

1 AN ACT in relation to child support.

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

4 Section 5. The Income Withholding for Support Act is  
5 amended by changing Section 50 as follows:

6 (750 ILCS 28/50)

7 Sec. 50. Penalties.

8 (a) Where a payor wilfully fails to withhold or pay over  
9 income pursuant to a properly served income withholding notice,  
10 or wilfully discharges, disciplines, refuses to hire or  
11 otherwise penalizes an obligor as prohibited by Section 40, or  
12 otherwise fails to comply with any duties imposed by this Act,  
13 the obligee, public office or obligor, as appropriate, may file  
14 a complaint with the court against the payor. The Clerk of the  
15 Circuit Court shall notify the obligee or public office, as  
16 appropriate, and the obligor and payor of the time and place of  
17 the hearing on the complaint. The court shall resolve any  
18 factual dispute including, but not limited to, a denial that  
19 the payor is paying or has paid income to the obligor. Upon a  
20 finding in favor of the complaining party, the court:

21 (1) shall enter judgment and direct the enforcement  
22 thereof for the total amount that the payor wilfully failed  
23 to withhold or pay over; and

1           (2) may order employment or reinstatement of or  
2           restitution to the obligor, or both, where the obligor has  
3           been discharged, disciplined, denied employment or  
4           otherwise penalized by the payor and may impose a fine upon  
5           the payor not to exceed \$200.

6           (b) Any obligee, public office or obligor who wilfully  
7           initiates a false proceeding under this Act or who wilfully  
8           fails to comply with the requirements of this Act shall be  
9           punished as in cases of contempt of court.

10          (c) Any officer or employee of any payor subject to the  
11          provisions of this Act who has the control, supervision, or  
12          responsibility for withholding and paying over income pursuant  
13          to an income withholding notice properly served on the payor  
14          and who wilfully fails to withhold or pay over income as  
15          required under the income withholding notice shall be  
16          personally liable for a penalty equal to the total amount that  
17          was not withheld or paid over by the payor. Only where the  
18          employer has incurred sums due under this Section and is unable  
19          to pay such amounts may personal liability attach to a  
20          responsible officer or employee who has willfully failed to  
21          withhold and pay over income as required under the income  
22          withholding notice. The personal liability imposed by this  
23          subsection shall survive the dissolution of a partnership,  
24          limited liability company, or corporation. For the purposes of  
25          this subsection, "officer or employee of any payor" includes a  
26          partner of a partnership, a manager or member of a limited

1 liability corporation, and a member of a registered limited

2 liability partnership.

3 (Source: P.A. 90-673, eff. 1-1-99.)