



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

HB4659

Introduced 1/12/2006, by Rep. Julie Hamos

#### SYNOPSIS AS INTRODUCED:

See Index

Creates the Uniform Parentage Act. Provides rules for establishing a parent-child relationship, including rules for acknowledging and denying paternity. Requires the Department of Children and Family Services to establish a registry of paternity, and requires that men who have timely registered be given notice of a proceeding for adoption or for termination of parental rights. Provides that the intentional, unauthorized release of information from the registry is a Class B misdemeanor. Provides rules for the genetic testing of a person to determine parentage. Provides rules for proceedings to adjudicate parentage, and authorizes the issuance of a temporary order for child support. Provides rules for determining the parentage of a child of assisted reproduction. Includes in the Uniform Parentage Act certain provisions previously contained in the Illinois Parentage Act of 1984 concerning child support and other matters. Repeals the Illinois Parentage Act and the Illinois Parentage Act of 1984. Amends the Gestational Surrogacy Act; provides that attorneys' certifications that the gestational surrogate and the intended parent or parents entered into a gestational surrogacy contract shall be filed on forms prescribed by the Department of Healthcare and Family Services instead of forms prescribed by the Department of Public Health. Amends other Acts to make conforming changes. Effective January 1, 2007.

LRB094 16690 DRJ 51960 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning civil law.

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

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 0.01. Short title. This Act may be cited as the  
6 Uniform Parentage Act.

7 Section 1. Public policy. Illinois recognizes the right of  
8 every child to the physical, mental, emotional and monetary  
9 support of his or her parents. The parent and child  
10 relationship, including support obligation, extends equally to  
11 every child and to every parent, regardless of the marital  
12 status of the parents. A child's mother or a person found to be  
13 the father of a child is not relieved of support and  
14 maintenance obligations to the child because he or she is a  
15 minor.

16 Section 101. Short title. (See Section 0.01 for short  
17 title.)

18 Section 102. Definitions. In this Act:

19 (1) "Acknowledged father" means a man who has  
20 established a father-child relationship under Article 3.

21 (2) "Adjudicated father" means a man who has been  
22 adjudicated by a court of competent jurisdiction, or as  
23 authorized under Article X of the Illinois Public Aid Code,  
24 to be the father of a child.

25 (3) "Alleged father" means a man who alleges himself to  
26 be, or is alleged to be, the genetic father or a possible  
27 genetic father of a child, but whose paternity has not been  
28 determined. The term does not include:

29 (A) a presumed father;

1 (B) a man whose parental rights have been  
2 terminated or declared not to exist; or

3 (C) a male donor.

4 (4) "Assisted reproduction" means a method of causing  
5 pregnancy other than sexual intercourse. The term  
6 includes:

7 (A) intrauterine insemination;

8 (B) donation of eggs;

9 (C) donation of embryos;

10 (D) in-vitro fertilization and transfer of  
11 embryos; and

12 (E) intracytoplasmic sperm injection.

13 (5) "Child" means an individual of any age whose  
14 parentage may be determined under this Act.

15 (6) "Commence" means to file the initial pleading  
16 seeking an adjudication of parentage in the circuit court  
17 of this State.

18 (7) "Determination of parentage" means the  
19 establishment of the parent-child relationship by the  
20 signing of a valid acknowledgment of paternity under  
21 Article 3 or adjudication by the court or as authorized  
22 under Article X of the Illinois Public Aid Code.

23 (8) "Donor" means an individual who produces eggs or  
24 sperm used for assisted reproduction, whether or not for  
25 consideration. The term does not include:

26 (A) a husband who provides sperm, or a wife who  
27 provides eggs, to be used for assisted reproduction by  
28 the wife;

29 (B) a woman who gives birth to a child by means of  
30 assisted reproduction, except as otherwise provided in  
31 the Gestational Surrogacy Act; or

32 (C) a parent under Article 7 or an intended parent  
33 under the Gestational Surrogacy Act.

34 (9) "Ethnic or racial group" means, for purposes of  
35 genetic testing, a recognized group that an individual  
36 identifies as all or part of the individual's ancestry or

1 that is so identified by other information.

2 (10) "Genetic testing" means an analysis of genetic  
3 markers to exclude or identify a man as the father or a  
4 woman as the mother of a child. The term includes an  
5 analysis of one or a combination of the following:

6 (A) deoxyribonucleic acid; and

7 (B) blood-group antigens, red-cell antigens,  
8 human-leukocyte antigens, serum enzymes, serum  
9 proteins, or red-cell enzymes.

10 (11) "Gestational mother" means an adult woman who  
11 gives birth to a child under a gestational agreement.

12 (12) "Man" means a male individual of any age.

13 (13) "Parent" means an individual who has established a  
14 parent-child relationship under Section 201.

15 (14) "Parent-child relationship" means the legal  
16 relationship between a child and a parent of the child. The  
17 term includes the mother-child relationship and the  
18 father-child relationship.

19 (15) "Paternity index" means the likelihood of  
20 paternity calculated by computing the ratio between:

21 (A) the likelihood that the tested man is the  
22 father, based on the genetic markers of the tested man,  
23 mother, and child, conditioned on the hypothesis that  
24 the tested man is the father of the child; and

25 (B) the likelihood that the tested man is not the  
26 father, based on the genetic markers of the tested man,  
27 mother, and child, conditioned on the hypothesis that  
28 the tested man is not the father of the child and that  
29 the father is of the same ethnic or racial group as the  
30 tested man.

31 (16) "Presumed father" means a man who, by operation of  
32 law under Section 204, is recognized as the father of a  
33 child until that status is rebutted or confirmed in a  
34 judicial or administrative proceeding.

35 (17) "Probability of paternity" means the measure, for  
36 the ethnic or racial group to which the alleged father

1 belongs, of the probability that the man in question is the  
2 father of the child, compared with a random, unrelated man  
3 of the same ethnic or racial group, expressed as a  
4 percentage incorporating the paternity index and a prior  
5 probability.

6 (18) "Record" means information that is inscribed on a  
7 tangible medium or that is stored in an electronic or other  
8 medium and is retrievable in perceivable form.

9 (19) "Signatory" means an individual who authenticates  
10 a record and is bound by its terms.

11 (20) "State" means a State of the United States, the  
12 District of Columbia, Puerto Rico, the United States Virgin  
13 Islands, or any territory or insular possession subject to  
14 the jurisdiction of the United States.

15 (21) "Support-enforcement agency" means a public  
16 official or agency authorized to seek:

17 (A) enforcement of support orders or laws relating  
18 to the duty of support;

19 (B) establishment or modification of child  
20 support;

21 (C) determination of parentage; and

22 (D) location of child-support obligors and their  
23 income and assets.

24 Section 103. Scope of Act; choice of law.

25 (a) This Act applies to determinations of parentage in this  
26 State.

27 (b) The court shall apply the law of this State to  
28 adjudicate the parent-child relationship. The applicable law  
29 does not depend on:

30 (1) the place of birth of the child; or

31 (2) the past or present residence of the child.

32 (c) This Act does not create, enlarge, or diminish parental  
33 rights or duties under other law of this State.

34 (d) This Act does not authorize or prohibit an agreement  
35 between a woman and a man and another woman in which the woman

1 relinquishes all rights as a parent of a child conceived by  
2 means of assisted reproduction, and which provides that the man  
3 and other woman become the parents of the child pursuant to the  
4 Gestational Surrogacy Act. If a birth results under such an  
5 agreement and the agreement is unenforceable under the law of  
6 this State, the parent-child relationship is determined as  
7 provided in Article 2.

8 Section 104. Court of this State. The circuit court is  
9 authorized to adjudicate parentage under this Act.

10 Section 105. Protection of participants. Proceedings under  
11 this Act are subject to other law of this State governing the  
12 health, safety, privacy, and liberty of a child or other  
13 individual who could be jeopardized by disclosure of  
14 identifying information, including address, telephone number,  
15 place of employment, social security number, and the child's  
16 day-care facility and school.

17 Section 106. Determination of maternity. Provisions of  
18 this Act relating to determination of paternity apply to  
19 determination of maternity.

## 20 ARTICLE 2. PARENT-CHILD RELATIONSHIP

21 Section 201. Establishment of parent-child relationship.

22 (a) The mother-child relationship is established between a  
23 woman and a child by:

24 (1) the woman's having given birth to the child, except  
25 as otherwise provided in the Gestational Surrogacy Act;

26 (2) an adjudication of the woman's maternity;

27 (3) adoption of the child by the woman; or

28 (4) an adjudication confirming the woman as a parent of  
29 a child born to a gestational mother if the agreement was  
30 validated under Gestational Surrogacy Act or is  
31 enforceable under other law.

1 (b) The father-child relationship is established between a  
2 man and a child by:

3 (1) an un rebutted presumption of the man's paternity of  
4 the child under Section 204;

5 (2) an effective acknowledgment of paternity by the man  
6 under Article 3, unless the acknowledgment has been  
7 rescinded or successfully challenged;

8 (3) an adjudication of the man's paternity;

9 (4) adoption of the child by the man;

10 (5) the man's having consented to assisted  
11 reproduction by a woman under Article 7 which resulted in  
12 the birth of the child; or

13 (6) an adjudication or other determination confirming  
14 the man as a parent of a child born to a gestational mother  
15 under the Gestational Surrogacy Act.

16 Section 202. No discrimination based on marital status. A  
17 child born to parents who are not married to each other has the  
18 same rights under the law as a child born to parents who are  
19 married to each other.

20 Section 203. Consequences of establishment of parentage. A  
21 parent-child relationship established under this Act applies  
22 for all purposes, except as otherwise specifically provided by  
23 other law of this State.

24 Section 204. Presumption of paternity.

25 (a) A man is presumed to be the father of a child if:

26 (1) he and the mother of the child are married to each  
27 other and the child is born during the marriage;

28 (2) he and the mother of the child were married to each  
29 other and the child is born within 300 days after the  
30 marriage is terminated by death, annulment, declaration of  
31 invalidity, judgment of dissolution, or divorce, or after a  
32 judgment of legal separation or decree of separation;

33 (3) before the birth of the child, he and the mother of

1 the child married each other in apparent compliance with  
2 law, even if the attempted marriage is or could be declared  
3 invalid, and the child is born during the invalid marriage  
4 or within 300 days after its termination by death,  
5 annulment, declaration of invalidity, judgment of  
6 dissolution, or divorce, or after a judgment of legal  
7 separation or decree of separation; or

8 (4) after the birth of the child, he and the mother of  
9 the child married each other in apparent compliance with  
10 law, whether or not the marriage is or could be declared  
11 invalid, and he voluntarily asserted his paternity of the  
12 child, and:

13 (A) the assertion is in a record filed with the  
14 Illinois Department of Healthcare and Family Services  
15 as provided by other law of this State;

16 (B) he agreed to be and is named as the child's  
17 father on the child's birth certificate; or

18 (C) he promised in a record to support the child as  
19 his own.

20 (b) A presumption of paternity established under this  
21 Section may be rebutted only by an adjudication under Article 6  
22 or a determination under Article X of the Illinois Public Aid  
23 Code.

#### 24 ARTICLE 3. VOLUNTARY ACKNOWLEDGEMENT OF PATERNITY

25 Section 301. Acknowledgment of paternity. The mother of a  
26 child and a man claiming to be the genetic father of the child  
27 may sign an acknowledgment of paternity with intent to  
28 establish the man's paternity.

29 Section 302. Execution of acknowledgment of paternity.

30 (a) An acknowledgment of paternity must:

31 (1) be in a record;

32 (2) be signed, or otherwise authenticated, under  
33 penalty of perjury by the mother and by the man seeking to



1 establish his paternity;

2 (3) state that the child whose paternity is being  
3 acknowledged:

4 (A) does not have a presumed father, or has a  
5 presumed father whose full name is stated; and

6 (B) does not have another acknowledged or  
7 adjudicated father;

8 (4) be witnessed; and

9 (5) state that the signatories understand that the  
10 acknowledgment is the equivalent of a judicial  
11 adjudication of paternity of the child and that a challenge  
12 to the acknowledgment is permitted only under limited  
13 circumstances and is barred after two years.

14 (b) An acknowledgment of paternity is void if it:

15 (1) states that another man is a presumed father,  
16 unless a denial of paternity signed or otherwise  
17 authenticated by the presumed father is filed with the  
18 Illinois Department of Healthcare and Family Services, as  
19 provided by other law of this State;

20 (2) states that another man is an acknowledged or  
21 adjudicated father; or

22 (3) falsely denies the existence of a presumed,  
23 acknowledged, or adjudicated father of the child.

24 (c) A presumed father may sign or otherwise authenticate an  
25 acknowledgment of paternity.

26 Section 303. Denial of paternity. A presumed father may  
27 sign a denial of his paternity. The denial is valid only if:

28 (1) an acknowledgment of paternity signed, or  
29 otherwise authenticated, by another man is filed pursuant  
30 to Section 305;

31 (2) the denial is in a record, and is signed, or  
32 otherwise authenticated, under penalty of perjury; and

33 (3) the presumed father has not previously:

34 (A) acknowledged his paternity, unless the  
35 previous acknowledgment has been rescinded pursuant to

1           Section 307 or successfully challenged pursuant to  
2           Section 308; or  
3           (B) been adjudicated to be the father of the child.

4           Section 304. Rules for acknowledgment and denial of  
5           paternity.

6           (a) An acknowledgment of paternity and a denial of  
7           paternity may be contained in a single document or may be  
8           signed in counterparts, and may be filed separately or  
9           simultaneously. If the acknowledgment and denial are both  
10          necessary, neither is valid until both are filed.

11          (b) An acknowledgment of paternity or a denial of paternity  
12          may be signed before the birth of the child.

13          (c) Subject to subsection (a), an acknowledgment of  
14          paternity or denial of paternity takes effect on the birth of  
15          the child or the filing of the document with the Illinois  
16          Department of Healthcare and Family Services, as provided by  
17          other law of this State, whichever occurs later.

18          (d) An acknowledgment of paternity or denial of paternity  
19          signed by a minor is valid if it is otherwise in compliance  
20          with this Act.

21          Section 305. Effect of acknowledgment or denial of  
22          paternity.

23          (a) Except as otherwise provided in Sections 307 and 308, a  
24          valid acknowledgment of paternity filed with the Illinois  
25          Department of Healthcare and Family Services, as provided by  
26          other law of this State, is equivalent to an adjudication of  
27          paternity of a child and confers upon the acknowledged father  
28          all of the rights and duties of a parent.

29          (b) Except as otherwise provided in Sections 307 and 308, a  
30          valid denial of paternity by a presumed father filed with the  
31          Illinois Department of Healthcare and Family Services, as  
32          provided by other law of this State, in conjunction with a  
33          valid acknowledgment of paternity is equivalent to an  
34          adjudication of the nonpaternity of the presumed father and

1 discharges the presumed father from all rights and duties of a  
2 parent.

3 Section 306. No filing fee. The Illinois Department of  
4 Healthcare and Family Services may not charge for filing an  
5 acknowledgment of paternity or denial of paternity.

6 Section 307. Proceeding for rescission. A signatory may  
7 rescind an acknowledgment of paternity or denial of paternity  
8 by commencing a proceeding to rescind, or by submitting a  
9 witnessed statement to the agency where the original  
10 acknowledgement or denial was filed pursuant to Section 304,  
11 before the earlier of:

12 (1) 60 days after the effective date of the  
13 acknowledgment or denial, as provided in Section 304; or

14 (2) the date of the commencement of a judicial or  
15 administrative proceeding relating to the child (including  
16 a proceeding to establish a support order) in which the  
17 signatory is a party.

18 Section 308. Challenge after expiration of period for  
19 rescission.

20 (a) After the period for rescission under Section 307 has  
21 expired, a signatory of an acknowledgment of paternity or  
22 denial of paternity may commence a proceeding to challenge the  
23 acknowledgment or denial only:

24 (1) on the basis of fraud, duress, or material mistake  
25 of fact; and

26 (2) within four years after the acknowledgment or  
27 denial is filed with the Illinois Department of Healthcare  
28 and Family Services, as provided by other law of this  
29 State.

30 (b) A party challenging an acknowledgment of paternity or  
31 denial of paternity has the burden of proof.

32 Section 309. Procedure for rescission or challenge.

1           (a) Every signatory to an acknowledgment of paternity and  
2 any related denial of paternity must be made a party to a  
3 proceeding to rescind or challenge the acknowledgment or  
4 denial.

5           (b) For the purpose of rescission of, or challenge to, an  
6 acknowledgment of paternity or denial of paternity, a signatory  
7 submits to personal jurisdiction of this State by signing the  
8 acknowledgment or denial, effective upon the filing of the  
9 document with the Illinois Department of Healthcare and Family  
10 Services, as provided by other law of this State.

11           (c) Except for good cause shown, during the pendency of a  
12 proceeding to rescind or challenge an acknowledgment of  
13 paternity or denial of paternity, the court may not suspend the  
14 legal responsibilities of a signatory arising from the  
15 acknowledgment, including the duty to pay child support.

16           (d) A proceeding to rescind or to challenge an  
17 acknowledgment of paternity or denial of paternity must be  
18 conducted in the same manner as a proceeding to adjudicate  
19 parentage under Article 6.

20           (e) At the conclusion of a proceeding to rescind or  
21 challenge an acknowledgment of paternity or denial of  
22 paternity, the court shall order the Illinois Department of  
23 Public Health to amend the birth record of the child, if  
24 appropriate.

25           Section 310. Ratification barred. A court or  
26 administrative agency conducting a judicial or administrative  
27 proceeding is not required or permitted to ratify an  
28 unchallenged acknowledgment of paternity.

29           Section 311. Full faith and credit. A court of this State  
30 shall give full faith and credit to an acknowledgment of  
31 paternity or denial of paternity effective in another state if  
32 the acknowledgment or denial has been signed and is otherwise  
33 in compliance with the law of the other state.

1 Section 312. Forms for acknowledgment and denial of  
2 paternity.

3 (a) To facilitate compliance with this Article, the  
4 Illinois Department of Healthcare and Family Services shall  
5 prescribe forms for the acknowledgment of paternity and the  
6 denial of paternity and for the rescission of acknowledgement  
7 or denial consistent with Section 307.

8 (b) A valid acknowledgment of paternity or denial of  
9 paternity is not affected by a later modification of the  
10 prescribed form.

11 Section 313. Release of information. The Illinois  
12 Department of Healthcare and Family Services may release  
13 information relating to the acknowledgment of paternity or  
14 denial of paternity to a signatory of the acknowledgment or  
15 denial; to the child's guardian, the emancipated child, or the  
16 legal representatives of those individuals; to appropriate  
17 federal agencies; and to courts and appropriate agencies of  
18 this or another state.

19 Section 314. Adoption of rules. The Illinois Department of  
20 Public Health and the Illinois Department of Healthcare and  
21 Family Services may adopt rules to implement this Article.

## 22 ARTICLE 4. REGISTRY OF PATERNITY

### 23 PART 1. GENERAL PROVISIONS

24 Section 401. Establishment of registry. A registry of  
25 paternity is established in the Illinois Department of Children  
26 and Family Services.

27 Section 402. Registration for notification.

28 (a) Except as otherwise provided in subsection (b) or  
29 Section 405, a man who desires to be notified of a proceeding  
30 for adoption of, or termination of parental rights regarding, a

1 child that he may have fathered must register in the registry  
2 of paternity before the birth of the child or within 30 days  
3 after the birth.

4 (b) A man is not required to register if:

5 (1) a father-child relationship between the man and the  
6 child has been established under this Act or other law; or

7 (2) the man commences a proceeding to adjudicate his  
8 paternity before the court has terminated his parental  
9 rights.

10 (c) A registrant shall promptly notify the registry in a  
11 record of any change in the information registered. The  
12 Illinois Department of Children and Family Services shall  
13 incorporate all new information received into its records but  
14 need not affirmatively seek to obtain current information for  
15 incorporation in the registry.

16 Section 403. Notice of proceeding. Notice of a proceeding  
17 for the adoption of, or termination of parental rights  
18 regarding, a child must be given to a registrant who has timely  
19 registered. Notice must be given in a manner prescribed for  
20 service of process in a civil action.

21 Section 404. Termination of parental rights: child under  
22 under one year of age. The parental rights of a man who may be  
23 the father of a child may be terminated without notice if:

24 (1) the child has not attained one year of age at the  
25 time of the termination of parental rights;

26 (2) the man did not register timely with the Illinois  
27 Department of Children and Family Services; and

28 (3) the man is not exempt from registration under  
29 Section 402.

30 Section 405. Termination of parental rights: child at least  
31 one year of age.

32 (a) If a child has attained one year of age, notice of a  
33 proceeding for adoption of, or termination of parental rights

1 regarding, the child must be given to every alleged father of  
2 the child, whether or not he has registered with the Illinois  
3 Department of Children and Family Services.

4 (b) Notice must be given in a manner prescribed for service  
5 of process in a civil action.

6 PART 2. OPERATION OF REGISTRY

7 Section 411. Required form. The Illinois Department of  
8 Children and Family Services shall prepare a form for  
9 registering with the agency. The form must require the  
10 signature of the registrant. The form must state that the form  
11 is signed under penalty of perjury. The form must also state  
12 that:

13 (1) a timely registration entitles the registrant to  
14 notice of a proceeding for adoption of the child or  
15 termination of the registrant's parental rights;

16 (2) a timely registration does not commence a  
17 proceeding to establish paternity;

18 (3) the information disclosed on the form may be used  
19 against the registrant to establish paternity;

20 (4) services to assist in establishing paternity are  
21 available to the registrant through the  
22 support-enforcement agency;

23 (5) the registrant should also register in another  
24 state if conception or birth of the child occurred in the  
25 other state;

26 (6) information on registries of other states is  
27 available from the Illinois Department of Children and  
28 Family Services; and

29 (7) procedures exist to rescind the registration of a  
30 claim of paternity.

31 Section 412. Furnishing of information; confidentiality.

32 (a) The Illinois Department of Children and Family  
33 Services need not seek to locate the mother of a child who is

1 the subject of a registration, but the Department shall send a  
2 copy of the notice of registration to a mother if she has  
3 provided an address.

4 (b) Information contained in the registry is confidential  
5 and may be released on request only to:

6 (1) a court or a person designated by the court;

7 (2) the mother of the child who is the subject of the  
8 registration;

9 (3) an agency authorized by other law to receive the  
10 information;

11 (4) a licensed child-placing agency;

12 (5) a support-enforcement agency;

13 (6) a party or the party's attorney of record in a  
14 proceeding under this Act or in a proceeding for adoption  
15 of, or for termination of parental rights regarding, a  
16 child who is the subject of the registration; and

17 (7) the registry of paternity in another state.

18 Section 413. Penalty for releasing information. An  
19 individual commits a Class B misdemeanor if the individual  
20 intentionally releases information from the registry to  
21 another individual or agency not authorized to receive the  
22 information under Section 412.

23 Section 414. Rescission of registration. A registrant may  
24 rescind his registration at any time by sending to the registry  
25 a rescission in a record signed or otherwise authenticated by  
26 him, and witnessed or notarized.

27 Section 415. Untimely registration. If a man registers more  
28 than 30 days after the birth of the child, the Illinois  
29 Department of Children and Family Services shall notify the  
30 registrant that on its face his registration was not filed  
31 timely.

32 Section 416. Fees for registry.



1 (a) A fee may not be charged for filing a registration or a  
2 rescission of registration.

3 (b) Except as otherwise provided in subsection (c), the  
4 Illinois Department of Children and Family Services may charge  
5 a reasonable fee for making a search of the registry and for  
6 furnishing a certificate.

7 (c) A support-enforcement agency and other appropriate  
8 agencies, if any, are not required to pay a fee authorized by  
9 subsection (b).

10 PART 3. SEARCH OF REGISTRIES

11 Section 421. Search of appropriate registry.

12 (a) If a father-child relationship has not been established  
13 under this Act for a child under one year of age, a petitioner  
14 for adoption of, or termination of parental rights regarding,  
15 the child, must obtain a certificate of search of the registry  
16 of paternity.

17 (b) If a petitioner for adoption of, or termination of  
18 parental rights regarding, a child has reason to believe that  
19 the conception or birth of the child may have occurred in  
20 another state, the petitioner must also obtain a certificate of  
21 search from the registry of paternity, if any, in that state.

22 Section 422. Certificate of search of registry.

23 (a) The Illinois Department of Children and Family Services  
24 shall furnish to the requester a certificate of search of the  
25 registry on request of an individual, court, or agency  
26 identified in Section 412.

27 (b) A certificate provided by the Illinois Department of  
28 Children and Family Services must be signed on behalf of the  
29 State that:

30 (1) a search has been made of the registry; and

31 (2) a registration containing the information required  
32 to identify the registrant:

33 (A) has been found and is attached to the

1 certificate of search; or

2 (B) has not been found.

3 (c) A petitioner must file the certificate of search with  
4 the court before a proceeding for adoption of, or termination  
5 of parental rights regarding, a child may be concluded.

6 Section 423. Admissibility of registered information. A  
7 certificate of search of the registry of paternity in this or  
8 another State is admissible in a proceeding for adoption of, or  
9 termination of parental rights regarding, a child and, if  
10 relevant, in other legal proceedings.

11 ARTICLE 5. GENETIC TESTING

12 Section 501. Scope of Article.

13 (a) This Article governs genetic testing of an individual  
14 to determine parentage, whether the individual:

15 (1) voluntarily submits to testing; or

16 (2) is tested pursuant to an order of the court or a  
17 support-enforcement agency.

18 (b) Genetic testing of a minor child may only be done  
19 pursuant to the order of a court or administrative agency or  
20 with the consent of the custodian of the child.

21 (c) Genetic testing not done in accordance with this  
22 Section is not admissible in any proceeding.

23 Section 502. Order for testing.

24 (a) Except as otherwise provided in this Article, Article 6  
25 of this Act, or Article X of the Illinois Public Aid Code, upon  
26 request of a party the court shall order the child and other  
27 designated individuals to submit to genetic testing.

28 (b) A support-enforcement agency may order genetic testing  
29 only if there is no acknowledged or adjudicated father.

30 (c) If a request for genetic testing of a child is made  
31 before birth, the court or support-enforcement agency may not  
32 order in-utero testing.

1 (d) If two or more men are subject to ordered genetic  
2 testing, the testing may be performed concurrently or  
3 sequentially.

4 Section 503. Requirements for genetic testing.

5 (a) The genetic test shall be selected by the laboratory  
6 doing the testing and must be of a type reasonably relied upon  
7 by experts in the field of genetic testing and performed in a  
8 testing laboratory accredited by:

9 (1) the American Association of Blood Banks (AABB), or  
10 a successor to its functions;

11 (2) the American Society for Histocompatibility and  
12 Immunogenetics, or a successor to its functions; or

13 (3) an accrediting body designated by the federal  
14 Secretary of Health and Human Services.

15 (b) A specimen used in genetic testing may consist of one  
16 or more samples, or a combination of samples, of blood, buccal  
17 cells, bone, hair, or other body tissue or fluid. The specimen  
18 used in the testing need not be of the same kind for each  
19 individual undergoing genetic testing.

20 (c) Based on the ethnic or racial group of an individual,  
21 the testing laboratory shall determine the databases from which  
22 to select frequencies for use in calculation of the probability  
23 of paternity. If there is disagreement as to the testing  
24 laboratory's choice, the following rules apply:

25 (1) The individual objecting may require the testing  
26 laboratory, within 30 days after receipt of the report of  
27 the test, to recalculate the probability of paternity using  
28 an ethnic or racial group different from that used by the  
29 laboratory.

30 (2) The individual objecting to the testing  
31 laboratory's initial choice shall:

32 (A) if the frequencies are not available to the  
33 testing laboratory for the ethnic or racial group  
34 requested, provide the requested frequencies compiled  
35 in a manner recognized by accrediting bodies; or

1 (B) engage another testing laboratory to perform  
2 the calculations.

3 (3) The testing laboratory may use its own statistical  
4 estimate if there is a question regarding which ethnic or  
5 racial group is appropriate. If available, the testing  
6 laboratory shall calculate the frequencies using  
7 statistics for any other ethnic or racial group requested.

8 (d) If, after recalculation using a different ethnic or  
9 racial group, genetic testing does not rebuttably identify a  
10 man as the father of a child under Section 505, an individual  
11 who has been tested may be required to submit to additional  
12 genetic testing.

13 Section 504. Report of genetic testing.

14 (a) A report of genetic testing must be in a record and  
15 signed under penalty of perjury by a designee of the testing  
16 laboratory. A report made under the requirements of this  
17 Article is self-authenticating.

18 (b) Documentation from the testing laboratory of the  
19 following information is sufficient to establish a reliable  
20 chain of custody that allows the results of genetic testing to  
21 be admissible without testimony:

22 (1) the names and photographs of the individuals whose  
23 specimens have been taken;

24 (2) the names of the individuals who collected the  
25 specimens;

26 (3) the places and dates the specimens were collected;

27 (4) the names of the individuals who received the  
28 specimens in the testing laboratory; and

29 (5) the dates the specimens were received.

30 Section 505. Genetic testing results; rebuttal.

31 (a) Under this Act, a man is rebuttably identified as the  
32 father of a child if the genetic testing complies with this  
33 Article and the results disclose that:

34 (1) the man has at least a 99 percent probability of

1 paternity, using a prior probability of 0.50, as calculated  
2 by using the combined paternity index obtained in the  
3 testing; and

4 (2) a combined paternity index of at least 100 to 1.

5 (b) A man identified under subsection (a) as the father of  
6 the child may rebut the genetic testing results only by other  
7 genetic testing satisfying the requirements of this Article  
8 which:

9 (1) excludes the man as a genetic father of the child;

10 or

11 (2) identifies another man as the possible father of  
12 the child.

13 (c) Except as otherwise provided in Section 510, if more  
14 than one man is identified by genetic testing as the possible  
15 father of the child, the court shall order them to submit to  
16 further genetic testing to identify the genetic father.

17 Section 506. Costs of genetic testing.

18 (a) Subject to assessment of costs under Article 6, the  
19 cost of initial genetic testing must be paid initially:

20 (1) by a support-enforcement agency in a proceeding in  
21 which the support-enforcement agency is providing services  
22 if it made the request;

23 (2) by the individual who made the request;

24 (3) as agreed by the parties; or

25 (4) as ordered by the court.

26 (b) In cases in which the cost is paid initially by the  
27 support-enforcement agency, the agency may seek reimbursement  
28 from a man who is rebuttably identified as the father.

29 Section 507. Additional genetic testing. The court or the  
30 support-enforcement agency shall order additional genetic  
31 testing upon the request of a party who contests the result of  
32 the original testing. If the previous genetic testing  
33 identified a man as the father of the child under Section 505,  
34 the court or agency may not order additional testing unless the

1 party provides advance payment for the testing.

2 Section 508. Genetic testing when specimens not available.

3 (a) Subject to subsection (b), if a genetic-testing  
4 specimen is not available from a man who may be the father of a  
5 child, for good cause and under circumstances the court  
6 considers to be just, the court may order the following  
7 individuals to submit noninvasive specimens for genetic  
8 testing:

9 (1) the parents of the man;

10 (2) brothers and sisters of the man;

11 (3) other children of the man and their mothers; and

12 (4) other relatives of the man necessary to complete  
13 genetic testing.

14 (b) Issuance of an order under this Section requires a  
15 finding that a need for genetic testing outweighs the  
16 legitimate interests of the individual sought to be tested, and  
17 in no event shall such an order be issued until the individual  
18 to be tested is joined as a party and given notice as required  
19 under the Code of Civil Procedure.

20 Section 509. Deceased individual. For good cause shown, the  
21 court may order genetic testing of a deceased individual.

22 Section 510. Identical brothers.

23 (a) The court may order genetic testing of a brother of a  
24 man identified as the father of a child if the man is commonly  
25 believed to have an identical brother and evidence suggests  
26 that the brother may be the genetic father of the child.

27 (b) If each brother satisfies the requirements as the  
28 identified father of the child under Section 505 without  
29 consideration of another identical brother being identified as  
30 the father of the child, the court may rely on nongenetic  
31 evidence to adjudicate which brother is the father of the  
32 child.

1                   ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

2                                   PART 1. NATURE OF PROCEEDING

3           Section 601. Proceeding authorized. A civil proceeding may  
4 be maintained to adjudicate the parentage of a child. The  
5 proceeding is governed by the Code of Civil Procedure.  
6 Administrative proceedings adjudicating paternity shall be  
7 governed by Section 10-17.7 of the Illinois Public Aid Code.

8           Section 602. Standing to maintain proceeding. Subject to  
9 Article 3 and Sections 607 and 609, a proceeding to adjudicate  
10 parentage may be maintained by:

- 11                   (1) the child;
- 12                   (2) the mother of the child;
- 13                   (3) a man whose paternity of the child is to be  
14 adjudicated;
- 15                   (4) the support-enforcement agency or other  
16 governmental agency authorized by other law;
- 17                   (5) an authorized adoption agency or licensed  
18 child-placing agency;
- 19                   (6) a representative authorized by law to act for an  
20 individual who would otherwise be entitled to maintain a  
21 proceeding but who is deceased, incapacitated, or a minor;  
22 or
- 23                   (7) an intended parent under the Gestational Surrogacy  
24 Act.

25           Section 604. Personal jurisdiction.

26                   (a) An individual may not be adjudicated to be a parent  
27 unless the court has personal jurisdiction over the individual.

28                   (b) A court of this State having jurisdiction to adjudicate  
29 parentage may exercise personal jurisdiction over a  
30 nonresident individual, or the guardian or conservator of the  
31 individual, if the conditions prescribed in Section 201 of the  
32 Uniform Interstate Family Support Act are fulfilled.

1           (c) Lack of jurisdiction over one individual does not  
2 preclude the court from making an adjudication of parentage  
3 binding on another individual over whom the court has personal  
4 jurisdiction.

5           Section 605. Venue. Venue for a proceeding to adjudicate  
6 parentage is in the county of this State in which:

7           (1) the child resides or is found;

8           (2) the respondent resides or is found if the child  
9 does not reside in this State; or

10           (3) a proceeding for probate or administration of the  
11 presumed or alleged father's estate has been commenced.

12           Section 606. No limitation: child having no presumed,  
13 acknowledged, or adjudicated father. A proceeding to  
14 adjudicate the parentage of a child having no presumed,  
15 acknowledged, or adjudicated father may be commenced at any  
16 time, even after:

17           (1) the child becomes an adult, but only if the child  
18 initiates the proceeding; or

19           (2) an earlier proceeding to adjudicate paternity has  
20 been dismissed based on the application of a statute of  
21 limitation then in effect.

22           Section 607. Limitation: child having presumed father.

23           (a) Except as otherwise provided in subsection (b), a  
24 proceeding brought by a presumed father, the mother, or another  
25 individual to adjudicate the parentage of a child having a  
26 presumed father must be commenced not later than four years  
27 after the birth of the child.

28           (b) A proceeding seeking to disprove the father-child  
29 relationship between a child and the child's presumed father  
30 may be maintained at any time if the court determines that the  
31 presumed father and the mother of the child neither cohabited  
32 nor engaged in sexual intercourse with each other during the  
33 probable time of conception.



1 Section 608. Authority to deny motion for genetic testing.

2 (a) In a proceeding to adjudicate the parentage of a child  
3 having a presumed father or to challenge the paternity of a  
4 child having an acknowledged father, the court may deny a  
5 motion seeking an order for genetic testing of the mother, the  
6 child, and the presumed or acknowledged father if the court  
7 determines that:

8 (1) the conduct of the mother or the presumed or  
9 acknowledged father estops that party from denying  
10 parentage; and

11 (2) it would be inequitable to disprove the  
12 father-child relationship between the child and the  
13 presumed or acknowledged father.

14 (b) In determining whether to deny a motion seeking an  
15 order for genetic testing under this Section, the court shall  
16 consider the best interest of the child, including the  
17 following factors:

18 (1) the length of time between the proceeding to  
19 adjudicate parentage and the time that the presumed or  
20 acknowledged father was placed on notice that he might not  
21 be the genetic father;

22 (2) the length of time during which the presumed or  
23 acknowledged father has assumed the role of father of the  
24 child;

25 (3) the facts surrounding the presumed or acknowledged  
26 father's discovery of his possible nonpaternity;

27 (4) the nature of the relationship between the child  
28 and the presumed or acknowledged father;

29 (5) the age of the child;

30 (6) the harm that may result to the child if presumed  
31 or acknowledged paternity is successfully disproved;

32 (7) the nature of the relationship between the child  
33 and any alleged father;

34 (8) the extent to which the passage of time reduces the  
35 chances of establishing the paternity of another man and a

1 child-support obligation in favor of the child; and

2 (9) other factors that may affect the equities arising  
3 from the disruption of the father-child relationship  
4 between the child and the presumed or acknowledged father  
5 or the chance of other harm to the child.

6 (c) In a proceeding involving the application of this  
7 Section, a minor or incapacitated child must be represented by  
8 a guardian ad litem.

9 (d) Denial of a motion seeking an order for genetic testing  
10 must be based on clear and convincing evidence.

11 (e) If the court denies a motion seeking an order for  
12 genetic testing, it shall issue an order adjudicating the  
13 presumed or acknowledged father to be the father of the child.

14 Section 609. Limitation: child having acknowledged or  
15 adjudicated father.

16 (a) If a child has an acknowledged father, a signatory to  
17 the acknowledgment of paternity or denial of paternity may  
18 commence a proceeding seeking to rescind the acknowledgment or  
19 denial or challenge the paternity of the child only within the  
20 time allowed under Section 307 or 308.

21 (b) If a child has an acknowledged father or an adjudicated  
22 father, an individual, other than the child, who is neither a  
23 signatory to the acknowledgment of paternity nor a party to the  
24 adjudication and who seeks an adjudication of paternity of the  
25 child must commence a proceeding not later than two years after  
26 the effective date of the acknowledgment or adjudication.

27 (c) A proceeding under this Section is subject to the  
28 application of the principles of estoppel established in  
29 Section 608.

30 Section 610. Joinder of proceedings.

31 (a) Except as otherwise provided in subsection (b), a  
32 proceeding to adjudicate parentage may be joined with a  
33 proceeding for adoption, termination of parental rights, child  
34 custody or visitation, child support, dissolution of marriage,

1 divorce, annulment, legal separation or separate maintenance,  
2 probate or administration of an estate, or other appropriate  
3 proceeding.

4 (b) A respondent may not join a proceeding described in  
5 subsection (a) with a proceeding to adjudicate parentage  
6 brought under the Uniform Interstate Family Support Act.

7 Section 611. Proceeding before birth. A proceeding to  
8 determine parentage may be commenced before the birth of the  
9 child, but may not be concluded until after the birth of the  
10 child. The following actions may be taken before the birth of  
11 the child:

12 (1) service of process;

13 (2) discovery; and

14 (3) except as prohibited by Section 502, collection of  
15 specimens for genetic testing.

16 Section 612. Child as party; representation.

17 (a) A minor child is a permissible party, but is not a  
18 necessary party to a proceeding under this Article.

19 (b) The court shall appoint a guardian ad litem to  
20 represent a minor or incapacitated child if the child is a  
21 party or the court finds that the interests of the child are  
22 not adequately represented.

## 23 PART 2. SPECIAL RULES FOR PROCEEDING TO ADJUDICATE PARENTAGE

24 Section 621. Admissibility of results of genetic testing;  
25 expenses.

26 (a) Except as otherwise provided in subsection (c), a  
27 record of a genetic-testing laboratory, pursuant to an order of  
28 the court or support-enforcement agency, is admissible as  
29 evidence of the truth of the facts asserted in the report  
30 unless a party objects to its admission within 30 days after  
31 its receipt by the objecting party and cites specific grounds  
32 for exclusion.

1 (b) A party objecting to the results of genetic testing may  
2 call one or more genetic-testing experts to testify in person  
3 or by telephone, videoconference, deposition, or another  
4 method approved by the court. Unless otherwise ordered by the  
5 court, the party offering the testimony bears the expense for  
6 the expert testifying.

7 (c) If a child has a presumed, acknowledged, or adjudicated  
8 father, the results of genetic testing are inadmissible to  
9 adjudicate parentage unless performed:

10 (1) with the consent of both the mother and the  
11 presumed, acknowledged, or adjudicated father; or

12 (2) pursuant to an order of the court under Section  
13 502.

14 (d) Copies of bills for genetic testing and for prenatal  
15 and postnatal health care for the mother and child which are  
16 furnished to the adverse party not less than 10 days before the  
17 date of a hearing are admissible to establish:

18 (1) the amount of the charges billed; and

19 (2) that the charges were reasonable, necessary, and  
20 customary.

21 Section 622. Consequences of declining genetic testing.

22 (a) An order for genetic testing is enforceable by  
23 contempt.

24 (b) If an individual whose paternity is being determined  
25 declines to submit to genetic testing ordered by the court or  
26 administrative agency, the court or administrative agency for  
27 that reason may adjudicate parentage contrary to the position  
28 of that individual.

29 (c) Genetic testing of the mother of a child is not a  
30 condition precedent to testing the child and a man whose  
31 paternity is being determined. If the mother is unavailable or  
32 declines to submit to genetic testing, the court or  
33 administrative agency may order the testing of the child and  
34 every man whose paternity is being adjudicated.

1 Section 623. Admission of paternity authorized.

2 (a) A respondent in a proceeding to adjudicate parentage  
3 may admit to the paternity of a child by filing a pleading to  
4 that effect or by admitting paternity under penalty of perjury  
5 when making an appearance or during a hearing.

6 (b) If the court finds that the admission of paternity  
7 satisfies the requirements of this Section and finds that there  
8 is no reason to question the admission, the court shall issue  
9 an order adjudicating the child to be the child of the man  
10 admitting paternity.

11 Section 624. Temporary order.

12 (a) In a proceeding under this Article, the court shall  
13 issue a temporary order consistent with the provisions of  
14 Section 901 for support of a child if the order is appropriate  
15 and the individual ordered to pay support is:

16 (1) a presumed father of the child;

17 (2) petitioning to have his paternity adjudicated;

18 (3) identified as the father through genetic testing  
19 under Section 505;

20 (4) an alleged father who has declined to submit to  
21 genetic testing;

22 (5) shown by clear and convincing evidence to be the  
23 father of the child; or

24 (6) the mother of the child.

25 (b) A temporary order may include provisions for custody  
26 and visitation as provided by the Illinois Marriage and  
27 Dissolution of Marriage Act.

28 (c) Temporary orders issued under this Section shall not  
29 have prejudicial effect with respect to final support, custody,  
30 or visitation orders.

31 PART 3. HEARINGS AND ADJUDICATION

32 Section 631. Rules for adjudication of paternity. The court  
33 shall apply the following rules to adjudicate the paternity of

1 a child:

2 (1) The paternity of a child having a presumed,  
3 acknowledged, or adjudicated father may be disproved only  
4 by admissible results of genetic testing excluding that man  
5 as the father of the child or identifying another man as  
6 the father of the child.

7 (2) Unless the results of genetic testing are admitted  
8 to rebut other results of genetic testing, a man identified  
9 as the father of a child under Section 505 must be  
10 adjudicated the father of the child.

11 (3) If the court finds that genetic testing under  
12 Section 505 neither identifies nor excludes a man as the  
13 father of a child, the court may not dismiss the  
14 proceeding. In that event, the results of genetic testing,  
15 and other evidence, are admissible to adjudicate the issue  
16 of paternity.

17 (4) Unless the results of genetic testing are admitted  
18 to rebut other results of genetic testing, a man excluded  
19 as the father of a child by genetic testing must be  
20 adjudicated not to be the father of the child.

21 Section 632. Jury prohibited. The court, without a jury,  
22 shall adjudicate paternity of a child.

23 Section 634. Order of default. The court shall issue an  
24 order adjudicating the paternity of a man who is in default  
25 after service of process.

26 Section 637. Binding effect of determination of parentage.

27 (a) Except as otherwise provided in subsection (b), a  
28 determination of parentage is binding on:

29 (1) all signatories to an acknowledgment or denial of  
30 paternity as provided in Article 3; and

31 (2) all parties to an adjudication by a court acting  
32 under circumstances that satisfy the jurisdictional  
33 requirements of Section 201 of the Uniform Interstate

1 Family Support Act.

2 (b) A child is not bound by a determination of parentage  
3 under this Act unless:

4 (1) the determination was based on an unrescinded  
5 acknowledgment of paternity and the acknowledgment is  
6 consistent with the results of genetic testing;

7 (2) the adjudication of parentage was based on a  
8 finding consistent with the results of genetic testing and  
9 the consistency is declared in the determination or is  
10 otherwise shown; or

11 (3) the child was a party or was represented in the  
12 proceeding determining parentage by a guardian ad litem.

13 (c) In a proceeding to dissolve a marriage, the court is  
14 deemed to have made an adjudication of the parentage of a child  
15 if the court acts under circumstances that satisfy the  
16 jurisdictional requirements of Section 201 of the Uniform  
17 Interstate Family Support Act, and the final order:

18 (1) expressly identifies a child as a "child of the  
19 marriage," "issue of the marriage," or similar words  
20 indicating that the husband is the father of the child; or

21 (2) provides for support of the child by the husband  
22 unless paternity is specifically disclaimed in the order.

23 (d) Except as otherwise provided in subsection (b), a  
24 determination of parentage may be a defense in a subsequent  
25 proceeding seeking to adjudicate parentage by an individual who  
26 was not a party to the earlier proceeding.

27 (e) A party to an adjudication of paternity may challenge  
28 the adjudication only under law of this State relating to  
29 appeal, vacation of judgments, or other judicial review.

30 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

31 Section 701. Scope of Article. This Article does not apply  
32 to the birth of a child conceived by means of sexual  
33 intercourse, or as the result of a gestational agreement as  
34 provided in the Gestational Surrogacy Act.

1           Section 702. Parental status of donor. A donor is not a  
2 parent of a child conceived by means of assisted reproduction.

3           Section 703. Paternity of child of assisted reproduction. A  
4 man who provides sperm for, or consents to, assisted  
5 reproduction by a woman as provided in Section 704 with the  
6 intent to be the parent of her child, is a parent of the  
7 resulting child.

8           Section 704. Consent to assisted reproduction.

9           (a) Consent by a woman, and a man who intends to be a  
10 parent of a child born to the woman by assisted reproduction  
11 must be in a record signed by the woman and the man. This  
12 requirement does not apply to a donor.

13           (b) Failure of a man to sign a consent required by  
14 subsection (a), before or after birth of the child, does not  
15 preclude a finding of paternity if the woman and the man,  
16 during the first two years of the child's life resided together  
17 in the same household with the child and openly held out the  
18 child as their own.

19           Section 705. Limitation on husband's dispute of paternity.

20           (a) Except as otherwise provided in subsection (b), the  
21 husband of a wife who gives birth to a child by means of  
22 assisted reproduction may not challenge his paternity of the  
23 child unless:

24           (1) within two years after learning of the birth of the  
25 child he commences a proceeding to adjudicate his  
26 paternity; and

27           (2) the court finds that he did not consent to the  
28 assisted reproduction, before or after birth of the child.

29           (b) A proceeding to adjudicate paternity may be maintained  
30 at any time if the court determines that:

31           (1) the husband did not provide sperm for, or before or  
32 after the birth of the child consent to, assisted



1 reproduction by his wife;

2 (2) the husband and the mother of the child have not  
3 cohabited since the probable time of assisted  
4 reproduction; and

5 (3) the husband never openly held out the child as his  
6 own.

7 (c) The limitation provided in this Section applies to a  
8 marriage declared invalid after assisted reproduction.

9 Section 706. Effect of dissolution of marriage or  
10 withdrawal of consent.

11 (a) If a marriage is dissolved before placement of eggs,  
12 sperm, or embryos, the former spouse is not a parent of the  
13 resulting child unless the former spouse consented in a record  
14 that if assisted reproduction were to occur after a divorce,  
15 the former spouse would be a parent of the child.

16 (b) The consent of a woman or a man to assisted  
17 reproduction may be withdrawn by that individual in a record at  
18 any time before placement of eggs, sperm, or embryos. An  
19 individual who withdraws consent under this Section is not a  
20 parent of the resulting child.

21 Section 707. Parental status of deceased individual. If an  
22 individual who consented in a record to be a parent by assisted  
23 reproduction dies before placement of eggs, sperm, or embryos,  
24 the deceased individual is not a parent of the resulting child  
25 unless the deceased spouse consented in a record that if  
26 assisted reproduction were to occur after death, the deceased  
27 individual would be a parent of the child.

28 ARTICLE 8. MISCELLANEOUS PROVISIONS

29 Section 801. Uniformity of application and construction.  
30 In applying and construing Articles 1 through 7 and this  
31 Article of this Act, which are derived from the Uniform  
32 Parentage Act (2002) promulgated by the National Conference of

1 Commissioners on Uniform State Laws, consideration must be  
2 given to the need to promote uniformity of the law with respect  
3 to its subject matter among states that enact it.

4 Section 802. Severability clause. If any provision of this  
5 Act or its application to an individual or circumstance is held  
6 invalid, the invalidity does not affect other provisions or  
7 applications of this Act which can be given effect without the  
8 invalid provision or application, and to this end the  
9 provisions of this Act are severable.

10 Section 803. Time of taking effect. (See Section 999 for  
11 effective date.)

12 (750 ILCS 40/Act rep.)

13 (750 ILCS 45/Act rep.)

14 (750 ILCS 50/12a rep.)

15 Section 804. Repeal. The following Acts and parts of Acts  
16 are repealed:

17 (1) The Illinois Parentage Act.

18 (2) The Illinois Parentage Act of 1984.

19 (3) Section 12a of the Adoption Act.

20 Section 805. Transitional provision. A proceeding to  
21 adjudicate parentage which was commenced before the effective  
22 date of this Act is governed by the law in effect at the time  
23 the proceeding was commenced.

## 24 ARTICLE 9.

### 25 CARRYOVER AND AMENDATORY PROVISIONS

26 Section 901. Child support orders. Notwithstanding any  
27 other law to the contrary, pending the outcome of a judicial  
28 determination of parentage, the court shall issue a temporary  
29 order for child support, upon motion by a party and a showing  
30 of clear and convincing evidence of paternity. In determining

1 the amount of the temporary child support award, the court  
2 shall use the guidelines and standards set forth in subsection  
3 (a) of Section 505 and in Section 505.2 of the Illinois  
4 Marriage and Dissolution of Marriage Act.

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

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

33 In any subsequent action to enforce a support order, upon  
34 sufficient showing that diligent effort has been made to  
35 ascertain the location of the non-custodial parent, service of  
36 process or provision of notice necessary in that action may be

1 made at the last known address of the non-custodial parent, in  
2 any manner expressly provided by the Code of Civil Procedure or  
3 in this Act, which service shall be sufficient for purposes of  
4 due process.

5 An order for support shall include a date on which the  
6 current support obligation terminates. The termination date  
7 shall be no earlier than the date on which the child covered by  
8 the order will attain the age of majority or is otherwise  
9 emancipated. The order for support shall state that the  
10 termination date does not apply to any arrearage that may  
11 remain unpaid on that date. Nothing in this paragraph shall be  
12 construed to prevent the court from modifying the order.

13 If there is an unpaid arrearage or delinquency (as those  
14 terms are defined in the Income Withholding for Support Act)  
15 equal to at least one month's support obligation on the  
16 termination date stated in the order for support or, if there  
17 is no termination date stated in the order, on the date the  
18 child attains the age of majority or is otherwise emancipated,  
19 then the periodic amount required to be paid for current  
20 support of that child immediately prior to that date shall  
21 automatically continue to be an obligation, not as current  
22 support but as periodic payment toward satisfaction of the  
23 unpaid arrearage or delinquency. That periodic payment shall be  
24 in addition to any periodic payment previously required for  
25 satisfaction of the arrearage or delinquency. The total  
26 periodic amount to be paid toward satisfaction of the arrearage  
27 or delinquency may be enforced and collected by any method  
28 provided by law for the enforcement and collection of child  
29 support, including but not limited to income withholding under  
30 the Income Withholding for Support Act. Each order for support  
31 entered or modified on or after January 1, 2005 must contain a  
32 statement notifying the parties of the requirements of this  
33 paragraph. Failure to include the statement in the order for  
34 support does not affect the validity of the order or the  
35 operation of the provisions of this paragraph with regard to  
36 the order. This paragraph shall not be construed to prevent or

1 affect the establishment or modification of an order for the  
2 support of a minor child or the establishment or modification  
3 of an order for the support of a non-minor child or educational  
4 expenses under Section 513 of the Illinois Marriage and  
5 Dissolution of Marriage Act.

6 Section 902. Injunctive relief.

7 (a) In any action brought under this Act for the initial  
8 determination of custody or visitation of a child or for  
9 modification of a prior custody or visitation order, the court,  
10 upon application of any party, may enjoin a party having  
11 physical possession or custody of a child from temporarily or  
12 permanently removing the child from Illinois pending the  
13 adjudication of the issues of custody and visitation. When  
14 deciding whether to enjoin removal of a child, the Court shall  
15 consider the following factors including, but not limited to:

16 (1) the extent of previous involvement with the child  
17 by the party seeking to enjoin removal;

18 (2) the likelihood that parentage will be established;  
19 and

20 (3) the impact on the financial, physical, and  
21 emotional health of the party being enjoined from removing  
22 the child.

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

25 (c) Notwithstanding the provisions of subsection (a), the  
26 court may decline to enjoin a domestic violence victim having  
27 physical possession or custody of a child from temporarily or  
28 permanently removing the child from Illinois pending the  
29 adjudication of the issues of custody and visitation. In  
30 determining whether a person is a domestic violence victim, the  
31 court shall consider the following factors:

32 (1) a sworn statement by the person that the person has  
33 good reason to believe that he or she is the victim of  
34 domestic violence or stalking;

35 (2) a sworn statement that the person fears for his or

1 her safety or the safety of his or her children;

2 (3) evidence from police, court or other government  
3 agency records or files;

4 (4) documentation from a domestic violence program if  
5 the person is alleged to be a victim of domestic violence;

6 (5) documentation from a legal, clerical, medical, or  
7 other professional from whom the person has sought  
8 assistance in dealing with the alleged domestic violence;  
9 and

10 (6) any other evidence that supports the sworn  
11 statements, such as a statement from any other individual  
12 with knowledge of the circumstances that provides the basis  
13 for the claim, or physical evidence of the act or acts of  
14 domestic violence.

15 Section 903. Judgment.

16 (a) The court shall issue an order adjudicating whether a  
17 man alleged or claiming to be the father is the parent of the  
18 child. An order adjudicating parentage must identify the child  
19 by name and date of birth.

20 The court may assess filing fees, reasonable attorney's  
21 fees, fees for genetic testing, other costs, and necessary  
22 travel and other reasonable expenses incurred in a proceeding  
23 under this Act. The court may award attorney's fees, which may  
24 be paid directly to the attorney, who may enforce the order in  
25 the attorney's own name. The court may not assess fees, costs,  
26 or expenses against the support-enforcement agency of this  
27 State or another state, except as provided by other law.

28 (a-5) The judgment shall contain or explicitly reserve  
29 provisions concerning any duty and amount of child support and  
30 may contain provisions concerning the custody and guardianship  
31 of the child, visitation privileges with the child, the  
32 furnishing of bond or other security for the payment of the  
33 judgment, which the court shall determine in accordance with  
34 the relevant factors set forth in the Illinois Marriage and  
35 Dissolution of Marriage Act and any other applicable law of

1 Illinois, to guide the court in a finding in the best interests  
2 of the child. In determining custody, joint custody, removal,  
3 or visitation, the court shall apply the relevant standards of  
4 the Illinois Marriage and Dissolution of Marriage Act,  
5 including Section 609. Specifically, in determining the amount  
6 of any child support award, the court shall use the guidelines  
7 and standards set forth in subsection (a) of Section 505 and in  
8 Section 505.2 of the Illinois Marriage and Dissolution of  
9 Marriage Act. For purposes of Section 505 of the Illinois  
10 Marriage and Dissolution of Marriage Act, "net income" of the  
11 non-custodial parent shall include any benefits available to  
12 that person under the Illinois Public Aid Code or from other  
13 applicable federal, State or local government-funded programs.  
14 In an action brought within 2 years after a child's birth, the  
15 judgment or order may direct either parent to pay the  
16 reasonable expenses incurred by either parent related to the  
17 mother's pregnancy and the delivery of the child.

18 (b) The court shall order all child support payments,  
19 determined in accordance with such guidelines, to commence with  
20 the date summons is served. The level of current periodic  
21 support payments shall not be reduced because of payments set  
22 for the period prior to the date of entry of the support order.  
23 The Court may order any child support payments to be made for a  
24 period prior to the commencement of the action. In determining  
25 whether and the extent to which the payments shall be made for  
26 any prior period, the court shall consider all relevant facts,  
27 including the factors for determining the amount of support  
28 specified in the Illinois Marriage and Dissolution of Marriage  
29 Act and other equitable factors including but not limited to:

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

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

34 (3) The extent to which the mother or the public agency  
35 bringing the action previously informed the father of the  
36 child's needs or attempted to seek or require his help in

1 raising or supporting the child.

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

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

6 For purposes of determining the amount of child support to  
7 be paid for any period before the date the order for current  
8 child support is entered, there is a rebuttable presumption  
9 that the father's net income for the prior period was the same  
10 as his net income at the time the order for current child  
11 support is entered.

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

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

36 (d) If the judgment or order of the court is at variance



1 with the child's birth certificate, the court shall order that  
2 a new birth certificate be issued under the Vital Records Act.

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

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

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

33 (h) An order for support shall include a date on which the  
34 current support obligation terminates. The termination date  
35 shall be no earlier than the date on which the child covered by  
36 the order will attain the age of 18. However, if the child will

1 not graduate from high school until after attaining the age of  
2 18, then the termination date shall be no earlier than the  
3 earlier of the date on which the child's high school graduation  
4 will occur or the date on which the child will attain the age  
5 of 19. The order for support shall state that the termination  
6 date does not apply to any arrearage that may remain unpaid on  
7 that date. Nothing in this subsection shall be construed to  
8 prevent the court from modifying the order or terminating the  
9 order in the event the child is otherwise emancipated.

10 (i) If there is an unpaid arrearage or delinquency (as  
11 those terms are defined in the Income Withholding for Support  
12 Act) equal to at least one month's support obligation on the  
13 termination date stated in the order for support or, if there  
14 is no termination date stated in the order, on the date the  
15 child attains the age of majority or is otherwise emancipated,  
16 the periodic amount required to be paid for current support of  
17 that child immediately prior to that date shall automatically  
18 continue to be an obligation, not as current support but as  
19 periodic payment toward satisfaction of the unpaid arrearage or  
20 delinquency. That periodic payment shall be in addition to any  
21 periodic payment previously required for satisfaction of the  
22 arrearage or delinquency. The total periodic amount to be paid  
23 toward satisfaction of the arrearage or delinquency may be  
24 enforced and collected by any method provided by law for  
25 enforcement and collection of child support, including but not  
26 limited to income withholding under the Income Withholding for  
27 Support Act. Each order for support entered or modified on or  
28 after January 1, 2005 must contain a statement notifying the  
29 parties of the requirements of this subsection. Failure to  
30 include the statement in the order for support does not affect  
31 the validity of the order or the operation of the provisions of  
32 this subsection with regard to the order. This subsection shall  
33 not be construed to prevent or affect the establishment or  
34 modification of an order for support of a minor child or the  
35 establishment or modification of an order for support of a  
36 non-minor child or educational expenses under Section 513 of

1 the Illinois Marriage and Dissolution of Marriage Act.

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

21 Section 904. Information to State Case Registry.

22 (a) In this Section:

23 "Order for support", "obligor", "obligee", and "business  
24 day" are defined as set forth in the Income Withholding for  
25 Support Act.

26 "State Case Registry" means the State Case Registry  
27 established under Section 10-27 of the Illinois Public Aid  
28 Code.

29 (b) Each order for support entered or modified by the  
30 circuit court under this Act shall require that the obligor and  
31 obligee (i) file with the clerk of the circuit court the  
32 information required by this Section (and any other information  
33 required under Title IV, Part D of the Social Security Act or  
34 by the federal Department of Health and Human Services) at the  
35 time of entry or modification of the order for support and (ii)

1 file updated information with the clerk within 5 business days  
2 of any change. Failure of the obligor or obligee to file or  
3 update the required information shall be punishable as in cases  
4 of contempt. The failure shall not prevent the court from  
5 entering or modifying the order for support, however.

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

9 If either the obligor or the obligee receives child support  
10 enforcement services from the Illinois Department of  
11 Healthcare and Family Services under Article X of the Illinois  
12 Public Aid Code, the obligor shall also file the following  
13 information: the obligor's telephone number, driver's license  
14 number, and residential address (if different from the  
15 obligor's mailing address), and the name, address, and  
16 telephone number of the obligor's employer or employers.

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

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

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

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

24 (4) The obligee's mailing address.

25 (e) In cases in which the obligee receives child support  
26 enforcement services from the Illinois Department of  
27 Healthcare and Family Services under Article X of the Illinois  
28 Public Aid Code, the order for support shall (i) require that  
29 the obligee file the information required under subsection (d)  
30 with the Illinois Department of Healthcare and Family Services  
31 for inclusion in the State Case Registry, rather than file the  
32 information with the clerk, and (ii) require that the obligee  
33 include the following additional information:

34 (1) The obligee's telephone and driver's license  
35 numbers.

36 (2) The obligee's residential address, if different

1 from the obligee's mailing address.

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

4 The order for support shall also require that the obligee  
5 update the information filed with the Illinois Department of  
6 Healthcare and Family Services within 5 business days of any  
7 change.

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

13 (g) In a case in which a party is receiving child support  
14 enforcement services under Article X of the Illinois Public Aid  
15 Code, the clerk shall provide the following additional  
16 information to the State Case Registry within 5 business days  
17 after entry or modification of an order for support or request  
18 from the Illinois Department of Healthcare and Family Services:

19 (1) The amount of monthly or other periodic support  
20 owed under the order for support and other amounts,  
21 including arrearage, interest, or late payment penalties  
22 and fees, due or overdue under the order.

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

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

32 Section 905. Information to locate putative fathers and  
33 noncustodial parents.

34 (a) Upon request by a public office, employers, labor  
35 unions, and telephone companies shall provide location

1 information concerning putative fathers and noncustodial  
2 parents for the purpose of establishing a child's paternity or  
3 establishing, enforcing, or modifying a child support  
4 obligation. The term "public office" is defined as set forth in  
5 the Income Withholding for Support Act. In this Section,  
6 "location information" means information about (i) the  
7 physical whereabouts of a putative father or noncustodial  
8 parent, (ii) the employer of the putative father or  
9 noncustodial parent, or (iii) the salary, wages, and other  
10 compensation paid and the health insurance coverage provided to  
11 the putative father or noncustodial parent by the employer of  
12 the putative father or noncustodial parent or by a labor union  
13 of which the putative father or noncustodial parent is a  
14 member. An employer, labor union, or telephone company shall  
15 respond to the request of the public office within 15 days  
16 after receiving the request. Any employer, labor union, or  
17 telephone company that willfully fails to fully respond within  
18 the 15-day period shall be subject to a penalty of \$100 for  
19 each day that the response is not provided to the public office  
20 after the 15-day period has expired. The penalty may be  
21 collected in a civil action, which may be brought against the  
22 employer, labor union, or telephone company in favor of the  
23 public office.

24 (b) Upon being served with a subpoena (including an  
25 administrative subpoena as authorized by law), a utility  
26 company or cable television company must provide location  
27 information to a public office for the purpose of establishing  
28 a child's paternity or establishing, enforcing, or modifying a  
29 child support obligation.

30 (c) Notwithstanding the provisions of any other State or  
31 local law to the contrary, an employer, labor union, telephone  
32 company, utility company, or cable television company shall not  
33 be liable to any person for disclosure of location information  
34 under the requirements of this Section, except for willful and  
35 wanton misconduct.

1 Section 906. Enforcement of judgment or order.

2 (a) If existence of the parent and child relationship is  
3 declared, or paternity or duty of support has been established  
4 under this Act or under prior law or under the law of any other  
5 jurisdiction, the judgment rendered thereunder may be enforced  
6 in the same or other proceedings by any party or any person or  
7 agency that has furnished or may furnish financial assistance  
8 or services to the child. The Income Withholding for Support  
9 Act and Sections 903 and 909 of this Act shall also be  
10 applicable with respect to entry, modification and enforcement  
11 of any support judgment entered under provisions of the  
12 "Paternity Act", approved July 5, 1957, as amended, repealed  
13 July 1, 1985.

14 (b) Failure to comply with any order of the court shall be  
15 punishable as contempt as in other cases of failure to comply  
16 under the Illinois Marriage and Dissolution of Marriage Act. In  
17 addition to other penalties provided by law, the court may,  
18 after finding the party guilty of contempt, order that the  
19 party be:

20 (1) Placed on probation with such conditions of  
21 probation as the court deems advisable;

22 (2) Sentenced to periodic imprisonment for a period not  
23 to exceed 6 months. However, the court may permit the party  
24 to be released for periods of time during the day or night  
25 to work or conduct business or other self-employed  
26 occupation. The court may further order any part of all the  
27 earnings of a party during a sentence of periodic  
28 imprisonment to be paid to the Clerk of the Circuit Court  
29 or to the person or parent having custody of the minor  
30 child for the support of said child until further order of  
31 the court.

32 (2.5) The court may also pierce the ownership veil of a  
33 person, persons, or business entity to discover assets of a  
34 non-custodial parent held in the name of that person, those  
35 persons, or that business entity if there is a unity of  
36 interest and ownership sufficient to render no financial

1 separation between the non-custodial parent and that  
2 person, those persons, or the business entity. The  
3 following circumstances are sufficient for a court to order  
4 discovery of the assets of a person, persons, or business  
5 entity and to compel the application of any discovered  
6 assets toward payment on the judgment for support:

7 (A) the non-custodial parent and the person,  
8 persons, or business entity maintain records together.

9 (B) the non-custodial parent and the person,  
10 persons, or business entity fail to maintain an arms  
11 length relationship between themselves with regard to  
12 any assets.

13 (C) the non-custodial parent transfers assets to  
14 the person, persons, or business entity with the intent  
15 to perpetrate a fraud on the custodial parent.

16 With respect to assets which are real property, no  
17 order entered under this subdivision (2.5) shall affect the  
18 rights of bona fide purchasers, mortgagees, judgment  
19 creditors, or other lien holders who acquire their  
20 interests in the property prior to the time a notice of lis  
21 pendens pursuant to the Code of Civil Procedure or a copy  
22 of the order is placed of record in the office of the  
23 recorder of deeds for the county in which the real property  
24 is located.

25 (3) The court may also order that in cases where the  
26 party is 90 days or more delinquent in payment of support  
27 or has been adjudicated in arrears in an amount equal to 90  
28 days obligation or more, that the party's Illinois driving  
29 privileges be suspended until the court determines that the  
30 party is in compliance with the judgement or duty of  
31 support. The court may also order that the parent be issued  
32 a family financial responsibility driving permit that  
33 would allow limited driving privileges for employment and  
34 medical purposes in accordance with Section 7-702.1 of the  
35 Illinois Vehicle Code. The clerk of the circuit court shall  
36 certify the order suspending the driving privileges of the



1 parent or granting the issuance of a family financial  
2 responsibility driving permit to the Secretary of State on  
3 forms prescribed by the Secretary. Upon receipt of the  
4 authenticated documents, the Secretary of State shall  
5 suspend the party's driving privileges until further order  
6 of the court and shall, if ordered by the court, subject to  
7 the provisions of Section 7-702.1 of the Illinois Vehicle  
8 Code, issue a family financial responsibility driving  
9 permit to the parent.

10 In addition to the penalties or punishment that may be  
11 imposed under this Section, any person whose conduct  
12 constitutes a violation of Section 15 of the Non-Support  
13 Punishment Act may be prosecuted under that Act, and a person  
14 convicted under that Act may be sentenced in accordance with  
15 that Act. The sentence may include but need not be limited to a  
16 requirement that the person perform community service under  
17 Section 50 of that Act or participate in a work alternative  
18 program under Section 50 of that Act. A person may not be  
19 required to participate in a work alternative program under  
20 Section 50 of that Act if the person is currently participating  
21 in a work program pursuant to Section 907 of this Act.

22 (c) In any post-judgment proceeding to enforce or modify  
23 the judgment the parties shall continue to be designated as in  
24 the original proceeding.

25 Section 907. Unemployment of person owing duty of support.

26 (a) Whenever it is determined in a proceeding to establish  
27 or enforce a child support obligation that the person owing a  
28 duty of support is unemployed, the court may order the person  
29 to seek employment and report periodically to the court with a  
30 diary, listing or other memorandum of his or her efforts in  
31 accordance with such order. Additionally, the court may order  
32 the unemployed person to report to the Department of Employment  
33 Security for job search services or to make application with  
34 the local Job Training Partnership Act provider for  
35 participation in job search, training or work programs and

1 where the duty of support is owed to a child receiving child  
2 support enforcement services under Article X of the Illinois  
3 Public Aid Code, as amended, the court may order the unemployed  
4 person to report to the Illinois Department of Healthcare and  
5 Family Services for participation in job search, training or  
6 work programs established under Section 9-6 and Article IXA of  
7 that Code.

8 (b) Whenever it is determined that a person owes past-due  
9 support for a child, and the child is receiving assistance  
10 under the Illinois Public Aid Code, the court shall order the  
11 following at the request of the Illinois Department of  
12 Healthcare and Family Services:

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

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

21 Section 908. Order of protection; status. Whenever relief  
22 is sought under this Act, the court, before granting relief,  
23 shall determine whether any order of protection has previously  
24 been entered in the instant proceeding or any other proceeding  
25 in which any party, or a child of any party, or both, if  
26 relevant, has been designated as either a respondent or a  
27 protected person.

28 Section 909. Modification of judgment. The court has  
29 continuing jurisdiction to modify an order for support,  
30 custody, visitation, or removal included in a judgment entered  
31 under this Act. Any custody, visitation, or removal judgment  
32 modification shall be in accordance with the relevant factors  
33 specified in the Illinois Marriage and Dissolution of Marriage  
34 Act, including Section 609. Any support judgment is subject to

1 modification or termination only in accordance with Section 510  
2 of the Illinois Marriage and Dissolution of Marriage Act.

3 Section 911. Right to counsel; free transcript on appeal.

4 (a) Any party may be represented by counsel at all  
5 proceedings under this Act.

6 (a-5) In any proceedings involving the support, custody,  
7 visitation, education, parentage, property interest, or  
8 general welfare of a minor or dependent child, the court may,  
9 on its own motion or that of any party, and subject to the  
10 terms or specifications the court determines, appoint an  
11 attorney to serve in one of the following capacities:

12 (1) as an attorney to represent the child;

13 (2) as a guardian ad litem to address issues the court  
14 delineates;

15 (3) as a child's representative whose duty shall be to  
16 advocate what the representative finds to be in the best  
17 interests of the child after reviewing the facts and  
18 circumstances of the case. The child's representative  
19 shall have the same power and authority to take part in the  
20 conduct of the litigation as does an attorney for a party  
21 and shall possess all the powers of investigation and  
22 recommendation as does a guardian ad litem. The child's  
23 representative shall consider, but not be bound by, the  
24 expressed wishes of the child. A child's representative  
25 shall have received training in child advocacy or shall  
26 possess such experience as determined to be equivalent to  
27 such training by the chief judge of the circuit where the  
28 child's representative has been appointed. The child's  
29 representative shall not disclose confidential  
30 communications made by the child, except as required by law  
31 or by the Rules of Professional Conduct. The child's  
32 representative shall not be called as a witness regarding  
33 the issues set forth in this subsection.

34 During the proceedings the court may appoint an additional  
35 attorney to serve in another of the capacities described in

1 subdivisions (1), (2), or (3) of the preceding paragraph on its  
2 own motion or that of a party only for good cause shown and  
3 when the reasons for the additional appointment are set forth  
4 in specific findings.

5 The court shall enter an order as appropriate for costs,  
6 fees, and disbursements, including a retainer, when the  
7 attorney, guardian ad litem, or child's representative is  
8 appointed, and thereafter as necessary. Such orders shall  
9 require payment by either or both parents, by any other party  
10 or source, or from the marital estate or the child's separate  
11 estate. The court may not order payment by the Illinois  
12 Department of Healthcare and Family Services in cases in which  
13 the Department is providing child support enforcement services  
14 under Article X of the Illinois Public Aid Code. Unless  
15 otherwise ordered by the court at the time fees and costs are  
16 approved, all fees and costs payable to an attorney, guardian  
17 ad litem, or child's representative under this Section are by  
18 implication deemed to be in the nature of support of the child  
19 and are within the exceptions to discharge in bankruptcy under  
20 11 U.S.C.A. 523. The provisions of Sections 501 and 508 of the  
21 Illinois Marriage and Dissolution of Marriage Act shall apply  
22 to fees and costs for attorneys appointed under this Section.

23 (b) Upon the request of a mother or child seeking to  
24 establish the existence of a father and child relationship, the  
25 State's Attorney shall represent the mother or child in the  
26 trial court. If the child is an applicant for or a recipient of  
27 assistance as defined in Section 2-6 of the Illinois Public Aid  
28 Code or has applied to the Illinois Department of Healthcare  
29 and Family Services for services under Article X of such Code,  
30 the Department may file a complaint in the child's behalf under  
31 this Act. The Department shall refer the complaint to the  
32 Public Aid Claims Enforcement Division of the Office of the  
33 Attorney General as provided in Section 12-16 of the Illinois  
34 Public Aid Code for enforcement by the Attorney General. Legal  
35 representation by the State's Attorney or the Attorney General  
36 shall be limited to the establishment and enforcement of an

1 order for support, and shall not extend to visitation, custody,  
2 property or other matters. If visitation, custody, property or  
3 other matters are raised by a party and considered by the court  
4 in any proceeding under this Act, the court shall provide a  
5 continuance sufficient to enable the mother or child to obtain  
6 representation for such matters.

7 (c) The Court may appoint counsel to represent any indigent  
8 defendant in the trial court, except that this representation  
9 shall be limited to the establishment of a parent and child  
10 relationship and an order for support, and shall not extend to  
11 visitation, custody, property, enforcement of an order for  
12 support, or other matters. If visitation, custody, property or  
13 other matters are raised by a party and considered by the court  
14 in any proceeding under this Act, the court shall provide a  
15 continuance sufficient to enable the defendant to obtain  
16 representation for such matters.

17 (d) The court shall furnish on request of any indigent  
18 party a transcript for purposes of appeal.

19 Section 912. Withholding of income to secure payment of  
20 support. Orders for support entered under this Act are subject  
21 to the Income Withholding for Support Act.

22 Section 913. Information concerning obligors.

23 (a) In this Section:

24 "Arrearage", "delinquency", "obligor", and "order for  
25 support" have the meanings attributed to those terms in the  
26 Income Withholding for Support Act.

27 "Consumer reporting agency" has the meaning attributed to  
28 that term in Section 603(f) of the Fair Credit Reporting Act,  
29 15 U.S.C. 1681a(f).

30 (b) Whenever a court of competent jurisdiction finds that  
31 an obligor either owes an arrearage of more than \$10,000 or is  
32 delinquent in payment of an amount equal to at least 3 months'  
33 support obligation pursuant to an order for support, the court  
34 shall direct the clerk of the court to make information

1 concerning the obligor available to consumer reporting  
2 agencies.

3 (c) Whenever a court of competent jurisdiction finds that  
4 an obligor either owes an arrearage of more than \$10,000 or is  
5 delinquent in payment of an amount equal to at least 3 months'  
6 support obligation pursuant to an order for support, the court  
7 shall direct the clerk of the court to cause the obligor's name  
8 and address to be published in a newspaper of general  
9 circulation in the area in which the obligor resides. The clerk  
10 shall cause the obligor's name and address to be published only  
11 after sending to the obligor at the obligor's last known  
12 address, by certified mail, return receipt requested, a notice  
13 of intent to publish the information. This subsection (c)  
14 applies only if the obligor resides in the county in which the  
15 clerk of the court holds office.

16 Section 914. Interest on support obligations. A support  
17 obligation, or any portion of a support obligation, which  
18 becomes due and remains unpaid as of the end of each month,  
19 excluding the child support that was due for that month to the  
20 extent that it was not paid in that month, shall accrue simple  
21 interest as set forth in Section 12-109 of the Code of Civil  
22 Procedure. An order for support entered or modified on or after  
23 January 1, 2006 shall contain a statement that a support  
24 obligation required under the order, or any portion of a  
25 support obligation required under the order, that becomes due  
26 and remains unpaid as of the end of each month, excluding the  
27 child support that was due for that month to the extent that it  
28 was not paid in that month, shall accrue simple interest as set  
29 forth in Section 12-109 of the Code of Civil Procedure. Failure  
30 to include the statement in the order for support does not  
31 affect the validity of the order or the accrual of interest as  
32 provided in this Section.

33 Section 915. Support payments; receiving and disbursing  
34 agents.

1           (1) In an action filed in a county of less than 3 million  
2 population in which an order for child support is entered, and  
3 in supplementary proceedings in such a county to enforce or  
4 vary the terms of such order arising out of an action filed in  
5 such a county, the court, except in actions or supplementary  
6 proceedings in which the pregnancy and delivery expenses of the  
7 mother or the child support payments are for a recipient of aid  
8 under the Illinois Public Aid Code, shall direct that child  
9 support payments be made to the clerk of the court unless in  
10 the discretion of the court exceptional circumstances warrant  
11 otherwise. In cases where payment is to be made to persons  
12 other than the clerk of the court the judgment or order of  
13 support shall set forth the facts of the exceptional  
14 circumstances.

15           (2) In an action filed in a county of 3 million or more  
16 population in which an order for child support is entered, and  
17 in supplementary proceedings in such a county to enforce or  
18 vary the terms of such order arising out of an action filed in  
19 such a county, the court, except in actions or supplementary  
20 proceedings in which the pregnancy and delivery expenses of the  
21 mother or the child support payments are for a recipient of aid  
22 under the Illinois Public Aid Code, shall direct that child  
23 support payments be made either to the clerk of the court or to  
24 the Court Service Division of the County Department of Public  
25 Aid or its successor, or to the clerk of the court or to the  
26 Illinois Department of Healthcare and Family Services, unless  
27 in the discretion of the court exceptional circumstances  
28 warrant otherwise. In cases where payment is to be made to  
29 persons other than the clerk of the court, the Court Service  
30 Division of the County Department of Public Aid or its  
31 successor, or the Illinois Department of Healthcare and Family  
32 Services, the judgment or order of support shall set forth the  
33 facts of the exceptional circumstances.

34           (3) Where the action or supplementary proceeding is in  
35 behalf of a mother for pregnancy and delivery expenses or for  
36 child support, or both, and the mother, child, or both, are

1 recipients of aid under the Illinois Public Aid Code, the court  
2 shall order that the payments be made directly to (a) the  
3 Illinois Department of Healthcare and Family Services if the  
4 mother or child, or both, are recipients under Articles IV or V  
5 of the Code, or (b) the local governmental unit responsible for  
6 the support of the mother or child, or both, if they are  
7 recipients under Articles VI or VII of the Code. In accordance  
8 with federal law and regulations, the Illinois Department of  
9 Healthcare and Family Services may continue to collect current  
10 maintenance payments or child support payments, or both, after  
11 those persons cease to receive public assistance and until  
12 termination of services under Article X of the Illinois Public  
13 Aid Code. The Illinois Department of Healthcare and Family  
14 Services shall pay the net amount collected to those persons  
15 after deducting any costs incurred in making the collection or  
16 any collection fee from the amount of any recovery made. The  
17 Illinois Department of Healthcare and Family Services or the  
18 local governmental unit, as the case may be, may direct that  
19 payments be made directly to the mother of the child, or to  
20 some other person or agency in the child's behalf, upon the  
21 removal of the mother and child from the public aid rolls or  
22 upon termination of services under Article X of the Illinois  
23 Healthcare and Family Services Code; and upon such direction,  
24 the Illinois Department or the local governmental unit, as the  
25 case requires, shall give notice of such action to the court in  
26 writing or by electronic transmission.

27 (4) All clerks of the court and the Court Service Division  
28 of a County Department of Public Aid or its successor and the  
29 Illinois Department of Healthcare and Family Services,  
30 receiving child support payments under paragraphs (1) or (2)  
31 shall disburse the same to the person or persons entitled  
32 thereto under the terms of the order. They shall establish and  
33 maintain clear and current records of all moneys received and  
34 disbursed and of defaults and delinquencies in required  
35 payments. The court, by order or rule, shall make provision for  
36 the carrying out of these duties.



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

11           (5) The moneys received by persons or agencies designated  
12   by the court shall be disbursed by them in accordance with the  
13   order. However, the court, on petition of the State's Attorney,  
14   may enter new orders designating the clerk of the court or the  
15   Illinois Department of Healthcare and Family Services, as the  
16   person or agency authorized to receive and disburse child  
17   support payments and, in the case of recipients of public aid,  
18   the court, on petition of the Attorney General or State's  
19   Attorney, shall direct subsequent payments to be paid to the  
20   Illinois Department of Healthcare and Family Services or to the  
21   appropriate local governmental unit, as provided in paragraph  
22   (3). Payments of child support by principals or sureties on  
23   bonds, or proceeds of any sale for the enforcement of a  
24   judgment shall be made to the clerk of the court, the Illinois  
25   Department of Healthcare and Family Services or the appropriate  
26   local governmental unit, as the respective provisions of this  
27   Section require.

28           (6) For those cases in which child support is payable to  
29   the clerk of the circuit court for transmittal to the Illinois  
30   Department of Healthcare and Family Services by order of court  
31   or upon notification by the Illinois Department of Healthcare  
32   and Family Services, the clerk shall transmit all such  
33   payments, within 4 working days of receipt, to insure that  
34   funds are available for immediate distribution by the  
35   Department to the person or entity entitled thereto in  
36   accordance with standards of the Child Support Enforcement

1 Program established under Title IV-D of the Social Security  
2 Act. The clerk shall notify the Department of the date of  
3 receipt and amount thereof at the time of transmittal. Where  
4 the clerk has entered into an agreement of cooperation with the  
5 Department to record the terms of child support orders and  
6 payments made thereunder directly into the Department's  
7 automated data processing system, the clerk shall account for,  
8 transmit and otherwise distribute child support payments in  
9 accordance with such agreement in lieu of the requirements  
10 contained herein.

11 (7) To the extent the provisions of this Section are  
12 inconsistent with the requirements pertaining to the State  
13 Disbursement Unit under Section 916 of this Act and Section  
14 10-26 of the Illinois Public Aid Code, the requirements  
15 pertaining to the State Disbursement Unit shall apply.

16 Section 915.5. Notice of child support enforcement  
17 services. The Illinois Department of Healthcare and Family  
18 Services may provide notice at any time to the parties to an  
19 action filed under this Act that child support enforcement  
20 services are being provided by the Illinois Department under  
21 Article X of the Illinois Public Aid Code. After notice is  
22 provided pursuant to this Section, the Illinois Department  
23 shall be entitled, as if it were a party, to notice of any  
24 further proceedings brought in the case. The Illinois  
25 Department shall provide the clerk of the court with copies of  
26 the notices sent to the parties. The clerk shall file the  
27 copies in the court file.

28 Section 916. Payment of support to State Disbursement Unit.

29 (a) As used in this Section:

30 "Order for support", "obligor", "obligee", and "payor"  
31 mean those terms as defined in the Income Withholding for  
32 Support Act, except that "order for support" shall not mean  
33 orders providing for spousal maintenance under which there is  
34 no child support obligation.

1 (b) Notwithstanding any other provision of this Act to the  
2 contrary, each order for support entered or modified on or  
3 after October 1, 1999 shall require that support payments be  
4 made to the State Disbursement Unit established under Section  
5 10-26 of the Illinois Public Aid Code if:

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

9 (2) no party to the order is receiving child support  
10 enforcement services, but the support payments are made  
11 through income withholding.

12 (c) Support payments shall be made to the State  
13 Disbursement Unit if:

14 (1) the order for support was entered before October 1,  
15 1999, and a party to the order is receiving child support  
16 enforcement services under Article X of the Illinois Public  
17 Aid Code; or

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

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

26 (c-10) At any time, and notwithstanding the existence of an  
27 order directing payments to be made elsewhere, the Illinois  
28 Department of Healthcare and Family Services may provide notice  
29 to the obligor and, where applicable, to the obligor's payor:

30 (1) to make support payments to the State Disbursement  
31 Unit if:

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

35 (B) no party to the order for support is receiving  
36 child support enforcement services under Article X of

1 the Illinois Public Aid Code, but the support payments  
2 are made through income withholding; or

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

8 The Illinois Department of Healthcare and Family Services  
9 shall provide a copy of the notice to the obligee and to the  
10 clerk of the circuit court.

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

21 (c-20) If the State Disbursement Unit receives a support  
22 payment that was not appropriately made to the Unit under this  
23 Section, the Unit shall immediately return the payment to the  
24 sender, including, if possible, instructions detailing where  
25 to send the support payments.

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

31 Section 917. Collection fee. In all cases instituted by the  
32 Illinois Department of Healthcare and Family Services on behalf  
33 of a child or spouse, other than one receiving a grant of  
34 financial aid under Article IV of The Illinois Public Aid Code,  
35 on whose behalf an application has been made and approved for

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

13 Section 918. Notice to clerk of circuit court of payment  
14 received by Illinois Department of Healthcare and Family  
15 Services for recording. For those cases in which support is  
16 payable to the clerk of the circuit court for transmittal to  
17 the Illinois Department of Healthcare and Family Services by  
18 order of court, and the Illinois Department of Healthcare and  
19 Family Services collects support by assignment offset,  
20 withhold, deduction or other process permitted by law, the  
21 Illinois Department of Healthcare and Family Services shall  
22 notify the clerk of the date and amount of such collection.  
23 Upon notification, the clerk shall record the collection on the  
24 payment record for the case.

25 Section 919. Administrative determinations of paternity.  
26 Notwithstanding any other provision of this Act, the Illinois  
27 Department of Healthcare and Family Services may make  
28 administrative determinations of paternity and nonpaternity in  
29 accordance with Article X of the Illinois Public Aid Code.  
30 These determinations of paternity or nonpaternity shall have  
31 the full force and effect of judgments entered under this Act.

32 Section 990.1. The Department of Employment Security Law of  
33 the Civil Administrative Code of Illinois is amended by

1 changing Section 1005-130 as follows:

2 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

3 Sec. 1005-130. Exchange of information for child support  
4 enforcement.

5 (a) The Department has the power to exchange with the  
6 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
7 ~~Aid~~ information that may be necessary for the enforcement of  
8 child support orders entered pursuant to the Illinois Public  
9 Aid Code, the Illinois Marriage and Dissolution of Marriage  
10 Act, the Non-Support of Spouse and Children Act, the  
11 Non-Support Punishment Act, the Revised Uniform Reciprocal  
12 Enforcement of Support Act, the Uniform Interstate Family  
13 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
14 Uniform Parentage Act.

15 (b) Notwithstanding any provisions in the Civil  
16 Administrative Code of Illinois to the contrary, the Department  
17 of Employment Security shall not be liable to any person for  
18 any disclosure of information to the Department of Healthcare  
19 and Family Services (formerly Illinois Department of Public  
20 Aid) under subsection (a) or for any other action taken in good  
21 faith to comply with the requirements of subsection (a).

22 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,  
23 eff. 6-28-01; revised 12-15-05.)

24 Section 990.2. The Department of Professional Regulation  
25 Law of the Civil Administrative Code of Illinois is amended by  
26 changing Section 2105-15 as follows:

27 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

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

29 (a) The Department has, subject to the provisions of the  
30 Civil Administrative Code of Illinois, the following powers and  
31 duties:

32 (1) To authorize examinations in English to ascertain  
33 the qualifications and fitness of applicants to exercise

1 the profession, trade, or occupation for which the  
2 examination is held.

3 (2) To prescribe rules and regulations for a fair and  
4 wholly impartial method of examination of candidates to  
5 exercise the respective professions, trades, or  
6 occupations.

7 (3) To pass upon the qualifications of applicants for  
8 licenses, certificates, and authorities, whether by  
9 examination, by reciprocity, or by endorsement.

10 (4) To prescribe rules and regulations defining, for  
11 the respective professions, trades, and occupations, what  
12 shall constitute a school, college, or university, or  
13 department of a university, or other institution,  
14 reputable and in good standing, and to determine the  
15 reputability and good standing of a school, college, or  
16 university, or department of a university, or other  
17 institution, reputable and in good standing, by reference  
18 to a compliance with those rules and regulations; provided,  
19 that no school, college, or university, or department of a  
20 university, or other institution that refuses admittance  
21 to applicants solely on account of race, color, creed, sex,  
22 or national origin shall be considered reputable and in  
23 good standing.

24 (5) To conduct hearings on proceedings to revoke,  
25 suspend, refuse to renew, place on probationary status, or  
26 take other disciplinary action as authorized in any  
27 licensing Act administered by the Department with regard to  
28 licenses, certificates, or authorities of persons  
29 exercising the respective professions, trades, or  
30 occupations and to revoke, suspend, refuse to renew, place  
31 on probationary status, or take other disciplinary action  
32 as authorized in any licensing Act administered by the  
33 Department with regard to those licenses, certificates, or  
34 authorities. The Department shall issue a monthly  
35 disciplinary report. The Department shall deny any license  
36 or renewal authorized by the Civil Administrative Code of

1 Illinois to any person who has defaulted on an educational  
2 loan or scholarship provided by or guaranteed by the  
3 Illinois Student Assistance Commission or any governmental  
4 agency of this State; however, the Department may issue a  
5 license or renewal if the aforementioned persons have  
6 established a satisfactory repayment record as determined  
7 by the Illinois Student Assistance Commission or other  
8 appropriate governmental agency of this State.  
9 Additionally, beginning June 1, 1996, any license issued by  
10 the Department may be suspended or revoked if the  
11 Department, after the opportunity for a hearing under the  
12 appropriate licensing Act, finds that the licensee has  
13 failed to make satisfactory repayment to the Illinois  
14 Student Assistance Commission for a delinquent or  
15 defaulted loan. For the purposes of this Section,  
16 "satisfactory repayment record" shall be defined by rule.  
17 The Department shall refuse to issue or renew a license to,  
18 or shall suspend or revoke a license of, any person who,  
19 after receiving notice, fails to comply with a subpoena or  
20 warrant relating to a paternity or child support  
21 proceeding. However, the Department may issue a license or  
22 renewal upon compliance with the subpoena or warrant.

23 The Department, without further process or hearings,  
24 shall revoke, suspend, or deny any license or renewal  
25 authorized by the Civil Administrative Code of Illinois to  
26 a person who is certified by the Department of Healthcare  
27 and Family Services (formerly Illinois Department of  
28 Public Aid) as being more than 30 days delinquent in  
29 complying with a child support order or who is certified by  
30 a court as being in violation of the Non-Support Punishment  
31 Act for more than 60 days. The Department may, however,  
32 issue a license or renewal if the person has established a  
33 satisfactory repayment record as determined by the  
34 Department of Healthcare and Family Services (formerly  
35 Illinois Department of Public Aid) or if the person is  
36 determined by the court to be in compliance with the



1 Non-Support Punishment Act. The Department may implement  
2 this paragraph as added by Public Act 89-6 through the use  
3 of emergency rules in accordance with Section 5-45 of the  
4 Illinois Administrative Procedure Act. For purposes of the  
5 Illinois Administrative Procedure Act, the adoption of  
6 rules to implement this paragraph shall be considered an  
7 emergency and necessary for the public interest, safety,  
8 and welfare.

9 (6) To transfer jurisdiction of any realty under the  
10 control of the Department to any other department of the  
11 State Government or to acquire or accept federal lands when  
12 the transfer, acquisition, or acceptance is advantageous  
13 to the State and is approved in writing by the Governor.

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

16 (8) To exchange with the ~~Illinois~~ Department of  
17 Healthcare and Family Services ~~Public Aid~~ information that  
18 may be necessary for the enforcement of child support  
19 orders entered pursuant to the Illinois Public Aid Code,  
20 the Illinois Marriage and Dissolution of Marriage Act, the  
21 Non-Support of Spouse and Children Act, the Non-Support  
22 Punishment Act, the Revised Uniform Reciprocal Enforcement  
23 of Support Act, the Uniform Interstate Family Support Act,  
24 ~~or~~ the Illinois Parentage Act of 1984, or the Uniform  
25 Parentage Act. Notwithstanding any provisions in this Code  
26 to the contrary, the Department of Professional Regulation  
27 shall not be liable under any federal or State law to any  
28 person for any disclosure of information to the Department  
29 of Healthcare and Family Services (formerly Illinois  
30 Department of Public Aid) under this paragraph (8) or for  
31 any other action taken in good faith to comply with the  
32 requirements of this paragraph (8).

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

34 (b) The Department may, when a fee is payable to the  
35 Department for a wall certificate of registration provided by  
36 the Department of Central Management Services, require that

1 portion of the payment for printing and distribution costs be  
2 made directly or through the Department to the Department of  
3 Central Management Services for deposit into the Paper and  
4 Printing Revolving Fund. The remainder shall be deposited into  
5 the General Revenue Fund.

6 (c) For the purpose of securing and preparing evidence, and  
7 for the purchase of controlled substances, professional  
8 services, and equipment necessary for enforcement activities,  
9 recoupment of investigative costs, and other activities  
10 directed at suppressing the misuse and abuse of controlled  
11 substances, including those activities set forth in Sections  
12 504 and 508 of the Illinois Controlled Substances Act, the  
13 Director and agents appointed and authorized by the Director  
14 may expend sums from the Professional Regulation Evidence Fund  
15 that the Director deems necessary from the amounts appropriated  
16 for that purpose. Those sums may be advanced to the agent when  
17 the Director deems that procedure to be in the public interest.  
18 Sums for the purchase of controlled substances, professional  
19 services, and equipment necessary for enforcement activities  
20 and other activities as set forth in this Section shall be  
21 advanced to the agent who is to make the purchase from the  
22 Professional Regulation Evidence Fund on vouchers signed by the  
23 Director. The Director and those agents are authorized to  
24 maintain one or more commercial checking accounts with any  
25 State banking corporation or corporations organized under or  
26 subject to the Illinois Banking Act for the deposit and  
27 withdrawal of moneys to be used for the purposes set forth in  
28 this Section; provided, that no check may be written nor any  
29 withdrawal made from any such account except upon the written  
30 signatures of 2 persons designated by the Director to write  
31 those checks and make those withdrawals. Vouchers for those  
32 expenditures must be signed by the Director. All such  
33 expenditures shall be audited by the Director, and the audit  
34 shall be submitted to the Department of Central Management  
35 Services for approval.

36 (d) Whenever the Department is authorized or required by

1 law to consider some aspect of criminal history record  
2 information for the purpose of carrying out its statutory  
3 powers and responsibilities, then, upon request and payment of  
4 fees in conformance with the requirements of Section 2605-400  
5 of the Department of State Police Law (20 ILCS 2605/2605-400),  
6 the Department of State Police is authorized to furnish,  
7 pursuant to positive identification, the information contained  
8 in State files that is necessary to fulfill the request.

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

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

18 (g) Notwithstanding anything that may appear in any  
19 individual licensing statute or administrative rule, the  
20 Department shall deny any license application or renewal  
21 authorized under any licensing Act administered by the  
22 Department to any person who has failed to file a return, or to  
23 pay the tax, penalty, or interest shown in a filed return, or  
24 to pay any final assessment of tax, penalty, or interest, as  
25 required by any tax Act administered by the Illinois Department  
26 of Revenue, until such time as the requirement of any such tax  
27 Act are satisfied; however, the Department may issue a license  
28 or renewal if the person has established a satisfactory  
29 repayment record as determined by the Illinois Department of  
30 Revenue. For the purpose of this Section, "satisfactory  
31 repayment record" shall be defined by rule.

32 In addition, a complaint filed with the Department by the  
33 Illinois Department of Revenue that includes a certification,  
34 signed by its Director or designee, attesting to the amount of  
35 the unpaid tax liability or the years for which a return was  
36 not filed, or both, is prima facie evidence of the licensee's

1 failure to comply with the tax laws administered by the  
2 Illinois Department of Revenue. Upon receipt of that  
3 certification, the Department shall, without a hearing,  
4 immediately suspend all licenses held by the licensee.  
5 Enforcement of the Department's order shall be stayed for 60  
6 days. The Department shall provide notice of the suspension to  
7 the licensee by mailing a copy of the Department's order by  
8 certified and regular mail to the licensee's last known address  
9 as registered with the Department. The notice shall advise the  
10 licensee that the suspension shall be effective 60 days after  
11 the issuance of the Department's order unless the Department  
12 receives, from the licensee, a request for a hearing before the  
13 Department to dispute the matters contained in the order.

14 Any suspension imposed under this subsection (g) shall be  
15 terminated by the Department upon notification from the  
16 Illinois Department of Revenue that the licensee is in  
17 compliance with all tax laws administered by the Illinois  
18 Department of Revenue.

19 The Department shall promulgate rules for the  
20 administration of this subsection (g).

21 (h) ~~(g)~~ The Department may grant the title "Retired", to be  
22 used immediately adjacent to the title of a profession  
23 regulated by the Department, to eligible retirees. The use of  
24 the title "Retired" shall not constitute representation of  
25 current licensure, registration, or certification. Any person  
26 without an active license, registration, or certificate in a  
27 profession that requires licensure, registration, or  
28 certification shall not be permitted to practice that  
29 profession.

30 (Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; revised  
31 12-15-05.)

32 Section 990.3. The Department of Revenue Law of the Civil  
33 Administrative Code of Illinois is amended by changing Section  
34 2505-65 as follows:

1 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

2 Sec. 2505-65. Exchange of information.

3 (a) The Department has the power to exchange with any  
4 state, with any local subdivisions of any state, or with the  
5 federal government, except when specifically prohibited by  
6 law, any information that may be necessary to efficient tax  
7 administration and that may be acquired as a result of the  
8 administration of the laws set forth in the Sections following  
9 Section 95-10 and preceding Section 2505-60.

10 (b) The Department has the power to exchange with the  
11 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
12 ~~Aid~~ information that may be necessary for the enforcement of  
13 child support orders entered pursuant to the Illinois Public  
14 Aid Code, the Illinois Marriage and Dissolution of Marriage  
15 Act, the Non-Support of Spouse and Children Act, the  
16 Non-Support Punishment Act, the Revised Uniform Reciprocal  
17 Enforcement of Support Act, the Uniform Interstate Family  
18 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
19 Uniform Parentage Act. Notwithstanding any provisions in this  
20 Code to the contrary, the Department of Revenue shall not be  
21 liable to any person for any disclosure of information to the  
22 Department of Healthcare and Family Services (formerly  
23 Illinois Department of Public Aid) under this subsection (b) or  
24 for any other action taken in good faith to comply with the  
25 requirements of this subsection (b).

26 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,  
27 eff. 6-28-01; revised 12-15-05.)

28 Section 990.4. The Counties Code is amended by changing  
29 Section 3-5036.5 as follows:

30 (55 ILCS 5/3-5036.5)

31 Sec. 3-5036.5. Exchange of information for child support  
32 enforcement.

33 (a) The Recorder shall exchange with the ~~Illinois~~  
34 Department of Healthcare and Family Services ~~Public Aid~~

1 information that may be necessary for the enforcement of child  
2 support orders entered pursuant to the Illinois Public Aid  
3 Code, the Illinois Marriage and Dissolution of Marriage Act,  
4 the Non-Support of Spouse and Children Act, the Non-Support  
5 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
6 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the  
7 Illinois Parentage Act of 1984, or the Uniform Parentage Act.

8 (b) Notwithstanding any provisions in this Code to the  
9 contrary, the Recorder shall not be liable to any person for  
10 any disclosure of information to the Department of Healthcare  
11 and Family Services (formerly Illinois Department of Public  
12 Aid) under subsection (a) or for any other action taken in good  
13 faith to comply with the requirements of subsection (a).

14 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
15 12-15-05.)

16 Section 990.5. The Collection Agency Act is amended by  
17 changing Section 2.04 as follows:

18 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

19 (Section scheduled to be repealed on January 1, 2016)

20 Sec. 2.04. Child support indebtedness.

21 (a) Persons, associations, partnerships, corporations, or  
22 other legal entities engaged in the business of collecting  
23 child support indebtedness owing under a court order as  
24 provided under the Illinois Public Aid Code, the Illinois  
25 Marriage and Dissolution of Marriage Act, the Non-Support of  
26 Spouse and Children Act, the Non-Support Punishment Act, the  
27 Illinois Parentage Act of 1984, the Uniform Parentage Act, or  
28 similar laws of other states are not restricted (i) in the  
29 frequency of contact with an obligor who is in arrears, whether  
30 by phone, mail, or other means, (ii) from contacting the  
31 employer of an obligor who is in arrears, (iii) from publishing  
32 or threatening to publish a list of obligors in arrears, (iv)  
33 from disclosing or threatening to disclose an arrearage that  
34 the obligor disputes, but for which a verified notice of

1 delinquency has been served under the Income Withholding for  
2 Support Act (or any of its predecessors, Section 10-16.2 of the  
3 Illinois Public Aid Code, Section 706.1 of the Illinois  
4 Marriage and Dissolution of Marriage Act, Section 4.1 of the  
5 Non-Support of Spouse and Children Act, Section 26.1 of the  
6 Revised Uniform Reciprocal Enforcement of Support Act, or  
7 Section 20 of the Illinois Parentage Act of 1984), or (v) from  
8 engaging in conduct that would not cause a reasonable person  
9 mental or physical illness. For purposes of this subsection,  
10 "obligor" means an individual who owes a duty to make periodic  
11 payments, under a court order, for the support of a child.  
12 "Arrearage" means the total amount of an obligor's unpaid child  
13 support obligations.

14 (a-5) A collection agency may not impose a fee or charge,  
15 including costs, for any child support payments collected  
16 through the efforts of a federal, State, or local government  
17 agency, including but not limited to child support collected  
18 from federal or State tax refunds, unemployment benefits, or  
19 Social Security benefits.

20 No collection agency that collects child support payments  
21 shall (i) impose a charge or fee, including costs, for  
22 collection of a current child support payment, (ii) fail to  
23 apply collections to current support as specified in the order  
24 for support before applying collection to arrears or other  
25 amounts, or (iii) designate a current child support payment as  
26 arrears or other amount owed. In all circumstances, the  
27 collection agency shall turn over to the obligee all support  
28 collected in a month up to the amount of current support  
29 required to be paid for that month.

30 As to any fees or charges, including costs, retained by the  
31 collection agency, that agency shall provide documentation to  
32 the obligee demonstrating that the child support payments  
33 resulted from the actions of the agency.

34 After collection of the total amount or arrearage,  
35 including statutory interest, due as of the date of execution  
36 of the collection contract, no further fees may be charged.

1 (a-10) The Department of Professional Regulation shall  
2 determine a fee rate of not less than 25% but not greater than  
3 35%, based upon presentation by the licensees as to costs to  
4 provide the service and a fair rate of return. This rate shall  
5 be established by administrative rule.

6 Without prejudice to the determination by the Department of  
7 the appropriate rate through administrative rule, a collection  
8 agency shall impose a fee of not more than 29% of the amount of  
9 child support actually collected by the collection agency  
10 subject to the provisions of subsection (a-5). This interim  
11 rate is based upon the March 2002 General Account Office report  
12 "Child Support Enforcement", GAO-02-349. This rate shall apply  
13 until a fee rate is established by administrative rule.

14 (b) The Department shall adopt rules necessary to  
15 administer and enforce the provisions of this Section.

16 (Source: P.A. 93-896, eff. 8-10-04; 94-414, eff. 12-31-05.)

17 Section 990.6. The Illinois Public Aid Code is amended by  
18 changing Sections 10-3.1, 10-17.7, 10-19, 10-25, 10-25.5, and  
19 12-4.7c as follows:

20 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

21 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois  
22 Department shall establish within its administrative staff a  
23 Child and Spouse Support Unit to search for and locate absent  
24 parents and spouses liable for the support of persons resident  
25 in this State and to exercise the support enforcement powers  
26 and responsibilities assigned the Department by this Article.  
27 The unit shall cooperate with all law enforcement officials in  
28 this State and with the authorities of other States in locating  
29 persons responsible for the support of persons resident in  
30 other States and shall invite the cooperation of these  
31 authorities in the performance of its duties.

32 In addition to other duties assigned the Child and Spouse  
33 Support Unit by this Article, the Unit may refer to the  
34 Attorney General or units of local government with the approval



1 of the Attorney General, any actions under Sections 10-10 and  
2 10-15 for judicial enforcement of the support liability. The  
3 Child and Spouse Support Unit shall act for the Department in  
4 referring to the Attorney General support matters requiring  
5 judicial enforcement under other laws. If requested by the  
6 Attorney General to so act, as provided in Section 12-16,  
7 attorneys of the Unit may assist the Attorney General or  
8 themselves institute actions in behalf of the Illinois  
9 Department under the Revised Uniform Reciprocal Enforcement of  
10 Support Act; under the Illinois Parentage Act of 1984 or under  
11 the Uniform Parentage Act; under the Non-Support of Spouse and  
12 Children Act; under the Non-Support Punishment Act; or under  
13 any other law, State or Federal, providing for support of a  
14 spouse or dependent child.

15 The Illinois Department shall also have the authority to  
16 enter into agreements with local governmental units or  
17 individuals, with the approval of the Attorney General, for the  
18 collection of moneys owing because of the failure of a parent  
19 to make child support payments for any child receiving services  
20 under this Article. Such agreements may be on a contingent fee  
21 basis, but such contingent fee shall not exceed 25% of the  
22 total amount collected.

23 An attorney who provides representation pursuant to this  
24 Section shall represent the Illinois Department exclusively.  
25 Regardless of the designation of the plaintiff in an action  
26 brought pursuant to this Section, an attorney-client  
27 relationship does not exist for purposes of that action between  
28 that attorney and (i) an applicant for or recipient of child  
29 support enforcement services or (ii) any other party to the  
30 action other than the Illinois Department. Nothing in this  
31 Section shall be construed to modify any power or duty  
32 (including a duty to maintain confidentiality) of the Child and  
33 Spouse Support Unit or the Illinois Department otherwise  
34 provided by law.

35 The Illinois Department may also enter into agreements with  
36 local governmental units for the Child and Spouse Support Unit

1 to exercise the investigative and enforcement powers  
2 designated in this Article, including the issuance of  
3 administrative orders under Section 10-11, in locating  
4 responsible relatives and obtaining support for persons  
5 applying for or receiving aid under Article VI. Payments for  
6 defrayment of administrative costs and support payments  
7 obtained shall be deposited into the DHS Recoveries Trust Fund.  
8 Support payments shall be paid over to the General Assistance  
9 Fund of the local governmental unit at such time or times as  
10 the agreement may specify.

11 With respect to those cases in which it has support  
12 enforcement powers and responsibilities under this Article,  
13 the Illinois Department may provide by rule for periodic or  
14 other review of each administrative and court order for support  
15 to determine whether a modification of the order should be  
16 sought. The Illinois Department shall provide for and conduct  
17 such review in accordance with any applicable federal law and  
18 regulation.

19 As part of its process for review of orders for support,  
20 the Illinois Department, through written notice, may require  
21 the responsible relative to disclose his or her Social Security  
22 Number and past and present information concerning the  
23 relative's address, employment, gross wages, deductions from  
24 gross wages, net wages, bonuses, commissions, number of  
25 dependent exemptions claimed, individual and dependent health  
26 insurance coverage, and any other information necessary to  
27 determine the relative's ability to provide support in a case  
28 receiving child support enforcement services under this  
29 Article X.

30 The Illinois Department may send a written request for the  
31 same information to the relative's employer. The employer shall  
32 respond to the request for information within 15 days after the  
33 date the employer receives the request. If the employer  
34 willfully fails to fully respond within the 15-day period, the  
35 employer shall pay a penalty of \$100 for each day that the  
36 response is not provided to the Illinois Department after the

1 15-day period has expired. The penalty may be collected in a  
2 civil action which may be brought against the employer in favor  
3 of the Illinois Department.

4 A written request for information sent to an employer  
5 pursuant to this Section shall consist of (i) a citation of  
6 this Section as the statutory authority for the request and for  
7 the employer's obligation to provide the requested  
8 information, (ii) a returnable form setting forth the  
9 employer's name and address and listing the name of the  
10 employee with respect to whom information is requested, and  
11 (iii) a citation of this Section as the statutory authority  
12 authorizing the employer to withhold a fee of up to \$20 from  
13 the wages or income to be paid to each responsible relative for  
14 providing the information to the Illinois Department within the  
15 15-day period. If the employer is withholding support payments  
16 from the responsible relative's income pursuant to an order for  
17 withholding, the employer may withhold the fee provided for in  
18 this Section only after withholding support as required under  
19 the order. Any amounts withheld from the responsible relative's  
20 income for payment of support and the fee provided for in this  
21 Section shall not be in excess of the amounts permitted under  
22 the federal Consumer Credit Protection Act.

23 In a case receiving child support enforcement services, the  
24 Illinois Department may request and obtain information from a  
25 particular employer under this Section no more than once in any  
26 12-month period, unless the information is necessary to conduct  
27 a review of a court or administrative order for support at the  
28 request of the person receiving child support enforcement  
29 services.

30 The Illinois Department shall establish and maintain an  
31 administrative unit to receive and transmit to the Child and  
32 Spouse Support Unit information supplied by persons applying  
33 for or receiving child support enforcement services under  
34 Section 10-1. In addition, the Illinois Department shall  
35 address and respond to any alleged deficiencies that persons  
36 receiving or applying for services from the Child and Spouse

1 Support Unit may identify concerning the Child and Spouse  
2 Support Unit's provision of child support enforcement  
3 services. Within 60 days after an action or failure to act by  
4 the Child and Spouse Support Unit that affects his or her case,  
5 a recipient of or applicant for child support enforcement  
6 services under Article X of this Code may request an  
7 explanation of the Unit's handling of the case. At the  
8 requestor's option, the explanation may be provided either  
9 orally in an interview, in writing, or both. If the Illinois  
10 Department fails to respond to the request for an explanation  
11 or fails to respond in a manner satisfactory to the applicant  
12 or recipient within 30 days from the date of the request for an  
13 explanation, the applicant or recipient may request a  
14 conference for further review of the matter by the Office of  
15 the Administrator of the Child and Spouse Support Unit. A  
16 request for a conference may be submitted at any time within 60  
17 days after the explanation has been provided by the Child and  
18 Spouse Support Unit or within 60 days after the time for  
19 providing the explanation has expired.

20 The applicant or recipient may request a conference  
21 concerning any decision denying or terminating child support  
22 enforcement services under Article X of this Code, and the  
23 applicant or recipient may also request a conference concerning  
24 the Unit's failure to provide services or the provision of  
25 services in an amount or manner that is considered inadequate.  
26 For purposes of this Section, the Child and Spouse Support Unit  
27 includes all local governmental units or individuals with whom  
28 the Illinois Department has contracted under Section 10-3.1.

29 Upon receipt of a timely request for a conference, the  
30 Office of the Administrator shall review the case. The  
31 applicant or recipient requesting the conference shall be  
32 entitled, at his or her option, to appear in person or to  
33 participate in the conference by telephone. The applicant or  
34 recipient requesting the conference shall be entitled to be  
35 represented and to be afforded a reasonable opportunity to  
36 review the Illinois Department's file before or at the

1 conference. At the conference, the applicant or recipient  
2 requesting the conference shall be afforded an opportunity to  
3 present all relevant matters in support of his or her claim.  
4 Conferences shall be without cost to the applicant or recipient  
5 requesting the conference and shall be conducted by a  
6 representative of the Child or Spouse Support Unit who did not  
7 participate in the action or inaction being reviewed.

8 The Office of the Administrator shall conduct a conference  
9 and inform all interested parties, in writing, of the results  
10 of the conference within 60 days from the date of filing of the  
11 request for a conference.

12 In addition to its other powers and responsibilities  
13 established by this Article, the Child and Spouse Support Unit  
14 shall conduct an annual assessment of each institution's  
15 program for institution based paternity establishment under  
16 Section 12 of the Vital Records Act.

17 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99; 92-16,  
18 eff. 6-28-01; 92-590, eff. 7-1-02.)

19 (305 ILCS 5/10-17.7)

20 Sec. 10-17.7. Administrative determination of paternity.  
21 The Illinois Department may provide by rule for the  
22 administrative determination of paternity by the Child and  
23 Spouse Support Unit in cases involving applicants for or  
24 recipients of financial aid under Article IV of this Act and  
25 other persons who are given access to the child support  
26 enforcement services of this Article as provided in Section  
27 10-1, including persons similarly situated and receiving  
28 similar services in other states. The rules shall extend to  
29 cases in which the mother and alleged father voluntarily  
30 acknowledge paternity in the form required by the Illinois  
31 Department or agree to be bound by the results of genetic  
32 testing or in which the alleged father has failed to respond to  
33 a notification of support obligation issued under Section 10-4  
34 and to cases of contested paternity. Any presumption provided  
35 for under the Illinois Parentage Act of 1984 or under the

1 Uniform Parentage Act on and after the effective date of that  
2 Act shall apply to cases in which paternity is determined under  
3 the rules of the Illinois Department. The rules shall provide  
4 for notice and an opportunity to be heard by the responsible  
5 relative and the person receiving child support enforcement  
6 services under this Article if paternity is not voluntarily  
7 acknowledged, and any final administrative decision rendered  
8 by the Illinois Department shall be reviewed only under and in  
9 accordance with the Administrative Review Law. Determinations  
10 of paternity made by the Illinois Department under the rules  
11 authorized by this Section shall have the full force and effect  
12 of a court judgment of paternity entered under the Illinois  
13 Parentage Act of 1984 or under the Uniform Parentage Act.

14 In determining paternity in contested cases, the Illinois  
15 Department shall conduct the evidentiary hearing in accordance  
16 with Article 5 of the Uniform Parentage Act ~~Section 11 of the~~  
17 ~~Parentage Act of 1984~~, except that references in that Article  
18 ~~Section~~ to "the court" shall be deemed to mean the Illinois  
19 Department's hearing officer in cases in which paternity is  
20 determined administratively by the Illinois Department.

21 Notwithstanding any other provision of this Article, a  
22 default determination of paternity may be made if service of  
23 the notice under Section 10-4 was made by publication under the  
24 rules for administrative paternity determination authorized by  
25 this Section. The rules as they pertain to service by  
26 publication shall (i) be based on the provisions of Section  
27 2-206 and 2-207 of the Code of Civil Procedure, (ii) provide  
28 for service by publication in cases in which the whereabouts of  
29 the alleged father are unknown after diligent location efforts  
30 by the Child and Spouse Support Unit, and (iii) provide for  
31 publication of a notice of default paternity determination in  
32 the same manner that the notice under Section 10-4 was  
33 published.

34 The Illinois Department may implement this Section through  
35 the use of emergency rules in accordance with Section 5-45 of  
36 the Illinois Administrative Procedure Act. For purposes of the

1 Illinois Administrative Procedure Act, the adoption of rules to  
2 implement this Section shall be considered an emergency and  
3 necessary for the public interest, safety, and welfare.

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

5 (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

6 Sec. 10-19. Support Payments Ordered Under Other Laws;  
7 where deposited. The Illinois Department and local  
8 governmental units are authorized to receive payments directed  
9 by court order for the support of recipients, as provided in  
10 the following Acts:

11 1. "Non-Support of Spouse and Children Act", approved June  
12 24, 1915, as amended,

13 1.5. The Non-Support Punishment Act,

14 2. "Illinois Marriage and Dissolution of Marriage Act", as  
15 now or hereafter amended,

16 3. The Illinois Parentage Act, as amended,

17 3.5. The Uniform Parentage Act,

18 4. "Revised Uniform Reciprocal Enforcement of Support  
19 Act", approved August 28, 1969, as amended,

20 5. The Juvenile Court Act or the Juvenile Court Act of  
21 1987, as amended,

22 6. The "Unified Code of Corrections", approved July 26,  
23 1972, as amended,

24 7. Part 7 of Article XII of the Code of Civil Procedure, as  
25 amended,

26 8. Part 8 of Article XII of the Code of Civil Procedure, as  
27 amended, and

28 9. Other laws which may provide by judicial order for  
29 direct payment of support moneys.

30 Payments under this Section to the Illinois Department  
31 pursuant to the Child Support Enforcement Program established  
32 by Title IV-D of the Social Security Act shall be paid into the  
33 Child Support Enforcement Trust Fund. All payments under this  
34 Section to the Illinois Department of Human Services shall be  
35 deposited in the DHS Recoveries Trust Fund. Disbursements from

1 these funds shall be as provided in Sections 12-9.1 and 12-10.2  
2 of this Code. Payments received by a local governmental unit  
3 shall be deposited in that unit's General Assistance Fund.

4 To the extent the provisions of this Section are  
5 inconsistent with the requirements pertaining to the State  
6 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
7 Code, the requirements pertaining to the State Disbursement  
8 Unit shall apply.

9 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99; 91-613,  
10 eff. 10-1-99; 92-16, eff. 6-28-01.)

11 (305 ILCS 5/10-25)

12 Sec. 10-25. Administrative liens and levies on real  
13 property for past-due child support.

14 (a) The State shall have a lien on all legal and equitable  
15 interests of responsible relatives in their real property in  
16 the amount of past-due child support owing pursuant to an order  
17 for child support entered under Sections 10-10 and 10-11 of  
18 this Code, or under the Illinois Marriage and Dissolution of  
19 Marriage Act, the Non-Support of Spouse and Children Act, the  
20 Non-Support Punishment Act, the Uniform Interstate Family  
21 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
22 Uniform Parentage Act.

23 (b) The Illinois Department shall provide by rule for  
24 notice to and an opportunity to be heard by each responsible  
25 relative affected, and any final administrative decision  
26 rendered by the Illinois Department shall be reviewed only  
27 under and in accordance with the Administrative Review Law.

28 (c) When enforcing a lien under subsection (a) of this  
29 Section, the Illinois Department shall have the authority to  
30 execute notices of administrative liens and levies, which shall  
31 contain the name and address of the responsible relative, a  
32 legal description of the real property to be levied, the fact  
33 that a lien is being claimed for past-due child support, and  
34 such other information as the Illinois Department may by rule  
35 prescribe. The Illinois Department shall record the notice of



1 lien with the recorder or registrar of titles of the county or  
2 counties in which the real estate is located.

3 (d) The State's lien under subsection (a) shall be  
4 enforceable upon the recording or filing of a notice of lien  
5 with the recorder or registrar of titles of the county or  
6 counties in which the real estate is located. The lien shall be  
7 prior to any lien thereafter recorded or filed and shall be  
8 notice to a subsequent purchaser, assignor, or encumbrancer of  
9 the existence and nature of the lien. The lien shall be  
10 inferior to the lien of general taxes, special assessment, and  
11 special taxes heretofore or hereafter levied by any political  
12 subdivision or municipal corporation of the State.

13 In the event that title to the land to be affected by the  
14 notice of lien is registered under the Registered Titles  
15 (Torrens) Act, the notice shall be filed in the office of the  
16 registrar of titles as a memorial or charge upon each folium of  
17 the register of titles affected by the notice; but the State  
18 shall not have a preference over the rights of any bona fide  
19 purchaser, mortgagee, judgment creditor, or other lien holders  
20 registered prior to the registration of the notice.

21 (e) The recorder or registrar of titles of each county  
22 shall procure a file labeled "Child Support Lien Notices" and  
23 an index book labeled "Child Support Lien Notices". When notice  
24 of any lien is presented to the recorder or registrar of titles  
25 for filing, the recorder or registrar of titles shall file it  
26 in numerical order in the file and shall enter it  
27 alphabetically in the index. The entry shall show the name and  
28 last known address of the person named in the notice, the  
29 serial number of the notice, the date and hour of filing, and  
30 the amount of child support due at the time when the lien is  
31 filed.

32 (f) The Illinois Department shall not be required to  
33 furnish bond or make a deposit for or pay any costs or fees of  
34 any court or officer thereof in any legal proceeding involving  
35 the lien.

36 (g) To protect the lien of the State for past-due child

1 support, the Illinois Department may, from funds that are  
2 available for that purpose, pay or provide for the payment of  
3 necessary or essential repairs, purchase tax certificates, pay  
4 balances due on land contracts, or pay or cause to be satisfied  
5 any prior liens on the property to which the lien hereunder  
6 applies.

7 (h) A lien on real property under this Section shall be  
8 released pursuant to Section 12-101 of the Code of Civil  
9 Procedure.

10 (i) The Illinois Department, acting in behalf of the State,  
11 may foreclose the lien in a judicial proceeding to the same  
12 extent and in the same manner as in the enforcement of other  
13 liens. The process, practice, and procedure for the foreclosure  
14 shall be the same as provided in the Code of Civil Procedure.

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

16 (305 ILCS 5/10-25.5)

17 Sec. 10-25.5. Administrative liens and levies on personal  
18 property for past-due child support.

19 (a) The State shall have a lien on all legal and equitable  
20 interests of responsible relatives in their personal property,  
21 including any account in a financial institution as defined in  
22 Section 10-24, or in the case of an insurance company or  
23 benefit association only in accounts as defined in Section  
24 10-24, in the amount of past-due child support owing pursuant  
25 to an order for child support entered under Sections 10-10 and  
26 10-11 of this Code, or under the Illinois Marriage and  
27 Dissolution of Marriage Act, the Non-Support of Spouse and  
28 Children Act, the Non-Support Punishment Act, the Uniform  
29 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
30 1984, or the Uniform Parentage Act.

31 (b) The Illinois Department shall provide by rule for  
32 notice to and an opportunity to be heard by each responsible  
33 relative affected, and any final administrative decision  
34 rendered by the Illinois Department shall be reviewed only  
35 under and in accordance with the Administrative Review Law.

1 (c) When enforcing a lien under subsection (a) of this  
2 Section, the Illinois Department shall have the authority to  
3 execute notices of administrative liens and levies, which shall  
4 contain the name and address of the responsible relative, a  
5 description of the property to be levied, the fact that a lien  
6 is being claimed for past-due child support, and such other  
7 information as the Illinois Department may by rule prescribe.  
8 The Illinois Department may serve the notice of lien or levy  
9 upon any financial institution where the accounts as defined in  
10 Section 10-24 of the responsible relative may be held, for  
11 encumbrance or surrender of the accounts as defined in Section  
12 10-24 by the financial institution.

13 (d) The Illinois Department shall enforce its lien against  
14 the responsible relative's personal property, other than  
15 accounts as defined in Section 10-24 in financial institutions,  
16 and levy upon such personal property in the manner provided for  
17 enforcement of judgments contained in Article XII of the Code  
18 of Civil Procedure.

19 (e) The Illinois Department shall not be required to  
20 furnish bond or make a deposit for or pay any costs or fees of  
21 any court or officer thereof in any legal proceeding involving  
22 the lien.

23 (f) To protect the lien of the State for past-due child  
24 support, the Illinois Department may, from funds that are  
25 available for that purpose, pay or provide for the payment of  
26 necessary or essential repairs, purchase tax certificates, or  
27 pay or cause to be satisfied any prior liens on the property to  
28 which the lien hereunder applies.

29 (g) A lien on personal property under this Section shall be  
30 released in the manner provided under Article XII of the Code  
31 of Civil Procedure. Notwithstanding the foregoing, a lien under  
32 this Section on accounts as defined in Section 10-24 shall  
33 expire upon the passage of 120 days from the date of issuance  
34 of the Notice of Lien or Levy by the Illinois Department.  
35 However, the lien shall remain in effect during the pendency of  
36 any appeal or protest.

1 (h) A lien created under this Section is subordinate to any  
2 prior lien of the financial institution or any prior lien  
3 holder or any prior right of set-off that the financial  
4 institution may have against the assets, or in the case of an  
5 insurance company or benefit association only in the accounts  
6 as defined in Section 10-24.

7 (i) A financial institution has no obligation under this  
8 Section to hold, encumber, or surrender the assets, or in the  
9 case of an insurance company or benefit association only the  
10 accounts as defined in Section 10-24, until the financial  
11 institution has been properly served with a subpoena, summons,  
12 warrant, court or administrative order, or administrative lien  
13 and levy requiring that action.

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

15 (305 ILCS 5/12-4.7c)

16 Sec. 12-4.7c. Exchange of information after July 1, 1997.

17 (a) The Department of Human Services shall exchange with  
18 the ~~Illinois~~ Department of Healthcare and Family Services  
19 ~~Public Aid~~ information that may be necessary for the  
20 enforcement of child support orders entered pursuant to  
21 Sections 10-10 and 10-11 of this Code or pursuant to the  
22 Illinois Marriage and Dissolution of Marriage Act, the  
23 Non-Support of Spouse and Children Act, the Non-Support  
24 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
25 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the  
26 Illinois Parentage Act of 1984, or the Uniform Parentage Act.

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

34 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
35 12-15-05.)

1 Section 990.7. The Abandoned Newborn Infant Protection Act  
2 is amended by changing Section 50 as follows:

3 (325 ILCS 2/50)

4 Sec. 50. Child-placing agency procedures.

5 (a) The Department's State Central Registry must maintain a  
6 list of licensed child-placing agencies willing to take legal  
7 custody of newborn infants relinquished in accordance with this  
8 Act. The child-placing agencies on the list must be contacted  
9 by the Department on a rotating basis upon notice from a  
10 hospital that a newborn infant has been relinquished in  
11 accordance with this Act.

12 (b) Upon notice from the Department that a newborn infant  
13 has been relinquished in accordance with this Act, a  
14 child-placing agency must accept the newborn infant if the  
15 agency has the accommodations to do so. The child-placing  
16 agency must seek an order for legal custody of the infant upon  
17 its acceptance of the infant.

18 (c) Within 3 business days after assuming physical custody  
19 of the infant, the child-placing agency shall file a petition  
20 in the division of the circuit court in which petitions for  
21 adoption would normally be heard. The petition shall allege  
22 that the newborn infant has been relinquished in accordance  
23 with this Act and shall state that the child-placing agency  
24 intends to place the infant in an adoptive home.

25 (d) If no licensed child-placing agency is able to accept  
26 the relinquished newborn infant, then the Department must  
27 assume responsibility for the infant as soon as practicable.

28 (e) A custody order issued under subsection (b) shall  
29 remain in effect until a final adoption order based on the  
30 relinquished newborn infant's best interests is issued in  
31 accordance with this Act and the Adoption Act.

32 (f) When possible, the child-placing agency must place a  
33 relinquished newborn infant in a prospective adoptive home.

34 (g) The Department or child-placing agency must initiate

1 proceedings to (i) terminate the parental rights of the  
2 relinquished newborn infant's known or unknown parents, (ii)  
3 appoint a guardian for the infant, and (iii) obtain consent to  
4 the infant's adoption in accordance with this Act no sooner  
5 than 60 days following the date of the initial relinquishment  
6 of the infant to the hospital, police station, fire station, or  
7 emergency medical facility.

8 (h) Before filing a petition for termination of parental  
9 rights, the Department or child-placing agency must do the  
10 following:

11 (1) Search its ~~Putative Father~~ Registry of Paternity  
12 for the purpose of determining the identity and location of  
13 the putative father of the relinquished newborn infant who  
14 is, or is expected to be, the subject of an adoption  
15 proceeding, in order to provide notice of the proceeding to  
16 the putative father. At least one search of the Registry  
17 must be conducted, at least 30 days after the relinquished  
18 newborn infant's estimated date of birth; earlier searches  
19 may be conducted, however. Notice to any potential putative  
20 father discovered in a search of the Registry according to  
21 the estimated age of the relinquished newborn infant must  
22 be in accordance with Article 4 of the Uniform Parentage  
23 ~~Section 12a of the Adoption~~ Act.

24 (2) Verify with law enforcement officials, using the  
25 National Crime Information Center, that the relinquished  
26 newborn infant is not a missing child.

27 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;  
28 93-820, eff. 7-27-04.)

29 Section 990.8. The Genetic Information Privacy Act is  
30 amended by changing Sections 22 and 30 as follows:

31 (410 ILCS 513/22)

32 Sec. 22. Tests to determine inherited characteristics in  
33 paternity proceedings. Nothing in this Act shall be construed  
34 to affect or restrict in any way the ordering of or use of

1 results from deoxyribonucleic acid (DNA) testing or other tests  
2 to determine inherited characteristics by the court in a  
3 judicial proceeding under the Illinois Parentage Act of 1984 or  
4 under the Uniform Parentage Act on and after the effective date  
5 of that Act or by the ~~Illinois~~ Department of Healthcare and  
6 Family Services ~~Public Aid~~ in an administrative paternity  
7 proceeding under Article X of the Illinois Public Aid Code and  
8 rules promulgated under that Article.

9 (Source: P.A. 90-25, eff. 1-1-98; revised 12-15-05.)

10 (410 ILCS 513/30)

11 Sec. 30. Disclosure of person tested and test results.

12 (a) No person may disclose or be compelled to disclose the  
13 identity of any person upon whom a genetic test is performed or  
14 the results of a genetic test in a manner that permits  
15 identification of the subject of the test, except to the  
16 following persons:

17 (1) The subject of the test or the subject's legally  
18 authorized representative. This paragraph does not create  
19 a duty or obligation under which a health care provider  
20 must notify the subject's spouse or legal guardian of the  
21 test results, and no such duty or obligation shall be  
22 implied. No civil liability or criminal sanction under this  
23 Act shall be imposed for any disclosure or nondisclosure of  
24 a test result to a spouse by a physician acting in good  
25 faith under this paragraph. For the purpose of any  
26 proceedings, civil or criminal, the good faith of any  
27 physician acting under this paragraph shall be presumed.

28 (2) Any person designated in a specific written legally  
29 effective release of the test results executed by the  
30 subject of the test or the subject's legally authorized  
31 representative.

32 (3) An authorized agent or employee of a health  
33 facility or health care provider if the health facility or  
34 health care provider itself is authorized to obtain the  
35 test results, the agent or employee provides patient care,

1 and the agent or employee has a need to know the  
2 information in order to conduct the tests or provide care  
3 or treatment.

4 (4) A health facility or health care provider that  
5 procures, processes, distributes, or uses:

6 (A) a human body part from a deceased person with  
7 respect to medical information regarding that person;  
8 or

9 (B) semen provided prior to the effective date of  
10 this Act for the purpose of artificial insemination.

11 (5) Health facility staff committees for the purposes  
12 of conducting program monitoring, program evaluation, or  
13 service reviews.

14 (6) In the case of a minor under 18 years of age, the  
15 health care provider who ordered the test shall make a  
16 reasonable effort to notify the minor's parent or legal  
17 guardian if, in the professional judgment of the health  
18 care provider, notification would be in the best interest  
19 of the minor and the health care provider has first sought  
20 unsuccessfully to persuade the minor to notify the parent  
21 or legal guardian or after a reasonable time after the  
22 minor has agreed to notify the parent or legal guardian,  
23 the health care provider has reason to believe that the  
24 minor has not made the notification. This paragraph shall  
25 not create a duty or obligation under which a health care  
26 provider must notify the minor's parent or legal guardian  
27 of the test results, nor shall a duty or obligation be  
28 implied. No civil liability or criminal sanction under this  
29 Act shall be imposed for any notification or  
30 non-notification of a minor's test result by a health care  
31 provider acting in good faith under this paragraph. For the  
32 purpose of any proceeding, civil or criminal, the good  
33 faith of any health care provider acting under this  
34 paragraph shall be presumed.

35 (7) All information and records held by a State agency  
36 or local health authority pertaining to genetic



1 information shall be strictly confidential and exempt from  
2 copying and inspection under the Freedom of Information  
3 Act. The information and records shall not be released or  
4 made public by the State agency or local health authority  
5 and shall not be admissible as evidence nor discoverable in  
6 any action of any kind in any court or before any tribunal,  
7 board, agency, or person and shall be treated in the same  
8 manner as the information and those records subject to the  
9 provisions of Part 21 of Article VIII of the Code of Civil  
10 Procedure except under the following circumstances:

11 (A) when made with the written consent of all  
12 persons to whom the information pertains;

13 (B) when authorized by Section 5-4-3 of the Unified  
14 Code of Corrections;

15 (C) when made for the sole purpose of implementing  
16 the Phenylketonuria Testing Act and rules; or

17 (D) when made under the authorization of the  
18 Uniform Parentage Act ~~Illinois Parentage Act of 1984~~.

19 Disclosure shall be limited to those who have a need to  
20 know the information, and no additional disclosures may be  
21 made.

22 (b) Disclosure by an insurer in accordance with the  
23 requirements of the Article XL of the Illinois Insurance Code  
24 shall be deemed compliance with this Section.

25 (Source: P.A. 90-25, eff. 1-1-98.)

26 Section 990.9. The Vital Records Act is amended by changing  
27 Sections 12 and 24 as follows:

28 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

29 Sec. 12. Live births; place of registration.

30 (1) Each live birth which occurs in this State shall be  
31 registered with the local or subregistrar of the district in  
32 which the birth occurred as provided in this Section, within 7  
33 days after the birth. When a birth occurs on a moving  
34 conveyance, the city, village, township, or road district in

1 which the child is first removed from the conveyance shall be  
2 considered the place of birth and a birth certificate shall be  
3 filed in the registration district in which the place is  
4 located.

5 (2) When a birth occurs in an institution, the person in  
6 charge of the institution or his designated representative  
7 shall obtain and record all the personal and statistical  
8 particulars relative to the parents of the child that are  
9 required to properly complete the live birth certificate; shall  
10 secure the required personal signatures on the hospital  
11 worksheet; shall prepare the certificate from this worksheet;  
12 and shall file the certificate with the local registrar. The  
13 institution shall retain the hospital worksheet permanently or  
14 as otherwise specified by rule. The physician in attendance  
15 shall verify or provide the date of birth and medical  
16 information required by the certificate, within 24 hours after  
17 the birth occurs.

18 (3) When a birth occurs outside an institution, the  
19 certificate shall be prepared and filed by one of the following  
20 in the indicated order of priority:

21 (a) The physician in attendance at or immediately after  
22 the birth, or in the absence of such a person,

23 (b) Any other person in attendance at or immediately  
24 after the birth, or in the absence of such a person,

25 (c) The father, the mother, or in the absence of the  
26 father and the inability of the mother, the person in  
27 charge of the premises where the birth occurred.

28 (4) Unless otherwise provided in this Act, if the mother  
29 was not married to the father of the child at either the time  
30 of conception or the time of birth, the name of the father  
31 shall be entered on the child's birth certificate only if the  
32 mother and the person to be named as the father have signed an  
33 acknowledgment of parentage in accordance with subsection (5).

34 Unless otherwise provided in this Act, if the mother was  
35 married at the time of conception or birth and the presumed  
36 father (that is, the mother's husband) is not the biological

1 father of the child, the name of the biological father shall be  
2 entered on the child's birth certificate only if, in accordance  
3 with subsection (5), (i) the mother and the person to be named  
4 as the father have signed an acknowledgment of parentage and  
5 (ii) the mother and presumed father have signed a denial of  
6 paternity.

7 (5) Upon the birth of a child to an unmarried woman, or  
8 upon the birth of a child to a woman who was married at the time  
9 of conception or birth and whose husband is not the biological  
10 father of the child, the institution at the time of birth and  
11 the local registrar or county clerk after the birth shall do  
12 the following:

13 (a) Provide (i) an opportunity for the child's mother  
14 and father to sign an acknowledgment of parentage and (ii)  
15 if the presumed father is not the biological father, an  
16 opportunity for the mother and presumed father to sign a  
17 denial of paternity. The signing and witnessing of the  
18 acknowledgment of parentage or, if the presumed father of  
19 the child is not the biological father, the acknowledgment  
20 of parentage and denial of paternity conclusively  
21 establishes a parent and child relationship in accordance  
22 with Sections 5 and 6 of the Illinois Parentage Act of 1984  
23 and with the Uniform Parentage Act on and after the  
24 effective date of that Act.

25 The ~~Illinois~~ Department of Healthcare and Family  
26 Services ~~Public Aid~~ shall furnish the acknowledgment of  
27 parentage and denial of paternity form to institutions,  
28 county clerks, and State and local registrars' offices. The  
29 form shall include instructions to send the original signed  
30 and witnessed acknowledgment of parentage and denial of  
31 paternity to the ~~Illinois~~ Department of Healthcare and  
32 Family Services ~~Public Aid~~.

33 (b) Provide the following documents, furnished by the  
34 ~~Illinois~~ Department of Healthcare and Family Services  
35 ~~Public Aid~~, to the child's mother, biological father, and  
36 (if the person presumed to be the child's father is not the

1 biological father) presumed father for their review at the  
2 time the opportunity is provided to establish a parent and  
3 child relationship:

4 (i) An explanation of the implications of,  
5 alternatives to, legal consequences of, and the rights  
6 and responsibilities that arise from signing an  
7 acknowledgment of parentage and, if necessary, a  
8 denial of paternity, including an explanation of the  
9 parental rights and responsibilities of child support,  
10 visitation, custody, retroactive support, health  
11 insurance coverage, and payment of birth expenses.

12 (ii) An explanation of the benefits of having a  
13 child's parentage established and the availability of  
14 parentage establishment and child support enforcement  
15 services.

16 (iii) A request for an application for child  
17 support enforcement services from the ~~Illinois~~  
18 Department of Healthcare and Family Services ~~Public~~  
19 ~~Aid~~.

20 (iv) Instructions concerning the opportunity to  
21 speak, either by telephone or in person, with staff of  
22 the ~~Illinois~~ Department of Healthcare and Family  
23 Services ~~Public—Aid~~ who are trained to clarify  
24 information and answer questions about paternity  
25 establishment.

26 (v) Instructions for completing and signing the  
27 acknowledgment of parentage and denial of paternity.

28 (c) Provide an oral explanation of the documents and  
29 instructions set forth in subdivision (5) (b), including an  
30 explanation of the implications of, alternatives to, legal  
31 consequences of, and the rights and responsibilities that  
32 arise from signing an acknowledgment of parentage and, if  
33 necessary, a denial of paternity. The oral explanation may  
34 be given in person or through the use of video or audio  
35 equipment.

36 (6) The institution, State or local registrar, or county

1 clerk shall provide an opportunity for the child's father or  
2 mother to sign a rescission of parentage. The signing and  
3 witnessing of the rescission of parentage voids the  
4 acknowledgment of parentage and nullifies the presumption of  
5 paternity if executed and filed with the Department of  
6 Healthcare and Family Services (formerly Illinois Department  
7 of Public Aid) within the time frame contained in Section 5 of  
8 the Illinois Parentage Act of 1984 or Section 307 of the  
9 Uniform Parentage Act on and after the effective date of that  
10 Act. The ~~Illinois~~ Department of Healthcare and Family Services  
11 ~~Public Aid~~ shall furnish the rescission of parentage form to  
12 institutions, county clerks, and State and local registrars'  
13 offices. The form shall include instructions to send the  
14 original signed and witnessed rescission of parentage to the  
15 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
16 ~~Aid~~.

17 (7) An acknowledgment of paternity signed pursuant to  
18 Section 6 of the Illinois Parentage Act of 1984 or Section 302  
19 of the Uniform Parentage Act on and after the effective date of  
20 that Act may be challenged in court only on the basis of fraud,  
21 duress, or material mistake of fact, with the burden of proof  
22 upon the challenging party. Pending outcome of a challenge to  
23 the acknowledgment of paternity, the legal responsibilities of  
24 the signatories shall remain in full force and effect, except  
25 upon order of the court upon a showing of good cause.

26 (8) When the process for acknowledgment of parentage as  
27 provided for under subsection (5) establishes the paternity of  
28 a child whose certificate of birth is on file in another state,  
29 the ~~Illinois~~ Department of Healthcare and Family Services  
30 ~~Public Aid~~ shall forward a copy of the acknowledgment of  
31 parentage, the denial of paternity, if applicable, and the  
32 rescission of parentage, if applicable, to the birth record  
33 agency of the state where the child's certificate of birth is  
34 on file.

35 (9) In the event the parent-child relationship has been  
36 established in accordance with subdivision (a)(1) of Section 6

1 of the Parentage Act of 1984 or the Gestational Surrogacy Act,  
2 the names of the biological mother and biological father so  
3 established shall be entered on the child's birth certificate,  
4 and the names of the surrogate mother and surrogate mother's  
5 husband, if any, shall not be on the birth certificate.

6 (Source: P.A. 91-308, eff. 7-29-99; 92-590, eff. 7-1-02;  
7 revised 12-15-05.)

8 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

9 Sec. 24. (1) To protect the integrity of vital records, to  
10 insure their proper use, and to insure the efficient and proper  
11 administration of the vital records system, access to vital  
12 records, and indexes thereof, including vital records in the  
13 custody of local registrars and county clerks originating prior  
14 to January 1, 1916, is limited to the custodian and his  
15 employees, and then only for administrative purposes, except  
16 that the indexes of those records in the custody of local  
17 registrars and county clerks, originating prior to January 1,  
18 1916, shall be made available to persons for the purpose of  
19 genealogical research. Original, photographic or  
20 microphotographic reproductions of original records of births  
21 100 years old and older and deaths 50 years old and older, and  
22 marriage records 75 years old and older on file in the State  
23 Office of Vital Records and in the custody of the county clerks  
24 may be made available for inspection in the Illinois State  
25 Archives reference area, Illinois Regional Archives  
26 Depositories, and other libraries approved by the Illinois  
27 State Registrar and the Director of the Illinois State  
28 Archives, provided that the photographic or microphotographic  
29 copies are made at no cost to the county or to the State of  
30 Illinois. It is unlawful for any custodian to permit inspection  
31 of, or to disclose information contained in, vital records, or  
32 to copy or permit to be copied, all or part of any such record  
33 except as authorized by this Act or regulations adopted  
34 pursuant thereto.

35 (2) The State Registrar of Vital Records, or his agent, and

1 any municipal, county, multi-county, public health district,  
2 or regional health officer recognized by the Department may  
3 examine vital records for the purpose only of carrying out the  
4 public health programs and responsibilities under his  
5 jurisdiction.

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

10 This amendatory Act of 1973 does not apply to any home rule  
11 unit.

12 (4) The State Registrar shall exchange with the ~~Illinois~~  
13 Department of Healthcare and Family Services ~~Public Aid~~  
14 information that may be necessary for the establishment of  
15 paternity and the establishment, modification, and enforcement  
16 of child support orders entered pursuant to the Illinois Public  
17 Aid Code, the Illinois Marriage and Dissolution of Marriage  
18 Act, the Non-Support of Spouse and Children Act, the  
19 Non-Support Punishment Act, the Revised Uniform Reciprocal  
20 Enforcement of Support Act, the Uniform Interstate Family  
21 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
22 Uniform Parentage Act. Notwithstanding any provisions in this  
23 Act to the contrary, the State Registrar shall not be liable to  
24 any person for any disclosure of information to the Department  
25 of Healthcare and Family Services (formerly Illinois  
26 Department of Public Aid) under this subsection or for any  
27 other action taken in good faith to comply with the  
28 requirements of this subsection.

29 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
30 12-15-05.)

31 Section 990.10. The Illinois Vehicle Code is amended by  
32 changing Sections 2-109.1 and 7-703 as follows:

33 (625 ILCS 5/2-109.1)

34 Sec. 2-109.1. Exchange of information.

1 (a) The Secretary of State shall exchange information with  
2 the ~~Illinois~~ Department of Healthcare and Family Services  
3 ~~Public Aid~~ which may be necessary for the establishment of  
4 paternity and the establishment, modification, and enforcement  
5 of child support orders pursuant to the Illinois Public Aid  
6 Code, the Illinois Marriage and Dissolution of Marriage Act,  
7 the Non-Support of Spouse and Children Act, the Non-Support  
8 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
9 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the  
10 Illinois Parentage Act of 1984, or the Uniform Parentage Act.

11 (b) Notwithstanding any provisions in this Code to the  
12 contrary, the Secretary of State shall not be liable to any  
13 person for any disclosure of information to the Department of  
14 Healthcare and Family Services (formerly Illinois Department  
15 of Public Aid) under subsection (a) or for any other action  
16 taken in good faith to comply with the requirements of  
17 subsection (a).

18 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00; revised  
19 12-15-05.)

20 (625 ILCS 5/7-703)

21 Sec. 7-703. Courts to report non-payment of court ordered  
22 support.

23 (a) The clerk of the circuit court, as provided in  
24 subsection (b) of Section 505 of the Illinois Marriage and  
25 Dissolution of Marriage Act or as provided in Section 906 ~~15~~ of  
26 the Uniform Illinois Parentage Act ~~of 1984~~, shall forward to  
27 the Secretary of State, on a form prescribed by the Secretary,  
28 an authenticated document certifying the court's order  
29 suspending the driving privileges of the obligor. For any such  
30 certification, the clerk of the court shall charge the obligor  
31 a fee of \$5 as provided in the Clerks of Courts Act.

32 (b) If an obligor has been adjudicated in arrears in court  
33 ordered child support payments in an amount equal to 90 days  
34 obligation or more but has not been held in contempt of court,  
35 the circuit court may order that the obligor's driving



1 privileges be suspended. If the circuit court orders that the  
2 obligor's driving privileges be suspended, it shall forward to  
3 the Secretary of State, on a form prescribed by the Secretary,  
4 an authenticated document certifying the court's order  
5 suspending the driving privileges of the obligor. The  
6 authenticated document shall be forwarded to the Secretary of  
7 State by the court no later than 45 days after entry of the  
8 order suspending the obligor's driving privileges.

9 (Source: P.A. 91-613, eff. 7-1-00.)

10 Section 990.11. The Clerks of Courts Act is amended by  
11 changing Section 27.1a as follows:

12 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

13 Sec. 27.1a. The fees of the clerks of the circuit court in  
14 all counties having a population of not more than 500,000  
15 inhabitants in the instances described in this Section shall be  
16 as provided in this Section. In those instances where a minimum  
17 and maximum fee is stated, the clerk of the circuit court must  
18 charge the minimum fee listed and may charge up to the maximum  
19 fee if the county board has by resolution increased the fee.  
20 The fees shall be paid in advance and shall be as follows:

21 (a) Civil Cases.

22 The fee for filing a complaint, petition, or other  
23 pleading initiating a civil action, with the following  
24 exceptions, shall be a minimum of \$40 and a maximum of  
25 \$160.

26 (A) When the amount of money or damages or the  
27 value of personal property claimed does not exceed  
28 \$250, \$10.

29 (B) When that amount exceeds \$250 but does not  
30 exceed \$500, a minimum of \$10 and a maximum of \$20.

31 (C) When that amount exceeds \$500 but does not  
32 exceed \$2500, a minimum of \$25 and a maximum of \$40.

33 (D) When that amount exceeds \$2500 but does not  
34 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

1 (E) For the exercise of eminent domain, a minimum  
2 of \$45 and a maximum of \$150. For each additional lot  
3 or tract of land or right or interest therein subject  
4 to be condemned, the damages in respect to which shall  
5 require separate assessment by a jury, a minimum of \$45  
6 and a maximum of \$150.

7 (a-1) Family.

8 For filing a petition under the Juvenile Court Act of  
9 1987, \$25.

10 For filing a petition for a marriage license, \$10.

11 For performing a marriage in court, \$10.

12 For filing a petition under the Uniform Parentage Act  
13 ~~Illinois Parentage Act of 1984~~, \$40.

14 (b) Forcible Entry and Detainer.

15 In each forcible entry and detainer case when the  
16 plaintiff seeks possession only or unites with his or her  
17 claim for possession of the property a claim for rent or  
18 damages or both in the amount of \$15,000 or less, a minimum  
19 of \$10 and a maximum of \$50. When the plaintiff unites his  
20 or her claim for possession with a claim for rent or  
21 damages or both exceeding \$15,000, a minimum of \$40 and a  
22 maximum of \$160.

23 (c) Counterclaim or Joining Third Party Defendant.

24 When any defendant files a counterclaim as part of his  
25 or her answer or otherwise or joins another party as a  
26 third party defendant, or both, the defendant shall pay a  
27 fee for each counterclaim or third party action in an  
28 amount equal to the fee he or she would have had to pay had  
29 he or she brought a separate action for the relief sought  
30 in the counterclaim or against the third party defendant,  
31 less the amount of the appearance fee, if that has been  
32 paid.

33 (d) Confession of Judgment.

34 In a confession of judgment when the amount does not  
35 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
36 the amount exceeds \$1500, but does not exceed \$15,000, a

1 minimum of \$40 and a maximum of \$115. When the amount  
2 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

3 (e) Appearance.

4 The fee for filing an appearance in each civil case  
5 shall be a minimum of \$15 and a maximum of \$60, except as  
6 follows:

7 (A) When the plaintiff in a forcible entry and  
8 detainer case seeks possession only, a minimum of \$10  
9 and a maximum of \$50.

10 (B) When the amount in the case does not exceed  
11 \$1500, a minimum of \$10 and a maximum of \$30.

12 (C) When that amount exceeds \$1500 but does not  
13 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

14 (f) Garnishment, Wage Deduction, and Citation.

15 In garnishment affidavit, wage deduction affidavit,  
16 and citation petition when the amount does not exceed  
17 \$1,000, a minimum of \$5 and a maximum of \$15; when the  
18 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
19 of \$5 and a maximum of \$30; and when the amount exceeds  
20 \$5,000, a minimum of \$5 and a maximum of \$50.

21 (g) Petition to Vacate or Modify.

22 (1) Petition to vacate or modify any final judgment or  
23 order of court, except in forcible entry and detainer cases  
24 and small claims cases or a petition to reopen an estate,  
25 to modify, terminate, or enforce a judgment or order for  
26 child or spousal support, or to modify, suspend, or  
27 terminate an order for withholding, if filed before 30 days  
28 after the entry of the judgment or order, a minimum of \$20  
29 and a maximum of \$50.

30 (2) Petition to vacate or modify any final judgment or  
31 order of court, except a petition to modify, terminate, or  
32 enforce a judgment or order for child or spousal support or  
33 to modify, suspend, or terminate an order for withholding,  
34 if filed later than 30 days after the entry of the judgment  
35 or order, a minimum of \$20 and a maximum of \$75.

36 (3) Petition to vacate order of bond forfeiture, a

1 minimum of \$10 and a maximum of \$40.

2 (h) Mailing.

3 When the clerk is required to mail, the fee will be a  
4 minimum of \$2 and a maximum of \$10, plus the cost of  
5 postage.

6 (i) Certified Copies.

7 Each certified copy of a judgment after the first,  
8 except in small claims and forcible entry and detainer  
9 cases, a minimum of \$2 and a maximum of \$10.

10 (j) Habeas Corpus.

11 For filing a petition for relief by habeas corpus, a  
12 minimum of \$60 and a maximum of \$100.

13 (k) Certification, Authentication, and Reproduction.

14 (1) Each certification or authentication for taking  
15 the acknowledgment of a deed or other instrument in writing  
16 with the seal of office, a minimum of \$2 and a maximum of  
17 \$6.

18 (2) Court appeals when original documents are  
19 forwarded, under 100 pages, plus delivery and costs, a  
20 minimum of \$20 and a maximum of \$60.

21 (3) Court appeals when original documents are  
22 forwarded, over 100 pages, plus delivery and costs, a  
23 minimum of \$50 and a maximum of \$150.

24 (4) Court appeals when original documents are  
25 forwarded, over 200 pages, an additional fee of a minimum  
26 of 20 cents and a maximum of 25 cents per page.

27 (5) For reproduction of any document contained in the  
28 clerk's files:

29 (A) First page, a minimum of \$1 and a maximum of  
30 \$2.

31 (B) Next 19 pages, 50 cents per page.

32 (C) All remaining pages, 25 cents per page.

33 (l) Remands.

34 In any cases remanded to the Circuit Court from the  
35 Supreme Court or the Appellate Court for a new trial, the  
36 clerk shall file the remanding order and reinstate the case

1 with either its original number or a new number. The Clerk  
2 shall not charge any new or additional fee for the  
3 reinstatement. Upon reinstatement the Clerk shall advise  
4 the parties of the reinstatement. A party shall have the  
5 same right to a jury trial on remand and reinstatement as  
6 he or she had before the appeal, and no additional or new  
7 fee or charge shall be made for a jury trial after remand.

8 (m) Record Search.

9 For each record search, within a division or municipal  
10 district, the clerk shall be entitled to a search fee of a  
11 minimum of \$4 and a maximum of \$6 for each year searched.

12 (n) Hard Copy.

13 For each page of hard copy print output, when case  
14 records are maintained on an automated medium, the clerk  
15 shall be entitled to a fee of a minimum of \$4 and a maximum  
16 of \$6.

17 (o) Index Inquiry and Other Records.

18 No fee shall be charged for a single  
19 plaintiff/defendant index inquiry or single case record  
20 inquiry when this request is made in person and the records  
21 are maintained in a current automated medium, and when no  
22 hard copy print output is requested. The fees to be charged  
23 for management records, multiple case records, and  
24 multiple journal records may be specified by the Chief  
25 Judge pursuant to the guidelines for access and  
26 dissemination of information approved by the Supreme  
27 Court.

28 (p) (Blank).

29 ~~a minimum of \$25 and a maximum of \$50~~

30 (q) Alias Summons.

31 For each alias summons or citation issued by the clerk,  
32 a minimum of \$2 and a maximum of \$5.

33 (r) Other Fees.

34 Any fees not covered in this Section shall be set by  
35 rule or administrative order of the Circuit Court with the  
36 approval of the Administrative Office of the Illinois

1 Courts.

2 The clerk of the circuit court may provide additional  
3 services for which there is no fee specified by statute in  
4 connection with the operation of the clerk's office as may  
5 be requested by the public and agreed to by the clerk and  
6 approved by the chief judge of the circuit court. Any  
7 charges for additional services shall be as agreed to  
8 between the clerk and the party making the request and  
9 approved by the chief judge of the circuit court. Nothing  
10 in this subsection shall be construed to require any clerk  
11 to provide any service not otherwise required by law.

12 (s) Jury Services.

13 The clerk shall be entitled to receive, in addition to  
14 other fees allowed by law, the sum of a minimum of \$62.50  
15 and a maximum of \$212.50, as a fee for the services of a  
16 jury in every civil action not quasi-criminal in its nature  
17 and not a proceeding for the exercise of the right of  
18 eminent domain and in every other action wherein the right  
19 of trial by jury is or may be given by law. The jury fee  
20 shall be paid by the party demanding a jury at the time of  
21 filing the jury demand. If the fee is not paid by either  
22 party, no jury shall be called in the action or proceeding,  
23 and the same shall be tried by the court without a jury.

24 (t) Voluntary Assignment.

25 For filing each deed of voluntary assignment, a minimum  
26 of \$10 and a maximum of \$20; for recording the same, a  
27 minimum of 25 cents and a maximum of 50 cents for each 100  
28 words. Exceptions filed to claims presented to an assignee  
29 of a debtor who has made a voluntary assignment for the  
30 benefit of creditors shall be considered and treated, for  
31 the purpose of taxing costs therein, as actions in which  
32 the party or parties filing the exceptions shall be  
33 considered as party or parties plaintiff, and the claimant  
34 or claimants as party or parties defendant, and those  
35 parties respectively shall pay to the clerk the same fees  
36 as provided by this Section to be paid in other actions.

1 (u) Expungement Petition.

2 The clerk shall be entitled to receive a fee of a  
3 minimum of \$15 and a maximum of \$60 for each expungement  
4 petition filed and an additional fee of a minimum of \$2 and  
5 a maximum of \$4 for each certified copy of an order to  
6 expunge arrest records.

7 (v) Probate.

8 The clerk is entitled to receive the fees specified in  
9 this subsection (v), which shall be paid in advance, except  
10 that, for good cause shown, the court may suspend, reduce,  
11 or release the costs payable under this subsection:

12 (1) For administration of the estate of a decedent  
13 (whether testate or intestate) or of a missing person, a  
14 minimum of \$50 and a maximum of \$150, plus the fees  
15 specified in subsection (v) (3), except:

16 (A) When the value of the real and personal  
17 property does not exceed \$15,000, the fee shall be a  
18 minimum of \$25 and a maximum of \$40.

19 (B) When (i) proof of heirship alone is made, (ii)  
20 a domestic or foreign will is admitted to probate  
21 without administration (including proof of heirship),  
22 or (iii) letters of office are issued for a particular  
23 purpose without administration of the estate, the fee  
24 shall be a minimum of \$10 and a maximum of \$40.

25 (C) For filing a petition to sell Real Estate, \$50.

26 (2) For administration of the estate of a ward, a  
27 minimum of \$50 and a maximum of \$75, plus the fees  
28 specified in subsection (v) (3), except:

29 (A) When the value of the real and personal  
30 property does not exceed \$15,000, the fee shall be a  
31 minimum of \$25 and a maximum of \$40.

32 (B) When (i) letters of office are issued to a  
33 guardian of the person or persons, but not of the  
34 estate or (ii) letters of office are issued in the  
35 estate of a ward without administration of the estate,  
36 including filing or joining in the filing of a tax

1 return or releasing a mortgage or consenting to the  
2 marriage of the ward, the fee shall be a minimum of \$10  
3 and a maximum of \$20.

4 (C) For filing a Petition to sell Real Estate, \$50.

5 (3) In addition to the fees payable under subsection  
6 (v) (1) or (v) (2) of this Section, the following fees are  
7 payable:

8 (A) For each account (other than one final account)  
9 filed in the estate of a decedent, or ward, a minimum  
10 of \$10 and a maximum of \$25.

11 (B) For filing a claim in an estate when the amount  
12 claimed is \$150 or more but less than \$500, a minimum  
13 of \$10 and a maximum of \$25; when the amount claimed is  
14 \$500 or more but less than \$10,000, a minimum of \$10  
15 and a maximum of \$40; when the amount claimed is  
16 \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
17 provided that the court in allowing a claim may add to  
18 the amount allowed the filing fee paid by the claimant.

19 (C) For filing in an estate a claim, petition, or  
20 supplemental proceeding based upon an action seeking  
21 equitable relief including the construction or contest  
22 of a will, enforcement of a contract to make a will,  
23 and proceedings involving testamentary trusts or the  
24 appointment of testamentary trustees, a minimum of \$40  
25 and a maximum of \$60.

26 (D) For filing in an estate (i) the appearance of  
27 any person for the purpose of consent or (ii) the  
28 appearance of an executor, administrator,  
29 administrator to collect, guardian, guardian ad litem,  
30 or special administrator, no fee.

31 (E) Except as provided in subsection (v) (3) (D),  
32 for filing the appearance of any person or persons, a  
33 minimum of \$10 and a maximum of \$30.

34 (F) For each jury demand, a minimum of \$62.50 and a  
35 maximum of \$137.50.

36 (G) For disposition of the collection of a judgment



1 or settlement of an action or claim for wrongful death  
2 of a decedent or of any cause of action of a ward, when  
3 there is no other administration of the estate, a  
4 minimum of \$30 and a maximum of \$50, less any amount  
5 paid under subsection (v) (1) (B) or (v) (2) (B) except  
6 that if the amount involved does not exceed \$5,000, the  
7 fee, including any amount paid under subsection  
8 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
9 maximum of \$20.

10 (H) For each certified copy of letters of office,  
11 of court order or other certification, a minimum of \$1  
12 and a maximum of \$2, plus a minimum of 50 cents and a  
13 maximum of \$1 per page in excess of 3 pages for the  
14 document certified.

15 (I) For each exemplification, a minimum of \$1 and a  
16 maximum of \$2, plus the fee for certification.

17 (4) The executor, administrator, guardian, petitioner,  
18 or other interested person or his or her attorney shall pay  
19 the cost of publication by the clerk directly to the  
20 newspaper.

21 (5) The person on whose behalf a charge is incurred for  
22 witness, court reporter, appraiser, or other miscellaneous  
23 fee shall pay the same directly to the person entitled  
24 thereto.

25 (6) The executor, administrator, guardian, petitioner,  
26 or other interested person or his or her attorney shall pay  
27 to the clerk all postage charges incurred by the clerk in  
28 mailing petitions, orders, notices, or other documents  
29 pursuant to the provisions of the Probate Act of 1975.

30 (w) Criminal and Quasi-Criminal Costs and Fees.

31 (1) The clerk shall be entitled to costs in all  
32 criminal and quasi-criminal cases from each person  
33 convicted or sentenced to supervision therein as follows:

34 (A) Felony complaints, a minimum of \$40 and a  
35 maximum of \$100.

36 (B) Misdemeanor complaints, a minimum of \$25 and a

1 maximum of \$75.

2 (C) Business offense complaints, a minimum of \$25  
3 and a maximum of \$75.

4 (D) Petty offense complaints, a minimum of \$25 and  
5 a maximum of \$75.

6 (E) Minor traffic or ordinance violations, \$10.

7 (F) When court appearance required, \$15.

8 (G) Motions to vacate or amend final orders, a  
9 minimum of \$20 and a maximum of \$40.

10 (H) Motions to vacate bond forfeiture orders, a  
11 minimum of \$20 and a maximum of \$40.

12 (I) Motions to vacate ex parte judgments, whenever  
13 filed, a minimum of \$20 and a maximum of \$40.

14 (J) Motions to vacate judgment on forfeitures,  
15 whenever filed, a minimum of \$20 and a maximum of \$40.

16 (K) Motions to vacate "failure to appear" or  
17 "failure to comply" notices sent to the Secretary of  
18 State, a minimum of \$20 and a maximum of \$40.

19 (2) In counties having a population of not more than  
20 500,000 inhabitants, when the violation complaint is  
21 issued by a municipal police department, the clerk shall be  
22 entitled to costs from each person convicted therein as  
23 follows:

24 (A) Minor traffic or ordinance violations, \$10.

25 (B) When court appearance required, \$15.

26 (3) In ordinance violation cases punishable by fine  
27 only, the clerk of the circuit court shall be entitled to  
28 receive, unless the fee is excused upon a finding by the  
29 court that the defendant is indigent, in addition to other  
30 fees or costs allowed or imposed by law, the sum of a  
31 minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
32 services of a jury. The jury fee shall be paid by the  
33 defendant at the time of filing his or her jury demand. If  
34 the fee is not so paid by the defendant, no jury shall be  
35 called, and the case shall be tried by the court without a  
36 jury.

1 (x) Transcripts of Judgment.

2 For the filing of a transcript of judgment, the clerk  
3 shall be entitled to the same fee as if it were the  
4 commencement of a new suit.

5 (y) Change of Venue.

6 (1) For the filing of a change of case on a change of  
7 venue, the clerk shall be entitled to the same fee as if it  
8 were the commencement of a new suit.

9 (2) The fee for the preparation and certification of a  
10 record on a change of venue to another jurisdiction, when  
11 original documents are forwarded, a minimum of \$10 and a  
12 maximum of \$40.

13 (z) Tax objection complaints.

14 For each tax objection complaint containing one or more  
15 tax objections, regardless of the number of parcels  
16 involved or the number of taxpayers joining on the  
17 complaint, a minimum of \$10 and a maximum of \$50.

18 (aa) Tax Deeds.

19 (1) Petition for tax deed, if only one parcel is  
20 involved, a minimum of \$45 and a maximum of \$200.

21 (2) For each additional parcel, add a fee of a minimum  
22 of \$10 and a maximum of \$60.

23 (bb) Collections.

24 (1) For all collections made of others, except the  
25 State and county and except in maintenance or child support  
26 cases, a sum equal to a minimum of 2% and a maximum of 2.5%  
27 of the amount collected and turned over.

28 (2) Interest earned on any funds held by the clerk  
29 shall be turned over to the county general fund as an  
30 earning of the office.

31 (3) For any check, draft, or other bank instrument  
32 returned to the clerk for non-sufficient funds, account  
33 closed, or payment stopped, \$25.

34 (4) In child support and maintenance cases, the clerk,  
35 if authorized by an ordinance of the county board, may  
36 collect an annual fee of up to \$36 from the person making

1 payment for maintaining child support records and the  
2 processing of support orders to the State of Illinois KIDS  
3 system and the recording of payments issued by the State  
4 Disbursement Unit for the official record of the Court.  
5 This fee shall be in addition to and separate from amounts  
6 ordered to be paid as maintenance or child support and  
7 shall be deposited into a Separate Maintenance and Child  
8 Support Collection Fund, of which the clerk shall be the  
9 custodian, ex-officio, to be used by the clerk to maintain  
10 child support orders and record all payments issued by the  
11 State Disbursement Unit for the official record of the  
12 Court. The clerk may recover from the person making the  
13 maintenance or child support payment any additional cost  
14 incurred in the collection of this annual fee.

15 The clerk shall also be entitled to a fee of \$5 for  
16 certifications made to the Secretary of State as provided  
17 in Section 7-703 of the Family Financial Responsibility Law  
18 and these fees shall also be deposited into the Separate  
19 Maintenance and Child Support Collection Fund.

20 (cc) Corrections of Numbers.

21 For correction of the case number, case title, or  
22 attorney computer identification number, if required by  
23 rule of court, on any document filed in the clerk's office,  
24 to be charged against the party that filed the document, a  
25 minimum of \$10 and a maximum of \$25.

26 (dd) Exceptions.

27 (1) The fee requirements of this Section shall not  
28 apply to police departments or other law enforcement  
29 agencies. In this Section, "law enforcement agency" means  
30 an agency of the State or a unit of local government which  
31 is vested by law or ordinance with the duty to maintain  
32 public order and to enforce criminal laws or ordinances.  
33 "Law enforcement agency" also means the Attorney General or  
34 any state's attorney.

35 (2) No fee provided herein shall be charged to any unit  
36 of local government or school district.

1           (3) The fee requirements of this Section shall not  
 2           apply to any action instituted under subsection (b) of  
 3           Section 11-31-1 of the Illinois Municipal Code by a private  
 4           owner or tenant of real property within 1200 feet of a  
 5           dangerous or unsafe building seeking an order compelling  
 6           the owner or owners of the building to take any of the  
 7           actions authorized under that subsection.

8           (4) The fee requirements of this Section shall not  
 9           apply to the filing of any commitment petition or petition  
 10          for an order authorizing the administration of authorized  
 11          involuntary treatment in the form of medication under the  
 12          Mental Health and Developmental Disabilities Code.

13       (ee) Adoptions.

14           (1) For an adoption ..... \$65

15           (2) Upon good cause shown, the court may waive the  
 16          adoption filing fee in a special needs adoption. The term  
 17          "special needs adoption" shall have the meaning ascribed to  
 18          it by the Illinois Department of Children and Family  
 19          Services.

20       (ff) Adoption exemptions.

21           No fee other than that set forth in subsection (ee)  
 22          shall be charged to any person in connection with an  
 23          adoption proceeding nor may any fee be charged for  
 24          proceedings for the appointment of a confidential  
 25          intermediary under the Adoption Act.

26       (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,  
 27       eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;  
 28       revised 9-5-03.)

29           Section 990.12. The Juvenile Court Act of 1987 is amended  
 30          by changing Sections 1-3 and 6-9 as follows:

31           (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

32           Sec. 1-3. Definitions. Terms used in this Act, unless the  
 33          context otherwise requires, have the following meanings  
 34          ascribed to them:

1           (1) "Adjudicatory hearing" means a hearing to determine  
2 whether the allegations of a petition under Section 2-13, 3-15  
3 or 4-12 that a minor under 18 years of age is abused, neglected  
4 or dependent, or requires authoritative intervention, or  
5 addicted, respectively, are supported by a preponderance of the  
6 evidence or whether the allegations of a petition under Section  
7 5-520 that a minor is delinquent are proved beyond a reasonable  
8 doubt.

9           (2) "Adult" means a person 21 years of age or older.

10          (3) "Agency" means a public or private child care facility  
11 legally authorized or licensed by this State for placement or  
12 institutional care or for both placement and institutional  
13 care.

14          (4) "Association" means any organization, public or  
15 private, engaged in welfare functions which include services to  
16 or on behalf of children but does not include "agency" as  
17 herein defined.

18          (4.05) Whenever a "best interest" determination is  
19 required, the following factors shall be considered in the  
20 context of the child's age and developmental needs:

21           (a) the physical safety and welfare of the child, including  
22 food, shelter, health, and clothing;

23           (b) the development of the child's identity;

24           (c) the child's background and ties, including familial,  
25 cultural, and religious;

26           (d) the child's sense of attachments, including:

27               (i) where the child actually feels love, attachment,  
28 and a sense of being valued (as opposed to where adults  
29 believe the child should feel such love, attachment, and a  
30 sense of being valued);

31               (ii) the child's sense of security;

32               (iii) the child's sense of familiarity;

33               (iv) continuity of affection for the child;

34               (v) the least disruptive placement alternative for the  
35 child;

36           (e) the child's wishes and long-term goals;

1 (f) the child's community ties, including church, school,  
2 and friends;

3 (g) the child's need for permanence which includes the  
4 child's need for stability and continuity of relationships with  
5 parent figures and with siblings and other relatives;

6 (h) the uniqueness of every family and child;

7 (i) the risks attendant to entering and being in substitute  
8 care; and

9 (j) the preferences of the persons available to care for  
10 the child.

11 (4.1) "Chronic truant" shall have the definition ascribed  
12 to it in Section 26-2a of the School Code.

13 (5) "Court" means the circuit court in a session or  
14 division assigned to hear proceedings under this Act.

15 (6) "Dispositional hearing" means a hearing to determine  
16 whether a minor should be adjudged to be a ward of the court,  
17 and to determine what order of disposition should be made in  
18 respect to a minor adjudged to be a ward of the court.

19 (7) "Emancipated minor" means any minor 16 years of age or  
20 over who has been completely or partially emancipated under the  
21 ~~"Emancipation of Mature Minors Act", enacted by the~~  
22 ~~Eighty-First General Assembly,~~ or under this Act.

23 (8) "Guardianship of the person" of a minor means the duty  
24 and authority to act in the best interests of the minor,  
25 subject to residual parental rights and responsibilities, to  
26 make important decisions in matters having a permanent effect  
27 on the life and development of the minor and to be concerned  
28 with his or her general welfare. It includes but is not  
29 necessarily limited to:

30 (a) the authority to consent to marriage, to enlistment  
31 in the armed forces of the United States, or to a major  
32 medical, psychiatric, and surgical treatment; to represent  
33 the minor in legal actions; and to make other decisions of  
34 substantial legal significance concerning the minor;

35 (b) the authority and duty of reasonable visitation,  
36 except to the extent that these have been limited in the

1 best interests of the minor by court order;

2 (c) the rights and responsibilities of legal custody  
3 except where legal custody has been vested in another  
4 person or agency; and

5 (d) the power to consent to the adoption of the minor,  
6 but only if expressly conferred on the guardian in  
7 accordance with Section 2-29, 3-30, or 4-27.

8 (9) "Legal custody" means the relationship created by an  
9 order of court in the best interests of the minor which imposes  
10 on the custodian the responsibility of physical possession of a  
11 minor and the duty to protect, train and discipline him and to  
12 provide him with food, shelter, education and ordinary medical  
13 care, except as these are limited by residual parental rights  
14 and responsibilities and the rights and responsibilities of the  
15 guardian of the person, if any.

16 (10) "Minor" means a person under the age of 21 years  
17 subject to this Act.

18 (11) "Parent" means the father or mother of a child and  
19 includes any adoptive parent. It also includes a man (i) whose  
20 paternity is presumed or has been established under the law of  
21 this or another jurisdiction or (ii) who has registered with  
22 the Putative Father Registry in accordance with Section 12.1 of  
23 the Adoption Act or with the Registry of Paternity under the  
24 Uniform Parentage Act on and after the effective date of that  
25 Act and whose paternity has not been ruled out under the law of  
26 this or another jurisdiction. It does not include a parent  
27 whose rights in respect to the minor have been terminated in  
28 any manner provided by law.

29 (11.1) "Permanency goal" means a goal set by the court as  
30 defined in subdivision (2) of Section 2-28.

31 (11.2) "Permanency hearing" means a hearing to set the  
32 permanency goal and to review and determine (i) the  
33 appropriateness of the services contained in the plan and  
34 whether those services have been provided, (ii) whether  
35 reasonable efforts have been made by all the parties to the  
36 service plan to achieve the goal, and (iii) whether the plan



1 and goal have been achieved.

2 (12) "Petition" means the petition provided for in Section  
3 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
4 thereunder in Section 3-15, 4-12 or 5-520.

5 (13) "Residual parental rights and responsibilities" means  
6 those rights and responsibilities remaining with the parent  
7 after the transfer of legal custody or guardianship of the  
8 person, including, but not necessarily limited to, the right to  
9 reasonable visitation (which may be limited by the court in the  
10 best interests of the minor as provided in subsection (8) (b) of  
11 this Section), the right to consent to adoption, the right to  
12 determine the minor's religious affiliation, and the  
13 responsibility for his support.

14 (14) "Shelter" means the temporary care of a minor in  
15 physically unrestricting facilities pending court disposition  
16 or execution of court order for placement.

17 (15) "Station adjustment" means the informal handling of an  
18 alleged offender by a juvenile police officer.

19 (16) "Ward of the court" means a minor who is so adjudged  
20 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
21 requisite jurisdictional facts, and thus is subject to the  
22 dispositional powers of the court under this Act.

23 (17) "Juvenile police officer" means a sworn police officer  
24 who has completed a Basic Recruit Training Course, has been  
25 assigned to the position of juvenile police officer by his or  
26 her chief law enforcement officer and has completed the  
27 necessary juvenile officers training as prescribed by the  
28 Illinois Law Enforcement Training Standards Board, or in the  
29 case of a State police officer, juvenile officer training  
30 approved by the Director of the Department of State Police.

31 (18) "Secure child care facility" means any child care  
32 facility licensed by the Department of Children and Family  
33 Services to provide secure living arrangements for children  
34 under 18 years of age who are subject to placement in  
35 facilities under the Children and Family Services Act and who  
36 are not subject to placement in facilities for whom standards

1 are established by the Department of Corrections under Section  
2 3-15-2 of the Unified Code of Corrections. "Secure child care  
3 facility" also means a facility that is designed and operated  
4 to ensure that all entrances and exits from the facility, a  
5 building, or a distinct part of the building are under the  
6 exclusive control of the staff of the facility, whether or not  
7 the child has the freedom of movement within the perimeter of  
8 the facility, building, or distinct part of the building.

9 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,  
10 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;  
11 91-357, eff. 7-29-99; revised 10-9-03.)

12 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

13 Sec. 6-9. Enforcement of liability of parents and others.

14 (1) If parentage is at issue in any proceeding under this  
15 Act, the Uniform Parentage Act ~~Illinois Parentage Act of 1984~~  
16 shall apply and the court shall enter orders consistent with  
17 that Act. If it appears at any hearing that a parent or any  
18 other person named in the petition, liable under the law for  
19 the support of the minor, is able to contribute to his or her  
20 support, the court shall enter an order requiring that parent  
21 or other person to pay the clerk of the court, or to the  
22 guardian or custodian appointed under Sections 2-27, 3-28, 4-25  
23 or 5-740, a reasonable sum from time to time for the care,  
24 support and necessary special care or treatment, of the minor.  
25 If the court determines at any hearing that a parent or any  
26 other person named in the petition, liable under the law for  
27 the support of the minor, is able to contribute to help defray  
28 the costs associated with the minor's detention in a county or  
29 regional detention center, the court shall enter an order  
30 requiring that parent or other person to pay the clerk of the  
31 court a reasonable sum for the care and support of the minor.  
32 The court may require reasonable security for the payments.  
33 Upon failure to pay, the court may enforce obedience to the  
34 order by a proceeding as for contempt of court.

35 If it appears that the person liable for the support of the

1 minor is able to contribute to legal fees for representation of  
2 the minor, the court shall enter an order requiring that person  
3 to pay a reasonable sum for the representation, to the attorney  
4 providing the representation or to the clerk of the court for  
5 deposit in the appropriate account or fund. The sum may be paid  
6 as the court directs, and the payment thereof secured and  
7 enforced as provided in this Section for support.

8 If it appears at the detention or shelter care hearing of a  
9 minor before the court under Section 5-501 that a parent or any  
10 other person liable for support of the minor is able to  
11 contribute to his or her support, that parent or other person  
12 shall be required to pay a fee for room and board at a rate not  
13 to exceed \$10 per day established, with the concurrence of the  
14 chief judge of the judicial circuit, by the county board of the  
15 county in which the minor is detained unless the court  
16 determines that it is in the best interest and welfare of the  
17 minor to waive the fee. The concurrence of the chief judge  
18 shall be in the form of an administrative order. Each week, on  
19 a day designated by the clerk of the circuit court, that parent  
20 or other person shall pay the clerk for the minor's room and  
21 board. All fees for room and board collected by the circuit  
22 court clerk shall be disbursed into the separate county fund  
23 under Section 6-7.

24 Upon application, the court shall waive liability for  
25 support or legal fees under this Section if the parent or other  
26 person establishes that he or she is indigent and unable to pay  
27 the incurred liability, and the court may reduce or waive  
28 liability if the parent or other person establishes  
29 circumstances showing that full payment of support or legal  
30 fees would result in financial hardship to the person or his or  
31 her family.

32 (2) When a person so ordered to pay for the care and  
33 support of a minor is employed for wages, salary or commission,  
34 the court may order him to make the support payments for which  
35 he is liable under this Act out of his wages, salary or  
36 commission and to assign so much thereof as will pay the

1 support. The court may also order him to make discovery to the  
2 court as to his place of employment and the amounts earned by  
3 him. Upon his failure to obey the orders of court he may be  
4 punished as for contempt of court.

5 (3) If the minor is a recipient of public aid under the  
6 Illinois Public Aid Code, the court shall order that payments  
7 made by a parent or through assignment of his wages, salary or  
8 commission be made directly to (a) the ~~Illinois~~ Department of  
9 Healthcare and Family Services ~~Public Aid~~ if the minor is a  
10 recipient of aid under Article V of the Code, (b) the  
11 Department of Human Services if the minor is a recipient of aid  
12 under Article IV of the Code, or (c) the local governmental  
13 unit responsible for the support of the minor if he is a  
14 recipient under Articles VI or VII of the Code. The order shall  
15 permit the ~~Illinois~~ Department of Healthcare and Family  
16 Services ~~Public Aid~~, the Department of Human Services, or the  
17 local governmental unit, as the case may be, to direct that  
18 subsequent payments be made directly to the guardian or  
19 custodian of the minor, or to some other person or agency in  
20 the minor's behalf, upon removal of the minor from the public  
21 aid rolls; and upon such direction and removal of the minor  
22 from the public aid rolls, the ~~Illinois~~ Department of  
23 Healthcare and Family Services ~~Public Aid~~, Department of Human  
24 Services, or local governmental unit, as the case requires,  
25 shall give written notice of such action to the court. Payments  
26 received by the ~~Illinois~~ Department of Healthcare and Family  
27 Services ~~Public Aid~~, Department of Human Services, or local  
28 governmental unit are to be covered, respectively, into the  
29 General Revenue Fund of the State Treasury or General  
30 Assistance Fund of the governmental unit, as provided in  
31 Section 10-19 of the Illinois Public Aid Code.

32 (Source: P.A. 90-157, eff. 1-1-98; 90-483, eff. 1-1-98; 90-590,  
33 eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99;  
34 revised 12-15-05.)

35 Section 990.13. The Code of Criminal Procedure of 1963 is

1 amended by changing Section 112A-14 as follows:

2 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

3 Sec. 112A-14. Order of protection; remedies.

4 (a) Issuance of order. If the court finds that petitioner  
5 has been abused by a family or household member, as defined in  
6 this Article, an order of protection prohibiting such abuse  
7 shall issue; provided that petitioner must also satisfy the  
8 requirements of one of the following Sections, as appropriate:  
9 Section 112A-17 on emergency orders, Section 112A-18 on interim  
10 orders, or Section 112A-19 on plenary orders. Petitioner shall  
11 not be denied an order of protection because petitioner or  
12 respondent is a minor. The court, when determining whether or  
13 not to issue an order of protection, shall not require physical  
14 manifestations of abuse on the person of the victim.  
15 Modification and extension of prior orders of protection shall  
16 be in accordance with this Article.

17 (b) Remedies and standards. The remedies to be included in  
18 an order of protection shall be determined in accordance with  
19 this Section and one of the following Sections, as appropriate:  
20 Section 112A-17 on emergency orders, Section 112A-18 on interim  
21 orders, and Section 112A-19 on plenary orders. The remedies  
22 listed in this subsection shall be in addition to other civil  
23 or criminal remedies available to petitioner.

24 (1) Prohibition of abuse. Prohibit respondent's  
25 harassment, interference with personal liberty,  
26 intimidation of a dependent, physical abuse or willful  
27 deprivation, as defined in this Article, if such abuse has  
28 occurred or otherwise appears likely to occur if not  
29 prohibited.

30 (2) Grant of exclusive possession of residence.  
31 Prohibit respondent from entering or remaining in any  
32 residence or household of the petitioner, including one  
33 owned or leased by respondent, if petitioner has a right to  
34 occupancy thereof. The grant of exclusive possession of the  
35 residence shall not affect title to real property, nor

1 shall the court be limited by the standard set forth in  
2 Section 701 of the Illinois Marriage and Dissolution of  
3 Marriage Act.

4 (A) Right to occupancy. A party has a right to  
5 occupancy of a residence or household if it is solely  
6 or jointly owned or leased by that party, that party's  
7 spouse, a person with a legal duty to support that  
8 party or a minor child in that party's care, or by any  
9 person or entity other than the opposing party that  
10 authorizes that party's occupancy (e.g., a domestic  
11 violence shelter). Standards set forth in subparagraph  
12 (B) shall not preclude equitable relief.

13 (B) Presumption of hardships. If petitioner and  
14 respondent each has the right to occupancy of a  
15 residence or household, the court shall balance (i) the  
16 hardships to respondent and any minor child or  
17 dependent adult in respondent's care resulting from  
18 entry of this remedy with (ii) the hardships to  
19 petitioner and any minor child or dependent adult in  
20 petitioner's care resulting from continued exposure to  
21 the risk of abuse (should petitioner remain at the  
22 residence or household) or from loss of possession of  
23 the residence or household (should petitioner leave to  
24 avoid the risk of abuse). When determining the balance  
25 of hardships, the court shall also take into account  
26 the accessibility of the residence or household.  
27 Hardships need not be balanced if respondent does not  
28 have a right to occupancy.

29 The balance of hardships is presumed to favor  
30 possession by petitioner unless the presumption is  
31 rebutted by a preponderance of the evidence, showing  
32 that the hardships to respondent substantially  
33 outweigh the hardships to petitioner and any minor  
34 child or dependent adult in petitioner's care. The  
35 court, on the request of petitioner or on its own  
36 motion, may order respondent to provide suitable,

1           accessible, alternate housing for petitioner instead  
2           of excluding respondent from a mutual residence or  
3           household.

4           (3) Stay away order and additional prohibitions. Order  
5           respondent to stay away from petitioner or any other person  
6           protected by the order of protection, or prohibit  
7           respondent from entering or remaining present at  
8           petitioner's school, place of employment, or other  
9           specified places at times when petitioner is present, or  
10          both, if reasonable, given the balance of hardships.  
11          Hardships need not be balanced for the court to enter a  
12          stay away order or prohibit entry if respondent has no  
13          right to enter the premises.

14          If an order of protection grants petitioner exclusive  
15          possession of the residence, or prohibits respondent from  
16          entering the residence, or orders respondent to stay away  
17          from petitioner or other protected persons, then the court  
18          may allow respondent access to the residence to remove  
19          items of clothing and personal adornment used exclusively  
20          by respondent, medications, and other items as the court  
21          directs. The right to access shall be exercised on only one  
22          occasion as the court directs and in the presence of an  
23          agreed-upon adult third party or law enforcement officer.

24          (4) Counseling. Require or recommend the respondent to  
25          undergo counseling for a specified duration with a social  
26          worker, psychologist, clinical psychologist, psychiatrist,  
27          family service agency, alcohol or substance abuse program,  
28          mental health center guidance counselor, agency providing  
29          services to elders, program designed for domestic violence  
30          abusers or any other guidance service the court deems  
31          appropriate.

32          (5) Physical care and possession of the minor child. In  
33          order to protect the minor child from abuse, neglect, or  
34          unwarranted separation from the person who has been the  
35          minor child's primary caretaker, or to otherwise protect  
36          the well-being of the minor child, the court may do either

1 or both of the following: (i) grant petitioner physical  
2 care or possession of the minor child, or both, or (ii)  
3 order respondent to return a minor child to, or not remove  
4 a minor child from, the physical care of a parent or person  
5 in loco parentis.

6 If a court finds, after a hearing, that respondent has  
7 committed abuse (as defined in Section 112A-3) of a minor  
8 child, there shall be a rebuttable presumption that  
9 awarding physical care to respondent would not be in the  
10 minor child's best interest.

11 (6) Temporary legal custody. Award temporary legal  
12 custody to petitioner in accordance with this Section, the  
13 Illinois Marriage and Dissolution of Marriage Act, the  
14 Uniform Parentage Act ~~the Illinois Parentage Act of 1984,~~  
15 and this State's Uniform Child-Custody Jurisdiction and  
16 Enforcement Act.

17 If a court finds, after a hearing, that respondent has  
18 committed abuse (as defined in Section 112A-3) of a minor  
19 child, there shall be a rebuttable presumption that  
20 awarding temporary legal custody to respondent would not be  
21 in the child's best interest.

22 (7) Visitation. Determine the visitation rights, if  
23 any, of respondent in any case in which the court awards  
24 physical care or temporary legal custody of a minor child  
25 to petitioner. The court shall restrict or deny  
26 respondent's visitation with a minor child if the court  
27 finds that respondent has done or is likely to do any of  
28 the following: (i) abuse or endanger the minor child during  
29 visitation; (ii) use the visitation as an opportunity to  
30 abuse or harass petitioner or petitioner's family or  
31 household members; (iii) improperly conceal or detain the  
32 minor child; or (iv) otherwise act in a manner that is not  
33 in the best interests of the minor child. The court shall  
34 not be limited by the standards set forth in Section 607.1  
35 of the Illinois Marriage and Dissolution of Marriage Act.  
36 If the court grants visitation, the order shall specify



1 dates and times for the visitation to take place or other  
2 specific parameters or conditions that are appropriate. No  
3 order for visitation shall refer merely to the term  
4 "reasonable visitation".

5 Petitioner may deny respondent access to the minor  
6 child if, when respondent arrives for visitation,  
7 respondent is under the influence of drugs or alcohol and  
8 constitutes a threat to the safety and well-being of  
9 petitioner or petitioner's minor children or is behaving in  
10 a violent or abusive manner.

11 If necessary to protect any member of petitioner's  
12 family or household from future abuse, respondent shall be  
13 prohibited from coming to petitioner's residence to meet  
14 the minor child for visitation, and the parties shall  
15 submit to the court their recommendations for reasonable  
16 alternative arrangements for visitation. A person may be  
17 approved to supervise visitation only after filing an  
18 affidavit accepting that responsibility and acknowledging  
19 accountability to the court.

20 (8) Removal or concealment of minor child. Prohibit  
21 respondent from removing a minor child from the State or  
22 concealing the child within the State.

23 (9) Order to appear. Order the respondent to appear in  
24 court, alone or with a minor child, to prevent abuse,  
25 neglect, removal or concealment of the child, to return the  
26 child to the custody or care of the petitioner or to permit  
27 any court-ordered interview or examination of the child or  
28 the respondent.

29 (10) Possession of personal property. Grant petitioner  
30 exclusive possession of personal property and, if  
31 respondent has possession or control, direct respondent to  
32 promptly make it available to petitioner, if:

33 (i) petitioner, but not respondent, owns the  
34 property; or

35 (ii) the parties own the property jointly; sharing  
36 it would risk abuse of petitioner by respondent or is

1 impracticable; and the balance of hardships favors  
2 temporary possession by petitioner.

3 If petitioner's sole claim to ownership of the property  
4 is that it is marital property, the court may award  
5 petitioner temporary possession thereof under the  
6 standards of subparagraph (ii) of this paragraph only if a  
7 proper proceeding has been filed under the Illinois  
8 Marriage and Dissolution of Marriage Act, as now or  
9 hereafter amended.

10 No order under this provision shall affect title to  
11 property.

12 (11) Protection of property. Forbid the respondent  
13 from taking, transferring, encumbering, concealing,  
14 damaging or otherwise disposing of any real or personal  
15 property, except as explicitly authorized by the court, if:

16 (i) petitioner, but not respondent, owns the  
17 property; or

18 (ii) the parties own the property jointly, and the  
19 balance of hardships favors granting this remedy.

20 If petitioner's sole claim to ownership of the property  
21 is that it is marital property, the court may grant  
22 petitioner relief under subparagraph (ii) of this  
23 paragraph only if a proper proceeding has been filed under  
24 the Illinois Marriage and Dissolution of Marriage Act, as  
25 now or hereafter amended.

26 The court may further prohibit respondent from  
27 improperly using the financial or other resources of an  
28 aged member of the family or household for the profit or  
29 advantage of respondent or of any other person.

30 (12) Order for payment of support. Order respondent to  
31 pay temporary support for the petitioner or any child in  
32 the petitioner's care or custody, when the respondent has a  
33 legal obligation to support that person, in accordance with  
34 the Illinois Marriage and Dissolution of Marriage Act,  
35 which shall govern, among other matters, the amount of  
36 support, payment through the clerk and withholding of

1 income to secure payment. An order for child support may be  
2 granted to a petitioner with lawful physical care or  
3 custody of a child, or an order or agreement for physical  
4 care or custody, prior to entry of an order for legal  
5 custody. Such a support order shall expire upon entry of a  
6 valid order granting legal custody to another, unless  
7 otherwise provided in the custody order.

8 (13) Order for payment of losses. Order respondent to  
9 pay petitioner for losses suffered as a direct result of  
10 the abuse. Such losses shall include, but not be limited  
11 to, medical expenses, lost earnings or other support,  
12 repair or replacement of property damaged or taken,  
13 reasonable attorney's fees, court costs and moving or other  
14 travel expenses, including additional reasonable expenses  
15 for temporary shelter and restaurant meals.

16 (i) Losses affecting family needs. If a party is  
17 entitled to seek maintenance, child support or  
18 property distribution from the other party under the  
19 Illinois Marriage and Dissolution of Marriage Act, as  
20 now or hereafter amended, the court may order  
21 respondent to reimburse petitioner's actual losses, to  
22 the extent that such reimbursement would be  
23 "appropriate temporary relief", as authorized by  
24 subsection (a) (3) of Section 501 of that Act.

25 (ii) Recovery of expenses. In the case of an  
26 improper concealment or removal of a minor child, the  
27 court may order respondent to pay the reasonable  
28 expenses incurred or to be incurred in the search for  
29 and recovery of the minor child, including but not  
30 limited to legal fees, court costs, private  
31 investigator fees, and travel costs.

32 (14) Prohibition of entry. Prohibit the respondent  
33 from entering or remaining in the residence or household  
34 while the respondent is under the influence of alcohol or  
35 drugs and constitutes a threat to the safety and well-being  
36 of the petitioner or the petitioner's children.

1 (14.5) Prohibition of firearm possession. (a) When a  
2 complaint is made under a request for an order of  
3 protection, that the respondent has threatened or is likely  
4 to use firearms illegally against the petitioner, and the  
5 respondent is present in court, or has failed to appear  
6 after receiving actual notice, the court shall examine on  
7 oath the petitioner, and any witnesses who may be produced.  
8 If the court is satisfied that there is any danger of the  
9 illegal use of firearms, it shall include in the order of  
10 protection the requirement that any firearms in the  
11 possession of the respondent, except as provided in  
12 subsection (b), be turned over to the local law enforcement  
13 agency for safekeeping. If the respondent fails to appear,  
14 or refuses or fails to surrender his or her firearms, the  
15 court shall issue a warrant for seizure of any firearm in  
16 the possession of the respondent. The period of safekeeping  
17 shall be for a stated period of time not to exceed 2 years.  
18 The firearm or firearms shall be returned to the respondent  
19 at the end of the stated period or at expiration of the  
20 order of protection, whichever is sooner. (b) If the  
21 respondent is a peace officer as defined in Section 2-13 of  
22 the Criminal Code of 1961, the court shall order that any  
23 firearms used by the respondent in the performance of his  
24 or her duties as a peace officer be surrendered to the  
25 chief law enforcement executive of the agency in which the  
26 respondent is employed, who shall retain the firearms for  
27 safekeeping for the stated period not to exceed 2 years as  
28 set forth in the court order.

29 (15) Prohibition of access to records. If an order of  
30 protection prohibits respondent from having contact with  
31 the minor child, or if petitioner's address is omitted  
32 under subsection (b) of Section 112A-5, or if necessary to  
33 prevent abuse or wrongful removal or concealment of a minor  
34 child, the order shall deny respondent access to, and  
35 prohibit respondent from inspecting, obtaining, or  
36 attempting to inspect or obtain, school or any other

1 records of the minor child who is in the care of  
2 petitioner.

3 (16) Order for payment of shelter services. Order  
4 respondent to reimburse a shelter providing temporary  
5 housing and counseling services to the petitioner for the  
6 cost of the services, as certified by the shelter and  
7 deemed reasonable by the court.

8 (17) Order for injunctive relief. Enter injunctive  
9 relief necessary or appropriate to prevent further abuse of  
10 a family or household member or to effectuate one of the  
11 granted remedies, if supported by the balance of hardships.  
12 If the harm to be prevented by the injunction is abuse or  
13 any other harm that one of the remedies listed in  
14 paragraphs (1) through (16) of this subsection is designed  
15 to prevent, no further evidence is necessary to establish  
16 that the harm is an irreparable injury.

17 (c) Relevant factors; findings.

18 (1) In determining whether to grant a specific remedy,  
19 other than payment of support, the court shall consider  
20 relevant factors, including but not limited to the  
21 following:

22 (i) the nature, frequency, severity, pattern and  
23 consequences of the respondent's past abuse of the  
24 petitioner or any family or household member,  
25 including the concealment of his or her location in  
26 order to evade service of process or notice, and the  
27 likelihood of danger of future abuse to petitioner or  
28 any member of petitioner's or respondent's family or  
29 household; and

30 (ii) the danger that any minor child will be abused  
31 or neglected or improperly removed from the  
32 jurisdiction, improperly concealed within the State or  
33 improperly separated from the child's primary  
34 caretaker.

35 (2) In comparing relative hardships resulting to the  
36 parties from loss of possession of the family home, the

1 court shall consider relevant factors, including but not  
2 limited to the following:

3 (i) availability, accessibility, cost, safety,  
4 adequacy, location and other characteristics of  
5 alternate housing for each party and any minor child or  
6 dependent adult in the party's care;

7 (ii) the effect on the party's employment; and

8 (iii) the effect on the relationship of the party,  
9 and any minor child or dependent adult in the party's  
10 care, to family, school, church and community.

11 (3) Subject to the exceptions set forth in paragraph  
12 (4) of this subsection, the court shall make its findings  
13 in an official record or in writing, and shall at a minimum  
14 set forth the following:

15 (i) That the court has considered the applicable  
16 relevant factors described in paragraphs (1) and (2) of  
17 this subsection.

18 (ii) Whether the conduct or actions of respondent,  
19 unless prohibited, will likely cause irreparable harm  
20 or continued abuse.

21 (iii) Whether it is necessary to grant the  
22 requested relief in order to protect petitioner or  
23 other alleged abused persons.

24 (4) For purposes of issuing an ex parte emergency order  
25 of protection, the court, as an alternative to or as a  
26 supplement to making the findings described in paragraphs  
27 (c)(3)(i) through (c)(3)(iii) of this subsection, may use  
28 the following procedure:

29 When a verified petition for an emergency order of  
30 protection in accordance with the requirements of Sections  
31 112A-5 and 112A-17 is presented to the court, the court  
32 shall examine petitioner on oath or affirmation. An  
33 emergency order of protection shall be issued by the court  
34 if it appears from the contents of the petition and the  
35 examination of petitioner that the averments are  
36 sufficient to indicate abuse by respondent and to support

1 the granting of relief under the issuance of the emergency  
2 order of protection.

3 (5) Never married parties. No rights or  
4 responsibilities for a minor child born outside of marriage  
5 attach to a putative father until a father and child  
6 relationship has been established under the Illinois  
7 Parentage Act of 1984 or under the Uniform Parentage Act on  
8 and after the effective date of that Act. Absent such an  
9 adjudication, no putative father shall be granted  
10 temporary custody of the minor child, visitation with the  
11 minor child, or physical care and possession of the minor  
12 child, nor shall an order of payment for support of the  
13 minor child be entered.

14 (d) Balance of hardships; findings. If the court finds that  
15 the balance of hardships does not support the granting of a  
16 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
17 subsection (b) of this Section, which may require such  
18 balancing, the court's findings shall so indicate and shall  
19 include a finding as to whether granting the remedy will result  
20 in hardship to respondent that would substantially outweigh the  
21 hardship to petitioner from denial of the remedy. The findings  
22 shall be an official record or in writing.

23 (e) Denial of remedies. Denial of any remedy shall not be  
24 based, in whole or in part, on evidence that:

25 (1) Respondent has cause for any use of force, unless  
26 that cause satisfies the standards for justifiable use of  
27 force provided by Article VII of the Criminal Code of 1961;

28 (2) Respondent was voluntarily intoxicated;

29 (3) Petitioner acted in self-defense or defense of  
30 another, provided that, if petitioner utilized force, such  
31 force was justifiable under Article VII of the Criminal  
32 Code of 1961;

33 (4) Petitioner did not act in self-defense or defense  
34 of another;

35 (5) Petitioner left the residence or household to avoid  
36 further abuse by respondent;

1 (6) Petitioner did not leave the residence or household  
2 to avoid further abuse by respondent;

3 (7) Conduct by any family or household member excused  
4 the abuse by respondent, unless that same conduct would  
5 have excused such abuse if the parties had not been family  
6 or household members.

7 (Source: P.A. 93-108, eff. 1-1-04.)

8 Section 990.14. The Unified Code of Corrections is amended  
9 by changing Section 3-5-4 as follows:

10 (730 ILCS 5/3-5-4)

11 Sec. 3-5-4. Exchange of information for child support  
12 enforcement.

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

22 (b) Notwithstanding any provisions in this Code to the  
23 contrary, the Department shall not be liable to any person for  
24 any disclosure of information to the Department of Healthcare  
25 and Family Services (formerly Illinois Department of Public  
26 Aid) under subsection (a) or for any other action taken in good  
27 faith to comply with the requirements of subsection (a).

28 (Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99; revised  
29 12-15-05.)

30 Section 990.15. The Code of Civil Procedure is amended by  
31 changing Sections 2-209, 2-1401, and 12-112 as follows:

32 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)



1           Sec. 2-209. Act submitting to jurisdiction - Process.

2           (a) Any person, whether or not a citizen or resident of  
3 this State, who in person or through an agent does any of the  
4 acts hereinafter enumerated, thereby submits such person, and,  
5 if an individual, his or her personal representative, to the  
6 jurisdiction of the courts of this State as to any cause of  
7 action arising from the doing of any of such acts:

8           (1) The transaction of any business within this State;

9           (2) The commission of a tortious act within this State;

10           (3) The ownership, use, or possession of any real  
11 estate situated in this State;

12           (4) Contracting to insure any person, property or risk  
13 located within this State at the time of contracting;

14           (5) With respect to actions of dissolution of marriage,  
15 declaration of invalidity of marriage and legal  
16 separation, the maintenance in this State of a matrimonial  
17 domicile at the time this cause of action arose or the  
18 commission in this State of any act giving rise to the  
19 cause of action;

20           (6) With respect to actions brought under the Illinois  
21 Parentage Act of 1984, as now or hereafter amended, or  
22 under the Uniform Parentage Act on and after the effective  
23 date of that Act, the performance of an act of sexual  
24 intercourse within this State during the possible period of  
25 conception;

26           (7) The making or performance of any contract or  
27 promise substantially connected with this State;

28           (8) The performance of sexual intercourse within this  
29 State which is claimed to have resulted in the conception  
30 of a child who resides in this State;

31           (9) The failure to support a child, spouse or former  
32 spouse who has continued to reside in this State since the  
33 person either formerly resided with them in this State or  
34 directed them to reside in this State;

35           (10) The acquisition of ownership, possession or  
36 control of any asset or thing of value present within this

1 State when ownership, possession or control was acquired;

2 (11) The breach of any fiduciary duty within this  
3 State;

4 (12) The performance of duties as a director or officer  
5 of a corporation organized under the laws of this State or  
6 having its principal place of business within this State;

7 (13) The ownership of an interest in any trust  
8 administered within this State; or

9 (14) The exercise of powers granted under the authority  
10 of this State as a fiduciary.

11 (b) A court may exercise jurisdiction in any action arising  
12 within or without this State against any person who:

13 (1) Is a natural person present within this State when  
14 served;

15 (2) Is a natural person domiciled or resident within  
16 this State when the cause of action arose, the action was  
17 commenced, or process was served;

18 (3) Is a corporation organized under the laws of this  
19 State; or

20 (4) Is a natural person or corporation doing business  
21 within this State.

22 (c) A court may also exercise jurisdiction on any other  
23 basis now or hereafter permitted by the Illinois Constitution  
24 and the Constitution of the United States.

25 (d) Service of process upon any person who is subject to  
26 the jurisdiction of the courts of this State, as provided in  
27 this Section, may be made by personally serving the summons  
28 upon the defendant outside this State, as provided in this Act,  
29 with the same force and effect as though summons had been  
30 personally served within this State.

31 (e) Service of process upon any person who resides or whose  
32 business address is outside the United States and who is  
33 subject to the jurisdiction of the courts of this State, as  
34 provided in this Section, in any action based upon product  
35 liability may be made by serving a copy of the summons with a  
36 copy of the complaint attached upon the Secretary of State. The

1 summons shall be accompanied by a \$5 fee payable to the  
2 Secretary of State. The plaintiff shall forthwith mail a copy  
3 of the summons, upon which the date of service upon the  
4 Secretary is clearly shown, together with a copy of the  
5 complaint to the defendant at his or her last known place of  
6 residence or business address. Plaintiff shall file with the  
7 circuit clerk an affidavit of the plaintiff or his or her  
8 attorney stating the last known place of residence or the last  
9 known business address of the defendant and a certificate of  
10 mailing a copy of the summons and complaint to the defendant at  
11 such address as required by this subsection (e). The  
12 certificate of mailing shall be prima facie evidence that the  
13 plaintiff or his or her attorney mailed a copy of the summons  
14 and complaint to the defendant as required. Service of the  
15 summons shall be deemed to have been made upon the defendant on  
16 the date it is served upon the Secretary and shall have the  
17 same force and effect as though summons had been personally  
18 served upon the defendant within this State.

19 (f) Only causes of action arising from acts enumerated  
20 herein may be asserted against a defendant in an action in  
21 which jurisdiction over him or her is based upon subsection  
22 (a).

23 (g) Nothing herein contained limits or affects the right to  
24 serve any process in any other manner now or hereafter provided  
25 by law.

26 (Source: P.A. 86-840.)

27 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

28 Sec. 2-1401. Relief from judgments.

29 (a) Relief from final orders and judgments, after 30 days  
30 from the entry thereof, may be had upon petition as provided in  
31 this Section. Writs of error coram nobis and coram vobis, bills  
32 of review and bills in the nature of bills of review are  
33 abolished. All relief heretofore obtainable and the grounds for  
34 such relief heretofore available, whether by any of the  
35 foregoing remedies or otherwise, shall be available in every

1 case, by proceedings hereunder, regardless of the nature of the  
2 order or judgment from which relief is sought or of the  
3 proceedings in which it was entered. Except as provided in the  
4 Uniform Parentage Act ~~Section 6 of the Illinois Parentage Act~~  
5 ~~of 1984~~, there shall be no distinction between actions and  
6 other proceedings, statutory or otherwise, as to availability  
7 of relief, grounds for relief or the relief obtainable.

8 (b) The petition must be filed in the same proceeding in  
9 which the order or judgment was entered but is not a  
10 continuation thereof. The petition must be supported by  
11 affidavit or other appropriate showing as to matters not of  
12 record. All parties to the petition shall be notified as  
13 provided by rule.

14 (c) Except as provided in Section 20b of the Adoption Act  
15 and Section 2-32 ~~3-32~~ of the Juvenile Court Act of 1987 or in a  
16 petition based upon Section 116-3 of the Code of Criminal  
17 Procedure of 1963, the petition must be filed not later than 2  
18 years after the entry of the order or judgment. Time during  
19 which the person seeking relief is under legal disability or  
20 duress or the ground for relief is fraudulently concealed shall  
21 be excluded in computing the period of 2 years.

22 (d) The filing of a petition under this Section does not  
23 affect the order or judgment, or suspend its operation.

24 (e) Unless lack of jurisdiction affirmatively appears from  
25 the record proper, the vacation or modification of an order or  
26 judgment pursuant to the provisions of this Section does not  
27 affect the right, title or interest in or to any real or  
28 personal property of any person, not a party to the original  
29 action, acquired for value after the entry of the order or  
30 judgment but before the filing of the petition, nor affect any  
31 right of any person not a party to the original action under  
32 any certificate of sale issued before the filing of the  
33 petition, pursuant to a sale based on the order or judgment.

34 (f) Nothing contained in this Section affects any existing  
35 right to relief from a void order or judgment, or to employ any  
36 existing method to procure that relief.

1 (Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141,  
2 eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

3 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

4 Sec. 12-112. What liable to enforcement. All the lands,  
5 tenements, real estate, goods and chattels (except such as is  
6 by law declared to be exempt) of every person against whom any  
7 judgment has been or shall be hereafter entered in any court,  
8 for any debt, damages, costs, or other sum of money, shall be  
9 liable to be sold upon such judgment. Any real property, or any  
10 beneficial interest in a land trust, held in tenancy by the  
11 entirety shall not be liable to be sold upon judgment entered  
12 on or after October 1, 1990 against only one of the tenants,  
13 except if the property was transferred into tenancy by the  
14 entirety with the sole intent to avoid the payment of debts  
15 existing at the time of the transfer beyond the transferor's  
16 ability to pay those debts as they become due. However, any  
17 income from such property shall be subject to garnishment as  
18 provided in Part 7 of this Article XII, whether judgment has  
19 been entered against one or both of the tenants.

20 If the court authorizes the piercing of the ownership veil  
21 pursuant to Section 505 of the Illinois Marriage and  
22 Dissolution of Marriage Act or Section 906 ~~45~~ of the Uniform  
23 ~~Illinois~~ Parentage Act ~~of 1984~~, any assets determined to be  
24 those of the non-custodial parent, although not held in name of  
25 the non-custodial parent, shall be subject to attachment or  
26 other provisional remedy in accordance with the procedure  
27 prescribed by this Code. The court may not authorize attachment  
28 of property or any other provisional remedy under this  
29 paragraph unless it has obtained jurisdiction over the entity  
30 holding title to the property by proper service on that entity.  
31 With respect to assets which are real property, no order  
32 entered as described in this paragraph shall affect the rights  
33 of bona fide purchasers, mortgagees, judgment creditors, or  
34 other lien holders who acquire their interests in the property  
35 prior to the time a notice of lis pendens pursuant to this Code

1 or a copy of the order is placed of record in the office of the  
2 recorder of deeds for the county in which the real property is  
3 located.

4 This amendatory Act of 1995 (P.A. 89-438) is declarative of  
5 existing law.

6 This amendatory Act of 1997 (P.A. 90-514) is intended as a  
7 clarification of existing law and not as a new enactment.

8 (Source: P.A. 89-88, eff. 6-30-95; 89-438, eff. 12-15-95;  
9 90-476, eff. 1-1-98; 90-514, eff. 8-22-97; 90-655, eff.  
10 7-30-98.)

11 Section 990.16. The Illinois Marriage and Dissolution of  
12 Marriage Act is amended by changing Section 713 as follows:

13 (750 ILCS 5/713) (from Ch. 40, par. 713)

14 Sec. 713. Attachment of the Body. As used in this Section,  
15 "obligor" has the same meaning ascribed to such term in the  
16 Income Withholding for Support Act.

17 (a) In any proceeding to enforce an order for support,  
18 where the obligor has failed to appear in court pursuant to  
19 order of court and after due notice thereof, the court may  
20 enter an order for the attachment of the body of the obligor.  
21 Notices under this Section shall be served upon the obligor by  
22 any means authorized under subsection (a-5) of Section 505. The  
23 attachment order shall fix an amount of escrow which is equal  
24 to a minimum of 20% of the total child support arrearage  
25 alleged by the obligee in sworn testimony to be due and owing.  
26 The attachment order shall direct the Sheriff of any county in  
27 Illinois to take the obligor into custody and shall set the  
28 number of days following release from custody for a hearing to  
29 be held at which the obligor must appear, if he is released  
30 under subsection (b) of this Section.

31 (b) If the obligor is taken into custody, the Sheriff shall  
32 take the obligor before the court which entered the attachment  
33 order. However, the Sheriff may release the person after he or  
34 she has deposited the amount of escrow ordered by the court

1 pursuant to local procedures for the posting of bond. The  
2 Sheriff shall advise the obligor of the hearing date at which  
3 the obligor is required to appear.

4 (c) Any escrow deposited pursuant to this Section shall be  
5 transmitted to the Clerk of the Circuit Court for the county in  
6 which the order for attachment of the body of the obligor was  
7 entered. Any Clerk who receives money deposited into escrow  
8 pursuant to this Section shall notify the obligee, public  
9 office or legal counsel whose name appears on the attachment  
10 order of the court date at which the obligor is required to  
11 appear and the amount deposited into escrow. The Clerk shall  
12 disburse such money to the obligee only under an order from the  
13 court that entered the attachment order pursuant to this  
14 Section.

15 (d) Whenever an obligor is taken before the court by the  
16 Sheriff, or appears in court after the court has ordered the  
17 attachment of his body, the court shall:

18 (1) hold a hearing on the complaint or petition that  
19 gave rise to the attachment order. For purposes of  
20 determining arrearages that are due and owing by the  
21 obligor, the court shall accept the previous sworn  
22 testimony of the obligee as true and the appearance of the  
23 obligee shall not be required. The court shall require  
24 sworn testimony of the obligor as to his or her Social  
25 Security number, income, employment, bank accounts,  
26 property and any other assets. If there is a dispute as to  
27 the total amount of arrearages, the court shall proceed as  
28 in any other case as to the undisputed amounts; and

29 (2) order the Clerk of the Circuit Court to disburse to  
30 the obligee or public office money held in escrow pursuant  
31 to this Section if the court finds that the amount of  
32 arrearages exceeds the amount of the escrow. Amounts  
33 received by the obligee or public office shall be deducted  
34 from the amount of the arrearages.

35 (e) If the obligor fails to appear in court after being  
36 notified of the court date by the Sheriff upon release from

1 custody, the court shall order any monies deposited into escrow  
2 to be immediately released to the obligee or public office and  
3 shall proceed under subsection (a) of this Section by entering  
4 another order for the attachment of the body of the obligor.

5 (f) This Section shall apply to any order for support  
6 issued under the "Illinois Marriage and Dissolution of Marriage  
7 Act", approved September 22, 1977, as amended; the Uniform  
8 Parentage Act; the "Illinois Parentage Act of 1984", effective  
9 July 1, 1985, as amended; the "Revised Uniform Reciprocal  
10 Enforcement of Support Act", approved August 28, 1969, as  
11 amended; "The Illinois Public Aid Code", approved April 11,  
12 1967, as amended; the Non-Support Punishment Act; and the  
13 "Non-support of Spouse and Children Act", approved June 8,  
14 1953, as amended.

15 (g) Any escrow established pursuant to this Section for the  
16 purpose of providing support shall not be subject to fees  
17 collected by the Clerk of the Circuit Court for any other  
18 escrow.

19 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;  
20 92-16, eff. 6-28-01.)

21 Section 990.17. The Expedited Child Support Act of 1990 is  
22 amended by changing Section 6 as follows:

23 (750 ILCS 25/6) (from Ch. 40, par. 2706)

24 Sec. 6. Authority of hearing officers.

25 (a) With the exception of judicial functions exclusively  
26 retained by the court in Section 8 of this Act and in  
27 accordance with Supreme Court rules promulgated pursuant to  
28 this Act, Administrative Hearing Officers shall be authorized  
29 to:

30 (1) Accept voluntary agreements reached by the parties  
31 setting the amount of child support to be paid and medical  
32 support liability and recommend the entry of orders  
33 incorporating such agreements.

34 (2) Accept voluntary acknowledgments of parentage and



1 recommend entry of an order establishing parentage based on  
2 such acknowledgement. Prior to accepting such  
3 acknowledgment, the Administrative Hearing Officer shall  
4 advise the putative father of his rights and obligations in  
5 accordance with Supreme Court rules promulgated pursuant  
6 to this Act.

7 (3) Manage all stages of discovery, including setting  
8 deadlines by which discovery must be completed; and  
9 directing the parties to submit to appropriate tests  
10 pursuant to the Uniform Parentage Act ~~Section 11 of the~~  
11 ~~Illinois Parentage Act of 1984.~~

12 (4) Cause notices to be issued requiring the Obligor to  
13 appear either before the Administrative Hearing Officer or  
14 in court.

15 (5) Administer the oath or affirmation and take  
16 testimony under oath or affirmation.

17 (6) Analyze the evidence and prepare written  
18 recommendations based on such evidence, including but not  
19 limited to: (i) proposed findings as to the amount of the  
20 Obligor's income; (ii) proposed findings as to the amount  
21 and nature of appropriate deductions from the Obligor's  
22 income to determine the Obligor's net income; (iii)  
23 proposed findings as to the existence of relevant factors  
24 as set forth in subsection (a)(2) of Section 505 of the  
25 Illinois Marriage and Dissolution of Marriage Act, which  
26 justify setting child support payment levels above or below  
27 the guidelines; (iv) recommended orders for temporary  
28 child support; (v) recommended orders setting the amount of  
29 current child support to be paid; (vi) proposed findings as  
30 to the existence and amount of any arrearages; (vii)  
31 recommended orders reducing any arrearages to judgement  
32 and for the payment of amounts towards such arrearages;  
33 (viii) proposed findings as to whether there has been a  
34 substantial change of circumstances since the entry of the  
35 last child support order, or other circumstances  
36 justifying a modification of the child support order; and

1 (ix) proposed findings as to whether the Obligor is  
2 employed.

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

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

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

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

28 (2) inform the Obligee and the Obligor of the option of  
29 requesting payment to be made through the Clerk of the  
30 Circuit Court.

31 If a request for payment through the Clerk is made, the  
32 Administrative Hearing Officer shall note this fact in the  
33 recommendations to the court.

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

1 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; revised  
2 12-15-05.)

3 Section 990.18. The Gestational Surrogacy Act is amended by  
4 changing Section 35 as follows:

5 (750 ILCS 47/35)

6 Sec. 35. Establishment of the parent-child relationship.

7 (a) For purposes of the Uniform Parentage Act ~~Illinois~~  
8 ~~Parentage Act of 1984~~, a parent-child relationship shall be  
9 established prior to the birth of a child born through  
10 gestational surrogacy if, in addition to satisfying the  
11 requirements of Articles 2 and 3 of the Uniform Parentage Act  
12 ~~Sections 5 and 6 of the Illinois Parentage Act of 1984~~, the  
13 attorneys representing both the gestational surrogate and the  
14 intended parent or parents certify that the parties entered  
15 into a gestational surrogacy contract intended to satisfy the  
16 requirements of Section 25 of this Act with respect to the  
17 child.

18 (b) The attorneys' certifications required by subsection  
19 (a) of this Section shall be filed on forms prescribed by the  
20 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~  
21 ~~Health~~ and in a manner consistent with the requirement of the  
22 Uniform Parentage Act ~~Illinois Parentage Act of 1984~~.

23 (Source: P.A. 93-921, eff. 1-1-05.)

24 Section 990.19. The Adoption Act is amended by changing  
25 Sections 1, 7, 8, 12.1, and 18.06 as follows:

26 (750 ILCS 50/1) (from Ch. 40, par. 1501)

27 Sec. 1. Definitions. When used in this Act, unless the  
28 context otherwise requires:

29 A. "Child" means a person under legal age subject to  
30 adoption under this Act.

31 B. "Related child" means a child subject to adoption where  
32 either or both of the adopting parents stands in any of the

1 following relationships to the child by blood or marriage:  
2 parent, grand-parent, brother, sister, step-parent,  
3 step-grandparent, step-brother, step-sister, uncle, aunt,  
4 great-uncle, great-aunt, or cousin of first degree. A child  
5 whose parent has executed a final irrevocable consent to  
6 adoption or a final irrevocable surrender for purposes of  
7 adoption, or whose parent has had his or her parental rights  
8 terminated, is not a related child to that person, unless the  
9 consent is determined to be void or is void pursuant to  
10 subsection O of Section 10.

11 C. "Agency" for the purpose of this Act means a public  
12 child welfare agency or a licensed child welfare agency.

13 D. "Unfit person" means any person whom the court shall  
14 find to be unfit to have a child, without regard to the  
15 likelihood that the child will be placed for adoption. The  
16 grounds of unfitness are any one or more of the following,  
17 except that a person shall not be considered an unfit person  
18 for the sole reason that the person has relinquished a child in  
19 accordance with the Abandoned Newborn Infant Protection Act:

20 (a) Abandonment of the child.

21 (a-1) Abandonment of a newborn infant in a hospital.

22 (a-2) Abandonment of a newborn infant in any setting  
23 where the evidence suggests that the parent intended to  
24 relinquish his or her parental rights.

25 (b) Failure to maintain a reasonable degree of  
26 interest, concern or responsibility as to the child's  
27 welfare.

28 (c) Desertion of the child for more than 3 months next  
29 preceding the commencement of the Adoption proceeding.

30 (d) Substantial neglect of the child if continuous or  
31 repeated.

32 (d-1) Substantial neglect, if continuous or repeated,  
33 of any child residing in the household which resulted in  
34 the death of that child.

35 (e) Extreme or repeated cruelty to the child.

36 (f) Two or more findings of physical abuse to any

1 children under Section 4-8 of the Juvenile Court Act or  
2 Section 2-21 of the Juvenile Court Act of 1987, the most  
3 recent of which was determined by the juvenile court  
4 hearing the matter to be supported by clear and convincing  
5 evidence; a criminal conviction or a finding of not guilty  
6 by reason of insanity resulting from the death of any child  
7 by physical child abuse; or a finding of physical child  
8 abuse resulting from the death of any child under Section  
9 4-8 of the Juvenile Court Act or Section 2-21 of the  
10 Juvenile Court Act of 1987.

11 (g) Failure to protect the child from conditions within  
12 his environment injurious to the child's welfare.

13 (h) Other neglect of, or misconduct toward the child;  
14 provided that in making a finding of unfitness the court  
15 hearing the adoption proceeding shall not be bound by any  
16 previous finding, order or judgment affecting or  
17 determining the rights of the parents toward the child  
18 sought to be adopted in any other proceeding except such  
19 proceedings terminating parental rights as shall be had  
20 under either this Act, the Juvenile Court Act or the  
21 Juvenile Court Act of 1987.

22 (i) Depravity. Conviction of any one of the following  
23 crimes shall create a presumption that a parent is deprived  
24 which can be overcome only by clear and convincing  
25 evidence: (1) first degree murder in violation of paragraph  
26 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
27 Code of 1961 or conviction of second degree murder in  
28 violation of subsection (a) of Section 9-2 of the Criminal  
29 Code of 1961 of a parent of the child to be adopted; (2)  
30 first degree murder or second degree murder of any child in  
31 violation of the Criminal Code of 1961; (3) attempt or  
32 conspiracy to commit first degree murder or second degree  
33 murder of any child in violation of the Criminal Code of  
34 1961; (4) solicitation to commit murder of any child,  
35 solicitation to commit murder of any child for hire, or  
36 solicitation to commit second degree murder of any child in

1 violation of the Criminal Code of 1961; or (5) aggravated  
2 criminal sexual assault in violation of Section  
3 12-14(b) (1) of the Criminal Code of 1961.

4 There is a rebuttable presumption that a parent is  
5 deprived if the parent has been criminally convicted of at  
6 least 3 felonies under the laws of this State or any other  
7 state, or under federal law, or the criminal laws of any  
8 United States territory; and at least one of these  
9 convictions took place within 5 years of the filing of the  
10 petition or motion seeking termination of parental rights.

11 There is a rebuttable presumption that a parent is  
12 deprived if that parent has been criminally convicted of  
13 either first or second degree murder of any person as  
14 defined in the Criminal Code of 1961 within 10 years of the  
15 filing date of the petition or motion to terminate parental  
16 rights.

17 (j) Open and notorious adultery or fornication.

18 (j-1) (Blank).

19 (k) Habitual drunkenness or addiction to drugs, other  
20 than those prescribed by a physician, for at least one year  
21 immediately prior to the commencement of the unfitness  
22 proceeding.

23 There is a rebuttable presumption that a parent is  
24 unfit under this subsection with respect to any child to  
25 which that parent gives birth where there is a confirmed  
26 test result that at birth the child's blood, urine, or  
27 meconium contained any amount of a controlled substance as  
28 defined in subsection (f) of Section 102 of the Illinois  
29 Controlled Substances Act or metabolites of such  
30 substances, the presence of which in the newborn infant was  
31 not the result of medical treatment administered to the  
32 mother or the newborn infant; and the biological mother of  
33 this child is the biological mother of at least one other  
34 child who was adjudicated a neglected minor under  
35 subsection (c) of Section 2-3 of the Juvenile Court Act of  
36 1987.

1           (1) Failure to demonstrate a reasonable degree of  
2 interest, concern or responsibility as to the welfare of a  
3 new born child during the first 30 days after its birth.

4           (m) Failure by a parent (i) to make reasonable efforts  
5 to correct the conditions that were the basis for the  
6 removal of the child from the parent, or (ii) to make  
7 reasonable progress toward the return of the child to the  
8 parent within 9 months after an adjudication of neglected  
9 or abused minor under Section 2-3 of the Juvenile Court Act  
10 of 1987 or dependent minor under Section 2-4 of that Act,  
11 or (iii) to make reasonable progress toward the return of  
12 the child to the parent during any 9-month period after the  
13 end of the initial 9-month period following the  
14 adjudication of neglected or abused minor under Section 2-3  
15 of the Juvenile Court Act of 1987 or dependent minor under  
16 Section 2-4 of that Act. If a service plan has been  
17 established as required under Section 8.2 of the Abused and  
18 Neglected Child Reporting Act to correct the conditions  
19 that were the basis for the removal of the child from the  
20 parent and if those services were available, then, for  
21 purposes of this Act, "failure to make reasonable progress  
22 toward the return of the child to the parent" includes (I)  
23 the parent's failure to substantially fulfill his or her  
24 obligations under the service plan and correct the  
25 conditions that brought the child into care within 9 months  
26 after the adjudication under Section 2-3 or 2-4 of the  
27 Juvenile Court Act of 1987 and (II) the parent's failure to  
28 substantially fulfill his or her obligations under the  
29 service plan and correct the conditions that brought the  
30 child into care during any 9-month period after the end of  
31 the initial 9-month period following the adjudication  
32 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
33 Notwithstanding any other provision, when a petition or  
34 motion seeks to terminate parental rights on the basis of  
35 item (iii) of this subsection (m), the petitioner shall  
36 file with the court and serve on the parties a pleading

1 that specifies the 9-month period or periods relied on. The  
2 pleading shall be filed and served on the parties no later  
3 than 3 weeks before the date set by the court for closure  
4 of discovery, and the allegations in the pleading shall be  
5 treated as incorporated into the petition or motion.  
6 Failure of a respondent to file a written denial of the  
7 allegations in the pleading shall not be treated as an  
8 admission that the allegations are true.

9 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
10 child has been in foster care for 15 months out of any 22  
11 month period which begins on or after the effective date of  
12 this amendatory Act of 1998 unless the child's parent can  
13 prove by a preponderance of the evidence that it is more  
14 likely than not that it will be in the best interests of  
15 the child to be returned to the parent within 6 months of  
16 the date on which a petition for termination of parental  
17 rights is filed under the Juvenile Court Act of 1987. The  
18 15 month time limit is tolled during any period for which  
19 there is a court finding that the appointed custodian or  
20 guardian failed to make reasonable efforts to reunify the  
21 child with his or her family, provided that (i) the finding  
22 of no reasonable efforts is made within 60 days of the  
23 period when reasonable efforts were not made or (ii) the  
24 parent filed a motion requesting a finding of no reasonable  
25 efforts within 60 days of the period when reasonable  
26 efforts were not made. For purposes of this subdivision  
27 (m-1), the date of entering foster care is the earlier of:  
28 (i) the date of a judicial finding at an adjudicatory  
29 hearing that the child is an abused, neglected, or  
30 dependent minor; or (ii) 60 days after the date on which  
31 the child is removed from his or her parent, guardian, or  
32 legal custodian.

33 (n) Evidence of intent to forgo his or her parental  
34 rights, whether or not the child is a ward of the court,  
35 (1) as manifested by his or her failure for a period of 12  
36 months: (i) to visit the child, (ii) to communicate with



1 the child or agency, although able to do so and not  
2 prevented from doing so by an agency or by court order, or  
3 (iii) to maintain contact with or plan for the future of  
4 the child, although physically able to do so, or (2) as  
5 manifested by the father's failure, where he and the mother  
6 of the child were unmarried to each other at the time of  
7 the child's birth, (i) to commence legal proceedings to  
8 establish his paternity under the Illinois Parentage Act of  
9 1984, the Uniform Parentage Act, or the law of the  
10 jurisdiction of the child's birth within 30 days of being  
11 informed, ~~pursuant to Section 12a of this Act~~, that he is  
12 the father or the likely father of the child or, after  
13 being so informed where the child is not yet born, within  
14 30 days of the child's birth, or (ii) to make a good faith  
15 effort to pay a reasonable amount of the expenses related  
16 to the birth of the child and to provide a reasonable  
17 amount for the financial support of the child, the court to  
18 consider in its determination all relevant circumstances,  
19 including the financial condition of both parents;  
20 provided that the ground for termination provided in this  
21 subparagraph (n)(2)(ii) shall only be available where the  
22 petition is brought by the mother or the husband of the  
23 mother.

24 Contact or communication by a parent with his or her  
25 child that does not demonstrate affection and concern does  
26 not constitute reasonable contact and planning under  
27 subdivision (n). In the absence of evidence to the  
28 contrary, the ability to visit, communicate, maintain  
29 contact, pay expenses and plan for the future shall be  
30 presumed. The subjective intent of the parent, whether  
31 expressed or otherwise, unsupported by evidence of the  
32 foregoing parental acts manifesting that intent, shall not  
33 preclude a determination that the parent has intended to  
34 forgo his or her parental rights. In making this  
35 determination, the court may consider but shall not require  
36 a showing of diligent efforts by an authorized agency to

1 encourage the parent to perform the acts specified in  
2 subdivision (n).

3 It shall be an affirmative defense to any allegation  
4 under paragraph (2) of this subsection that the father's  
5 failure was due to circumstances beyond his control or to  
6 impediments created by the mother or any other person  
7 having legal custody. Proof of that fact need only be by a  
8 preponderance of the evidence.

9 (o) Repeated or continuous failure by the parents,  
10 although physically and financially able, to provide the  
11 child with adequate food, clothing, or shelter.

12 (p) Inability to discharge parental responsibilities  
13 supported by competent evidence from a psychiatrist,  
14 licensed clinical social worker, or clinical psychologist  
15 of mental impairment, mental illness or mental retardation  
16 as defined in Section 1-116 of the Mental Health and  
17 Developmental Disabilities Code, or developmental  
18 disability as defined in Section 1-106 of that Code, and  
19 there is sufficient justification to believe that the  
20 inability to discharge parental responsibilities shall  
21 extend beyond a reasonable time period. However, this  
22 subdivision (p) shall not be construed so as to permit a  
23 licensed clinical social worker to conduct any medical  
24 diagnosis to determine mental illness or mental  
25 impairment.

26 (q) The parent has been criminally convicted of  
27 aggravated battery, heinous battery, or attempted murder  
28 of any child.

29 (r) The child is in the temporary custody or  
30 guardianship of the Department of Children and Family  
31 Services, the parent is incarcerated as a result of  
32 criminal conviction at the time the petition or motion for  
33 termination of parental rights is filed, prior to  
34 incarceration the parent had little or no contact with the  
35 child or provided little or no support for the child, and  
36 the parent's incarceration will prevent the parent from

1 discharging his or her parental responsibilities for the  
2 child for a period in excess of 2 years after the filing of  
3 the petition or motion for termination of parental rights.

4 (s) The child is in the temporary custody or  
5 guardianship of the Department of Children and Family  
6 Services, the parent is incarcerated at the time the  
7 petition or motion for termination of parental rights is  
8 filed, the parent has been repeatedly incarcerated as a  
9 result of criminal convictions, and the parent's repeated  
10 incarceration has prevented the parent from discharging  
11 his or her parental responsibilities for the child.

12 (t) A finding that at birth the child's blood, urine,  
13 or meconium contained any amount of a controlled substance  
14 as defined in subsection (f) of Section 102 of the Illinois  
15 Controlled Substances Act, or a metabolite of a controlled  
16 substance, with the exception of controlled substances or  
17 metabolites of such substances, the presence of which in  
18 the newborn infant was the result of medical treatment  
19 administered to the mother or the newborn infant, and that  
20 the biological mother of this child is the biological  
21 mother of at least one other child who was adjudicated a  
22 neglected minor under subsection (c) of Section 2-3 of the  
23 Juvenile Court Act of 1987, after which the biological  
24 mother had the opportunity to enroll in and participate in  
25 a clinically appropriate substance abuse counseling,  
26 treatment, and rehabilitation program.

27 E. "Parent" means the father or mother of a lawful child of  
28 the parties or child born out of wedlock. For the purpose of  
29 this Act, a person who has executed a final and irrevocable  
30 consent to adoption or a final and irrevocable surrender for  
31 purposes of adoption, or whose parental rights have been  
32 terminated by a court, is not a parent of the child who was the  
33 subject of the consent or surrender, unless the consent is void  
34 pursuant to subsection 0 of Section 10.

35 F. A person is available for adoption when the person is:

36 (a) a child who has been surrendered for adoption to an

1 agency and to whose adoption the agency has thereafter  
2 consented;

3 (b) a child to whose adoption a person authorized by  
4 law, other than his parents, has consented, or to whose  
5 adoption no consent is required pursuant to Section 8 of  
6 this Act;

7 (c) a child who is in the custody of persons who intend  
8 to adopt him through placement made by his parents;

9 (c-1) a child for whom a parent has signed a specific  
10 consent pursuant to subsection O of Section 10;

11 (d) an adult who meets the conditions set forth in  
12 Section 3 of this Act; or

13 (e) a child who has been relinquished as defined in  
14 Section 10 of the Abandoned Newborn Infant Protection Act.

15 A person who would otherwise be available for adoption  
16 shall not be deemed unavailable for adoption solely by reason  
17 of his or her death.

18 G. The singular includes the plural and the plural includes  
19 the singular and the "male" includes the "female", as the  
20 context of this Act may require.

21 H. "Adoption disruption" occurs when an adoptive placement  
22 does not prove successful and it becomes necessary for the  
23 child to be removed from placement before the adoption is  
24 finalized.

25 I. "Foreign placing agency" is an agency or individual  
26 operating in a country or territory outside the United States  
27 that is authorized by its country to place children for  
28 adoption either directly with families in the United States or  
29 through United States based international agencies.

30 J. "Immediate relatives" means the biological parents, the  
31 parents of the biological parents and siblings of the  
32 biological parents.

33 K. "Intercountry adoption" is a process by which a child  
34 from a country other than the United States is adopted.

35 L. "Intercountry Adoption Coordinator" is a staff person of  
36 the Department of Children and Family Services appointed by the

1 Director to coordinate the provision of services by the public  
2 and private sector to prospective parents of foreign-born  
3 children.

4 M. "Interstate Compact on the Placement of Children" is a  
5 law enacted by most states for the purpose of establishing  
6 uniform procedures for handling the interstate placement of  
7 children in foster homes, adoptive homes, or other child care  
8 facilities.

9 N. "Non-Compact state" means a state that has not enacted  
10 the Interstate Compact on the Placement of Children.

11 O. "Preadoption requirements" are any conditions  
12 established by the laws or regulations of the Federal  
13 Government or of each state that must be met prior to the  
14 placement of a child in an adoptive home.

15 P. "Abused child" means a child whose parent or immediate  
16 family member, or any person responsible for the child's  
17 welfare, or any individual residing in the same home as the  
18 child, or a paramour of the child's parent:

19 (a) inflicts, causes to be inflicted, or allows to be  
20 inflicted upon the child physical injury, by other than  
21 accidental means, that causes death, disfigurement,  
22 impairment of physical or emotional health, or loss or  
23 impairment of any bodily function;

24 (b) creates a substantial risk of physical injury to  
25 the child by other than accidental means which would be  
26 likely to cause death, disfigurement, impairment of  
27 physical or emotional health, or loss or impairment of any  
28 bodily function;

29 (c) commits or allows to be committed any sex offense  
30 against the child, as sex offenses are defined in the  
31 Criminal Code of 1961 and extending those definitions of  
32 sex offenses to include children under 18 years of age;

33 (d) commits or allows to be committed an act or acts of  
34 torture upon the child; or

35 (e) inflicts excessive corporal punishment.

36 Q. "Neglected child" means any child whose parent or other

1 person responsible for the child's welfare withholds or denies  
2 nourishment or medically indicated treatment including food or  
3 care denied solely on the basis of the present or anticipated  
4 mental or physical impairment as determined by a physician  
5 acting alone or in consultation with other physicians or  
6 otherwise does not provide the proper or necessary support,  
7 education as required by law, or medical or other remedial care  
8 recognized under State law as necessary for a child's  
9 well-being, or other care necessary for his or her well-being,  
10 including adequate food, clothing and shelter; or who is  
11 abandoned by his or her parents or other person responsible for  
12 the child's welfare.

13 A child shall not be considered neglected or abused for the  
14 sole reason that the child's parent or other person responsible  
15 for his or her welfare depends upon spiritual means through  
16 prayer alone for the treatment or cure of disease or remedial  
17 care as provided under Section 4 of the Abused and Neglected  
18 Child Reporting Act. A child shall not be considered neglected  
19 or abused for the sole reason that the child's parent or other  
20 person responsible for the child's welfare failed to vaccinate,  
21 delayed vaccination, or refused vaccination for the child due  
22 to a waiver on religious or medical grounds as permitted by  
23 law.

24 R. "Putative father" means a man who may be a child's  
25 father, but who (1) is not married to the child's mother on or  
26 before the date that the child was or is to be born and (2) has  
27 not established paternity of the child in a court proceeding  
28 before the filing of a petition for the adoption of the child.  
29 The term includes a male who is less than 18 years of age.  
30 "Putative father" does not mean a man who is the child's father  
31 as a result of criminal sexual abuse or assault as defined  
32 under Article 12 of the Criminal Code of 1961.

33 S. "Standby adoption" means an adoption in which a parent  
34 consents to custody and termination of parental rights to  
35 become effective upon the occurrence of a future event, which  
36 is either the death of the parent or the request of the parent

1 for the entry of a final judgment of adoption.

2 T. (Blank).

3 (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,  
4 eff. 1-1-06; revised 8-23-05.)

5 (750 ILCS 50/7) (from Ch. 40, par. 1509)

6 Sec. 7. Process.

7 A. All persons named in the petition for adoption or  
8 standby adoption, other than the petitioners and any party who  
9 has previously either denied being a parent pursuant to Section  
10 12a of this Act or pursuant to the Uniform Parentage Act or  
11 whose rights have been terminated pursuant to Section 12a of  
12 this Act or pursuant to the Uniform Parentage Act, but  
13 including the person sought to be adopted, shall be made  
14 parties defendant by name, and if the name or names of any such  
15 persons are alleged in the petition to be unknown such persons  
16 shall be made parties defendant under the name and style of  
17 "All whom it may concern". In all such actions petitioner or  
18 his attorney shall file, at the office of the clerk of the  
19 court in which the action is pending, an affidavit showing that  
20 the defendant resides or has gone out of this State, or on due  
21 inquiry cannot be found, or is concealed within this State, so  
22 that process cannot be served upon him, and stating the place  
23 of residence of the defendant, if known, or that upon diligent  
24 inquiry his place of residence cannot be ascertained, the clerk  
25 shall cause publication to be made in some newspaper published  
26 in the county in which the action is pending. If there is no  
27 newspaper published in that county, then the publication shall  
28 be in a newspaper published in an adjoining county in this  
29 State, having a circulation in the county in which such action  
30 is pending. In the event there is service on any of the parties  
31 by publication, the publication shall contain notice of  
32 pendency of the action, the name of the person to be adopted  
33 and the name of the parties to be served by publication, and  
34 the date on or after which default may be entered against such  
35 parties. Neither the name of petitioners nor the name of any

1 party who has either surrendered said child, has given their  
2 consent to the adoption of the child, or whose parental rights  
3 have been terminated by a court of competent jurisdiction shall  
4 be included in the notice of publication. The Clerk shall also,  
5 within ten (10) days of the first publication of the notice,  
6 send a copy thereof by mail, addressed to each defendant whose  
7 place of residence is stated in such affidavit. The certificate  
8 of the Clerk that he sent the copies pursuant to this section  
9 is evidence that he has done so. Except as provided in this  
10 section pertaining to service by publication, all parties  
11 defendant shall be notified of the proceedings in the same  
12 manner as is now or may hereafter be required in other civil  
13 cases or proceedings. Any party defendant who is of age of 14  
14 years or upward may waive service of process by entering an  
15 appearance in writing. The form to be used for publication  
16 shall be substantially as follows: "ADOPTION NOTICE - STATE OF  
17 ILLINOIS, County of ....., ss. - Circuit Court of .... County.  
18 In the matter of the Petition for the Adoption of ....., a  
19 ..male child. Adoption No. .... To-- .... (whom it may concern  
20 or the named parent) Take notice that a petition was filed in  
21 the Circuit Court of .... County, Illinois, for the adoption of  
22 a child named ....., Now, therefore, unless you ....., and all  
23 whom it may concern, file your answer to the Petition in the  
24 action or otherwise file your appearance therein, in the said  
25 Circuit Court of ....., County, Room ....., ....., in the City of  
26 ....., Illinois, on or before the .... day of ....., a default  
27 may be entered against you at any time after that day and a  
28 judgment entered in accordance with the prayer of said  
29 Petition. Dated, ....., Illinois, .... ....., Clerk. (Name and  
30 address of attorney for petitioners.)

31 B. A minor defendant who has been served in accordance with  
32 this Section may be defaulted in the same manner as any other  
33 defendant.

34 C. Notwithstanding any inconsistent provision of this or  
35 any other law, and in addition to the notice requirements of  
36 any law pertaining to persons other than those specified in



1 this subsection, the persons entitled to notice that a petition  
2 has been filed under Section 5 of this Act shall include:

3 (a) any person adjudicated by a court in this State to  
4 be the father of the child;

5 (b) any person adjudicated by a court of another state  
6 or territory of the United States to be the father of the  
7 child, when a certified copy of the court order has been  
8 filed with the Putative Father Registry under Section 12.1  
9 of this Act or the Registry of Paternity under the Uniform  
10 Parentage Act;

11 (c) any person who at the time of the filing of the  
12 petition is registered in the Putative Father Registry  
13 under Section 12.1 of this Act or the Registry of Paternity  
14 under the Uniform Parentage Act as the putative father of  
15 the child;

16 (d) any person who is recorded on the child's birth  
17 certificate as the child's father;

18 (e) any person who is openly living with the child or  
19 the child's mother at the time the proceeding is initiated  
20 and who is holding himself out to be the child's father;

21 (f) any person who has been identified as the child's  
22 father by the mother in a written, sworn statement,  
23 including an Affidavit of Identification as specified  
24 under Section 11 of this Act;

25 (g) any person who was married to the child's mother on  
26 the date of the child's birth or within 300 days prior to  
27 the child's birth.

28 The sole purpose of notice under this Section shall be to  
29 enable the person receiving notice to appear in the adoption  
30 proceedings to present evidence to the court relevant to  
31 whether the consent or surrender of the person to the adoption  
32 is required pursuant to Section 8 of this Act. If the court  
33 determines that the consent or surrender of the person is not  
34 required pursuant to Section 8, then the person shall not be  
35 entitled to participate in the proceedings or to any further  
36 notice of the proceedings.

1 (Source: P.A. 94-530, eff. 1-1-06.)

2 (750 ILCS 50/8) (from Ch. 40, par. 1510)

3 Sec. 8. Consents to adoption and surrenders for purposes of  
4 adoption.

5 (a) Except as hereinafter provided in this Section consents  
6 or surrenders shall be required in all cases, unless the person  
7 whose consent or surrender would otherwise be required shall be  
8 found by the court:

9 (1) to be an unfit person as defined in Section 1 of  
10 this Act, by clear and convincing evidence; or

11 (2) not to be the biological or adoptive father of the  
12 child; or

13 (3) to have waived his parental rights to the child  
14 under Section 12a or 12.1 of this Act or under Article 4 of  
15 the Uniform Parentage Act; or

16 (4) to be the parent of an adult sought to be adopted;  
17 or

18 (5) to be the father of the child as a result of  
19 criminal sexual abuse or assault as defined under Article  
20 12 of the Criminal Code of 1961; or

21 (6) to be the father of a child who:

22 (i) is a family member of the mother of the child,  
23 and the mother is under the age of 18 at the time of  
24 the child's conception; for purposes of this  
25 subsection, a "family member" is a parent,  
26 step-parent, grandparent, step-grandparent, sibling,  
27 or cousin of the first degree, whether by whole blood,  
28 half-blood, or adoption, as well as a person age 18 or  
29 over at the time of the child's conception who has  
30 resided in the household with the mother continuously  
31 for at least one year; or

32 (ii) is at least 5 years older than the child's  
33 mother, and the mother was under the age of 17 at the  
34 time of the child's conception, unless the mother and  
35 father voluntarily acknowledge the father's paternity

1 of the child by marrying or by establishing the  
2 father's paternity by consent of the parties pursuant  
3 to the Illinois Parentage Act of 1984 or pursuant to a  
4 substantially similar statute in another state.

5 A criminal conviction of any offense pursuant to  
6 Article 12 of the Criminal Code of 1961 is not required.

7 (b) Where consents are required in the case of an adoption  
8 of a minor child, the consents of the following persons shall  
9 be sufficient:

10 (1) (A) The mother of the minor child; and

11 (B) The father of the minor child, if the father:

12 (i) was married to the mother on the date of  
13 birth of the child or within 300 days before the  
14 birth of the child, except for a husband or former  
15 husband who has been found by a court of competent  
16 jurisdiction not to be the biological father of the  
17 child; or

18 (ii) is the father of the child under a  
19 judgment for adoption, an order of parentage, or an  
20 acknowledgment of parentage or paternity pursuant  
21 to subsection (a) of Section 5 of the Illinois  
22 Parentage Act of 1984 or pursuant to Article 3 of  
23 the Uniform Parentage Act; or

24 (iii) in the case of a child placed with the  
25 adopting parents less than 6 months after birth,  
26 openly lived with the child, the child's  
27 biological mother, or both, and held himself out to  
28 be the child's biological father during the first  
29 30 days following the birth of the child; or

30 (iv) in the case of a child placed with the  
31 adopting parents less than 6 months after birth,  
32 made a good faith effort to pay a reasonable amount  
33 of the expenses related to the birth of the child  
34 and to provide a reasonable amount for the  
35 financial support of the child before the  
36 expiration of 30 days following the birth of the

1 child, provided that the court may consider in its  
2 determination all relevant circumstances,  
3 including the financial condition of both  
4 biological parents; or

5 (v) in the case of a child placed with the  
6 adopting parents more than 6 months after birth,  
7 has maintained substantial and continuous or  
8 repeated contact with the child as manifested by:

9 (I) the payment by the father toward the support of  
10 the child of a fair and reasonable sum, according  
11 to the father's means, and either (II) the father's  
12 visiting the child at least monthly when  
13 physically and financially able to do so and not  
14 prevented from doing so by the person or authorized  
15 agency having lawful custody of the child, or (III)  
16 the father's regular communication with the child  
17 or with the person or agency having the care or  
18 custody of the child, when physically and  
19 financially unable to visit the child or prevented  
20 from doing so by the person or authorized agency  
21 having lawful custody of the child. The subjective  
22 intent of the father, whether expressed or  
23 otherwise unsupported by evidence of acts  
24 specified in this sub-paragraph as manifesting  
25 such intent, shall not preclude a determination  
26 that the father failed to maintain substantial and  
27 continuous or repeated contact with the child; or

28 (vi) in the case of a child placed with the  
29 adopting parents more than six months after birth,  
30 openly lived with the child for a period of six  
31 months within the one year period immediately  
32 preceding the placement of the child for adoption  
33 and openly held himself out to be the father of the  
34 child; or

35 (vii) has timely registered with Putative  
36 Father Registry, as provided in Section 12.1 of

1           this Act, or with the Registry of Paternity, as  
2           provided in Article 4 of the Uniform Parentage Act,  
3           and prior to the expiration of 30 days from the  
4           date of such registration, commenced legal  
5           proceedings to establish paternity under the  
6           Illinois Parentage Act of 1984, under the Uniform  
7           Parentage Act, or under the law of the jurisdiction  
8           of the child's birth; or

9           (2) The legal guardian of the person of the child, if  
10          there is no surviving parent; or

11          (3) An agency, if the child has been surrendered for  
12          adoption to such agency; or

13          (4) Any person or agency having legal custody of a  
14          child by court order if the parental rights of the parents  
15          have been judicially terminated, and the court having  
16          jurisdiction of the guardianship of the child has  
17          authorized the consent to the adoption; or

18          (5) The execution and verification of the petition by  
19          any petitioner who is also a parent of the child sought to  
20          be adopted shall be sufficient evidence of such parent's  
21          consent to the adoption.

22          (c) Where surrenders to an agency are required in the case  
23          of a placement for adoption of a minor child by an agency, the  
24          surrenders of the following persons shall be sufficient:

25                 (1) (A) The mother of the minor child; and

26                         (B) The father of the minor child, if the father:

27                                 (i) was married to the mother on the date of  
28                                 birth of the child or within 300 days before the  
29                                 birth of the child, except for a husband or former  
30                                 husband who has been found by a court of competent  
31                                 jurisdiction not to be the biological father of the  
32                                 child; or

33                                 (ii) is the father of the child under a  
34                                 judgment for adoption, an order of parentage, or an  
35                                 acknowledgment of parentage or paternity pursuant  
36                                 to subsection (a) of Section 5 of the Illinois

1 Parentage Act of 1984 or pursuant to Article 3 of  
2 the Uniform Parentage Act; or

3 (iii) in the case of a child placed with the  
4 adopting parents less than 6 months after birth,  
5 openly lived with the child, the child's  
6 biological mother, or both, and held himself out to  
7 be the child's biological father during the first  
8 30 days following the birth of a child; or

9 (iv) in the case of a child placed with the  
10 adopting parents less than 6 months after birth,  
11 made a good faith effort to pay a reasonable amount  
12 of the expenses related to the birth of the child  
13 and to provide a reasonable amount for the  
14 financial support of the child before the  
15 expiration of 30 days following the birth of the  
16 child, provided that the court may consider in its  
17 determination all relevant circumstances,  
18 including the financial condition of both  
19 biological parents; or

20 (v) in the case of a child placed with the  
21 adopting parents more than six months after birth,  
22 has maintained substantial and continuous or  
23 repeated contact with the child as manifested by:  
24 (I) the payment by the father toward the support of  
25 the child of a fair and reasonable sum, according  
26 to the father's means, and either (II) the father's  
27 visiting the child at least monthly when  
28 physically and financially able to do so and not  
29 prevented from doing so by the person or authorized  
30 agency having lawful custody of the child or (III)  
31 the father's regular communication with the child  
32 or with the person or agency having the care or  
33 custody of the child, when physically and  
34 financially unable to visit the child or prevented  
35 from doing so by the person or authorized agency  
36 having lawful custody of the child. The subjective

1 intent of the father, whether expressed or  
2 otherwise, unsupported by evidence of acts  
3 specified in this sub-paragraph as manifesting  
4 such intent, shall not preclude a determination  
5 that the father failed to maintain substantial and  
6 continuous or repeated contact with the child; or

7 (vi) in the case of a child placed with the  
8 adopting parents more than six months after birth,  
9 openly lived with the child for a period of six  
10 months within the one year period immediately  
11 preceding the placement of the child for adoption  
12 and openly held himself out to be the father of the  
13 child; or

14 (vii) has timely registered with the Putative  
15 Father Registry, as provided in Section 12.1 of  
16 this Act, or with the Registry of Paternity, as  
17 provided in Article 4 of the Uniform Parentage Act,  
18 and prior to the expiration of 30 days from the  
19 date of such registration, commenced legal  
20 proceedings to establish paternity under the  
21 Illinois Parentage Act of 1984, or under the law of  
22 the jurisdiction of the child's birth.

23 (d) In making a determination under subparagraphs (b) (1)  
24 and (c) (1), no showing shall be required of diligent efforts by  
25 a person or agency to encourage the father to perform the acts  
26 specified therein.

27 (e) In the case of the adoption of an adult, only the  
28 consent of such adult shall be required.

29 (Source: P.A. 93-510, eff. 1-1-04; 94-530, eff. 1-1-06.)

30 (750 ILCS 50/12.1)

31 Sec. 12.1. Putative Father Registry; Registry of  
32 Paternity. On and after the effective date of this amendatory  
33 Act of the 94th General Assembly, all information and records  
34 in the Putative Father Registry are a part of the Registry of  
35 Paternity created under the Uniform Parentage Act, have the

1 same force and effect as other information and records in the  
2 Registry of Paternity, and are subject to the laws and rules  
3 governing the Registry of Paternity. The Department of Children  
4 and Family Services shall take all actions necessary to  
5 transfer the information and records. ~~The Department of~~  
6 ~~Children and Family Services shall establish a Putative Father~~  
7 ~~Registry for the purpose of determining the identity and~~  
8 ~~location of a putative father of a minor child who is, or is~~  
9 ~~expected to be, the subject of an adoption proceeding, in order~~  
10 ~~to provide notice of such proceeding to the putative father.~~  
11 ~~The Department of Children and Family Services shall establish~~  
12 ~~rules and informational material necessary to implement the~~  
13 ~~provisions of this Section. The Department shall have the~~  
14 ~~authority to set reasonable fees for the use of the Registry.~~

15 ~~(a) The Department shall maintain the following~~  
16 ~~information in the Registry:~~

17 ~~(1) With respect to the putative father:~~

18 ~~(i) Name, including any other names by which the~~  
19 ~~putative father may be known and that he may provide to~~  
20 ~~the Registry;~~

21 ~~(ii) Address at which he may be served with notice~~  
22 ~~of a petition under this Act, including any change of~~  
23 ~~address;~~

24 ~~(iii) Social Security Number;~~

25 ~~(iv) Date of birth; and~~

26 ~~(v) If applicable, a certified copy of an order by~~  
27 ~~a court of this State or of another state or territory~~  
28 ~~of the United States adjudicating the putative father~~  
29 ~~to be the father of the child.~~

30 ~~(2) With respect to the mother of the child:~~

31 ~~(i) Name, including all other names known to the~~  
32 ~~putative father by which the mother may be known;~~

33 ~~(ii) If known to the putative father, her last~~  
34 ~~address;~~

35 ~~(iii) Social Security Number; and~~

36 ~~(iv) Date of birth.~~



1           ~~(3) If known to the putative father, the name, gender,~~  
2           ~~place of birth, and date of birth or anticipated date of~~  
3           ~~birth of the child.~~

4           ~~(4) The date that the Department received the putative~~  
5           ~~father's registration.~~

6           ~~(5) Other information as the Department may by rule~~  
7           ~~determine necessary for the orderly administration of the~~  
8           ~~Registry.~~

9           ~~(b) A putative father may register with the Department~~  
10          ~~before the birth of the child but shall register no later than~~  
11          ~~30 days after the birth of the child. All registrations shall~~  
12          ~~be in writing and signed by the putative father. No fee shall~~  
13          ~~be charged for the initial registration. The Department shall~~  
14          ~~have no independent obligation to gather the information to be~~  
15          ~~maintained.~~

16          ~~(c) An interested party, including persons intending to~~  
17          ~~adopt a child, a child welfare agency with whom the mother has~~  
18          ~~placed or has given written notice of her intention to place a~~  
19          ~~child for adoption, the mother of the child, or an attorney~~  
20          ~~representing an interested party may request that the~~  
21          ~~Department search the Registry to determine whether a putative~~  
22          ~~father is registered in relation to a child who is or may be~~  
23          ~~the subject to an adoption petition.~~

24          ~~(d) A search of the Registry may be proven by the~~  
25          ~~production of a certified copy of the registration form, or by~~  
26          ~~the certified statement of the administrator of the Registry~~  
27          ~~that after a search, no registration of a putative father in~~  
28          ~~relation to a child who is or may be the subject of an adoption~~  
29          ~~petition could be located.~~

30          ~~(e) Except as otherwise provided, information contained~~  
31          ~~within the Registry is confidential and shall not be published~~  
32          ~~or open to public inspection.~~

33          ~~(f) A person who knowingly or intentionally registers false~~  
34          ~~information under this Section commits a Class B misdemeanor. A~~  
35          ~~person who knowingly or intentionally releases confidential~~  
36          ~~information in violation of this Section commits a Class B~~

1 ~~misdemeanor.~~

2 ~~(g) Except as provided in subsections (b) or (c) of Section~~  
3 ~~8 of this Act, a putative father who fails to register with the~~  
4 ~~Putative Father Registry as provided in this Section is barred~~  
5 ~~from thereafter bringing or maintaining any action to assert~~  
6 ~~any interest in the child, unless he proves by clear and~~  
7 ~~convincing evidence that:~~

8 ~~(1) it was not possible for him to register within the~~  
9 ~~period of time specified in subsection (b) of this Section;~~  
10 ~~and~~

11 ~~(2) his failure to register was through no fault of his~~  
12 ~~own; and~~

13 ~~(3) he registered within 10 days after it became~~  
14 ~~possible for him to file.~~

15 ~~A lack of knowledge of the pregnancy or birth is not an~~  
16 ~~acceptable reason for failure to register.~~

17 ~~(h) Except as provided in subsection (b) or (c) of Section~~  
18 ~~8 of this Act, failure to timely register with the Putative~~  
19 ~~Father Registry (i) shall be deemed to be a waiver and~~  
20 ~~surrender of any right to notice of any hearing in any judicial~~  
21 ~~proceeding for the adoption of the child, and the consent or~~  
22 ~~surrender of that person to the adoption of the child is not~~  
23 ~~required, and (ii) shall constitute an abandonment of the child~~  
24 ~~and shall be prima facie evidence of sufficient grounds to~~  
25 ~~support termination of such father's parental rights under this~~  
26 ~~Act.~~

27 ~~(i) In any adoption proceeding pertaining to a child born~~  
28 ~~out of wedlock, if there is no showing that a putative father~~  
29 ~~has executed a consent or surrender or waived his rights~~  
30 ~~regarding the proposed adoption, certification as specified in~~  
31 ~~subsection (d) shall be filed with the court prior to entry of~~  
32 ~~a final judgment order of adoption.~~

33 ~~(j) The Registry shall not be used to notify a putative~~  
34 ~~father who is the father of a child as a result of criminal~~  
35 ~~sexual abuse or assault as defined under Article 12 of the~~  
36 ~~Criminal Code of 1961.~~

1 (Source: P.A. 89-315, eff. 1-1-96; 90-15, eff. 6-13-97.)

2 (750 ILCS 50/18.06)

3 Sec. 18.06. Definitions. When used in Sections 18.05  
4 through Section 18.6, for the purposes of the Registry:

5 "Adopted person" means a person who was adopted pursuant to  
6 the laws in effect at the time of the adoption.

7 "Adoptive parent" means a person who has become a parent  
8 through the legal process of adoption.

9 "Adult child" means the biological child 21 years of age or  
10 over of a deceased adopted or surrendered person.

11 "Agency" means a public child welfare agency or a licensed  
12 child welfare agency.

13 "Birth aunt" means the adult full or half sister of a  
14 deceased birth parent.

15 "Birth father" means the biological father of an adopted or  
16 surrendered person who is named on the original certificate of  
17 live birth or on a consent or surrender document, or a  
18 biological father whose paternity has been established by a  
19 judgment or order of the court, pursuant to the Illinois  
20 Parentage Act of 1984 or the Uniform Parentage Act.

21 "Birth mother" means the biological mother of an adopted or  
22 surrendered person.

23 "Birth parent" means a birth mother or birth father of an  
24 adopted or surrendered person.

25 "Birth relative" means a birth mother, birth father, birth  
26 sibling, birth aunt, or birth uncle.

27 "Birth sibling" means the adult full or half sibling of an  
28 adopted or surrendered person.

29 "Birth uncle" means the adult full or half brother of a  
30 deceased birth parent.

31 "Denial of Information Exchange" means an affidavit  
32 completed by a registrant with the Illinois Adoption Registry  
33 and Medical Information Exchange denying the release of  
34 identifying information.

35 "Information Exchange Authorization" means an affidavit

1 completed by a registrant with the Illinois Adoption Registry  
2 and Medical Information Exchange authorizing the release of  
3 identifying information.

4 "Medical Information Exchange Questionnaire" means the  
5 medical history questionnaire completed by a registrant of the  
6 Illinois Adoption Registry and Medical Information Exchange.

7 "Proof of death" means a death certificate.

8 "Registrant" or "Registered Party" means a birth parent,  
9 birth sibling, birth aunt, birth uncle, adopted or surrendered  
10 person 21 years of age or over, adoptive parent or legal  
11 guardian of an adopted or surrendered person under the age of  
12 21, or adoptive parent, surviving spouse, or adult child of a  
13 deceased adopted or surrendered person who has filed an  
14 Illinois Adoption Registry Application or Registration  
15 Identification Form with the Registry.

16 "Surrendered person" means a person whose parents' rights  
17 have been surrendered or terminated but who has not been  
18 adopted.

19 "Surviving spouse" means the wife or husband of a deceased  
20 adopted or surrendered person who has one or more biological  
21 children under the age of 21.

22 (Source: P.A. 94-173, eff. 1-1-06.)

23 Section 990.20. The Illinois Domestic Violence Act of 1986  
24 is amended by changing Sections 202 and 214 as follows:

25 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

26 Sec. 202. Commencement of action; filing fees; dismissal.

27 (a) How to commence action. Actions for orders of  
28 protection are commenced:

29 (1) Independently: By filing a petition for an order of  
30 protection in any civil court, unless specific courts are  
31 designated by local rule or order.

32 (2) In conjunction with another civil proceeding: By  
33 filing a petition for an order of protection under the same  
34 case number as another civil proceeding involving the

1 parties, including but not limited to: (i) any proceeding  
2 under the Illinois Marriage and Dissolution of Marriage  
3 Act, Uniform Parentage Act ~~Illinois Parentage Act of 1984~~,  
4 Nonsupport of Spouse and Children Act, Revised Uniform  
5 Reciprocal Enforcement of Support Act or an action for  
6 nonsupport brought under Article 10 of the Illinois Public  
7 Aid Code, provided that a petitioner and the respondent are  
8 a party to or the subject of that proceeding or (ii) a  
9 guardianship proceeding under the Probate Act of 1975, or a  
10 proceeding for involuntary commitment under the Mental  
11 Health and Developmental Disabilities Code, or any  
12 proceeding, other than a delinquency petition, under the  
13 Juvenile Court Act of 1987, provided that a petitioner or  
14 the respondent is a party to or the subject of such  
15 proceeding.

16 (3) In conjunction with a delinquency petition or a  
17 criminal prosecution: By filing a petition for an order of  
18 protection, under the same case number as the delinquency  
19 petition or criminal prosecution, to be granted during  
20 pre-trial release of a defendant, with any dispositional  
21 order issued under Section 5-710 of the Juvenile Court Act  
22 of 1987 or as a condition of release, supervision,  
23 conditional discharge, probation, periodic imprisonment,  
24 parole or mandatory supervised release, or in conjunction  
25 with imprisonment or a bond forfeiture warrant; provided  
26 that:

27 (i) the violation is alleged in an information,  
28 complaint, indictment or delinquency petition on file,  
29 and the alleged offender and victim are family or  
30 household members or persons protected by this Act; and

31 (ii) the petition, which is filed by the State's  
32 Attorney, names a victim of the alleged crime as a  
33 petitioner.

34 (b) Filing, certification, and service fees. No fee shall  
35 be charged by the clerk for filing, amending, vacating,  
36 certifying, or photocopying petitions or orders; or for issuing

1 alias summons; or for any related filing service. No fee shall  
2 be charged by the sheriff for service by the sheriff of a  
3 petition, rule, motion, or order in an action commenced under  
4 this Section.

5 (c) Dismissal and consolidation. Withdrawal or dismissal  
6 of any petition for an order of protection prior to  
7 adjudication where the petitioner is represented by the State  
8 shall operate as a dismissal without prejudice. No action for  
9 an order of protection shall be dismissed because the  
10 respondent is being prosecuted for a crime against the  
11 petitioner. An independent action may be consolidated with  
12 another civil proceeding, as provided by paragraph (2) of  
13 subsection (a) of this Section. For any action commenced under  
14 paragraph (2) or (3) of subsection (a) of this Section,  
15 dismissal of the conjoined case (or a finding of not guilty)  
16 shall not require dismissal of the action for the order of  
17 protection; instead, it may be treated as an independent action  
18 and, if necessary and appropriate, transferred to a different  
19 court or division. Dismissal of any conjoined case shall not  
20 affect the validity of any previously issued order of  
21 protection, and thereafter subsections (b)(1) and (b)(2) of  
22 Section 220 shall be inapplicable to such order.

23 (d) Pro se petitions. The court shall provide, through the  
24 office of the clerk of the court, simplified forms and clerical  
25 assistance to help with the writing and filing of a petition  
26 under this Section by any person not represented by counsel. In  
27 addition, that assistance may be provided by the state's  
28 attorney.

29 (Source: P.A. 93-458, eff. 1-1-04.)

30 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

31 Sec. 214. Order of protection; remedies.

32 (a) Issuance of order. If the court finds that petitioner  
33 has been abused by a family or household member or that  
34 petitioner is a high-risk adult who has been abused, neglected,  
35 or exploited, as defined in this Act, an order of protection

1 prohibiting the abuse, neglect, or exploitation shall issue;  
2 provided that petitioner must also satisfy the requirements of  
3 one of the following Sections, as appropriate: Section 217 on  
4 emergency orders, Section 218 on interim orders, or Section 219  
5 on plenary orders. Petitioner shall not be denied an order of  
6 protection because petitioner or respondent is a minor. The  
7 court, when determining whether or not to issue an order of  
8 protection, shall not require physical manifestations of abuse  
9 on the person of the victim. Modification and extension of  
10 prior orders of protection shall be in accordance with this  
11 Act.

12 (b) Remedies and standards. The remedies to be included in  
13 an order of protection shall be determined in accordance with  
14 this Section and one of the following Sections, as appropriate:  
15 Section 217 on emergency orders, Section 218 on interim orders,  
16 and Section 219 on plenary orders. The remedies listed in this  
17 subsection shall be in addition to other civil or criminal  
18 remedies available to petitioner.

19 (1) Prohibition of abuse, neglect, or exploitation.  
20 Prohibit respondent's harassment, interference with  
21 personal liberty, intimidation of a dependent, physical  
22 abuse, or willful deprivation, neglect or exploitation, as  
23 defined in this Act, or stalking of the petitioner, as  
24 defined in Section 12-7.3 of the Criminal Code of 1961, if  
25 such abuse, neglect, exploitation, or stalking has  
26 occurred or otherwise appears likely to occur if not  
27 prohibited.

28 (2) Grant of exclusive possession of residence.  
29 Prohibit respondent from entering or remaining in any  
30 residence or household of the petitioner, including one  
31 owned or leased by respondent, if petitioner has a right to  
32 occupancy thereof. The grant of exclusive possession of the  
33 residence shall not affect title to real property, nor  
34 shall the court be limited by the standard set forth in  
35 Section 701 of the Illinois Marriage and Dissolution of  
36 Marriage Act.

1 (A) Right to occupancy. A party has a right to  
2 occupancy of a residence or household if it is solely  
3 or jointly owned or leased by that party, that party's  
4 spouse, a person with a legal duty to support that  
5 party or a minor child in that party's care, or by any  
6 person or entity other than the opposing party that  
7 authorizes that party's occupancy (e.g., a domestic  
8 violence shelter). Standards set forth in subparagraph  
9 (B) shall not preclude equitable relief.

10 (B) Presumption of hardships. If petitioner and  
11 respondent each has the right to occupancy of a  
12 residence or household, the court shall balance (i) the  
13 hardships to respondent and any minor child or  
14 dependent adult in respondent's care resulting from  
15 entry of this remedy with (ii) the hardships to  
16 petitioner and any minor child or dependent adult in  
17 petitioner's care resulting from continued exposure to  
18 the risk of abuse (should petitioner remain at the  
19 residence or household) or from loss of possession of  
20 the residence or household (should petitioner leave to  
21 avoid the risk of abuse). When determining the balance  
22 of hardships, the court shall also take into account  
23 the accessibility of the residence or household.  
24 Hardships need not be balanced if respondent does not  
25 have a right to occupancy.

26 The balance of hardships is presumed to favor  
27 possession by petitioner unless the presumption is  
28 rebutted by a preponderance of the evidence, showing  
29 that the hardships to respondent substantially  
30 outweigh the hardships to petitioner and any minor  
31 child or dependent adult in petitioner's care. The  
32 court, on the request of petitioner or on its own  
33 motion, may order respondent to provide suitable,  
34 accessible, alternate housing for petitioner instead  
35 of excluding respondent from a mutual residence or  
36 household.



1           (3) Stay away order and additional prohibitions. Order  
2 respondent to stay away from petitioner or any other person  
3 protected by the order of protection, or prohibit  
4 respondent from entering or remaining present at  
5 petitioner's school, place of employment, or other  
6 specified places at times when petitioner is present, or  
7 both, if reasonable, given the balance of hardships.  
8 Hardships need not be balanced for the court to enter a  
9 stay away order or prohibit entry if respondent has no  
10 right to enter the premises.

11           If an order of protection grants petitioner exclusive  
12 possession of the residence, or prohibits respondent from  
13 entering the residence, or orders respondent to stay away  
14 from petitioner or other protected persons, then the court  
15 may allow respondent access to the residence to remove  
16 items of clothing and personal adornment used exclusively  
17 by respondent, medications, and other items as the court  
18 directs. The right to access shall be exercised on only one  
19 occasion as the court directs and in the presence of an  
20 agreed-upon adult third party or law enforcement officer.

21           (4) Counseling. Require or recommend the respondent to  
22 undergo counseling for a specified duration with a social  
23 worker, psychologist, clinical psychologist, psychiatrist,  
24 family service agency, alcohol or substance abuse program,  
25 mental health center guidance counselor, agency providing  
26 services to elders, program designed for domestic violence  
27 abusers or any other guidance service the court deems  
28 appropriate.

29           (5) Physical care and possession of the minor child. In  
30 order to protect the minor child from abuse, neglect, or  
31 unwarranted separation from the person who has been the  
32 minor child's primary caretaker, or to otherwise protect  
33 the well-being of the minor child, the court may do either  
34 or both of the following: (i) grant petitioner physical  
35 care or possession of the minor child, or both, or (ii)  
36 order respondent to return a minor child to, or not remove

1 a minor child from, the physical care of a parent or person  
2 in loco parentis.

3 If a court finds, after a hearing, that respondent has  
4 committed abuse (as defined in Section 103) of a minor  
5 child, there shall be a rebuttable presumption that  
6 awarding physical care to respondent would not be in the  
7 minor child's best interest.

8 (6) Temporary legal custody. Award temporary legal  
9 custody to petitioner in accordance with this Section, the  
10 Illinois Marriage and Dissolution of Marriage Act, the  
11 Uniform Parentage Act ~~the Illinois Parentage Act of 1984,~~  
12 and this State's Uniform Child-Custody Jurisdiction and  
13 Enforcement Act.

14 If a court finds, after a hearing, that respondent has  
15 committed abuse (as defined in Section 103) of a minor  
16 child, there shall be a rebuttable presumption that  
17 awarding temporary legal custody to respondent would not be  
18 in the child's best interest.

19 (7) Visitation. Determine the visitation rights, if  
20 any, of respondent in any case in which the court awards  
21 physical care or temporary legal custody of a minor child  
22 to petitioner. The court shall restrict or deny  
23 respondent's visitation with a minor child if the court  
24 finds that respondent has done or is likely to do any of  
25 the following: (i) abuse or endanger the minor child during  
26 visitation; (ii) use the visitation as an opportunity to  
27 abuse or harass petitioner or petitioner's family or  
28 household members; (iii) improperly conceal or detain the  
29 minor child; or (iv) otherwise act in a manner that is not  
30 in the best interests of the minor child. The court shall  
31 not be limited by the standards set forth in Section 607.1  
32 of the Illinois Marriage and Dissolution of Marriage Act.  
33 If the court grants visitation, the order shall specify  
34 dates and times for the visitation to take place or other  
35 specific parameters or conditions that are appropriate. No  
36 order for visitation shall refer merely to the term

1 "reasonable visitation".

2 Petitioner may deny respondent access to the minor  
3 child if, when respondent arrives for visitation,  
4 respondent is under the influence of drugs or alcohol and  
5 constitutes a threat to the safety and well-being of  
6 petitioner or petitioner's minor children or is behaving in  
7 a violent or abusive manner.

8 If necessary to protect any member of petitioner's  
9 family or household from future abuse, respondent shall be  
10 prohibited from coming to petitioner's residence to meet  
11 the minor child for visitation, and the parties shall  
12 submit to the court their recommendations for reasonable  
13 alternative arrangements for visitation. A person may be  
14 approved to supervise visitation only after filing an  
15 affidavit accepting that responsibility and acknowledging  
16 accountability to the court.

17 (8) Removal or concealment of minor child. Prohibit  
18 respondent from removing a minor child from the State or  
19 concealing the child within the State.

20 (9) Order to appear. Order the respondent to appear in  
21 court, alone or with a minor child, to prevent abuse,  
22 neglect, removal or concealment of the child, to return the  
23 child to the custody or care of the petitioner or to permit  
24 any court-ordered interview or examination of the child or  
25 the respondent.

26 (10) Possession of personal property. Grant petitioner  
27 exclusive possession of personal property and, if  
28 respondent has possession or control, direct respondent to  
29 promptly make it available to petitioner, if:

30 (i) petitioner, but not respondent, owns the  
31 property; or

32 (ii) the parties own the property jointly; sharing  
33 it would risk abuse of petitioner by respondent or is  
34 impracticable; and the balance of hardships favors  
35 temporary possession by petitioner.

36 If petitioner's sole claim to ownership of the property

1 is that it is marital property, the court may award  
2 petitioner temporary possession thereof under the  
3 standards of subparagraph (ii) of this paragraph only if a  
4 proper proceeding has been filed under the Illinois  
5 Marriage and Dissolution of Marriage Act, as now or  
6 hereafter amended.

7 No order under this provision shall affect title to  
8 property.

9 (11) Protection of property. Forbid the respondent  
10 from taking, transferring, encumbering, concealing,  
11 damaging or otherwise disposing of any real or personal  
12 property, except as explicitly authorized by the court, if:

13 (i) petitioner, but not respondent, owns the  
14 property; or

15 (ii) the parties own the property jointly, and the  
16 balance of hardships favors granting this remedy.

17 If petitioner's sole claim to ownership of the property  
18 is that it is marital property, the court may grant  
19 petitioner relief under subparagraph (ii) of this  
20 paragraph only if a proper proceeding has been filed under  
21 the Illinois Marriage and Dissolution of Marriage Act, as  
22 now or hereafter amended.

23 The court may further prohibit respondent from  
24 improperly using the financial or other resources of an  
25 aged member of the family or household for the profit or  
26 advantage of respondent or of any other person.

27 (12) Order for payment of support. Order respondent to  
28 pay temporary support for the petitioner or any child in  
29 the petitioner's care or custody, when the respondent has a  
30 legal obligation to support that person, in accordance with  
31 the Illinois Marriage and Dissolution of Marriage Act,  
32 which shall govern, among other matters, the amount of  
33 support, payment through the clerk and withholding of  
34 income to secure payment. An order for child support may be  
35 granted to a petitioner with lawful physical care or  
36 custody of a child, or an order or agreement for physical

1 care or custody, prior to entry of an order for legal  
2 custody. Such a support order shall expire upon entry of a  
3 valid order granting legal custody to another, unless  
4 otherwise provided in the custody order.

5 (13) Order for payment of losses. Order respondent to  
6 pay petitioner for losses suffered as a direct result of  
7 the abuse, neglect, or exploitation. Such losses shall  
8 include, but not be limited to, medical expenses, lost  
9 earnings or other support, repair or replacement of  
10 property damaged or taken, reasonable attorney's fees,  
11 court costs and moving or other travel expenses, including  
12 additional reasonable expenses for temporary shelter and  
13 restaurant meals.

14 (i) Losses affecting family needs. If a party is  
15 entitled to seek maintenance, child support or  
16 property distribution from the other party under the  
17 Illinois Marriage and Dissolution of Marriage Act, as  
18 now or hereafter amended, the court may order  
19 respondent to reimburse petitioner's actual losses, to  
20 the extent that such reimbursement would be  
21 "appropriate temporary relief", as authorized by  
22 subsection (a) (3) of Section 501 of that Act.

23 (ii) Recovery of expenses. In the case of an  
24 improper concealment or removal of a minor child, the  
25 court may order respondent to pay the reasonable  
26 expenses incurred or to be incurred in the search for  
27 and recovery of the minor child, including but not  
28 limited to legal fees, court costs, private  
29 investigator fees, and travel costs.

30 (14) Prohibition of entry. Prohibit the respondent  
31 from entering or remaining in the residence or household  
32 while the respondent is under the influence of alcohol or  
33 drugs and constitutes a threat to the safety and well-being  
34 of the petitioner or the petitioner's children.

35 (14.5) Prohibition of firearm possession.

36 (a) When a complaint is made under a request for an

1 order of protection, that the respondent has  
2 threatened or is likely to use firearms illegally  
3 against the petitioner, and the respondent is present  
4 in court, or has failed to appear after receiving  
5 actual notice, the court shall examine on oath the  
6 petitioner, and any witnesses who may be produced. If  
7 the court is satisfied that there is any danger of the  
8 illegal use of firearms, it shall issue an order that  
9 any firearms in the possession of the respondent,  
10 except as provided in subsection (b), be turned over to  
11 the local law enforcement agency for safekeeping. If  
12 the respondent has failed to appear, the court shall  
13 issue a warrant for seizure of any firearm in the  
14 possession of the respondent. The period of  
15 safekeeping shall be for a stated period of time not to  
16 exceed 2 years. The firearm or firearms shall be  
17 returned to the respondent at the end of the stated  
18 period or at expiration of the order of protection,  
19 whichever is sooner.

20 (b) If the respondent is a peace officer as defined  
21 in Section 2-13 of the Criminal Code of 1961, the court  
22 shall order that any firearms used by the respondent in  
23 the performance of his or her duties as a peace officer  
24 be surrendered to the chief law enforcement executive  
25 of the agency in which the respondent is employed, who  
26 shall retain the firearms for safekeeping for the  
27 stated period not to exceed 2 years as set forth in the  
28 court order.

29 (15) Prohibition of access to records. If an order of  
30 protection prohibits respondent from having contact with  
31 the minor child, or if petitioner's address is omitted  
32 under subsection (b) of Section 203, or if necessary to  
33 prevent abuse or wrongful removal or concealment of a minor  
34 child, the order shall deny respondent access to, and  
35 prohibit respondent from inspecting, obtaining, or  
36 attempting to inspect or obtain, school or any other

1 records of the minor child who is in the care of  
2 petitioner.

3 (16) Order for payment of shelter services. Order  
4 respondent to reimburse a shelter providing temporary  
5 housing and counseling services to the petitioner for the  
6 cost of the services, as certified by the shelter and  
7 deemed reasonable by the court.

8 (17) Order for injunctive relief. Enter injunctive  
9 relief necessary or appropriate to prevent further abuse of  
10 a family or household member or further abuse, neglect, or  
11 exploitation of a high-risk adult with disabilities or to  
12 effectuate one of the granted remedies, if supported by the  
13 balance of hardships. If the harm to be prevented by the  
14 injunction is abuse or any other harm that one of the  
15 remedies listed in paragraphs (1) through (16) of this  
16 subsection is designed to prevent, no further evidence is  
17 necessary that the harm is an irreparable injury.

18 (c) Relevant factors; findings.

19 (1) In determining whether to grant a specific remedy,  
20 other than payment of support, the court shall consider  
21 relevant factors, including but not limited to the  
22 following:

23 (i) the nature, frequency, severity, pattern and  
24 consequences of the respondent's past abuse, neglect  
25 or exploitation of the petitioner or any family or  
26 household member, including the concealment of his or  
27 her location in order to evade service of process or  
28 notice, and the likelihood of danger of future abuse,  
29 neglect, or exploitation to petitioner or any member of  
30 petitioner's or respondent's family or household; and

31 (ii) the danger that any minor child will be abused  
32 or neglected or improperly removed from the  
33 jurisdiction, improperly concealed within the State or  
34 improperly separated from the child's primary  
35 caretaker.

36 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the  
2 court shall consider relevant factors, including but not  
3 limited to the following:

4 (i) availability, accessibility, cost, safety,  
5 adequacy, location and other characteristics of  
6 alternate housing for each party and any minor child or  
7 dependent adult in the party's care;

8 (ii) the effect on the party's employment; and

9 (iii) the effect on the relationship of the party,  
10 and any minor child or dependent adult in the party's  
11 care, to family, school, church and community.

12 (3) Subject to the exceptions set forth in paragraph  
13 (4) of this subsection, the court shall make its findings  
14 in an official record or in writing, and shall at a minimum  
15 set forth the following:

16 (i) That the court has considered the applicable  
17 relevant factors described in paragraphs (1) and (2) of  
18 this subsection.

19 (ii) Whether the conduct or actions of respondent,  
20 unless prohibited, will likely cause irreparable harm  
21 or continued abuse.

22 (iii) Whether it is necessary to grant the  
23 requested relief in order to protect petitioner or  
24 other alleged abused persons.

25 (4) For purposes of issuing an ex parte emergency order  
26 of protection, the court, as an alternative to or as a  
27 supplement to making the findings described in paragraphs  
28 (c)(3)(i) through (c)(3)(iii) of this subsection, may use  
29 the following procedure:

30 When a verified petition for an emergency order of  
31 protection in accordance with the requirements of Sections  
32 203 and 217 is presented to the court, the court shall  
33 examine petitioner on oath or affirmation. An emergency  
34 order of protection shall be issued by the court if it  
35 appears from the contents of the petition and the  
36 examination of petitioner that the averments are



1 sufficient to indicate abuse by respondent and to support  
2 the granting of relief under the issuance of the emergency  
3 order of protection.

4 (5) Never married parties. No rights or  
5 responsibilities for a minor child born outside of marriage  
6 attach to a putative father until a father and child  
7 relationship has been established under the Illinois  
8 Parentage Act of 1984, the Uniform Parentage Act, the  
9 Illinois Public Aid Code, Section 12 of the Vital Records  
10 Act, the Juvenile Court Act of 1987, the Probate Act of  
11 1985, the Revised Uniform Reciprocal Enforcement of  
12 Support Act, the Uniform Interstate Family Support Act, the  
13 Expedited Child Support Act of 1990, any judicial,  
14 administrative, or other act of another state or territory,  
15 any other Illinois statute, or by any foreign nation  
16 establishing the father and child relationship, any other  
17 proceeding substantially in conformity with the Personal  
18 Responsibility and Work Opportunity Reconciliation Act of  
19 1996 (Pub. L. 104-193), or where both parties appeared in  
20 open court or at an administrative hearing acknowledging  
21 under oath or admitting by affirmation the existence of a  
22 father and child relationship. Absent such an  
23 adjudication, finding, or acknowledgement, no putative  
24 father shall be granted temporary custody of the minor  
25 child, visitation with the minor child, or physical care  
26 and possession of the minor child, nor shall an order of  
27 payment for support of the minor child be entered.

28 (d) Balance of hardships; findings. If the court finds that  
29 the balance of hardships does not support the granting of a  
30 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
31 subsection (b) of this Section, which may require such  
32 balancing, the court's findings shall so indicate and shall  
33 include a finding as to whether granting the remedy will result  
34 in hardship to respondent that would substantially outweigh the  
35 hardship to petitioner from denial of the remedy. The findings  
36 shall be an official record or in writing.

1 (e) Denial of remedies. Denial of any remedy shall not be  
2 based, in whole or in part, on evidence that:

3 (1) Respondent has cause for any use of force, unless  
4 that cause satisfies the standards for justifiable use of  
5 force provided by Article VII of the Criminal Code of 1961;

6 (2) Respondent was voluntarily intoxicated;

7 (3) Petitioner acted in self-defense or defense of  
8 another, provided that, if petitioner utilized force, such  
9 force was justifiable under Article VII of the Criminal  
10 Code of 1961;

11 (4) Petitioner did not act in self-defense or defense  
12 of another;

13 (5) Petitioner left the residence or household to avoid  
14 further abuse, neglect, or exploitation by respondent;

15 (6) Petitioner did not leave the residence or household  
16 to avoid further abuse, neglect, or exploitation by  
17 respondent;

18 (7) Conduct by any family or household member excused  
19 the abuse, neglect, or exploitation by respondent, unless  
20 that same conduct would have excused such abuse, neglect,  
21 or exploitation if the parties had not been family or  
22 household members.

23 (Source: P.A. 93-108, eff. 1-1-04.)

24 Section 990.21. The Business Corporation Act of 1983 is  
25 amended by changing Section 1.25 as follows:

26 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

27 Sec. 1.25. List of corporations; exchange of information.

28 (a) The Secretary of State shall publish each year a list  
29 of corporations filing an annual report for the preceding year  
30 in accordance with the provisions of this Act, which report  
31 shall state the name of the corporation and the respective  
32 names and addresses of the president, secretary, and registered  
33 agent thereof and the address of the registered office in this  
34 State of each such corporation. The Secretary of State shall

1 furnish without charge a copy of such report to each recorder  
2 of this State, and to each member of the General Assembly and  
3 to each State agency or department requesting the same. The  
4 Secretary of State shall, upon receipt of a written request and  
5 a fee as determined by the Secretary, furnish such report to  
6 anyone else.

7 (b) (1) The Secretary of State shall publish daily a list  
8 of all newly formed corporations, business and not for profit,  
9 chartered by him on that day issued after receipt of the  
10 application. The daily list shall contain the same information  
11 as to each corporation as is provided for the corporation list  
12 published under subsection (a) of this Section. The daily list  
13 may be obtained at the Secretary's office by any person,  
14 newspaper, State department or agency, or local government for  
15 a reasonable charge to be determined by the Secretary.  
16 Inspection of the daily list may be made at the Secretary's  
17 office during normal business hours without charge by any  
18 person, newspaper, State department or agency, or local  
19 government.

20 (2) The Secretary shall compile the daily list mentioned in  
21 paragraph (1) of subsection (b) of this Section monthly, or  
22 more often at the Secretary's discretion. The compilation shall  
23 be immediately mailed free of charge to all local governments  
24 requesting in writing receipt of such publication, or shall be  
25 automatically mailed by the Secretary without charge to local  
26 governments as determined by the Secretary. The Secretary shall  
27 mail a copy of the compilations free of charge to all State  
28 departments or agencies making a written request. A request for  
29 a compilation of the daily list once made by a local government  
30 or State department or agency need not be renewed. However, the  
31 Secretary may request from time to time whether the local  
32 governments or State departments or agencies desire to continue  
33 receiving the compilation.

34 (3) The compilations of the daily list mentioned in  
35 paragraph (2) of subsection (b) of this Section shall be mailed  
36 to newspapers, or any other person not included as a recipient

1 in paragraph (2) of subsection (b) of this Section, upon  
2 receipt of a written application signed by the applicant and  
3 accompanied by the payment of a fee as determined by the  
4 Secretary.

5 (c) If a domestic or foreign corporation has filed with the  
6 Secretary of State an annual report for the preceding year or  
7 has been newly formed or is otherwise and in any manner  
8 registered with the Secretary of State, the Secretary of State  
9 shall exchange with the ~~Illinois~~ Department of Healthcare and  
10 Family Services ~~Public Aid~~ any information concerning that  
11 corporation that may be necessary for the enforcement of child  
12 support orders entered pursuant to the Illinois Public Aid  
13 Code, the Illinois Marriage and Dissolution of Marriage Act,  
14 the Non-Support of Spouse and Children Act, the Non-Support  
15 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
16 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the  
17 Illinois Parentage Act of 1984, or the Uniform Parentage Act.

18 Notwithstanding any provisions in this Act to the contrary,  
19 the Secretary of State shall not be liable to any person for  
20 any disclosure of information to the Department of Healthcare  
21 and Family Services (formerly Illinois Department of Public  
22 Aid) under this subsection or for any other action taken in  
23 good faith to comply with the requirements of this subsection.

24 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
25 12-15-05.)

26 Section 990.22. The Limited Liability Company Act is  
27 amended by changing Section 50-5 as follows:

28 (805 ILCS 180/50-5)

29 Sec. 50-5. List of limited liability companies; exchange of  
30 information.

31 (a) The Secretary of State may publish a list or lists of  
32 limited liability companies and foreign limited liability  
33 companies, as often, in the format, and for the fees as the  
34 Secretary of State may in his or her discretion provide by

1 rule. The Secretary of State may disseminate information  
2 concerning limited liability companies and foreign limited  
3 liability companies by computer network in the format and for  
4 the fees as may be determined by rule.

5 (b) Upon written request, any list published under  
6 subsection (a) shall be free to each member of the General  
7 Assembly, to each State agency or department, and to each  
8 recorder in this State. An appropriate fee established by rule  
9 to cover the cost of producing the list shall be charged to all  
10 others.

11 (c) If a domestic or foreign limited liability company has  
12 filed with the Secretary of State an annual report for the  
13 preceding year or has been newly formed or is otherwise and in  
14 any manner registered with the Secretary of State, the  
15 Secretary of State shall exchange with the ~~Illinois~~ Department  
16 of Healthcare and Family Services ~~Public Aid~~ any information  
17 concerning that limited liability company that may be necessary  
18 for the enforcement of child support orders entered pursuant to  
19 the Illinois Public Aid Code, the Illinois Marriage and  
20 Dissolution of Marriage Act, the Non-Support of Spouse and  
21 Children Act, the Non-Support Punishment Act, the Revised  
22 Uniform Reciprocal Enforcement of Support Act, the Uniform  
23 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
24 1984, or the Uniform Parentage Act.

25 Notwithstanding any provisions in this Act to the contrary,  
26 the Secretary of State shall not be liable to any person for  
27 any disclosure of information to the Department of Healthcare  
28 and Family Services (formerly Illinois Department of Public  
29 Aid) under this subsection or for any other action taken in  
30 good faith to comply with the requirements of this subsection.

31 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised  
32 12-15-05.)

33 Section 999. Effective date. This Act takes effect January  
34 1, 2007.

1 INDEX  
2 Statutes amended in order of appearance

3 New Act

4 750 ILCS 40/Act rep.

5 750 ILCS 45/Act rep.

6 750 ILCS 50/12a rep.

7 20 ILCS 1005/1005-130 was 20 ILCS 1005/43a.14

8 20 ILCS 2105/2105-15 was 20 ILCS 2105/60

9 20 ILCS 2505/2505-65 was 20 ILCS 2505/39b12

10 55 ILCS 5/3-5036.5

11 225 ILCS 425/2.04 from Ch. 111, par. 2005.1

12 305 ILCS 5/10-3.1 from Ch. 23, par. 10-3.1

13 305 ILCS 5/10-17.7

14 305 ILCS 5/10-19 from Ch. 23, par. 10-19

15 305 ILCS 5/10-25

16 305 ILCS 5/10-25.5

17 305 ILCS 5/12-4.7c

18 325 ILCS 2/50

19 410 ILCS 513/22

20 410 ILCS 513/30

21 410 ILCS 535/12 from Ch. 111 1/2, par. 73-12

22 410 ILCS 535/24 from Ch. 111 1/2, par. 73-24

23 625 ILCS 5/2-109.1

24 625 ILCS 5/7-703

25 705 ILCS 105/27.1a from Ch. 25, par. 27.1a

26 705 ILCS 405/1-3 from Ch. 37, par. 801-3

27 705 ILCS 405/6-9 from Ch. 37, par. 806-9

28 725 ILCS 5/112A-14 from Ch. 38, par. 112A-14

29 730 ILCS 5/3-5-4

30 735 ILCS 5/2-209 from Ch. 110, par. 2-209

31 735 ILCS 5/2-1401 from Ch. 110, par. 2-1401

32 735 ILCS 5/12-112 from Ch. 110, par. 12-112

33 750 ILCS 5/713 from Ch. 40, par. 713

34 750 ILCS 25/6 from Ch. 40, par. 2706

35 750 ILCS 47/35

- 1 750 ILCS 50/1 from Ch. 40, par. 1501
- 2 750 ILCS 50/7 from Ch. 40, par. 1509
- 3 750 ILCS 50/8 from Ch. 40, par. 1510
- 4 750 ILCS 50/12.1
- 5 750 ILCS 50/18.06
- 6 750 ILCS 60/202 from Ch. 40, par. 2312-2
- 7 750 ILCS 60/214 from Ch. 40, par. 2312-14
- 8 805 ILCS 5/1.25 from Ch. 32, par. 1.25
- 9 805 ILCS 180/50-5