

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 Section 5. The Income Withholding for Support Act is
5 amended by changing Sections 20 and 22 as follows:

6 (750 ILCS 28/20)

7 Sec. 20. Entry of order for support containing income
8 withholding provisions; income withholding notice.

9 (a) In addition to any content required under other laws,
10 every order for support entered on or after July 1, 1997,
11 shall:

12 (1) Require an income withholding notice to be prepared
13 and served immediately upon any payor of the obligor by the
14 obligee or public office, unless a written agreement is
15 reached between and signed by both parties providing for an
16 alternative arrangement, approved and entered into the
17 record by the court, which ensures payment of support. In
18 that case, the order for support shall provide that an
19 income withholding notice is to be prepared and served only
20 if the obligor becomes delinquent in paying the order for
21 support; and

22 (2) Contain a dollar amount to be paid until payment in
23 full of any delinquency that accrues after entry of the

1 order for support. The amount for payment of delinquency
2 shall not be less than 20% of the total of the current
3 support amount and the amount to be paid periodically for
4 payment of any arrearage stated in the order for support;
5 and

6 (3) Include the obligor's Social Security Number,
7 which the obligor shall disclose to the court. If the
8 obligor is not a United States citizen, the obligor shall
9 disclose to the court, and the court shall include in the
10 order for support, the obligor's alien registration
11 number, passport number, and home country's social
12 security or national health number, if applicable.

13 (b) At the time the order for support is entered, the Clerk
14 of the Circuit Court shall provide a copy of the order to the
15 obligor and shall make copies available to the obligee and
16 public office.

17 (c) The income withholding notice shall:

18 (1) be in the standard format prescribed by the federal
19 Department of Health and Human Services; and

20 (1.1) state the date of entry of the order for support
21 upon which the income withholding notice is based; and

22 (2) direct any payor to withhold the dollar amount
23 required for current support under the order for support;
24 and

25 (3) direct any payor to withhold the dollar amount
26 required to be paid periodically under the order for

1 support for payment of the amount of any arrearage stated
2 in the order for support; and

3 (4) direct any payor or labor union or trade union to
4 enroll a child as a beneficiary of a health insurance plan
5 and withhold or cause to be withheld, if applicable, any
6 required premiums; and

7 (5) state the amount of the payor income withholding
8 fee specified under this Section; and

9 (6) state that the amount actually withheld from the
10 obligor's income for support and other purposes, including
11 the payor withholding fee specified under this Section, may
12 not be in excess of the maximum amount permitted under the
13 federal Consumer Credit Protection Act; and

14 (7) state the duties of the payor and the fines and
15 penalties for failure to withhold and pay over income and
16 for discharging, disciplining, refusing to hire, or
17 otherwise penalizing the obligor because of the duty to
18 withhold and pay over income under this Section; and

19 (8) state the rights, remedies, and duties of the
20 obligor under this Section; and

21 (9) include the Social Security number of the obligor;
22 and

23 (10) include the date that withholding for current
24 support terminates, which shall be the date of termination
25 of the current support obligation set forth in the order
26 for support; and

1 (11) contain the signature of the obligee or the
2 printed name and telephone number of the authorized
3 representative of the public office, except that the
4 failure to contain the signature of the obligee or the
5 printed name and telephone number of the authorized
6 representative of the public office shall not affect the
7 validity of the income withholding notice; and

8 (12) direct any payor to pay over amounts withheld for
9 payment of support to the State Disbursement Unit.

10 (d) The accrual of a delinquency as a condition for service
11 of an income withholding notice, under the exception to
12 immediate withholding in subsection (a) of this Section, shall
13 apply only to the initial service of an income withholding
14 notice on a payor of the obligor.

15 (e) Notwithstanding the exception to immediate withholding
16 contained in subsection (a) of this Section, if the court finds
17 at the time of any hearing that an arrearage has accrued, the
18 court shall order immediate service of an income withholding
19 notice upon the payor.

20 (f) If the order for support, under the exception to
21 immediate withholding contained in subsection (a) of this
22 Section, provides that an income withholding notice is to be
23 prepared and served only if the obligor becomes delinquent in
24 paying the order for support, the obligor may execute a written
25 waiver of that condition and request immediate service on the
26 payor.

1 (g) The obligee or public office may serve the income
2 withholding notice on the payor or its superintendent, manager,
3 or other agent by ordinary mail or certified mail return
4 receipt requested, by facsimile transmission or other
5 electronic means, by personal delivery, or by any method
6 provided by law for service of a summons. At the time of
7 service on the payor and as notice that withholding has
8 commenced, the obligee or public office shall serve a copy of
9 the income withholding notice on the obligor by ordinary mail
10 addressed to his or her last known address. A copy of an income
11 withholding notice and proof of service shall be filed with the
12 Clerk of the Circuit Court only when necessary in connection
13 with a petition to contest, modify, suspend, terminate, or
14 correct an income withholding notice, an action to enforce
15 income withholding against a payor, or the resolution of other
16 disputes involving an income withholding notice. The changes
17 made to this subsection by this amendatory Act of the 96th
18 General Assembly apply on and after September 1, 2009. ~~A copy~~
19 ~~of the income withholding notice together with proofs of~~
20 ~~service on the payor and the obligor shall be filed with the~~
21 ~~Clerk of the Circuit Court.~~

22 (h) At any time after the initial service of an income
23 withholding notice, any other payor of the obligor may be
24 served with the same income withholding notice without further
25 notice to the obligor. A copy of the income withholding notice
26 together with a proof of service on the other payor shall be

1 filed with the Clerk of the Circuit Court.

2 (i) New service of an income withholding notice is not
3 required in order to resume withholding of income in the case
4 of an obligor with respect to whom an income withholding notice
5 was previously served on the payor if withholding of income was
6 terminated because of an interruption in the obligor's
7 employment of less than 180 days.

8 (Source: P.A. 94-43, eff. 1-1-06.)

9 (750 ILCS 28/22)

10 Sec. 22. Use of National Medical Support Notice to enforce
11 health insurance coverage.

12 (a) Notwithstanding the provisions of subdivision (c)(4)
13 of Section 20, when an order for support is being enforced by
14 the Title IV-D Agency under this Act, any requirement for
15 health insurance coverage to be provided through an employer,
16 including withholding of premiums from the income of the
17 obligor, shall be enforced through use of a National Medical
18 Support Notice instead of through provisions in an income
19 withholding notice.

20 (b) A National Medical Support Notice may be served on the
21 employer in the manner and under the circumstances provided for
22 serving an income withholding notice under this Act, except
23 that an order for support that conditions service of an income
24 withholding notice on the obligor becoming delinquent in paying
25 the order for support, as provided under subdivision (a)(1) of

1 Section 20, shall not prevent immediate service of a National
2 Medical Support Notice by the Title IV-D Agency. The Title IV-D
3 Agency may serve a National Medical Support Notice on an
4 employer in conjunction with service of an income withholding
5 notice. Service of an income withholding notice is not a
6 condition for service of a National Medical Support Notice,
7 however.

8 (c) At the time of service of a National Medical Support
9 Notice on the employer, the Title IV-D Agency shall serve a
10 copy of the Notice on the obligor by ordinary mail addressed to
11 the obligor's last known address. A copy of a National Medical
12 Support Notice and proof of service shall be filed with the
13 Clerk of the Circuit Court only when necessary in connection
14 with a petition to contest, modify, suspend, terminate, or
15 correct a National Medical Support Notice, an action to enforce
16 compliance with a National Medical Support Notice, or the
17 resolution of other disputes involving a National Medical
18 Support Notice. The changes made to this subsection by this
19 amendatory Act of the 96th General Assembly apply on and after
20 September 1, 2009. The Title IV-D Agency shall file a copy of
21 the National Medical Support Notice, together with proofs of
22 service on the employer and the obligor, with the clerk of the
23 circuit court.

24 (d) Within 20 business days after the date of a National
25 Medical Support Notice, an employer served with the Notice
26 shall transfer the severable notice to plan administrator to

1 the appropriate group health plan providing any health
2 insurance coverage for which the child is eligible. As required
3 in the part of the National Medical Support Notice directed to
4 the employer, the employer shall withhold any employee premium
5 necessary for coverage of the child and shall send any amount
6 withheld directly to the plan. The employer shall commence the
7 withholding no later than the next payment of income that
8 occurs 14 days following the date the National Medical Support
9 Notice was mailed, sent by facsimile or other electronic means,
10 or placed for personal delivery to or service on the employer.

11 Notwithstanding the requirement to withhold premiums from
12 the obligor's income, if the plan administrator informs the
13 employer that the child is enrolled in an option under the plan
14 for which the employer has determined that the obligor's
15 premium exceeds the amount that may be withheld from the
16 obligor's income due to the withholding limitation or
17 prioritization contained in Section 35 of this Act, the
18 employer shall complete the appropriate item in the part of the
19 National Medical Support Notice directed to the employer
20 according to the instructions in the Notice and shall return
21 that part to the Title IV-D Agency.

22 (e) If one of the following circumstances exists, an
23 employer served with a National Medical Support Notice shall
24 complete the part of the Notice directed to the employer in
25 accordance with the instructions in the Notice and shall return
26 that part to the Title IV-D Agency within 20 business days

1 after the date of the Notice:

2 (1) The employer does not maintain or contribute to
3 plans providing dependent or family health insurance
4 coverage.

5 (2) The obligor is among a class of employees that is
6 not eligible for family health insurance coverage under any
7 group health plan maintained by the employer or to which
8 the employer contributes.

9 (3) Health insurance coverage is not available because
10 the obligor is no longer employed by the employer.

11 (f) The administrator of a health insurance plan to whom an
12 employer has transferred the severable notice to plan
13 administrator part of a National Medical Support Notice shall
14 complete that part with the health insurance coverage
15 information required under the instructions in the Notice and
16 shall return that part to the Title IV-D Agency within 40
17 business days after the date of the Notice.

18 (g) The obligor may contest withholding under this Section
19 based only on a mistake of fact and may contest withholding by
20 filing a petition with the clerk of the circuit court within 20
21 days after service of a copy of the National Medical Support
22 Notice on the obligor. The obligor must serve a copy of the
23 petition on the Title IV-D Agency at the address stated in the
24 National Medical Support Notice. The National Medical Support
25 Notice, including the requirement to withhold any required
26 premium, shall continue to be binding on the employer until the

1 employer is served with a court order resolving the contest or
2 until notified by the Title IV-D Agency.

3 (h) Whenever the obligor is no longer receiving income from
4 the employer, the employer shall return a copy of the National
5 Medical Support Notice to the Title IV-D Agency and shall
6 provide information for the purpose of enforcing health
7 insurance coverage under this Section.

8 (i) The Title IV-D Agency shall promptly notify the
9 employer when there is no longer a current order for health
10 insurance coverage in effect which the Title IV-D Agency is
11 responsible for enforcing.

12 (j) Unless stated otherwise in this Section, all of the
13 provisions of this Act relating to income withholding for
14 support shall pertain to income withholding for health
15 insurance coverage under a National Medical Support Notice,
16 including but not limited to the duties of the employer and
17 obligor, and the penalties contained in Section 35 and Section
18 50. In addition, an employer who willfully fails to transfer
19 the severable notice to plan administrator part of a National
20 Medical Support Notice to the appropriate group health plan
21 providing health insurance coverage for which the child is
22 eligible, within 20 business days after the date of the Notice,
23 is liable for the full amount of medical expenses incurred by
24 or on behalf of the child which would have been paid or
25 reimbursed by the health insurance coverage had the severable
26 notice to plan administrator part of the Notice been timely

1 transferred to the group health insurance plan. This penalty
2 may be collected in a civil action that may be brought against
3 the employer in favor of the obligee or the Title IV-D Agency.

4 (k) To the extent that any other State or local law may be
5 construed to limit or prevent compliance by an employer or
6 health insurance plan administrator with the requirements of
7 this Section and federal law and regulations pertaining to the
8 National Medical Support Notice, that State or local law shall
9 not apply.

10 (l) As the Title IV-D Agency, the Department of Healthcare
11 and Family Services shall adopt any rules necessary for use of
12 and compliance with the National Medical Support Notice.

13 (Source: P.A. 95-331, eff. 8-21-07.)

14 Section 99. Effective date. This Act takes effect upon
15 becoming law.