

1 AN ACT concerning public aid.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-8.1, 10-10, 10-11, 10-17.1, 10-25, and
6 10-25.5 and by adding Section 10-17.14 as follows:

7 (305 ILCS 5/10-8.1)

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

18 Any new or existing support order entered by the Illinois
19 Department under this Section shall be deemed to be a series of
20 judgments against the person obligated to pay support
21 thereunder, each such judgment to be in the amount of each
22 payment or installment of support and each judgment to be
23 deemed entered as of the date the corresponding payment or

1 installment becomes due under the terms of the support order.
2 Each such judgment shall have the full force, effect, and
3 attributes of any other judgment of this State, including the
4 ability to be enforced. Any such judgment is subject to
5 modification or termination only in accordance with Section 510
6 of the Illinois Marriage and Dissolution of Marriage Act.
7 Notwithstanding any other State or local law to the contrary, a
8 ~~A~~ lien arises by operation of law against the real and personal
9 property of the noncustodial parent for each installment of
10 overdue support owed by the noncustodial parent.

11 All orders for support entered or modified in a case in
12 which a party is receiving child support enforcement services
13 under this Article X shall include a provision requiring the
14 non-custodial parent to notify the Illinois Department, within
15 7 days, (i) of the name, address, and telephone number of any
16 new employer of the non-custodial parent, (ii) whether the
17 non-custodial parent has access to health insurance coverage
18 through the employer or other group coverage, and, if so, the
19 policy name and number and the names of persons covered under
20 the policy, and (iii) of any new residential or mailing address
21 or telephone number of the non-custodial parent.

22 In any subsequent action to enforce a support order, upon
23 sufficient showing that diligent effort has been made to
24 ascertain the location of the non-custodial parent, service of
25 process or provision of notice necessary in that action may be
26 made at the last known address of the non-custodial parent, in

1 any manner expressly provided by the Code of Civil Procedure or
2 this Act, which service shall be sufficient for purposes of due
3 process.

4 An order for support shall include a date on which the
5 current support obligation terminates. The termination date
6 shall be no earlier than the date on which the child covered by
7 the order will attain the age of 18. However, if the child will
8 not graduate from high school until after attaining the age of
9 18, then the termination date shall be no earlier than the
10 earlier of the date on which the child's high school graduation
11 will occur or the date on which the child will attain the age
12 of 19. The order for support shall state that the termination
13 date does not apply to any arrearage that may remain unpaid on
14 that date. Nothing in this paragraph shall be construed to
15 prevent the Illinois Department from modifying the order or
16 terminating the order in the event the child is otherwise
17 emancipated.

18 If there is an unpaid arrearage or delinquency (as those
19 terms are defined in the Income Withholding for Support Act)
20 equal to at least one month's support obligation on the
21 termination date stated in the order for support or, if there
22 is no termination date stated in the order, on the date the
23 child attains the age of majority or is otherwise emancipated,
24 then the periodic amount required to be paid for current
25 support of that child immediately prior to that date shall
26 automatically continue to be an obligation, not as current

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

22 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;
23 93-1061, eff. 1-1-05.)

24 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

25 Sec. 10-10. Court enforcement; applicability also to

1 persons who are not applicants or recipients. Except where the
2 Illinois Department, by agreement, acts for the local
3 governmental unit, as provided in Section 10-3.1, local
4 governmental units shall refer to the State's Attorney or to
5 the proper legal representative of the governmental unit, for
6 judicial enforcement as herein provided, instances of
7 non-support or insufficient support when the dependents are
8 applicants or recipients under Article VI. The Child and Spouse
9 Support Unit established by Section 10-3.1 may institute in
10 behalf of the Illinois Department any actions under this
11 Section for judicial enforcement of the support liability when
12 the dependents are (a) applicants or recipients under Articles
13 III, IV, V or VII; (b) applicants or recipients in a local
14 governmental unit when the Illinois Department, by agreement,
15 acts for the unit; or (c) non-applicants or non-recipients who
16 are receiving child support enforcement services under this
17 Article X, as provided in Section 10-1. Where the Child and
18 Spouse Support Unit has exercised its option and discretion not
19 to apply the provisions of Sections 10-3 through 10-8, the
20 failure by the Unit to apply such provisions shall not be a bar
21 to bringing an action under this Section.

22 Action shall be brought in the circuit court to obtain
23 support, or for the recovery of aid granted during the period
24 such support was not provided, or both for the obtainment of
25 support and the recovery of the aid provided. Actions for the
26 recovery of aid may be taken separately or they may be

1 consolidated with actions to obtain support. Such actions may
2 be brought in the name of the person or persons requiring
3 support, or may be brought in the name of the Illinois
4 Department or the local governmental unit, as the case
5 requires, in behalf of such persons.

6 The court may enter such orders for the payment of moneys
7 for the support of the person as may be just and equitable and
8 may direct payment thereof for such period or periods of time
9 as the circumstances require, including support for a period
10 before the date the order for support is entered. The order may
11 be entered against any or all of the defendant responsible
12 relatives and may be based upon the proportionate ability of
13 each to contribute to the person's support.

14 The Court shall determine the amount of child support
15 (including child support for a period before the date the order
16 for child support is entered) by using the guidelines and
17 standards set forth in subsection (a) of Section 505 and in
18 Section 505.2 of the Illinois Marriage and Dissolution of
19 Marriage Act. For purposes of determining the amount of child
20 support to be paid for a period before the date the order for
21 child support is entered, there is a rebuttable presumption
22 that the responsible relative's net income for that period was
23 the same as his or her net income at the time the order is
24 entered.

25 If (i) the responsible relative was properly served with a
26 request for discovery of financial information relating to the

1 responsible relative's ability to provide child support, (ii)
2 the responsible relative failed to comply with the request,
3 despite having been ordered to do so by the court, and (iii)
4 the responsible relative is not present at the hearing to
5 determine support despite having received proper notice, then
6 any relevant financial information concerning the responsible
7 relative's ability to provide child support that was obtained
8 pursuant to subpoena and proper notice shall be admitted into
9 evidence without the need to establish any further foundation
10 for its admission.

11 An order entered under this Section shall include a
12 provision requiring the obligor to report to the obligee and to
13 the clerk of court within 10 days each time the obligor obtains
14 new employment, and each time the obligor's employment is
15 terminated for any reason. The report shall be in writing and
16 shall, in the case of new employment, include the name and
17 address of the new employer. Failure to report new employment
18 or the termination of current employment, if coupled with
19 nonpayment of support for a period in excess of 60 days, is
20 indirect criminal contempt. For any obligor arrested for
21 failure to report new employment bond shall be set in the
22 amount of the child support that should have been paid during
23 the period of unreported employment. An order entered under
24 this Section shall also include a provision requiring the
25 obligor and obligee parents to advise each other of a change in
26 residence within 5 days of the change except when the court

1 finds that the physical, mental, or emotional health of a party
2 or that of a minor child, or both, would be seriously
3 endangered by disclosure of the party's address.

4 The Court shall determine the amount of maintenance using
5 the standards set forth in Section 504 of the Illinois Marriage
6 and Dissolution of Marriage Act.

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

23 When an order is entered for the support of a minor, the
24 court may provide therein for reasonable visitation of the
25 minor by the person or persons who provided support pursuant to
26 the order. Whoever willfully refuses to comply with such

1 visitation order or willfully interferes with its enforcement
2 may be declared in contempt of court and punished therefor.

3 Except where the local governmental unit has entered into
4 an agreement with the Illinois Department for the Child and
5 Spouse Support Unit to act for it, as provided in Section
6 10-3.1, support orders entered by the court in cases involving
7 applicants or recipients under Article VI shall provide that
8 payments thereunder be made directly to the local governmental
9 unit. Orders for the support of all other applicants or
10 recipients shall provide that payments thereunder be made
11 directly to the Illinois Department. In accordance with federal
12 law and regulations, the Illinois Department may continue to
13 collect current maintenance payments or child support
14 payments, or both, after those persons cease to receive public
15 assistance and until termination of services under Article X.
16 The Illinois Department shall pay the net amount collected to
17 those persons after deducting any costs incurred in making the
18 collection or any collection fee from the amount of any
19 recovery made. In both cases the order shall permit the local
20 governmental unit or the Illinois Department, as the case may
21 be, to direct the responsible relative or relatives to make
22 support payments directly to the needy person, or to some
23 person or agency in his behalf, upon removal of the person from
24 the public aid rolls or upon termination of services under
25 Article X.

26 If the notice of support due issued pursuant to Section

1 10-7 directs that support payments be made directly to the
2 needy person, or to some person or agency in his behalf, and
3 the recipient is removed from the public aid rolls, court
4 action may be taken against the responsible relative hereunder
5 if he fails to furnish support in accordance with the terms of
6 such notice.

7 Actions may also be brought under this Section in behalf of
8 any person who is in need of support from responsible
9 relatives, as defined in Section 2-11 of Article II who is not
10 an applicant for or recipient of financial aid under this Code.
11 In such instances, the State's Attorney of the county in which
12 such person resides shall bring action against the responsible
13 relatives hereunder. If the Illinois Department, as authorized
14 by Section 10-1, extends the child support enforcement services
15 provided by this Article to spouses and dependent children who
16 are not applicants or recipients under this Code, the Child and
17 Spouse Support Unit established by Section 10-3.1 shall bring
18 action against the responsible relatives hereunder and any
19 support orders entered by the court in such cases shall provide
20 that payments thereunder be made directly to the Illinois
21 Department.

22 Whenever it is determined in a proceeding to establish or
23 enforce a child support or maintenance obligation that the
24 person owing a duty of support is unemployed, the court may
25 order the person to seek employment and report periodically to
26 the court with a diary, listing or other memorandum of his or

1 her efforts in accordance with such order. Additionally, the
2 court may order the unemployed person to report to the
3 Department of Employment Security for job search services or to
4 make application with the local Job Training Partnership Act
5 provider for participation in job search, training or work
6 programs and where the duty of support is owed to a child
7 receiving child support enforcement services under this
8 Article X, the court may order the unemployed person to report
9 to the Illinois Department for participation in job search,
10 training or work programs established under Section 9-6 and
11 Article IXA of this Code.

12 Whenever it is determined that a person owes past-due
13 support for a child receiving assistance under this Code, the
14 court shall order at the request of the Illinois Department:

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

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

22 A determination under this Section shall not be
23 administratively reviewable by the procedures specified in
24 Sections 10-12, and 10-13 to 10-13.10. Any determination under
25 these Sections, if made the basis of court action under this
26 Section, shall not affect the de novo judicial determination

1 required under this Section.

2 A one-time charge of 20% is imposable upon the amount of
3 past-due child support owed on July 1, 1988 which has accrued
4 under a support order entered by the court. The charge shall be
5 imposed in accordance with the provisions of Section 10-21 of
6 this Code and shall be enforced by the court upon petition.

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

26 An order for support shall include a date on which the

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

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

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

17 Payments under this Section to the Illinois Department
18 pursuant to the Child Support Enforcement Program established
19 by Title IV-D of the Social Security Act shall be paid into the
20 Child Support Enforcement Trust Fund. All payments under this
21 Section to the Illinois Department of Human Services shall be
22 deposited in the DHS Recoveries Trust Fund. Disbursements from
23 these funds shall be as provided in Sections 12-9.1 and 12-10.2
24 of this Code. Payments received by a local governmental unit
25 shall be deposited in that unit's General Assistance Fund.

26 To the extent the provisions of this Section are

1 inconsistent with the requirements pertaining to the State
2 Disbursement Unit under Sections 10-10.4 and 10-26 of this
3 Code, the requirements pertaining to the State Disbursement
4 Unit shall apply.

5 (Source: P.A. 94-88, eff. 1-1-06; 95-331, eff. 8-21-07.)

6 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

7 Sec. 10-11. Administrative Orders. In lieu of actions for
8 court enforcement of support under Section 10-10, the Child and
9 Spouse Support Unit of the Illinois Department, in accordance
10 with the rules of the Illinois Department, may issue an
11 administrative order requiring the responsible relative to
12 comply with the terms of the determination and notice of
13 support due, determined and issued under Sections 10-6 and
14 10-7. The Unit may also enter an administrative order under
15 subsection (b) of Section 10-7. The administrative order shall
16 be served upon the responsible relative by United States
17 registered or certified mail. In cases in which the responsible
18 relative appeared at the office of the Child and Spouse Support
19 Unit in response to the notice of support obligation issued
20 under Section 10-4, however, or in cases of default in which
21 the notice was served on the responsible relative by certified
22 mail, return receipt requested, or by any method provided by
23 law for service of summons, the administrative determination of
24 paternity or administrative support order may be sent to the
25 responsible relative by ordinary mail addressed to the

1 responsible relative's last known address.

2 If a responsible relative or a person receiving child
3 support enforcement services under this Article fails to
4 petition the Illinois Department for release from or
5 modification of the administrative order, as provided in
6 Section 10-12 or Section 10-12.1, the order shall become final
7 and there shall be no further administrative or judicial
8 remedy. Likewise a decision by the Illinois Department as a
9 result of an administrative hearing, as provided in Sections
10 10-13 to 10-13.10, shall become final and enforceable if not
11 judicially reviewed under the Administrative Review Law, as
12 provided in Section 10-14.

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

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

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

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

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

16 An order for support shall include a date on which the
17 support obligation terminates. The termination date shall be no
18 earlier than the date on which the child covered by the order
19 will attain the age of 18. However, if the child will not
20 graduate from high school until after attaining the age of 18,
21 then the termination date shall be no earlier than the earlier
22 of the date that the child's graduation will occur or the date
23 on which the child will attain the age of 19. The order for
24 support shall state that the termination date does not apply to
25 any arrearage that may remain unpaid on that date. Nothing in
26 this paragraph shall be construed to prevent the Illinois

1 Department from modifying the order or terminating the order in
2 the event the child is otherwise emancipated.

3 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03;
4 93-1061, eff. 1-1-05.)

5 (305 ILCS 5/10-17.1) (from Ch. 23, par. 10-17.1)

6 Sec. 10-17.1. Administrative Order by Registration. The
7 Illinois Department may provide by rule for the administrative
8 registration of a support order entered by a court or
9 administrative body of another state. The purpose of
10 registration shall be to enforce or modify the order in
11 accordance with the provisions of the Uniform Interstate Family
12 Support Act. Upon registration, such support order shall become
13 an administrative order of the Child and Spouse Support Unit by
14 operation of law. The rule shall provide for notice to and an
15 opportunity to be heard by the responsible relative and
16 custodial parent affected, and any final administrative
17 decision rendered by the Department shall be reviewed only
18 under and in accordance with the Administrative Review Law.

19 Any new or existing support order registered by the
20 Illinois Department under this Section shall be deemed to be a
21 series of judgments against the person obligated to pay support
22 thereunder, each such judgment to be in the amount of each
23 payment or installment of support and each such judgment to be
24 deemed entered as of the date the corresponding payment or
25 installment becomes due under the terms of the support order.

1 Each such judgment shall be enforceable in the same manner as
2 any other judgment in this State. Notwithstanding any other
3 State or local law to the contrary, a A lien arises by
4 operation of law against the real and personal property of the
5 noncustodial parent for each installment of overdue support
6 owed by the noncustodial parent.

7 A one-time charge of 20% is imposable upon the amount of
8 past-due child support owed on July 1, 1988, which has accrued
9 under a support order registered by the Illinois Department
10 under this Section. The charge shall be imposed in accordance
11 with the provisions of Section 10-21 and shall be enforced by
12 the court in a suit filed under Section 10-15.

13 (Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98.)

14 (305 ILCS 5/10-17.14 new)

15 Sec. 10-17.14. Denial of passports. The Illinois
16 Department may provide by rule for certification to the
17 Department of Health and Human Services of past due support
18 owed by responsible relatives under a support order entered by
19 a court or administrative body of this or any other State on
20 behalf of resident or non-resident persons. The purpose of
21 certification shall be to effect denial, revocation,
22 restriction, or limitation of passports of responsible
23 relatives owing past due support.

24 The rule shall provide for notice to and an opportunity to
25 be heard by the responsible relative affected and any final

1 administrative decision rendered by the Department shall be
2 reviewed only under and in accordance with the Administrative
3 Review Law. Certification shall be accomplished in accordance
4 with Title IV, Part D of the federal Social Security Act and
5 rules and regulations promulgated thereunder.

6 (305 ILCS 5/10-25)

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

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

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

24 (c) When enforcing a lien under subsection (a) of this
25 Section, the Illinois Department shall have the authority to

1 execute notices of administrative liens and levies, which shall
2 contain the name and address of the responsible relative, a
3 legal description of the real property to be levied, the fact
4 that a lien is being claimed for past-due child support, and
5 such other information as the Illinois Department may by rule
6 prescribe. The Illinois Department shall record the notice of
7 lien with the recorder or registrar of titles of the county or
8 counties in which the real estate is located.

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

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

1 (e) The recorder or registrar of titles of each county
2 shall procure a file labeled "Child Support Lien Notices" and
3 an index book labeled "Child Support Lien Notices". When notice
4 of any lien is presented to the recorder or registrar of titles
5 for filing, the recorder or registrar of titles shall file it
6 in numerical order in the file and shall enter it
7 alphabetically in the index. The entry shall show the name and
8 last known address of the person named in the notice, the
9 serial number of the notice, the date and hour of filing, and
10 the amount of child support due at the time when the lien is
11 filed.

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

16 (g) To protect the lien of the State for past-due child
17 support, the Illinois Department may, from funds that are
18 available for that purpose, pay or provide for the payment of
19 necessary or essential repairs, purchase tax certificates, pay
20 balances due on land contracts, or pay or cause to be satisfied
21 any prior liens on the property to which the lien hereunder
22 applies.

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

26 (i) The Illinois Department, acting in behalf of the State,

1 may foreclose the lien in a judicial proceeding to the same
2 extent and in the same manner as in the enforcement of other
3 liens. The process, practice, and procedure for the foreclosure
4 shall be the same as provided in the Code of Civil Procedure.

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

6 (305 ILCS 5/10-25.5)

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

9 (a) Notwithstanding any other State or local law to the
10 contrary, the ~~The~~ State shall have a lien on all legal and
11 equitable interests of responsible relatives in their personal
12 property, including any account in a financial institution as
13 defined in Section 10-24, or in the case of an insurance
14 company or benefit association only in accounts as defined in
15 Section 10-24, in the amount of past-due child support owing
16 pursuant to an order for child support entered under Sections
17 10-10 and 10-11 of this Code, or under the Illinois Marriage
18 and Dissolution of Marriage Act, the Non-Support of Spouse and
19 Children Act, the Non-Support Punishment Act, the Uniform
20 Interstate Family Support Act, or the Illinois Parentage Act of
21 1984.

22 (b) The Illinois Department shall provide by rule for
23 notice to and an opportunity to be heard by each responsible
24 relative affected, and any final administrative decision
25 rendered by the Illinois Department shall be reviewed only

1 under and in accordance with the Administrative Review Law.

2 (c) When enforcing a lien under subsection (a) of this
3 Section, the Illinois Department shall have the authority to
4 execute notices of administrative liens and levies, which shall
5 contain the name and address of the responsible relative, a
6 description of the property to be levied, the fact that a lien
7 is being claimed for past-due child support, and such other
8 information as the Illinois Department may by rule prescribe.
9 The Illinois Department may serve the notice of lien or levy
10 upon any financial institution where the accounts as defined in
11 Section 10-24 of the responsible relative may be held, for
12 encumbrance or surrender of the accounts as defined in Section
13 10-24 by the financial institution.

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

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

24 (f) To protect the lien of the State for past-due child
25 support, the Illinois Department may, from funds that are
26 available for that purpose, pay or provide for the payment of

1 necessary or essential repairs, purchase tax certificates, or
2 pay or cause to be satisfied any prior liens on the property to
3 which the lien hereunder applies.

4 (g) A lien on personal property under this Section shall be
5 released in the manner provided under Article XII of the Code
6 of Civil Procedure. Notwithstanding the foregoing, a lien under
7 this Section on accounts as defined in Section 10-24 shall
8 expire upon the passage of 120 days from the date of issuance
9 of the Notice of Lien or Levy by the Illinois Department.
10 However, the lien shall remain in effect during the pendency of
11 any appeal or protest.

12 (h) A lien created under this Section is subordinate to any
13 prior lien of the financial institution or any prior lien
14 holder or any prior right of set-off that the financial
15 institution may have against the assets, or in the case of an
16 insurance company or benefit association only in the accounts
17 as defined in Section 10-24.

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

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

1 Section 10. The Illinois Marriage and Dissolution of
2 Marriage Act is amended by changing Sections 504 and 505 as
3 follows:

4 (750 ILCS 5/504) (from Ch. 40, par. 504)

5 Sec. 504. Maintenance.

6 (a) In a proceeding for dissolution of marriage or legal
7 separation or declaration of invalidity of marriage, or a
8 proceeding for maintenance following dissolution of the
9 marriage by a court which lacked personal jurisdiction over the
10 absent spouse, the court may grant a temporary or permanent
11 maintenance award for either spouse in amounts and for periods
12 of time as the court deems just, without regard to marital
13 misconduct, in gross or for fixed or indefinite periods of
14 time, and the maintenance may be paid from the income or
15 property of the other spouse after consideration of all
16 relevant factors, including:

17 (1) the income and property of each party, including
18 marital property apportioned and non-marital property
19 assigned to the party seeking maintenance;

20 (2) the needs of each party;

21 (3) the present and future earning capacity of each
22 party;

23 (4) any impairment of the present and future earning
24 capacity of the party seeking maintenance due to that party
25 devoting time to domestic duties or having forgone or

1 delayed education, training, employment, or career
2 opportunities due to the marriage;

3 (5) the time necessary to enable the party seeking
4 maintenance to acquire appropriate education, training,
5 and employment, and whether that party is able to support
6 himself or herself through appropriate employment or is the
7 custodian of a child making it appropriate that the
8 custodian not seek employment;

9 (6) the standard of living established during the
10 marriage;

11 (7) the duration of the marriage;

12 (8) the age and the physical and emotional condition of
13 both parties;

14 (9) the tax consequences of the property division upon
15 the respective economic circumstances of the parties;

16 (10) contributions and services by the party seeking
17 maintenance to the education, training, career or career
18 potential, or license of the other spouse;

19 (11) any valid agreement of the parties; and

20 (12) any other factor that the court expressly finds to
21 be just and equitable.

22 (b) (Blank).

23 (b-5) Any maintenance obligation including any unallocated
24 maintenance and child support obligation, or any portion of any
25 support obligation, that becomes due and remains unpaid shall
26 accrue simple interest as set forth in Section 505 of this Act.

1 (b-7) Any new or existing maintenance order including any
2 unallocated maintenance and child support order entered by the
3 court under this Section shall be deemed to be a series of
4 judgments against the person obligated to pay support
5 thereunder. Each such judgment to be in the amount of each
6 payment or installment of support and each such judgment to be
7 deemed entered as of the date the corresponding payment or
8 installment becomes due under the terms of the support order,
9 except no judgment shall arise as to any installment coming due
10 after the termination of maintenance as provided by Section 510
11 of the Illinois Marriage and Dissolution of Marriage Act or the
12 provisions of any order for maintenance. Each such judgment
13 shall have the full force, effect and attributes of any other
14 judgment of this State, including the ability to be enforced.
15 Notwithstanding any other State or local law to the contrary, a
16 ~~A~~ lien arises by operation of law against the real and personal
17 property of the obligor for each installment of overdue support
18 owed by the obligor.

19 (c) The court may grant and enforce the payment of
20 maintenance during the pendency of an appeal as the court shall
21 deem reasonable and proper.

22 (d) No maintenance shall accrue during the period in which
23 a party is imprisoned for failure to comply with the court's
24 order for the payment of such maintenance.

25 (e) When maintenance is to be paid through the clerk of the
26 court in a county of 1,000,000 inhabitants or less, the order

1 shall direct the obligor to pay to the clerk, in addition to
2 the maintenance payments, all fees imposed by the county board
3 under paragraph (3) of subsection (u) of Section 27.1 of the
4 Clerks of Courts Act. Unless paid in cash or pursuant to an
5 order for withholding, the payment of the fee shall be by a
6 separate instrument from the support payment and shall be made
7 to the order of the Clerk.

8 (Source: P.A. 94-89, eff. 1-1-06.)

9 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

1 attending high school.

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

4	Number of Children	Percent of Supporting Party's
5		Net Income
6	1	20%
7	2	28%
8	3	32%
9	4	40%
10	5	45%
11	6 or more	50%

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

18 (a) the financial resources and needs of the child;

19 (b) the financial resources and needs of the
20 custodial parent;

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

23 (d) the physical and emotional condition of the
24 child, and his educational needs; and

25 (e) the financial resources and needs of the
26 non-custodial parent.

1 If the court deviates from the guidelines, the court's
2 finding shall state the amount of support that would have
3 been required under the guidelines, if determinable. The
4 court shall include the reason or reasons for the variance
5 from the guidelines.

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

8 (a) Federal income tax (properly calculated
9 withholding or estimated payments);

10 (b) State income tax (properly calculated
11 withholding or estimated payments);

12 (c) Social Security (FICA payments);

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

15 (e) Union dues;

16 (f) Dependent and individual
17 health/hospitalization insurance premiums;

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

20 (h) Expenditures for repayment of debts that
21 represent reasonable and necessary expenses for the
22 production of income, medical expenditures necessary
23 to preserve life or health, reasonable expenditures
24 for the benefit of the child and the other parent,
25 exclusive of gifts. The court shall reduce net income
26 in determining the minimum amount of support to be

1 ordered only for the period that such payments are due
2 and shall enter an order containing provisions for its
3 self-executing modification upon termination of such
4 payment period;

5 (i) Foster care payments paid by the Department of
6 Children and Family Services for providing licensed
7 foster care to a foster child.

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

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

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

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

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

25 (a-5) In an action to enforce an order for support based on
26 the respondent's failure to make support payments as required

1 by the order, notice of proceedings to hold the respondent in
2 contempt for that failure may be served on the respondent by
3 personal service or by regular mail addressed to the
4 respondent's last known address. The respondent's last known
5 address may be determined from records of the clerk of the
6 court, from the Federal Case Registry of Child Support Orders,
7 or by any other reasonable means.

8 (b) Failure of either parent to comply with an order to pay
9 support shall be punishable as in other cases of contempt. In
10 addition to other penalties provided by law the Court may,
11 after finding the parent guilty of contempt, order that the
12 parent be:

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

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

19 (A) work; or

20 (B) conduct a business or other self-employed
21 occupation.

22 The Court may further order any part or all of the earnings
23 of a parent during a sentence of periodic imprisonment paid to
24 the Clerk of the Circuit Court or to the parent having custody
25 or to the guardian having custody of the children of the
26 sentenced parent for the support of said children until further

1 order of the Court.

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

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

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

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

21 With respect to assets which are real property, no order
22 entered under this paragraph shall affect the rights of bona
23 fide purchasers, mortgagees, judgment creditors, or other lien
24 holders who acquire their interests in the property prior to
25 the time a notice of lis pendens pursuant to the Code of Civil
26 Procedure or a copy of the order is placed of record in the

1 office of the recorder of deeds for the county in which the
2 real property is located.

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

23 In addition to the penalties or punishment that may be
24 imposed under this Section, any person whose conduct
25 constitutes a violation of Section 15 of the Non-Support
26 Punishment Act may be prosecuted under that Act, and a person

1 convicted under that Act may be sentenced in accordance with
2 that Act. The sentence may include but need not be limited to a
3 requirement that the person perform community service under
4 Section 50 of that Act or participate in a work alternative
5 program under Section 50 of that Act. A person may not be
6 required to participate in a work alternative program under
7 Section 50 of that Act if the person is currently participating
8 in a work program pursuant to Section 505.1 of this Act.

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

25 (c) A one-time charge of 20% is imposable upon the amount
26 of past-due child support owed on July 1, 1988 which has

1 accrued under a support order entered by the court. The charge
2 shall be imposed in accordance with the provisions of Section
3 10-21 of the Illinois Public Aid Code and shall be enforced by
4 the court upon petition.

5 (d) 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 such judgment to be deemed
10 entered as of the date the corresponding payment or installment
11 becomes due under the terms of the support order. Each such
12 judgment shall have the full force, effect and attributes of
13 any other judgment of this State, including the ability to be
14 enforced. Notwithstanding any other State or local law to the
15 contrary, a ~~A~~ lien arises by operation of law against the real
16 and personal property of the noncustodial parent for each
17 installment of overdue support owed by the noncustodial parent.

18 (e) When child support is to be paid through the clerk of
19 the court in a county of 1,000,000 inhabitants or less, the
20 order shall direct the obligor to pay to the clerk, in addition
21 to the child support payments, all fees imposed by the county
22 board under paragraph (3) of subsection (u) of Section 27.1 of
23 the Clerks of Courts Act. Unless paid in cash or pursuant to an
24 order for withholding, the payment of the fee shall be by a
25 separate instrument from the support payment and shall be made
26 to the order of the Clerk.

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

19 (g) An order for support shall include a date on which the
20 current support obligation terminates. The termination date
21 shall be no earlier than the date on which the child covered by
22 the order will attain the age of 18. However, if the child will
23 not graduate from high school until after attaining the age of
24 18, then the termination date shall be no earlier than the
25 earlier of the date on which the child's high school graduation
26 will occur or the date on which the child will attain the age

1 of 19. The order for support shall state that the termination
2 date does not apply to any arrearage that may remain unpaid on
3 that date. Nothing in this subsection shall be construed to
4 prevent the court from modifying the order or terminating the
5 order in the event the child is otherwise emancipated.

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

1 statement in the order for support does not affect the validity
2 of the order or the operation of the provisions of this
3 subsection with regard to the order. This subsection shall not
4 be construed to prevent or affect the establishment or
5 modification of an order for support of a minor child or the
6 establishment or modification of an order for support of a
7 non-minor child or educational expenses under Section 513 of
8 this Act.

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

1 disclosure of the party's address.

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

7 (Source: P.A. 95-331, eff. 8-21-07; 96-1134, eff. 7-21-10.)

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

10 (750 ILCS 16/20)

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

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

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

22 (2) before trial with the consent of the defendant, or
23 at the trial on entry of a plea of guilty, or after
24 conviction, instead of imposing the penalty provided in

1 this Act, or in addition thereto, the court may enter an
2 order for support, subject to modification by the court
3 from time to time as circumstances may require, directing
4 the defendant to pay a certain sum for maintenance of the
5 spouse, or for support of the child or children, or both.

6 (b) The court shall determine the amount of child support
7 by using the guidelines and standards set forth in subsection
8 (a) of Section 505 and in Section 505.2 of the Illinois
9 Marriage and Dissolution of Marriage Act.

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

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

25 (d) The court may, for violation of any order under this
26 Section, punish the offender as for a contempt of court, but no

1 pendente lite order shall remain in effect longer than 4
2 months, or after the discharge of any panel of jurors summoned
3 for service thereafter in such court, whichever is sooner.

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

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

26 Failure to report new employment or the termination of

1 current employment, if coupled with nonpayment of support for a
2 period in excess of 60 days, is indirect criminal contempt. For
3 any obligor arrested for failure to report new employment, bond
4 shall be set in the amount of the child support that should
5 have been paid during the period of unreported employment.

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

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

23 (h) In any subsequent action to enforce an order for
24 support entered under this Act, upon sufficient showing that
25 diligent effort has been made to ascertain the location of the
26 noncustodial parent, service of process or provision of notice

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

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

18 (i-5) If there is an unpaid arrearage or delinquency (as
19 those terms are defined in the Income Withholding for Support
20 Act) equal to at least one month's support obligation on the
21 termination date stated in the order for support or, if there
22 is no termination date stated in the order, on the date the
23 child attains the age of majority or is otherwise emancipated,
24 the periodic amount required to be paid for current support of
25 that child immediately prior to that date shall automatically
26 continue to be an obligation, not as current support but as

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

21 (j) A support obligation, or any portion of a support
22 obligation, which becomes due and remains unpaid as of the end
23 of each month, excluding the child support that was due for
24 that month to the extent that it was not paid in that month,
25 shall accrue simple interest as set forth in Section 12-109 of
26 the Code of Civil Procedure. An order for support entered or

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

11 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07.)

12 Section 20. The Illinois Parentage Act of 1984 is amended
13 by changing Sections 13.1 and 14 as follows:

14 (750 ILCS 45/13.1)

15 Sec. 13.1. Temporary order for child support.
16 Notwithstanding any other law to the contrary, pending the
17 outcome of a judicial determination of parentage, the court
18 shall issue a temporary order for child support, upon motion by
19 a party and a showing of clear and convincing evidence of
20 paternity. In determining the amount of the temporary child
21 support award, the court shall use the guidelines and standards
22 set forth in subsection (a) of Section 505 and in Section 505.2
23 of the Illinois Marriage and Dissolution of Marriage Act.

24 Any new or existing support order entered by the court

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

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

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

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

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

19 If there is an unpaid arrearage or delinquency (as those
20 terms are defined in the Income Withholding for Support Act)
21 equal to at least one month's support obligation on the
22 termination date stated in the order for support or, if there
23 is no termination date stated in the order, on the date the
24 child attains the age of majority or is otherwise emancipated,
25 then the periodic amount required to be paid for current
26 support of that child immediately prior to that date shall

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

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

24 (750 ILCS 45/14) (from Ch. 40, par. 2514)

25 Sec. 14. Judgment.

1 (a) (1) The judgment shall contain or explicitly reserve
2 provisions concerning any duty and amount of child support and
3 may contain provisions concerning the custody and guardianship
4 of the child, visitation privileges with the child, the
5 furnishing of bond or other security for the payment of the
6 judgment, which the court shall determine in accordance with
7 the relevant factors set forth in the Illinois Marriage and
8 Dissolution of Marriage Act and any other applicable law of
9 Illinois, to guide the court in a finding in the best interests
10 of the child. In determining custody, joint custody, removal,
11 or visitation, the court shall apply the relevant standards of
12 the Illinois Marriage and Dissolution of Marriage Act,
13 including Section 609. Specifically, in determining the amount
14 of any child support award or child health insurance coverage,
15 the court shall use the guidelines and standards set forth in
16 subsection (a) of Section 505 and in Section 505.2 of the
17 Illinois Marriage and Dissolution of Marriage Act. For purposes
18 of Section 505 of the Illinois Marriage and Dissolution of
19 Marriage Act, "net income" of the non-custodial parent shall
20 include any benefits available to that person under the
21 Illinois Public Aid Code or from other federal, State or local
22 government-funded programs. The court shall, in any event and
23 regardless of the amount of the non-custodial parent's net
24 income, in its judgment order the non-custodial parent to pay
25 child support to the custodial parent in a minimum amount of
26 not less than \$10 per month, as long as such an order is

1 consistent with the requirements of Title IV, Part D of the
2 Social Security Act. In an action brought within 2 years after
3 a judicial determination of parentage, the judgment or order
4 may direct either parent to pay the reasonable expenses
5 incurred by either parent or the Department of Healthcare and
6 Family Services related to the mother's pregnancy and the
7 delivery of the child. The judgment or order shall contain the
8 father's social security number, which the father shall
9 disclose to the court; however, failure to include the father's
10 social security number on the judgment or order does not
11 invalidate the judgment or order.

12 (2) If a judgment of parentage contains no explicit award
13 of custody, the establishment of a support obligation or of
14 visitation rights in one parent shall be considered a judgment
15 granting custody to the other parent. If the parentage judgment
16 contains no such provisions, custody shall be presumed to be
17 with the mother; however, the presumption shall not apply if
18 the father has had physical custody for at least 6 months prior
19 to the date that the mother seeks to enforce custodial rights.

20 (b) The court shall order all child support payments,
21 determined in accordance with such guidelines, to commence with
22 the date summons is served. The level of current periodic
23 support payments shall not be reduced because of payments set
24 for the period prior to the date of entry of the support order.
25 The Court may order any child support payments to be made for a
26 period prior to the commencement of the action. In determining

1 whether and the extent to which the payments shall be made for
2 any prior period, the court shall consider all relevant facts,
3 including the factors for determining the amount of support
4 specified in the Illinois Marriage and Dissolution of Marriage
5 Act and other equitable factors including but not limited to:

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

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

10 (3) The extent to which the mother or the public agency
11 bringing the action previously informed the father of the
12 child's needs or attempted to seek or require his help in
13 raising or supporting the child.

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

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

18 For purposes of determining the amount of child support to
19 be paid for any period before the date the order for current
20 child support is entered, there is a rebuttable presumption
21 that the father's net income for the prior period was the same
22 as his net income at the time the order for current child
23 support is entered.

24 If (i) the non-custodial parent was properly served with a
25 request for discovery of financial information relating to the
26 non-custodial parent's ability to provide child support, (ii)

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

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

23 (d) If the judgment or order of the court is at variance
24 with the child's birth certificate, the court shall order that
25 a new birth certificate be issued under the Vital Records Act.

26 (e) On request of the mother and the father, the court

1 shall order a change in the child's name. After hearing
2 evidence the court may stay payment of support during the
3 period of the father's minority or period of disability.

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

11 (g) A one-time charge of 20% is imposable upon the amount
12 of past-due child support owed on July 1, 1988 which has
13 accrued under a support order entered by the court. The charge
14 shall be imposed in accordance with the provisions of Section
15 10-21 of the Illinois Public Aid Code and shall be enforced by
16 the court upon petition.

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

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

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

23 (i-5) If there is an unpaid arrearage or delinquency (as
24 those terms are defined in the Income Withholding for Support
25 Act) equal to at least one month's support obligation on the
26 termination date stated in the order for support or, if there

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

26 (j) An order entered under this Section shall include a

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

19 (Source: P.A. 94-923, eff. 1-1-07; 94-1061, eff. 1-1-07;
20 95-331, eff. 8-21-07; 95-864, eff. 1-1-09.)

21 Section 99. Effective date. This Act takes effect upon
22 becoming law.