illinois~~ Department of

1 Child Support Services ~~Public Aid~~ within 5 business days of any
2 change.

3 (f) The clerk shall provide the information filed under
4 this Section, together with the court docket number and county
5 in which the order for support was entered, to the State Case
6 Registry within 5 business days after receipt of the
7 information.

8 (g) In a case in which a party is receiving child support
9 enforcement services under Article X of the Illinois Public Aid
10 Code, the clerk shall provide the following additional
11 information to the State Case Registry within 5 business days
12 after entry or modification of an order for support or request
13 from the ~~Illinois~~ Department of Child Support Services ~~Public~~
14 ~~Aid~~:

15 (1) The amount of monthly or other periodic support
16 owed under the order for support and other amounts,
17 including arrearage, interest, or late payment penalties
18 and fees, due or overdue under the order.

19 (2) Any such amounts that have been received by the
20 clerk, and the distribution of those amounts by the clerk.

21 (h) Information filed by the obligor and obligee under this
22 Section that is not specifically required to be included in the
23 body of an order for support under other laws is not a public
24 record and shall be treated as confidential and subject to
25 disclosure only in accordance with the provisions of this
26 Section, Section 10-27 of the Illinois Public Aid Code, and
27 Title IV, Part D of the Social Security Act.

28 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;
29 92-463, eff. 8-22-01; 92-651, eff. 7-11-02.)

30 (750 ILCS 5/506) (from Ch. 40, par. 506)
31 Sec. 506. Representation of child.

32 (a) Duties. In any proceedings involving the support,
33 custody, visitation, education, parentage, property interest,
34 or general welfare of a minor or dependent child, the court
35 may, on its own motion or that of any party, appoint an

1 attorney to serve in one of the following capacities to address
2 the issues the court delineates:

3 (1) Attorney. The attorney shall provide independent
4 legal counsel for the child and shall owe the same duties
5 of undivided loyalty, confidentiality, and competent
6 representation as are due an adult client.

7 (2) Guardian ad litem. The guardian ad litem shall
8 testify or submit a written report to the court regarding
9 his or her recommendations in accordance with the best
10 interest of the child. The report shall be made available
11 to all parties. The guardian ad litem may be called as a
12 witness for purposes of cross-examination regarding the
13 guardian ad litem's report or recommendations. The
14 guardian ad litem shall investigate the facts of the case
15 and interview the child and the parties.

16 (3) Child representative. The child representative
17 shall advocate what the child representative finds to be in
18 the best interests of the child after reviewing the facts
19 and circumstances of the case. The child representative
20 shall meet with the child and the parties, investigate the
21 facts of the case, and encourage settlement and the use of
22 alternative forms of dispute resolution. The child
23 representative shall have the same authority and
24 obligation to participate in the litigation as does an
25 attorney for a party and shall possess all the powers of
26 investigation as does a guardian ad litem. The child
27 representative shall consider, but not be bound by, the
28 expressed wishes of the child. A child representative shall
29 have received training in child advocacy or shall possess
30 such experience as determined to be equivalent to such
31 training by the chief judge of the circuit where the child
32 representative has been appointed. The child
33 representative shall not disclose confidential
34 communications made by the child, except as required by law
35 or by the Rules of Professional Conduct. The child
36 representative shall not render an opinion,

1 recommendation, or report to the court and shall not be
2 called as a witness, but shall offer evidence-based legal
3 arguments. The child representative shall disclose the
4 position as to what the child representative intends to
5 advocate in a pre-trial memorandum that shall be served
6 upon all counsel of record prior to the trial. The position
7 disclosed in the pre-trial memorandum shall not be
8 considered evidence. The court and the parties may consider
9 the position of the child representative for purposes of a
10 settlement conference.

11 (a-3) Additional appointments. During the proceedings the
12 court may appoint an additional attorney to serve in the
13 capacity described in subdivision (a)(1) or an additional
14 attorney to serve in another of the capacities described in
15 subdivision (a)(2) or (a)(3) on the court's own motion or that
16 of a party only for good cause shown and when the reasons for
17 the additional appointment are set forth in specific findings.

18 (a-5) Appointment considerations. In deciding whether to
19 make an appointment of an attorney for the minor child, a
20 guardian ad litem, or a child representative, the court shall
21 consider the nature and adequacy of the evidence to be
22 presented by the parties and the availability of other methods
23 of obtaining information, including social service
24 organizations and evaluations by mental health professions, as
25 well as resources for payment.

26 In no event is this Section intended to or designed to
27 abrogate the decision making power of the trier of fact. Any
28 appointment made under this Section is not intended to nor
29 should it serve to place any appointed individual in the role
30 of a surrogate judge.

31 (b) Fees and costs. The court shall enter an order as
32 appropriate for costs, fees, and disbursements, including a
33 retainer, when the attorney, guardian ad litem, or child's
34 representative is appointed. Any person appointed under this
35 Section shall file with the court within 90 days of his or her
36 appointment, and every subsequent 90-day period thereafter

1 during the course of his or her representation, a detailed
2 invoice for services rendered with a copy being sent to each
3 party. The court shall review the invoice submitted and approve
4 the fees, if they are reasonable and necessary. Any order
5 approving the fees shall require payment by either or both
6 parents, by any other party or source, or from the marital
7 estate or the child's separate estate. The court may not order
8 payment by the ~~Illinois~~ Department of Child Support Services
9 ~~Public Aid~~ in cases in which the Department is providing child
10 support enforcement services under Article X of the Illinois
11 Public Aid Code. Unless otherwise ordered by the court at the
12 time fees and costs are approved, all fees and costs payable to
13 an attorney, guardian ad litem, or child representative under
14 this Section are by implication deemed to be in the nature of
15 support of the child and are within the exceptions to discharge
16 in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections
17 501 and 508 of this Act shall apply to fees and costs for
18 attorneys appointed under this Section.

19 (Source: P.A. 94-640, eff. 1-1-06.)

20 (750 ILCS 5/507) (from Ch. 40, par. 507)

21 Sec. 507. Payment of maintenance or support to court.

22 (a) In actions instituted under this Act, the court shall
23 order that maintenance and support payments be made to the
24 clerk of court as trustee for remittance to the person entitled
25 to receive the payments. However, the court in its discretion
26 may direct otherwise where circumstances so warrant.

27 (b) The clerk of court shall maintain records listing the
28 amount of payments, the date payments are required to be made
29 and the names and addresses of the parties affected by the
30 order. For those cases in which support is payable to the clerk
31 of the circuit court for transmittal to the ~~Illinois~~ Department
32 of Child Support Services ~~Public Aid~~ by order of the court or
33 upon notification of the ~~Illinois~~ Department of Child Support
34 Services ~~Public Aid~~, and the ~~Illinois~~ Department of Child
35 Support Services ~~Public Aid~~ collects support by assignment,

1 offset, withholding, deduction or other process permitted by
2 law, the ~~Illinois~~ Department shall notify the clerk of the date
3 and amount of such collection. Upon notification, the clerk
4 shall record the collection on the payment record for the case.

5 (c) The parties affected by the order shall inform the
6 clerk of court of any change of address or of other condition
7 that may affect the administration of the order.

8 (d) The provisions of this Section shall not apply to cases
9 that come under the provisions of Sections 709 through 712.

10 (e) To the extent the provisions of this Section are
11 inconsistent with the requirements pertaining to the State
12 Disbursement Unit under Section 507.1 of this Act and Section
13 10-26 of the Illinois Public Aid Code, the requirements
14 pertaining to the State Disbursement Unit shall apply.

15 (Source: P.A. 94-88, eff. 1-1-06.)

16 (750 ILCS 5/507.1)

17 Sec. 507.1. Payment of Support to State Disbursement Unit.

18 (a) As used in this Section:

19 "Order for support", "obligor", "obligee", and "payor"
20 mean those terms as defined in the Income Withholding for
21 Support Act, except that "order for support" shall not mean
22 orders providing for spousal maintenance under which there is
23 no child support obligation.

24 (b) Notwithstanding any other provision of this Act to the
25 contrary, each order for support entered or modified on or
26 after October 1, 1999 shall require that support payments be
27 made to the State Disbursement Unit established under Section
28 10-26 of the Illinois Public Aid Code if:

29 (1) a party to the order is receiving child support
30 enforcement services under Article X of the Illinois Public
31 Aid Code; or

32 (2) no party to the order is receiving child support
33 enforcement services, but the support payments are made
34 through income withholding.

35 (c) Support payments shall be made to the State

1 Disbursement Unit if:

2 (1) the order for support was entered before October 1,
3 1999, and a party to the order is receiving child support
4 enforcement services under Article X of the Illinois Public
5 Aid Code; or

6 (2) no party to the order is receiving child support
7 enforcement services, and the support payments are being
8 made through income withholding.

9 (c-5) If no party to the order is receiving child support
10 enforcement services under Article X of the Illinois Public Aid
11 Code, and the support payments are not made through income
12 withholding, then support payments shall be made as directed by
13 the order for support.

14 (c-10) At any time, and notwithstanding the existence of an
15 order directing payments to be made elsewhere, the Department
16 of Child Support Services ~~Public Aid~~ may provide notice to the
17 obligor and, where applicable, to the obligor's payor:

18 (1) to make support payments to the State Disbursement
19 Unit if:

20 (A) a party to the order for support is receiving
21 child support enforcement services under Article X of
22 the Illinois Public Aid Code; or

23 (B) no party to the order for support is receiving
24 child support enforcement services under Article X of
25 the Illinois Public Aid Code, but the support payments
26 are made through income withholding; or

27 (2) to make support payments to the State Disbursement
28 Unit of another state upon request of another state's Title
29 IV-D child support enforcement agency, in accordance with
30 the requirements of Title IV, Part D of the Social Security
31 Act and regulations promulgated under that Part D.

32 The Department of Child Support Services ~~Public Aid~~ shall
33 provide a copy of the notice to the obligee and to the clerk of
34 the circuit court.

35 (c-15) Within 15 days after the effective date of this
36 amendatory Act of the 91st General Assembly, the clerk of the

1 circuit court shall provide written notice to the obligor to
2 make payments directly to the clerk of the circuit court if no
3 party to the order is receiving child support enforcement
4 services under Article X of the Illinois Public Aid Code, the
5 support payments are not made through income withholding, and
6 the order for support requires support payments to be made
7 directly to the clerk of the circuit court. The clerk shall
8 provide a copy of the notice to the obligee.

9 (c-20) If the State Disbursement Unit receives a support
10 payment that was not appropriately made to the Unit under this
11 Section, the Unit shall immediately return the payment to the
12 sender, including, if possible, instructions detailing where
13 to send the support payment.

14 (d) The notices under subsections (c-10) and (c-15) may be
15 sent by ordinary mail, certified mail, return receipt
16 requested, facsimile transmission, or other electronic
17 process, or may be served upon the obligor or payor using any
18 method provided by law for service of a summons.

19 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;
20 92-590, eff. 7-1-02.)

21 (750 ILCS 5/510) (from Ch. 40, par. 510)

22 Sec. 510. Modification and termination of provisions for
23 maintenance, support, educational expenses, and property
24 disposition.

25 (a) Except as otherwise provided in paragraph (f) of
26 Section 502 and in subsection (b), clause (3) of Section 505.2,
27 the provisions of any judgment respecting maintenance or
28 support may be modified only as to installments accruing
29 subsequent to due notice by the moving party of the filing of
30 the motion for modification. An order for child support may be
31 modified as follows:

32 (1) upon a showing of a substantial change in
33 circumstances; and

34 (2) without the necessity of showing a substantial
35 change in circumstances, as follows:

1 (A) upon a showing of an inconsistency of at least
2 20%, but no less than \$10 per month, between the amount
3 of the existing order and the amount of child support
4 that results from application of the guidelines
5 specified in Section 505 of this Act unless the
6 inconsistency is due to the fact that the amount of the
7 existing order resulted from a deviation from the
8 guideline amount and there has not been a change in the
9 circumstances that resulted in that deviation; or

10 (B) Upon a showing of a need to provide for the
11 health care needs of the child under the order through
12 health insurance or other means. In no event shall the
13 eligibility for or receipt of medical assistance be
14 considered to meet the need to provide for the child's
15 health care needs.

16 The provisions of subparagraph (a) (2) (A) shall apply only
17 in cases in which a party is receiving child support
18 enforcement services from the ~~Illinois~~ Department of Child
19 Support Services ~~Public Aid~~ under Article X of the Illinois
20 Public Aid Code, and only when at least 36 months have elapsed
21 since the order for child support was entered or last modified.

22 (a-5) An order for maintenance may be modified or
23 terminated only upon a showing of a substantial change in
24 circumstances. In all such proceedings, as well as in
25 proceedings in which maintenance is being reviewed, the court
26 shall consider the applicable factors set forth in subsection
27 (a) of Section 504 and the following factors:

28 (1) any change in the employment status of either party
29 and whether the change has been made in good faith;

30 (2) the efforts, if any, made by the party receiving
31 maintenance to become self-supporting, and the
32 reasonableness of the efforts where they are appropriate;

33 (3) any impairment of the present and future earning
34 capacity of either party;

35 (4) the tax consequences of the maintenance payments
36 upon the respective economic circumstances of the parties;

1 (5) the duration of the maintenance payments
2 previously paid (and remaining to be paid) relative to the
3 length of the marriage;

4 (6) the property, including retirement benefits,
5 awarded to each party under the judgment of dissolution of
6 marriage, judgment of legal separation, or judgment of
7 declaration of invalidity of marriage and the present
8 status of the property;

9 (7) the increase or decrease in each party's income
10 since the prior judgment or order from which a review,
11 modification, or termination is being sought;

12 (8) the property acquired and currently owned by each
13 party after the entry of the judgment of dissolution of
14 marriage, judgment of legal separation, or judgment of
15 declaration of invalidity of marriage; and

16 (9) any other factor that the court expressly finds to
17 be just and equitable.

18 (b) The provisions as to property disposition may not be
19 revoked or modified, unless the court finds the existence of
20 conditions that justify the reopening of a judgment under the
21 laws of this State.

22 (c) Unless otherwise agreed by the parties in a written
23 agreement set forth in the judgment or otherwise approved by
24 the court, the obligation to pay future maintenance is
25 terminated upon the death of either party, or the remarriage of
26 the party receiving maintenance, or if the party receiving
27 maintenance cohabits with another person on a resident,
28 continuing conjugal basis.

29 (d) Unless otherwise provided in this Act, or as agreed in
30 writing or expressly provided in the judgment, provisions for
31 the support of a child are terminated by emancipation of the
32 child, or if the child has attained the age of 18 and is still
33 attending high school, provisions for the support of the child
34 are terminated upon the date that the child graduates from high
35 school or the date the child attains the age of 19, whichever
36 is earlier, but not by the death of a parent obligated to

1 support or educate the child. An existing obligation to pay for
2 support or educational expenses, or both, is not terminated by
3 the death of a parent. When a parent obligated to pay support
4 or educational expenses, or both, dies, the amount of support
5 or educational expenses, or both, may be enforced, modified,
6 revoked or commuted to a lump sum payment, as equity may
7 require, and that determination may be provided for at the time
8 of the dissolution of the marriage or thereafter.

9 (e) The right to petition for support or educational
10 expenses, or both, under Sections 505 and 513 is not
11 extinguished by the death of a parent. Upon a petition filed
12 before or after a parent's death, the court may award sums of
13 money out of the decedent's estate for the child's support or
14 educational expenses, or both, as equity may require. The time
15 within which a claim may be filed against the estate of a
16 decedent under Sections 505 and 513 and subsection (d) and this
17 subsection shall be governed by the provisions of the Probate
18 Act of 1975, as a barrable, noncontingent claim.

19 (f) A petition to modify or terminate child support,
20 custody, or visitation shall not delay any child support
21 enforcement litigation or supplementary proceeding on behalf
22 of the obligee, including, but not limited to, a petition for a
23 rule to show cause, for non-wage garnishment, or for a
24 restraining order.

25 (Source: P.A. 92-289, eff. 8-9-01; 92-590, eff. 7-1-02; 92-651,
26 eff. 7-11-02; 92-876, eff. 6-1-03; 93-353, eff. 1-1-04.)

27 (750 ILCS 5/516) (from Ch. 40, par. 516)

28 Sec. 516. Public Aid collection fee. In all cases
29 instituted by the Department of Child Support Services or its
30 predecessor, the Department of Healthcare and Family Services
31 (formerly Illinois Department of Public Aid), on behalf of a
32 child or spouse, other than one receiving a grant of financial
33 aid under Article IV of The Illinois Public Aid Code, on whose
34 behalf an application has been made and approved for child
35 support enforcement services as provided by Section 10-1 of

1 that Code, the court shall impose a collection fee on the
2 individual who owes a child or spouse support obligation in an
3 amount equal to 10% of the amount so owed as long as such
4 collection is required by federal law, which fee shall be in
5 addition to the support obligation. The imposition of such fee
6 shall be in accordance with provisions of Title IV, Part D, of
7 the Social Security Act and regulations duly promulgated
8 thereunder. The fee shall be payable to the clerk of the
9 circuit court for transmittal to the ~~Illinois~~ Department of
10 Child Support Services ~~Public Aid~~ and shall continue until
11 child support enforcement services are terminated by that
12 Department.

13 (Source: P.A. 92-590, eff. 7-1-02.)

14 (750 ILCS 5/704) (from Ch. 40, par. 704)

15 Sec. 704. Public Aid Provisions.) Except as provided in
16 Sections 709 through 712, if maintenance, child support or
17 both, is awarded to persons who are recipients of aid under
18 "The Illinois Public Aid Code", the court shall direct the
19 husband or wife, as the case may be, to make the payments to
20 (1) the ~~Illinois~~ Department of Child Support Services ~~Public~~
21 ~~Aid~~ if the persons are recipients under Articles III, IV or V
22 of the Code, or (2) the local governmental unit responsible for
23 their support if they are recipients under Article VI or VII of
24 the Code. The order shall permit the ~~Illinois~~ Department of
25 Child Support Services ~~Public Aid~~ or the local governmental
26 unit, as the case may be, to direct that subsequent payments be
27 made directly to the former spouse, the children, or both, or
28 to some person or agency in their behalf, upon removal of the
29 former spouse or children from the public aid rolls; and upon
30 such direction and removal of the recipients from the public
31 aid rolls, the ~~Illinois~~ Department or local governmental unit,
32 as the case requires, shall give written notice of such action
33 to the court.

34 (Source: P.A. 81-1474.)

1 (750 ILCS 5/705) (from Ch. 40, par. 705)

2 Sec. 705. Support payments; receiving and disbursing
3 agents.

4 (1) The provisions of this Section shall apply, except as
5 provided in Sections 709 through 712.

6 (2) In a dissolution of marriage action filed in a county
7 of less than 3 million population in which an order or judgment
8 for child support is entered, and in supplementary proceedings
9 in any such county to enforce or vary the terms of such order
10 or judgment arising out of an action for dissolution of
11 marriage filed in such county, the court, except as it
12 otherwise orders, under subsection (4) of this Section, may
13 direct that child support payments be made to the clerk of the
14 court.

15 (3) In a dissolution of marriage action filed in any county
16 of 3 million or more population in which an order or judgment
17 for child support is entered, and in supplementary proceedings
18 in any such county to enforce or vary the terms of such order
19 or judgment arising out of an action for dissolution of
20 marriage filed in such county, the court, except as it
21 otherwise orders under subsection (4) of this Section, may
22 direct that child support payments be made either to the clerk
23 of the court or to the Court Service Division of the County
24 Department of Public Aid. After the effective date of this Act,
25 the court, except as it otherwise orders under subsection (4)
26 of this Section, may direct that child support payments be made
27 either to the clerk of the court or to the ~~Illinois~~ Department
28 of Child Support Services ~~Public Aid~~.

29 (4) In a dissolution of marriage action or supplementary
30 proceedings involving maintenance or child support payments,
31 or both, to persons who are recipients of aid under the
32 Illinois Public Aid Code, the court shall direct that such
33 payments be made to (a) the ~~Illinois~~ Department of Child
34 Support Services ~~Public Aid~~ if the persons are recipients under
35 Articles III, IV, or V of the Code, or (b) the local
36 governmental unit responsible for their support if they are

1 recipients under Articles VI or VII of the Code. In accordance
2 with federal law and regulations, the ~~Illinois~~ Department of
3 Child Support Services ~~Public Aid~~ may continue to collect
4 current maintenance payments or child support payments, or
5 both, after those persons cease to receive public assistance
6 and until termination of services under Article X of the
7 Illinois Public Aid Code. The ~~Illinois~~ Department of Child
8 Support Services ~~Public Aid~~ shall pay the net amount collected
9 to those persons after deducting any costs incurred in making
10 the collection or any collection fee from the amount of any
11 recovery made. The order shall permit the ~~Illinois~~ Department
12 of Child Support Services ~~Public Aid~~ or the local governmental
13 unit, as the case may be, to direct that payments be made
14 directly to the former spouse, the children, or both, or to
15 some person or agency in their behalf, upon removal of the
16 former spouse or children from the public aid rolls or upon
17 termination of services under Article X of the Illinois Public
18 Aid Code; and upon such direction, the ~~Illinois~~ Department or
19 local governmental unit, as the case requires, shall give
20 notice of such action to the court in writing or by electronic
21 transmission.

22 (5) All clerks of the court and the Court Service Division
23 of a County Department of Public Aid and, after the effective
24 date of this Act, all clerks of the court and the ~~Illinois~~
25 Department of Child Support Services ~~Public Aid~~, receiving
26 child support payments under subsections (2) and (3) of this
27 Section shall disburse the payments to the person or persons
28 entitled thereto under the terms of the order or judgment. They
29 shall establish and maintain current records of all moneys
30 received and disbursed and of defaults and delinquencies in
31 required payments. The court, by order or rule, shall make
32 provision for the carrying out of these duties.

33 Payments under this Section to the ~~Illinois~~ Department of
34 Child Support Services ~~Public Aid~~ pursuant to the Child Support
35 Enforcement Program established by Title IV-D of the Social
36 Security Act shall be paid into the Child Support Enforcement

1 Trust Fund. All payments under this Section to the Illinois
2 Department of Human Services shall be deposited in the DHS
3 Recoveries Trust Fund. Disbursements from these funds shall be
4 as provided in the Illinois Public Aid Code. Payments received
5 by a local governmental unit shall be deposited in that unit's
6 General Assistance Fund. Any order of court directing payment
7 of child support to a clerk of court or the Court Service
8 Division of a County Department of Public Aid, which order has
9 been entered on or after August 14, 1961, and prior to the
10 effective date of this Act, may be amended by the court in line
11 with this Act; and orders involving payments of maintenance or
12 child support to recipients of public aid may in like manner be
13 amended to conform to this Act.

14 (6) No filing fee or costs will be required in any action
15 brought at the request of the Department of Child Support
16 Services or its predecessor, the Department of Healthcare and
17 Family Services, (formerly Illinois Department of Public Aid),
18 in any proceeding under this Act. However, any such fees or
19 costs may be assessed by the court against the respondent in
20 the court's order of support or any modification thereof in a
21 proceeding under this Act.

22 (7) For those cases in which child support is payable to
23 the clerk of the circuit court for transmittal to the
24 Department of Child Support Services or its predecessor, the
25 Department of Healthcare and Family Services, (formerly
26 Illinois Department of Public Aid) by order of court or upon
27 notification by the ~~Illinois~~ Department of Child Support
28 Services ~~Public Aid~~, the clerk shall transmit all such
29 payments, within 4 working days of receipt, to insure that
30 funds are available for immediate distribution by the
31 Department to the person or entity entitled thereto in
32 accordance with standards of the Child Support Enforcement
33 Program established under Title IV-D of the Social Security
34 Act. The clerk shall notify the Department of the date of
35 receipt and amount thereof at the time of transmittal. Where
36 the clerk has entered into an agreement of cooperation with the

1 Department to record the terms of child support orders and
2 payments made thereunder directly into the Department's
3 automated data processing system, the clerk shall account for,
4 transmit and otherwise distribute child support payments in
5 accordance with such agreement in lieu of the requirements
6 contained herein.

7 In any action filed in a county with a population of
8 1,000,000 or less, the court shall assess against the
9 respondent in any order of maintenance or child support any sum
10 up to \$36 annually authorized by ordinance of the county board
11 to be collected by the clerk of the court as costs for
12 administering the collection and disbursement of maintenance
13 and child support payments. Such sum shall be in addition to
14 and separate from amounts ordered to be paid as maintenance or
15 child support.

16 (8) To the extent the provisions of this Section are
17 inconsistent with the requirements pertaining to the State
18 Disbursement Unit under Section 507.1 of this Act and Section
19 10-26 of the Illinois Public Aid Code, the requirements
20 pertaining to the State Disbursement Unit shall apply.

21 (Source: P.A. 94-88, eff. 1-1-06.)

22 (750 ILCS 5/709) (from Ch. 40, par. 709)

23 Sec. 709. Mandatory child support payments to clerk.

24 (a) As of January 1, 1982, child support orders entered in
25 any county covered by this subsection shall be made pursuant to
26 the provisions of Sections 709 through 712 of this Act. For
27 purposes of these Sections, the term "child support payment" or
28 "payment" shall include any payment ordered to be made solely
29 for the purpose of the support of a child or children or any
30 payment ordered for general support which includes any amount
31 for support of any child or children.

32 The provisions of Sections 709 through 712 shall be
33 applicable to any county with a population of 2 million or more
34 and to any other county which notifies the Supreme Court of its
35 desire to be included within the coverage of these Sections and

1 is certified pursuant to Supreme Court Rules.

2 The effective date of inclusion, however, shall be subject
3 to approval of the application for reimbursement of the costs
4 of the support program by the Department of Public Aid as
5 provided in Section 712.

6 (b) In any proceeding for a dissolution of marriage, legal
7 separation, or declaration of invalidity of marriage, or in any
8 supplementary proceedings in which a judgment or modification
9 thereof for the payment of child support is entered on or after
10 January 1, 1982, in any county covered by Sections 709 through
11 712, and the person entitled to payment is receiving a grant of
12 financial aid under Article IV of the Illinois Public Aid Code
13 or has applied and qualified for child support enforcement
14 services under Section 10-1 of that Code, the court shall
15 direct: (1) that such payments be made to the clerk of the
16 court and (2) that the parties affected shall each thereafter
17 notify the clerk of any change of address or change in other
18 conditions that may affect the administration of the order,
19 including the fact that a party who was previously not on
20 public aid has become a recipient of public aid, within 10 days
21 of such change. All notices sent to the obligor's last known
22 address on file with the clerk shall be deemed sufficient to
23 proceed with enforcement pursuant to the provisions of Sections
24 709 through 712.

25 In all other cases, the court may direct that payments be
26 made to the clerk of the court.

27 (c) Except as provided in subsection (d) of this Section,
28 the clerk shall disburse the payments to the person or persons
29 entitled thereto under the terms of the order or judgment.

30 (d) The court shall determine, prior to the entry of the
31 support order, if the party who is to receive the support is
32 presently receiving public aid or has a current application for
33 public aid pending and shall enter the finding on the record.

34 If the person entitled to payment is a recipient of aid
35 under the Illinois Public Aid Code, the clerk, upon being
36 informed of this fact by finding of the court, by notification

1 by the party entitled to payment, by the ~~Illinois~~ Department of
2 Child Support Services ~~Public Aid~~ or by the local governmental
3 unit, shall make all payments to: (1) the ~~Illinois~~ Department
4 of Child Support Services ~~Public Aid~~ if the person is a
5 recipient under Article III, IV, or V of the Code or (2) the
6 local governmental unit responsible for his or her support if
7 the person is a recipient under Article VI or VII of the Code.
8 In accordance with federal law and regulations, the ~~Illinois~~
9 Department of Child Support Services ~~Public Aid~~ may continue to
10 collect current maintenance payments or child support
11 payments, or both, after those persons cease to receive public
12 assistance and until termination of services under Article X of
13 the Illinois Public Aid Code. The ~~Illinois~~ Department of Child
14 Support Services ~~Public Aid~~ shall pay the net amount collected
15 to those persons after deducting any costs incurred in making
16 the collection or any collection fee from the amount of any
17 recovery made. Upon termination of public aid payments to such
18 a recipient or termination of services under Article X of the
19 Illinois Public Aid Code, the ~~Illinois~~ Department of Child
20 Support Services ~~Public Aid~~ or the appropriate local
21 governmental unit shall notify the clerk in writing or by
22 electronic transmission that all subsequent payments are to be
23 sent directly to the person entitled thereto.

24 Payments under this Section to the ~~Illinois~~ Department of
25 Child Support Services ~~Public Aid~~ pursuant to the Child Support
26 Enforcement Program established by Title IV-D of the Social
27 Security Act shall be paid into the Child Support Enforcement
28 Trust Fund. All payments under this Section to the Illinois
29 Department of Human Services shall be deposited in the DHS
30 Recoveries Trust Fund. Disbursements from these funds shall be
31 as provided in the Illinois Public Aid Code. Payments received
32 by a local governmental unit shall be deposited in that unit's
33 General Assistance Fund.

34 (e) Any order or judgment may be amended by the court, upon
35 its own motion or upon the motion of either party, to conform
36 with the provisions of Sections 709 through 712, either as to

1 the requirement of making payments to the clerk or, where
2 payments are already being made to the clerk, as to the
3 statutory fees provided for under Section 711.

4 (f) The clerk may invest in any interest bearing account or
5 in any securities, monies collected for the benefit of a payee,
6 where such payee cannot be found; however, the investment may
7 be only for the period until the clerk is able to locate and
8 present the payee with such monies. The clerk may invest in any
9 interest bearing account, or in any securities, monies
10 collected for the benefit of any other payee; however, this
11 does not alter the clerk's obligation to make payments to the
12 payee in a timely manner. Any interest or capital gains accrued
13 shall be for the benefit of the county and shall be paid into
14 the special fund established in subsection (b) of Section 711.

15 (g) The clerk shall establish and maintain a payment record
16 of all monies received and disbursed and such record shall
17 constitute prima facie evidence of such payment and
18 non-payment, as the case may be.

19 (h) For those cases in which child support is payable to
20 the clerk of the circuit court for transmittal to the ~~Illinois~~
21 Department of Child Support Services ~~Public Aid~~ by order of
22 court or upon notification by the ~~Illinois~~ Department of Child
23 Support Services ~~Public Aid~~, the clerk shall transmit all such
24 payments, within 4 working days of receipt, to insure that
25 funds are available for immediate distribution by the
26 Department to the person or entity entitled thereto in
27 accordance with standards of the Child Support Enforcement
28 Program established under Title IV-D of the Social Security
29 Act. The clerk shall notify the Department of the date of
30 receipt and amount thereof at the time of transmittal. Where
31 the clerk has entered into an agreement of cooperation with the
32 Department to record the terms of child support orders and
33 payments made thereunder directly into the Department's
34 automated data processing system, the clerk shall account for,
35 transmit and otherwise distribute child support payments in
36 accordance with such agreement in lieu of the requirements

1 contained herein.

2 (i) To the extent the provisions of this Section are
3 inconsistent with the requirements pertaining to the State
4 Disbursement Unit under Section 507.1 of this Act and Section
5 10-26 of the Illinois Public Aid Code, the requirements
6 pertaining to the State Disbursement Unit shall apply.

7 (Source: P.A. 94-88, eff. 1-1-06.)

8 (750 ILCS 5/712) (from Ch. 40, par. 712)

9 Sec. 712. (a) The Supreme Court may make Rules concerning
10 the certification of counties for inclusion in the child
11 support enforcement program and the application of the
12 procedures created by Sections 709 through 712 in the various
13 counties.

14 The Supreme Court shall inform each circuit court and clerk
15 of the court of the availability of the program to reimburse
16 counties desiring to participate in the program of enforcement
17 of child support payments.

18 The Supreme Court shall also distribute to each circuit
19 court and clerk of the court any materials prepared by the
20 Child and Spouse Support Unit comparing child support
21 enforcement in counties included and not included in this
22 program.

23 (b) The ~~Illinois~~ Department of Child Support Services
24 ~~Public Aid~~, through the Child and Spouse Support Unit provided
25 for by Section 10-3.1 of The Illinois Public Aid Code, shall
26 have general supervision of the child support programs created
27 by Sections 709 through 712 and shall have the powers and
28 duties provided in this Section, including the following:

29 (1) to make advance payments to any county included in the
30 program for expenses in preparing programs to enforce payment
31 of child support to the clerk from appropriations made for such
32 purposes by the General Assembly;

33 (2) to make payments to each covered county to pay for its
34 reasonable expenses actually necessary to maintain a
35 continuing program not paid for by fees, penalties, or other

1 monies; provided that, with respect to that portion of the
2 program on behalf of dependent children included in a grant of
3 financial aid under Article IV of The Illinois Public Aid Code
4 the Unit shall pay only such expenses as is its current
5 practice or as it may deem appropriate; provided further that
6 the Unit shall only pay expenses of the entire program subject
7 to the availability of federal monies to pay the majority of
8 expenses of the entire child support enforcement program;
9 provided further that the Unit or Department may set standards
10 relating to enforcement which have to be met by any county
11 seeking to enter a contract with the Department for
12 reimbursement of expenses of the entire enforcement program
13 prior to an application for reimbursement being approved and
14 the contract granted; and provided further that such standards
15 may relate to, but are not limited to the following factors:
16 maintenance of the payment record, the definition of
17 delinquency; the period of time in which a delinquency must be
18 determined, the payor notified, the remittance received, the
19 referral to the state's attorney made, and the payment remitted
20 by the clerk to the payee or other party entitled to the
21 payment; the conditions under which referral will not be made
22 to the state's attorney; and the definitions and procedures for
23 other matters necessary for the conduct and operation of the
24 program;

25 (3) to monitor the various local programs for enforcement
26 of child support payments to the clerk;

27 (4) to act to encourage enforcement whenever local
28 enforcement procedures are inadequate;

29 (5) to receive monies from any source for assistance in
30 enforcement of child support; and

31 (6) to assist any county desirous of assistance in
32 establishing and maintaining a child support enforcement
33 program.

34 (c) Any county may apply for financial assistance to the
35 Unit to initiate or maintain a program of child support
36 enforcement. Every county which desires such assistance shall

1 apply according to procedures established by the Unit. In its
2 application, it shall state the following: financial needs,
3 personnel requirements, anticipated caseloads, any amounts
4 collected or anticipated in fees or penalties, and any other
5 information required by the Unit.

6 (d) In the case that any advance money is given to any
7 county under this Section to initiate an enforcement system,
8 the county shall reimburse the state within 2 years from the
9 date such monies are given to it. The Unit may establish an
10 appropriate schedule of reimbursement for any county.

11 (e) In the event of the unavailability of federal monies to
12 pay for the greater part of the costs to a county of the child
13 support enforcement program under Sections 709 through 712 and
14 the resulting cessation of state participation, the operation
15 of the child support enforcement program under Sections 709
16 through 712 shall terminate. The date and the method of
17 termination shall be determined by Supreme Court Rule.

18 (Source: P.A. 84-1395.)

19 Section 1000. The Non-Support Punishment Act is amended by
20 changing Sections 7, 20, 25, 30, 35, and 60 as follows:

21 (750 ILCS 16/7)

22 Sec. 7. Prosecutions by Attorney General. In addition to
23 enforcement proceedings by the several State's Attorneys, a
24 proceeding for the enforcement of this Act may be instituted
25 and prosecuted by the Attorney General in cases referred by the
26 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~
27 involving persons receiving child support enforcement services
28 under Article X of the Illinois Public Aid Code. Before
29 referring a case to the Attorney General for enforcement under
30 this Act, the Department of Child Support Services ~~Public Aid~~
31 shall notify the person receiving child support enforcement
32 services under Article X of the Illinois Public Aid Code of the
33 Department's intent to refer the case to the Attorney General
34 under this Section for prosecution.

1 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02.)

2 (750 ILCS 16/20)

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

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

6 (1) at any time before the trial, upon motion of the
7 State's Attorney, or of the Attorney General if the action
8 has been instituted by his office, and upon notice to the
9 defendant, or at the time of arraignment or as a condition
10 of postponement of arraignment, the court may enter such
11 temporary order for support as may seem just, providing for
12 the support or maintenance of the spouse or child or
13 children of the defendant, or both, pendente lite; or

14 (2) before trial with the consent of the defendant, or
15 at the trial on entry of a plea of guilty, or after
16 conviction, instead of imposing the penalty provided in
17 this Act, or in addition thereto, the court may enter an
18 order for support, subject to modification by the court
19 from time to time as circumstances may require, directing
20 the defendant to pay a certain sum for maintenance of the
21 spouse, or for support of the child or children, or both.

22 (b) The court shall determine the amount of child support
23 by using the guidelines and standards set forth in subsection
24 (a) of Section 505 and in Section 505.2 of the Illinois
25 Marriage and Dissolution of Marriage Act.

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 support that was
35 obtained pursuant to subpoena and proper notice shall be

1 admitted into evidence without the need to establish any
2 further foundation for its admission.

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

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

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

25 (f) An order for support entered under this Section shall
26 include a provision requiring the obligor to report to the
27 obligee and to the clerk of the court within 10 days each time
28 the obligor obtains new employment, and each time the obligor's
29 employment is terminated for any reason. The report shall be in
30 writing and shall, in the case of new employment, include the
31 name and address of the new employer.

32 Failure to report new employment or the termination of
33 current employment, if coupled with nonpayment of support for a
34 period in excess of 60 days, is indirect criminal contempt. For
35 any obligor arrested for failure to report new employment, bond
36 shall be set in the amount of the child support that should

1 have been paid during the period of unreported employment.

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

9 (g) An order for support entered or modified in a case in
10 which a party is receiving child support enforcement services
11 under Article X of the Illinois Public Aid Code shall include a
12 provision requiring the noncustodial parent to notify the
13 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~,
14 within 7 days, of the name and address of any new employer of
15 the noncustodial parent, whether the noncustodial parent has
16 access to health insurance coverage through the employer or
17 other group coverage and, if so, the policy name and number and
18 the names of persons covered under the policy.

19 (h) In any subsequent action to enforce an order for
20 support entered under this Act, upon sufficient showing that
21 diligent effort has been made to ascertain the location of the
22 noncustodial parent, service of process or provision of notice
23 necessary in that action may be made at the last known address
24 of the noncustodial parent, in any manner expressly provided by
25 the Code of Civil Procedure or in this Act, which service shall
26 be sufficient for purposes of due process.

27 (i) An order for support shall include a date on which the
28 current support obligation terminates. The termination date
29 shall be no earlier than the date on which the child covered by
30 the order will attain the age of 18. However, if the child will
31 not graduate from high school until after attaining the age of
32 18, then the termination date shall be no earlier than the
33 earlier of the date on which the child's high school graduation
34 will occur or the date on which the child will attain the age
35 of 19. The order for support shall state that the termination
36 date does not apply to any arrearage that may remain unpaid on

1 that date. Nothing in this subsection shall be construed to
2 prevent the court from modifying the order or terminating the
3 order in the event the child is otherwise emancipated.

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

33 (j) A support obligation, or any portion of a support
34 obligation, which becomes due and remains unpaid as of the end
35 of each month, excluding the child support that was due for
36 that month to the extent that it was not paid in that month,

1 shall accrue simple interest as set forth in Section 12-109 of
2 the Code of Civil Procedure. An order for support entered or
3 modified on or after January 1, 2006 shall contain a statement
4 that a support obligation required under the order, or any
5 portion of a support obligation required under the order, that
6 becomes due and remains unpaid as of the end of each month,
7 excluding the child support that was due for that month to the
8 extent that it was not paid in that month, shall accrue simple
9 interest as set forth in Section 12-109 of the Code of Civil
10 Procedure. Failure to include the statement in the order for
11 support does not affect the validity of the order or the
12 accrual of interest as provided in this Section.

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

14 (750 ILCS 16/25)

15 Sec. 25. Payment of support to State Disbursement Unit;
16 clerk of the court.

17 (a) As used in this Section, "order for support",
18 "obligor", "obligee", and "payor" mean those terms as defined
19 in the Income Withholding for Support Act.

20 (b) Each order for support entered or modified under
21 Section 20 of this Act shall require that support payments be
22 made to the State Disbursement Unit established under the
23 Illinois Public Aid Code, under the following circumstances:

24 (1) when a party to the order is receiving child
25 support enforcement services under Article X of the
26 Illinois Public Aid Code; or

27 (2) when no party to the order is receiving child
28 support enforcement services, but the support payments are
29 made through income withholding.

30 (c) When no party to the order is receiving child support
31 enforcement services, and payments are not being made through
32 income withholding, the court shall order the obligor to make
33 support payments to the clerk of the court.

34 (d) At any time, and notwithstanding the existence of an
35 order directing payments to be made elsewhere, the Department

1 of Child Support Services ~~Public Aid~~ may provide notice to the
2 obligor and, where applicable, to the obligor's payor:

3 (1) to make support payments to the State Disbursement
4 Unit if:

5 (A) a party to the order for support is receiving
6 child support enforcement services under Article X of
7 the Illinois Public Aid Code; or

8 (B) no party to the order for support is receiving
9 child support enforcement services under Article X of
10 the Illinois Public Aid Code, but the support payments
11 are made through income withholding; or

12 (2) to make support payments to the State Disbursement
13 Unit of another state upon request of another state's Title
14 IV-D child support enforcement agency, in accordance with
15 the requirements of Title IV, Part D of the Social Security
16 Act and regulations promulgated under that Part D.

17 The Department of Child Support Services ~~Public Aid~~ shall
18 provide a copy of the notice to the obligee and to the clerk of
19 the circuit court.

20 (e) If a State Disbursement Unit as specified by federal
21 law has not been created in Illinois upon the effective date of
22 this Act, then, until the creation of a State Disbursement Unit
23 as specified by federal law, the following provisions regarding
24 payment and disbursement of support payments shall control and
25 the provisions in subsections (a), (b), (c), and (d) shall be
26 inoperative. Upon the creation of a State Disbursement Unit as
27 specified by federal law, the payment and disbursement
28 provisions of subsections (a), (b), (c), and (d) shall control,
29 and this subsection (e) shall be inoperative to the extent that
30 it conflicts with those subsections.

31 (1) In cases in which an order for support is entered
32 under Section 20 of this Act, the court shall order that
33 maintenance and support payments be made to the clerk of
34 the court for remittance to the person or agency entitled
35 to receive the payments. However, the court in its
36 discretion may direct otherwise where exceptional

1 circumstances so warrant.

2 (2) The court shall direct that support payments be
3 sent by the clerk to (i) the ~~Illinois~~ Department of Child
4 Support Services ~~Public Aid~~ if the person in whose behalf
5 payments are made is receiving aid under Articles III, IV,
6 or V of the Illinois Public Aid Code, or child support
7 enforcement services under Article X of the Code, or (ii)
8 to the local governmental unit responsible for the support
9 of the person if he or she is a recipient under Article VI
10 of the Code. In accordance with federal law and
11 regulations, the ~~Illinois~~ Department of Child Support
12 Services ~~Public Aid~~ may continue to collect current
13 maintenance payments or child support payments, or both,
14 after those persons cease to receive public assistance and
15 until termination of services under Article X of the
16 Illinois Public Aid Code. The ~~Illinois~~ Department shall pay
17 the net amount collected to those persons after deducting
18 any costs incurred in making the collection or any
19 collection fee from the amount of any recovery made. The
20 order shall permit the ~~Illinois~~ Department of Child Support
21 Services ~~Public Aid~~ or the local governmental unit, as the
22 case may be, to direct that support payments be made
23 directly to the spouse, children, or both, or to some
24 person or agency in their behalf, upon removal of the
25 spouse or children from the public aid rolls or upon
26 termination of services under Article X of the Illinois
27 Public Aid Code; and upon such direction, the ~~Illinois~~
28 Department or the local governmental unit, as the case
29 requires, shall give notice of such action to the court in
30 writing or by electronic transmission.

31 (3) The clerk of the court shall establish and maintain
32 current records of all moneys received and disbursed and of
33 delinquencies and defaults in required payments. The
34 court, by order or rule, shall make provision for the
35 carrying out of these duties.

36 (4) (Blank).

1 (5) Payments under this Section to the ~~Illinois~~
2 Department of Child Support Services ~~Public Aid~~ pursuant to
3 the Child Support Enforcement Program established by Title
4 IV-D of the Social Security Act shall be paid into the
5 Child Support Enforcement Trust Fund. All ~~other~~ payments
6 under this Section to the Department of Healthcare and
7 Family Services (formerly Illinois Department of Public
8 Aid) shall be deposited in the Public Assistance Recoveries
9 Trust Fund. Disbursements from these funds shall be as
10 provided in the Illinois Public Aid Code. Payments received
11 by a local governmental unit shall be deposited in that
12 unit's General Assistance Fund.

13 (6) For those cases in which child support is payable
14 to the clerk of the circuit court for transmittal to the
15 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ by
16 order of court or upon notification by the ~~Illinois~~
17 Department of Child Support Services ~~Public Aid~~, the clerk
18 shall transmit all such payments, within 4 working days of
19 receipt, to insure that funds are available for immediate
20 distribution by the Department to the person or entity
21 entitled thereto in accordance with standards of the Child
22 Support Enforcement Program established under Title IV-D
23 of the Social Security Act. The clerk shall notify the
24 Department of the date of receipt and amount thereof at the
25 time of transmittal. Where the clerk has entered into an
26 agreement of cooperation with the Department to record the
27 terms of child support orders and payments made thereunder
28 directly into the Department's automated data processing
29 system, the clerk shall account for, transmit and otherwise
30 distribute child support payments in accordance with such
31 agreement in lieu of the requirements contained herein.

32 (Source: P.A. 94-88, eff. 1-1-06.)

33 (750 ILCS 16/30)

34 Sec. 30. Information to State Case Registry.

35 (a) In this Section:

1 "Order for support", "obligor", "obligee", and "business
2 day" are defined as set forth in the Income Withholding for
3 Support Act.

4 "State Case Registry" means the State Case Registry
5 established under Section 10-27 of the Illinois Public Aid
6 Code.

7 (b) Each order for support entered or modified by the
8 circuit court under this Act shall require that the obligor and
9 obligee (i) file with the clerk of the circuit court the
10 information required by this Section (and any other information
11 required under Title IV, Part D of the Social Security Act or
12 by the federal Department of Health and Human Services) at the
13 time of entry or modification of the order for support and (ii)
14 file updated information with the clerk within 5 business days
15 of any change. Failure of the obligor or obligee to file or
16 update the required information shall be punishable as in cases
17 of contempt. The failure shall not prevent the court from
18 entering or modifying the order for support, however.

19 (c) The obligor shall file the following information: the
20 obligor's name, date of birth, social security number, and
21 mailing address.

22 If either the obligor or the obligee receives child support
23 enforcement services from the ~~Illinois~~ Department of Child
24 Support Services ~~Public Aid~~ under Article X of the Illinois
25 Public Aid Code, the obligor shall also file the following
26 information: the obligor's telephone number, driver's license
27 number, and residential address (if different from the
28 obligor's mailing address), and the name, address, and
29 telephone number of the obligor's employer or employers.

30 (d) The obligee shall file the following information:

31 (1) The names of the obligee and the child or children
32 covered by the order for support.

33 (2) The dates of birth of the obligee and the child or
34 children covered by the order for support.

35 (3) The social security numbers of the obligee and the
36 child or children covered by the order for support.

1 (4) The obligee's mailing address.

2 (e) In cases in which the obligee receives child support
3 enforcement services from the ~~Illinois~~ Department of Child
4 Support Services ~~Public Aid~~ under Article X of the Illinois
5 Public Aid Code, the order for support shall (i) require that
6 the obligee file the information required under subsection (d)
7 with the ~~Illinois~~ Department of Child Support Services ~~Public~~
8 ~~Aid~~ for inclusion in the State Case Registry, rather than file
9 the information with the clerk, and (ii) require that the
10 obligee include the following additional information:

11 (1) The obligee's telephone and driver's license
12 numbers.

13 (2) The obligee's residential address, if different
14 from the obligee's mailing address.

15 (3) The name, address, and telephone number of the
16 obligee's employer or employers.

17 The order for support shall also require that the obligee
18 update the information filed with the ~~Illinois~~ Department of
19 Child Support Services ~~Public Aid~~ within 5 business days of any
20 change.

21 (f) The clerk shall provide the information filed under
22 this Section, together with the court docket number and county
23 in which the order for support was entered, to the State Case
24 Registry within 5 business days after receipt of the
25 information.

26 (g) In a case in which a party is receiving child support
27 enforcement services under Article X of the Illinois Public Aid
28 Code, the clerk shall provide the following additional
29 information to the State Case Registry within 5 business days
30 after entry or modification of an order for support or request
31 from the ~~Illinois~~ Department of Child Support Services ~~Public~~
32 ~~Aid~~:

33 (1) The amount of monthly or other periodic support
34 owed under the order for support and other amounts,
35 including arrearage, interest, or late payment penalties
36 and fees, due or overdue under the order.

1 (2) Any such amounts that have been received by the
2 clerk, and the distribution of those amounts by the clerk.

3 (h) Information filed by the obligor and obligee under this
4 Section that is not specifically required to be included in the
5 body of an order for support under other laws is not a public
6 record and shall be treated as confidential and subject to
7 disclosure only in accordance with the provisions of this
8 Section, Section 10-27 of the Illinois Public Aid Code, and
9 Title IV, Part D of the Social Security Act.

10 (Source: P.A. 91-613, eff. 10-1-99; 92-463, eff. 8-22-01.)

11 (750 ILCS 16/35)

12 Sec. 35. Fine; release of defendant on probation; violation
13 of order for support; forfeiture of recognizance.

14 (a) Whenever a fine is imposed it may be directed by the
15 court to be paid, in whole or in part, to the spouse,
16 ex-spouse, or if the support of a child or children is
17 involved, to the custodial parent, to the clerk, probation
18 officer, or to the ~~Illinois~~ Department of Child Support
19 Services ~~Public Aid~~ if a recipient of child support enforcement
20 services under Article X of the Illinois Public Aid Code is
21 involved as the case requires, to be disbursed by such officers
22 or agency under the terms of the order.

23 (b) The court may also relieve the defendant from custody
24 on probation for the period fixed in the order or judgment upon
25 his or her entering into a recognizance, with or without
26 surety, in the sum as the court orders and approves. The
27 condition of the recognizance shall be such that if the
28 defendant makes his or her personal appearance in court
29 whenever ordered to do so by the court, during such period as
30 may be so fixed, and further complies with the terms of the
31 order for support, or any subsequent modification of the order,
32 then the recognizance shall be void; otherwise it will remain
33 in full force and effect.

34 (c) If the court is satisfied by testimony in open court,
35 that at any time during the period of one year the defendant

1 has violated the terms of the order for support, it may proceed
2 with the trial of the defendant under the original charge, or
3 sentence him or her under the original conviction, or enforce
4 the suspended sentence, as the case may be. In case of
5 forfeiture of recognizance, and enforcement of recognizance by
6 execution, the sum so recovered may, in the discretion of the
7 court, be paid, in whole or in part, to the spouse, ex-spouse,
8 or if the support of a child or children is involved, to the
9 custodial parent, to the clerk, or to the ~~Illinois~~ Department
10 of Child Support Services ~~Public Aid~~ if a recipient of child
11 support enforcement services under Article X of the Illinois
12 Public Aid Code is involved as the case requires, to be
13 disbursed by the clerk or the Department under the terms of the
14 order.

15 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02.)

16 (750 ILCS 16/60)

17 Sec. 60. Unemployed persons owing duty of support.

18 (a) Whenever it is determined in a proceeding to establish
19 or enforce a child support or maintenance obligation that the
20 person owing a duty of support is unemployed, the court may
21 order the person to seek employment and report periodically to
22 the court with a diary, listing or other memorandum of his or
23 her efforts in accordance with such order. Additionally, the
24 court may order the unemployed person to report to the
25 Department of Employment Security for job search services or to
26 make application with the local Job Training Partnership Act
27 provider for participation in job search, training, or work
28 programs and where the duty of support is owed to a child
29 receiving child support enforcement services under Article X of
30 the Illinois Public Aid Code the court may order the unemployed
31 person to report to the ~~Illinois~~ Department of Child Support
32 Services ~~Public Aid~~ for participation in job search, training,
33 or work programs established under Section 9-6 and Article IXA
34 of that Code.

35 (b) Whenever it is determined that a person owes past due

1 support for a child or for a child and the parent with whom the
2 child is living, and the child is receiving assistance under
3 the Illinois Public Aid Code, the court shall order at the
4 request of the ~~Illinois~~ Department of Child Support Services
5 ~~Public Aid~~:

6 (1) that the person pay the past-due support in
7 accordance with a plan approved by the court; or

8 (2) if the person owing past-due support is unemployed,
9 is subject to such a plan, and is not incapacitated, that
10 the person participate in such job search, training, or
11 work programs established under Section 9-6 and Article IXA
12 of the Illinois Public Aid Code as the court deems
13 appropriate.

14 (Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01;
15 92-590, eff. 7-1-02.)

16 Section 1005. The Uniform Interstate Family Support Act is
17 amended by changing Sections 103, 310, and 320 as follows:

18 (750 ILCS 22/103) (was 750 ILCS 22/102)

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

27 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

28 (750 ILCS 22/310)

29 Sec. 310. Duties of the ~~Illinois~~ Department of Child
30 Support Services ~~Public Aid~~.

31 (a) The ~~Illinois~~ Department of Child Support Services
32 ~~Public Aid~~ is the state information agency under this Act.

33 (b) The state information agency shall:

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

6 (2) maintain a register of names and addresses of
7 tribunals and support enforcement agencies received from
8 other states;

9 (3) forward to the appropriate tribunal in the county
10 in this State in which the obligee who is an individual or
11 the obligor resides, or in which the obligor's property is
12 believed to be located, all documents concerning a
13 proceeding under this Act received from an initiating
14 tribunal or the state information agency of the initiating
15 state; and

16 (4) obtain information concerning the location of the
17 obligor and the obligor's property within this State not
18 exempt from execution, by such means as postal verification
19 and federal or state locator services, examination of
20 telephone directories, requests for the obligor's address
21 from employers, and examination of governmental records,
22 including, to the extent not prohibited by other law, those
23 relating to real property, vital statistics, law
24 enforcement, taxation, motor vehicles, driver's licenses,
25 and social security.

26 (c) The ~~Illinois~~ Department of Child Support Services
27 ~~Public Aid~~ may determine that a foreign country or political
28 subdivision has established a reciprocal arrangement for child
29 support with Illinois and take appropriate action for
30 notification of this determination.

31 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

32 (750 ILCS 22/320)

33 Sec. 320. Payment of Support to State Disbursement Unit.

34 (a) As used in this Section:

35 "Order for support", "obligor", "obligee", and "payor"

1 mean those terms as defined in the Income Withholding for
2 Support Act, except that "order for support" means an order
3 entered by any tribunal of this State but shall not mean orders
4 providing for spousal maintenance under which there is no child
5 support obligation.

6 (b) Notwithstanding any other provision of this Act to the
7 contrary, each order for support entered or modified on or
8 after October 1, 1999 shall require that support payments be
9 made to the State Disbursement Unit established under Section
10 10-26 of the Illinois Public Aid Code if:

11 (1) a party to the order is receiving child support
12 enforcement services under Article X of the Illinois Public
13 Aid Code; or

14 (2) no party to the order is receiving child support
15 enforcement services, but the support payments are made
16 through income withholding.

17 (c) Support payments shall be made to the State
18 Disbursement Unit if:

19 (1) the order for support was entered before October 1,
20 1999, and a party to the order is receiving child support
21 enforcement services under Article X of the Illinois Public
22 Aid Code; or

23 (2) no party to the order is receiving child support
24 enforcement services, and the support payments are being
25 made through income withholding.

26 (c-5) If no party to the order is receiving child support
27 enforcement services under Article X of the Illinois Public Aid
28 Code, and the support payments are not made through income
29 withholding, then support payments shall be made as directed by
30 the order for support.

31 (c-10) At any time, and notwithstanding the existence of an
32 order directing payments to be made elsewhere, the Department
33 of Child Support Services ~~Public Aid~~ may provide notice to the
34 obligor and, where applicable, to the obligor's payor:

35 (1) to make support payments to the State Disbursement
36 Unit if:

1 (A) a party to the order for support is receiving
2 child support enforcement services under Article X of
3 the Illinois Public Aid Code; or

4 (B) no party to the order for support is receiving
5 child support enforcement services under Article X of
6 the Illinois Public Aid Code, but the support payments
7 are made through income withholding; or

8 (2) to make support payments to the State Disbursement
9 Unit of another state upon request of another state's Title
10 IV-D child support enforcement agency, in accordance with
11 the requirements of Title IV, Part D of the Social Security
12 Act and regulations promulgated under that Part D.

13 The Department of Child Support Services ~~Public Aid~~ shall
14 provide a copy of the notice to the obligee and to the clerk of
15 the circuit court.

16 (c-15) Within 15 days after the effective date of this
17 amendatory Act of the 91st General Assembly, the clerk of the
18 circuit court shall provide written notice to the obligor to
19 make payments directly to the clerk of the circuit court if no
20 party to the order is receiving child support enforcement
21 services under Article X of the Illinois Public Aid Code, the
22 support payments are not made through income withholding, and
23 the order for support requires support payments to be made
24 directly to the clerk of the circuit court. The clerk shall
25 provide a copy of the notice to the obligee.

26 (c-20) If the State Disbursement Unit receives a support
27 payment that was not appropriately made to the Unit under this
28 Section, the Unit shall immediately return the payment to the
29 sender, including, if possible, instructions detailing where
30 to send the support payments.

31 (d) The notices under subsections (c-10) and (c-15) may be
32 sent by ordinary mail, certified mail, return receipt
33 requested, facsimile transmission, or other electronic
34 process, or may be served upon the obligor or payor using any
35 method provided by law for service of a summons.

36 (Source: P.A. 91-677, eff. 1-5-00; 92-590, eff. 7-1-02.)

1 Section 1010. The Unified Child Support Services Act is
2 amended by changing Section 5 as follows:

3 (750 ILCS 24/5)

4 Sec. 5. Definitions. In this Act:

5 "Child support services" mean any services provided with
6 respect to parentage establishment, support establishment,
7 medical support establishment, support modification, or
8 support enforcement.

9 "Child support specialist" means a paralegal, attorney, or
10 other staff member with specialized training in child support
11 services.

12 "Current child support case" means a case that is pending
13 in the IV-D Child Support Program for which any action is being
14 taken by a Unified Child Support Services Program.

15 "Department" means the ~~Illinois~~ Department of Child
16 Support Services ~~Public Aid~~.

17 "IV-D Child Support Program" means the child support
18 enforcement program established pursuant to Title IV, Part D of
19 the federal Social Security Act and Article X of the Illinois
20 Public Aid Code.

21 "KIDS" means the Key Information Delivery System that
22 includes a statewide database of all cases in the IV-D Child
23 Support Program.

24 "Medicaid" means the medical assistance program under
25 Article V of the Illinois Public Aid Code.

26 "Obligor" and "obligee" mean those terms as defined in the
27 Income Withholding for Support Act.

28 "Plan" means a plan for a Unified Child Support Services
29 Program.

30 "Program" means the Unified Child Support Services Program
31 in a county or group of counties.

32 "State Disbursement Unit" means the State Disbursement
33 Unit established under Section 10-26 of the Illinois Public Aid
34 Code.

1 "State's Attorney" means the duly elected State's Attorney
2 of an Illinois county or 2 or more State's Attorneys who have
3 formed a consortium for purposes of managing a Unified Child
4 Support Services Program within a specific region of the State.

5 "Temporary Assistance for Needy Families" means the
6 Temporary Assistance for Needy Families (TANF) program under
7 Article IV of the Illinois Public Aid Code.

8 (Source: P.A. 92-876, eff. 6-1-03.)

9 Section 1015. The Expedited Child Support Act of 1990 is
10 amended by changing Sections 3 and 6 as follows:

11 (750 ILCS 25/3) (from Ch. 40, par. 2703)

12 Sec. 3. Definitions. For the purposes of this Act, the
13 following terms shall have the following meaning:

14 (a) "Administrative Hearing Officer" shall mean the person
15 employed by the Chief Judge of the Circuit Court of each county
16 establishing an Expedited Child Support System for the purpose
17 of hearing child support and parentage matters and making
18 recommendations.

19 (b) "Administrative expenses" shall mean, but not be
20 limited to, the costs of personnel, travel, equipment,
21 telecommunications, postage, space, contractual services, and
22 other related costs necessary to implement the provisions of
23 this Act.

24 (c) "Arrearage" shall mean the total amount of unpaid child
25 support obligations.

26 (d) "Department" shall mean the ~~Illinois~~ Department of
27 Child Support Services ~~Public Aid~~.

28 (e) "Expedited child support hearing" shall mean a hearing
29 before an Administrative Hearing Officer pursuant to this Act.

30 (f) "Federal time frames" shall mean the time frames
31 established for the IV-D program in regulations promulgated by
32 the United States Department of Health and Human Services,
33 Office of Child Support Enforcement, (codified at 45 C.F.R.
34 303), for the disposition of parentage and child support cases

1 and shall, for purposes of this Act, apply to all parentage and
2 child support matters, whether IV-D or non-IV-D.

3 (g) "System" shall mean the procedures and personnel
4 created by this Act for the expedited establishment,
5 modification, and enforcement of child support orders, and for
6 the expedited establishment of parentage.

7 (h) "IV-D program" shall mean the Child Support Enforcement
8 Program established pursuant to Title IV, Part D of the Social
9 Security Act, (42 U.S.C. 651 et seq.) as administered by the
10 Illinois Department of Public Aid.

11 (i) "Medical support" shall mean support provided pursuant
12 to Section 505.2 of the Illinois Marriage and Dissolution of
13 Marriage Act.

14 (j) "Obligee" shall mean the individual to whom a duty of
15 support is owed or that individual's legal representative.

16 (k) "Obligor" shall mean the individual who owes a duty to
17 make payments under an order of support.

18 (l) "Plan" shall mean the plan submitted by the Chief Judge
19 of a Judicial Circuit to the Supreme Court for the creation of
20 an Expedited Child Support System in such circuit pursuant to
21 this Act.

22 (m) "Pre-hearing motions" shall mean all motions, the
23 disposition of which requires a court order, except motions for
24 the ultimate relief requested in the petition to commence the
25 action.

26 (n) "Recommendations" shall mean the Administrative
27 Hearing Officer's proposed findings of fact, recommended
28 orders and any other recommendations made by the Administrative
29 Hearing Officer.

30 (Source: P.A. 86-1401.)

31 (750 ILCS 25/6) (from Ch. 40, par. 2706)

32 Sec. 6. Authority of hearing officers.

33 (a) With the exception of judicial functions exclusively
34 retained by the court in Section 8 of this Act and in
35 accordance with Supreme Court rules promulgated pursuant to

1 this Act, Administrative Hearing Officers shall be authorized
2 to:

3 (1) Accept voluntary agreements reached by the parties
4 setting the amount of child support to be paid and medical
5 support liability and recommend the entry of orders
6 incorporating such agreements.

7 (2) Accept voluntary acknowledgments of parentage and
8 recommend entry of an order establishing parentage based on
9 such acknowledgement. Prior to accepting such
10 acknowledgment, the Administrative Hearing Officer shall
11 advise the putative father of his rights and obligations in
12 accordance with Supreme Court rules promulgated pursuant
13 to this Act.

14 (3) Manage all stages of discovery, including setting
15 deadlines by which discovery must be completed; and
16 directing the parties to submit to appropriate tests
17 pursuant to Section 11 of the Illinois Parentage Act of
18 1984.

19 (4) Cause notices to be issued requiring the Obligor to
20 appear either before the Administrative Hearing Officer or
21 in court.

22 (5) Administer the oath or affirmation and take
23 testimony under oath or affirmation.

24 (6) Analyze the evidence and prepare written
25 recommendations based on such evidence, including but not
26 limited to: (i) proposed findings as to the amount of the
27 Obligor's income; (ii) proposed findings as to the amount
28 and nature of appropriate deductions from the Obligor's
29 income to determine the Obligor's net income; (iii)
30 proposed findings as to the existence of relevant factors
31 as set forth in subsection (a)(2) of Section 505 of the
32 Illinois Marriage and Dissolution of Marriage Act, which
33 justify setting child support payment levels above or below
34 the guidelines; (iv) recommended orders for temporary
35 child support; (v) recommended orders setting the amount of
36 current child support to be paid; (vi) proposed findings as

1 to the existence and amount of any arrearages; (vii)
2 recommended orders reducing any arrearages to judgement
3 and for the payment of amounts towards such arrearages;
4 (viii) proposed findings as to whether there has been a
5 substantial change of circumstances since the entry of the
6 last child support order, or other circumstances
7 justifying a modification of the child support order; and
8 (ix) proposed findings as to whether the Obligor is
9 employed.

10 (7) With respect to any unemployed Obligor who is not
11 making child support payments or is otherwise unable to
12 provide support, recommend that the Obligor be ordered to
13 seek employment and report periodically of his or her
14 efforts in accordance with such order. Additionally, the
15 Administrative Hearing Officer may recommend that the
16 Obligor be ordered to report to the Department of
17 Employment Security for job search services or to make
18 application with the local Job Training Partnership Act
19 provider for participation in job search, training or work
20 programs and, where the duty of support is owed to a child
21 receiving child support enforcement services under Article
22 X of the Illinois Public Aid Code, the Administrative
23 Hearing Officer may recommend that the Obligor be ordered
24 to report to the ~~Illinois~~ Department of Child Support
25 Services ~~Public Aid~~ for participation in the job search,
26 training or work programs established under Section 9-6 of
27 the Public Aid Code.

28 (8) Recommend the registration of any foreign support
29 judgments or orders as the judgments or orders of Illinois.

30 (b) In any case in which the Obligee is not participating
31 in the IV-D program or has not applied to participate in the
32 IV-D program, the Administrative Hearing Officer shall:

33 (1) inform the Obligee of the existence of the IV-D
34 program and provide applications on request; and

35 (2) inform the Obligee and the Obligor of the option of
36 requesting payment to be made through the Clerk of the

1 Circuit Court.

2 If a request for payment through the Clerk is made, the
3 Administrative Hearing Officer shall note this fact in the
4 recommendations to the court.

5 (c) The Administrative Hearing Officer may make
6 recommendations in addition to the proposed findings of fact
7 and recommended order to which the parties have agreed.

8 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02.)

9 Section 1020. The Income Withholding for Support Act is
10 amended by changing Sections 15, 22, and 45 as follows:

11 (750 ILCS 28/15)

12 Sec. 15. Definitions.

13 (a) "Order for support" means any order of the court which
14 provides for periodic payment of funds for the support of a
15 child or maintenance of a spouse, whether temporary or final,
16 and includes any such order which provides for:

17 (1) modification or resumption of, or payment of
18 arrearage, including interest, accrued under, a previously
19 existing order;

20 (2) reimbursement of support;

21 (3) payment or reimbursement of the expenses of
22 pregnancy and delivery (for orders for support entered
23 under the Illinois Parentage Act of 1984 or its predecessor
24 the Paternity Act); or

25 (4) enrollment in a health insurance plan that is
26 available to the obligor through an employer or labor union
27 or trade union.

28 (b) "Arrearage" means the total amount of unpaid support
29 obligations, including interest, as determined by the court and
30 incorporated into an order for support.

31 (b-5) "Business day" means a day on which State offices are
32 open for regular business.

33 (c) "Delinquency" means any payment, including a payment of
34 interest, under an order for support which becomes due and

1 remains unpaid after entry of the order for support.

2 (d) "Income" means any form of periodic payment to an
3 individual, regardless of source, including, but not limited
4 to: wages, salary, commission, compensation as an independent
5 contractor, workers' compensation, disability, annuity,
6 pension, and retirement benefits, lottery prize awards,
7 insurance proceeds, vacation pay, bonuses, profit-sharing
8 payments, interest, and any other payments, made by any person,
9 private entity, federal or state government, any unit of local
10 government, school district or any entity created by Public
11 Act; however, "income" excludes:

12 (1) any amounts required by law to be withheld, other
13 than creditor claims, including, but not limited to,
14 federal, State and local taxes, Social Security and other
15 retirement and disability contributions;

16 (2) union dues;

17 (3) any amounts exempted by the federal Consumer Credit
18 Protection Act;

19 (4) public assistance payments; and

20 (5) unemployment insurance benefits except as provided
21 by law.

22 Any other State or local laws which limit or exempt income
23 or the amount or percentage of income that can be withheld
24 shall not apply.

25 (e) "Obligor" means the individual who owes a duty to make
26 payments under an order for support.

27 (f) "Obligee" means the individual to whom a duty of
28 support is owed or the individual's legal representative.

29 (g) "Payor" means any payor of income to an obligor.

30 (h) "Public office" means any elected official or any State
31 or local agency which is or may become responsible by law for
32 enforcement of, or which is or may become authorized to
33 enforce, an order for support, including, but not limited to:
34 the Attorney General, the ~~Illinois~~ Department of Child Support
35 Services ~~Public Aid~~, the Illinois Department of Human Services,
36 the Illinois Department of Children and Family Services, and

1 the various State's Attorneys, Clerks of the Circuit Court and
2 supervisors of general assistance.

3 (i) "Premium" means the dollar amount for which the obligor
4 is liable to his employer or labor union or trade union and
5 which must be paid to enroll or maintain a child in a health
6 insurance plan that is available to the obligor through an
7 employer or labor union or trade union.

8 (j) "State Disbursement Unit" means the unit established to
9 collect and disburse support payments in accordance with the
10 provisions of Section 10-26 of the Illinois Public Aid Code.

11 (k) "Title IV-D Agency" means the agency of this State
12 charged by law with the duty to administer the child support
13 enforcement program established under Title IV, Part D of the
14 Social Security Act and Article X of the Illinois Public Aid
15 Code.

16 (l) "Title IV-D case" means a case in which an obligee or
17 obligor is receiving child support enforcement services under
18 Title IV, Part D of the Social Security Act and Article X of
19 the Illinois Public Aid Code.

20 (m) "National Medical Support Notice" means the notice
21 required for enforcement of orders for support providing for
22 health insurance coverage of a child under Title IV, Part D of
23 the Social Security Act, the Employee Retirement Income
24 Security Act of 1974, and federal regulations promulgated under
25 those Acts.

26 (n) "Employer" means a payor or labor union or trade union
27 with an employee group health insurance plan and, for purposes
28 of the National Medical Support Notice, also includes but is
29 not limited to:

30 (1) any State or local governmental agency with a group
31 health plan; and

32 (2) any payor with a group health plan or "church plan"
33 covered under the Employee Retirement Income Security Act
34 of 1974.

35 (Source: P.A. 94-90, eff. 1-1-06.)

1 (750 ILCS 28/22)

2 Sec. 22. Use of National Medical Support Notice to enforce
3 health insurance coverage.

4 (a) Notwithstanding the provisions of subdivision (c)(4)
5 of Section 20, when an order for support is being enforced by
6 the Title IV-D Agency under this Act, any requirement for
7 health insurance coverage to be provided through an employer,
8 including withholding of premiums from the income of the
9 obligor, shall be enforced through use of a National Medical
10 Support Notice instead of through provisions in an income
11 withholding notice.

12 (b) A National Medical Support Notice may be served on the
13 employer in the manner and under the circumstances provided for
14 serving an income withholding notice under this Act, except
15 that an order for support that conditions service of an income
16 withholding notice on the obligor becoming delinquent in paying
17 the order for support, as provided under subdivision (a)(1) of
18 Section 20, shall not prevent immediate service of a National
19 Medical Support Notice by the Title IV-D Agency. The Title IV-D
20 Agency may serve a National Medical Support Notice on an
21 employer in conjunction with service of an income withholding
22 notice. Service of an income withholding notice is not a
23 condition for service of a National Medical Support Notice,
24 however.

25 (c) At the time of service of a National Medical Support
26 Notice on the employer, the Title IV-D Agency shall serve a
27 copy of the Notice on the obligor by ordinary mail addressed to
28 the obligor's last known address. The Title IV-D Agency shall
29 file a copy of the National Medical Support Notice, together
30 with proofs of service on the employer and the obligor, with
31 the clerk of the circuit court.

32 (d) Within 20 business days after the date of a National
33 Medical Support Notice, an employer served with the Notice
34 shall transfer the severable notice to plan administrator to
35 the appropriate group health plan providing any health
36 insurance coverage for which the child is eligible. As required

1 in the part of the National Medical Support Notice directed to
2 the employer, the employer shall withhold any employee premium
3 necessary for coverage of the child and shall send any amount
4 withheld directly to the plan. The employer shall commence the
5 withholding no later than the next payment of income that
6 occurs 14 days following the date the National Medical Support
7 Notice was mailed, sent by facsimile or other electronic means,
8 or placed for personal delivery to or service on the employer.

9 Notwithstanding the requirement to withhold premiums from
10 the obligor's income, if the plan administrator informs the
11 employer that the child is enrolled in an option under the plan
12 for which the employer has determined that the obligor's
13 premium exceeds the amount that may be withheld from the
14 obligor's income due to the withholding limitation or
15 prioritization contained in Section 35 of this Act, the
16 employer shall complete the appropriate item in the part of the
17 National Medical Support Notice directed to the employer
18 according to the instructions in the Notice and shall return
19 that part to the Title IV-D Agency.

20 (e) If one of the following circumstances exists, an
21 employer served with a National Medical Support Notice shall
22 complete the part of the Notice directed to the employer in
23 accordance with the instructions in the Notice and shall return
24 that part to the Title IV-D Agency within 20 business days
25 after the date of the Notice:

26 (1) The employer does not maintain or contribute to
27 plans providing dependent or family health insurance
28 coverage.

29 (2) The obligor is among a class of employees that is
30 not eligible for family health insurance coverage under any
31 group health plan maintained by the employer or to which
32 the employer contributes.

33 (3) Health insurance coverage is not available because
34 the obligor is no longer employed by the employer.

35 (f) The administrator of a health insurance plan to whom an
36 employer has transferred the severable notice to plan

1 administrator part of a National Medical Support Notice shall
2 complete that part with the health insurance coverage
3 information required under the instructions in the Notice and
4 shall return that part to the Title IV-D Agency within 40
5 business days after the date of the Notice.

6 (g) The obligor may contest withholding under this Section
7 based only on a mistake of fact and may contest withholding by
8 filing a petition with the clerk of the circuit court within 20
9 days after service of a copy of the National Medical Support
10 Notice on the obligor. The obligor must serve a copy of the
11 petition on the Title IV-D Agency at the address stated in the
12 National Medical Support Notice. The National Medical Support
13 Notice, including the requirement to withhold any required
14 premium, shall continue to be binding on the employer until the
15 employer is served with a court order resolving the contest or
16 until notified by the Title IV-D Agency.

17 (h) Whenever the obligor is no longer receiving income from
18 the employer, the employer shall return a copy of the National
19 Medical Support Notice to the Title IV-D Agency and shall
20 provide information for the purpose of enforcing health
21 insurance coverage under this Section.

22 (i) The Title IV-D Agency shall promptly notify the
23 employer when there is no longer a current order for health
24 insurance coverage in effect which the Title IV-D Agency is
25 responsible for enforcing.

26 (j) Unless stated otherwise in this Section, all of the
27 provisions of this Act relating to income withholding for
28 support shall pertain to income withholding for health
29 insurance coverage under a National Medical Support Notice,
30 including but not limited to the duties of the employer and
31 obligor, and the penalties contained in Section 35 and Section
32 50. In addition, an employer who willfully fails to transfer
33 the severable notice to plan administrator part of a National
34 Medical Support Notice to the appropriate group health plan
35 providing health insurance coverage for which the child is
36 eligible, within 20 business days after the date of the Notice,

1 is liable for the full amount of medical expenses incurred by
2 or on behalf of the child which would have been paid or
3 reimbursed by the health insurance coverage had the severable
4 notice to plan administrator part of the Notice been timely
5 transferred to the group health insurance plan. This penalty
6 may be collected in a civil action that may be brought against
7 the employer in favor of the obligee or the Title IV-D Agency.

8 (k) To the extent that any other State or local law may be
9 construed to limit or prevent compliance by an employer or
10 health insurance plan administrator with the requirements of
11 this Section and federal law and regulations pertaining to the
12 National Medical Support Notice, that State or local law shall
13 not apply.

14 (l) As the Title IV-D Agency, the Department of Child
15 Support Services ~~Public Aid~~ shall adopt any rules necessary for
16 use of and compliance with the National Medical Support Notice.

17 (Source: P.A. 92-590, eff. 7-1-02.)

18 (750 ILCS 28/45)

19 Sec. 45. Additional duties.

20 (a) An obligee who is receiving income withholding payments
21 under this Act shall notify the State Disbursement Unit and the
22 Clerk of the Circuit Court of any change of address within 7
23 days of such change.

24 (b) An obligee who is a recipient of public aid shall send
25 a copy of any income withholding notice served by the obligee
26 to the ~~Division of Child Support Enforcement of the Illinois~~
27 Department of Child Support Services ~~Public Aid~~.

28 (c) Each obligor shall notify the obligee, the public
29 office, and the Clerk of the Circuit Court of any change of
30 address within 7 days.

31 (d) An obligor whose income is being withheld pursuant to
32 this Act shall notify the obligee, the public office, and the
33 Clerk of the Circuit Court of any new payor, within 7 days.

34 (e) (Blank.)

35 (f) The obligee or public office shall provide notice to

1 the payor and Clerk of the Circuit Court of any other support
2 payment made, including but not limited to, a set-off under
3 federal and State law or partial payment of the delinquency or
4 arrearage, or both.

5 (g) The State Disbursement Unit shall maintain complete,
6 accurate, and clear records of all income withholding payments
7 and their disbursements. Certified copies of payment records
8 maintained by the State Disbursement Unit, a public office, or
9 the Clerk of the Circuit Court shall, without further proof, be
10 admitted into evidence in any legal proceedings under this Act.

11 (h) The ~~Illinois~~ Department of Child Support Services
12 ~~Public Aid~~ shall design suggested legal forms for proceeding
13 under this Act and shall make available to the courts such
14 forms and informational materials which describe the
15 procedures and remedies set forth herein for distribution to
16 all parties in support actions.

17 (i) At the time of transmitting each support payment, the
18 State Disbursement Unit shall provide the obligee or public
19 office, as appropriate, with any information furnished by the
20 payor as to the date the amount would (but for the duty to
21 withhold income) have been paid or credited to the obligor.

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

24 Section 1025. The Illinois Parentage Act of 1984 is amended
25 by changing Sections 4.1, 5, 7, 8, 13.1, 14, 14.1, 15.1, 18,
26 21, 21.1, 22, and 23 as follows:

27 (750 ILCS 45/4.1)

28 Sec. 4.1. Administrative paternity determinations.
29 Notwithstanding any other provision of this Act, the ~~Illinois~~
30 Department of Child Support Services ~~Public Aid~~ may make
31 administrative determinations of paternity and nonpaternity in
32 accordance with Section 10-17.7 of the Illinois Public Aid
33 Code. These determinations of paternity or nonpaternity shall
34 have the full force and effect of judgments entered under this

1 Act.

2 (Source: P.A. 88-687, eff. 1-24-95.)

3 (750 ILCS 45/5) (from Ch. 40, par. 2505)

4 Sec. 5. Presumption of Paternity.

5 (a) A man is presumed to be the natural father of a child
6 if:

7 (1) he and the child's natural mother are or have been
8 married to each other, even though the marriage is or could
9 be declared invalid, and the child is born or conceived
10 during such marriage;

11 (2) after the child's birth, he and the child's natural
12 mother have married each other, even though the marriage is
13 or could be declared invalid, and he is named, with his
14 written consent, as the child's father on the child's birth
15 certificate;

16 (3) he and the child's natural mother have signed an
17 acknowledgment of paternity in accordance with rules
18 adopted by the ~~Illinois~~ Department of Child Support
19 Services ~~Public Aid~~ under Section 10-17.7 of the Illinois
20 Public Aid Code; or

21 (4) he and the child's natural mother have signed an
22 acknowledgment of parentage or, if the natural father is
23 someone other than one presumed to be the father under this
24 Section, an acknowledgment of parentage and denial of
25 paternity in accordance with Section 12 of the Vital
26 Records Act.

27 (b) A presumption under subdivision (a)(1) or (a)(2) of
28 this Section may be rebutted only by clear and convincing
29 evidence. A presumption under subdivision (a)(3) or (a)(4) is
30 conclusive, unless the acknowledgment of parentage is
31 rescinded under the process provided in Section 12 of the Vital
32 Records Act, upon the earlier of:

33 (1) 60 days after the date the acknowledgment of
34 parentage is signed, or

35 (2) the date of an administrative or judicial

1 proceeding relating to the child (including a proceeding to
2 establish a support order) in which the signatory is a
3 party;

4 except that if a minor has signed the acknowledgment of
5 paternity or acknowledgment of parentage and denial of
6 paternity, the presumption becomes conclusive 6 months after
7 the minor reaches majority or is otherwise emancipated.

8 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97.)

9 (750 ILCS 45/7) (from Ch. 40, par. 2507)

10 Sec. 7. Determination of Father and Child Relationship; Who
11 May Bring Action; Parties.

12 (a) An action to determine the existence of the father and
13 child relationship, whether or not such a relationship is
14 already presumed under Section 5 of this Act, may be brought by
15 the child; the mother; a pregnant woman; any person or public
16 agency who has custody of, or is providing or has provided
17 financial support to, the child; the Department of Child
18 Support Services, if the Department of Healthcare and Family
19 Services (formerly Illinois Department of Public Aid) ~~if it~~ is
20 providing or has provided financial support to the child or if
21 the Department of Child Support Services ~~it~~ is assisting with
22 child support collection services; or a man presumed or
23 alleging himself to be the father of the child or expected
24 child. The complaint shall be verified and shall name the
25 person or persons alleged to be the father of the child.

26 (b) An action to declare the non-existence of the parent
27 and child relationship may be brought by the child, the natural
28 mother, or a man presumed to be the father under subdivision
29 (a) (1) or (a) (2) of Section 5 of this Act. Actions brought by
30 the child, the natural mother or a presumed father shall be
31 brought by verified complaint.

32 After the presumption that a man presumed to be the father
33 under subdivision (a) (1) or (a) (2) of Section 5 has been
34 rebutted, paternity of the child by another man may be
35 determined in the same action, if he has been made a party.

1 (b-5) An action to declare the non-existence of the parent
2 and child relationship may be brought subsequent to an
3 adjudication of paternity in any judgment by the man
4 adjudicated to be the father pursuant to the presumptions in
5 Section 5 of this Act if, as a result of deoxyribonucleic acid
6 (DNA) tests, it is discovered that the man adjudicated to be
7 the father is not the natural father of the child. Actions
8 brought by the adjudicated father shall be brought by verified
9 complaint. If, as a result of the deoxyribonucleic acid (DNA)
10 tests, the plaintiff is determined not to be the father of the
11 child, the adjudication of paternity and any orders regarding
12 custody, visitation, and future payments of support may be
13 vacated.

14 (c) If any party is a minor, he or she may be represented
15 by his or her general guardian or a guardian ad litem appointed
16 by the court, which may include an appropriate agency. The
17 court may align the parties.

18 (d) Regardless of its terms, an agreement, other than a
19 settlement approved by the court, between an alleged or
20 presumed father and the mother or child, does not bar an action
21 under this Section.

22 (e) If an action under this Section is brought before the
23 birth of the child, all proceedings shall be stayed until after
24 the birth, except for service or process, the taking of
25 depositions to perpetuate testimony, and the ordering of blood
26 tests under appropriate circumstances.

27 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715,
28 eff. 8-7-98.)

29 (750 ILCS 45/8) (from Ch. 40, par. 2508)

30 Sec. 8. Statute of limitations.

31 (a) (1) An action brought by or on behalf of a child, an
32 action brought by a party alleging that he or she is the
33 child's natural parent, or an action brought by the
34 Department of Child Support Services or its predecessor,
35 the Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid), if that predecessor ~~it~~
2 is providing or has provided financial support to the child
3 or if the Department of Child Support Services ~~it~~ is
4 assisting with child support collection services, shall be
5 barred if brought later than 2 years after the child
6 reaches the age of majority; however, if the action on
7 behalf of the child is brought by a public agency, other
8 than the Department of Child Support Services or its
9 predecessor, the Department of Healthcare and Family
10 Services (formerly Department of Public Aid), if that
11 predecessor ~~the Illinois Department of Public Aid if it~~ is
12 providing or has provided financial support to the child or
13 if the Department of Child Support Services ~~it~~ is assisting
14 with child support collection services, it shall be barred
15 2 years after the agency has ceased to provide assistance
16 to the child.

17 (2) Failure to bring an action within 2 years shall not
18 bar any party from asserting a defense in any action to
19 declare the non-existence of the parent and child
20 relationship.

21 (3) An action to declare the non-existence of the
22 parent and child relationship brought under subsection (b)
23 of Section 7 of this Act shall be barred if brought later
24 than 2 years after the petitioner obtains knowledge of
25 relevant facts. The 2-year period for bringing an action to
26 declare the nonexistence of the parent and child
27 relationship shall not extend beyond the date on which the
28 child reaches the age of 18 years. Failure to bring an
29 action within 2 years shall not bar any party from
30 asserting a defense in any action to declare the existence
31 of the parent and child relationship.

32 (4) An action to declare the non-existence of the
33 parent and child relationship brought under subsection
34 (b-5) of Section 7 of this Act shall be barred if brought
35 more than 6 months after the effective date of this
36 amendatory Act of 1998 or more than 2 years after the

1 petitioner obtains actual knowledge of relevant facts,
2 whichever is later. The 2-year period shall not apply to
3 periods of time where the natural mother or the child
4 refuses to submit to deoxyribonucleic acid (DNA) tests. The
5 2-year period for bringing an action to declare the
6 nonexistence of the parent and child relationship shall not
7 extend beyond the date on which the child reaches the age
8 of 18 years. Failure to bring an action within 2 years
9 shall not bar any party from asserting a defense in any
10 action to declare the existence of the parent and child
11 relationship.

12 (b) The time during which any party is not subject to
13 service of process or is otherwise not subject to the
14 jurisdiction of the courts of this State shall toll the
15 aforementioned periods.

16 (c) This Act does not affect the time within which any
17 rights under the Probate Act of 1975 may be asserted beyond the
18 time provided by law relating to distribution and closing of
19 decedent's estates or to the determination of heirship, or
20 otherwise.

21 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715,
22 eff. 8-7-98.)

23 (750 ILCS 45/13.1)

24 Sec. 13.1. Temporary order for child support.
25 Notwithstanding any other law to the contrary, pending the
26 outcome of a judicial determination of parentage, the court
27 shall issue a temporary order for child support, upon motion by
28 a party and a showing of clear and convincing evidence of
29 paternity. In determining the amount of the temporary child
30 support award, the court shall use the guidelines and standards
31 set forth in subsection (a) of Section 505 and in Section 505.2
32 of the Illinois Marriage and Dissolution of Marriage Act.

33 Any new or existing support order entered by the court
34 under this Section shall be deemed to be a series of judgments
35 against the person obligated to pay support thereunder, each

1 such judgment to be in the amount of each payment or
2 installment of support and each judgment to be deemed entered
3 as of the date the corresponding payment or installment becomes
4 due under the terms of the support order. Each such judgment
5 shall have the full force, effect, and attributes of any other
6 judgment of this State, including the ability to be enforced.
7 Any such judgment is subject to modification or termination
8 only in accordance with Section 510 of the Illinois Marriage
9 and Dissolution of Marriage Act. A lien arises by operation of
10 law against the real and personal property of the noncustodial
11 parent for each installment of overdue support owed by the
12 noncustodial parent.

13 All orders for support, when entered or modified, shall
14 include a provision requiring the non-custodial parent to
15 notify the court, and in cases in which a party is receiving
16 child support enforcement services under Article X of the
17 Illinois Public Aid Code, the ~~Illinois~~ Department of Child
18 Support Services ~~Public Aid~~, within 7 days, (i) of the name,
19 address, and telephone number of any new employer of the
20 non-custodial parent, (ii) whether the non-custodial parent
21 has access to health insurance coverage through the employer or
22 other group coverage, and, if so, the policy name and number
23 and the names of persons covered under the policy, and (iii) of
24 any new residential or mailing address or telephone number of
25 the non-custodial parent.

26 In any subsequent action to enforce a support order, upon
27 sufficient showing that diligent effort has been made to
28 ascertain the location of the non-custodial parent, service of
29 process or provision of notice necessary in that action may be
30 made at the last known address of the non-custodial parent, in
31 any manner expressly provided by the Code of Civil Procedure or
32 in this Act, which service shall be sufficient for purposes of
33 due process.

34 An order for support shall include a date on which the
35 current support obligation terminates. The termination date
36 shall be no earlier than the date on which the child covered by

1 the order will attain the age of majority or is otherwise
2 emancipated. The order for support shall state that the
3 termination date does not apply to any arrearage that may
4 remain unpaid on that date. Nothing in this paragraph shall be
5 construed to prevent the court from modifying the order.

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

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

1 (750 ILCS 45/14) (from Ch. 40, par. 2514)

2 Sec. 14. Judgment.

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

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

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

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

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

25 (3) The extent to which the mother or the public agency
26 bringing the action previously informed the father of the
27 child's needs or attempted to seek or require his help in
28 raising or supporting the child.

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

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

33 For purposes of determining the amount of child support to
34 be paid for any period before the date the order for current
35 child support is entered, there is a rebuttable presumption
36 that the father's net income for the prior period was the same

1 as his net income at the time the order for current child
2 support is entered.

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

15 (c) 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 judgment to be in the amount of each payment or installment of
19 support and each such judgment to be deemed entered as of the
20 date the corresponding payment or installment becomes due under
21 the terms of the support order. Each judgment shall have the
22 full force, effect and attributes of any other judgment of this
23 State, including the ability to be enforced. A lien arises by
24 operation of law against the real and personal property of the
25 noncustodial parent for each installment of overdue support
26 owed by the noncustodial parent.

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

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

34 (f) If, upon a showing of proper service, the father fails
35 to appear in court, or otherwise appear as provided by law, the
36 court may proceed to hear the cause upon testimony of the

1 mother or other parties taken in open court and shall enter a
2 judgment by default. The court may reserve any order as to the
3 amount of child support until the father has received notice,
4 by regular mail, of a hearing on the matter.

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

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

30 (i) An order for support shall include a date on which the
31 current support obligation terminates. The termination date
32 shall be no earlier than the date on which the child covered by
33 the order will attain the age of 18. However, if the child will
34 not graduate from high school until after attaining the age of
35 18, then the termination date shall be no earlier than the
36 earlier of the date on which the child's high school graduation

1 will occur or the date on which the child will attain the age
2 of 19. The order for support shall state that the termination
3 date does not apply to any arrearage that may remain unpaid on
4 that date. Nothing in this subsection shall be construed to
5 prevent the court from modifying the order or terminating the
6 order in the event the child is otherwise emancipated.

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

36 (j) An order entered under this Section shall include a

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

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

21 (750 ILCS 45/14.1)

22 Sec. 14.1. Information to State Case Registry.

23 (a) In this Section:

24 "Order for support", "obligor", "obligee", and "business
25 day" are defined as set forth in the Income Withholding for
26 Support Act.

27 "State Case Registry" means the State Case Registry
28 established under Section 10-27 of the Illinois Public Aid
29 Code.

30 (b) Each order for support entered or modified by the
31 circuit court under this Act shall require that the obligor and
32 obligee (i) file with the clerk of the circuit court the
33 information required by this Section (and any other information
34 required under Title IV, Part D of the Social Security Act or
35 by the federal Department of Health and Human Services) at the

1 time of entry or modification of the order for support and (ii)
2 file updated information with the clerk within 5 business days
3 of any change. Failure of the obligor or obligee to file or
4 update the required information shall be punishable as in cases
5 of contempt. The failure shall not prevent the court from
6 entering or modifying the order for support, however.

7 (c) The obligor shall file the following information: the
8 obligor's name, date of birth, social security number, and
9 mailing address.

10 If either the obligor or the obligee receives child support
11 enforcement services from the ~~Illinois~~ Department of Child
12 Support Services ~~Public Aid~~ under Article X of the Illinois
13 Public Aid Code, the obligor shall also file the following
14 information: the obligor's telephone number, driver's license
15 number, and residential address (if different from the
16 obligor's mailing address), and the name, address, and
17 telephone number of the obligor's employer or employers.

18 (d) The obligee shall file the following information:

19 (1) The names of the obligee and the child or children
20 covered by the order for support.

21 (2) The dates of birth of the obligee and the child or
22 children covered by the order for support.

23 (3) The social security numbers of the obligee and the
24 child or children covered by the order for support.

25 (4) The obligee's mailing address.

26 (e) In cases in which the obligee receives child support
27 enforcement services from the ~~Illinois~~ Department of Child
28 Support Services ~~Public Aid~~ under Article X of the Illinois
29 Public Aid Code, the order for support shall (i) require that
30 the obligee file the information required under subsection (d)
31 with the ~~Illinois~~ Department of Child Support Services ~~Public~~
32 ~~Aid~~ for inclusion in the State Case Registry, rather than file
33 the information with the clerk, and (ii) require that the
34 obligee include the following additional information:

35 (1) The obligee's telephone and driver's license
36 numbers.

1 (2) The obligee's residential address, if different
2 from the obligee's mailing address.

3 (3) The name, address, and telephone number of the
4 obligee's employer or employers.

5 The order for support shall also require that the obligee
6 update the information filed with the ~~Illinois~~ Department of
7 Child Support Services ~~Public Aid~~ within 5 business days of any
8 change.

9 (f) The clerk shall provide the information filed under
10 this Section, together with the court docket number and county
11 in which the order for support was entered, to the State Case
12 Registry within 5 business days after receipt of the
13 information.

14 (g) In a case in which a party is receiving child support
15 enforcement services under Article X of the Illinois Public Aid
16 Code, the clerk shall provide the following additional
17 information to the State Case Registry within 5 business days
18 after entry or modification of an order for support or request
19 from the ~~Illinois~~ Department of Child Support Services ~~Public~~
20 ~~Aid~~:

21 (1) The amount of monthly or other periodic support
22 owed under the order for support and other amounts,
23 including arrearage, interest, or late payment penalties
24 and fees, due or overdue under the order.

25 (2) Any such amounts that have been received by the
26 clerk, and the distribution of those amounts by the clerk.

27 (h) Information filed by the obligor and obligee under this
28 Section that is not specifically required to be included in the
29 body of an order for support under other laws is not a public
30 record and shall be treated as confidential and subject to
31 disclosure only in accordance with the provisions of this
32 Section, Section 10-27 of the Illinois Public Aid Code, and
33 Title IV, Part D of the Social Security Act.

34 (Source: P.A. 91-212, eff. 7-20-99; 92-463, eff. 8-22-01.)

35 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

1 Sec. 15.1. (a) Whenever it is determined in a proceeding to
2 establish or enforce a child support obligation that the person
3 owing a duty of support is unemployed, the court may order the
4 person to seek employment and report periodically to the court
5 with a diary, listing or other memorandum of his or her efforts
6 in accordance with such order. Additionally, the court may
7 order the unemployed person to report to the Department of
8 Employment Security for job search services or to make
9 application with the local Job Training Partnership Act
10 provider for participation in job search, training or work
11 programs and where the duty of support is owed to a child
12 receiving child support enforcement services under Article X of
13 the Illinois Public Aid Code, as amended, the court may order
14 the unemployed person to report to the ~~Illinois~~ Department of
15 Child Support Services ~~Public Aid~~ for participation in job
16 search, training or work programs established under Section 9-6
17 and Article IXA of that Code.

18 (b) Whenever it is determined that a person owes past-due
19 support for a child, and the child is receiving assistance
20 under the Illinois Public Aid Code, the court shall order the
21 following at the request of the ~~Illinois~~ Department of Child
22 Support Services ~~Public Aid~~:

23 (1) that the person pay the past-due support in
24 accordance with a plan approved by the court; or

25 (2) if the person owing past-due support is unemployed,
26 is subject to such a plan, and is not incapacitated, that
27 the person participate in such job search, training, or
28 work programs established under Section 9-6 and Article IXA
29 of the Illinois Public Aid Code as the court deems
30 appropriate.

31 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02.)

32 (750 ILCS 45/18) (from Ch. 40, par. 2518)

33 Sec. 18. Right to Counsel; Free Transcript on Appeal.

34 (a) Any party may be represented by counsel at all
35 proceedings under this Act.

1 (a-5) In any proceedings involving the support, custody,
2 visitation, education, parentage, property interest, or
3 general welfare of a minor or dependent child, the court may,
4 on its own motion or that of any party, and subject to the
5 terms or specifications the court determines, appoint an
6 attorney to serve in one of the following capacities:

7 (1) as an attorney to represent the child;

8 (2) as a guardian ad litem to address issues the court
9 delineates;

10 (3) as a child's representative whose duty shall be to
11 advocate what the representative finds to be in the best
12 interests of the child after reviewing the facts and
13 circumstances of the case. The child's representative
14 shall have the same power and authority to take part in the
15 conduct of the litigation as does an attorney for a party
16 and shall possess all the powers of investigation and
17 recommendation as does a guardian ad litem. The child's
18 representative shall consider, but not be bound by, the
19 expressed wishes of the child. A child's representative
20 shall have received training in child advocacy or shall
21 possess such experience as determined to be equivalent to
22 such training by the chief judge of the circuit where the
23 child's representative has been appointed. The child's
24 representative shall not disclose confidential
25 communications made by the child, except as required by law
26 or by the Rules of Professional Conduct. The child's
27 representative shall not be called as a witness regarding
28 the issues set forth in this subsection.

29 During the proceedings the court may appoint an additional
30 attorney to serve in another of the capacities described in
31 subdivisions (1), (2), or (3) of the preceding paragraph on its
32 own motion or that of a party only for good cause shown and
33 when the reasons for the additional appointment are set forth
34 in specific findings.

35 The court shall enter an order as appropriate for costs,
36 fees, and disbursements, including a retainer, when the

1 attorney, guardian ad litem, or child's representative is
2 appointed, and thereafter as necessary. Such orders shall
3 require payment by either or both parents, by any other party
4 or source, or from the marital estate or the child's separate
5 estate. The court may not order payment by the ~~Illinois~~
6 Department of Child Support Services ~~Public Aid~~ in cases in
7 which the Department is providing child support enforcement
8 services under Article X of the Illinois Public Aid Code.
9 Unless otherwise ordered by the court at the time fees and
10 costs are approved, all fees and costs payable to an attorney,
11 guardian ad litem, or child's representative under this Section
12 are by implication deemed to be in the nature of support of the
13 child and are within the exceptions to discharge in bankruptcy
14 under 11 U.S.C.A. 523. The provisions of Sections 501 and 508
15 of this Act shall apply to fees and costs for attorneys
16 appointed under this Section.

17 (b) Upon the request of a mother or child seeking to
18 establish the existence of a father and child relationship, the
19 State's Attorney shall represent the mother or child in the
20 trial court. If the child is an applicant for or a recipient of
21 assistance as defined in Section 2-6 of "The Illinois Public
22 Aid Code", approved April 11, 1967, as amended, or has applied
23 to the ~~Illinois~~ Department of Child Support Services ~~Public Aid~~
24 for services under Article X of such Code, the Department may
25 file a complaint in the child's behalf under this Act. The
26 Department shall refer the complaint to the Public Aid Claims
27 Enforcement Division of the Office of the Attorney General as
28 provided in Section 12-16 of "The Illinois Public Aid Code" for
29 enforcement by the Attorney General. Legal representation by
30 the State's Attorney or the Attorney General shall be limited
31 to the establishment and enforcement of an order for support,
32 and shall not extend to visitation, custody, property or other
33 matters. If visitation, custody, property or other matters are
34 raised by a party and considered by the court in any proceeding
35 under this Act, the court shall provide a continuance
36 sufficient to enable the mother or child to obtain

1 representation for such matters.

2 (c) The Court may appoint counsel to represent any indigent
3 defendant in the trial court, except that this representation
4 shall be limited to the establishment of a parent and child
5 relationship and an order for support, and shall not extend to
6 visitation, custody, property, enforcement of an order for
7 support, or other matters. If visitation, custody, property or
8 other matters are raised by a party and considered by the court
9 in any proceeding under this Act, the court shall provide a
10 continuance sufficient to enable the defendant to obtain
11 representation for such matters.

12 (d) The court shall furnish on request of any indigent
13 party a transcript for purposes of appeal.

14 (Source: P.A. 91-410, eff. 1-1-00; 92-590, eff. 7-1-02.)

15 (750 ILCS 45/21) (from Ch. 40, par. 2521)

16 Sec. 21. Support payments; receiving and disbursing
17 agents.

18 (1) In an action filed in a county of less than 3 million
19 population in which an order for child support is entered, and
20 in supplementary proceedings in such a county to enforce or
21 vary the terms of such order arising out of an action filed in
22 such a county, the court, except in actions or supplementary
23 proceedings in which the pregnancy and delivery expenses of the
24 mother or the child support payments are for a recipient of aid
25 under the Illinois Public Aid Code, shall direct that child
26 support payments be made to the clerk of the court unless in
27 the discretion of the court exceptional circumstances warrant
28 otherwise. In cases where payment is to be made to persons
29 other than the clerk of the court the judgment or order of
30 support shall set forth the facts of the exceptional
31 circumstances.

32 (2) In an action filed in a county of 3 million or more
33 population in which an order for child support is entered, and
34 in supplementary proceedings in such a county to enforce or
35 vary the terms of such order arising out of an action filed in

1 such a county, the court, except in actions or supplementary
2 proceedings in which the pregnancy and delivery expenses of the
3 mother or the child support payments are for a recipient of aid
4 under the Illinois Public Aid Code, shall direct that child
5 support payments be made either to the clerk of the court or to
6 the Court Service Division of the County Department of Public
7 Aid, or to the clerk of the court or to the ~~Illinois~~ Department
8 of Child Support Services ~~Public Aid~~, unless in the discretion
9 of the court exceptional circumstances warrant otherwise. In
10 cases where payment is to be made to persons other than the
11 clerk of the court, the Court Service Division of the County
12 Department of Public Aid, or the ~~Illinois~~ Department of Child
13 Support Services ~~Public Aid~~, the judgment or order of support
14 shall set forth the facts of the exceptional circumstances.

15 (3) Where the action or supplementary proceeding is in
16 behalf of a mother for pregnancy and delivery expenses or for
17 child support, or both, and the mother, child, or both, are
18 recipients of aid under the Illinois Public Aid Code, the court
19 shall order that the payments be made directly to (a) the
20 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ if the
21 mother or child, or both, are recipients under Articles IV or V
22 of the Code, or (b) the local governmental unit responsible for
23 the support of the mother or child, or both, if they are
24 recipients under Articles VI or VII of the Code. In accordance
25 with federal law and regulations, the ~~Illinois~~ Department of
26 Child Support Services ~~Public Aid~~ may continue to collect
27 current maintenance payments or child support payments, or
28 both, after those persons cease to receive public assistance
29 and until termination of services under Article X of the
30 Illinois Public Aid Code. The ~~Illinois~~ Department of Child
31 Support Services ~~Public Aid~~ shall pay the net amount collected
32 to those persons after deducting any costs incurred in making
33 the collection or any collection fee from the amount of any
34 recovery made. The ~~Illinois~~ Department of Child Support
35 Services ~~Public Aid~~ or the local governmental unit, as the case
36 may be, may direct that payments be made directly to the mother

1 of the child, or to some other person or agency in the child's
2 behalf, upon the removal of the mother and child from the
3 public aid rolls or upon termination of services under Article
4 X of the Illinois Public Aid Code; and upon such direction, the
5 ~~Illinois~~ Department or the local governmental unit, as the case
6 requires, shall give notice of such action to the court in
7 writing or by electronic transmission.

8 (4) All clerks of the court and the Court Service Division
9 of a County Department of Public Aid and the ~~Illinois~~
10 Department of Child Support Services ~~Public Aid~~, receiving
11 child support payments under paragraphs (1) or (2) shall
12 disburse the same to the person or persons entitled thereto
13 under the terms of the order. They shall establish and maintain
14 clear and current records of all moneys received and disbursed
15 and of defaults and delinquencies in required payments. The
16 court, by order or rule, shall make provision for the carrying
17 out of these duties.

18 Payments under this Section to the ~~Illinois~~ Department of
19 Child Support Services ~~Public Aid~~ pursuant to the Child Support
20 Enforcement Program established by Title IV-D of the Social
21 Security Act shall be paid into the Child Support Enforcement
22 Trust Fund. All payments under this Section to the Illinois
23 Department of Human Services shall be deposited in the DHS
24 Recoveries Trust Fund. Disbursement from these funds shall be
25 as provided in the Illinois Public Aid Code. Payments received
26 by a local governmental unit shall be deposited in that unit's
27 General Assistance Fund.

28 (5) The moneys received by persons or agencies designated
29 by the court shall be disbursed by them in accordance with the
30 order. However, the court, on petition of the state's attorney,
31 may enter new orders designating the clerk of the court or the
32 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~, as
33 the person or agency authorized to receive and disburse child
34 support payments and, in the case of recipients of public aid,
35 the court, on petition of the Attorney General or State's
36 Attorney, shall direct subsequent payments to be paid to the

1 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ or to
2 the appropriate local governmental unit, as provided in
3 paragraph (3). Payments of child support by principals or
4 sureties on bonds, or proceeds of any sale for the enforcement
5 of a judgment shall be made to the clerk of the court, the
6 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ or the
7 appropriate local governmental unit, as the respective
8 provisions of this Section require.

9 (6) For those cases in which child support is payable to
10 the clerk of the circuit court for transmittal to the ~~Illinois~~
11 Department of Child Support Services ~~Public Aid~~ by order of
12 court or upon notification by the ~~Illinois~~ Department of Child
13 Support Services ~~Public Aid~~, the clerk shall transmit all such
14 payments, within 4 working days of receipt, to insure that
15 funds are available for immediate distribution by the
16 Department to the person or entity entitled thereto in
17 accordance with standards of the Child Support Enforcement
18 Program established under Title IV-D of the Social Security
19 Act. The clerk shall notify the Department of the date of
20 receipt and amount thereof at the time of transmittal. Where
21 the clerk has entered into an agreement of cooperation with the
22 Department to record the terms of child support orders and
23 payments made thereunder directly into the Department's
24 automated data processing system, the clerk shall account for,
25 transmit and otherwise distribute child support payments in
26 accordance with such agreement in lieu of the requirements
27 contained herein.

28 (7) To the extent the provisions of this Section are
29 inconsistent with the requirements pertaining to the State
30 Disbursement Unit under Section 21.1 of this Act and Section
31 10-26 of the Illinois Public Aid Code, the requirements
32 pertaining to the State Disbursement Unit shall apply.

33 (Source: P.A. 94-88, eff. 1-1-06.)

34 (750 ILCS 45/21.1)

35 Sec. 21.1. Payment of Support to State Disbursement Unit.

1 (a) As used in this Section:

2 "Order for support", "obligor", "obligee", and "payor"
3 mean those terms as defined in the Income Withholding for
4 Support Act, except that "order for support" shall not mean
5 orders providing for spousal maintenance under which there is
6 no child support obligation.

7 (b) Notwithstanding any other provision of this Act to the
8 contrary, each order for support entered or modified on or
9 after October 1, 1999 shall require that support payments be
10 made to the State Disbursement Unit established under Section
11 10-26 of the Illinois Public Aid Code if:

12 (1) a party to the order is receiving child support
13 enforcement services under Article X of the Illinois Public
14 Aid Code; or

15 (2) no party to the order is receiving child support
16 enforcement services, but the support payments are made
17 through income withholding.

18 (c) Support payments shall be made to the State
19 Disbursement Unit if:

20 (1) the order for support was entered before October 1,
21 1999, and a party to the order is receiving child support
22 enforcement services under Article X of the Illinois Public
23 Aid Code; or

24 (2) no party to the order is receiving child support
25 enforcement services, and the support payments are being
26 made through income withholding.

27 (c-5) If no party to the order is receiving child support
28 enforcement services under Article X of the Illinois Public Aid
29 Code, and the support payments are not made through income
30 withholding, then support payments shall be made as directed by
31 the order for support.

32 (c-10) At any time, and notwithstanding the existence of an
33 order directing payments to be made elsewhere, the Department
34 of Child Support Services ~~Public Aid~~ may provide notice to the
35 obligor and, where applicable, to the obligor's payor:

36 (1) to make support payments to the State Disbursement

1 Unit if:

2 (A) a party to the order for support is receiving
3 child support enforcement services under Article X of
4 the Illinois Public Aid Code; or

5 (B) no party to the order for support is receiving
6 child support enforcement services under Article X of
7 the Illinois Public Aid Code, but the support payments
8 are made through income withholding; or

9 (2) to make support payments to the State Disbursement
10 Unit of another state upon request of another state's Title
11 IV-D child support enforcement agency, in accordance with
12 the requirements of Title IV, Part D of the Social Security
13 Act and regulations promulgated under that Part D.

14 The Department of Child Support Services ~~Public Aid~~ shall
15 provide a copy of the notice to the obligee and to the clerk of
16 the circuit court.

17 (c-15) Within 15 days after the effective date of this
18 amendatory Act of the 91st General Assembly, the clerk of the
19 circuit court shall provide written notice to the obligor to
20 directly to the clerk of the circuit court if no party to the
21 order is receiving child support enforcement services under
22 Article X of the Illinois Public Aid Code, the support payments
23 are not made through income withholding, and the order for
24 support requires support payments to be made directly to the
25 clerk of the circuit court. The clerk shall provide a copy of
26 the notice to the obligee.

27 (c-20) If the State Disbursement Unit receives a support
28 payment that was not appropriately made to the Unit under this
29 Section, the Unit shall immediately return the payment to the
30 sender, including, if possible, instructions detailing where
31 to send the support payments.

32 (d) The notices under subsections (c-10) and (c-15) may be
33 sent by ordinary mail, certified mail, return receipt
34 requested, facsimile transmission, or other electronic
35 process, or may be served upon the obligor or payor using any
36 method provided by law for service of a summons.

1 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;
2 92-590, eff. 7-1-02.)

3 (750 ILCS 45/22) (from Ch. 40, par. 2522)

4 Sec. 22. In all cases instituted by the Department of Child
5 Support Services or its predecessor, the Department of
6 Healthcare and Family Services (formerly Illinois Department
7 of Public Aid), on behalf of a child or spouse, other than one
8 receiving a grant of financial aid under Article IV of The
9 Illinois Public Aid Code, on whose behalf an application has
10 been made and approved for child support enforcement services
11 as provided by Section 10-1 of that Code, the court shall
12 impose a collection fee on the individual who owes a child or
13 spouse support obligation in an amount equal to 10% of the
14 amount so owed as long as such collection is required by
15 federal law, which fee shall be in addition to the support
16 obligation. The imposition of such fee shall be in accordance
17 with provisions of Title IV, Part D, of the Social Security Act
18 and regulations duly promulgated thereunder. The fee shall be
19 payable to the clerk of the circuit court for transmittal to
20 the ~~Illinois~~ Department of Child Support Services ~~Public Aid~~
21 and shall continue until support services are terminated by
22 that Department.

23 (Source: P.A. 92-590, eff. 7-1-02.)

24 (750 ILCS 45/23) (from Ch. 40, par. 2523)

25 Sec. 23. Notice to Clerk of Circuit Court of Payment
26 Received by ~~Illinois~~ Department of Child Support Services
27 ~~Public Aid~~ for Recording. For those cases in which support is
28 payable to the clerk of the circuit court for transmittal to
29 the ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ by
30 order of court, and the ~~Illinois~~ Department of Child Support
31 Services ~~Public Aid~~ collects support by assignment offset,
32 withhold, deduction or other process permitted by law, the
33 ~~Illinois~~ Department of Child Support Services ~~Public Aid~~ shall
34 notify the clerk of the date and amount of such collection.

1 Upon notification, the clerk shall record the collection on the
2 payment record for the case.

3 (Source: P.A. 83-1372.)

4 Section 1030. The Business Corporation Act of 1983 is
5 amended by changing Section 1.25 as follows:

6 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

7 Sec. 1.25. List of corporations; exchange of information.

8 (a) The Secretary of State shall publish each year a list
9 of corporations filing an annual report for the preceding year
10 in accordance with the provisions of this Act, which report
11 shall state the name of the corporation and the respective
12 names and addresses of the president, secretary, and registered
13 agent thereof and the address of the registered office in this
14 State of each such corporation. The Secretary of State shall
15 furnish without charge a copy of such report to each recorder
16 of this State, and to each member of the General Assembly and
17 to each State agency or department requesting the same. The
18 Secretary of State shall, upon receipt of a written request and
19 a fee as determined by the Secretary, furnish such report to
20 anyone else.

21 (b) (1) The Secretary of State shall publish daily a list
22 of all newly formed corporations, business and not for profit,
23 chartered by him on that day issued after receipt of the
24 application. The daily list shall contain the same information
25 as to each corporation as is provided for the corporation list
26 published under subsection (a) of this Section. The daily list
27 may be obtained at the Secretary's office by any person,
28 newspaper, State department or agency, or local government for
29 a reasonable charge to be determined by the Secretary.
30 Inspection of the daily list may be made at the Secretary's
31 office during normal business hours without charge by any
32 person, newspaper, State department or agency, or local
33 government.

34 (2) The Secretary shall compile the daily list mentioned in

1 paragraph (1) of subsection (b) of this Section monthly, or
2 more often at the Secretary's discretion. The compilation shall
3 be immediately mailed free of charge to all local governments
4 requesting in writing receipt of such publication, or shall be
5 automatically mailed by the Secretary without charge to local
6 governments as determined by the Secretary. The Secretary shall
7 mail a copy of the compilations free of charge to all State
8 departments or agencies making a written request. A request for
9 a compilation of the daily list once made by a local government
10 or State department or agency need not be renewed. However, the
11 Secretary may request from time to time whether the local
12 governments or State departments or agencies desire to continue
13 receiving the compilation.

14 (3) The compilations of the daily list mentioned in
15 paragraph (2) of subsection (b) of this Section shall be mailed
16 to newspapers, or any other person not included as a recipient
17 in paragraph (2) of subsection (b) of this Section, upon
18 receipt of a written application signed by the applicant and
19 accompanied by the payment of a fee as determined by the
20 Secretary.

21 (c) If a domestic or foreign corporation has filed with the
22 Secretary of State an annual report for the preceding year or
23 has been newly formed or is otherwise and in any manner
24 registered with the Secretary of State, the Secretary of State
25 shall exchange with the ~~Illinois~~ Department of Child Support
26 Services ~~Public Aid~~ any information concerning that
27 corporation that may be necessary for the enforcement of child
28 support orders entered pursuant to the Illinois Public Aid
29 Code, the Illinois Marriage and Dissolution of Marriage Act,
30 the Non-Support of Spouse and Children Act, the Non-Support
31 Punishment Act, the Revised Uniform Reciprocal Enforcement of
32 Support Act, the Uniform Interstate Family Support Act, or the
33 Illinois Parentage Act of 1984.

34 Notwithstanding any provisions in this Act to the contrary,
35 the Secretary of State shall not be liable to any person for
36 any disclosure of information to the Department of Child

1 Support Services or its predecessor, the Department of
2 Healthcare and Family Services (formerly Illinois Department
3 of Public Aid), under this subsection or for any other action
4 taken in good faith to comply with the requirements of this
5 subsection.

6 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

7 Section 1035. The Limited Liability Company Act is amended
8 by changing Section 50-5 as follows:

9 (805 ILCS 180/50-5)

10 Sec. 50-5. List of limited liability companies; exchange of
11 information.

12 (a) The Secretary of State may publish a list or lists of
13 limited liability companies and foreign limited liability
14 companies, as often, in the format, and for the fees as the
15 Secretary of State may in his or her discretion provide by
16 rule. The Secretary of State may disseminate information
17 concerning limited liability companies and foreign limited
18 liability companies by computer network in the format and for
19 the fees as may be determined by rule.

20 (b) Upon written request, any list published under
21 subsection (a) shall be free to each member of the General
22 Assembly, to each State agency or department, and to each
23 recorder in this State. An appropriate fee established by rule
24 to cover the cost of producing the list shall be charged to all
25 others.

26 (c) If a domestic or foreign limited liability company has
27 filed with the Secretary of State an annual report for the
28 preceding year or has been newly formed or is otherwise and in
29 any manner registered with the Secretary of State, the
30 Secretary of State shall exchange with the ~~Illinois~~ Department
31 of Child Support Services ~~Public Aid~~ any information concerning
32 that limited liability company that may be necessary for the
33 enforcement of child support orders entered pursuant to the
34 Illinois Public Aid Code, the Illinois Marriage and Dissolution

1 of Marriage Act, the Non-Support of Spouse and Children Act,
2 the Non-Support Punishment Act, the Revised Uniform Reciprocal
3 Enforcement of Support Act, the Uniform Interstate Family
4 Support Act, or the Illinois Parentage Act of 1984.

5 Notwithstanding any provisions in this Act to the contrary,
6 the Secretary of State shall not be liable to any person for
7 any disclosure of information to the Department of Child
8 Support Services or its predecessor, the Department of
9 Healthcare and Family Services (formerly Illinois Department
10 of Public Aid), under this subsection or for any other action
11 taken in good faith to comply with the requirements of this
12 subsection.

13 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)

14 Section 1040. The Unemployment Insurance Act is amended by
15 changing Section 1300 as follows:

16 (820 ILCS 405/1300) (from Ch. 48, par. 540)

17 Sec. 1300. Waiver or transfer of benefit rights - Partial
18 exemption.

19 (A) Except as otherwise provided herein any agreement by an
20 individual to waive, release or commute his rights under this
21 Act shall be void.

22 (B) Benefits due under this Act shall not be assigned,
23 pledged, encumbered, released or commuted and shall be exempt
24 from all claims of creditors and from levy, execution and
25 attachment or other remedy for recovery or collection of a
26 debt. However, nothing in this Section shall prohibit a
27 specified or agreed upon deduction from benefits by an
28 individual, or a court or administrative order for withholding
29 of income, for payment of past due child support from being
30 enforced and collected by the Department of Child Support
31 Services ~~Public Aid~~ on behalf of persons receiving a grant of
32 financial aid under Article IV of the Illinois Public Aid Code,
33 persons for whom an application has been made and approved for
34 child support enforcement services under Section 10-1 of such

1 Code, or persons similarly situated and receiving like services
2 in other states. It is provided that:

3 (1) The aforementioned deduction of benefits and order
4 for withholding of income apply only if appropriate
5 arrangements have been made for reimbursement to the
6 Director by the Department of Child Support Services ~~Public~~
7 ~~Aid~~ for any administrative costs incurred by the Director
8 under this Section.

9 (2) The Director shall deduct and withhold from
10 benefits payable under this Act, or under any arrangement
11 for the payment of benefits entered into by the Director
12 pursuant to the powers granted under Section 2700 of this
13 Act, the amount specified or agreed upon. In the case of a
14 court or administrative order for withholding of income,
15 the Director shall withhold the amount of the order.

16 (3) Any amount deducted and withheld by the Director
17 shall be paid to the Department of Child Support Services
18 ~~Public Aid~~ or the State Disbursement Unit established under
19 Section 10-26 of the Illinois Public Aid Code, as directed
20 by the Department of Child Support Services ~~Public Aid~~, on
21 behalf of the individual.

22 (4) Any amount deducted and withheld under subsection
23 (3) shall for all purposes be treated as if it were paid to
24 the individual as benefits and paid by such individual to
25 the Department of Child Support Services ~~Public Aid~~ or the
26 State Disbursement Unit in satisfaction of the
27 individual's child support obligations.

28 (5) For the purpose of this Section, child support is
29 defined as those obligations which are being enforced
30 pursuant to a plan described in Title IV, Part D, Section
31 454 of the Social Security Act and approved by the
32 Secretary of Health and Human Services.

33 (6) The deduction of benefits and order for withholding
34 of income for child support shall be governed by Titles III
35 and IV of the Social Security Act and all regulations duly
36 promulgated thereunder.

1 (C) Nothing in this Section prohibits an individual from
2 voluntarily electing to have federal income tax deducted and
3 withheld from his or her unemployment insurance benefit
4 payments.

5 (1) The Director shall, at the time that an individual
6 files his or her claim for benefits that establishes his or
7 her benefit year, inform the individual that:

8 (a) unemployment insurance is subject to federal,
9 State, and local income taxes;

10 (b) requirements exist pertaining to estimated tax
11 payments;

12 (c) the individual may elect to have federal income
13 tax deducted and withheld from his or her payments of
14 unemployment insurance in the amount specified in the
15 federal Internal Revenue Code; and

16 (d) the individual is permitted to change a
17 previously elected withholding status.

18 (2) Amounts deducted and withheld from unemployment
19 insurance shall remain in the unemployment fund until
20 transferred to the federal taxing authority as a payment of
21 income tax.

22 (3) The Director shall follow all procedures specified
23 by the United States Department of Labor and the federal
24 Internal Revenue Service pertaining to the deducting and
25 withholding of income tax.

26 (4) Amounts shall be deducted and withheld in
27 accordance with the priorities established in rules
28 promulgated by the Director.

29 (D) Nothing in this Section prohibits an individual from
30 voluntarily electing to have State of Illinois income tax
31 deducted and withheld from his or her unemployment insurance
32 benefit payments.

33 (1) The Director shall, at the time that an individual
34 files his or her claim for benefits that establishes his or
35 her benefit year, in addition to providing the notice
36 required under subsection C, inform the individual that:

1 (a) the individual may elect to have State of
2 Illinois income tax deducted and withheld from his or
3 her payments of unemployment insurance; and

4 (b) the individual is permitted to change a
5 previously elected withholding status.

6 (2) Amounts deducted and withheld from unemployment
7 insurance shall remain in the unemployment fund until
8 transferred to the Department of Revenue as a payment of
9 State of Illinois income tax.

10 (3) Amounts shall be deducted and withheld in
11 accordance with the priorities established in rules
12 promulgated by the Director.

13 (E) Nothing in this Section prohibits the deduction and
14 withholding of an uncollected overissuance of food stamp
15 coupons from unemployment insurance benefits pursuant to this
16 subsection (E).

17 (1) At the time that an individual files a claim for
18 benefits that establishes his or her benefit year, that
19 individual must disclose whether or not he or she owes an
20 uncollected overissuance (as defined in Section 13(c)(1)
21 of the federal Food Stamp Act of 1977) of food stamp
22 coupons. The Director shall notify the State food stamp
23 agency enforcing such obligation of any individual who
24 discloses that he or she owes an uncollected overissuance
25 of food stamp coupons and who meets the monetary
26 eligibility requirements of subsection E of Section 500.

27 (2) The Director shall deduct and withhold from any
28 unemployment insurance benefits payable to an individual
29 who owes an uncollected overissuance of food stamp coupons:

30 (a) the amount specified by the individual to the
31 Director to be deducted and withheld under this
32 subsection (E);

33 (b) the amount (if any) determined pursuant to an
34 agreement submitted to the State food stamp agency
35 under Section 13(c)(3)(A) of the federal Food Stamp Act
36 of 1977; or

1 (c) any amount otherwise required to be deducted
2 and withheld from unemployment insurance benefits
3 pursuant to Section 13(c)(3)(B) of the federal Food
4 Stamp Act of 1977.

5 (3) Any amount deducted and withheld pursuant to this
6 subsection (E) shall be paid by the Director to the State
7 food stamp agency.

8 (4) Any amount deducted and withheld pursuant to this
9 subsection (E) shall for all purposes be treated as if it
10 were paid to the individual as unemployment insurance
11 benefits and paid by the individual to the State food stamp
12 agency as repayment of the individual's uncollected
13 overissuance of food stamp coupons.

14 (5) For purposes of this subsection (E), "unemployment
15 insurance benefits" means any compensation payable under
16 this Act including amounts payable by the Director pursuant
17 to an agreement under any federal law providing for
18 compensation, assistance, or allowances with respect to
19 unemployment.

20 (6) This subsection (E) applies only if arrangements
21 have been made for reimbursement by the State food stamp
22 agency for the administrative costs incurred by the
23 Director under this subsection (E) which are attributable
24 to the repayment of uncollected overissuances of food stamp
25 coupons to the State food stamp agency.

26 (Source: P.A. 94-237, eff. 1-1-06.)

27 Section 9995. No acceleration or delay. Where this Act
28 makes changes in a statute that is represented in this Act by
29 text that is not yet or no longer in effect (for example, a
30 Section represented by multiple versions), the use of that text
31 does not accelerate or delay the taking effect of (i) the
32 changes made by this Act or (ii) provisions derived from any
33 other Public Act.

34 Section 9999. Effective date. This Act takes effect upon

1 becoming law.

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3	New Act	
4	15 ILCS 405/10.05a	from Ch. 15, par. 210.05a
5	20 ILCS 5/5-15	was 20 ILCS 5/3
6	20 ILCS 5/5-20	was 20 ILCS 5/4
7	20 ILCS 5/5-323 new	
8	20 ILCS 1005/1005-130	was 20 ILCS 1005/43a.14
9	20 ILCS 2105/2105-15	was 20 ILCS 2105/60
10	20 ILCS 2505/2505-65	was 20 ILCS 2505/39b12
11	20 ILCS 2505/2505-650	was 20 ILCS 2505/39b52
12	20 ILCS 2605/2605-377	was 20 ILCS 2605/55a in part
13	35 ILCS 5/901	from Ch. 120, par. 9-901
14	55 ILCS 5/3-5036.5	
15	55 ILCS 5/4-2002	from Ch. 34, par. 4-2002
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