

1 AN ACT concerning civil law.

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

4 ARTICLE 1. GENERAL PROVISIONS

5 Section 101. Short title. This Act may be cited as the  
6 Illinois Parentage Act of 2013.

7 Section 102. Public policy. Illinois recognizes the right  
8 of every child to the physical, mental, emotional, and  
9 financial support of his or her parents. The parent-child  
10 relationship, including support obligations, extends equally  
11 to every child and to every parent, regardless of the legal  
12 relationship of the parents, and regardless of whether a parent  
13 is a minor.

14 Section 103. Definitions. In this Act:

15 (a) "Acknowledged father" means a man who has established a  
16 father-child relationship under Article 3.

17 (b) "Adjudicated father" means a man who has been  
18 adjudicated by a court of competent jurisdiction, or as  
19 authorized under Article X of the Illinois Public Aid Code, to  
20 be the father of a child.

21 (c) "Alleged father" means a man who alleges himself to be,

1 or is alleged to be, the biological father or a possible  
2 biological father of a child, but whose paternity has not been  
3 established. The term does not include:

4 (1) a presumed parent or acknowledged father;

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

7 (3) a male donor.

8 (d) "Assisted reproduction" means any method of causing  
9 pregnancy other than sexual intercourse. The term includes but  
10 is not limited to:

11 (1) intrauterine insemination;

12 (2) donation of eggs;

13 (3) donation of embryos;

14 (4) in-vitro fertilization and transfer of embryos;

15 (5) intracytoplasmic sperm injection; and

16 (6) artificial insemination.

17 (e) "Child" means an individual of any age whose parentage  
18 may be established under this Act.

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

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

25 (2) the likelihood that the tested man is not the  
26 father, based on the genetic markers of the tested man,

1 mother, and child, conditioned on the hypothesis that the  
2 tested man is not the father of the child and that the  
3 father is of the same ethnic or racial group as the tested  
4 man.

5 (g) "Commence" means to file the initial pleading seeking  
6 an adjudication of parentage in the circuit court of this  
7 State.

8 (h) "Determination of parentage" means the establishment  
9 of the parent-child relationship by the signing of a voluntary  
10 acknowledgment under Article 3 of this Act or adjudication by  
11 the court or as authorized under Article X of the Illinois  
12 Public Aid Code.

13 (i) "Donor" means an individual who contributes a gamete or  
14 gametes used for assisted reproduction, whether or not for  
15 consideration. The term does not include:

16 (1) an intended parent who provides sperm, or an  
17 intended parent who provides eggs, to be used for assisted  
18 reproduction by the intended parent or parents;

19 (2) a woman who gives birth to a child by means of  
20 assisted reproduction, except as otherwise provided in the  
21 Gestational Surrogacy Act or a valid gestational surrogacy  
22 contract; or

23 (3) a parent under Article 7 of this Act, or an  
24 intended parent under the Gestational Surrogacy Act or a  
25 valid gestational surrogacy contract.

26 (j) "Ethnic or racial group" means, for purposes of genetic

1 testing, a recognized group that an individual identifies as  
2 all or part of the individual's ancestry or that is so  
3 identified by other information.

4 (k) "Gamete" means either a sperm or an egg.

5 (l) "Genetic testing" means an analysis of genetic markers  
6 to exclude or identify a man as the father or a woman as the  
7 mother of a child as provided in Article 4 of this Act.

8 (m) "Gestational mother" means an adult woman who gives  
9 birth to a child pursuant to the terms of a valid gestational  
10 surrogacy contract.

11 (n) "Parent" means an individual who has established a  
12 parent-child relationship under Section 201 of this Act.

13 (o) "Parent-child relationship" means the legal  
14 relationship between a child and a parent of the child.

15 (p) "Presumed parent" means an individual who, by operation  
16 of law under Section 204 of this Act, is recognized as the  
17 parent of a child until that status is rebutted or confirmed in  
18 a judicial or administrative proceeding.

19 (q) "Probability of paternity" means the measure, for the  
20 ethnic or racial group to which the alleged father belongs, of  
21 the probability that the man in question is the father of the  
22 child, compared with a random, unrelated man of the same ethnic  
23 or racial group, expressed as a percentage incorporating the  
24 combined paternity index and a prior probability.

25 (r) "Record" means information that is inscribed on a  
26 tangible medium or that is stored in an electronic or other

1 medium and is retrievable in perceivable form.

2 (s) "Signatory" means an individual who authenticates a  
3 record and is bound by its terms.

4 (t) "State" means a state of the United States, the  
5 District of Columbia, Puerto Rico, the United States Virgin  
6 Islands, or any territory or insular possession subject to the  
7 jurisdiction of the United States.

8 (u) "Substantially similar legal relationship" means a  
9 relationship recognized in this State under Section 60 of the  
10 Religious Freedom Protection and Civil Union Act.

11 (v) "Support-enforcement agency" means a public official  
12 or agency authorized to seek:

13 (1) enforcement of support orders or laws relating to  
14 the duty of support;

15 (2) establishment or modification of child support;

16 (3) determination of parentage; or

17 (4) location of child-support obligors and their  
18 income and assets.

19 Section 104. Scope of Act; choice of law; other legal  
20 rights and duties preserved.

21 (a) This Act applies to determination of parentage in this  
22 State.

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

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

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

3 (c) This Act does not create, enlarge, abrogate, or  
4 diminish parental rights or duties under other law of this  
5 State; including the common law.

6 Section 105. Authority to establish parentage. The circuit  
7 courts are authorized to establish parentage under this Act.  
8 The Department of Healthcare and Family Services may make  
9 administrative determinations of paternity and nonpaternity in  
10 accordance with Section 10-17.7 of the Illinois Public Aid  
11 Code. Such administrative determinations shall have the full  
12 force and effect of court judgments entered under this Act.

13 Section 106. Protection of participants. Proceedings under  
14 this Act are subject to other law of this State governing the  
15 health, safety, privacy, and liberty of a child or other  
16 individual who could be jeopardized by disclosure of  
17 identifying information, including address, telephone number,  
18 place of employment, social security number, and the child's  
19 day-care facility and school.

20 Section 107. Applicability. Insofar as practicable, the  
21 provisions of this Act applicable to the father and child  
22 relationship shall apply to the mother and child relationship  
23 including, but not limited to, the obligation to support.

1                                   ARTICLE 2. PARENT-CHILD RELATIONSHIP

2           Section 201. Establishment of parent-child relationship.

3           (a) The parent-child relationship is established between a  
4 woman and a child by:

5                   (1) the woman having given birth to the child, except  
6 as otherwise provided in a valid gestational surrogacy  
7 contract;

8                   (2) an adjudication of the woman's parentage;

9                   (3) adoption of the child by the woman;

10                   (4) the woman having consented to assisted  
11 reproduction by a woman under Article 7 of this Act which  
12 resulted in the birth of the child;

13                   (5) a valid gestational surrogacy contract under the  
14 Gestational Surrogacy Act or other law; or

15                   (6) an un rebutted presumption of the woman's parentage  
16 of the child under Section 204 of this Act.

17           (b) The parent-child relationship is established between a  
18 man and a child by:

19                   (1) an un rebutted presumption of the man's parentage of  
20 the child under Section 204 of this Act;

21                   (2) an effective voluntary acknowledgment of paternity  
22 by the man under Article 3 of this Act, unless the  
23 acknowledgment has been rescinded or successfully  
24 challenged;

- 1           (3) an adjudication of the man's parentage;
- 2           (4) adoption of the child by the man;
- 3           (5) the man having consented to assisted reproduction  
4 by a woman under Article 7 of this Act which resulted in  
5 the birth of the child; or
- 6           (6) a valid gestational surrogacy contract under the  
7 Gestational Surrogacy Act or other law.
- 8           (c) Insofar as practicable, the provisions of this Act  
9 applicable to parent-child relationships shall apply equally  
10 to men and women as parents, including, but not limited to, the  
11 obligation to support.

12           Section 202. Parents' legal relationship. Every child has  
13 equal rights under the law regardless of the parents' legal  
14 relationship.

15           Section 203. Consequences of establishment of parentage. A  
16 parent-child relationship established under this Act applies  
17 for all purposes, except as otherwise specifically provided by  
18 other law of this State.

19           Section 204. Presumption of parentage.

20           (a) A man is presumed to be the parent of a child if:

21           (1) he and the mother of the child have entered into a  
22 marriage, civil union, or substantially similar legal  
23 relationship, and the child is born to the mother during



1 the marriage, civil union, or substantially similar legal  
2 relationship, except as provided by a valid gestational  
3 surrogacy contract, Article 7 of this Act, or other law;

4 (2) he and the mother of the child were in a marriage,  
5 civil union, or substantially similar legal relationship  
6 and the child is born to the mother within 300 days after  
7 the marriage, civil union, or substantially similar legal  
8 relationship is terminated by death, declaration of  
9 invalidity of marriage, judgment for dissolution of  
10 marriage, civil union, or substantially similar legal  
11 relationship, or after a judgment for legal separation,  
12 except as provided by a valid gestational surrogacy  
13 contract, Article 7 of this Act, or other law;

14 (3) before the birth of the child, he and the mother of  
15 the child entered into a marriage, civil union, or  
16 substantially similar legal relationship in apparent  
17 compliance with law, even if the attempted marriage, civil  
18 union, or substantially similar legal relationship is or  
19 could be declared invalid, and the child is born during the  
20 invalid marriage, civil union, or substantially similar  
21 legal relationship or within 300 days after its termination  
22 by death, declaration of invalidity of marriage, judgment  
23 for dissolution of marriage, civil union, or substantially  
24 similar legal relationship, or after a judgment for legal  
25 separation, except as provided by a valid gestational  
26 surrogacy contract, Article 7 of this Act, or other law;

1           (4) after the child's birth, he and the child's mother  
2           have entered into a marriage, civil union, or substantially  
3           similar legal relationship, even if the marriage, civil  
4           union, or substantially similar legal relationship is or  
5           could be declared invalid, and he is named, with his  
6           written consent, as the child's father on the child's birth  
7           certificate; or

8           (5) for the first 2 years after the birth of the child,  
9           he resided in a household with the child, openly held out  
10          the child as his own during that time, the child had only  
11          one parent under law at that time, and that parent  
12          consented to the man's holding out the child as his own.

13          (b) A woman is presumed to be the parent of a child if:

14           (1) she and the birth mother of the child have entered  
15           into a marriage, civil union, or substantially similar  
16           legal relationship, and the child is born to the birth  
17           mother during the marriage, civil union, or substantially  
18           similar legal relationship, except as provided by a valid  
19           gestational surrogacy contract, Article 7 of this Act, or  
20           other law;

21           (2) she and the birth mother of the child were in a  
22           marriage, civil union, or substantially similar legal  
23           relationship and the child is born to the birth mother  
24           within 300 days after the marriage, civil union, or  
25           substantially similar legal relationship is terminated by  
26           death, declaration of invalidity of marriage, judgment for

1 dissolution of marriage, civil union, or substantially  
2 similar legal relationship, or after a judgment for legal  
3 separation, except as provided by a valid gestational  
4 surrogacy contract, Article 7 of this Act, or other law;

5 (3) before the birth of the child, she and the birth  
6 mother of the child entered into a marriage, civil union,  
7 or substantially similar legal relationship in apparent  
8 compliance with law, even if the attempted marriage, civil  
9 union, or substantially similar legal relationship is or  
10 could be declared invalid, and the child is born during the  
11 invalid marriage, civil union, or substantially similar  
12 legal relationship or within 300 days after its termination  
13 by death, declaration of invalidity of marriage, judgment  
14 for dissolution of marriage, civil union, or substantially  
15 similar legal relationship, or after a judgment for legal  
16 separation, except as provided by a valid gestational  
17 surrogacy contract, Article 7 of this Act, or other law;

18 (4) after the child's birth, she and the birth mother  
19 have entered into a marriage, civil union, or substantially  
20 similar legal relationship, even if the marriage, civil  
21 union, or substantially similar legal relationship is or  
22 could be declared invalid, and she is named, with her  
23 written consent, as the child's parent on the child's birth  
24 certificate; or

25 (5) for the first 2 years after the birth of the child,  
26 she resided in a household with the child, openly held out

1 the child as her own during that time, the child had only  
2 one parent under law at that time, and that parent  
3 consented to the woman's holding out the child as her own.

4 (c) If 2 or more conflicting presumptions arise under this  
5 Section, the presumption which on the facts is founded on the  
6 weightier considerations of policy and logic, especially the  
7 policy of promoting the child's best interests, controls.

8 Section 205. Proceedings to declare the non-existence of  
9 the parent-child relationship.

10 (a) An action to declare the non-existence of the  
11 parent-child relationship may be brought by the child, the  
12 birth mother, or a man or woman presumed to be the parent under  
13 Section 204 of this Act. Actions brought by the child, the  
14 birth mother, or a presumed parent shall be brought by verified  
15 complaint, which shall be designated a petition. After a  
16 presumption under Section 204 of this Act has been rebutted,  
17 parentage of the child by another man or woman may be  
18 established in the same action, if he or she has been made a  
19 party.

20 (b) An action to declare the non-existence of the  
21 parent-child relationship brought under subsection (a) of this  
22 Section shall be barred if brought later than 2 years after the  
23 petitioner knew or should have known of the relevant facts. The  
24 2-year period for bringing an action to declare the  
25 non-existence of the parent-child relationship shall not

1 extend beyond the date on which the child reaches the age of 18  
2 years. Failure to bring an action within 2 years shall not bar  
3 any party from asserting a defense in any action to declare the  
4 existence of the parent-child relationship.

5 (c) An action to declare the non-existence of the  
6 parent-child relationship may be brought subsequent to an  
7 adjudication of parentage in any judgment by the man  
8 adjudicated to be the parent pursuant to a presumption in  
9 paragraphs (a) (1) through (a) (4) of Section 204 if, as a result  
10 of deoxyribonucleic acid (DNA) testing, it is discovered that  
11 the man adjudicated to be the parent is not the father of the  
12 child. Actions brought by the adjudicated father shall be  
13 brought by verified petition. If, as a result of the  
14 deoxyribonucleic acid (DNA) testing, the petitioner is  
15 determined not to be the father of the child, the adjudication  
16 of paternity and any orders regarding custody, parenting time,  
17 and future payments of support may be vacated.

18 (d) An action to declare the non-existence of the  
19 parent-child relationship brought under subsection (c) of this  
20 Section shall be barred if brought more than 2 years after the  
21 petitioner obtains actual knowledge of relevant facts. The  
22 2-year period shall not apply to periods of time where the  
23 birth mother or the child refuses to submit to deoxyribonucleic  
24 acid (DNA) testing. The 2-year period for bringing an action to  
25 declare the non-existence of the parent-child relationship  
26 shall not extend beyond the date on which the child reaches the

1 age of 18 years.

2 Section 206. Presumption; burden of proof. A presumption  
3 under Section 204 of this Act may be rebutted only by clear and  
4 convincing evidence.

5 ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT

6 Section 301. Voluntary acknowledgment. A parent-child  
7 relationship may be established voluntarily by the signing and  
8 witnessing of a voluntary acknowledgment in accordance with  
9 Section 12 of the Vital Records Act and Section 10-17.7 of the  
10 Illinois Public Aid Code. The voluntary acknowledgment shall  
11 contain the social security numbers of the persons signing the  
12 voluntary acknowledgment; however, failure to include the  
13 social security numbers of the persons signing a voluntary  
14 acknowledgment does not invalidate the voluntary  
15 acknowledgment.

16 Section 302. Execution of voluntary acknowledgment.

17 (a) A voluntary acknowledgment described in Section 301 of  
18 this Act must:

19 (1) be in a record;

20 (2) be signed, or otherwise authenticated, under  
21 penalty of perjury by the mother and by the man seeking to  
22 establish his parentage;

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

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

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

7           (4) be witnessed; and

8           (5) state that the signatories understand that the  
9           acknowledgment is the equivalent of a judicial  
10          adjudication of parentage of the child and that a challenge  
11          to the acknowledgment is permitted only under limited  
12          circumstances and is barred after 2 years.

13          (b) An acknowledgment is void if it:

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

18           (2) states that another man is an acknowledged or  
19           adjudicated father; or

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

22          (c) A presumed father may sign or otherwise authenticate an  
23          acknowledgment.

24          Section 303. Denial of parentage. A presumed father may  
25          sign a denial of his parentage. The denial is valid only if:

1           (a) a voluntary acknowledgment described in Section 301 of  
2 this Act signed, or otherwise authenticated, by another man is  
3 filed pursuant to Section 305 of this Act;

4           (b) the denial is in a record, and is signed, or otherwise  
5 authenticated, under penalty of perjury; and

6           (c) the presumed father has not previously:

7               (1) acknowledged his parentage, unless the previous  
8 acknowledgment has been rescinded under Section 307 of this  
9 Act or successfully challenged under Section 308 of this  
10 Act; or

11               (2) been adjudicated to be the father of the child.

12           Section 304. Rules for acknowledgment and denial of  
13 parentage.

14           (a) An acknowledgment as described in Section 301 of this  
15 Act and a denial may be contained in a single document or may  
16 be signed in counterparts, and may be filed separately or  
17 simultaneously. If the acknowledgment and denial are both  
18 necessary, neither is valid until both are filed.

19           (b) An acknowledgment or a denial may be signed before the  
20 birth of the child.

21           (c) Subject to subsection (a), an acknowledgment or denial  
22 takes effect on the birth of the child or the filing of the  
23 document with the Department of Healthcare and Family Services,  
24 as provided by law, whichever occurs later.

25           (d) An acknowledgment or denial signed by a minor is valid



1 if it is otherwise in compliance with this Act.

2 Section 305. Effect of acknowledgment or denial of  
3 parentage.

4 (a) Except as otherwise provided in Sections 307 and 308 of  
5 this Act, a valid acknowledgment filed with the Department of  
6 Healthcare and Family Services, as provided by law, is  
7 equivalent to an adjudication of the parentage of a child and  
8 confers upon the acknowledged father all of the rights and  
9 duties of a parent.

10 (b) Notwithstanding any other provision of this Act,  
11 parentage established in accordance with Section 301 of this  
12 Act has the full force and effect of a judgment entered under  
13 this Act and serves as a basis for seeking a child support  
14 order without any further proceedings to establish parentage.

15 (c) Except as otherwise provided in Sections 307 and 308 of  
16 this Act, a valid denial by a presumed father filed with the  
17 Department of Healthcare and Family Services, as provided by  
18 law, in conjunction with a voluntary acknowledgment, is  
19 equivalent to an adjudication of the nonparentage of the  
20 presumed father and discharges the presumed father from all  
21 rights and duties of a parent.

22 Section 306. No filing fee. The Department of Healthcare  
23 and Family Services, as provided by law, may not charge a fee  
24 for filing a voluntary acknowledgment or denial.

1           Section 307. Proceeding for rescission. A signatory may  
2 rescind a voluntary acknowledgment or denial by filing a signed  
3 and witnessed rescission with the Department of Healthcare and  
4 Family Services as provided in Section 12 of the Vital Records  
5 Act, before the earlier of:

6           (a) 60 days after the effective date of the acknowledgment  
7 or denial, as provided in Section 304 of this Act; or

8           (b) the date of a judicial or administrative proceeding  
9 relating to the child (including a proceeding to establish a  
10 support order) in which the signatory is a party.

11           Section 308. Challenge after expiration of period for  
12 rescission. After the period for rescission under Section 307  
13 of this Act has expired, a signatory of a voluntary  
14 acknowledgment or denial may commence a proceeding to challenge  
15 the acknowledgment or denial only as provided in Section 309 of  
16 this Act.

17           Section 309. Procedure for challenge.

18           (a) A voluntary acknowledgment and any related denial may  
19 be challenged only on the basis of fraud, duress, or material  
20 mistake of fact by filing a verified petition under this  
21 Section within 2 years after the effective date of the  
22 acknowledgment or denial, as provided in Section 304 of this  
23 Act. Time during which the person challenging the

1 acknowledgment or denial is under legal disability or duress or  
2 the ground for relief is fraudulently concealed shall be  
3 excluded in computing the period of 2 years.

4 (b) The verified complaint, which shall be designated a  
5 petition, shall be filed in the county where a proceeding  
6 relating to the child was brought, such as a support proceeding  
7 or, if none exists, in the county where the child resides.  
8 Every signatory to the voluntary acknowledgment and any related  
9 denial must be made a party to a proceeding to challenge the  
10 acknowledgment or denial. The party challenging the  
11 acknowledgment or denial shall have the burden of proof.

12 (c) For the purpose of a challenge to an acknowledgment or  
13 denial, a signatory submits to personal jurisdiction of this  
14 State by signing the acknowledgment and any related denial,  
15 effective upon the filing of the acknowledgment and any related  
16 denial with the Department of Healthcare and Family Services,  
17 as provided in Section 12 of the Vital Records Act.

18 (d) Except for good cause shown, during the pendency of a  
19 proceeding to challenge an acknowledgment or denial, the court  
20 may not suspend the legal responsibilities of a signatory  
21 arising from the acknowledgment, including the duty to pay  
22 child support.

23 (e) At the conclusion of a proceeding to challenge an  
24 acknowledgment or denial, the court shall order the Department  
25 of Public Health to amend the birth record of the child, if  
26 appropriate. A copy of an order entered at the conclusion of a

1 proceeding to challenge shall be provided to the Department of  
2 Healthcare and Family Services.

3 Section 310. Ratification barred. A court or  
4 administrative agency conducting a judicial or administrative  
5 proceeding is not required or permitted to ratify an  
6 unchallenged acknowledgment described in Section 301 of this  
7 Act.

8 Section 311. Full faith and credit. A court of this State  
9 shall give full faith and credit to a valid acknowledgment or  
10 denial of parentage effective in another state if the  
11 acknowledgment or denial has been signed and is otherwise in  
12 compliance with the law of the other state.

13 Section 312. Forms for acknowledgment and denial of  
14 parentage.

15 (a) To facilitate compliance with this Article, the  
16 Department of Healthcare and Family Services shall prescribe  
17 forms for the acknowledgment and the denial of parentage and  
18 for the rescission of acknowledgment or denial consistent with  
19 Section 307 of this Act.

20 (b) A voluntary acknowledgment or denial of parentage is  
21 not affected by a later modification of the prescribed form.

22 Section 313. Release of information. The Department of

1 Healthcare and Family Services may release information  
2 relating to the acknowledgment described in Section 301 of this  
3 Act, or the related denial, to a signatory of the  
4 acknowledgment or denial; to the child's guardian, the  
5 emancipated child, or the legal representatives of those  
6 individuals; to appropriate federal agencies; and to courts and  
7 appropriate agencies of this State or another state.

8 Section 314. Adoption of rules. The Department of Public  
9 Health and the Department of Healthcare and Family Services may  
10 adopt rules to implement this Article.

11 ARTICLE 4. GENETIC TESTING

12 Section 401. Proceeding authorized. As soon as  
13 practicable, the court or administrative hearing officer in an  
14 Expedited Child Support System may, and upon the request of a  
15 party shall, order or direct the mother, child, and alleged  
16 father to submit to deoxyribonucleic acid (DNA) testing to  
17 determine inherited characteristics. If any party refuses to  
18 submit to genetic testing, the court may resolve the question  
19 of paternity against that party or enforce its order if the  
20 rights of others and the interests of justice so require.

21 Section 402. Requirements for genetic testing.

22 (a) The genetic testing shall be conducted by an expert

1 qualified as an examiner of blood or tissue types and appointed  
2 by the court. The expert shall determine the genetic testing  
3 procedures. However, any interested party, for good cause  
4 shown, in advance of the scheduled genetic testing, may request  
5 a hearing to object to the qualifications of the expert or the  
6 genetic testing procedures. The expert appointed by the court  
7 shall testify at the pre-test hearing at the expense of the  
8 party requesting the hearing, except for an indigent party as  
9 provided in Section 405 of this Act. An expert not appointed by  
10 the court shall testify at the pre-test hearing at the expense  
11 of the party retaining the expert. Inquiry into an expert's  
12 qualifications at the pre-test hearing shall not affect either  
13 party's right to have the expert qualified at trial.

14 (b) Genetic testing must be of a type reasonably relied  
15 upon by experts in the field of genetic testing and performed  
16 in a testing laboratory accredited by the American Association  
17 of Blood Banks or a successor to its functions.

18 (c) A specimen used in genetic testing may consist of one  
19 or more samples, or a combination of samples, of blood, buccal  
20 cells, bone, hair, or other body tissue or fluid.

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

26 (1) The individual objecting may require the testing

1 laboratory, within 30 days after receipt of the report of  
2 the genetic testing, to recalculate the probability of  
3 paternity using an ethnic or racial group different from  
4 that used by the laboratory.

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

7 (A) if the frequencies are not available to the  
8 testing laboratory for the ethnic or racial group  
9 requested, provide the requested frequencies compiled  
10 in a manner recognized by accrediting bodies; or

11 (B) engage another testing laboratory to perform  
12 the calculations.

13 (e) If, after recalculation using a different ethnic or  
14 racial group, genetic testing does not reputably identify a man  
15 as the father of a child, an individual who has been tested may  
16 be required to submit to additional genetic testing.

17 Section 403. Genetic test results.

18 (a) The expert shall prepare a written report of the  
19 genetic test results. If the genetic test results show that the  
20 alleged father is not excluded, the report shall contain  
21 statistics based upon the statistical formula of combined  
22 paternity index (CPI) and the probability of paternity as  
23 determined by the probability of exclusion (Random Man Not  
24 Excluded = RMNE). The expert may be called by the court as a  
25 witness to testify to his or her findings and, if called, shall

1 be subject to cross-examination by the parties. If the genetic  
2 test results show that the alleged father is not excluded, any  
3 party may demand that other experts, qualified as examiners of  
4 blood or tissue types, perform independent genetic testing  
5 under order of court, including, but not limited to, blood  
6 types or other testing of genetic markers. The results of the  
7 genetic testing may be offered into evidence. The number and  
8 qualifications of the experts shall be determined by the court.

9 (b) Documentation of the chain of custody of the blood or  
10 tissue samples, accompanied by an affidavit or certification in  
11 accordance with Section 1-109 of the Code of Civil Procedure,  
12 is competent evidence to establish the chain of custody.

13 (c) The report of the genetic test results prepared by the  
14 appointed expert shall be made by affidavit or by certification  
15 as provided in Section 1-109 of the Code of Civil Procedure and  
16 shall be mailed to all parties. A proof of service shall be  
17 filed with the court. The verified report shall be admitted  
18 into evidence at trial without foundation testimony or other  
19 proof of authenticity or accuracy, unless a written motion  
20 challenging the admissibility of the report is filed by either  
21 party within 28 days of receipt of the report, in which case  
22 expert testimony shall be required. A party may not file such a  
23 motion challenging the admissibility of the report later than  
24 28 days before commencement of trial. Before trial, the court  
25 shall determine whether the motion is sufficient to deny  
26 admission of the report by verification. Failure to make that



1 timely motion constitutes a waiver of the right to object to  
2 admission by verification and shall not be grounds for a  
3 continuance of the hearing to establish paternity.

4 Section 404. Effect of genetic testing. Genetic testing  
5 taken under this Article shall have the following effect:

6 (a) If the court finds that the conclusion of the expert or  
7 experts, as disclosed by the evidence based upon the genetic  
8 testing, is that the alleged father is not the parent of the  
9 child, the question of paternity shall be resolved accordingly.

10 (b) If the experts disagree in their findings or  
11 conclusions, the question shall be weighed with other competent  
12 evidence of paternity.

13 (c) If the genetic testing results indicate that the  
14 alleged father is not excluded and that the combined paternity  
15 index is at least 1,000 to 1, and there is at least a 99.9%  
16 probability of paternity, the alleged father is presumed to be  
17 the father, and this evidence shall be admitted.

18 (d) A man identified under subsection (c) of this Section  
19 as the father of the child may rebut the genetic testing  
20 results by other genetic testing satisfying the requirements of  
21 this Article which:

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

23 or

24 (2) identifies another man as the possible father of  
25 the child.

1           (e) Except as otherwise provided in this Article, if more  
2 than one man is identified by genetic testing as the possible  
3 father of the child, the court shall order them to submit to  
4 further genetic testing to identify the genetic father.

5           Section 405. Cost of genetic testing. The expense of the  
6 genetic testing shall be paid by the party who requests the  
7 genetic testing, except that the court may apportion the costs  
8 between the parties, upon request. When the genetic testing is  
9 requested by the party seeking to establish paternity and that  
10 party is found to be indigent by the court, the expense shall  
11 be paid by the public agency providing representation; except  
12 that where a public agency is not providing representation, the  
13 expense shall be paid by the county in which the action is  
14 brought. When the genetic testing is ordered by the court on  
15 its own motion or is requested by the alleged or presumed  
16 father and that father is found to be indigent by the court,  
17 the expense shall be paid by the county in which the action is  
18 brought. Any part of the expense may be taxed as costs in the  
19 action, except that no costs may be taxed against a public  
20 agency that has not requested the genetic testing.

21           Section 406. Compensation of expert. The compensation of  
22 each expert witness appointed by the court shall be paid as  
23 provided in Section 405 of this Act. Any part of the payment  
24 may be taxed as costs in the action, except that no costs may

1 be taxed against a public agency that has not requested the  
2 services of the expert witness.

3 Section 407. Independent genetic testing. Nothing in this  
4 Article shall prevent a party from obtaining genetic testing of  
5 his or her own blood or tissue independent of those ordered by  
6 the court or from presenting expert testimony interpreting  
7 those tests or any other blood tests ordered under this  
8 Article. Reports of all the independent tests, accompanied by  
9 affidavit or certification pursuant to Section 1-109 of the  
10 Code of Civil Procedure, and notice of any expert witnesses to  
11 be called to testify to the results of those tests shall be  
12 submitted to all parties at least 30 days before any hearing  
13 set to determine the issue of parentage.

14 Section 408. Additional persons to be tested.

15 (a) Subject to subsection (b), if a genetic-testing  
16 specimen is not available from a man who may be the father of a  
17 child, for good cause and under circumstances the court  
18 considers to be just, the court may order the following  
19 individuals to submit specimens for genetic testing:

- 20 (1) the parents of the man;  
21 (2) brothers and sisters of the man;  
22 (3) other children of the man and their mothers; and  
23 (4) other relatives of the man necessary to complete  
24 genetic testing.

1           (b) Issuance of an order under this Section requires a  
2 finding that a need for genetic testing outweighs the  
3 legitimate interests of the individual sought to be tested, and  
4 in no event shall an order be issued until the individual is  
5 joined as a party and given notice as required under the Code  
6 of Civil Procedure.

7   ARTICLE 5. TEMPORARY RELIEF

8           Section 501. Temporary orders.

9           (a) On a motion by a party and a showing of clear and  
10 convincing evidence of parentage, the court shall issue a  
11 temporary order for support of a child if the order is  
12 appropriate and the individual ordered to pay support is:

13                   (1) a presumed parent of the child;

14                   (2) petitioning to have parentage adjudicated;

15                   (3) identified as the father through genetic testing  
16 under Article 4 of this Act;

17                   (4) an alleged father who has declined to submit to  
18 genetic testing;

19                   (5) shown by clear and convincing evidence to be the  
20 child's father;

21                   (6) the mother of the child; or

22                   (7) anyone else determined to be the child's parent.

23           In determining the amount of a temporary child support  
24 award, the court shall use the guidelines and standards set

1       forth in Sections 505 and 505.2 of the Illinois Marriage and  
2       Dissolution of Marriage Act.

3               (b) A temporary order may include provisions for custody  
4       and parenting time as provided by the Illinois Marriage and  
5       Dissolution of Marriage Act.

6               (c) Temporary orders issued under this Section shall not  
7       have prejudicial effect with respect to final support, custody,  
8       or parenting time orders.

9               Section 502. Injunctive relief.

10              (a) In any action brought under this Act for the initial  
11       determination of parentage, custody or parenting time of a  
12       child, or for modification of a prior custody or parenting time  
13       order, the court, upon application of a party, may enjoin a  
14       party having physical possession or custody of a child from  
15       temporarily removing the child from this State pending the  
16       adjudication of the issues of parentage, custody, and parenting  
17       time. When deciding whether to enjoin removal of a child, or to  
18       order a party to return the child to this State, the court  
19       shall consider factors including, but not limited to:

20                       (1) the extent of previous involvement with the child  
21       by the party seeking to enjoin removal or to have the  
22       absent party return the child to this State;

23                       (2) the likelihood that parentage will be established;  
24       and

25                       (3) the impact on the financial, physical, and

1 emotional health of the party being enjoined from removing  
2 the child or the party being ordered to return the child to  
3 this State.

4 (b) A temporary restraining order or preliminary  
5 injunction under this Act shall be governed by the relevant  
6 provisions of Part 1 of Article XI of the Code of Civil  
7 Procedure.

8 (c) Notwithstanding the provisions of subsection (a) of  
9 this Section, the court may decline to enjoin a domestic  
10 violence victim having physical possession or custody of a  
11 child from temporarily or permanently removing the child from  
12 this State pending the adjudication of issues of custody or  
13 parenting time. In determining whether a person is a domestic  
14 violence victim, the court shall consider the following  
15 factors:

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

19 (2) a sworn statement that the person fears for his or  
20 her safety or the safety of his or her children;

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

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

25 (5) documentation from a legal, clerical, medical, or  
26 other professional from whom the person has sought

1 assistance in dealing with the alleged domestic violence;  
2 and

3 (6) any other evidence that supports the sworn  
4 statements, such as a statement from any other individual  
5 with knowledge of the circumstances that provides the basis  
6 for the claim, or physical evidence of the domestic  
7 violence.

8 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

9 Section 601. Proceeding authorized. A civil proceeding may  
10 be maintained to adjudicate the parentage of a child. The  
11 proceeding is governed by the Code of Civil Procedure and  
12 Illinois Supreme Court Rules. Administrative proceedings  
13 adjudicating paternity shall be governed by Section 10-17.7 of  
14 the Illinois Public Aid Code.

15 Section 602. Standing. A complaint to adjudicate parentage  
16 shall be verified, shall be designated a petition, and shall  
17 name the person or persons alleged to be the parent of the  
18 child. Subject to Article 3 and Sections 607, 608, and 609 of  
19 this Act, a proceeding to adjudicate parentage may be  
20 maintained by:

- 21 (a) the child;  
22 (b) the mother of the child;  
23 (c) a pregnant woman;

1 (d) a man or woman presumed or alleging himself or herself  
2 to be the parent of the child;

3 (e) the support-enforcement agency or other governmental  
4 agency authorized by other law;

5 (f) any person or public agency that has custody of, is  
6 providing financial support to, or has provided financial  
7 support to the child;

8 (g) the Department of Healthcare and Family Services if it  
9 is providing, or has provided, financial support to the child  
10 or if it is assisting with child support collections services;

11 (h) an authorized adoption agency or licensed  
12 child-placing agency;

13 (i) a representative authorized by law to act for an  
14 individual who would otherwise be entitled to maintain a  
15 proceeding but who is deceased, incapacitated, or a minor;

16 (j) an intended parent pursuant to the terms of a valid  
17 gestational surrogacy contract; or

18 (k) an individual who has consented or has allegedly  
19 consented to assisted reproduction pursuant to Article 7 of  
20 this Act.

21 Section 603. Subject matter and personal jurisdiction.

22 (a) The circuit courts of this State shall have  
23 jurisdiction of an action brought under this Act. In a civil  
24 action not brought under this Act, the provisions of this Act  
25 shall apply if parentage is at issue. The court may join any



1 action under this Act with any other civil action in which this  
2 Act is applicable.

3 (b) An individual may not be adjudicated to be a parent  
4 unless the court has personal jurisdiction over the individual.

5 (c) A court of this State having jurisdiction to adjudicate  
6 parentage may exercise personal jurisdiction over a  
7 nonresident individual, or the guardian or conservator of the  
8 individual, if the conditions prescribed in Section 201 of the  
9 Uniform Interstate Family Support Act are fulfilled.

10 (d) Lack of jurisdiction over one individual does not  
11 preclude the court from making an adjudication of parentage  
12 binding on another individual over whom the court has personal  
13 jurisdiction.

14 Section 604. Venue.

15 (a) Venue for a proceeding to adjudicate parentage in any  
16 county of this State in which a party resides, or if the  
17 presumed or alleged father is deceased, in which a proceeding  
18 for probate or administration of the presumed or alleged  
19 father's estate has been commenced, or could be commenced.

20 (b) A child custody proceeding is commenced in the county  
21 where the child resides.

22 Section 605. Notice to presumed parent.

23 (a) In any action brought under Article 3 or Article 6 of  
24 this Act where the individual signing the petition for an order

1 establishing the existence of the parent-child relationship by  
2 consent or the individual alleged to be the parent in a  
3 petition is different from an individual who is presumed to be  
4 the parent of the child under Article 2 of this Act, a notice  
5 shall be served on the presumed parent in the same manner as  
6 summonses are served in other civil proceedings or, in lieu of  
7 personal service, service may be made as follows:

8 (1) The person requesting notice shall pay to the clerk  
9 of the circuit court a mailing fee of \$1.50 and furnish to  
10 the clerk of the circuit court an original and one copy of  
11 a notice together with an affidavit setting forth the  
12 presumed parent's last known address. The original notice  
13 shall be retained by the clerk of the circuit court.

14 (2) The clerk of the circuit court shall promptly mail  
15 to the presumed parent, at the address appearing in the  
16 affidavit, the copy of the notice by certified mail, return  
17 receipt requested. The envelope and return receipt shall  
18 bear the return address of the clerk of the circuit court.  
19 The receipt for certified mail shall state the name and  
20 address of the addressee and the date of mailing and shall  
21 be attached to the original notice.

22 (3) The return receipt, when returned to the clerk of  
23 the circuit court, shall be attached to the original notice  
24 and shall constitute proof of service.

25 (4) The clerk of the circuit court shall note the fact  
26 of service in a permanent record.

1 (b) The notice shall read as follows:

2 "IN THE MATTER OF NOTICE TO ..... PRESUMED PARENT.

3 You have been identified as the presumed parent of  
4 ....., born on ..... The birth parent of the child is  
5 .....

6 An action is being brought to establish the parent-child  
7 relationship between the named child and a parent named by the  
8 person filing this action, .....

9 As the presumed parent, you have certain legal rights with  
10 respect to the named child, including the right to notice of  
11 the filing of proceedings instituted for the establishment of  
12 parentage of the named child and, if named as a parent in a  
13 petition to establish parentage, the right to submit to, along  
14 with the birth parent and child, deoxyribonucleic acid (DNA)  
15 tests to determine inherited characteristics, subject to  
16 Section 610 of the Illinois Parentage Act of 2013. If you wish  
17 to assert your rights with respect to the child named in this  
18 notice, you must file with the Clerk of this Circuit Court of  
19 ..... County, Illinois, whose address is ....., within  
20 30 days after the date of receipt of this notice, a declaration  
21 of parentage stating that you are, in fact, the parent of the  
22 named child and that you intend to assert your legal rights  
23 with respect to the child, or that you request to be notified  
24 of any further proceedings with respect to the parentage of the  
25 child.

26 If you do not file a declaration of parentage or a request

1 for notice, then whatever legal rights you have with respect to  
2 the named child, including the right to notice of any future  
3 proceedings for the establishment of parentage of the child,  
4 may be terminated without any further notice to you. When your  
5 legal rights with respect to the named child are terminated,  
6 you will not be entitled to notice of any future proceedings.".

7 (c) The notice to a presumed parent under this Section in  
8 any action brought by a public agency shall be prepared and  
9 mailed by the public agency, and the mailing fee to the clerk  
10 of the circuit court shall be waived.

11 Section 606. Summons. The summons that is served on a  
12 respondent shall include the return date on or by which the  
13 respondent must appear and shall contain the following  
14 information, in a prominent place and in conspicuous language,  
15 in addition to the information required to be provided under  
16 the laws of this State: "If you do not appear as instructed in  
17 this summons, you may be required to support the child named in  
18 this petition until the child is at least 18 years old. You may  
19 also have to pay the pregnancy and delivery costs of the  
20 mother.".

21 Section 607. No limitation; child having no presumed,  
22 acknowledged, or adjudicated parent. A proceeding to  
23 adjudicate the parentage of a child having no presumed,  
24 acknowledged, or adjudicated parent may be commenced at any

1 time, even after:

2 (a) the child becomes an adult, but only if the child  
3 initiates the proceeding; or

4 (b) an earlier proceeding to adjudicate parentage has been  
5 dismissed based on the application of a statute of limitations  
6 then in effect.

7 Section 608. Limitation; child having presumed parent.

8 (a) An alleged father, as that term is defined in Section  
9 103 of this Act, must commence an action to establish a  
10 parent-child relationship for a child having a presumed parent  
11 not later than 2 years after the petitioner knew or should have  
12 known of the relevant facts. The time the petitioner is under  
13 legal disability or duress or the ground for relief is  
14 fraudulently concealed shall be excluded in computing the  
15 period of 2 years.

16 (b) A proceeding seeking to declare the non-existence of  
17 the parent-child relationship between a child and the child's  
18 presumed father may be maintained at any time by a person  
19 described in paragraphs (1) through (4) of subsection (a) of  
20 Section 204 of this Act if the court determines that the  
21 presumed father and the mother of the child neither cohabited  
22 nor engaged in sexual intercourse with each other during the  
23 probable time of conception.

24 Section 609. Limitation; child having acknowledged or

1 adjudicated parent.

2 (a) If a child has an acknowledged parent, a signatory to  
3 the acknowledgment described in Section 301 of this Act or  
4 related denial may commence a proceeding seeking to challenge  
5 the acknowledgment or denial or challenge the paternity of the  
6 child only within the time allowed under Section 309 of this  
7 Act.

8 (b) If a child has an acknowledged parent or an adjudicated  
9 parent, an individual, other than the child, who is neither a  
10 signatory to the acknowledgment nor a party to the adjudication  
11 and who seeks an adjudication of parentage of the child must  
12 commence a proceeding not later than 2 years after the  
13 effective date of the acknowledgment or adjudication.

14 (c) A proceeding under this Section is subject to the  
15 application of the principles of estoppel established in  
16 Section 610 of this Act.

17 Section 610. Authority to deny motion for genetic testing.

18 (a) In a proceeding to adjudicate the parentage of a child  
19 having a presumed parent, the court may deny a motion seeking  
20 an order for genetic testing of the parents and child if the  
21 court determines that:

22 (1) the conduct of the parent or the presumed parent  
23 estops that party from denying parentage; and

24 (2) it would be inequitable to disprove the  
25 parent-child relationship between the child and the

1           presumed parent.

2           (b) In determining whether to deny a motion seeking an  
3 order for genetic testing, the court shall consider the best  
4 interests of the child, including the following factors:

5           (1) the length of time between the proceeding to  
6 adjudicate parentage and the time that the presumed parent  
7 was placed on notice that he or she might not be the  
8 biological parent;

9           (2) the length of time during which the presumed parent  
10 has assumed the role of parent of the child;

11           (3) the facts surrounding the presumed parent's  
12 discovery of his or her possible nonparentage;

13           (4) the nature of the relationship between the child  
14 and the presumed parent;

15           (5) the age of the child;

16           (6) the harm that may result to the child if the  
17 presumed parentage is successfully disproved;

18           (7) the nature of the relationship between the child  
19 and any alleged parent;

20           (8) the extent to which the passage of time reduces the  
21 chances of establishing the parentage of another person and  
22 a child support obligation in favor of the child;

23           (9) other factors that may affect the equities arising  
24 from the disruption of the parent-child relationship  
25 between the child and the presumed parent or the chance of  
26 other harm to the child; and

1           (10) any other factors the court determines to be  
2           equitable.

3           (c) In a proceeding involving the application of this  
4           Section, a minor or incapacitated child must be represented by  
5           a guardian ad litem, child's representative, or attorney for  
6           the child.

7           (d) If the court denies a motion seeking an order for  
8           genetic testing, it shall issue an order adjudicating the  
9           presumed parent to be the parent of the child.

10          Section 611. Joinder of proceedings.

11          (a) Except as otherwise provided in subsection (b), a  
12          proceeding to adjudicate parentage may be joined with a  
13          proceeding for adoption, termination of parental rights, child  
14          custody or parenting time, child support, dissolution of  
15          marriage or civil union, declaration of invalidity of marriage  
16          or civil union, legal separation, probate or administration of  
17          an estate, or other appropriate proceeding.

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

21          Section 612. Proceeding before birth. A proceeding to  
22          establish parentage may be commenced before the birth of the  
23          child, but may not be concluded until after the birth of the  
24          child. The following actions may be taken before the birth of



1 the child:

2 (a) service of process;

3 (b) the taking of depositions to perpetuate testimony; and

4 (c) except as prohibited by Article 4 of this Act,  
5 collection of specimens for genetic testing.

6 Section 613. Child as party; representation.

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

9 (b) The court shall appoint a guardian ad litem, child's  
10 representative, or attorney for the child to represent a minor  
11 or incapacitated child if the child is a party or the court  
12 finds that the interests of the child are not adequately  
13 represented.

14 Section 614. Admissibility of results of genetic testing;  
15 expenses.

16 (a) If a child has a presumed, acknowledged, or adjudicated  
17 parent, the results of genetic testing are inadmissible to  
18 adjudicate parentage unless performed:

19 (1) with the consent of both the mother and the  
20 presumed, acknowledged, or adjudicated parent; or

21 (2) pursuant to an order of the court under Section 402  
22 of this Act.

23 (b) Copies of bills for genetic testing and for prenatal  
24 and postnatal health care for the mother and child which are

1 furnished to the adverse party not less than 10 days before the  
2 date of a hearing are admissible to establish:

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

4 (2) that the charges were reasonable, necessary, and  
5 customary.

6 (c) Certified copies of the bills for costs incurred for  
7 pregnancy and childbirth shall be admitted into evidence at  
8 judicial or administrative proceedings without foundation  
9 testimony or other proof of authenticity or accuracy.

10 Section 615. Consequences of declining genetic testing.

11 (a) An order for genetic testing is enforceable through a  
12 proceeding for adjudication of contempt.

13 (b) If an individual whose parentage is being determined  
14 declines to submit to genetic testing ordered by the court or  
15 administrative agency, the court or administrative agency may  
16 adjudicate parentage contrary to the position of that  
17 individual.

18 (c) Genetic testing of the mother of a child is not a  
19 condition precedent to genetically testing the child and a man  
20 whose paternity is being determined. If the mother is  
21 unavailable or declines to submit to genetic testing, the court  
22 or administrative agency may order the genetic testing of the  
23 child and every man whose paternity is being adjudicated.

24 Section 616. Admission of parentage authorized.

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

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

10           Section 617. Rules for adjudication of parentage. The court  
11 shall apply the following rules to adjudicate the parentage of  
12 a child:

13           (a) The parentage of a child having an adjudicated parent  
14 may be disproved only by admissible results of genetic testing,  
15 or other means, excluding that person as the parent of the  
16 child or identifying another person as the parent of the child.

17           (b) Unless the results of the genetic testing or other  
18 evidence are admitted to rebut other results of genetic  
19 testing, a person identified as the parent of a child under  
20 Section 404 of this Act may be adjudicated the parent of the  
21 child.

22           (c) If the court finds that genetic testing under Section  
23 404 neither identifies nor excludes a person as the parent of a  
24 child, the court may not dismiss the proceeding. In that event,  
25 the results of genetic testing and other evidence are

1 admissible to adjudicate the issue of parentage.

2 (d) Unless the results of genetic testing are admitted to  
3 rebut other results of genetic testing, a person excluded as  
4 the parent of a child by genetic testing may be adjudicated not  
5 to be the parent of the child.

6 Section 618. Pre-trial proceedings. As soon as practicable  
7 after an action to declare the existence or non-existence of  
8 the parent-child relationship has been brought, and the parties  
9 are at issue, the court may conduct a pre-trial conference.

10 Section 619. Jury prohibited. Trial by jury is not  
11 available under this Act.

12 Section 620. Order on default. The court may issue an order  
13 adjudicating the parentage of a person who is in default after  
14 service of process.

15 Section 621. Binding effect of determination of parentage.

16 (a) Except as otherwise provided in subsection (b) of this  
17 Section, a determination of parentage is binding on:

18 (1) all signatories to an acknowledgment or denial as  
19 provided in Article 3 of this Act; and

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

1 Family Support Act.

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

4 (1) the determination was based on an unrescinded  
5 acknowledgment as provided in Article 3 of this Act and the  
6 acknowledgment is consistent with the results of genetic  
7 testing;

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

12 (3) the child was a party or was represented in the  
13 proceeding determining parentage by a guardian ad litem,  
14 child's representative, or attorney for the child.

15 (c) In a proceeding for dissolution of marriage, civil  
16 union, or substantially similar legal relationship,  
17 declaration of invalidity of marriage, civil union, or  
18 substantially similar legal relationship, or legal separation,  
19 the court is deemed to have made an adjudication of the  
20 parentage of a child if the court acts under circumstances that  
21 satisfy the jurisdictional requirements of Section 201 of the  
22 Uniform Interstate Family Support Act, and the final order:

23 (1) expressly identifies a child as a "child of the  
24 marriage, civil union, or substantially similar legal  
25 relationship", "issue of the marriage, civil union, or  
26 substantially similar legal relationship", or uses similar

1 words indicating that a party to the marriage, civil union,  
2 or substantially similar legal relationship is the parent  
3 of the child; or

4 (2) provides for support of the child by the parties to  
5 the marriage, civil union, or substantially similar legal  
6 relationship, unless parentage is specifically disclaimed  
7 in the order.

8 (d) Except as otherwise provided in subsection (b) of this  
9 Section, a determination of parentage may be a defense in a  
10 subsequent proceeding seeking to adjudicate parentage by an  
11 individual who was not a party to the earlier proceeding.

12 (e) A party to an adjudication of parentage may challenge  
13 the adjudication only under the laws of this State relating to  
14 appeal, vacation of judgments, or other judicial review.

15 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

16 Section 701. Scope of Article. This Article does not apply  
17 to the birth of a child conceived by means of sexual  
18 intercourse or as a result of a valid gestational surrogacy  
19 contract under the Gestational Surrogacy Act or other law.

20 Section 702. Parental status of donor. Except as provided  
21 in this Act, a donor is not a parent of a child conceived by  
22 means of assisted reproduction.

1           Section 703. Parentage of a child of assisted reproduction.  
2           A person who provides gametes for, or consents to, assisted  
3           reproduction by a woman as provided in Section 704 of this Act  
4           with the intent to be the parent of her child is a parent of the  
5           resulting child.

6           Section 704. Consent to assisted reproduction.

7           (a) Consent by an individual who intends to be a parent of  
8           a child born to a woman must be in a writing signed by the woman  
9           and the individual consenting to be the parent. A writing  
10          includes a certificate of birth naming both intended parents or  
11          a written ratification of a prior oral agreement to assisted  
12          reproduction.

13          (b) Failure to establish the consent required by subsection  
14          (a) of this Section, before or after the birth of the child,  
15          does not preclude a presumption under Section 204 of this Act.

16          (c) In order to be valid, both parties signing a consent  
17          under this Section must be at least 18 years of age at the time  
18          the writing is executed.

19          (d) A consent may not be entered that would result in the  
20          birth of a child created by sperm and eggs of parties who are  
21          blood relatives of the first degree.

22          Section 705. Effect of petition or withdrawal of consent.

23          (a) If a petition for legal separation or for the  
24          dissolution or declaration of invalidity of a marriage, civil

1 union, or substantially similar legal relationship is filed and  
2 properly served or notice is given of the filing of the  
3 petition to the other party before implantation of existing  
4 gametes or an embryo or embryos, then consent to assisted  
5 reproduction shall be treated as being withdrawn unless the  
6 party and the woman, after the filing of the petition or the  
7 giving of notice of the filing of the petition to the other  
8 party, sign a new writing consenting to the assisted  
9 reproduction or ratify, in writing, a prior written consent.

10 (b) Consent to assisted reproduction may be withdrawn by an  
11 individual in a writing given with proper notice to the other  
12 party at any time before implantation of the gametes or an  
13 embryo or embryos. An individual who withdraws consent under  
14 this Section is not a parent of any resulting child.

15 Section 706. Parental status of deceased individual. If an  
16 individual does not consent in a writing to be a parent by  
17 assisted reproduction after death and dies before the  
18 implantation of gametes or an embryo or embryos, the deceased  
19 individual is not a parent of the resulting child.

20 Section 707. Burden of proof. A consent executed under  
21 Section 704 of this Act or a withdrawal of consent under  
22 Section 705 of this Act must be proven by clear and convincing  
23 evidence.



## 1 ARTICLE 8. SUPPORT AND JUDGMENT

2 Section 801. Child support orders.

3 (a) Notwithstanding any other law to the contrary, pending  
4 the outcome of a judicial determination of parentage, the court  
5 shall issue an order for child support upon motion by a party  
6 and a showing of clear and convincing evidence of parentage. In  
7 determining the amount of the child support award, the court  
8 shall use the guidelines and standards set forth in Sections  
9 505 and 505.2 of the Illinois Marriage and Dissolution of  
10 Marriage Act.

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

1 noncustodial parent.

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

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

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

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

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

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

1 or that of a minor child, or both, would be seriously  
2 endangered by disclosure of the party's address.

3 Section 802. Judgment.

4 (a) The court shall issue an order adjudicating whether a  
5 person alleged or claiming to be the parent is the parent of  
6 the child. An order adjudicating parentage must identify the  
7 child by name and date of birth.

8 The court may assess filing fees, reasonable attorney's  
9 fees, fees for genetic testing, other costs, necessary travel  
10 expenses, and other reasonable expenses incurred in a  
11 proceeding under this Act. The court may award attorney's fees,  
12 which may be paid directly to the attorney, who may enforce the  
13 order in the attorney's own name. The court may not assess  
14 fees, costs, or expenses against the support-enforcement  
15 agency of this State or another state, except as provided by  
16 other law.

17 The judgment shall contain or explicitly reserve  
18 provisions concerning any duty and amount of child support and  
19 may contain provisions concerning the custody and guardianship  
20 of the child, parenting time privileges with the child, and the  
21 furnishing of bond or other security for the payment of the  
22 judgment, which the court shall determine in accordance with  
23 the relevant factors set forth in the Illinois Marriage and  
24 Dissolution of Marriage Act and any other applicable law of  
25 this State, to guide the court in a finding in the best

1 interests of the child. In determining custody, joint custody,  
2 removal, parenting time, parenting time interference, support  
3 for a non-minor disabled child, educational expenses for a  
4 non-minor child, and related post-judgment issues, the court  
5 shall apply the relevant standards of the Illinois Marriage and  
6 Dissolution of Marriage Act. Specifically, in determining the  
7 amount of a child support award, the court shall use the  
8 guidelines and standards set forth in subsection (a) of Section  
9 505 and in Section 505.2 of the Illinois Marriage and  
10 Dissolution of Marriage Act. The court shall order all child  
11 support payments, determined in accordance with such  
12 guidelines, to commence with the date summons is served. The  
13 level of current periodic support payments shall not be reduced  
14 because of payments set for the period prior to the date of  
15 entry of the support order.

16 (b) In an action brought within 2 years after a child's  
17 birth, the judgment or order may direct either parent to pay  
18 the reasonable expenses incurred by either parent or the  
19 Department of Healthcare and Family Services related to the  
20 mother's pregnancy and the delivery of the child.

21 (c) If a judgment of parentage contains no explicit award  
22 of custody, the establishment of a child support obligation or  
23 of parenting time rights in one parent shall be considered a  
24 judgment granting custody to the other parent. If the parentage  
25 judgment contains no such provisions, custody shall be presumed  
26 to be with the mother; however, the presumption shall not apply

1 if the father has had physical custody for at least 6 months  
2 prior to the date that the mother seeks to enforce custodial  
3 rights.

4 (d) The court, if necessary to protect and promote the best  
5 interests of the child, may set aside a portion of the  
6 separately held estates of the parties in a separate fund or  
7 trust for the support, education, physical and mental health,  
8 and general welfare of a minor or mentally or physically  
9 disabled child of the parties.

10 (e) The court may order child support payments to be made  
11 for a period prior to the commencement of the action. In  
12 determining whether and to what extent the payments shall be  
13 made for the prior period, the court shall consider all  
14 relevant facts, including but not limited to:

15 (1) The factors for determining the amount of support  
16 specified in the Illinois Marriage and Dissolution of  
17 Marriage Act.

18 (2) The father's prior knowledge of the fact and  
19 circumstances of the child's birth.

20 (3) The father's prior willingness or refusal to help  
21 raise or support the child.

22 (4) The extent to which the mother or the public agency  
23 bringing the action previously informed the father of the  
24 child's needs or attempted to seek or require his help in  
25 raising or supporting the child.

26 (5) The reasons the mother or the public agency did not

1 file the action earlier.

2 (6) The extent to which the father would be prejudiced  
3 by the delay in bringing the action.

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

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 child support that  
19 was 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 (f) A new or existing support order entered by the court  
23 under this Section shall be deemed to be a series of judgments  
24 against the person obligated to pay support thereunder, each  
25 judgment to be in the amount of each payment or installment of  
26 support and each judgment to be deemed entered as of the date



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

12 (g) If the judgment or order of the court is at variance  
13 with the child's birth certificate, the court shall order that  
14 a new birth certificate be issued under the Vital Records Act.

15 (h) On the request of both parents, the court shall order a  
16 change in the child's name.

17 (i) After hearing evidence, the court may stay payment of  
18 support during the period of the father's minority or period of  
19 disability.

20 (j) If, upon a showing of proper service, the father fails  
21 to appear in court or otherwise appear as provided by law, the  
22 court may proceed to hear the cause upon testimony of the  
23 mother or other parties taken in open court and shall enter a  
24 judgment by default. The court may reserve any order as to the  
25 amount of child support until the father has received notice,  
26 by regular mail, of a hearing on the matter.

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

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

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

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

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

9 (n) 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 7 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 an obligor arrested for failure  
19 to report new employment bond shall be set in the amount of the  
20 child support that should have been paid during the period of  
21 unreported employment. An order entered under this Section  
22 shall also include a provision requiring the obligor and  
23 obligee parents to advise each other of a change in residence  
24 within 5 days of the change except when the court finds that  
25 the physical, mental, or emotional health of a party or that of  
26 a minor child, or both, would be seriously endangered by

1 disclosure of the party's address.

2 Section 803. Information to State Case Registry.

3 (a) In this Section:

4 "Order for support", "obligor", "obligee", and "business  
5 day" are defined as set forth in the Income Withholding for  
6 Support Act.

7 "State Case Registry" means the State Case Registry  
8 established under Section 10-27 of the Illinois Public Aid  
9 Code.

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

22 (c) The obligor shall file the following information: the  
23 obligor's name, date of birth, social security number, and  
24 mailing address. If either the obligor or the obligee receives  
25 child support enforcement services from the Department of

1 Healthcare and Family Services under Article X of the Illinois  
2 Public Aid Code, the obligor shall also file the following  
3 information: the obligor's telephone number, driver's license  
4 number, residential address (if different from the obligor's  
5 mailing address), and the name, address, and telephone number  
6 of the obligor's employer or employers.

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

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

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

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

14 (4) The obligee's mailing address.

15 (e) In cases in which the obligee receives child support  
16 enforcement services from the Department of Healthcare and  
17 Family Services under Article X of the Illinois Public Aid  
18 Code, the order for support shall (i) require that the obligee  
19 file the information required under subsection (d) with the  
20 Department of Healthcare and Family Services for inclusion in  
21 the State Case Registry, rather than file the information with  
22 the clerk, and (ii) require that the obligee include the  
23 following additional information:

24 (1) The obligee's telephone and driver's license  
25 numbers.

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

1 from the obligee's mailing address.

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

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

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

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

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

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

25 (h) Information filed by the obligor and obligee under this  
26 Section that is not specifically required to be included in the

1 body of an order for support under other laws is not a public  
2 record and shall be treated as confidential and subject to  
3 disclosure only in accordance with the provisions of this  
4 Section, Section 10-27 of the Illinois Public Aid Code, and  
5 Title IV, Part D of the Social Security Act.

6 Section 804. Information to locate putative fathers and  
7 noncustodial parents.

8 (a) Upon request by a public office, employers, labor  
9 unions, and telephone companies shall provide location  
10 information concerning putative fathers and noncustodial  
11 parents for the purpose of establishing the parentage of a  
12 child or establishing, enforcing, or modifying a child support  
13 obligation. As used in this Section, the term "public office"  
14 is defined as set forth in the Income Withholding for Support  
15 Act, and "location information" means information about (i) the  
16 physical whereabouts of a putative father or noncustodial  
17 parent; (ii) the employer of the putative father or  
18 noncustodial parent; or (iii) the salary, wages, and other  
19 compensation paid and the health insurance coverage provided to  
20 the putative father or noncustodial parent by the employer of  
21 the putative father or noncustodial parent or by a labor union  
22 of which the putative father or noncustodial parent is a  
23 member. An employer, labor union, or telephone company shall  
24 respond to the request of the public office within 15 days  
25 after receiving the request. An employer, labor union, or



1 telephone company that willfully fails to fully respond within  
2 the 15-day period shall be subject to a penalty of \$100 for  
3 each day that the response is not provided to the public office  
4 after the 15-day period has expired. The penalty may be  
5 collected in a civil action, which may be brought against the  
6 employer, labor union, or telephone company in favor of the  
7 public office.

8 (b) Upon being served with a subpoena (including an  
9 administrative subpoena as authorized by law), a utility  
10 company or cable television company must provide location  
11 information to a public office for the purpose of establishing  
12 the parentage of a child or establishing, enforcing, or  
13 modifying a child support obligation.

14 (c) Notwithstanding the provisions of any other State or  
15 local law to the contrary, an employer, labor union, telephone  
16 company, utility company, or cable television company shall not  
17 be liable to any person for disclosure of location information  
18 under the requirements of this Section, except for willful and  
19 wanton misconduct.

20 Section 805. Enforcement of judgment or order.

21 (a) If the existence of the parent-child relationship is  
22 declared, or if parentage or a duty of support has been  
23 established under this Act or under prior law or under the law  
24 of any other jurisdiction, the judgment rendered thereunder may  
25 be enforced in the same or in other proceedings by any party or

1 any person or agency that has furnished or may furnish  
2 financial assistance or services to the child. The Income  
3 Withholding for Support Act and Sections 802 and 808 of this  
4 Act shall also be applicable with respect to the entry,  
5 modification, and enforcement of a support judgment entered  
6 under the Paternity Act, approved July 5, 1957 and repealed  
7 July 1, 1985.

8 (b) Failure to comply with an order of the court shall be  
9 punishable as contempt as in other cases of failure to comply  
10 under the Illinois Marriage and Dissolution of Marriage Act. In  
11 addition to other penalties provided by law, the court may,  
12 after finding the party guilty of contempt, take the following  
13 action:

14 (1) Order that the party be placed on probation with  
15 such conditions of probation as the court deems advisable.

16 (2) Order that the party be sentenced to periodic  
17 imprisonment for a period not to exceed 6 months. However,  
18 the court may permit the party to be released for periods  
19 of time during the day or night to work, conduct business,  
20 or engage in other self-employed occupation. The court may  
21 further order any part of all the earnings of a party  
22 during a sentence of periodic imprisonment to be paid to  
23 the clerk of the circuit court or to the person or parent  
24 having custody of the minor child for the support of the  
25 child until further order of the court.

26 (3) Pierce the ownership veil of a person, persons, or

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

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

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

17 (C) the non-custodial parent transfers assets to  
18 the person, persons, or business entity with the intent  
19 to perpetrate a fraud on the custodial parent. With  
20 respect to assets which are real property, no order  
21 entered under this subdivision (3) shall affect the  
22 rights of bona fide purchasers, mortgagees, judgment  
23 creditors, or other lien holders who acquire their  
24 interests in the property prior to the time a notice of  
25 lis pendens under the Code of Civil Procedure or a copy  
26 of the order is placed of record in the office of the

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

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

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

1 be prosecuted under that Act, and a person convicted under that  
2 Act may be sentenced in accordance with that Act. The sentence  
3 may include, but need not be limited to, a requirement that the  
4 person perform community service under Section 50 of that Act  
5 or participate in a work alternative program under Section 50  
6 of that Act. A person may not be required to participate in a  
7 work alternative program under Section 50 of the Non-Support  
8 Punishment Act if the person is currently participating in a  
9 work program under Section 806 of this Act.

10 (c) In a post-judgment proceeding to enforce or modify the  
11 judgment, the parties shall continue to be designated as in the  
12 original proceeding.

13 Section 806. Unemployment of person owing duty of support.

14 (a) Whenever it is determined in a proceeding to establish  
15 or enforce a child support obligation that the person owing a  
16 duty of support is unemployed, the court may order the person  
17 to seek employment and report periodically to the court with a  
18 diary, listing, or other memorandum of his or her efforts to  
19 seek employment in accordance with the order. Additionally, the  
20 court may order the unemployed person to report to the  
21 Department of Employment Security for job search services and  
22 to participate in job training or work programs. When the duty  
23 of support is owed to a child receiving child support  
24 enforcement services under Article X of the Illinois Public Aid  
25 Code, the court may order the unemployed person to report to

1 the Department of Healthcare and Family Services for  
2 participation in job search, training, or work programs  
3 established under Section 9-6 and Article IXA of that Code.

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

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

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

17 Section 807. Order of protection; status. Whenever relief  
18 is sought under this Act, the court, before granting relief,  
19 shall determine whether an order of protection has previously  
20 been entered in the instant proceeding or any other proceeding  
21 in which any party, or a child of any party, or both, if  
22 relevant, has been designated as either a respondent or a  
23 protected person.

24 Section 808. Modification of judgment. The court has

1 continuing jurisdiction to modify an order for support,  
2 custody, parenting time, or removal included in a judgment  
3 entered under this Act. Any custody, parenting time, or removal  
4 judgment modification shall be in accordance with the relevant  
5 factors specified in the Illinois Marriage and Dissolution of  
6 Marriage Act. Any support judgment is subject to modification  
7 or termination only in accordance with Section 510 of the  
8 Illinois Marriage and Dissolution of Marriage Act.

9 Section 809. Right to counsel.

10 (a) Any party may be represented by counsel at all  
11 proceedings under this Act. Except as otherwise provided in  
12 this Act, the court may order, in accordance with the relevant  
13 factors specified in Section 508 of the Illinois Marriage and  
14 Dissolution of Marriage Act, reasonable fees of counsel,  
15 experts, and other costs of the action, pre-trial proceedings,  
16 post-judgment proceedings to enforce or modify the judgment,  
17 and the appeal or the defense of an appeal of the judgment to  
18 be paid by the parties. The court may not order payment by the  
19 Department of Healthcare and Family Services in cases in which  
20 the Department is providing child support enforcement services  
21 under Article X of the Illinois Public Aid Code.

22 (b) In any proceedings involving the support, custody,  
23 parenting time, education, parentage, property interest, or  
24 general welfare of a minor or dependent child, the court may,  
25 on its own motion or that of any party, appoint an attorney to

1 serve in one of the capacities specified in Section 506 of the  
2 Illinois Marriage and Dissolution of Marriage Act.

3 Section 810. Withholding of income to secure payment of  
4 support. Orders for support entered under this Act are subject  
5 to the Income Withholding for Support Act.

6 Section 811. Information concerning obligors.

7 (a) In this Section:

8 "Arrearage", "delinquency", "obligor", and "order for  
9 support" have the meanings attributed to those terms in the  
10 Income Withholding for Support Act.

11 "Consumer reporting agency" has the meaning attributed to  
12 that term in Section 603(f) of the Fair Credit Reporting Act,  
13 15 U.S.C. 1681a(f).

14 (b) Whenever a court of competent jurisdiction finds that  
15 an obligor either owes an arrearage of more than \$10,000 or is  
16 delinquent in payment of an amount equal to at least 3 months'  
17 support obligation pursuant to an order for support, the court  
18 shall direct the clerk of the circuit court to make information  
19 concerning the obligor available to consumer reporting  
20 agencies.

21 (c) Whenever a court of competent jurisdiction finds that  
22 an obligor either owes an arrearage of more than \$10,000 or is  
23 delinquent in payment of an amount equal to at least 3 months'  
24 support obligation pursuant to an order for support, the court



1 shall direct the clerk of the circuit court to cause the  
2 obligor's name and address to be published in a newspaper of  
3 general circulation in the area in which the obligor resides.  
4 The clerk of the circuit court shall cause the obligor's name  
5 and address to be published only after sending to the obligor  
6 at the obligor's last known address, by certified mail, return  
7 receipt requested, a notice of intent to publish the  
8 information. This subsection (c) applies only if the obligor  
9 resides in the county in which the clerk of the circuit court  
10 holds office.

11 Section 812. Interest on support obligations. A support  
12 obligation, or any portion of a support obligation, which  
13 becomes due and remains unpaid as of the end of each month,  
14 excluding the child support that was due for that month to the  
15 extent that it was not paid in that month, shall accrue simple  
16 interest as set forth in Section 12-109 of the Code of Civil  
17 Procedure. An order for support shall contain a statement that  
18 a support obligation required under the order, or any portion  
19 of a support obligation required under the order, that becomes  
20 due and remains unpaid as of the end of each month, excluding  
21 the child support that was due for that month to the extent  
22 that it was not paid in that month, shall accrue simple  
23 interest as set forth in Section 12-109 of the Code of Civil  
24 Procedure. Failure to include the statement in the order for  
25 support does not affect the validity of the order or the

1 accrual of interest as provided in this Section.

2 Section 813. Support payments; receiving and disbursing  
3 agents.

4 (a) In an action filed in a county with less than 3,000,000  
5 inhabitants in which an order for child support is entered, and  
6 in supplementary proceedings to enforce or vary the terms of  
7 the order arising out of an action filed in such a county, the  
8 court, except in actions or supplementary proceedings in which  
9 the pregnancy and delivery expenses of the mother or the child  
10 support payments are for a recipient of aid under the Illinois  
11 Public Aid Code, shall direct that child support payments be  
12 made to the clerk of the circuit court, unless in the  
13 discretion of the court exceptional circumstances warrant  
14 otherwise. In cases where payment is to be made to persons  
15 other than the clerk of the circuit court, the judgment or  
16 order of support shall set forth the facts of the exceptional  
17 circumstances.

18 (b) In an action filed in a county of 3,000,000 or more  
19 inhabitants in which an order for child support is entered, and  
20 in supplementary proceedings to enforce or vary the terms of  
21 the order arising out of an action filed in such a county, the  
22 court, except in actions or supplementary proceedings in which  
23 the pregnancy and delivery expenses of the mother or the child  
24 support payments are for a recipient of aid under the Illinois  
25 Public Aid Code, shall direct that child support payments be

1 made either to the clerk of the circuit court or to the Court  
2 Service Division of the Department of Human Services local  
3 office or offices or its successor or to the Department of  
4 Healthcare and Family Services, unless in the discretion of the  
5 court exceptional circumstances warrant otherwise. In cases  
6 where payment is to be made to persons other than the clerk of  
7 the circuit court, the Court Service Division of the Department  
8 of Human Services local office or offices or its successor, or  
9 the Department of Healthcare and Family Services, the judgment  
10 or order of support shall set forth the facts of the  
11 exceptional circumstances.

12 (c) When the action or supplementary proceeding is on  
13 behalf of a mother for pregnancy and delivery expenses or for  
14 child support, or both, and the mother, child, or both, are  
15 recipients of aid under the Illinois Public Aid Code, the court  
16 shall order that the payments be made directly to (1) the  
17 Department of Healthcare and Family Services, if the mother or  
18 child, or both, are recipients under Article IV or V of the  
19 Illinois Public Aid Code; or (2) the local governmental unit  
20 responsible for the support of the mother or child, or both, if  
21 they are recipients under Article VI of the Illinois Public Aid  
22 Code. In accordance with federal law and regulations, the  
23 Department of Healthcare and Family Services may continue to  
24 collect current maintenance payments or child support  
25 payments, or both, after those persons cease to receive public  
26 assistance and until termination of services under Article X of

1 the Illinois Public Aid Code. The Department of Healthcare and  
2 Family Services shall pay the net amount collected to those  
3 persons after deducting any costs incurred in making the  
4 collection or any collection fee from the amount of any  
5 recovery made. The Department of Healthcare and Family Services  
6 or the local governmental unit, as the case may be, may direct  
7 that payments be made directly to the mother of the child, or  
8 to some other person or agency on the child's behalf, upon the  
9 removal of the mother and child from the public aid rolls or  
10 upon termination of services under Article X of the Illinois  
11 Public Aid Code; upon such direction, the Department of  
12 Healthcare and Family Services or the local governmental unit  
13 shall give notice of the action to the court in writing or by  
14 electronic transmission.

15 (d) All clerks of the circuit court and the Court Service  
16 Division of the Department of Human Services local office or  
17 offices or its successor and the Department of Healthcare and  
18 Family Services, receiving child support payments under  
19 subsection (a) or (b) shall disburse the payments to the person  
20 or persons entitled to the payments under the terms of the  
21 order. The entity disbursing the payments shall establish and  
22 maintain clear and current records of all moneys received and  
23 disbursed and of defaults and delinquencies in required  
24 payments. The court, by order or rule, shall make provision for  
25 the carrying out of these duties. Payments under this Section  
26 to the Department of Healthcare and Family Services made

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

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

26 (f) For those cases in which child support is payable to

1 the clerk of the circuit court for transmittal to the  
2 Department of Healthcare and Family Services by order of court  
3 or upon notification by the Department of Healthcare and Family  
4 Services, the clerk of the circuit court shall transmit all  
5 payments, within 4 working days of receipt, to insure that  
6 funds are available for immediate distribution by the  
7 Department of Healthcare and Family Services to the person or  
8 entity entitled to them in accordance with the Child Support  
9 Enforcement Program under Title IV-D of the Social Security  
10 Act. The clerk of the circuit court shall notify the Department  
11 of Healthcare and Family Services of the date of receipt and  
12 the amount of the funds at the time of transmittal. If the  
13 clerk of the circuit court has entered into an agreement of  
14 cooperation with the Department of Healthcare and Family  
15 Services to record the terms of child support orders and  
16 payments made thereunder directly into the Department's  
17 automated data processing system, the clerk of the circuit  
18 court shall account for, transmit and otherwise distribute  
19 child support payments in accordance with the agreement in lieu  
20 of the requirements contained in this Section.

21 (g) To the extent the provisions of this Section are  
22 inconsistent with the requirements pertaining to the State  
23 Disbursement Unit under Section 815 of this Act and Section  
24 10-26 of the Illinois Public Aid Code, the requirements  
25 pertaining to the State Disbursement Unit shall apply.

1 Section 814. Notice of child support enforcement services.  
2 The Department of Healthcare and Family Services may provide  
3 notice at any time to the parties to an action filed under this  
4 Act that child support enforcement services are being provided  
5 by the Department under Article X of the Illinois Public Aid  
6 Code. After notice is provided, the Department of Healthcare  
7 and Family Services shall be entitled, as if it were a party,  
8 to notice of any further proceedings brought in the case. The  
9 Department of Healthcare and Family Services shall provide the  
10 clerk of the circuit court with copies of the notices sent to  
11 the parties. The clerk of the circuit court shall file the  
12 copies in the court file.

13 Section 815. Payment of support to State Disbursement Unit.

14 (a) As used in this Section, "order for support",  
15 "obligor", "obligee", and "payor" have the meanings ascribed to  
16 them in the Income Withholding for Support Act, except that  
17 "order for support" does not mean an order for spousal  
18 maintenance under which there is no child support obligation.

19 (b) Notwithstanding any other provision of this Act to the  
20 contrary, each order for support entered or modified on or  
21 after October 1, 1999 shall require that support payments be  
22 made to the State Disbursement Unit established under Section  
23 10-26 of the Illinois Public Aid Code if:

24 (1) a party to the order is receiving child support  
25 enforcement services under Article X of the Illinois Public

1 Aid Code; or

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

5 (c) Support payments shall be made to the State  
6 Disbursement Unit if:

7 (1) the order for support was entered before October 1,  
8 1999, and a party to the order is receiving child support  
9 enforcement services under Article X of the Illinois Public  
10 Aid Code; or

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

14 (d) If no party to the order is receiving child support  
15 enforcement services under Article X of the Illinois Public Aid  
16 Code and the support payments are not made through income  
17 withholding, then support payments shall be made as directed by  
18 the order for support.

19 (e) At any time, and notwithstanding the existence of an  
20 order directing payments to be made elsewhere, the Department  
21 of Healthcare and Family Services may provide notice to the  
22 obligor and, where applicable, to the obligor's payor:

23 (1) to make support payments to the State Disbursement  
24 Unit if:

25 (A) a party to the order for support is receiving  
26 child support enforcement services under Article X of



1 the Illinois Public Aid Code; or

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

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

11 The Department of Healthcare and Family Services shall  
12 provide a copy of the notice sent under this subsection to the  
13 obligee and to the clerk of the circuit court.

14 (f) The clerk of the circuit court shall provide written  
15 notice to the obligor to make payments directly to the clerk of  
16 the circuit court if no party to the order is receiving child  
17 support enforcement services under Article X of the Illinois  
18 Public Aid Code, the support payments are not made through  
19 income withholding, and the order for support requires support  
20 payments to be made directly to the clerk of the circuit court.  
21 The clerk of the circuit court shall provide a copy of the  
22 notice to the obligee.

23 (g) If the State Disbursement Unit receives a support  
24 payment that was not appropriately made to the Unit under this  
25 Section, the Unit shall immediately return the payment to the  
26 sender, including, if possible, instructions detailing where

1 to send the support payments.

2 (h) The notices under subsections (e) and (f) may be sent  
3 by ordinary mail, certified mail with return receipt requested,  
4 facsimile transmission, other electronic process, or any  
5 method provided by law for service of a summons.

6 Section 816. Notice to the clerk of circuit court of  
7 payment received by Department of Healthcare and Family  
8 Services. For those cases in which support is payable to the  
9 clerk of the circuit court for transmittal to the Department of  
10 Healthcare and Family Services by order of court, and the  
11 Department of Healthcare and Family Services collects support  
12 by assignment, offset, withhold, deduction, or other process  
13 permitted by law, the Department of Healthcare and Family  
14 Services shall notify the clerk of the circuit court of the  
15 date and amount of the collection. Upon notification, the clerk  
16 of the circuit court shall record the collection on the payment  
17 record for the case.

18 ARTICLE 9. MISCELLANEOUS PROVISIONS

19 Section 901. Burden of proof. Absent a burden of proof  
20 specifically set forth in this Act, the burden of proof shall  
21 be by a preponderance of the evidence.

22 Section 902. Severability clause. If any provision of this

1 Act or its application to an individual or circumstance is held  
2 invalid, the invalidity does not affect other provisions or  
3 applications of this Act which can be given effect without the  
4 invalid provision or application, and to this end the  
5 provisions of this Act are severable.

6 Section 903. Transitional provision. A proceeding to  
7 adjudicate parentage which was commenced before the effective  
8 date of this Act is governed by the law in effect at the time  
9 the proceeding was commenced.

10 Section 904. Savings provision. The repeal of the Illinois  
11 Parentage Act of 1984 and the Illinois Parentage Act shall not  
12 affect rights or liabilities under those Acts which have been  
13 determined, settled, or adjudicated prior to the effective date  
14 of this Act or which are the subject of proceedings pending on  
15 the effective date of this Act. This Act shall not be construed  
16 to bar an action which would have been barred because the  
17 action had not been filed within a time limitation under the  
18 Illinois Parentage Act of 1984 and the Illinois Parentage Act,  
19 or which could not have been maintained under those Acts, as  
20 long as the action is not barred by a limitations period set  
21 forth in this Act.

22 Section 905. Other states' establishments of parentage.  
23 Establishments of parentage made under the laws of other states

1 shall be given full faith and credit in this State regardless  
2 of whether parentage was established through voluntary  
3 acknowledgment or through judicial or administrative  
4 processes.

5 Section 951. The Department of Employment Security Law of  
6 the Civil Administrative Code of Illinois is amended by  
7 changing Section 1005-130 as follows:

8 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

9 Sec. 1005-130. Exchange of information for child support  
10 enforcement.

11 (a) The Department has the power to exchange with the  
12 Department of Healthcare and Family Services information that  
13 may be necessary for the enforcement of child support orders  
14 entered pursuant to the Illinois Public Aid Code, the Illinois  
15 Marriage and Dissolution of Marriage Act, the Non-Support of  
16 Spouse and Children Act, the Non-Support Punishment Act, the  
17 Revised Uniform Reciprocal Enforcement of Support Act, the  
18 Uniform Interstate Family Support Act, ~~or~~ the Illinois  
19 Parentage Act of 1984, or the Illinois Parentage Act of 2013.

20 (b) Notwithstanding any provisions in the Civil  
21 Administrative Code of Illinois to the contrary, the Department  
22 of Employment Security shall not be liable to any person for  
23 any disclosure of information to the Department of Healthcare  
24 and Family Services (formerly Illinois Department of Public

1 Aid) under subsection (a) or for any other action taken in good  
2 faith to comply with the requirements of subsection (a).

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

4 Section 952. The Department of Professional Regulation Law  
5 of the Civil Administrative Code of Illinois is amended by  
6 changing Section 2105-15 as follows:

7 (20 ILCS 2105/2105-15)

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

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

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

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

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

23 (4) To prescribe rules and regulations defining, for  
24 the respective professions, trades, and occupations, what

1 shall constitute a school, college, or university, or  
2 department of a university, or other institution,  
3 reputable and in good standing, and to determine the  
4 reputability and good standing of a school, college, or  
5 university, or department of a university, or other  
6 institution, reputable and in good standing, by reference  
7 to a compliance with those rules and regulations; provided,  
8 that no school, college, or university, or department of a  
9 university, or other institution that refuses admittance  
10 to applicants solely on account of race, color, creed, sex,  
11 or national origin shall be considered reputable and in  
12 good standing.

13 (5) To conduct hearings on proceedings to revoke,  
14 suspend, refuse to renew, place on probationary status, or  
15 take other disciplinary action as authorized in any  
16 licensing Act administered by the Department with regard to  
17 licenses, certificates, or authorities of persons  
18 exercising the respective professions, trades, or  
19 occupations and to revoke, suspend, refuse to renew, place  
20 on probationary status, or take other disciplinary action  
21 as authorized in any licensing Act administered by the  
22 Department with regard to those licenses, certificates, or  
23 authorities. The Department shall issue a monthly  
24 disciplinary report. The Department shall deny any license  
25 or renewal authorized by the Civil Administrative Code of  
26 Illinois to any person who has defaulted on an educational

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

22 The Department, without further process or hearings,  
23 shall revoke, suspend, or deny any license or renewal  
24 authorized by the Civil Administrative Code of Illinois to  
25 a person who is certified by the Department of Healthcare  
26 and Family Services (formerly Illinois Department of

1 Public Aid) as being more than 30 days delinquent in  
2 complying with a child support order or who is certified by  
3 a court as being in violation of the Non-Support Punishment  
4 Act for more than 60 days. The Department may, however,  
5 issue a license or renewal if the person has established a  
6 satisfactory repayment record as determined by the  
7 Department of Healthcare and Family Services (formerly  
8 Illinois Department of Public Aid) or if the person is  
9 determined by the court to be in compliance with the  
10 Non-Support Punishment Act. The Department may implement  
11 this paragraph as added by Public Act 89-6 through the use  
12 of emergency rules in accordance with Section 5-45 of the  
13 Illinois Administrative Procedure Act. For purposes of the  
14 Illinois Administrative Procedure Act, the adoption of  
15 rules to implement this paragraph shall be considered an  
16 emergency and necessary for the public interest, safety,  
17 and welfare.

18 (6) To transfer jurisdiction of any realty under the  
19 control of the Department to any other department of the  
20 State Government or to acquire or accept federal lands when  
21 the transfer, acquisition, or acceptance is advantageous  
22 to the State and is approved in writing by the Governor.

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

25 (8) To exchange with the Department of Healthcare and  
26 Family Services information that may be necessary for the



1 enforcement of child support orders entered pursuant to the  
2 Illinois Public Aid Code, the Illinois Marriage and  
3 Dissolution of Marriage Act, the Non-Support of Spouse and  
4 Children Act, the Non-Support Punishment Act, the Revised  
5 Uniform Reciprocal Enforcement of Support Act, the Uniform  
6 Interstate Family Support Act, ~~or~~ the Illinois Parentage  
7 Act of 1984, or the Illinois Parentage Act of 2013.

8 Notwithstanding any provisions in this Code to the  
9 contrary, the Department of Professional Regulation shall  
10 not be liable under any federal or State law to any person  
11 for any disclosure of information to the Department of  
12 Healthcare and Family Services (formerly Illinois  
13 Department of Public Aid) under this paragraph (8) or for  
14 any other action taken in good faith to comply with the  
15 requirements of this paragraph (8).

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

17 (a-5) Except in cases involving default on an educational  
18 loan or scholarship provided by or guaranteed by the Illinois  
19 Student Assistance Commission or any governmental agency of  
20 this State or in cases involving delinquency in complying with  
21 a child support order or violation of the Non-Support  
22 Punishment Act, no person or entity whose license, certificate,  
23 or authority has been revoked as authorized in any licensing  
24 Act administered by the Department may apply for restoration of  
25 that license, certification, or authority until 3 years after  
26 the effective date of the revocation.

1           (b) The Department may, when a fee is payable to the  
2 Department for a wall certificate of registration provided by  
3 the Department of Central Management Services, require that  
4 portion of the payment for printing and distribution costs be  
5 made directly or through the Department to the Department of  
6 Central Management Services for deposit into the Paper and  
7 Printing Revolving Fund. The remainder shall be deposited into  
8 the General Revenue Fund.

9           (c) For the purpose of securing and preparing evidence, and  
10 for the purchase of controlled substances, professional  
11 services, and equipment necessary for enforcement activities,  
12 recoupment of investigative costs, and other activities  
13 directed at suppressing the misuse and abuse of controlled  
14 substances, including those activities set forth in Sections  
15 504 and 508 of the Illinois Controlled Substances Act, the  
16 Director and agents appointed and authorized by the Director  
17 may expend sums from the Professional Regulation Evidence Fund  
18 that the Director deems necessary from the amounts appropriated  
19 for that purpose. Those sums may be advanced to the agent when  
20 the Director deems that procedure to be in the public interest.  
21 Sums for the purchase of controlled substances, professional  
22 services, and equipment necessary for enforcement activities  
23 and other activities as set forth in this Section shall be  
24 advanced to the agent who is to make the purchase from the  
25 Professional Regulation Evidence Fund on vouchers signed by the  
26 Director. The Director and those agents are authorized to

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

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

22 (e) The provisions of this Section do not apply to private  
23 business and vocational schools as defined by Section 15 of the  
24 Private Business and Vocational Schools Act of 2012.

25 (f) Beginning July 1, 1995, this Section does not apply to  
26 those professions, trades, and occupations licensed under the

1 Real Estate License Act of 2000, nor does it apply to any  
2 permits, certificates, or other authorizations to do business  
3 provided for in the Land Sales Registration Act of 1989 or the  
4 Illinois Real Estate Time-Share Act.

5 (g) Notwithstanding anything that may appear in any  
6 individual licensing statute or administrative rule, the  
7 Department shall deny any license application or renewal  
8 authorized under any licensing Act administered by the  
9 Department to any person who has failed to file a return, or to  
10 pay the tax, penalty, or interest shown in a filed return, or  
11 to pay any final assessment of tax, penalty, or interest, as  
12 required by any tax Act administered by the Illinois Department  
13 of Revenue, until such time as the requirement of any such tax  
14 Act are satisfied; however, the Department may issue a license  
15 or renewal if the person has established a satisfactory  
16 repayment record as determined by the Illinois Department of  
17 Revenue. For the purpose of this Section, "satisfactory  
18 repayment record" shall be defined by rule.

19 In addition, a complaint filed with the Department by the  
20 Illinois Department of Revenue that includes a certification,  
21 signed by its Director or designee, attesting to the amount of  
22 the unpaid tax liability or the years for which a return was  
23 not filed, or both, is prima facia evidence of the licensee's  
24 failure to comply with the tax laws administered by the  
25 Illinois Department of Revenue. Upon receipt of that  
26 certification, the Department shall, without a hearing,

1 immediately suspend all licenses held by the licensee.  
2 Enforcement of the Department's order shall be stayed for 60  
3 days. The Department shall provide notice of the suspension to  
4 the licensee by mailing a copy of the Department's order by  
5 certified and regular mail to the licensee's last known address  
6 as registered with the Department. The notice shall advise the  
7 licensee that the suspension shall be effective 60 days after  
8 the issuance of the Department's order unless the Department  
9 receives, from the licensee, a request for a hearing before the  
10 Department to dispute the matters contained in the order.

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

16 The Department shall promulgate rules for the  
17 administration of this subsection (g).

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

1           (i) Within 180 days after December 23, 2009 (the effective  
2 date of Public Act 96-852), the Department shall promulgate  
3 rules which permit a person with a criminal record, who seeks a  
4 license or certificate in an occupation for which a criminal  
5 record is not expressly a per se bar, to apply to the  
6 Department for a non-binding, advisory opinion to be provided  
7 by the Board or body with the authority to issue the license or  
8 certificate as to whether his or her criminal record would bar  
9 the individual from the licensure or certification sought,  
10 should the individual meet all other licensure requirements  
11 including, but not limited to, the successful completion of the  
12 relevant examinations.

13           (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;  
14 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12.)

15           Section 953. The Department of Revenue Law of the Civil  
16 Administrative Code of Illinois is amended by changing Section  
17 2505-65 as follows:

18           (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

19           Sec. 2505-65. Exchange of information.

20           (a) The Department has the power to exchange with any  
21 state, with any local subdivisions of any state, or with the  
22 federal government, except when specifically prohibited by  
23 law, any information that may be necessary to efficient tax  
24 administration and that may be acquired as a result of the

1 administration of the laws set forth in the Sections following  
2 Section 95-10 and preceding Section 2505-60.

3 (b) The Department has the power to exchange with the  
4 Department of Healthcare and Family Services information that  
5 may be necessary for the enforcement of child support orders  
6 entered pursuant to the Illinois Public Aid Code, the Illinois  
7 Marriage and Dissolution of Marriage Act, the Non-Support of  
8 Spouse and Children Act, the Non-Support Punishment Act, the  
9 Revised Uniform Reciprocal Enforcement of Support Act, the  
10 Uniform Interstate Family Support Act, ~~or~~ the Illinois  
11 Parentage Act of 1984, or the Illinois Parentage Act of 2013.  
12 Notwithstanding any provisions in this Code to the contrary,  
13 the Department of Revenue shall not be liable to any person for  
14 any disclosure of information to the Department of Healthcare  
15 and Family Services (formerly Illinois Department of Public  
16 Aid) under this subsection (b) or for any other action taken in  
17 good faith to comply with the requirements of this subsection  
18 (b).

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

20 Section 954. The Counties Code is amended by changing  
21 Section 3-5036.5 as follows:

22 (55 ILCS 5/3-5036.5)

23 Sec. 3-5036.5. Exchange of information for child support  
24 enforcement.

1 (a) The Recorder shall exchange with the Department of  
2 Healthcare and Family Services information that may be  
3 necessary for the enforcement of child support orders entered  
4 pursuant to the Illinois Public Aid Code, the Illinois Marriage  
5 and Dissolution of Marriage Act, the Non-Support of Spouse and  
6 Children Act, the Non-Support Punishment Act, the Revised  
7 Uniform Reciprocal Enforcement of Support Act, the Uniform  
8 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
9 1984, or the Illinois Parentage Act of 2013.

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

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

17 Section 955. The Collection Agency Act is amended by  
18 changing Section 2.04 as follows:

19 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

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

21 Sec. 2.04. Child support indebtedness.

22 (a) Persons, associations, partnerships, corporations, or  
23 other legal entities engaged in the business of collecting  
24 child support indebtedness owing under a court order as



1 provided under the Illinois Public Aid Code, the Illinois  
2 Marriage and Dissolution of Marriage Act, the Non-Support of  
3 Spouse and Children Act, the Non-Support Punishment Act, the  
4 Illinois Parentage Act of 1984, the Illinois Parentage Act of  
5 2013, or similar laws of other states are not restricted (i) in  
6 the frequency of contact with an obligor who is in arrears,  
7 whether by phone, mail, or other means, (ii) from contacting  
8 the employer of an obligor who is in arrears, (iii) from  
9 publishing or threatening to publish a list of obligors in  
10 arrears, (iv) from disclosing or threatening to disclose an  
11 arrearage that the obligor disputes, but for which a verified  
12 notice of delinquency has been served under the Income  
13 Withholding for Support Act (or any of its predecessors,  
14 Section 10-16.2 of the Illinois Public Aid Code, Section 706.1  
15 of the Illinois Marriage and Dissolution of Marriage Act,  
16 Section 4.1 of the Non-Support of Spouse and Children Act,  
17 Section 26.1 of the Revised Uniform Reciprocal Enforcement of  
18 Support Act, or Section 20 of the Illinois Parentage Act of  
19 1984), or (v) from engaging in conduct that would not cause a  
20 reasonable person mental or physical illness. For purposes of  
21 this subsection, "obligor" means an individual who owes a duty  
22 to make periodic payments, under a court order, for the support  
23 of a child. "Arrearage" means the total amount of an obligor's  
24 unpaid child support obligations.

25 (a-5) A collection agency may not impose a fee or charge,  
26 including costs, for any child support payments collected

1 through the efforts of a federal, State, or local government  
2 agency, including but not limited to child support collected  
3 from federal or State tax refunds, unemployment benefits, or  
4 Social Security benefits.

5 No collection agency that collects child support payments  
6 shall (i) impose a charge or fee, including costs, for  
7 collection of a current child support payment, (ii) fail to  
8 apply collections to current support as specified in the order  
9 for support before applying collection to arrears or other  
10 amounts, or (iii) designate a current child support payment as  
11 arrears or other amount owed. In all circumstances, the  
12 collection agency shall turn over to the obligee all support  
13 collected in a month up to the amount of current support  
14 required to be paid for that month.

15 As to any fees or charges, including costs, retained by the  
16 collection agency, that agency shall provide documentation to  
17 the obligee demonstrating that the child support payments  
18 resulted from the actions of the agency.

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

22 (a-10) The Department of Professional Regulation shall  
23 determine a fee rate of not less than 25% but not greater than  
24 35%, based upon presentation by the licensees as to costs to  
25 provide the service and a fair rate of return. This rate shall  
26 be established by administrative rule.

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

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

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

12 Section 956. The Illinois Public Aid Code is amended by  
13 changing Sections 10-3.1, 10-16.7, 10-17, 10-17.7, 10-19,  
14 10-25, 10-25.5, 10-27, and 12-4.7c as follows:

15 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

16 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois  
17 Department shall establish within its administrative staff a  
18 Child and Spouse Support Unit to search for and locate absent  
19 parents and spouses liable for the support of persons resident  
20 in this State and to exercise the support enforcement powers  
21 and responsibilities assigned the Department by this Article.  
22 The unit shall cooperate with all law enforcement officials in  
23 this State and with the authorities of other States in locating  
24 persons responsible for the support of persons resident in

1 other States and shall invite the cooperation of these  
2 authorities in the performance of its duties.

3 In addition to other duties assigned the Child and Spouse  
4 Support Unit by this Article, the Unit may refer to the  
5 Attorney General or units of local government with the approval  
6 of the Attorney General, any actions under Sections 10-10 and  
7 10-15 for judicial enforcement of the support liability. The  
8 Child and Spouse Support Unit shall act for the Department in  
9 referring to the Attorney General support matters requiring  
10 judicial enforcement under other laws. If requested by the  
11 Attorney General to so act, as provided in Section 12-16,  
12 attorneys of the Unit may assist the Attorney General or  
13 themselves institute actions on ~~in~~ behalf of the Illinois  
14 Department under the Revised Uniform Reciprocal Enforcement of  
15 Support Act; under the Illinois Parentage Act of 1984 or under  
16 the Illinois Parentage Act of 2013; under the Non-Support of  
17 Spouse and Children Act; under the Non-Support Punishment Act;  
18 or under any other law, State or Federal, providing for support  
19 of a spouse or dependent child.

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

1 total amount collected.

2 An attorney who provides representation pursuant to this  
3 Section shall represent the Illinois Department exclusively.  
4 Regardless of the designation of the plaintiff in an action  
5 brought pursuant to this Section, an attorney-client  
6 relationship does not exist for purposes of that action between  
7 that attorney and (i) an applicant for or recipient of child  
8 support enforcement services or (ii) any other party to the  
9 action other than the Illinois Department. Nothing in this  
10 Section shall be construed to modify any power or duty  
11 (including a duty to maintain confidentiality) of the Child and  
12 Spouse Support Unit or the Illinois Department otherwise  
13 provided by law.

14 The Illinois Department may also enter into agreements with  
15 local governmental units for the Child and Spouse Support Unit  
16 to exercise the investigative and enforcement powers  
17 designated in this Article, including the issuance of  
18 administrative orders under Section 10-11, in locating  
19 responsible relatives and obtaining support for persons  
20 applying for or receiving aid under Article VI. Payments for  
21 defrayment of administrative costs and support payments  
22 obtained shall be deposited into the DHS Recoveries Trust Fund.  
23 Support payments shall be paid over to the General Assistance  
24 Fund of the local governmental unit at such time or times as  
25 the agreement may specify.

26 With respect to those cases in which it has support

1 enforcement powers and responsibilities under this Article,  
2 the Illinois Department may provide by rule for periodic or  
3 other review of each administrative and court order for support  
4 to determine whether a modification of the order should be  
5 sought. The Illinois Department shall provide for and conduct  
6 such review in accordance with any applicable federal law and  
7 regulation.

8 As part of its process for review of orders for support,  
9 the Illinois Department, through written notice, may require  
10 the responsible relative to disclose his or her Social Security  
11 Number and past and present information concerning the  
12 relative's address, employment, gross wages, deductions from  
13 gross wages, net wages, bonuses, commissions, number of  
14 dependent exemptions claimed, individual and dependent health  
15 insurance coverage, and any other information necessary to  
16 determine the relative's ability to provide support in a case  
17 receiving child support enforcement services under this  
18 Article X.

19 The Illinois Department may send a written request for the  
20 same information to the relative's employer. The employer shall  
21 respond to the request for information within 15 days after the  
22 date the employer receives the request. If the employer  
23 willfully fails to fully respond within the 15-day period, the  
24 employer shall pay a penalty of \$100 for each day that the  
25 response is not provided to the Illinois Department after the  
26 15-day period has expired. The penalty may be collected in a

1 civil action which may be brought against the employer in favor  
2 of the Illinois Department.

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

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

1 request of the person receiving child support enforcement  
2 services.

3 The Illinois Department shall establish and maintain an  
4 administrative unit to receive and transmit to the Child and  
5 Spouse Support Unit information supplied by persons applying  
6 for or receiving child support enforcement services under  
7 Section 10-1. In addition, the Illinois Department shall  
8 address and respond to any alleged deficiencies that persons  
9 receiving or applying for services from the Child and Spouse  
10 Support Unit may identify concerning the Child and Spouse  
11 Support Unit's provision of child support enforcement  
12 services. Within 60 days after an action or failure to act by  
13 the Child and Spouse Support Unit that affects his or her case,  
14 a recipient of or applicant for child support enforcement  
15 services under Article X of this Code may request an  
16 explanation of the Unit's handling of the case. At the  
17 requestor's option, the explanation may be provided either  
18 orally in an interview, in writing, or both. If the Illinois  
19 Department fails to respond to the request for an explanation  
20 or fails to respond in a manner satisfactory to the applicant  
21 or recipient within 30 days from the date of the request for an  
22 explanation, the applicant or recipient may request a  
23 conference for further review of the matter by the Office of  
24 the Administrator of the Child and Spouse Support Unit. A  
25 request for a conference may be submitted at any time within 60  
26 days after the explanation has been provided by the Child and



1 Spouse Support Unit or within 60 days after the time for  
2 providing the explanation has expired.

3 The applicant or recipient may request a conference  
4 concerning any decision denying or terminating child support  
5 enforcement services under Article X of this Code, and the  
6 applicant or recipient may also request a conference concerning  
7 the Unit's failure to provide services or the provision of  
8 services in an amount or manner that is considered inadequate.  
9 For purposes of this Section, the Child and Spouse Support Unit  
10 includes all local governmental units or individuals with whom  
11 the Illinois Department has contracted under Section 10-3.1.

12 Upon receipt of a timely request for a conference, the  
13 Office of the Administrator shall review the case. The  
14 applicant or recipient requesting the conference shall be  
15 entitled, at his or her option, to appear in person or to  
16 participate in the conference by telephone. The applicant or  
17 recipient requesting the conference shall be entitled to be  
18 represented and to be afforded a reasonable opportunity to  
19 review the Illinois Department's file before or at the  
20 conference. At the conference, the applicant or recipient  
21 requesting the conference shall be afforded an opportunity to  
22 present all relevant matters in support of his or her claim.  
23 Conferences shall be without cost to the applicant or recipient  
24 requesting the conference and shall be conducted by a  
25 representative of the Child or Spouse Support Unit who did not  
26 participate in the action or inaction being reviewed.

1           The Office of the Administrator shall conduct a conference  
2 and inform all interested parties, in writing, of the results  
3 of the conference within 60 days from the date of filing of the  
4 request for a conference.

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

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

12           (305 ILCS 5/10-16.7)

13           Sec. 10-16.7. Child support enforcement debit  
14 authorization.

15           (a) For purposes of this Section:

16           "Financial institution" and "account" are defined as set  
17 forth in Section 10-24.

18           "Payor" is defined as set forth in Section 15 of the Income  
19 Withholding for Support Act.

20           "Order for support" means any order for periodic payment of  
21 funds to the State Disbursement Unit for the support of a child  
22 or, where applicable, for support of a child and a parent with  
23 whom the child resides, that is entered or modified under this  
24 Code or under the Illinois Marriage and Dissolution of Marriage  
25 Act, the Non-Support of Spouse and Children Act, the

1 Non-Support Punishment Act, ~~or~~ the Illinois Parentage Act of  
2 1984, or the Illinois Parentage Act of 2013, or that is entered  
3 or registered for modification or enforcement under the Uniform  
4 Interstate Family Support Act.

5 "Obligor" means an individual who owes a duty to make  
6 payments under an order for support in a case in which child  
7 support enforcement services are being provided under this  
8 Article X.

9 (b) The Department of Public Aid (now Healthcare and Family  
10 Services) shall adopt a child support enforcement debit  
11 authorization form that, upon being signed by an obligor,  
12 authorizes a financial institution holding an account on the  
13 obligor's behalf to debit the obligor's account periodically in  
14 an amount equal to the amount of child support that the obligor  
15 is required to pay periodically and transfer that amount to the  
16 State Disbursement Unit. The form shall include instructions to  
17 the financial institution concerning the debiting of accounts  
18 held on behalf of obligors and the transfer of the debited  
19 amounts to the State Disbursement Unit. In adopting the form,  
20 the Department may consult with the Office of Banks and Real  
21 Estate and the Department of Financial Institutions. The  
22 Department must adopt the form within 6 months after the  
23 effective date of this amendatory Act of the 93rd General  
24 Assembly. Promptly after adopting the form, the Department must  
25 notify each financial institution conducting business in this  
26 State that the form has been adopted and is ready for use.

1           (c) An obligor who does not have a payor may sign a child  
2 support debit authorization form adopted by the Department  
3 under this Section. The obligor may sign a form in relation to  
4 any or all of the financial institutions holding an account on  
5 the obligor's behalf. Promptly after an obligor signs a child  
6 support debit authorization form, the Department shall send the  
7 original signed form to the appropriate financial institution.  
8 Subject to subsection (e), upon receiving the form, the  
9 financial institution shall debit the account and transfer the  
10 debited amounts to the State Disbursement Unit according to the  
11 instructions in the form. A financial institution that complies  
12 with a child support debit authorization form signed by an  
13 obligor and issued under this Section shall not be subject to  
14 civil liability with respect to any individual or any agency.

15           (d) The signing and issuance of a child support debit  
16 authorization form under this Section does not relieve the  
17 obligor from responsibility for compliance with any  
18 requirement under the order for support.

19           (e) A financial institution is obligated to debit the  
20 account of an obligor pursuant to this Section only if or to  
21 the extent:

22                 (1) the financial institution reasonably believes the  
23 debit authorization form is a true and authentic original  
24 document;

25                 (2) there are finally collected funds in the account;  
26 and

1           (3) the account is not subject to offsetting claims of  
2           the financial institution, whether due at the time of  
3           receipt of the debit authorization form or thereafter to  
4           become due and whether liquidated or unliquidated.

5           To the extent the account of the obligor is pledged or held  
6           by the financial institution as security for a loan or other  
7           obligation, or that the financial institution has any other  
8           claim or lien against the account, the financial institution is  
9           entitled to retain the account.

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

11           (305 ILCS 5/10-17) (from Ch. 23, par. 10-17)

12           Sec. 10-17. Other Actions and Remedies for Support. The  
13           procedures, actions and remedies provided in this Article shall  
14           in no way be exclusive, but shall be available in addition to  
15           other actions and remedies of support, including, but not by  
16           way of limitation, the remedies provided in (a) the Illinois  
17           Parentage Act of 2013 ~~"Paternity Act", approved July 5, 1957,~~  
18           ~~as amended;~~ (b) the "Non-Support of Spouse and Children Act",  
19           approved June 24, 1915, as amended; (b-5) the Non-Support  
20           Punishment Act; and (c) the "Revised Uniform Reciprocal  
21           Enforcement of Support Act", approved August 28, 1969, as  
22           amended.

23          (Source: P.A. 91-613, eff. 10-1-99.)

24           (305 ILCS 5/10-17.7)

1           Sec. 10-17.7. Administrative determination of paternity.  
2           The Illinois Department may provide by rule for the  
3           administrative determination of paternity by the Child and  
4           Spouse Support Unit in cases involving applicants for or  
5           recipients of financial aid under Article IV of this Act and  
6           other persons who are given access to the child support  
7           enforcement services of this Article as provided in Section  
8           10-1, including persons similarly situated and receiving  
9           similar services in other states. The rules shall extend to  
10          cases in which the mother and alleged father voluntarily  
11          acknowledge paternity in the form required by the Illinois  
12          Department or agree to be bound by the results of genetic  
13          testing or in which the alleged father has failed to respond to  
14          a notification of support obligation issued under Section 10-4  
15          and to cases of contested paternity. The Illinois Department's  
16          form for voluntary acknowledgement of paternity shall be the  
17          same form prepared by the Illinois Department for use under the  
18          requirements of Section 12 of the Vital Records Act. Any  
19          presumption provided for under the Illinois Parentage Act of  
20          1984 or under the Illinois Parentage Act of 2013 on and after  
21          the effective date of that Act shall apply to cases in which  
22          paternity is determined under the rules of the Illinois  
23          Department. The rules shall provide for notice and an  
24          opportunity to be heard by the responsible relative and the  
25          person receiving child support enforcement services under this  
26          Article if paternity is not voluntarily acknowledged, and any

1 final administrative decision rendered by the Illinois  
2 Department shall be reviewed only under and in accordance with  
3 the Administrative Review Law. Determinations of paternity  
4 made by the Illinois Department under the rules authorized by  
5 this Section shall have the full force and effect of a court  
6 judgment of paternity entered under the Illinois Parentage Act  
7 of 1984 or under the Illinois Parentage Act of 2013.

8 In determining paternity in contested cases, the Illinois  
9 Department shall conduct the evidentiary hearing in accordance  
10 with Article 4 of the Illinois Parentage Act of 2013 ~~Section 11~~  
11 ~~of the Parentage Act of 1984~~, except that references in that  
12 Article ~~Section~~ to "the court" shall be deemed to mean the  
13 Illinois Department's hearing officer in cases in which  
14 paternity is determined administratively by the Illinois  
15 Department.

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

1 the same manner that the notice under Section 10-4 was  
2 published.

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

9 (Source: P.A. 96-333, eff. 8-11-09; 96-474, eff. 8-14-09.)

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

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

16 1. "Non-Support of Spouse and Children Act", approved June  
17 24, 1915, as amended,

18 1.5. The Non-Support Punishment Act,

19 2. "Illinois Marriage and Dissolution of Marriage Act", as  
20 now or hereafter amended,

21 3. The Illinois Parentage Act, as amended,

22 3.5. The Illinois Parentage Act of 2013,

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

25 5. The Juvenile Court Act or the Juvenile Court Act of



1 1987, as amended,

2 6. The "Unified Code of Corrections", approved July 26,  
3 1972, as amended,

4 7. Part 7 of Article XII of the Code of Civil Procedure, as  
5 amended,

6 8. Part 8 of Article XII of the Code of Civil Procedure, as  
7 amended, and

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

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

19 To the extent the provisions of this Section are  
20 inconsistent with the requirements pertaining to the State  
21 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
22 Code, the requirements pertaining to the State Disbursement  
23 Unit shall apply.

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

1 (305 ILCS 5/10-25)

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

4 (a) Notwithstanding any other State or local law to the  
5 contrary, the State shall have a lien on all legal and  
6 equitable interests of responsible relatives in their real  
7 property in the amount of past-due child support owing pursuant  
8 to an order for child support entered under Sections 10-10 and  
9 10-11 of this Code, or under the Illinois Marriage and  
10 Dissolution of Marriage Act, the Non-Support of Spouse and  
11 Children Act, the Non-Support Punishment Act, the Uniform  
12 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
13 1984, or the Illinois Parentage Act of 2013.

14 (b) The Illinois Department shall provide by rule for  
15 notice to and an opportunity to be heard by each responsible  
16 relative affected, and any final administrative decision  
17 rendered by the Illinois Department shall be reviewed only  
18 under and in accordance with the Administrative Review Law.

19 (c) When enforcing a lien under subsection (a) of this  
20 Section, the Illinois Department shall have the authority to  
21 execute notices of administrative liens and levies, which shall  
22 contain the name and address of the responsible relative, a  
23 legal description of the real property to be levied, the fact  
24 that a lien is being claimed for past-due child support, and  
25 such other information as the Illinois Department may by rule  
26 prescribe. The Illinois Department shall record the notice of

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

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

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

21 (e) The recorder or registrar of titles of each county  
22 shall procure a file labeled "Child Support Lien Notices" and  
23 an index book labeled "Child Support Lien Notices". When notice  
24 of any lien is presented to the recorder or registrar of titles  
25 for filing, the recorder or registrar of titles shall file it  
26 in numerical order in the file and shall enter it

1       alphabetically in the index. The entry shall show the name and  
2       last known address of the person named in the notice, the  
3       serial number of the notice, the date and hour of filing, and  
4       the amount of child support due at the time when the lien is  
5       filed.

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

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

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

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

25       (Source: P.A. 97-186, eff. 7-22-11.)

1 (305 ILCS 5/10-25.5)

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

4 (a) Notwithstanding any other State or local law to the  
5 contrary, the State shall have a lien on all legal and  
6 equitable interests of responsible relatives in their personal  
7 property, including any account in a financial institution as  
8 defined in Section 10-24, or in the case of an insurance  
9 company or benefit association only in accounts as defined in  
10 Section 10-24, in the amount of past-due child support owing  
11 pursuant to an order for child support entered under Sections  
12 10-10 and 10-11 of this Code, or under the Illinois Marriage  
13 and Dissolution of Marriage Act, the Non-Support of Spouse and  
14 Children Act, the Non-Support Punishment Act, the Uniform  
15 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
16 1984, or the Illinois Parentage Act of 2013.

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

22 (c) When enforcing a lien under subsection (a) of this  
23 Section, the Illinois Department shall have the authority to  
24 execute notices of administrative liens and levies, which shall  
25 contain the name and address of the responsible relative, a  
26 description of the property to be levied, the fact that a lien

1 is being claimed for past-due child support, and such other  
2 information as the Illinois Department may by rule prescribe.  
3 The Illinois Department may serve the notice of lien or levy  
4 upon any financial institution where the accounts as defined in  
5 Section 10-24 of the responsible relative may be held, for  
6 encumbrance or surrender of the accounts as defined in Section  
7 10-24 by the financial institution.

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

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

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

24 (g) A lien on personal property under this Section shall be  
25 released in the manner provided under Article XII of the Code  
26 of Civil Procedure. Notwithstanding the foregoing, a lien under

1 this Section on accounts as defined in Section 10-24 shall  
2 expire upon the passage of 120 days from the date of issuance  
3 of the Notice of Lien or Levy by the Illinois Department.  
4 However, the lien shall remain in effect during the pendency of  
5 any appeal or protest.

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

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

19 (Source: P.A. 97-186, eff. 7-22-11.)

20 (305 ILCS 5/10-27)

21 Sec. 10-27. State Case Registry.

22 (a) The Illinois Department shall establish an automated  
23 State Case Registry to contain records concerning child support  
24 orders for parties receiving child support enforcement  
25 services under this Article X, and for all child support orders

1 entered or modified on or after October 1, 1998. The State Case  
2 Registry shall include (i) the information filed with the  
3 Illinois Department, or filed with the clerk of the circuit  
4 court and provided to the Illinois Department, under the  
5 provisions of Sections 10-10.5 and 10-11.2 of this Code,  
6 Section 505.3 of the Illinois Marriage and Dissolution of  
7 Marriage Act, Section 30 of the Non-Support Punishment Act, ~~and~~  
8 Section 803 of the Illinois Parentage Act of 2013, and Section  
9 14.1 of the Illinois Parentage Act of 1984, and (ii) any other  
10 information required under Title IV, Part D of the Social  
11 Security Act or by the federal Department of Health and Human  
12 Services.

13 (b) (Blank).

14 (c) The Illinois Department shall maintain the following  
15 payment information on child support orders for parties  
16 receiving child support enforcement services under this  
17 Article X:

18 (1) the amount of monthly or other periodic support  
19 owed under the order and other amounts, including  
20 arrearages, interest or late payment penalties, and fees,  
21 due or overdue under the order;

22 (2) any amounts described in subdivision (1) of  
23 subsection (d) that have been collected;

24 (3) the distribution of the collected amounts; and

25 (4) the amount of any lien imposed with respect to the  
26 order pursuant to Section 10-25 or Section 10-25.5 of this



1 Code.

2 (d) The Illinois Department shall establish, update,  
3 maintain, and monitor case records in the Registry of parties  
4 receiving child support enforcement services under this  
5 Article X, on the bases of:

6 (1) information on administrative actions and  
7 administrative and judicial proceedings and orders  
8 relating to paternity and support;

9 (2) information obtained from comparison with federal,  
10 State, and local sources of information;

11 (3) information on support collections and  
12 distribution; and

13 (4) any other relevant information.

14 (e) The Illinois Department shall use the automated State  
15 Case Registry to share and compare information with, and  
16 receive information from, other data bases and information  
17 comparison services in order to obtain (or provide) information  
18 necessary to enable the Illinois Department (or the federal  
19 Department of Health and Human Services or other State or  
20 federal agencies) to carry out the requirements of the child  
21 support enforcement program established under Title IV, Part D  
22 of the Social Security Act. Such information comparison  
23 activities shall include the following:

24 (1) Furnishing to the Federal Case Registry of Child  
25 Support Orders (and updating as necessary, with  
26 information including notice of expiration of orders) the

1 information specified by the federal Department of Health  
2 and Human Services in regulations.

3 (2) Exchanging information with the Federal Parent  
4 Locator Service for the purposes specified in Section 453  
5 of the Social Security Act.

6 (3) Exchanging information with State agencies (of  
7 this State and of other states) administering programs  
8 funded under Title IV, Part A and Title XIX of the Social  
9 Security Act and other programs designated by the federal  
10 Department of Health and Human Services, as necessary to  
11 perform responsibilities under Title IV, Part D of the  
12 Social Security Act and under such other programs.

13 (4) Exchanging information with other agencies of this  
14 State, agencies of other states, and interstate  
15 information networks, as necessary and appropriate to  
16 carry out (or assist other states to carry out) the  
17 purposes of Title IV, Part D of the Social Security Act.

18 (5) Disclosing information to any other entities as  
19 required under Title IV, Part D of the Social Security Act.

20 (f) The Illinois Department shall adopt rules establishing  
21 safeguards, applicable to all confidential information  
22 included in the State Case Registry, that are designed to  
23 protect the privacy rights of persons concerning whom  
24 information is on record in the State Case Registry. Such  
25 safeguards shall include, but not be limited to the following:

26 (1) Prohibitions against the release of information on

1 the whereabouts of one party or the child to another party  
2 against whom a protective order with respect to the former  
3 party or the child has been entered.

4 (2) Prohibitions against the release of information on  
5 the whereabouts of one party or the child to another party  
6 if the Illinois Department has reasonable evidence of  
7 domestic violence or child abuse (that is, allegations of  
8 domestic violence or child abuse, unless the Illinois  
9 Department has an independent, reasonable basis to find the  
10 person making the allegation not credible) to the former  
11 party or child by the party requesting information.

12 (3) Prohibitions against the release of information on  
13 the whereabouts of one party or the child to another person  
14 if the Illinois Department has reason to believe the  
15 release of information to that person may result in  
16 physical or emotional harm to the party or child.

17 (Source: P.A. 92-463, eff. 8-22-01.)

18 (305 ILCS 5/12-4.7c)

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

20 (a) The Department of Human Services shall exchange with  
21 the Department of Healthcare and Family Services information  
22 that may be necessary for the enforcement of child support  
23 orders entered pursuant to Sections 10-10 and 10-11 of this  
24 Code or pursuant to the Illinois Marriage and Dissolution of  
25 Marriage Act, the Non-Support of Spouse and Children Act, the

1 Non-Support Punishment Act, the Revised Uniform Reciprocal  
2 Enforcement of Support Act, the Uniform Interstate Family  
3 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
4 Illinois Parentage Act of 2013.

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

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

13 Section 957. The Genetic Information Privacy Act is amended  
14 by changing Sections 22 and 30 as follows:

15 (410 ILCS 513/22)

16 Sec. 22. Tests to determine inherited characteristics in  
17 paternity proceedings. Nothing in this Act shall be construed  
18 to affect or restrict in any way the ordering of or use of  
19 results from deoxyribonucleic acid (DNA) testing or other tests  
20 to determine inherited characteristics by the court in a  
21 judicial proceeding under the Illinois Parentage Act of 1984 or  
22 under the Illinois Parentage Act of 2013 on and after the  
23 effective date of that Act or by the Department of Healthcare  
24 and Family Services in an administrative paternity proceeding

1 under Article X of the Illinois Public Aid Code and rules  
2 promulgated under that Article.

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

4 (410 ILCS 513/30)

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

6 (a) No person may disclose or be compelled to disclose the  
7 identity of any person upon whom a genetic test is performed or  
8 the results of a genetic test in a manner that permits  
9 identification of the subject of the test, except to the  
10 following persons:

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

22 (2) Any person designated in a specific written legally  
23 effective release of the test results executed by the  
24 subject of the test or the subject's legally authorized  
25 representative.

1           (3) An authorized agent or employee of a health  
2           facility or health care provider if the health facility or  
3           health care provider itself is authorized to obtain the  
4           test results, the agent or employee provides patient care,  
5           and the agent or employee has a need to know the  
6           information in order to conduct the tests or provide care  
7           or treatment.

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

10           (A) a human body part from a deceased person with  
11           respect to medical information regarding that person;  
12           or

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

15           (5) Health facility staff committees for the purposes  
16           of conducting program monitoring, program evaluation, or  
17           service reviews.

18           (6) In the case of a minor under 18 years of age, the  
19           health care provider who ordered the test shall make a  
20           reasonable effort to notify the minor's parent or legal  
21           guardian if, in the professional judgment of the health  
22           care provider, notification would be in the best interest  
23           of the minor and the health care provider has first sought  
24           unsuccessfully to persuade the minor to notify the parent  
25           or legal guardian or after a reasonable time after the  
26           minor has agreed to notify the parent or legal guardian,

1 the health care provider has reason to believe that the  
2 minor has not made the notification. This paragraph shall  
3 not create a duty or obligation under which a health care  
4 provider must notify the minor's parent or legal guardian  
5 of the test results, nor shall a duty or obligation be  
6 implied. No civil liability or criminal sanction under this  
7 Act shall be imposed for any notification or  
8 non-notification of a minor's test result by a health care  
9 provider acting in good faith under this paragraph. For the  
10 purpose of any proceeding, civil or criminal, the good  
11 faith of any health care provider acting under this  
12 paragraph shall be presumed.

13 (7) All information and records held by a State agency  
14 or local health authority pertaining to genetic  
15 information shall be strictly confidential and exempt from  
16 copying and inspection under the Freedom of Information  
17 Act. The information and records shall not be released or  
18 made public by the State agency or local health authority  
19 and shall not be admissible as evidence nor discoverable in  
20 any action of any kind in any court or before any tribunal,  
21 board, agency, or person and shall be treated in the same  
22 manner as the information and those records subject to the  
23 provisions of Part 21 of Article VIII of the Code of Civil  
24 Procedure except under the following circumstances:

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

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

3 (C) when made for the sole purpose of implementing  
4 the Newborn Metabolic Screening Act and rules; or

5 (D) when made under the authorization of the  
6 Illinois Parentage Act of 2013 ~~1984~~.

7 Disclosure shall be limited to those who have a need to  
8 know the information, and no additional disclosures may be  
9 made.

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

13 (Source: P.A. 96-328, eff. 8-11-09.)

14 Section 958. The Vital Records Act is amended by changing  
15 Sections 12 and 24 as follows:

16 (410 ILCS 535/12)

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

18 (1) Each live birth which occurs in this State shall be  
19 registered with the local or subregistrar of the district in  
20 which the birth occurred as provided in this Section, within 7  
21 days after the birth. When a birth occurs on a moving  
22 conveyance, the city, village, township, or road district in  
23 which the child is first removed from the conveyance shall be  
24 considered the place of birth and a birth certificate shall be



1 filed in the registration district in which the place is  
2 located.

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

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

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

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

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

26 (4) Unless otherwise provided in this Act, if the mother

1 was not married to the father of the child at either the time  
2 of conception or the time of birth, the name of the father  
3 shall be entered on the child's birth certificate only if the  
4 mother and the person to be named as the father have signed an  
5 acknowledgment of parentage in accordance with subsection (5).

6 Unless otherwise provided in this Act, if the mother was  
7 married at the time of conception or birth and the presumed  
8 father (that is, the mother's husband) is not the biological  
9 father of the child, the name of the biological father shall be  
10 entered on the child's birth certificate only if, in accordance  
11 with subsection (5), (i) the mother and the person to be named  
12 as the father have signed an acknowledgment of parentage and  
13 (ii) the mother and presumed father have signed a denial of  
14 paternity.

15 (5) Upon the birth of a child to an unmarried woman, or  
16 upon the birth of a child to a woman who was married at the time  
17 of conception or birth and whose husband is not the biological  
18 father of the child, the institution at the time of birth and  
19 the local registrar or county clerk after the birth shall do  
20 the following:

21 (a) Provide (i) an opportunity for the child's mother  
22 and father to sign an acknowledgment of parentage and (ii)  
23 if the presumed father is not the biological father, an  
24 opportunity for the mother and presumed father to sign a  
25 denial of paternity. The signing and witnessing of the  
26 acknowledgment of parentage or, if the presumed father of

1 the child is not the biological father, the acknowledgment  
2 of parentage and denial of paternity conclusively  
3 establishes a parent and child relationship in accordance  
4 with Sections 5 and 6 of the Illinois Parentage Act of 1984  
5 and with the Illinois Parentage Act of 2013 on and after  
6 the effective date of that Act.

7 The Department of Healthcare and Family Services shall  
8 furnish the acknowledgment of parentage and denial of  
9 paternity form to institutions, county clerks, and State  
10 and local registrars' offices. The form shall include  
11 instructions to send the original signed and witnessed  
12 acknowledgment of parentage and denial of paternity to the  
13 Department of Healthcare and Family Services. The  
14 acknowledgement of paternity and denial of paternity form  
15 shall also include a statement informing the mother, the  
16 alleged father, and the presumed father, if any, that they  
17 have the right to request deoxyribonucleic acid (DNA) tests  
18 regarding the issue of the child's paternity and that by  
19 signing the form, they expressly waive such tests. The  
20 statement shall be set forth in bold-face capital letters  
21 not less than 0.25 inches in height.

22 (b) Provide the following documents, furnished by the  
23 Department of Healthcare and Family Services, to the  
24 child's mother, biological father, and (if the person  
25 presumed to be the child's father is not the biological  
26 father) presumed father for their review at the time the

1 opportunity is provided to establish a parent and child  
2 relationship:

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

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

15 (iii) A request for an application for child  
16 support enforcement services from the Department of  
17 Healthcare and Family Services.

18 (iv) Instructions concerning the opportunity to  
19 speak, either by telephone or in person, with staff of  
20 the Department of Healthcare and Family Services who  
21 are trained to clarify information and answer  
22 questions about paternity establishment.

23 (v) Instructions for completing and signing the  
24 acknowledgment of parentage and denial of paternity.

25 (c) Provide an oral explanation of the documents and  
26 instructions set forth in subdivision (5) (b), including an

1 explanation of the implications of, alternatives to, legal  
2 consequences of, and the rights and responsibilities that  
3 arise from signing an acknowledgment of parentage and, if  
4 necessary, a denial of paternity. The oral explanation may  
5 be given in person or through the use of video or audio  
6 equipment.

7 (6) The institution, State or local registrar, or county  
8 clerk shall provide an opportunity for the child's father or  
9 mother to sign a rescission of parentage. The signing and  
10 witnessing of the rescission of parentage voids the  
11 acknowledgment of parentage and nullifies the presumption of  
12 paternity if executed and filed with the Department of  
13 Healthcare and Family Services (formerly Illinois Department  
14 of Public Aid) within the time frame contained in Section 5 of  
15 the Illinois Parentage Act of 1984 or Section 307 of the  
16 Illinois Parentage Act of 2013 on and after the effective date  
17 of that Act. The Department of Healthcare and Family Services  
18 shall furnish the rescission of parentage form to institutions,  
19 county clerks, and State and local registrars' offices. The  
20 form shall include instructions to send the original signed and  
21 witnessed rescission of parentage to the Department of  
22 Healthcare and Family Services.

23 (7) An acknowledgment of paternity signed pursuant to  
24 Section 6 of the Illinois Parentage Act of 1984 or Section 302  
25 of the Illinois Parentage Act of 2013 on and after the  
26 effective date of that Act may be challenged in court only on

1 the basis of fraud, duress, or material mistake of fact, with  
2 the burden of proof upon the challenging party. Pending outcome  
3 of a challenge to the acknowledgment of paternity, the legal  
4 responsibilities of the signatories shall remain in full force  
5 and effect, except upon order of the court upon a showing of  
6 good cause.

7 (8) When the process for acknowledgment of parentage as  
8 provided for under subsection (5) establishes the paternity of  
9 a child whose certificate of birth is on file in another state,  
10 the Department of Healthcare and Family Services shall forward  
11 a copy of the acknowledgment of parentage, the denial of  
12 paternity, if applicable, and the rescission of parentage, if  
13 applicable, to the birth record agency of the state where the  
14 child's certificate of birth is on file.

15 (9) In the event the parent-child relationship has been  
16 established in accordance with subdivision (a)(1) of Section 6  
17 of the Parentage Act of 1984, the names of the biological  
18 mother and biological father so established shall be entered on  
19 the child's birth certificate, and the names of the surrogate  
20 mother and surrogate mother's husband, if any, shall not be on  
21 the birth certificate.

22 (Source: P.A. 95-331, eff. 8-21-07; 96-333, eff. 8-11-09;  
23 96-474, eff. 8-14-09; 96-1000, eff. 7-2-10.)

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

25 Sec. 24. (1) To protect the integrity of vital records, to

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

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

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

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

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

12 (4) The State Registrar shall exchange with the Department  
13 of Healthcare and Family Services information that may be  
14 necessary for the establishment of paternity and the  
15 establishment, modification, and enforcement of child support  
16 orders entered pursuant to the Illinois Public Aid Code, the  
17 Illinois Marriage and Dissolution of Marriage Act, the  
18 Non-Support of Spouse and Children Act, the Non-Support  
19 Punishment Act, the Revised Uniform Reciprocal Enforcement of  
20 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the  
21 Illinois Parentage Act of 1984, or the Illinois Parentage Act  
22 of 2013. Notwithstanding any provisions in this Act to the  
23 contrary, the State Registrar shall not be liable to any person  
24 for any disclosure of information to the Department of  
25 Healthcare and Family Services (formerly Illinois Department  
26 of Public Aid) under this subsection or for any other action



1 taken in good faith to comply with the requirements of this  
2 subsection.

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

4 Section 959. The Illinois Vehicle Code is amended by  
5 changing Sections 2-109.1 and 7-703 as follows:

6 (625 ILCS 5/2-109.1)

7 Sec. 2-109.1. Exchange of information.

8 (a) The Secretary of State shall exchange information with  
9 the Department of Healthcare and Family Services which may be  
10 necessary for the establishment of paternity and the  
11 establishment, modification, and enforcement of child support  
12 orders pursuant to the Illinois Public Aid Code, the Illinois  
13 Marriage and Dissolution of Marriage Act, the Non-Support of  
14 Spouse and Children Act, the Non-Support Punishment Act, the  
15 Revised Uniform Reciprocal Enforcement of Support Act, the  
16 Uniform Interstate Family Support Act, ~~or~~ the Illinois  
17 Parentage Act of 1984, or the Illinois Parentage Act of 2013.

18 (b) Notwithstanding any provisions in this Code to the  
19 contrary, the Secretary of State shall not be liable to any  
20 person for any disclosure of information to the Department of  
21 Healthcare and Family Services (formerly Illinois Department  
22 of Public Aid) under subsection (a) or for any other action  
23 taken in good faith to comply with the requirements of  
24 subsection (a).

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

2 (625 ILCS 5/7-703)

3 Sec. 7-703. Courts to report non-payment of court ordered  
4 support or orders concerning driving privileges.

5 (a) The clerk of the circuit court, as provided in  
6 subsection (b) of Section 505 of the Illinois Marriage and  
7 Dissolution of Marriage Act or as provided in Section 15 of the  
8 Illinois Parentage Act of 2013 ~~1984~~, shall forward to the  
9 Secretary of State, on a form prescribed by the Secretary, an  
10 authenticated document certifying the court's order suspending  
11 the driving privileges of the obligor. For any such  
12 certification, the clerk of the court shall charge the obligor  
13 a fee of \$5 as provided in the Clerks of Courts Act.

14 (b) If an obligor has been adjudicated in arrears in court  
15 ordered child support payments in an amount equal to 90 days  
16 obligation or more but has not been held in contempt of court,  
17 the circuit court may order that the obligor's driving  
18 privileges be suspended. If the circuit court orders that the  
19 obligor's driving privileges be suspended, it shall forward to  
20 the Secretary of State, on a form prescribed by the Secretary,  
21 an authenticated document certifying the court's order  
22 suspending the driving privileges of the obligor. The  
23 authenticated document shall be forwarded to the Secretary of  
24 State by the court no later than 45 days after entry of the  
25 order suspending the obligor's driving privileges.

1           (c) The clerk of the circuit court, as provided in  
2 subsection (c-1) of Section 607.1 of the Illinois Marriage and  
3 Dissolution of Marriage Act, shall forward to the Secretary of  
4 State, on a form prescribed by the Secretary, an authenticated  
5 document certifying the court's order suspending the driving  
6 privileges of the party. For any such certification, the clerk  
7 of the court shall charge the party a fee of \$5 as provided in  
8 the Clerks of Courts Act.

9           (d) If a party has been adjudicated to have engaged in  
10 visitation abuse, the circuit court may order that the party's  
11 driving privileges be suspended. If the circuit court orders  
12 that the party's driving privileges be suspended, it shall  
13 forward to the Secretary of State, on a form prescribed by the  
14 Secretary, an authenticated document certifying the court's  
15 order suspending the driving privileges of the party. The  
16 authenticated document shall be forwarded to the Secretary of  
17 State by the court no later than 45 days after entry of the  
18 order suspending the party's driving privileges.

19           (Source: P.A. 97-1047, eff. 8-21-12.)

20           Section 960. The Clerks of Courts Act is amended by  
21 changing Section 27.1a as follows:

22           (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

23           Sec. 27.1a. The fees of the clerks of the circuit court in  
24 all counties having a population of not more than 500,000

1 inhabitants in the instances described in this Section shall be  
2 as provided in this Section. In those instances where a minimum  
3 and maximum fee is stated, the clerk of the circuit court must  
4 charge the minimum fee listed and may charge up to the maximum  
5 fee if the county board has by resolution increased the fee.  
6 The fees shall be paid in advance and shall be as follows:

7 (a) Civil Cases.

8 The fee for filing a complaint, petition, or other  
9 pleading initiating a civil action, with the following  
10 exceptions, shall be a minimum of \$40 and a maximum of  
11 \$160.

12 (A) When the amount of money or damages or the  
13 value of personal property claimed does not exceed  
14 \$250, \$10.

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

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

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

21 (E) For the exercise of eminent domain, a minimum  
22 of \$45 and a maximum of \$150. For each additional lot  
23 or tract of land or right or interest therein subject  
24 to be condemned, the damages in respect to which shall  
25 require separate assessment by a jury, a minimum of \$45  
26 and a maximum of \$150.

1 (a-1) Family.

2 For filing a petition under the Juvenile Court Act of  
3 1987, \$25.

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

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

6 For filing a petition under the Illinois Parentage Act  
7 of 2013 ~~1984~~, \$40.

8 (b) Forcible Entry and Detainer.

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

17 (c) Counterclaim or Joining Third Party Defendant.

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

1 (d) Confession of Judgment.

2 In a confession of judgment when the amount does not  
3 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
4 the amount exceeds \$1500, but does not exceed \$15,000, a  
5 minimum of \$40 and a maximum of \$115. When the amount  
6 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

7 (e) Appearance.

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

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

14 (B) When the amount in the case does not exceed  
15 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

19 In garnishment affidavit, wage deduction affidavit,  
20 and citation petition when the amount does not exceed  
21 \$1,000, a minimum of \$5 and a maximum of \$15; when the  
22 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
23 of \$5 and a maximum of \$30; and when the amount exceeds  
24 \$5,000, a minimum of \$5 and a maximum of \$50.

25 (g) Petition to Vacate or Modify.

26 (1) Petition to vacate or modify any final judgment or

1 order of court, except in forcible entry and detainer cases  
2 and small claims cases or a petition to reopen an estate,  
3 to modify, terminate, or enforce a judgment or order for  
4 child or spousal support, or to modify, suspend, or  
5 terminate an order for withholding, if filed before 30 days  
6 after the entry of the judgment or order, a minimum of \$20  
7 and a maximum of \$50.

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

14 (3) Petition to vacate order of bond forfeiture, a  
15 minimum of \$10 and a maximum of \$40.

16 (h) Mailing.

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

20 (i) Certified Copies.

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

24 (j) Habeas Corpus.

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

1 (k) Certification, Authentication, and Reproduction.

2 (1) Each certification or authentication for taking  
3 the acknowledgment of a deed or other instrument in writing  
4 with the seal of office, a minimum of \$2 and a maximum of  
5 \$6.

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

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

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

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

17 (A) First page, a minimum of \$1 and a maximum of  
18 \$2.

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

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

21 (l) Remands.

22 In any cases remanded to the Circuit Court from the  
23 Supreme Court or the Appellate Court for a new trial, the  
24 clerk shall file the remanding order and reinstate the case  
25 with either its original number or a new number. The Clerk  
26 shall not charge any new or additional fee for the



1 reinstatement. Upon reinstatement the Clerk shall advise  
2 the parties of the reinstatement. A party shall have the  
3 same right to a jury trial on remand and reinstatement as  
4 he or she had before the appeal, and no additional or new  
5 fee or charge shall be made for a jury trial after remand.

6 (m) Record Search.

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

10 (n) Hard Copy.

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

15 (o) Index Inquiry and Other Records.

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

26 (p) (Blank).

1 (q) Alias Summons.

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

4 (r) Other Fees.

5 Any fees not covered in this Section shall be set by  
6 rule or administrative order of the Circuit Court with the  
7 approval of the Administrative Office of the Illinois  
8 Courts.

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

19 (s) Jury Services.

20 The clerk shall be entitled to receive, in addition to  
21 other fees allowed by law, the sum of a minimum of \$62.50  
22 and a maximum of \$212.50, as a fee for the services of a  
23 jury in every civil action not quasi-criminal in its nature  
24 and not a proceeding for the exercise of the right of  
25 eminent domain and in every other action wherein the right  
26 of trial by jury is or may be given by law. The jury fee

1 shall be paid by the party demanding a jury at the time of  
2 filing the jury demand. If the fee is not paid by either  
3 party, no jury shall be called in the action or proceeding,  
4 and the same shall be tried by the court without a jury.

5 (t) Voluntary Assignment.

6 For filing each deed of voluntary assignment, a minimum  
7 of \$10 and a maximum of \$20; for recording the same, a  
8 minimum of 25 cents and a maximum of 50 cents for each 100  
9 words. Exceptions filed to claims presented to an assignee  
10 of a debtor who has made a voluntary assignment for the  
11 benefit of creditors shall be considered and treated, for  
12 the purpose of taxing costs therein, as actions in which  
13 the party or parties filing the exceptions shall be  
14 considered as party or parties plaintiff, and the claimant  
15 or claimants as party or parties defendant, and those  
16 parties respectively shall pay to the clerk the same fees  
17 as provided by this Section to be paid in other actions.

18 (u) Expungement Petition.

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

24 (v) Probate.

25 The clerk is entitled to receive the fees specified in  
26 this subsection (v), which shall be paid in advance, except

1           that, for good cause shown, the court may suspend, reduce,  
2           or release the costs payable under this subsection:

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

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

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

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

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

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

23           (B) When (i) letters of office are issued to a  
24           guardian of the person or persons, but not of the  
25           estate or (ii) letters of office are issued in the  
26           estate of a ward without administration of the estate,

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

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

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

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

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

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

1           (D) For filing in an estate (i) the appearance of  
2 any person for the purpose of consent or (ii) the  
3 appearance of an executor, administrator,  
4 administrator to collect, guardian, guardian ad litem,  
5 or special administrator, no fee.

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

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

11           (G) For disposition of the collection of a judgment  
12 or settlement of an action or claim for wrongful death  
13 of a decedent or of any cause of action of a ward, when  
14 there is no other administration of the estate, a  
15 minimum of \$30 and a maximum of \$50, less any amount  
16 paid under subsection (v) (1) (B) or (v) (2) (B) except  
17 that if the amount involved does not exceed \$5,000, the  
18 fee, including any amount paid under subsection  
19 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
20 maximum of \$20.

21           (H) For each certified copy of letters of office,  
22 of court order or other certification, a minimum of \$1  
23 and a maximum of \$2, plus a minimum of 50 cents and a  
24 maximum of \$1 per page in excess of 3 pages for the  
25 document certified.

26           (I) For each exemplification, a minimum of \$1 and a

1 maximum of \$2, plus the fee for certification.

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

6 (5) The person on whose behalf a charge is incurred for  
7 witness, court reporter, appraiser, or other miscellaneous  
8 fee shall pay the same directly to the person entitled  
9 thereto.

10 (6) The executor, administrator, guardian, petitioner,  
11 or other interested person or his or her attorney shall pay  
12 to the clerk all postage charges incurred by the clerk in  
13 mailing petitions, orders, notices, or other documents  
14 pursuant to the provisions of the Probate Act of 1975.

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

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

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

21 (B) Misdemeanor complaints, a minimum of \$25 and a  
22 maximum of \$75.

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

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

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

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

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

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

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

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

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

14 (2) In counties having a population of not more than  
15 500,000 inhabitants, when the violation complaint is  
16 issued by a municipal police department, the clerk shall be  
17 entitled to costs from each person convicted therein as  
18 follows:

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

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

21 (3) In ordinance violation cases punishable by fine  
22 only, the clerk of the circuit court shall be entitled to  
23 receive, unless the fee is excused upon a finding by the  
24 court that the defendant is indigent, in addition to other  
25 fees or costs allowed or imposed by law, the sum of a  
26 minimum of \$62.50 and a maximum of \$137.50 as a fee for the



1 services of a jury. The jury fee shall be paid by the  
2 defendant at the time of filing his or her jury demand. If  
3 the fee is not so paid by the defendant, no jury shall be  
4 called, and the case shall be tried by the court without a  
5 jury.

6 (x) Transcripts of Judgment.

7 For the filing of a transcript of judgment, the clerk  
8 shall be entitled to the same fee as if it were the  
9 commencement of a new suit.

10 (y) Change of Venue.

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

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

18 (z) Tax objection complaints.

19 For each tax objection complaint containing one or more  
20 tax objections, regardless of the number of parcels  
21 involved or the number of taxpayers joining on the  
22 complaint, a minimum of \$10 and a maximum of \$50.

23 (aa) Tax Deeds.

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

26 (2) For each additional parcel, add a fee of a minimum

1 of \$10 and a maximum of \$60.

2 (bb) Collections.

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

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

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

13 (4) In child support and maintenance cases, the clerk,  
14 if authorized by an ordinance of the county board, may  
15 collect an annual fee of up to \$36 from the person making  
16 payment for maintaining child support records and the  
17 processing of support orders to the State of Illinois KIDS  
18 system and the recording of payments issued by the State  
19 Disbursement Unit for the official record of the Court.  
20 This fee shall be in addition to and separate from amounts  
21 ordered to be paid as maintenance or child support and  
22 shall be deposited into a Separate Maintenance and Child  
23 Support Collection Fund, of which the clerk shall be the  
24 custodian, ex-officio, to be used by the clerk to maintain  
25 child support orders and record all payments issued by the  
26 State Disbursement Unit for the official record of the

1 Court. The clerk may recover from the person making the  
2 maintenance or child support payment any additional cost  
3 incurred in the collection of this annual fee.

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

9 (cc) Corrections of Numbers.

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

15 (dd) Exceptions.

16 (1) The fee requirements of this Section shall not  
17 apply to police departments or other law enforcement  
18 agencies. In this Section, "law enforcement agency" means  
19 an agency of the State or a unit of local government which  
20 is vested by law or ordinance with the duty to maintain  
21 public order and to enforce criminal laws or ordinances.  
22 "Law enforcement agency" also means the Attorney General or  
23 any state's attorney.

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

26 (3) The fee requirements of this Section shall not

1 apply to any action instituted under subsection (b) of  
 2 Section 11-31-1 of the Illinois Municipal Code by a private  
 3 owner or tenant of real property within 1200 feet of a  
 4 dangerous or unsafe building seeking an order compelling  
 5 the owner or owners of the building to take any of the  
 6 actions authorized under that subsection.

7 (4) The fee requirements of this Section shall not  
 8 apply to the filing of any commitment petition or petition  
 9 for an order authorizing the administration of  
 10 psychotropic medication or electroconvulsive therapy under  
 11 the Mental Health and Developmental Disabilities Code.

12 (ee) Adoptions.

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

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

19 (ff) Adoption exemptions.

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

25 (Source: P.A. 95-172, eff. 8-14-07; 95-331, eff. 8-21-07.)

1           Section 961. The Juvenile Court Act of 1987 is amended by  
2 changing Sections 1-3 and 6-9 as follows:

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

4           Sec. 1-3. Definitions. Terms used in this Act, unless the  
5 context otherwise requires, have the following meanings  
6 ascribed to them:

7           (1) "Adjudicatory hearing" means a hearing to determine  
8 whether the allegations of a petition under Section 2-13, 3-15  
9 or 4-12 that a minor under 18 years of age is abused, neglected  
10 or dependent, or requires authoritative intervention, or  
11 addicted, respectively, are supported by a preponderance of the  
12 evidence or whether the allegations of a petition under Section  
13 5-520 that a minor is delinquent are proved beyond a reasonable  
14 doubt.

15           (2) "Adult" means a person 21 years of age or older.

16           (3) "Agency" means a public or private child care facility  
17 legally authorized or licensed by this State for placement or  
18 institutional care or for both placement and institutional  
19 care.

20           (4) "Association" means any organization, public or  
21 private, engaged in welfare functions which include services to  
22 or on behalf of children but does not include "agency" as  
23 herein defined.

24           (4.05) Whenever a "best interest" determination is  
25 required, the following factors shall be considered in the

1 context of the child's age and developmental needs:

2 (a) the physical safety and welfare of the child,  
3 including food, shelter, health, and clothing;

4 (b) the development of the child's identity;

5 (c) the child's background and ties, including  
6 familial, cultural, and religious;

7 (d) the child's sense of attachments, including:

8 (i) where the child actually feels love,  
9 attachment, and a sense of being valued (as opposed to  
10 where adults believe the child should feel such love,  
11 attachment, and a sense of being valued);

12 (ii) the child's sense of security;

13 (iii) the child's sense of familiarity;

14 (iv) continuity of affection for the child;

15 (v) the least disruptive placement alternative for  
16 the child;

17 (e) the child's wishes and long-term goals;

18 (f) the child's community ties, including church,  
19 school, and friends;

20 (g) the child's need for permanence which includes the  
21 child's need for stability and continuity of relationships  
22 with parent figures and with siblings and other relatives;

23 (h) the uniqueness of every family and child;

24 (i) the risks attendant to entering and being in  
25 substitute care; and

26 (j) the preferences of the persons available to care

1 for the child.

2 (4.1) "Chronic truant" shall have the definition ascribed  
3 to it in Section 26-2a of the School Code.

4 (5) "Court" means the circuit court in a session or  
5 division assigned to hear proceedings under this Act.

6 (6) "Dispositional hearing" means a hearing to determine  
7 whether a minor should be adjudged to be a ward of the court,  
8 and to determine what order of disposition should be made in  
9 respect to a minor adjudged to be a ward of the court.

10 (7) "Emancipated minor" means any minor 16 years of age or  
11 over who has been completely or partially emancipated under the  
12 Emancipation of Minors Act or under this Act.

13 (8) "Guardianship of the person" of a minor means the duty  
14 and authority to act in the best interests of the minor,  
15 subject to residual parental rights and responsibilities, to  
16 make important decisions in matters having a permanent effect  
17 on the life and development of the minor and to be concerned  
18 with his or her general welfare. It includes but is not  
19 necessarily limited to:

20 (a) the authority to consent to marriage, to enlistment  
21 in the armed forces of the United States, or to a major  
22 medical, psychiatric, and surgical treatment; to represent  
23 the minor in legal actions; and to make other decisions of  
24 substantial legal significance concerning the minor;

25 (b) the authority and duty of reasonable visitation,  
26 except to the extent that these have been limited in the

1 best interests of the minor by court order;

2 (c) the rights and responsibilities of legal custody  
3 except where legal custody has been vested in another  
4 person or agency; and

5 (d) the power to consent to the adoption of the minor,  
6 but only if expressly conferred on the guardian in  
7 accordance with Section 2-29, 3-30, or 4-27.

8 (9) "Legal custody" means the relationship created by an  
9 order of court in the best interests of the minor which imposes  
10 on the custodian the responsibility of physical possession of a  
11 minor and the duty to protect, train and discipline him and to  
12 provide him with food, shelter, education and ordinary medical  
13 care, except as these are limited by residual parental rights  
14 and responsibilities and the rights and responsibilities of the  
15 guardian of the person, if any.

16 (9.1) "Mentally capable adult relative" means a person 21  
17 years of age or older who is not suffering from a mental  
18 illness that prevents him or her from providing the care  
19 necessary to safeguard the physical safety and welfare of a  
20 minor who is left in that person's care by the parent or  
21 parents or other person responsible for the minor's welfare.

22 (10) "Minor" means a person under the age of 21 years  
23 subject to this Act.

24 (11) "Parent" means the father or mother of a child and  
25 includes any adoptive parent. It also includes a man (i) whose  
26 paternity is presumed or has been established under the law of



1 this or another jurisdiction or (ii) who has registered with  
2 the Putative Father Registry in accordance with Section 12.1 of  
3 the Adoption Act and whose paternity has not been ruled out  
4 under the law of this or another jurisdiction. It does not  
5 include a parent whose rights in respect to the minor have been  
6 terminated in any manner provided by law. It does not include a  
7 person who has been or could be determined to be a parent under  
8 the Illinois Parentage Act of 1984 or the Illinois Parentage  
9 Act of 2013, or similar parentage law in any other state, if  
10 that person has been convicted of or pled nolo contendere to a  
11 crime that resulted in the conception of the child under  
12 Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13, 12-14,  
13 12-14.1, subsection (a) or (b) (but not subsection (c)) of  
14 Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e), or  
15 (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of the  
16 Criminal Code of 1961 or the Criminal Code of 2012, or similar  
17 statute in another jurisdiction unless upon motion of any  
18 party, other than the offender, to the juvenile court  
19 proceedings the court finds it is in the child's best interest  
20 to deem the offender a parent for purposes of the juvenile  
21 court proceedings.

22 (11.1) "Permanency goal" means a goal set by the court as  
23 defined in subdivision (2) of Section 2-28.

24 (11.2) "Permanency hearing" means a hearing to set the  
25 permanency goal and to review and determine (i) the  
26 appropriateness of the services contained in the plan and

1 whether those services have been provided, (ii) whether  
2 reasonable efforts have been made by all the parties to the  
3 service plan to achieve the goal, and (iii) whether the plan  
4 and goal have been achieved.

5 (12) "Petition" means the petition provided for in Section  
6 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
7 thereunder in Section 3-15, 4-12 or 5-520.

8 (12.1) "Physically capable adult relative" means a person  
9 21 years of age or older who does not have a severe physical  
10 disability or medical condition, or is not suffering from  
11 alcoholism or drug addiction, that prevents him or her from  
12 providing the care necessary to safeguard the physical safety  
13 and welfare of a minor who is left in that person's care by the  
14 parent or parents or other person responsible for the minor's  
15 welfare.

16 (12.2) "Post Permanency Sibling Contact Agreement" has the  
17 meaning ascribed to the term in Section 7.4 of the Children and  
18 Family Services Act.

19 (13) "Residual parental rights and responsibilities" means  
20 those rights and responsibilities remaining with the parent  
21 after the transfer of legal custody or guardianship of the  
22 person, including, but not necessarily limited to, the right to  
23 reasonable visitation (which may be limited by the court in the  
24 best interests of the minor as provided in subsection (8) (b) of  
25 this Section), the right to consent to adoption, the right to  
26 determine the minor's religious affiliation, and the

1 responsibility for his support.

2 (14) "Shelter" means the temporary care of a minor in  
3 physically unrestricting facilities pending court disposition  
4 or execution of court order for placement.

5 (14.1) "Sibling Contact Support Plan" has the meaning  
6 ascribed to the term in Section 7.4 of the Children and Family  
7 Services Act.

8 (15) "Station adjustment" means the informal handling of an  
9 alleged offender by a juvenile police officer.

10 (16) "Ward of the court" means a minor who is so adjudged  
11 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the  
12 requisite jurisdictional facts, and thus is subject to the  
13 dispositional powers of the court under this Act.

14 (17) "Juvenile police officer" means a sworn police officer  
15 who has completed a Basic Recruit Training Course, has been  
16 assigned to the position of juvenile police officer by his or  
17 her chief law enforcement officer and has completed the  
18 necessary juvenile officers training as prescribed by the  
19 Illinois Law Enforcement Training Standards Board, or in the  
20 case of a State police officer, juvenile officer training  
21 approved by the Director of the Department of State Police.

22 (18) "Secure child care facility" means any child care  
23 facility licensed by the Department of Children and Family  
24 Services to provide secure living arrangements for children  
25 under 18 years of age who are subject to placement in  
26 facilities under the Children and Family Services Act and who

1 are not subject to placement in facilities for whom standards  
2 are established by the Department of Corrections under Section  
3 3-15-2 of the Unified Code of Corrections. "Secure child care  
4 facility" also means a facility that is designed and operated  
5 to ensure that all entrances and exits from the facility, a  
6 building, or a distinct part of the building are under the  
7 exclusive control of the staff of the facility, whether or not  
8 the child has the freedom of movement within the perimeter of  
9 the facility, building, or distinct part of the building.

10 (Source: P.A. 96-168, eff. 8-10-09; 97-568, eff. 8-25-11;  
11 97-1076, eff. 8-24-12; 97-1150, eff. 1-25-13.)

12 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

13 Sec. 6-9. Enforcement of liability of parents and others.

14 (1) If parentage is at issue in any proceeding under this  
15 Act, other than cases involving those exceptions to the  
16 definition of parent set out in item (11) in Section 1-3, then  
17 the Illinois Parentage Act of 2013 ~~1984~~ shall apply and the  
18 court shall enter orders consistent with that Act. If it  
19 appears at any hearing that a parent or any other person named  
20 in the petition, liable under the law for the support of the  
21 minor, is able to contribute to his or her support, the court  
22 shall enter an order requiring that parent or other person to  
23 pay the clerk of the court, or to the guardian or custodian  
24 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a  
25 reasonable sum from time to time for the care, support and

1 necessary special care or treatment, of the minor. If the court  
2 determines at any hearing that a parent or any other person  
3 named in the petition, liable under the law for the support of  
4 the minor, is able to contribute to help defray the costs  
5 associated with the minor's detention in a county or regional  
6 detention center, the court shall enter an order requiring that  
7 parent or other person to pay the clerk of the court a  
8 reasonable sum for the care and support of the minor. The court  
9 may require reasonable security for the payments. Upon failure  
10 to pay, the court may enforce obedience to the order by a  
11 proceeding as for contempt of court.

12 If it appears that the person liable for the support of the  
13 minor is able to contribute to legal fees for representation of  
14 the minor, the court shall enter an order requiring that person  
15 to pay a reasonable sum for the representation, to the attorney  
16 providing the representation or to the clerk of the court for  
17 deposit in the appropriate account or fund. The sum may be paid  
18 as the court directs, and the payment thereof secured and  
19 enforced as provided in this Section for support.

20 If it appears at the detention or shelter care hearing of a  
21 minor before the court under Section 5-501 that a parent or any  
22 other person liable for support of the minor is able to  
23 contribute to his or her support, that parent or other person  
24 shall be required to pay a fee for room and board at a rate not  
25 to exceed \$10 per day established, with the concurrence of the  
26 chief judge of the judicial circuit, by the county board of the

1 county in which the minor is detained unless the court  
2 determines that it is in the best interest and welfare of the  
3 minor to waive the fee. The concurrence of the chief judge  
4 shall be in the form of an administrative order. Each week, on  
5 a day designated by the clerk of the circuit court, that parent  
6 or other person shall pay the clerk for the minor's room and  
7 board. All fees for room and board collected by the circuit  
8 court clerk shall be disbursed into the separate county fund  
9 under Section 6-7.

10 Upon application, the court shall waive liability for  
11 support or legal fees under this Section if the parent or other  
12 person establishes that he or she is indigent and unable to pay  
13 the incurred liability, and the court may reduce or waive  
14 liability if the parent or other person establishes  
15 circumstances showing that full payment of support or legal  
16 fees would result in financial hardship to the person or his or  
17 her family.

18 (2) When a person so ordered to pay for the care and  
19 support of a minor is employed for wages, salary or commission,  
20 the court may order him to make the support payments for which  
21 he is liable under this Act out of his wages, salary or  
22 commission and to assign so much thereof as will pay the  
23 support. The court may also order him to make discovery to the  
24 court as to his place of employment and the amounts earned by  
25 him. Upon his failure to obey the orders of court he may be  
26 punished as for contempt of court.

1           (3) If the minor is a recipient of public aid under the  
2 Illinois Public Aid Code, the court shall order that payments  
3 made by a parent or through assignment of his wages, salary or  
4 commission be made directly to (a) the Department of Healthcare  
5 and Family Services if the minor is a recipient of aid under  
6 Article V of the Code, (b) the Department of Human Services if  
7 the minor is a recipient of aid under Article IV of the Code,  
8 or (c) the local governmental unit responsible for the support  
9 of the minor if he is a recipient under Articles VI or VII of  
10 the Code. The order shall permit the Department of Healthcare  
11 and Family Services, the Department of Human Services, or the  
12 local governmental unit, as the case may be, to direct that  
13 subsequent payments be made directly to the guardian or  
14 custodian of the minor, or to some other person or agency in  
15 the minor's behalf, upon removal of the minor from the public  
16 aid rolls; and upon such direction and removal of the minor  
17 from the public aid rolls, the Department of Healthcare and  
18 Family Services, Department of Human Services, or local  
19 governmental unit, as the case requires, shall give written  
20 notice of such action to the court. Payments received by the  
21 Department of Healthcare and Family Services, Department of  
22 Human Services, or local governmental unit are to be covered,  
23 respectively, into the General Revenue Fund of the State  
24 Treasury or General Assistance Fund of the governmental unit,  
25 as provided in Section 10-19 of the Illinois Public Aid Code.

26       (Source: P.A. 97-568, eff. 8-25-11.)

1           Section 962. The Code of Criminal Procedure of 1963 is  
2 amended by changing Section 112A-14 as follows:

3           (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

4           Sec. 112A-14. Order of protection; remedies.

5           (a) Issuance of order. If the court finds that petitioner  
6 has been abused by a family or household member, as defined in  
7 this Article, an order of protection prohibiting such abuse  
8 shall issue; provided that petitioner must also satisfy the  
9 requirements of one of the following Sections, as appropriate:  
10 Section 112A-17 on emergency orders, Section 112A-18 on interim  
11 orders, or Section 112A-19 on plenary orders. Petitioner shall  
12 not be denied an order of protection because petitioner or  
13 respondent is a minor. The court, when determining whether or  
14 not to issue an order of protection, shall not require physical  
15 manifestations of abuse on the person of the victim.  
16 Modification and extension of prior orders of protection shall  
17 be in accordance with this Article.

18           (b) Remedies and standards. The remedies to be included in  
19 an order of protection shall be determined in accordance with  
20 this Section and one of the following Sections, as appropriate:  
21 Section 112A-17 on emergency orders, Section 112A-18 on interim  
22 orders, and Section 112A-19 on plenary orders. The remedies  
23 listed in this subsection shall be in addition to other civil  
24 or criminal remedies available to petitioner.



1           (1) Prohibition of abuse. Prohibit respondent's  
2 harassment, interference with personal liberty,  
3 intimidation of a dependent, physical abuse or willful  
4 deprivation, as defined in this Article, if such abuse has  
5 occurred or otherwise appears likely to occur if not  
6 prohibited.

7           (2) Grant of exclusive possession of residence.  
8 Prohibit respondent from entering or remaining in any  
9 residence, household, or premises of the petitioner,  
10 including one owned or leased by respondent, if petitioner  
11 has a right to occupancy thereof. The grant of exclusive  
12 possession of the residence, household, or premises shall  
13 not affect title to real property, nor shall the court be  
14 limited by the standard set forth in Section 701 of the  
15 Illinois Marriage and Dissolution of Marriage Act.

16           (A) Right to occupancy. A party has a right to  
17 occupancy of a residence or household if it is solely  
18 or jointly owned or leased by that party, that party's  
19 spouse, a person with a legal duty to support that  
20 party or a minor child in that party's care, or by any  
21 person or entity other than the opposing party that  
22 authorizes that party's occupancy (e.g., a domestic  
23 violence shelter). Standards set forth in subparagraph  
24 (B) shall not preclude equitable relief.

25           (B) Presumption of hardships. If petitioner and  
26 respondent each has the right to occupancy of a

1 residence or household, the court shall balance (i) the  
2 hardships to respondent and any minor child or  
3 dependent adult in respondent's care resulting from  
4 entry of this remedy with (ii) the hardships to  
5 petitioner and any minor child or dependent adult in  
6 petitioner's care resulting from continued exposure to  
7 the risk of abuse (should petitioner remain at the  
8 residence or household) or from loss of possession of  
9 the residence or household (should petitioner leave to  
10 avoid the risk of abuse). When determining the balance  
11 of hardships, the court shall also take into account  
12 the accessibility of the residence or household.  
13 Hardships need not be balanced if respondent does not  
14 have a right to occupancy.

15 The balance of hardships is presumed to favor  
16 possession by petitioner unless the presumption is  
17 rebutted by a preponderance of the evidence, showing  
18 that the hardships to respondent substantially  
19 outweigh the hardships to petitioner and any minor  
20 child or dependent adult in petitioner's care. The  
21 court, on the request of petitioner or on its own  
22 motion, may order respondent to provide suitable,  
23 accessible, alternate housing for petitioner instead  
24 of excluding respondent from a mutual residence or  
25 household.

26 (3) Stay away order and additional prohibitions. Order

1       respondent to stay away from petitioner or any other person  
2       protected by the order of protection, or prohibit  
3       respondent from entering or remaining present at  
4       petitioner's school, place of employment, or other  
5       specified places at times when petitioner is present, or  
6       both, if reasonable, given the balance of hardships.  
7       Hardships need not be balanced for the court to enter a  
8       stay away order or prohibit entry if respondent has no  
9       right to enter the premises.

10       If an order of protection grants petitioner exclusive  
11       possession of the residence, or prohibits respondent from  
12       entering the residence, or orders respondent to stay away  
13       from petitioner or other protected persons, then the court  
14       may allow respondent access to the residence to remove  
15       items of clothing and personal adornment used exclusively  
16       by respondent, medications, and other items as the court  
17       directs. The right to access shall be exercised on only one  
18       occasion as the court directs and in the presence of an  
19       agreed-upon adult third party or law enforcement officer.

20       (4) Counseling. Require or recommend the respondent to  
21       undergo counseling for a specified duration with a social  
22       worker, psychologist, clinical psychologist, psychiatrist,  
23       family service agency, alcohol or substance abuse program,  
24       mental health center guidance counselor, agency providing  
25       services to elders, program designed for domestic violence  
26       abusers or any other guidance service the court deems

1 appropriate. The court may order the respondent in any  
2 intimate partner relationship to report to an Illinois  
3 Department of Human Services protocol approved partner  
4 abuse intervention program for an assessment and to follow  
5 all recommended treatment.

6 (5) Physical care and possession of the minor child. In  
7 order to protect the minor child from abuse, neglect, or  
8 unwarranted separation from the person who has been the  
9 minor child's primary caretaker, or to otherwise protect  
10 the well-being of the minor child, the court may do either  
11 or both of the following: (i) grant petitioner physical  
12 care or possession of the minor child, or both, or (ii)  
13 order respondent to return a minor child to, or not remove  
14 a minor child from, the physical care of a parent or person  
15 in loco parentis.

16 If a court finds, after a hearing, that respondent has  
17 committed abuse (as defined in Section 112A-3) of a minor  
18 child, there shall be a rebuttable presumption that  
19 awarding physical care to respondent would not be in the  
20 minor child's best interest.

21 (6) Temporary legal custody. Award temporary legal  
22 custody to petitioner in accordance with this Section, the  
23 Illinois Marriage and Dissolution of Marriage Act, the  
24 Illinois Parentage Act of 2013 ~~1984~~, and this State's  
25 Uniform Child-Custody Jurisdiction and Enforcement Act.

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 112A-3) of a minor  
2 child, there shall be a rebuttable presumption that  
3 awarding temporary legal custody to respondent would not be  
4 in the child's best interest.

5 (7) Visitation. Determine the visitation rights, if  
6 any, of respondent in any case in which the court awards  
7 physical care or temporary legal custody of a minor child  
8 to petitioner. The court shall restrict or deny  
9 respondent's visitation with a minor child if the court  
10 finds that respondent has done or is likely to do any of  
11 the following: (i) abuse or endanger the minor child during  
12 visitation; (ii) use the visitation as an opportunity to  
13 abuse or harass petitioner or petitioner's family or  
14 household members; (iii) improperly conceal or detain the  
15 minor child; or (iv) otherwise act in a manner that is not  
16 in the best interests of the minor child. The court shall  
17 not be limited by the standards set forth in Section 607.1  
18 of the Illinois Marriage and Dissolution of Marriage Act.  
19 If the court grants visitation, the order shall specify  
20 dates and times for the visitation to take place or other  
21 specific parameters or conditions that are appropriate. No  
22 order for visitation shall refer merely to the term  
23 "reasonable visitation".

24 Petitioner may deny respondent access to the minor  
25 child if, when respondent arrives for visitation,  
26 respondent is under the influence of drugs or alcohol and

1 constitutes a threat to the safety and well-being of  
2 petitioner or petitioner's minor children or is behaving in  
3 a violent or abusive manner.

4 If necessary to protect any member of petitioner's  
5 family or household from future abuse, respondent shall be  
6 prohibited from coming to petitioner's residence to meet  
7 the minor child for visitation, and the parties shall  
8 submit to the court their recommendations for reasonable  
9 alternative arrangements for visitation. A person may be  
10 approved to supervise visitation only after filing an  
11 affidavit accepting that responsibility and acknowledging  
12 accountability to the court.

13 (8) Removal or concealment of minor child. Prohibit  
14 respondent from removing a minor child from the State or  
15 concealing the child within the State.

16 (9) Order to appear. Order the respondent to appear in  
17 court, alone or with a minor child, to prevent abuse,  
18 neglect, removal or concealment of the child, to return the  
19 child to the custody or care of the petitioner or to permit  
20 any court-ordered interview or examination of the child or  
21 the respondent.

22 (10) Possession of personal property. Grant petitioner  
23 exclusive possession of personal property and, if  
24 respondent has possession or control, direct respondent to  
25 promptly make it available to petitioner, if:

26 (i) petitioner, but not respondent, owns the

1 property; or

2 (ii) the parties own the property jointly; sharing  
3 it would risk abuse of petitioner by respondent or is  
4 impracticable; and the balance of hardships favors  
5 temporary possession by petitioner.

6 If petitioner's sole claim to ownership of the property  
7 is that it is marital property, the court may award  
8 petitioner temporary possession thereof under the  
9 standards of subparagraph (ii) of this paragraph only if a  
10 proper proceeding has been filed under the Illinois  
11 Marriage and Dissolution of Marriage Act, as now or  
12 hereafter amended.

13 No order under this provision shall affect title to  
14 property.

15 (11) Protection of property. Forbid the respondent  
16 from taking, transferring, encumbering, concealing,  
17 damaging or otherwise disposing of any real or personal  
18 property, except as explicitly authorized by the court, if:

19 (i) petitioner, but not respondent, owns the  
20 property; or

21 (ii) the parties own the property jointly, and the  
22 balance of hardships favors granting this remedy.

23 If petitioner's sole claim to ownership of the property  
24 is that it is marital property, the court may grant  
25 petitioner relief under subparagraph (ii) of this  
26 paragraph only if a proper proceeding has been filed under

1 the Illinois Marriage and Dissolution of Marriage Act, as  
2 now or hereafter amended.

3 The court may further prohibit respondent from  
4 improperly using the financial or other resources of an  
5 aged member of the family or household for the profit or  
6 advantage of respondent or of any other person.

7 (11.5) Protection of animals. Grant the petitioner the  
8 exclusive care, custody, or control of any animal owned,  
9 possessed, leased, kept, or held by either the petitioner  
10 or the respondent or a minor child residing in the  
11 residence or household of either the petitioner or the  
12 respondent and order the respondent to stay away from the  
13 animal and forbid the respondent from taking,  
14 transferring, encumbering, concealing, harming, or  
15 otherwise disposing of the animal.

16 (12) Order for payment of support. Order respondent to  
17 pay temporary support for the petitioner or any child in  
18 the petitioner's care or custody, when the respondent has a  
19 legal obligation to support that person, in accordance with  
20 the Illinois Marriage and Dissolution of Marriage Act,  
21 which shall govern, among other matters, the amount of  
22 support, payment through the clerk and withholding of  
23 income to secure payment. An order for child support may be  
24 granted to a petitioner with lawful physical care or  
25 custody of a child, or an order or agreement for physical  
26 care or custody, prior to entry of an order for legal



1 custody. Such a support order shall expire upon entry of a  
2 valid order granting legal custody to another, unless  
3 otherwise provided in the custody order.

4 (13) Order for payment of losses. Order respondent to  
5 pay petitioner for losses suffered as a direct result of  
6 the abuse. Such losses shall include, but not be limited  
7 to, medical expenses, lost earnings or other support,  
8 repair or replacement of property damaged or taken,  
9 reasonable attorney's fees, court costs and moving or other  
10 travel expenses, including additional reasonable expenses  
11 for temporary shelter and restaurant meals.

12 (i) Losses affecting family needs. If a party is  
13 entitled to seek maintenance, child support or  
14 property distribution from the other party under the  
15 Illinois Marriage and Dissolution of Marriage Act, as  
16 now or hereafter amended, the court may order  
17 respondent to reimburse petitioner's actual losses, to  
18 the extent that such reimbursement would be  
19 "appropriate temporary relief", as authorized by  
20 subsection (a) (3) of Section 501 of that Act.

21 (ii) Recovery of expenses. In the case of an  
22 improper concealment or removal of a minor child, the  
23 court may order respondent to pay the reasonable  
24 expenses incurred or to be incurred in the search for  
25 and recovery of the minor child, including but not  
26 limited to legal fees, court costs, private

1 investigator fees, and travel costs.

2 (14) Prohibition of entry. Prohibit the respondent  
3 from entering or remaining in the residence or household  
4 while the respondent is under the influence of alcohol or  
5 drugs and constitutes a threat to the safety and well-being  
6 of the petitioner or the petitioner's children.

7 (14.5) Prohibition of firearm possession.

8 (a) Prohibit a respondent against whom an order of  
9 protection was issued from possessing any firearms  
10 during the duration of the order if the order:

11 (1) was issued after a hearing of which such  
12 person received actual notice, and at which such  
13 person had an opportunity to participate;

14 (2) restrains such person from harassing,  
15 stalking, or threatening an intimate partner of  
16 such person or child of such intimate partner or  
17 person, or engaging in other conduct that would  
18 place an intimate partner in reasonable fear of  
19 bodily injury to the partner or child; and

20 (3) (i) includes a finding that such person  
21 represents a credible threat to the physical  
22 safety of such intimate partner or child; or (ii)  
23 by its terms explicitly prohibits the use,  
24 attempted use, or threatened use of physical force  
25 against such intimate partner or child that would  
26 reasonably be expected to cause bodily injury.

1 Any firearms in the possession of the respondent,  
2 except as provided in subsection (b), shall be ordered  
3 by the court to be turned over to the local law  
4 enforcement agency for safekeeping. The court shall  
5 issue an order that the respondent's Firearm Owner's  
6 Identification Card be turned over to the local law  
7 enforcement agency, which in turn shall immediately  
8 mail the card to the Department of State Police Firearm  
9 Owner's Identification Card Office for safekeeping.  
10 The period of safekeeping shall be for the duration of  
11 the order of protection. The firearm or firearms and  
12 Firearm Owner's Identification Card, if unexpired,  
13 shall at the respondent's request be returned to the  
14 respondent at expiration of the order of protection.

15 (b) If the respondent is a peace officer as defined  
16 in Section 2-13 of the Criminal Code of 2012, the court  
17 shall order that any firearms used by the respondent in  
18 the performance of his or her duties as a peace officer  
19 be surrendered to the chief law enforcement executive  
20 of the agency in which the respondent is employed, who  
21 shall retain the firearms for safekeeping for the  
22 duration of the order of protection.

23 (c) Upon expiration of the period of safekeeping,  
24 if the firearms or Firearm Owner's Identification Card  
25 cannot be returned to respondent because respondent  
26 cannot be located, fails to respond to requests to

1 retrieve the firearms, or is not lawfully eligible to  
2 possess a firearm, upon petition from the local law  
3 enforcement agency, the court may order the local law  
4 enforcement agency to destroy the firearms, use the  
5 firearms for training purposes, or for any other  
6 application as deemed appropriate by the local law  
7 enforcement agency; or that the firearms be turned over  
8 to a third party who is lawfully eligible to possess  
9 firearms, and who does not reside with respondent.

10 (15) Prohibition of access to records. If an order of  
11 protection prohibits respondent from having contact with  
12 the minor child, or if petitioner's address is omitted  
13 under subsection (b) of Section 112A-5, or if necessary to  
14 prevent abuse or wrongful removal or concealment of a minor  
15 child, the order shall deny respondent access to, and  
16 prohibit respondent from inspecting, obtaining, or  
17 attempting to inspect or obtain, school or any other  
18 records of the minor child who is in the care of  
19 petitioner.

20 (16) Order for payment of shelter services. Order  
21 respondent to reimburse a shelter providing temporary  
22 housing and counseling services to the petitioner for the  
23 cost of the services, as certified by the shelter and  
24 deemed reasonable by the court.

25 (17) Order for injunctive relief. Enter injunctive  
26 relief necessary or appropriate to prevent further abuse of

1 a family or household member or to effectuate one of the  
2 granted remedies, if supported by the balance of hardships.  
3 If the harm to be prevented by the injunction is abuse or  
4 any other harm that one of the remedies listed in  
5 paragraphs (1) through (16) of this subsection is designed  
6 to prevent, no further evidence is necessary to establish  
7 that the harm is an irreparable injury.

8 (c) Relevant factors; findings.

9 (1) In determining whether to grant a specific remedy,  
10 other than payment of support, the court shall consider  
11 relevant factors, including but not limited to the  
12 following:

13 (i) the nature, frequency, severity, pattern and  
14 consequences of the respondent's past abuse of the  
15 petitioner or any family or household member,  
16 including the concealment of his or her location in  
17 order to evade service of process or notice, and the  
18 likelihood of danger of future abuse to petitioner or  
19 any member of petitioner's or respondent's family or  
20 household; and

21 (ii) the danger that any minor child will be abused  
22 or neglected or improperly removed from the  
23 jurisdiction, improperly concealed within the State or  
24 improperly separated from the child's primary  
25 caretaker.

26 (2) In comparing relative hardships resulting to the

1 parties from loss of possession of the family home, the  
2 court shall consider relevant factors, including but not  
3 limited to the following:

4 (i) availability, accessibility, cost, safety,  
5 adequacy, location and other characteristics of  
6 alternate housing for each party and any minor child or  
7 dependent adult in the party's care;

8 (ii) the effect on the party's employment; and

9 (iii) the effect on the relationship of the party,  
10 and any minor child or dependent adult in the party's  
11 care, to family, school, church and community.

12 (3) Subject to the exceptions set forth in paragraph  
13 (4) of this subsection, the court shall make its findings  
14 in an official record or in writing, and shall at a minimum  
15 set forth the following:

16 (i) That the court has considered the applicable  
17 relevant factors described in paragraphs (1) and (2) of  
18 this subsection.

19 (ii) Whether the conduct or actions of respondent,  
20 unless prohibited, will likely cause irreparable harm  
21 or continued abuse.

22 (iii) Whether it is necessary to grant the  
23 requested relief in order to protect petitioner or  
24 other alleged abused persons.

25 (4) For purposes of issuing an ex parte emergency order  
26 of protection, the court, as an alternative to or as a

1 supplement to making the findings described in paragraphs  
2 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
3 the following procedure:

4 When a verified petition for an emergency order of  
5 protection in accordance with the requirements of Sections  
6 112A-5 and 112A-17 is presented to the court, the court  
7 shall examine petitioner on oath or affirmation. An  
8 emergency order of protection shall be issued by the court  
9 if it appears from the contents of the petition and the  
10 examination of petitioner that the averments are  
11 sufficient to indicate abuse by respondent and to support  
12 the granting of relief under the issuance of the emergency  
13 order of protection.

14 (5) Never married parties. No rights or  
15 responsibilities for a minor child born outside of marriage  
16 attach to a putative father until a father and child  
17 relationship has been established under the Illinois  
18 Parentage Act of 1984 or under the Illinois Parentage Act  
19 of 2013 on and after the effective date of that Act. Absent  
20 such an adjudication, no putative father shall be granted  
21 temporary custody of the minor child, visitation with the  
22 minor child, or physical care and possession of the minor  
23 child, nor shall an order of payment for support of the  
24 minor child be entered.

25 (d) Balance of hardships; findings. If the court finds that  
26 the balance of hardships does not support the granting of a

1 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
2 subsection (b) of this Section, which may require such  
3 balancing, the court's findings shall so indicate and shall  
4 include a finding as to whether granting the remedy will result  
5 in hardship to respondent that would substantially outweigh the  
6 hardship to petitioner from denial of the remedy. The findings  
7 shall be an official record or in writing.

8 (e) Denial of remedies. Denial of any remedy shall not be  
9 based, in whole or in part, on evidence that:

10 (1) Respondent has cause for any use of force, unless  
11 that cause satisfies the standards for justifiable use of  
12 force provided by Article 7 of the Criminal Code of 2012;

13 (2) Respondent was voluntarily intoxicated;

14 (3) Petitioner acted in self-defense or defense of  
15 another, provided that, if petitioner utilized force, such  
16 force was justifiable under Article 7 of the Criminal Code  
17 of 2012;

18 (4) Petitioner did not act in self-defense or defense  
19 of another;

20 (5) Petitioner left the residence or household to avoid  
21 further abuse by respondent;

22 (6) Petitioner did not leave the residence or household  
23 to avoid further abuse by respondent;

24 (7) Conduct by any family or household member excused  
25 the abuse by respondent, unless that same conduct would  
26 have excused such abuse if the parties had not been family



1 or household members.

2 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
3 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13; 97-1150, eff.  
4 1-25-13.)

5 Section 963. The Unified Code of Corrections is amended by  
6 changing Section 3-5-4 as follows:

7 (730 ILCS 5/3-5-4)

8 Sec. 3-5-4. Exchange of information for child support  
9 enforcement.

10 (a) The Department shall exchange with the Department of  
11 Healthcare and Family Services information that may be  
12 necessary for the enforcement of child support orders entered  
13 pursuant to the Illinois Public Aid Code, the Illinois Marriage  
14 and Dissolution of Marriage Act, the Non-Support of Spouse and  
15 Children Act, the Non-Support Punishment Act, the Revised  
16 Uniform Reciprocal Enforcement of Support Act, the Uniform  
17 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of  
18 1984, or the Illinois Parentage Act of 2013.

19 (b) Notwithstanding any provisions in this Code to the  
20 contrary, the Department shall not be liable to any person for  
21 any disclosure of information to the Department of Healthcare  
22 and Family Services (formerly Illinois Department of Public  
23 Aid) under subsection (a) or for any other action taken in good  
24 faith to comply with the requirements of subsection (a).

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

2 Section 964. The Code of Civil Procedure is amended by  
3 changing Sections 2-209, 2-1401, 12-112, and 12-819 as follows:

4 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

5 Sec. 2-209. Act submitting to jurisdiction - Process.

6 (a) Any person, whether or not a citizen or resident of  
7 this State, who in person or through an agent does any of the  
8 acts hereinafter enumerated, thereby submits such person, and,  
9 if an individual, his or her personal representative, to the  
10 jurisdiction of the courts of this State as to any cause of  
11 action arising from the doing of any of such acts:

12 (1) The transaction of any business within this State;

13 (2) The commission of a tortious act within this State;

14 (3) The ownership, use, or possession of any real  
15 estate situated in this State;

16 (4) Contracting to insure any person, property or risk  
17 located within this State at the time of contracting;

18 (5) With respect to actions of dissolution of marriage,  
19 declaration of invalidity of marriage and legal  
20 separation, the maintenance in this State of a matrimonial  
21 domicile at the time this cause of action arose or the  
22 commission in this State of any act giving rise to the  
23 cause of action;

24 (6) With respect to actions brought under the Illinois

1 Parentage Act of 1984, as now or hereafter amended, or  
2 under the Illinois Parentage Act of 2013 on and after the  
3 effective date of that Act, the performance of an act of  
4 sexual intercourse within this State during the possible  
5 period of conception;

6 (7) The making or performance of any contract or  
7 promise substantially connected with this State;

8 (8) The performance of sexual intercourse within this  
9 State which is claimed to have resulted in the conception  
10 of a child who resides in this State;

11 (9) The failure to support a child, spouse or former  
12 spouse who has continued to reside in this State since the  
13 person either formerly resided with them in this State or  
14 directed them to reside in this State;

15 (10) The acquisition of ownership, possession or  
16 control of any asset or thing of value present within this  
17 State when ownership, possession or control was acquired;

18 (11) The breach of any fiduciary duty within this  
19 State;

20 (12) The performance of duties as a director or officer  
21 of a corporation organized under the laws of this State or  
22 having its principal place of business within this State;

23 (13) The ownership of an interest in any trust  
24 administered within this State; or

25 (14) The exercise of powers granted under the authority  
26 of this State as a fiduciary.

1 (b) A court may exercise jurisdiction in any action arising  
2 within or without this State against any person who:

3 (1) Is a natural person present within this State when  
4 served;

5 (2) Is a natural person domiciled or resident within  
6 this State when the cause of action arose, the action was  
7 commenced, or process was served;

8 (3) Is a corporation organized under the laws of this  
9 State; or

10 (4) Is a natural person or corporation doing business  
11 within this State.

12 (b-5) Foreign defamation judgment. The courts of this State  
13 shall have personal jurisdiction over any person who obtains a  
14 judgment in a defamation proceeding outside the United States  
15 against any person who is a resident of Illinois or, if not a  
16 natural person, has its principal place of business in  
17 Illinois, for the purposes of rendering declaratory relief with  
18 respect to that resident's liability for the judgment, or for  
19 the purpose of determining whether said judgment should be  
20 deemed non-recognizable pursuant to this Code, to the fullest  
21 extent permitted by the United States Constitution, provided:

22 (1) the publication at issue was published in Illinois,  
23 and

24 (2) that resident (i) has assets in Illinois which  
25 might be used to satisfy the foreign defamation judgment,  
26 or (ii) may have to take actions in Illinois to comply with

1 the foreign defamation judgment.

2 The provisions of this subsection (b-5) shall apply to  
3 persons who obtained judgments in defamation proceedings  
4 outside the United States prior to, on, or after the effective  
5 date of this amendatory Act of the 95th General Assembly.

6 (c) A court may also exercise jurisdiction on any other  
7 basis now or hereafter permitted by the Illinois Constitution  
8 and the Constitution of the United States.

9 (d) Service of process upon any person who is subject to  
10 the jurisdiction of the courts of this State, as provided in  
11 this Section, may be made by personally serving the summons  
12 upon the defendant outside this State, as provided in this Act,  
13 with the same force and effect as though summons had been  
14 personally served within this State.

15 (e) Service of process upon any person who resides or whose  
16 business address is outside the United States and who is  
17 subject to the jurisdiction of the courts of this State, as  
18 provided in this Section, in any action based upon product  
19 liability may be made by serving a copy of the summons with a  
20 copy of the complaint attached upon the Secretary of State. The  
21 summons shall be accompanied by a \$5 fee payable to the  
22 Secretary of State. The plaintiff shall forthwith mail a copy  
23 of the summons, upon which the date of service upon the  
24 Secretary is clearly shown, together with a copy of the  
25 complaint to the defendant at his or her last known place of  
26 residence or business address. Plaintiff shall file with the

1 circuit clerk an affidavit of the plaintiff or his or her  
2 attorney stating the last known place of residence or the last  
3 known business address of the defendant and a certificate of  
4 mailing a copy of the summons and complaint to the defendant at  
5 such address as required by this subsection (e). The  
6 certificate of mailing shall be prima facie evidence that the  
7 plaintiff or his or her attorney mailed a copy of the summons  
8 and complaint to the defendant as required. Service of the  
9 summons shall be deemed to have been made upon the defendant on  
10 the date it is served upon the Secretary and shall have the  
11 same force and effect as though summons had been personally  
12 served upon the defendant within this State.

13 (f) Only causes of action arising from acts enumerated  
14 herein may be asserted against a defendant in an action in  
15 which jurisdiction over him or her is based upon subsection  
16 (a).

17 (g) Nothing herein contained limits or affects the right to  
18 serve any process in any other manner now or hereafter provided  
19 by law.

20 (Source: P.A. 95-865, eff. 8-19-08.)

21 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

22 Sec. 2-1401. Relief from judgments.

23 (a) Relief from final orders and judgments, after 30 days  
24 from the entry thereof, may be had upon petition as provided in  
25 this Section. Writs of error coram nobis and coram vobis, bills

1 of review and bills in the nature of bills of review are  
2 abolished. All relief heretofore obtainable and the grounds for  
3 such relief heretofore available, whether by any of the  
4 foregoing remedies or otherwise, shall be available in every  
5 case, by proceedings hereunder, regardless of the nature of the  
6 order or judgment from which relief is sought or of the  
7 proceedings in which it was entered. Except as provided in  
8 ~~Section 6~~ of the Illinois Parentage Act of 2013 ~~1984~~, there  
9 shall be no distinction between actions and other proceedings,  
10 statutory or otherwise, as to availability of relief, grounds  
11 for relief or the relief obtainable.

12 (b) The petition must be filed in the same proceeding in  
13 which the order or judgment was entered but is not a  
14 continuation thereof. The petition must be supported by  
15 affidavit or other appropriate showing as to matters not of  
16 record. All parties to the petition shall be notified as  
17 provided by rule.

18 (c) Except as provided in Section 20b of the Adoption Act  
19 and Section 2-32 of the Juvenile Court Act of 1987 or in a  
20 petition based upon Section 116-3 of the Code of Criminal  
21 Procedure of 1963, the petition must be filed not later than 2  
22 years after the entry of the order or judgment. Time during  
23 which the person seeking relief is under legal disability or  
24 duress or the ground for relief is fraudulently concealed shall  
25 be excluded in computing the period of 2 years.

26 (d) The filing of a petition under this Section does not

1 affect the order or judgment, or suspend its operation.

2 (e) Unless lack of jurisdiction affirmatively appears from  
3 the record proper, the vacation or modification of an order or  
4 judgment pursuant to the provisions of this Section does not  
5 affect the right, title or interest in or to any real or  
6 personal property of any person, not a party to the original  
7 action, acquired for value after the entry of the order or  
8 judgment but before the filing of the petition, nor affect any  
9 right of any person not a party to the original action under  
10 any certificate of sale issued before the filing of the  
11 petition, pursuant to a sale based on the order or judgment.

12 (f) Nothing contained in this Section affects any existing  
13 right to relief from a void order or judgment, or to employ any  
14 existing method to procure that relief.

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

16 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

17 Sec. 12-112. What liable to enforcement. All the lands,  
18 tenements, real estate, goods and chattels (except such as is  
19 by law declared to be exempt) of every person against whom any  
20 judgment has been or shall be hereafter entered in any court,  
21 for any debt, damages, costs, or other sum of money, shall be  
22 liable to be sold upon such judgment. Any real property, any  
23 beneficial interest in a land trust, or any interest in real  
24 property held in a revocable inter vivos trust or revocable  
25 inter vivos trusts created for estate planning purposes, held



1 in tenancy by the entirety shall not be liable to be sold upon  
2 judgment entered on or after October 1, 1990 against only one  
3 of the tenants, except if the property was transferred into  
4 tenancy by the entirety with the sole intent to avoid the  
5 payment of debts existing at the time of the transfer beyond  
6 the transferor's ability to pay those debts as they become due.  
7 However, any income from such property shall be subject to  
8 garnishment as provided in Part 7 of this Article XII, whether  
9 judgment has been entered against one or both of the tenants.

10 If the court authorizes the piercing of the ownership veil  
11 pursuant to Section 505 of the Illinois Marriage and  
12 Dissolution of Marriage Act or Section 805 ~~15~~ of the Illinois  
13 Parentage Act of 2013 ~~1984~~, any assets determined to be those  
14 of the non-custodial parent, although not held in name of the  
15 non-custodial parent, shall be subject to attachment or other  
16 provisional remedy in accordance with the procedure prescribed  
17 by this Code. The court may not authorize attachment of  
18 property or any other provisional remedy under this paragraph  
19 unless it has obtained jurisdiction over the entity holding  
20 title to the property by proper service on that entity. With  
21 respect to assets which are real property, no order entered as  
22 described in 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 this Code or a  
26 copy of the order is placed of record in the office of the

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

3 This amendatory Act of 1995 (P.A. 89-438) is declarative of  
4 existing law.

5 This amendatory Act of 1997 (P.A. 90-514) is intended as a  
6 clarification of existing law and not as a new enactment.

7 (Source: P.A. 96-1145, eff. 1-1-11.)

8 (735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

9 Sec. 12-819. Limitations on part 8 of Article XII. The  
10 provisions of this Part 8 of Article XII of this Act do not  
11 apply to orders for withholding of income entered by the court  
12 under provisions of The Illinois Public Aid Code, the Illinois  
13 Marriage and Dissolution of Marriage Act, the Non-Support of  
14 Spouse and Children Act, the Non-Support Punishment Act, the  
15 Revised Uniform Reciprocal Enforcement of Support Act, the  
16 Illinois Parentage Act of 1984, and the Illinois Parentage Act  
17 of 2013 ~~and the Paternity Act~~ for support of a child or  
18 maintenance of a spouse.

19 (Source: P.A. 91-613, eff. 10-1-99.)

20 Section 965. The Illinois Wage Assignment Act is amended by  
21 changing Section 11 as follows:

22 (740 ILCS 170/11) (from Ch. 48, par. 39.12)

23 Sec. 11. The provisions of this Act do not apply to orders

1 for withholding of income entered by the court under provisions  
2 of The Illinois Public Aid Code, the Illinois Marriage and  
3 Dissolution of Marriage Act, the Non-Support of Spouse and  
4 Children Act, the Non-Support Punishment Act, the Revised  
5 Uniform Reciprocal Enforcement of Support Act, the Illinois  
6 Parentage Act of 1984, and the Illinois Parentage Act of 2013  
7 ~~and the Paternity Act~~ for support of a child or maintenance of  
8 a spouse.

9 (Source: P.A. 91-613, eff. 10-1-99.)

10 Section 966. The Illinois Marriage and Dissolution of  
11 Marriage Act is amended by changing Section 713 as follows:

12 (750 ILCS 5/713) (from Ch. 40, par. 713)

13 Sec. 713. Attachment of the Body. As used in this Section,  
14 "obligor" has the same meaning ascribed to such term in the  
15 Income Withholding for Support Act.

16 (a) In any proceeding to enforce an order for support,  
17 where the obligor has failed to appear in court pursuant to  
18 order of court and after due notice thereof, the court may  
19 enter an order for the attachment of the body of the obligor.  
20 Notices under this Section shall be served upon the obligor by  
21 any means authorized under subsection (a-5) of Section 505. The  
22 attachment order shall fix an amount of escrow which is equal  
23 to a minimum of 20% of the total child support arrearage  
24 alleged by the obligee in sworn testimony to be due and owing.

1 The attachment order shall direct the Sheriff of any county in  
2 Illinois to take the obligor into custody and shall set the  
3 number of days following release from custody for a hearing to  
4 be held at which the obligor must appear, if he is released  
5 under subsection (b) of this Section.

6 (b) If the obligor is taken into custody, the Sheriff shall  
7 take the obligor before the court which entered the attachment  
8 order. However, the Sheriff may release the person after he or  
9 she has deposited the amount of escrow ordered by the court  
10 pursuant to local procedures for the posting of bond. The  
11 Sheriff shall advise the obligor of the hearing date at which  
12 the obligor is required to appear.

13 (c) Any escrow deposited pursuant to this Section shall be  
14 transmitted to the Clerk of the Circuit Court for the county in  
15 which the order for attachment of the body of the obligor was  
16 entered. Any Clerk who receives money deposited into escrow  
17 pursuant to this Section shall notify the obligee, public  
18 office or legal counsel whose name appears on the attachment  
19 order of the court date at which the obligor is required to  
20 appear and the amount deposited into escrow. The Clerk shall  
21 disburse such money to the obligee only under an order from the  
22 court that entered the attachment order pursuant to this  
23 Section.

24 (d) Whenever an obligor is taken before the court by the  
25 Sheriff, or appears in court after the court has ordered the  
26 attachment of his body, the court shall:

1           (1) hold a hearing on the complaint or petition that  
2           gave rise to the attachment order. For purposes of  
3           determining arrearages that are due and owing by the  
4           obligor, the court shall accept the previous sworn  
5           testimony of the obligee as true and the appearance of the  
6           obligee shall not be required. The court shall require  
7           sworn testimony of the obligor as to his or her Social  
8           Security number, income, employment, bank accounts,  
9           property and any other assets. If there is a dispute as to  
10          the total amount of arrearages, the court shall proceed as  
11          in any other case as to the undisputed amounts; and

12          (2) order the Clerk of the Circuit Court to disburse to  
13          the obligee or public office money held in escrow pursuant  
14          to this Section if the court finds that the amount of  
15          arrearages exceeds the amount of the escrow. Amounts  
16          received by the obligee or public office shall be deducted  
17          from the amount of the arrearages.

18          (e) If the obligor fails to appear in court after being  
19          notified of the court date by the Sheriff upon release from  
20          custody, the court shall order any monies deposited into escrow  
21          to be immediately released to the obligee or public office and  
22          shall proceed under subsection (a) of this Section by entering  
23          another order for the attachment of the body of the obligor.

24          (f) This Section shall apply to any order for support  
25          issued under the "Illinois Marriage and Dissolution of Marriage  
26          Act", approved September 22, 1977, as amended; the Illinois

1 Parentage Act of 2013; the "Illinois Parentage Act of 1984",  
2 effective July 1, 1985, as amended; the "Revised Uniform  
3 Reciprocal Enforcement of Support Act", approved August 28,  
4 1969, as amended; "The Illinois Public Aid Code", approved  
5 April 11, 1967, as amended; the Non-Support Punishment Act; and  
6 the "Non-support of Spouse and Children Act", approved June 8,  
7 1953, as amended.

8 (g) Any escrow established pursuant to this Section for the  
9 purpose of providing support shall not be subject to fees  
10 collected by the Clerk of the Circuit Court for any other  
11 escrow.

12 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;  
13 92-16, eff. 6-28-01.)

14 Section 967. The Non-Support Punishment Act is amended by  
15 changing Section 50 as follows:

16 (750 ILCS 16/50)

17 Sec. 50. Community service; work alternative program.

18 (a) In addition to any other penalties imposed against an  
19 offender under this Act, the court may order the offender to  
20 perform community service for not less than 30 and not more  
21 than 120 hours per month, if community service is available in  
22 the jurisdiction and is funded and approved by the county board  
23 of the county where the offense was committed. In addition,  
24 whenever any person is placed on supervision for committing an

1 offense under this Act, the supervision shall be conditioned on  
2 the performance of the community service.

3 (b) In addition to any other penalties imposed against an  
4 offender under this Act, the court may sentence the offender to  
5 service in a work alternative program administered by the  
6 sheriff. The conditions of the program are that the offender  
7 obtain or retain employment and participate in a work  
8 alternative program administered by the sheriff during  
9 non-working hours. A person may not be required to participate  
10 in a work alternative program under this subsection if the  
11 person is currently participating in a work program pursuant to  
12 another provision of this Act, Section 10-11.1 of the Illinois  
13 Public Aid Code, Section 505.1 of the Illinois Marriage and  
14 Dissolution of Marriage Act, or Section 806 ~~15.1~~ of the  
15 Illinois Parentage Act of 2013 ~~1984~~.

16 (c) In addition to any other penalties imposed against an  
17 offender under this Act, the court may order, in cases where  
18 the offender has been in violation of this Act for 90 days or  
19 more, that the offender's Illinois driving privileges be  
20 suspended until the court determines that the offender is in  
21 compliance with this Act.

22 The court may determine that the offender is in compliance  
23 with this Act if the offender has agreed (i) to pay all  
24 required amounts of support and maintenance as determined by  
25 the court or (ii) to the garnishment of his or her income for  
26 the purpose of paying those amounts.

1           The court may also order that the offender be issued a  
2 family financial responsibility driving permit that would  
3 allow limited driving privileges for employment and medical  
4 purposes in accordance with Section 7-702.1 of the Illinois  
5 Vehicle Code. The clerk of the circuit court shall certify the  
6 order suspending the driving privileges of the offender or  
7 granting the issuance of a family financial responsibility  
8 driving permit to the Secretary of State on forms prescribed by  
9 the Secretary. Upon receipt of the authenticated documents, the  
10 Secretary of State shall suspend the offender's driving  
11 privileges until further order of the court and shall, if  
12 ordered by the court, subject to the provisions of Section  
13 7-702.1 of the Illinois Vehicle Code, issue a family financial  
14 responsibility driving permit to the offender.

15           (d) If the court determines that the offender has been in  
16 violation of this Act for more than 60 days, the court may  
17 determine whether the offender has applied for or been issued a  
18 professional license by the Department of Professional  
19 Regulation or another licensing agency. If the court determines  
20 that the offender has applied for or been issued such a  
21 license, the court may certify to the Department of  
22 Professional Regulation or other licensing agency that the  
23 offender has been in violation of this Act for more than 60  
24 days so that the Department or other agency may take  
25 appropriate steps with respect to the license or application as  
26 provided in Section 10-65 of the Illinois Administrative



1 Procedure Act and Section 2105-15 of the Department of  
2 Professional Regulation Law of the Civil Administrative Code of  
3 Illinois. The court may take the actions required under this  
4 subsection in addition to imposing any other penalty authorized  
5 under this Act.

6 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

7 Section 968. The Uniform Interstate Family Support Act is  
8 amended by changing Section 102 as follows:

9 (750 ILCS 22/102) (was 750 ILCS 22/101)

10 Sec. 102. Definitions. In this Act:

11 "Child" means an individual, whether over or under the age  
12 of 18, who is or is alleged to be owed a duty of support by the  
13 individual's parent or who is or is alleged to be the  
14 beneficiary of a support order directed to the parent.

15 "Child-support order" means a support order for a child,  
16 including a child who has attained the age of 18.

17 "Duty of support" means an obligation imposed or imposable  
18 by law to provide support for a child, spouse, or former spouse  
19 including an unsatisfied obligation to provide support.

20 "Home state" means the state in which a child lived with a  
21 parent or a person acting as parent for at least 6 consecutive  
22 months immediately preceding the time of filing of a petition  
23 or comparable pleading for support, and if a child is less than  
24 6 months old, the state in which the child lived from birth

1 with any of them. A period of temporary absence of any of them  
2 is counted as part of the 6-month or other period.

3 "Income" includes earnings or other periodic entitlements  
4 to money from any source and any other property subject to  
5 withholding for support under the law of this State.

6 "Income-withholding order" means an order or other legal  
7 process directed to an obligor's employer or other debtor, as  
8 defined by the Illinois Marriage and Dissolution of Marriage  
9 Act, the Non-Support of Spouse and Children Act, the  
10 Non-Support Punishment Act the Illinois Public Aid Code, and  
11 the Illinois Parentage Act of 2013 ~~1984~~, to withhold support  
12 from the income of the obligor.

13 "Initiating state" means a state from which a proceeding is  
14 forwarded or in which a proceeding is filed for forwarding to a  
15 responding state under this Act or a law or procedure  
16 substantially similar to this Act.

17 "Initiating tribunal" means the authorized tribunal in an  
18 initiating state.

19 "Issuing state" means the state in which a tribunal issues  
20 a support order or renders a judgment determining parentage.

21 "Issuing tribunal" means the tribunal that issues a support  
22 order or renders a judgment determining parentage.

23 "Obligee" means:

24 (A) an individual to whom a duty of support is or is  
25 alleged to be owed or in whose favor a support order has  
26 been issued or a judgment determining parentage has been

1 rendered;

2 (B) a state or political subdivision to which the  
3 rights under a duty of support or support order have been  
4 assigned or which has independent claims based on financial  
5 assistance provided to an individual obligee; or

6 (C) an individual seeking a judgment determining  
7 parentage of the individual's child.

8 "Obligor" means an individual, or the estate of a decedent:

9 (i) who owes or is alleged to owe a duty of  
10 support;

11 (ii) who is alleged but has not been adjudicated to  
12 be a parent of a child; or

13 (iii) who is liable under a support order.

14 "Person means an individual, corporation, business trust,  
15 estate, trust, partnership, limited liability company,  
16 association, joint venture, government, governmental  
17 subdivision, agency, instrumentality, public corporation, or  
18 any other legal or commercial entity.

19 "Record" means information that is inscribed on a tangible  
20 medium or that is stored in an electronic or other medium and  
21 is retrievable in perceivable form.

22 "Register" means to record a support order or judgment  
23 determining parentage in the appropriate Registry of Foreign  
24 Support Orders.

25 "Registering tribunal" means a tribunal in which a support  
26 order is registered.

1 "Responding state" means a state in which a proceeding is  
2 filed or to which a proceeding is forwarded for filing from an  
3 initiating state under this Act or a law or procedure  
4 substantially similar to this Act.

5 "Responding tribunal" means the authorized tribunal in a  
6 responding state.

7 "Spousal-support order" means a support order for a spouse  
8 or former spouse of the obligor.

9 "State" means a state of the United States, the District of  
10 Columbia, Puerto Rico, the United States Virgin Islands, or any  
11 territory or insular possession subject to the jurisdiction of  
12 the United States. The term includes:

13 (A) an Indian tribe; and

14 (B) a foreign country or political subdivision that:

15 (i) has been declared to be a foreign reciprocating  
16 country or political subdivision under federal law;

17 (ii) has established a reciprocal arrangement for  
18 child support with this State as provided in Section  
19 308; or

20 (iii) has enacted a law or established procedures  
21 for issuance and enforcement of support orders which  
22 are substantially similar to the procedures under this  
23 Act.

24 "Support enforcement agency" means a public official or  
25 agency authorized to seek:

26 (A) enforcement of support orders or laws relating to

1 the duty of support;

2 (B) establishment or modification of child support;

3 (C) determination of parentage;

4 (D) to locate obligors or their assets; or

5 (E) determination of the controlling child support  
6 order.

7 "Support order" means a judgment, decree, order, or  
8 directive, whether temporary, final, or subject to  
9 modification, issued by a tribunal for the benefit of a child,  
10 a spouse, or a former spouse, which provides for monetary  
11 support, health care, arrearages, or reimbursement, and may  
12 include related costs and fees, interest, income withholding,  
13 attorney's fees, and other relief.

14 "Tribunal" means a court, administrative agency, or  
15 quasi-judicial entity authorized to establish, enforce, or  
16 modify support orders or to determine parentage.

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

18 Section 969. The Expedited Child Support Act of 1990 is  
19 amended by changing Section 6 as follows:

20 (750 ILCS 25/6) (from Ch. 40, par. 2706)

21 Sec. 6. Authority of hearing officers.

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

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

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

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

14 (3) Manage all stages of discovery, including setting  
15 deadlines by which discovery must be completed; and  
16 directing the parties to submit to appropriate tests  
17 pursuant to ~~Section 11 of~~ the Illinois Parentage Act of  
18 2013 ~~1984~~.

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

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

24 (6) Analyze the evidence and prepare written  
25 recommendations based on such evidence, including but not  
26 limited to: (i) proposed findings as to the amount of the

1 Obligor's income; (ii) proposed findings as to the amount  
2 and nature of appropriate deductions from the Obligor's  
3 income to determine the Obligor's net income; (iii)  
4 proposed findings as to the existence of relevant factors  
5 as set forth in subsection (a)(2) of Section 505 of the  
6 Illinois Marriage and Dissolution of Marriage Act, which  
7 justify setting child support payment levels above or below  
8 the guidelines; (iv) recommended orders for temporary  
9 child support; (v) recommended orders setting the amount of  
10 current child support to be paid; (vi) proposed findings as  
11 to the existence and amount of any arrearages; (vii)  
12 recommended orders reducing any arrearages to judgement  
13 and for the payment of amounts towards such arrearages;  
14 (viii) proposed findings as to whether there has been a  
15 substantial change of circumstances since the entry of the  
16 last child support order, or other circumstances  
17 justifying a modification of the child support order; and  
18 (ix) proposed findings as to whether the Obligor is  
19 employed.

20 (7) With respect to any unemployed Obligor who is not  
21 making child support payments or is otherwise unable to  
22 provide support, recommend that the Obligor be ordered to  
23 seek employment and report periodically of his or her  
24 efforts in accordance with such order. Additionally, the  
25 Administrative Hearing Officer may recommend that the  
26 Obligor be ordered to report to the Department of

1           Employment Security for job search services or to make  
2           application with the local Job Training Partnership Act  
3           provider for participation in job search, training or work  
4           programs and, where the duty of support is owed to a child  
5           receiving child support enforcement services under Article  
6           X of the Illinois Public Aid Code, the Administrative  
7           Hearing Officer may recommend that the Obligor be ordered  
8           to report to the Department of Healthcare and Family  
9           Services for participation in the job search, training or  
10          work programs established under Section 9-6 of the Illinois  
11          Public Aid Code.

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

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

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

19                 (2) inform the Obligee and the Obligor of the option of  
20                 requesting payment to be made through the Clerk of the  
21                 Circuit Court.

22           If a request for payment through the Clerk is made, the  
23           Administrative Hearing Officer shall note this fact in the  
24           recommendations to the court.

25           (c) The Administrative Hearing Officer may make  
26           recommendations in addition to the proposed findings of fact



1 and recommended order to which the parties have agreed.

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

3 Section 970. The Income Withholding for Support Act is  
4 amended by changing Section 15 as follows:

5 (750 ILCS 28/15)

6 Sec. 15. Definitions.

7 (a) "Order for support" means any order of the court which  
8 provides for periodic payment of funds for the support of a  
9 child or maintenance of a spouse, whether temporary or final,  
10 and includes any such order which provides for:

11 (1) modification or resumption of, or payment of  
12 arrearage, including interest, accrued under, a previously  
13 existing order;

14 (2) reimbursement of support;

15 (3) payment or reimbursement of the expenses of  
16 pregnancy and delivery (for orders for support entered  
17 under the Illinois Parentage Act of 1984 or its predecessor  
18 the Paternity Act or under the Illinois Parentage Act of  
19 2013); or

20 (4) enrollment in a health insurance plan that is  
21 available to the obligor through an employer or labor union  
22 or trade union.

23 (b) "Arrearage" means the total amount of unpaid support  
24 obligations, including interest, as determined by the court and

1 incorporated into an order for support.

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

4 (c) "Delinquency" means any payment, including a payment of  
5 interest, under an order for support which becomes due and  
6 remains unpaid after entry of the order for support.

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

17 (1) any amounts required by law to be withheld, other  
18 than creditor claims, including, but not limited to,  
19 federal, State and local taxes, Social Security and other  
20 retirement and disability contributions;

21 (2) union dues;

22 (3) any amounts exempted by the federal Consumer Credit  
23 Protection Act;

24 (4) public assistance payments; and

25 (5) unemployment insurance benefits except as provided  
26 by law.

1 Any other State or local laws which limit or exempt income  
2 or the amount or percentage of income that can be withheld  
3 shall not apply.

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

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

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

9 (h) "Public office" means any elected official or any State  
10 or local agency which is or may become responsible by law for  
11 enforcement of, or which is or may become authorized to  
12 enforce, an order for support, including, but not limited to:  
13 the Attorney General, the Illinois Department of Healthcare and  
14 Family Services, the Illinois Department of Human Services, the  
15 Illinois Department of Children and Family Services, and the  
16 various State's Attorneys, Clerks of the Circuit Court and  
17 supervisors of general assistance.

18 (i) "Premium" means the dollar amount for which the obligor  
19 is liable to his employer or labor union or trade union and  
20 which must be paid to enroll or maintain a child in a health  
21 insurance plan that is available to the obligor through an  
22 employer or labor union or trade union.

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

26 (k) "Title IV-D Agency" means the agency of this State

1 charged by law with the duty to administer the child support  
2 enforcement program established under Title IV, Part D of the  
3 Social Security Act and Article X of the Illinois Public Aid  
4 Code.

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

9 (m) "National Medical Support Notice" means the notice  
10 required for enforcement of orders for support providing for  
11 health insurance coverage of a child under Title IV, Part D of  
12 the Social Security Act, the Employee Retirement Income  
13 Security Act of 1974, and federal regulations promulgated under  
14 those Acts.

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

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

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

24 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,  
25 eff. 10-23-07.)

1 Section 971. The Gestational Surrogacy Act is amended by  
2 changing Section 35 as follows:

3 (750 ILCS 47/35)

4 Sec. 35. Establishment of the parent-child relationship.

5 (a) For purposes of the Illinois Parentage Act of 2013  
6 ~~1984~~, a parent-child relationship shall be established prior to  
7 the birth of a child born through gestational surrogacy if, in  
8 addition to satisfying the requirements of Articles 2 and 3  
9 ~~Sections 5 and 6~~ of the Illinois Parentage Act of 2013 ~~1984~~,  
10 the attorneys representing both the gestational surrogate and  
11 the intended parent or parents certify that the parties entered  
12 into a gestational surrogacy contract intended to satisfy the  
13 requirements of Section 25 of this Act with respect to the  
14 child.

15 (b) The attorneys' certifications required by subsection  
16 (a) of this Section shall be filed on forms prescribed by the  
17 Illinois Department of Public Health and in a manner consistent  
18 with the requirement of the Illinois Parentage Act of 2013  
19 ~~1984~~.

20 (Source: P.A. 93-921, eff. 1-1-05.)

21 Section 972. The Adoption Act is amended by changing  
22 Sections 1, 8, 12a, and 18.06 as follows:

23 (750 ILCS 50/1) (from Ch. 40, par. 1501)

1           Sec. 1. Definitions. When used in this Act, unless the  
2 context otherwise requires:

3           A. "Child" means a person under legal age subject to  
4 adoption under this Act.

5           B. "Related child" means a child subject to adoption where  
6 either or both of the adopting parents stands in any of the  
7 following relationships to the child by blood or marriage:  
8 parent, grand-parent, brother, sister, step-parent,  
9 step-grandparent, step-brother, step-sister, uncle, aunt,  
10 great-uncle, great-aunt, or cousin of first degree. A child  
11 whose parent has executed a final irrevocable consent to  
12 adoption or a final irrevocable surrender for purposes of  
13 adoption, or whose parent has had his or her parental rights  
14 terminated, is not a related child to that person, unless the  
15 consent is determined to be void or is void pursuant to  
16 subsection O of Section 10.

17           C. "Agency" for the purpose of this Act means a public  
18 child welfare agency or a licensed child welfare agency.

19           D. "Unfit person" means any person whom the court shall  
20 find to be unfit to have a child, without regard to the  
21 likelihood that the child will be placed for adoption. The  
22 grounds of unfitness are any one or more of the following,  
23 except that a person shall not be considered an unfit person  
24 for the sole reason that the person has relinquished a child in  
25 accordance with the Abandoned Newborn Infant Protection Act:

26           (a) Abandonment of the child.

1 (a-1) Abandonment of a newborn infant in a hospital.

2 (a-2) Abandonment of a newborn infant in any setting  
3 where the evidence suggests that the parent intended to  
4 relinquish his or her parental rights.

5 (b) Failure to maintain a reasonable degree of  
6 interest, concern or responsibility as to the child's  
7 welfare.

8 (c) Desertion of the child for more than 3 months next  
9 preceding the commencement of the Adoption proceeding.

10 (d) Substantial neglect of the child if continuous or  
11 repeated.

12 (d-1) Substantial neglect, if continuous or repeated,  
13 of any child residing in the household which resulted in  
14 the death of that child.

15 (e) Extreme or repeated cruelty to the child.

16 (f) There is a rebuttable presumption, which can be  
17 overcome only by clear and convincing evidence, that a  
18 parent is unfit if:

19 (1) Two or more findings of physical abuse have  
20 been entered regarding any children under Section 2-21  
21 of the Juvenile Court Act of 1987, the most recent of  
22 which was determined by the juvenile court hearing the  
23 matter to be supported by clear and convincing  
24 evidence; or

25 (2) The parent has been convicted or found not  
26 guilty by reason of insanity and the conviction or

1 finding resulted from the death of any child by  
2 physical abuse; or

3 (3) There is a finding of physical child abuse  
4 resulting from the death of any child under Section  
5 2-21 of the Juvenile Court Act of 1987.

6 No conviction or finding of delinquency pursuant  
7 to Article 5 of the Juvenile Court Act of 1987 shall be  
8 considered a criminal conviction for the purpose of  
9 applying any presumption under this item (f).

10 (g) Failure to protect the child from conditions within  
11 his environment injurious to the child's welfare.

12 (h) Other neglect of, or misconduct toward the child;  
13 provided that in making a finding of unfitness the court  
14 hearing the adoption proceeding shall not be bound by any  
15 previous finding, order or judgment affecting or  
16 determining the rights of the parents toward the child  
17 sought to be adopted in any other proceeding except such  
18 proceedings terminating parental rights as shall be had  
19 under either this Act, the Juvenile Court Act or the  
20 Juvenile Court Act of 1987.

21 (i) Depravity. Conviction of any one of the following  
22 crimes shall create a presumption that a parent is deprived  
23 which can be overcome only by clear and convincing  
24 evidence: (1) first degree murder in violation of paragraph  
25 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
26 Code of 1961 or the Criminal Code of 2012 or conviction of



1 second degree murder in violation of subsection (a) of  
2 Section 9-2 of the Criminal Code of 1961 or the Criminal  
3 Code of 2012 of a parent of the child to be adopted; (2)  
4 first degree murder or second degree murder of any child in  
5 violation of the Criminal Code of 1961 or the Criminal Code  
6 of 2012; (3) attempt or conspiracy to commit first degree  
7 murder or second degree murder of any child in violation of  
8 the Criminal Code of 1961 or the Criminal Code of 2012; (4)  
9 solicitation to commit murder of any child, solicitation to  
10 commit murder of any child for hire, or solicitation to  
11 commit second degree murder of any child in violation of  
12 the Criminal Code of 1961 or the Criminal Code of 2012; (5)  
13 predatory criminal sexual assault of a child in violation  
14 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961  
15 or the Criminal Code of 2012; (6) heinous battery of any  
16 child in violation of the Criminal Code of 1961; or (7)  
17 aggravated battery of any child in violation of the  
18 Criminal Code of 1961 or the Criminal Code of 2012.

19 There is a rebuttable presumption that a parent is  
20 depraved if the parent has been criminally convicted of at  
21 least 3 felonies under the laws of this State or any other  
22 state, or under federal law, or the criminal laws of any  
23 United States territory; and at least one of these  
24 convictions took place within 5 years of the filing of the  
25 petition or motion seeking termination of parental rights.

26 There is a rebuttable presumption that a parent is

1           depraved if that parent has been criminally convicted of  
2           either first or second degree murder of any person as  
3           defined in the Criminal Code of 1961 or the Criminal Code  
4           of 2012 within 10 years of the filing date of the petition  
5           or motion to terminate parental rights.

6           No conviction or finding of delinquency pursuant to  
7           Article 5 of the Juvenile Court Act of 1987 shall be  
8           considered a criminal conviction for the purpose of  
9           applying any presumption under this item (i).

10           (j) Open and notorious adultery or fornication.

11           (j-1) (Blank).

12           (k) Habitual drunkenness or addiction to drugs, other  
13           than those prescribed by a physician, for at least one year  
14           immediately prior to the commencement of the unfitness  
15           proceeding.

16           There is a rebuttable presumption that a parent is  
17           unfit under this subsection with respect to any child to  
18           which that parent gives birth where there is a confirmed  
19           test result that at birth the child's blood, urine, or  
20           meconium contained any amount of a controlled substance as  
21           defined in subsection (f) of Section 102 of the Illinois  
22           Controlled Substances Act or metabolites of such  
23           substances, the presence of which in the newborn infant was  
24           not the result of medical treatment administered to the  
25           mother or the newborn infant; and the biological mother of  
26           this child is the biological mother of at least one other

1 child who was adjudicated a neglected minor under  
2 subsection (c) of Section 2-3 of the Juvenile Court Act of  
3 1987.

4 (l) Failure to demonstrate a reasonable degree of  
5 interest, concern or responsibility as to the welfare of a  
6 new born child during the first 30 days after its birth.

7 (m) Failure by a parent (i) to make reasonable efforts  
8 to correct the conditions that were the basis for the  
9 removal of the child from the parent, or (ii) to make  
10 reasonable progress toward the return of the child to the  
11 parent within 9 months after an adjudication of neglected  
12 or abused minor under Section 2-3 of the Juvenile Court Act  
13 of 1987 or dependent minor under Section 2-4 of that Act,  
14 or (iii) to make reasonable progress toward the return of  
15 the child to the parent during any 9-month period after the  
16 end of the initial 9-month period following the  
17 adjudication of neglected or abused minor under Section 2-3  
18 of the Juvenile Court Act of 1987 or dependent minor under  
19 Section 2-4 of that Act. If a service plan has been  
20 established as required under Section 8.2 of the Abused and  
21 Neglected Child Reporting Act to correct the conditions  
22 that were the basis for the removal of the child from the  
23 parent and if those services were available, then, for  
24 purposes of this Act, "failure to make reasonable progress  
25 toward the return of the child to the parent" includes (I)  
26 the parent's failure to substantially fulfill his or her

1 obligations under the service plan and correct the  
2 conditions that brought the child into care within 9 months  
3 after the adjudication under Section 2-3 or 2-4 of the  
4 Juvenile Court Act of 1987 and (II) the parent's failure to  
5 substantially fulfill his or her obligations under the  
6 service plan and correct the conditions that brought the  
7 child into care during any 9-month period after the end of  
8 the initial 9-month period following the adjudication  
9 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
10 Notwithstanding any other provision, when a petition or  
11 motion seeks to terminate parental rights on the basis of  
12 item (iii) of this subsection (m), the petitioner shall  
13 file with the court and serve on the parties a pleading  
14 that specifies the 9-month period or periods relied on. The  
15 pleading shall be filed and served on the parties no later  
16 than 3 weeks before the date set by the court for closure  
17 of discovery, and the allegations in the pleading shall be  
18 treated as incorporated into the petition or motion.  
19 Failure of a respondent to file a written denial of the  
20 allegations in the pleading shall not be treated as an  
21 admission that the allegations are true.

22 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
23 child has been in foster care for 15 months out of any 22  
24 month period which begins on or after the effective date of  
25 this amendatory Act of 1998 unless the child's parent can  
26 prove by a preponderance of the evidence that it is more

1           likely than not that it will be in the best interests of  
2           the child to be returned to the parent within 6 months of  
3           the date on which a petition for termination of parental  
4           rights is filed under the Juvenile Court Act of 1987. The  
5           15 month time limit is tolled during any period for which  
6           there is a court finding that the appointed custodian or  
7           guardian failed to make reasonable efforts to reunify the  
8           child with his or her family, provided that (i) the finding  
9           of no reasonable efforts is made within 60 days of the  
10          period when reasonable efforts were not made or (ii) the  
11          parent filed a motion requesting a finding of no reasonable  
12          efforts within 60 days of the period when reasonable  
13          efforts were not made. For purposes of this subdivision  
14          (m-1), the date of entering foster care is the earlier of:  
15          (i) the date of a judicial finding at an adjudicatory  
16          hearing that the child is an abused, neglected, or  
17          dependent minor; or (ii) 60 days after the date on which  
18          the child is removed from his or her parent, guardian, or  
19          legal custodian.

20                 (n) Evidence of intent to forgo his or her parental  
21          rights, whether or not the child is a ward of the court,  
22          (1) as manifested by his or her failure for a period of 12  
23          months: (i) to visit the child, (ii) to communicate with  
24          the child or agency, although able to do so and not  
25          prevented from doing so by an agency or by court order, or  
26          (iii) to maintain contact with or plan for the future of

1 the child, although physically able to do so, or (2) as  
2 manifested by the father's failure, where he and the mother  
3 of the child were unmarried to each other at the time of  
4 the child's birth, (i) to commence legal proceedings to  
5 establish his paternity under the Illinois Parentage Act of  
6 1984, the Illinois Parentage Act of 2013, or the law of the  
7 jurisdiction of the child's birth within 30 days of being  
8 informed, pursuant to Section 12a of this Act, that he is  
9 the father or the likely father of the child or, after  
10 being so informed where the child is not yet born, within  
11 30 days of the child's birth, or (ii) to make a good faith  
12 effort to pay a reasonable amount of the expenses related  
13 to the birth of the child and to provide a reasonable  
14 amount for the financial support of the child, the court to  
15 consider in its determination all relevant circumstances,  
16 including the financial condition of both parents;  
17 provided that the ground for termination provided in this  
18 subparagraph (n)(2)(ii) shall only be available where the  
19 petition is brought by the mother or the husband of the  
20 mother.

21 Contact or communication by a parent with his or her  
22 child that does not demonstrate affection and concern does  
23 not constitute reasonable contact and planning under  
24 subdivision (n). In the absence of evidence to the  
25 contrary, the ability to visit, communicate, maintain  
26 contact, pay expenses and plan for the future shall be

1       presumed. The subjective intent of the parent, whether  
2       expressed or otherwise, unsupported by evidence of the  
3       foregoing parental acts manifesting that intent, shall not  
4       preclude a determination that the parent has intended to  
5       forgo his or her parental rights. In making this  
6       determination, the court may consider but shall not require  
7       a showing of diligent efforts by an authorized agency to  
8       encourage the parent to perform the acts specified in  
9       subdivision (n).

10       It shall be an affirmative defense to any allegation  
11       under paragraph (2) of this subsection that the father's  
12       failure was due to circumstances beyond his control or to  
13       impediments created by the mother or any other person  
14       having legal custody. Proof of that fact need only be by a  
15       preponderance of the evidence.

16       (o) Repeated or continuous failure by the parents,  
17       although physically and financially able, to provide the  
18       child with adequate food, clothing, or shelter.

19       (p) Inability to discharge parental responsibilities  
20       supported by competent evidence from a psychiatrist,  
21       licensed clinical social worker, or clinical psychologist  
22       of mental impairment, mental illness or an intellectual  
23       disability as defined in Section 1-116 of the Mental Health  
24       and Developmental Disabilities Code, or developmental  
25       disability as defined in Section 1-106 of that Code, and  
26       there is sufficient justification to believe that the

1           inability to discharge parental responsibilities shall  
2           extend beyond a reasonable time period. However, this  
3           subdivision (p) shall not be construed so as to permit a  
4           licensed clinical social worker to conduct any medical  
5           diagnosis to determine mental illness or mental  
6           impairment.

7           (q) (Blank).

8           (r) The child is in the temporary custody or  
9           guardianship of the Department of Children and Family  
10          Services, the parent is incarcerated as a result of  
11          criminal conviction at the time the petition or motion for  
12          termination of parental rights is filed, prior to  
13          incarceration the parent had little or no contact with the  
14          child or provided little or no support for the child, and  
15          the parent's incarceration will prevent the parent from  
16          discharging his or her parental responsibilities for the  
17          child for a period in excess of 2 years after the filing of  
18          the petition or motion for termination of parental rights.

19          (s) The child is in the temporary custody or  
20          guardianship of the Department of Children and Family  
21          Services, the parent is incarcerated at the time the  
22          petition or motion for termination of parental rights is  
23          filed, the parent has been repeatedly incarcerated as a  
24          result of criminal convictions, and the parent's repeated  
25          incarceration has prevented the parent from discharging  
26          his or her parental responsibilities for the child.



1           (t) A finding that at birth the child's blood, urine,  
2           or meconium contained any amount of a controlled substance  
3           as defined in subsection (f) of Section 102 of the Illinois  
4           Controlled Substances Act, or a metabolite of a controlled  
5           substance, with the exception of controlled substances or  
6           metabolites of such substances, the presence of which in  
7           the newborn infant was the result of medical treatment  
8           administered to the mother or the newborn infant, and that  
9           the biological mother of this child is the biological  
10          mother of at least one other child who was adjudicated a  
11          neglected minor under subsection (c) of Section 2-3 of the  
12          Juvenile Court Act of 1987, after which the biological  
13          mother had the opportunity to enroll in and participate in  
14          a clinically appropriate substance abuse counseling,  
15          treatment, and rehabilitation program.

16          E. "Parent" means the father or mother of a lawful child of  
17          the parties or child born out of wedlock. For the purpose of  
18          this Act, a person who has executed a final and irrevocable  
19          consent to adoption or a final and irrevocable surrender for  
20          purposes of adoption, or whose parental rights have been  
21          terminated by a court, is not a parent of the child who was the  
22          subject of the consent or surrender, unless the consent is void  
23          pursuant to subsection O of Section 10.

24          F. A person is available for adoption when the person is:

25               (a) a child who has been surrendered for adoption to an  
26               agency and to whose adoption the agency has thereafter

1 consented;

2 (b) a child to whose adoption a person authorized by  
3 law, other than his parents, has consented, or to whose  
4 adoption no consent is required pursuant to Section 8 of  
5 this Act;

6 (c) a child who is in the custody of persons who intend  
7 to adopt him through placement made by his parents;

8 (c-1) a child for whom a parent has signed a specific  
9 consent pursuant to subsection O of Section 10;

10 (d) an adult who meets the conditions set forth in  
11 Section 3 of this Act; or

12 (e) a child who has been relinquished as defined in  
13 Section 10 of the Abandoned Newborn Infant Protection Act.

14 A person who would otherwise be available for adoption  
15 shall not be deemed unavailable for adoption solely by reason  
16 of his or her death.

17 G. The singular includes the plural and the plural includes  
18 the singular and the "male" includes the "female", as the  
19 context of this Act may require.

20 H. "Adoption disruption" occurs when an adoptive placement  
21 does not prove successful and it becomes necessary for the  
22 child to be removed from placement before the adoption is  
23 finalized.

24 I. "Foreign placing agency" is an agency or individual  
25 operating in a country or territory outside the United States  
26 that is authorized by its country to place children for

1 adoption either directly with families in the United States or  
2 through United States based international agencies.

3 J. "Immediate relatives" means the biological parents, the  
4 parents of the biological parents and siblings of the  
5 biological parents.

6 K. "Intercountry adoption" is a process by which a child  
7 from a country other than the United States is adopted.

8 L. "Intercountry Adoption Coordinator" is a staff person of  
9 the Department of Children and Family Services appointed by the  
10 Director to coordinate the provision of services by the public  
11 and private sector to prospective parents of foreign-born  
12 children.

13 M. "Interstate Compact on the Placement of Children" is a  
14 law enacted by most states for the purpose of establishing  
15 uniform procedures for handling the interstate placement of  
16 children in foster homes, adoptive homes, or other child care  
17 facilities.

18 N. "Non-Compact state" means a state that has not enacted  
19 the Interstate Compact on the Placement of Children.

20 O. "Preadoption requirements" are any conditions  
21 established by the laws or regulations of the Federal  
22 Government or of each state that must be met prior to the  
23 placement of a child in an adoptive home.

24 P. "Abused child" means a child whose parent or immediate  
25 family member, or any person responsible for the child's  
26 welfare, or any individual residing in the same home as the

1 child, or a paramour of the child's parent:

2 (a) inflicts, causes to be inflicted, or allows to be  
3 inflicted upon the child physical injury, by other than  
4 accidental means, that causes death, disfigurement,  
5 impairment of physical or emotional health, or loss or  
6 impairment of any bodily function;

7 (b) creates a substantial risk of physical injury to  
8 the child by other than accidental means which would be  
9 likely to cause death, disfigurement, impairment of  
10 physical or emotional health, or loss or impairment of any  
11 bodily function;

12 (c) commits or allows to be committed any sex offense  
13 against the child, as sex offenses are defined in the  
14 Criminal Code of 2012 and extending those definitions of  
15 sex offenses to include children under 18 years of age;

16 (d) commits or allows to be committed an act or acts of  
17 torture upon the child; or

18 (e) inflicts excessive corporal punishment.

19 Q. "Neglected child" means any child whose parent or other  
20 person responsible for the child's welfare withholds or denies  
21 nourishment or medically indicated treatment including food or  
22 care denied solely on the basis of the present or anticipated  
23 mental or physical impairment as determined by a physician  
24 acting alone or in consultation with other physicians or  
25 otherwise does not provide the proper or necessary support,  
26 education as required by law, or medical or other remedial care

1 recognized under State law as necessary for a child's  
2 well-being, or other care necessary for his or her well-being,  
3 including adequate food, clothing and shelter; or who is  
4 abandoned by his or her parents or other person responsible for  
5 the child's welfare.

6 A child shall not be considered neglected or abused for the  
7 sole reason that the child's parent or other person responsible  
8 for his or her welfare depends upon spiritual means through  
9 prayer alone for the treatment or cure of disease or remedial  
10 care as provided under Section 4 of the Abused and Neglected  
11 Child Reporting Act. A child shall not be considered neglected  
12 or abused for the sole reason that the child's parent or other  
13 person responsible for the child's welfare failed to vaccinate,  
14 delayed vaccination, or refused vaccination for the child due  
15 to a waiver on religious or medical grounds as permitted by  
16 law.

17 R. "Putative father" means a man who may be a child's  
18 father, but who (1) is not married to the child's mother on or  
19 before the date that the child was or is to be born and (2) has  
20 not established paternity of the child in a court proceeding  
21 before the filing of a petition for the adoption of the child.  
22 The term includes a male who is less than 18 years of age.  
23 "Putative father" does not mean a man who is the child's father  
24 as a result of criminal sexual abuse or assault as defined  
25 under Article 11 of the Criminal Code of 2012.

26 S. "Standby adoption" means an adoption in which a parent

1 consents to custody and termination of parental rights to  
2 become effective upon the occurrence of a future event, which  
3 is either the death of the parent or the request of the parent  
4 for the entry of a final judgment of adoption.

5 T. (Blank).

6 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;  
7 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

8 (750 ILCS 50/8) (from Ch. 40, par. 1510)

9 Sec. 8. Consents to adoption and surrenders for purposes of  
10 adoption.

11 (a) Except as hereinafter provided in this Section consents  
12 or surrenders shall be required in all cases, unless the person  
13 whose consent or surrender would otherwise be required shall be  
14 found by the court:

15 (1) to be an unfit person as defined in Section 1 of  
16 this Act, by clear and convincing evidence; or

17 (2) not to be the biological or adoptive father of the  
18 child; or

19 (3) to have waived his parental rights to the child  
20 under Section 12a or 12.1 or subsection S of Section 10 of  
21 this Act; or

22 (4) to be the parent of an adult sought to be adopted;  
23 or

24 (5) to be the father of the child as a result of  
25 criminal sexual abuse or assault as defined under Article

1 11 of the Criminal Code of 2012; or

2 (6) to be the father of a child who:

3 (i) is a family member of the mother of the child,  
4 and the mother is under the age of 18 at the time of  
5 the child's conception; for purposes of this  
6 subsection, a "family member" is a parent,  
7 step-parent, grandparent, step-grandparent, sibling,  
8 or cousin of the first degree, whether by whole blood,  
9 half-blood, or adoption, as well as a person age 18 or  
10 over at the time of the child's conception who has  
11 resided in the household with the mother continuously  
12 for at least one year; or

13 (ii) is at least 5 years older than the child's  
14 mother, and the mother was under the age of 17 at the  
15 time of the child's conception, unless the mother and  
16 father voluntarily acknowledge the father's paternity  
17 of the child by marrying or by establishing the  
18 father's paternity by consent of the parties pursuant  
19 to the Illinois Parentage Act of 2013 ~~1984~~ or pursuant  
20 to a substantially similar statute in another state.

21 A criminal conviction of any offense pursuant to  
22 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
23 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,  
24 19-6, or Article 12 of the Criminal Code of 1961 or the  
25 Criminal Code of 2012 is not required.

26 (b) Where consents are required in the case of an adoption

1 of a minor child, the consents of the following persons shall  
2 be sufficient:

3 (1) (A) The mother of the minor child; and

4 (B) The father of the minor child, if the father:

5 (i) was married to the mother on the date of  
6 birth of the child or within 300 days before the  
7 birth of the child, except for a husband or former  
8 husband who has been found by a court of competent  
9 jurisdiction not to be the biological father of the  
10 child; or

11 (ii) is the father of the child under a  
12 judgment for adoption, an order of parentage, or an  
13 acknowledgment of parentage or paternity pursuant  
14 to subsection (a) of Section 5 of the Illinois  
15 Parentage Act of 1984 or pursuant to Article 3 of  
16 the Illinois Parentage Act of 2013; or

17 (iii) in the case of a child placed with the  
18 adopting parents less than 6 months after birth,  
19 openly lived with the child, the child's  
20 biological mother, or both, and held himself out to  
21 be the child's biological father during the first  
22 30 days following the birth of the child; or

23 (iv) in the case of a child placed with the  
24 adopting parents less than 6 months after birth,  
25 made a good faith effort to pay a reasonable amount  
26 of the expenses related to the birth of the child



1           and to provide a reasonable amount for the  
2           financial support of the child before the  
3           expiration of 30 days following the birth of the  
4           child, provided that the court may consider in its  
5           determination all relevant circumstances,  
6           including the financial condition of both  
7           biological parents; or

8           (v) in the case of a child placed with the  
9           adopting parents more than 6 months after birth,  
10          has maintained substantial and continuous or  
11          repeated contact with the child as manifested by:  
12          (I) the payment by the father toward the support of  
13          the child of a fair and reasonable sum, according  
14          to the father's means, and either (II) the father's  
15          visiting the child at least monthly when  
16          physically and financially able to do so and not  
17          prevented from doing so by the person or authorized  
18          agency having lawful custody of the child, or (III)  
19          the father's regular communication with the child  
20          or with the person or agency having the care or  
21          custody of the child, when physically and  
22          financially unable to visit the child or prevented  
23          from doing so by the person or authorized agency  
24          having lawful custody of the child. The subjective  
25          intent of the father, whether expressed or  
26          otherwise unsupported by evidence of acts

1 specified in this sub-paragraph as manifesting  
2 such intent, shall not preclude a determination  
3 that the father failed to maintain substantial and  
4 continuous or repeated contact with the child; or

5 (vi) in the case of a child placed with the  
6 adopting parents more than six months after birth,  
7 openly lived with the child for a period of six  
8 months within the one year period immediately  
9 preceding the placement of the child for adoption  
10 and openly held himself out to be the father of the  
11 child; or

12 (vii) has timely registered with Putative  
13 Father Registry, as provided in Section 12.1 of  
14 this Act, and prior to the expiration of 30 days  
15 from the date of such registration, commenced  
16 legal proceedings to establish paternity under the  
17 Illinois Parentage Act of 1984, under the Illinois  
18 Parentage Act of 2013, or under the law of the  
19 jurisdiction of the child's birth; or

20 (2) The legal guardian of the person of the child, if  
21 there is no surviving parent; or

22 (3) An agency, if the child has been surrendered for  
23 adoption to such agency; or

24 (4) Any person or agency having legal custody of a  
25 child by court order if the parental rights of the parents  
26 have been judicially terminated, and the court having

1 jurisdiction of the guardianship of the child has  
2 authorized the consent to the adoption; or

3 (5) The execution and verification of the petition by  
4 any petitioner who is also a parent of the child sought to  
5 be adopted shall be sufficient evidence of such parent's  
6 consent to the adoption.

7 (c) Where surrenders to an agency are required in the case  
8 of a placement for adoption of a minor child by an agency, the  
9 surrenders of the following persons shall be sufficient:

10 (1) (A) The mother of the minor child; and

11 (B) The father of the minor child, if the father:

12 (i) was married to the mother on the date of  
13 birth of the child or within 300 days before the  
14 birth of the child, except for a husband or former  
15 husband who has been found by a court of competent  
16 jurisdiction not to be the biological father of the  
17 child; or

18 (ii) is the father of the child under a  
19 judgment for adoption, an order of parentage, or an  
20 acknowledgment of parentage or paternity pursuant  
21 to subsection (a) of Section 5 of the Illinois  
22 Parentage Act of 1984 or pursuant to Article 3 of  
23 the Illinois Parentage Act of 2013; or

24 (iii) in the case of a child placed with the  
25 adopting parents less than 6 months after birth,  
26 openly lived with the child, the child's

1 biological mother, or both, and held himself out to  
2 be the child's biological father during the first  
3 30 days following the birth of a child; or

4 (iv) in the case of a child placed with the  
5 adopting parents less than 6 months after birth,  
6 made a good faith effort to pay a reasonable amount  
7 of the expenses related to the birth of the child  
8 and to provide a reasonable amount for the  
9 financial support of the child before the  
10 expiration of 30 days following the birth of the  
11 child, provided that the court may consider in its  
12 determination all relevant circumstances,  
13 including the financial condition of both  
14 biological parents; or

15 (v) in the case of a child placed with the  
16 adopting parents more than six months after birth,  
17 has maintained substantial and continuous or  
18 repeated contact with the child as manifested by:  
19 (I) the payment by the father toward the support of  
20 the child of a fair and reasonable sum, according  
21 to the father's means, and either (II) the father's  
22 visiting the child at least monthly when  
23 physically and financially able to do so and not  
24 prevented from doing so by the person or authorized  
25 agency having lawful custody of the child or (III)  
26 the father's regular communication with the child

1 or with the person or agency having the care or  
2 custody of the child, when physically and  
3 financially unable to visit the child or prevented  
4 from doing so by the person or authorized agency  
5 having lawful custody of the child. The subjective  
6 intent of the father, whether expressed or  
7 otherwise, unsupported by evidence of acts  
8 specified in this sub-paragraph as manifesting  
9 such intent, shall not preclude a determination  
10 that the father failed to maintain substantial and  
11 continuous or repeated contact with the child; or

12 (vi) in the case of a child placed with the  
13 adopting parents more than six months after birth,  
14 openly lived with the child for a period of six  
15 months within the one year period immediately  
16 preceding the placement of the child for adoption  
17 and openly held himself out to be the father of the  
18 child; or

19 (vii) has timely registered with the Putative  
20 Father Registry, as provided in Section 12.1 of  
21 this Act, and prior to the expiration of 30 days  
22 from the date of such registration, commenced  
23 legal proceedings to establish paternity under the  
24 Illinois Parentage Act of 1984, under the Illinois  
25 Parentage Act of 2013, or under the law of the  
26 jurisdiction of the child's birth.

1           (d) In making a determination under subparagraphs (b) (1)  
2 and (c) (1), no showing shall be required of diligent efforts by  
3 a person or agency to encourage the father to perform the acts  
4 specified therein.

5           (e) In the case of the adoption of an adult, only the  
6 consent of such adult shall be required.

7 (Source: P.A. 97-493, eff. 8-22-11; 97-1150, eff. 1-25-13.)

8           (750 ILCS 50/12a) (from Ch. 40, par. 1515)

9           Sec. 12a. Notice to putative father.

10           1. Upon the written request to any Clerk of any Circuit  
11 Court, and upon the payment of a filing fee of \$10.00, by any  
12 interested party, including persons intending to adopt a child,  
13 a child welfare agency with whom the mother has placed or has  
14 given written notice of her intention to place a child for  
15 adoption, the mother of a child, or any attorney representing  
16 an interested party, a notice, the declaration of paternity and  
17 the disclaimer of paternity may be served on a putative father  
18 in the same manner as Summons is served in other civil  
19 proceedings, or, in lieu of personal service, service may be  
20 made as follows:

21           (a) The person requesting notice shall pay to the Clerk  
22 of the Court a mailing fee of \$2 plus the cost of U. S.  
23 postage for certified or registered mail and furnish to the  
24 Clerk an original and one copy of a notice, the declaration  
25 of paternity and the disclaimer of paternity together with

1 an Affidavit setting forth the putative father's last known  
2 address. The original notice, the declaration of paternity  
3 and the disclaimer of paternity shall be retained by the  
4 Clerk.

5 (b) The Clerk shall forthwith mail to the putative  
6 father, at the address appearing in the Affidavit, the copy  
7 of the notice, the declaration of paternity and the  
8 disclaimer of paternity, by certified mail, return receipt  
9 requested; the envelope and return receipt shall bear the  
10 return address of the Clerk. The receipt for certified mail  
11 shall state the name and address of the addressee, and the  
12 date of mailing, and shall be attached to the original  
13 notice.

14 (c) The return receipt, when returned to the Clerk,  
15 shall be attached to the original notice, the declaration  
16 of paternity and the disclaimer of paternity, and shall  
17 constitute proof of service.

18 (d) The Clerk shall note the fact of service in a  
19 permanent record.

20 2. The notice shall be signed by the Clerk, and may be  
21 served on the putative father at any time after conception, and  
22 shall read as follows:

23 "IN THE MATTER OF NOTICE TO ....., PUTATIVE FATHER.

24 You have been identified as the father of a child born or  
25 expected to be born on or about (insert date).

26 The mother of the child is.....

1           The mother has indicated that she intends to place the  
2 child for adoption.

3           As the alleged father of the child, you have certain legal  
4 rights with respect to the child, including the right to notice  
5 of the filing of proceedings instituted for the adoption of the  
6 child. If you wish to retain your rights with respect to the  
7 child, you must file with the Clerk of this Circuit Court of  
8 .... County, Illinois, whose address is ....., Illinois, within  
9 30 days after the date of receipt of this notice, the  
10 declaration of paternity enclosed herewith stating that you  
11 are, in fact, the father of the child and that you intend to  
12 retain your legal rights with respect to the child, or request  
13 to be notified of any further proceedings with respect to  
14 custody or adoption of the child.

15           If you do not file such a declaration of paternity, or a  
16 request for notice, then whatever legal rights you have with  
17 respect to the child, including the right to notice of any  
18 future proceedings for the adoption of the child, may be  
19 terminated without any further notice to you. When your legal  
20 rights with respect to the child are so terminated, you will  
21 not be entitled to notice of any proceeding instituted for the  
22 adoption of the child.

23           If you are not the father of the child, you may file with  
24 the Clerk of this Court the disclaimer of paternity enclosed  
25 herewith which will be noted in the Clerk's file and you will  
26 receive no further notice with respect to the child."



1 The declaration of paternity shall be substantially as  
2 follows:

3 "IN THE CIRCUIT COURT OF THE  
4 ..... JUDICIAL CIRCUIT, ILLINOIS  
5 ..... County  
6 )  
7 )  
8 ) No. )  
9 )

10 DECLARATION OF PATERNITY WITH ENTRY OF APPEARANCE

11 I, ....., state as follows:

12 (1) That I am ..... years of age; and I reside at  
13 ..... in the County of ....., State of .....

14 (2) That I have been advised that ..... is the mother of  
15 a ...male child named ..... born or expected to be born on  
16 or about ..... and that such mother has stated that I am  
17 the father of this child.

18 (3) I declare that I am the father of this child.

19 (4) I understand that the mother of this child wishes to  
20 consent to the adoption of this child. I do not consent to the  
21 adoption of this child, and I understand that I must return  
22 this initial declaration of parentage form to the Clerk of the  
23 Circuit Court of ..... County, located at ....., within  
24 30 days of receipt of this notice.

25 (5) I further understand that I am also obligated to  
26 establish my paternity pursuant to the Illinois Parentage Act

1 of 2013 ~~1984~~ within 30 days of my receiving this notice or, if  
 2 the child is not yet born, within 30 days after the birth of  
 3 the child. This proceeding is separate and distinct from the  
 4 above mailing of initial declaration of paternity; in this  
 5 second notice, I must state that I am, in fact, the father of  
 6 said child, and that I intend to retain my legal rights with  
 7 respect to said child, and request to be notified of any  
 8 further proceedings with respect to custody or adoption of the  
 9 child.

10 (6) I hereby enter my appearance in the above entitled  
 11 cause.

12 OATH

13 I have been duly sworn and I say under oath that I have  
 14 read and understand this Declaration of Paternity With Entry of  
 15 Appearance. The facts that it contains are true and correct to  
 16 the best of my knowledge, and I understand that by signing this  
 17 document I admit my paternity. I have signed this document as  
 18 my free and voluntary act.

19 .....

20 (signature)

21 Dated (insert date).

22 Signed and sworn before me on (insert date).

23 .....

24 (notary public)".

1 The disclaimer of paternity shall be substantially as  
2 follows:

3 "IN THE CIRCUIT COURT OF THE  
4 ..... JUDICIAL CIRCUIT, ILLINOIS  
5 ..... County  
6 )  
7 )  
8 ) No. )  
9 )

10 DENIAL OF PATERNITY WITH ENTRY OF APPEARANCE  
11 AND CONSENT TO ADOPTION

12 I, ....., state as follows:

13 (1) That I am ..... years of age; and I reside at  
14 ..... in the County of ....., State of .....

15 (2) That I have been advised that ..... is the mother  
16 of a .....male child named ..... born or expected to be born on  
17 or about ..... and that such mother has stated that I am the  
18 father of this child.

19 (3) I deny that I am the father of this child.

20 (4) I further understand that the mother of this child  
21 wishes to consent to the adoption of the child. I hereby  
22 consent to the adoption of this child, and waive any rights,  
23 remedies and defenses that I may now or in the future have as a  
24 result of the mother's allegation of the paternity of this  
25 child. This consent is being given in order to facilitate the  
26 adoption of the child and so that the court may terminate what

1 rights I may have to the child as a result of being named the  
2 father by the mother. This consent is not in any manner an  
3 admission of paternity.

4 (5) I hereby enter my appearance in the above entitled  
5 cause and waive service of summons and other pleading.

6 OATH

7 I have been duly sworn and I say under oath that I have  
8 read and understood this Denial of Paternity With Entry of  
9 Appearance and Consent to Adoption. The facts it contains are  
10 true and correct to the best of my knowledge, and I understand  
11 that by signing this document I have not admitted paternity. I  
12 have signed this document as my free and voluntary act in order  
13 to facilitate the adoption of the child.

14 .....  
15 (signature)

16 Dated (insert date).

17 Signed and sworn before me on (insert date).

18 .....  
19 (notary public)".

20  
21 The names of adoptive parents shall not be included in the  
22 notice.

23 3. If the putative father files a disclaimer of paternity,  
24 he shall be deemed not to be the father of the child with  
25 respect to any adoption or other proceeding held to terminate

1 the rights of parents as respects such child.

2 4. In the event the putative father does not file a  
3 declaration of paternity of the child or request for notice  
4 within 30 days of service of the above notice, he need not be  
5 made a party to or given notice of any proceeding brought for  
6 the adoption of the child. An Order or judgment may be entered  
7 in such proceeding terminating all of his rights with respect  
8 to the child without further notice to him.

9 5. If the putative father files a declaration of paternity  
10 or a request for notice in accordance with subsection 2, with  
11 respect to the child, he shall be given notice in event any  
12 proceeding is brought for the adoption of the child.

13 6. The Clerk shall maintain separate numbered files and  
14 records of requests and proofs of service and all other  
15 documents filed pursuant to this article. All such records  
16 shall be impounded.

17 (Source: P.A. 91-357, eff. 7-29-99.)

18 (750 ILCS 50/18.06)

19 Sec. 18.06. Definitions. When used in Sections 18.05  
20 through Section 18.6, for the purposes of the Registry:

21 "Adopted person" means a person who was adopted pursuant to  
22 the laws in effect at the time of the adoption.

23 "Adoptive parent" means a person who has become a parent  
24 through the legal process of adoption.

25 "Adult child" means the biological child 21 years of age or

1 over of a deceased adopted or surrendered person.

2 "Adult Adopted or Surrendered Person" means an adopted or  
3 surrendered person 21 years of age or over.

4 "Agency" means a public child welfare agency or a licensed  
5 child welfare agency.

6 "Birth aunt" means the adult full or half sister of a  
7 deceased birth parent.

8 "Birth father" means the biological father of an adopted or  
9 surrendered person who is named on the original certificate of  
10 live birth or on a consent or surrender document, or a  
11 biological father whose paternity has been established by a  
12 judgment or order of the court, pursuant to the Illinois  
13 Parentage Act of 1984 or the Illinois Parentage Act of 2013.

14 "Birth mother" means the biological mother of an adopted or  
15 surrendered person.

16 "Birth parent" means a birth mother or birth father of an  
17 adopted or surrendered person.

18 "Birth Parent Preference Form" means the form prepared by  
19 the Department of Public Health pursuant to Section 18.2  
20 completed by a birth parent registrant and filed with the  
21 Registry that indicates the birth parent's preferences  
22 regarding contact and, if applicable, the release of his or her  
23 identifying information on the non-certified copy of the  
24 original birth certificate released to an adult adopted or  
25 surrendered person or to the surviving adult child or surviving  
26 spouse of a deceased adopted or surrendered person who has

1 filed a Request for a Non-Certified Copy of an Original Birth  
2 Certificate.

3 "Birth relative" means a birth mother, birth father, birth  
4 sibling, birth aunt, or birth uncle.

5 "Birth sibling" means the adult full or half sibling of an  
6 adopted or surrendered person.

7 "Birth uncle" means the adult full or half brother of a  
8 deceased birth parent.

9 "Confidential intermediary" means an individual certified  
10 by the Department of Children and Family Services pursuant to  
11 Section 18.3a(e).

12 "Denial of Information Exchange" means an affidavit  
13 completed by a registrant with the Illinois Adoption Registry  
14 and Medical Information Exchange denying the release of  
15 identifying information which has been filed with the Registry.

16 "Information Exchange Authorization" means an affidavit  
17 completed by a registrant with the Illinois Adoption Registry  
18 and Medical Information Exchange authorizing the release of  
19 identifying information which has been filed with the Registry.

20 "Medical Information Exchange Questionnaire" means the  
21 medical history questionnaire completed by a registrant of the  
22 Illinois Adoption Registry and Medical Information Exchange.

23 "Non-certified Copy of the Original Birth Certificate"  
24 means a non-certified copy of the original certificate of live  
25 birth of an adult adopted or surrendered person who was born in  
26 Illinois.

1 "Proof of death" means a death certificate.

2 "Registrant" or "Registered Party" means a birth parent,  
3 birth sibling, birth aunt, birth uncle, adopted or surrendered  
4 person 21 years of age or over, adoptive parent or legal  
5 guardian of an adopted or surrendered person under the age of  
6 21, or adoptive parent, surviving spouse, or adult child of a  
7 deceased adopted or surrendered person who has filed an  
8 Illinois Adoption Registry Application or Registration  
9 Identification Form with the Registry.

10 "Registry" means the Illinois Adoption Registry and  
11 Medical Information Exchange.

12 "Request for a Non-Certified Copy of an Original Birth  
13 Certificate" means an affidavit completed by an adult adopted  
14 or surrendered person or by the surviving adult child or  
15 surviving spouse of a deceased adopted or surrendered person  
16 and filed with the Registry requesting a non-certified copy of  
17 an adult adopted or surrendered person's original certificate  
18 of live birth in Illinois.

19 "Surrendered person" means a person whose parents' rights  
20 have been surrendered or terminated but who has not been  
21 adopted.

22 "Surviving spouse" means the wife or husband, 21 years of  
23 age or older, of a deceased adopted or surrendered person who  
24 would be 21 years of age or older if still alive and who has one  
25 or more surviving biological children who are under the age of  
26 21.



1 "18.3 Statement" means a statement regarding the  
2 disclosure of identifying information signed by a birth parent  
3 under Section 18.3 of this Act as it existed immediately prior  
4 to the effective date of this amendatory Act of the 96th  
5 General Assembly.

6 (Source: P.A. 96-895, eff. 5-21-10; 97-110, eff. 7-14-11.)

7 Section 973. The Illinois Domestic Violence Act of 1986 is  
8 amended by changing Sections 202 and 214 as follows:

9 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

10 Sec. 202. Commencement of action; filing fees; dismissal.

11 (a) How to commence action. Actions for orders of  
12 protection are commenced:

13 (1) Independently: By filing a petition for an order of  
14 protection in any civil court, unless specific courts are  
15 designated by local rule or order.

16 (2) In conjunction with another civil proceeding: By  
17 filing a petition for an order of protection under the same  
18 case number as another civil proceeding involving the  
19 parties, including but not limited to: (i) any proceeding  
20 under the Illinois Marriage and Dissolution of Marriage  
21 Act, Illinois Parentage Act of 2013 ~~1984~~, Nonsupport of  
22 Spouse and Children Act, Revised Uniform Reciprocal  
23 Enforcement of Support Act or an action for nonsupport  
24 brought under Article 10 of the Illinois Public Aid Code,

1 provided that a petitioner and the respondent are a party  
2 to or the subject of that proceeding or (ii) a guardianship  
3 proceeding under the Probate Act of 1975, or a proceeding  
4 for involuntary commitment under the Mental Health and  
5 Developmental Disabilities Code, or any proceeding, other  
6 than a delinquency petition, under the Juvenile Court Act  
7 of 1987, provided that a petitioner or the respondent is a  
8 party to or the subject of such proceeding.

9 (3) In conjunction with a delinquency petition or a  
10 criminal prosecution: By filing a petition for an order of  
11 protection, under the same case number as the delinquency  
12 petition or criminal prosecution, to be granted during  
13 pre-trial release of a defendant, with any dispositional  
14 order issued under Section 5-710 of the Juvenile Court Act  
15 of 1987 or as a condition of release, supervision,  
16 conditional discharge, probation, periodic imprisonment,  
17 parole or mandatory supervised release, or in conjunction  
18 with imprisonment or a bond forfeiture warrant; provided  
19 that:

20 (i) the violation is alleged in an information,  
21 complaint, indictment or delinquency petition on file,  
22 and the alleged offender and victim are family or  
23 household members or persons protected by this Act; and

24 (ii) the petition, which is filed by the State's  
25 Attorney, names a victim of the alleged crime as a  
26 petitioner.

1 (b) Filing, certification, and service fees. No fee shall  
2 be charged by the clerk for filing, amending, vacating,  
3 certifying, or photocopying petitions or orders; or for issuing  
4 alias summons; or for any related filing service. No fee shall  
5 be charged by the sheriff for service by the sheriff of a  
6 petition, rule, motion, or order in an action commenced under  
7 this Section.

8 (c) Dismissal and consolidation. Withdrawal or dismissal  
9 of any petition for an order of protection prior to  
10 adjudication where the petitioner is represented by the State  
11 shall operate as a dismissal without prejudice. No action for  
12 an order of protection shall be dismissed because the  
13 respondent is being prosecuted for a crime against the  
14 petitioner. An independent action may be consolidated with  
15 another civil proceeding, as provided by paragraph (2) of  
16 subsection (a) of this Section. For any action commenced under  
17 paragraph (2) or (3) of subsection (a) of this Section,  
18 dismissal of the conjoined case (or a finding of not guilty)  
19 shall not require dismissal of the action for the order of  
20 protection; instead, it may be treated as an independent action  
21 and, if necessary and appropriate, transferred to a different  
22 court or division. Dismissal of any conjoined case shall not  
23 affect the validity of any previously issued order of  
24 protection, and thereafter subsections (b)(1) and (b)(2) of  
25 Section 220 shall be inapplicable to such order.

26 (d) Pro se petitions. The court shall provide, through the

1 office of the clerk of the court, simplified forms and clerical  
2 assistance to help with the writing and filing of a petition  
3 under this Section by any person not represented by counsel. In  
4 addition, that assistance may be provided by the state's  
5 attorney.

6 (Source: P.A. 93-458, eff. 1-1-04.)

7 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

8 Sec. 214. Order of protection; remedies.

9 (a) Issuance of order. If the court finds that petitioner  
10 has been abused by a family or household member or that  
11 petitioner is a high-risk adult who has been abused, neglected,  
12 or exploited, as defined in this Act, an order of protection  
13 prohibiting the abuse, neglect, or exploitation shall issue;  
14 provided that petitioner must also satisfy the requirements of  
15 one of the following Sections, as appropriate: Section 217 on  
16 emergency orders, Section 218 on interim orders, or Section 219  
17 on plenary orders. Petitioner shall not be denied an order of  
18 protection because petitioner or respondent is a minor. The  
19 court, when determining whether or not to issue an order of  
20 protection, shall not require physical manifestations of abuse  
21 on the person of the victim. Modification and extension of  
22 prior orders of protection shall be in accordance with this  
23 Act.

24 (b) Remedies and standards. The remedies to be included in  
25 an order of protection shall be determined in accordance with

1 this Section and one of the following Sections, as appropriate:  
2 Section 217 on emergency orders, Section 218 on interim orders,  
3 and Section 219 on plenary orders. The remedies listed in this  
4 subsection shall be in addition to other civil or criminal  
5 remedies available to petitioner.

6 (1) Prohibition of abuse, neglect, or exploitation.  
7 Prohibit respondent's harassment, interference with  
8 personal liberty, intimidation of a dependent, physical  
9 abuse, or willful deprivation, neglect or exploitation, as  
10 defined in this Act, or stalking of the petitioner, as  
11 defined in Section 12-7.3 of the Criminal Code of 2012, if  
12 such abuse, neglect, exploitation, or stalking has  
13 occurred or otherwise appears likely to occur if not  
14 prohibited.

15 (2) Grant of exclusive possession of residence.  
16 Prohibit respondent from entering or remaining in any  
17 residence, household, or premises of the petitioner,  
18 including one owned or leased by respondent, if petitioner  
19 has a right to occupancy thereof. The grant of exclusive  
20 possession of the residence, household, or premises shall  
21 not affect title to real property, nor shall the court be  
22 limited by the standard set forth in Section 701 of the  
23 Illinois Marriage and Dissolution of Marriage Act.

24 (A) Right to occupancy. A party has a right to  
25 occupancy of a residence or household if it is solely  
26 or jointly owned or leased by that party, that party's

1 spouse, a person with a legal duty to support that  
2 party or a minor child in that party's care, or by any  
3 person or entity other than the opposing party that  
4 authorizes that party's occupancy (e.g., a domestic  
5 violence shelter). Standards set forth in subparagraph  
6 (B) shall not preclude equitable relief.

7 (B) Presumption of hardships. If petitioner and  
8 respondent each has the right to occupancy of a  
9 residence or household, the court shall balance (i) the  
10 hardships to respondent and any minor child or  
11 dependent adult in respondent's care resulting from  
12 entry of this remedy with (ii) the hardships to  
13 petitioner and any minor child or dependent adult in  
14 petitioner's care resulting from continued exposure to  
15 the risk of abuse (should petitioner remain at the  
16 residence or household) or from loss of possession of  
17 the residence or household (should petitioner leave to  
18 avoid the risk of abuse). When determining the balance  
19 of hardships, the court shall also take into account  
20 the accessibility of the residence or household.  
21 Hardships need not be balanced if respondent does not  
22 have a right to occupancy.

23 The balance of hardships is presumed to favor  
24 possession by petitioner unless the presumption is  
25 rebutted by a preponderance of the evidence, showing  
26 that the hardships to respondent substantially

1           outweigh the hardships to petitioner and any minor  
2           child or dependent adult in petitioner's care. The  
3           court, on the request of petitioner or on its own  
4           motion, may order respondent to provide suitable,  
5           accessible, alternate housing for petitioner instead  
6           of excluding respondent from a mutual residence or  
7           household.

8           (3) Stay away order and additional prohibitions. Order  
9           respondent to stay away from petitioner or any other person  
10          protected by the order of protection, or prohibit  
11          respondent from entering or remaining present at  
12          petitioner's school, place of employment, or other  
13          specified places at times when petitioner is present, or  
14          both, if reasonable, given the balance of hardships.  
15          Hardships need not be balanced for the court to enter a  
16          stay away order or prohibit entry if respondent has no  
17          right to enter the premises.

18          (A) If an order of protection grants petitioner  
19          exclusive possession of the residence, or prohibits  
20          respondent from entering the residence, or orders  
21          respondent to stay away from petitioner or other  
22          protected persons, then the court may allow respondent  
23          access to the residence to remove items of clothing and  
24          personal adornment used exclusively by respondent,  
25          medications, and other items as the court directs. The  
26          right to access shall be exercised on only one occasion

1 as the court directs and in the presence of an  
2 agreed-upon adult third party or law enforcement  
3 officer.

4 (B) When the petitioner and the respondent attend  
5 the same public, private, or non-public elementary,  
6 middle, or high school, the court when issuing an order  
7 of protection and providing relief shall consider the  
8 severity of the act, any continuing physical danger or  
9 emotional distress to the petitioner, the educational  
10 rights guaranteed to the petitioner and respondent  
11 under federal and State law, the availability of a  
12 transfer of the respondent to another school, a change  
13 of placement or a change of program of the respondent,  
14 the expense, difficulty, and educational disruption  
15 that would be caused by a transfer of the respondent to  
16 another school, and any other relevant facts of the  
17 case. The court may order that the respondent not  
18 attend the public, private, or non-public elementary,  
19 middle, or high school attended by the petitioner,  
20 order that the respondent accept a change of placement  
21 or change of program, as determined by the school  
22 district or private or non-public school, or place  
23 restrictions on the respondent's movements within the  
24 school attended by the petitioner. The respondent  
25 bears the burden of proving by a preponderance of the  
26 evidence that a transfer, change of placement, or



1 change of program of the respondent is not available.  
2 The respondent also bears the burden of production with  
3 respect to the expense, difficulty, and educational  
4 disruption that would be caused by a transfer of the  
5 respondent to another school. A transfer, change of  
6 placement, or change of program is not unavailable to  
7 the respondent solely on the ground that the respondent  
8 does not agree with the school district's or private or  
9 non-public school's transfer, change of placement, or  
10 change of program or solely on the ground that the  
11 respondent fails or refuses to consent or otherwise  
12 does not take an action required to effectuate a  
13 transfer, change of placement, or change of program.  
14 When a court orders a respondent to stay away from the  
15 public, private, or non-public school attended by the  
16 petitioner and the respondent requests a transfer to  
17 another attendance center within the respondent's  
18 school district or private or non-public school, the  
19 school district or private or non-public school shall  
20 have sole discretion to determine the attendance  
21 center to which the respondent is transferred. In the  
22 event the court order results in a transfer of the  
23 minor respondent to another attendance center, a  
24 change in the respondent's placement, or a change of  
25 the respondent's program, the parents, guardian, or  
26 legal custodian of the respondent is responsible for

1 transportation and other costs associated with the  
2 transfer or change.

3 (C) The court may order the parents, guardian, or  
4 legal custodian of a minor respondent to take certain  
5 actions or to refrain from taking certain actions to  
6 ensure that the respondent complies with the order. In  
7 the event the court orders a transfer of the respondent  
8 to another school, the parents, guardian, or legal  
9 custodian of the respondent is responsible for  
10 transportation and other costs associated with the  
11 change of school by the respondent.

12 (4) Counseling. Require or recommend the respondent to  
13 undergo counseling for a specified duration with a social  
14 worker, psychologist, clinical psychologist, psychiatrist,  
15 family service agency, alcohol or substance abuse program,  
16 mental health center guidance counselor, agency providing  
17 services to elders, program designed for domestic violence  
18 abusers or any other guidance service the court deems  
19 appropriate. The Court may order the respondent in any  
20 intimate partner relationship to report to an Illinois  
21 Department of Human Services protocol approved partner  
22 abuse intervention program for an assessment and to follow  
23 all recommended treatment.

24 (5) Physical care and possession of the minor child. In  
25 order to protect the minor child from abuse, neglect, or  
26 unwarranted separation from the person who has been the

1 minor child's primary caretaker, or to otherwise protect  
2 the well-being of the minor child, the court may do either  
3 or both of the following: (i) grant petitioner physical  
4 care or possession of the minor child, or both, or (ii)  
5 order respondent to return a minor child to, or not remove  
6 a minor child from, the physical care of a parent or person  
7 in loco parentis.

8 If a court finds, after a hearing, that respondent has  
9 committed abuse (as defined in Section 103) of a minor  
10 child, there shall be a rebuttable presumption that  
11 awarding physical care to respondent would not be in the  
12 minor child's best interest.

13 (6) Temporary legal custody. Award temporary legal  
14 custody to petitioner in accordance with this Section, the  
15 Illinois Marriage and Dissolution of Marriage Act, the  
16 Illinois Parentage Act of 2013 ~~1984~~, and this State's  
17 Uniform Child-Custody Jurisdiction and Enforcement Act.

18 If a court finds, after a hearing, that respondent has  
19 committed abuse (as defined in Section 103) of a minor  
20 child, there shall be a rebuttable presumption that  
21 awarding temporary legal custody to respondent would not be  
22 in the child's best interest.

23 (7) Visitation. Determine the visitation rights, if  
24 any, of respondent in any case in which the court awards  
25 physical care or temporary legal custody of a minor child  
26 to petitioner. The court shall restrict or deny

1 respondent's visitation with a minor child if the court  
2 finds that respondent has done or is likely to do any of  
3 the following: (i) abuse or endanger the minor child during  
4 visitation; (ii) use the visitation as an opportunity to  
5 abuse or harass petitioner or petitioner's family or  
6 household members; (iii) improperly conceal or detain the  
7 minor child; or (iv) otherwise act in a manner that is not  
8 in the best interests of the minor child. The court shall  
9 not be limited by the standards set forth in Section 607.1  
10 of the Illinois Marriage and Dissolution of Marriage Act.  
11 If the court grants visitation, the order shall specify  
12 dates and times for the visitation to take place or other  
13 specific parameters or conditions that are appropriate. No  
14 order for visitation shall refer merely to the term  
15 "reasonable visitation".

16 Petitioner may deny respondent access to the minor  
17 child if, when respondent arrives for visitation,  
18 respondent is under the influence of drugs or alcohol and  
19 constitutes a threat to the safety and well-being of  
20 petitioner or petitioner's minor children or is behaving in  
21 a violent or abusive manner.

22 If necessary to protect any member of petitioner's  
23 family or household from future abuse, respondent shall be  
24 prohibited from coming to petitioner's residence to meet  
25 the minor child for visitation, and the parties shall  
26 submit to the court their recommendations for reasonable

1 alternative arrangements for visitation. A person may be  
2 approved to supervise visitation only after filing an  
3 affidavit accepting that responsibility and acknowledging  
4 accountability to the court.

5 (8) Removal or concealment of minor child. Prohibit  
6 respondent from removing a minor child from the State or  
7 concealing the child within the State.

8 (9) Order to appear. Order the respondent to appear in  
9 court, alone or with a minor child, to prevent abuse,  
10 neglect, removal or concealment of the child, to return the  
11 child to the custody or care of the petitioner or to permit  
12 any court-ordered interview or examination of the child or  
13 the respondent.

14 (10) Possession of personal property. Grant petitioner  
15 exclusive possession of personal property and, if  
16 respondent has possession or control, direct respondent to  
17 promptly make it available to petitioner, if:

18 (i) petitioner, but not respondent, owns the  
19 property; or

20 (ii) the parties own the property jointly; sharing  
21 it would risk abuse of petitioner by respondent or is  
22 impracticable; and the balance of hardships favors  
23 temporary possession by petitioner.

24 If petitioner's sole claim to ownership of the property  
25 is that it is marital property, the court may award  
26 petitioner temporary possession thereof under the

1 standards of subparagraph (ii) of this paragraph only if a  
2 proper proceeding has been filed under the Illinois  
3 Marriage and Dissolution of Marriage Act, as now or  
4 hereafter amended.

5 No order under this provision shall affect title to  
6 property.

7 (11) Protection of property. Forbid the respondent  
8 from taking, transferring, encumbering, concealing,  
9 damaging or otherwise disposing of any real or personal  
10 property, except as explicitly authorized by the court, if:

11 (i) petitioner, but not respondent, owns the  
12 property; or

13 (ii) the parties own the property jointly, and the  
14 balance of hardships favors granting this remedy.

15 If petitioner's sole claim to ownership of the property  
16 is that it is marital property, the court may grant  
17 petitioner relief under subparagraph (ii) of this  
18 paragraph only if a proper proceeding has been filed under  
19 the Illinois Marriage and Dissolution of Marriage Act, as  
20 now or hereafter amended.

21 The court may further prohibit respondent from  
22 improperly using the financial or other resources of an  
23 aged member of the family or household for the profit or  
24 advantage of respondent or of any other person.

25 (11.5) Protection of animals. Grant the petitioner the  
26 exclusive care, custody, or control of any animal owned,

1        possessed, leased, kept, or held by either the petitioner  
2        or the respondent or a minor child residing in the  
3        residence or household of either the petitioner or the  
4        respondent and order the respondent to stay away from the  
5        animal and forbid the respondent from taking,  
6        transferring, encumbering, concealing, harming, or  
7        otherwise disposing of the animal.

8            (12) Order for payment of support. Order respondent to  
9        pay temporary support for the petitioner or any child in  
10       the petitioner's care or custody, when the respondent has a  
11       legal obligation to support that person, in accordance with  
12       the Illinois Marriage and Dissolution of Marriage Act,  
13       which shall govern, among other matters, the amount of  
14       support, payment through the clerk and withholding of  
15       income to secure payment. An order for child support may be  
16       granted to a petitioner with lawful physical care or  
17       custody of a child, or an order or agreement for physical  
18       care or custody, prior to entry of an order for legal  
19       custody. Such a support order shall expire upon entry of a  
20       valid order granting legal custody to another, unless  
21       otherwise provided in the custody order.

22            (13) Order for payment of losses. Order respondent to  
23        pay petitioner for losses suffered as a direct result of  
24        the abuse, neglect, or exploitation. Such losses shall  
25        include, but not be limited to, medical expenses, lost  
26        earnings or other support, repair or replacement of

1 property damaged or taken, reasonable attorney's fees,  
2 court costs and moving or other travel expenses, including  
3 additional reasonable expenses for temporary shelter and  
4 restaurant meals.

5 (i) Losses affecting family needs. If a party is  
6 entitled to seek maintenance, child support or  
7 property distribution from the other party under the  
8 Illinois Marriage and Dissolution of Marriage Act, as  
9 now or hereafter amended, the court may order  
10 respondent to reimburse petitioner's actual losses, to  
11 the extent that such reimbursement would be  
12 "appropriate temporary relief", as authorized by  
13 subsection (a) (3) of Section 501 of that Act.

14 (ii) Recovery of expenses. In the case of an  
15 improper concealment or removal of a minor child, the  
16 court may order respondent to pay the reasonable  
17 expenses incurred or to be incurred in the search for  
18 and recovery of the minor child, including but not  
19 limited to legal fees, court costs, private  
20 investigator fees, and travel costs.

21 (14) Prohibition of entry. Prohibit the respondent  
22 from entering or remaining in the residence or household  
23 while the respondent is under the influence of alcohol or  
24 drugs and constitutes a threat to the safety and well-being  
25 of the petitioner or the petitioner's children.

26 (14.5) Prohibition of firearm possession.



1 (a) Prohibit a respondent against whom an order of  
2 protection was issued from possessing any firearms  
3 during the duration of the order if the order:

4 (1) was issued after a hearing of which such  
5 person received actual notice, and at which such  
6 person had an opportunity to participate;

7 (2) restrains such person from harassing,  
8 stalking, or threatening an intimate partner of  
9 such person or child of such intimate partner or  
10 person, or engaging in other conduct that would  
11 place an intimate partner in reasonable fear of  
12 bodily injury to the partner or child; and

13 (3) (i) includes a finding that such person  
14 represents a credible threat to the physical  
15 safety of such intimate partner or child; or (ii)  
16 by its terms explicitly prohibits the use,  
17 attempted use, or threatened use of physical force  
18 against such intimate partner or child that would  
19 reasonably be expected to cause bodily injury.

20 Any Firearm Owner's Identification Card in the  
21 possession of the respondent, except as provided in  
22 subsection (b), shall be ordered by the court to be  
23 turned over to the local law enforcement agency. The  
24 local law enforcement agency shall immediately mail  
25 the card to the Department of State Police Firearm  
26 Owner's Identification Card Office for safekeeping.

1           The court shall issue a warrant for seizure of any  
2           firearm in the possession of the respondent, to be kept  
3           by the local law enforcement agency for safekeeping,  
4           except as provided in subsection (b). The period of  
5           safekeeping shall be for the duration of the order of  
6           protection. The firearm or firearms and Firearm  
7           Owner's Identification Card, if unexpired, shall at  
8           the respondent's request, be returned to the  
9           respondent at the end of the order of protection. It is  
10          the respondent's responsibility to notify the  
11          Department of State Police Firearm Owner's  
12          Identification Card Office.

13           (b) If the respondent is a peace officer as defined  
14          in Section 2-13 of the Criminal Code of 2012, the court  
15          shall order that any firearms used by the respondent in  
16          the performance of his or her duties as a peace officer  
17          be surrendered to the chief law enforcement executive  
18          of the agency in which the respondent is employed, who  
19          shall retain the firearms for safekeeping for the  
20          duration of the order of protection.

21           (c) Upon expiration of the period of safekeeping,  
22          if the firearms or Firearm Owner's Identification Card  
23          cannot be returned to respondent because respondent  
24          cannot be located, fails to respond to requests to  
25          retrieve the firearms, or is not lawfully eligible to  
26          possess a firearm, upon petition from the local law

1 enforcement agency, the court may order the local law  
2 enforcement agency to destroy the firearms, use the  
3 firearms for training purposes, or for any other  
4 application as deemed appropriate by the local law  
5 enforcement agency; or that the firearms be turned over  
6 to a third party who is lawfully eligible to possess  
7 firearms, and who does not reside with respondent.

8 (15) Prohibition of access to records. If an order of  
9 protection prohibits respondent from having contact with  
10 the minor child, or if petitioner's address is omitted  
11 under subsection (b) of Section 203, or if necessary to  
12 prevent abuse or wrongful removal or concealment of a minor  
13 child, the order shall deny respondent access to, and  
14 prohibit respondent from inspecting, obtaining, or  
15 attempting to inspect or obtain, school or any other  
16 records of the minor child who is in the care of  
17 petitioner.

18 (16) Order for payment of shelter services. Order  
19 respondent to reimburse a shelter providing temporary  
20 housing and counseling services to the petitioner for the  
21 cost of the services, as certified by the shelter and  
22 deemed reasonable by the court.

23 (17) Order for injunctive relief. Enter injunctive  
24 relief necessary or appropriate to prevent further abuse of  
25 a family or household member or further abuse, neglect, or  
26 exploitation of a high-risk adult with disabilities or to

1           effectuate one of the granted remedies, if supported by the  
2           balance of hardships. If the harm to be prevented by the  
3           injunction is abuse or any other harm that one of the  
4           remedies listed in paragraphs (1) through (16) of this  
5           subsection is designed to prevent, no further evidence is  
6           necessary that the harm is an irreparable injury.

7           (c) Relevant factors; findings.

8           (1) In determining whether to grant a specific remedy,  
9           other than payment of support, the court shall consider  
10          relevant factors, including but not limited to the  
11          following:

12                 (i) the nature, frequency, severity, pattern and  
13                 consequences of the respondent's past abuse, neglect  
14                 or exploitation of the petitioner or any family or  
15                 household member, including the concealment of his or  
16                 her location in order to evade service of process or  
17                 notice, and the likelihood of danger of future abuse,  
18                 neglect, or exploitation to petitioner or any member of  
19                 petitioner's or respondent's family or household; and

20                 (ii) the danger that any minor child will be abused  
21                 or neglected or improperly removed from the  
22                 jurisdiction, improperly concealed within the State or  
23                 improperly separated from the child's primary  
24                 caretaker.

25          (2) In comparing relative hardships resulting to the  
26          parties from loss of possession of the family home, the

1 court shall consider relevant factors, including but not  
2 limited to the following:

3 (i) availability, accessibility, cost, safety,  
4 adequacy, location and other characteristics of  
5 alternate housing for each party and any minor child or  
6 dependent adult in the party's care;

7 (ii) the effect on the party's employment; and

8 (iii) the effect on the relationship of the party,  
9 and any minor child or dependent adult in the party's  
10 care, to family, school, church and community.

11 (3) Subject to the exceptions set forth in paragraph  
12 (4) of this subsection, the court shall make its findings  
13 in an official record or in writing, and shall at a minimum  
14 set forth the following:

15 (i) That the court has considered the applicable  
16 relevant factors described in paragraphs (1) and (2) of  
17 this subsection.

18 (ii) Whether the conduct or actions of respondent,  
19 unless prohibited, will likely cause irreparable harm  
20 or continued abuse.

21 (iii) Whether it is necessary to grant the  
22 requested relief in order to protect petitioner or  
23 other alleged abused persons.

24 (4) For purposes of issuing an ex parte emergency order  
25 of protection, the court, as an alternative to or as a  
26 supplement to making the findings described in paragraphs

1 (c) (3) (i) through (c) (3) (iii) of this subsection, may use  
2 the following procedure:

3 When a verified petition for an emergency order of  
4 protection in accordance with the requirements of Sections  
5 203 and 217 is presented to the court, the court shall  
6 examine petitioner on oath or affirmation. An emergency  
7 order of protection shall be issued by the court if it  
8 appears from the contents of the petition and the  
9 examination of petitioner that the averments are  
10 sufficient to indicate abuse by respondent and to support  
11 the granting of relief under the issuance of the emergency  
12 order of protection.

13 (5) Never married parties. No rights or  
14 responsibilities for a minor child born outside of marriage  
15 attach to a putative father until a father and child  
16 relationship has been established under the Illinois  
17 Parentage Act of 1984, the Illinois Parentage Act of 2013,  
18 the Illinois Public Aid Code, Section 12 of the Vital  
19 Records Act, the Juvenile Court Act of 1987, the Probate  
20 Act of 1985, the Revised Uniform Reciprocal Enforcement of  
21 Support Act, the Uniform Interstate Family Support Act, the  
22 Expedited Child Support Act of 1990, any judicial,  
23 administrative, or other act of another state or territory,  
24 any other Illinois statute, or by any foreign nation  
25 establishing the father and child relationship, any other  
26 proceeding substantially in conformity with the Personal

1 Responsibility and Work Opportunity Reconciliation Act of  
2 1996 (Pub. L. 104-193), or where both parties appeared in  
3 open court or at an administrative hearing acknowledging  
4 under oath or admitting by affirmation the existence of a  
5 father and child relationship. Absent such an  
6 adjudication, finding, or acknowledgement, no putative  
7 father shall be granted temporary custody of the minor  
8 child, visitation with the minor child, or physical care  
9 and possession of the minor child, nor shall an order of  
10 payment for support of the minor child be entered.

11 (d) Balance of hardships; findings. If the court finds that  
12 the balance of hardships does not support the granting of a  
13 remedy governed by paragraph (2), (3), (10), (11), or (16) of  
14 subsection (b) of this Section, which may require such  
15 balancing, the court's findings shall so indicate and shall  
16 include a finding as to whether granting the remedy will result  
17 in hardship to respondent that would substantially outweigh the  
18 hardship to petitioner from denial of the remedy. The findings  
19 shall be an official record or in writing.

20 (e) Denial of remedies. Denial of any remedy shall not be  
21 based, in whole or in part, on evidence that:

22 (1) Respondent has cause for any use of force, unless  
23 that cause satisfies the standards for justifiable use of  
24 force provided by Article 7 of the Criminal Code of 2012;

25 (2) Respondent was voluntarily intoxicated;

26 (3) Petitioner acted in self-defense or defense of

1 another, provided that, if petitioner utilized force, such  
2 force was justifiable under Article 7 of the Criminal Code  
3 of 2012;

4 (4) Petitioner did not act in self-defense or defense  
5 of another;

6 (5) Petitioner left the residence or household to avoid  
7 further abuse, neglect, or exploitation by respondent;

8 (6) Petitioner did not leave the residence or household  
9 to avoid further abuse, neglect, or exploitation by  
10 respondent;

11 (7) Conduct by any family or household member excused  
12 the abuse, neglect, or exploitation by respondent, unless  
13 that same conduct would have excused such abuse, neglect,  
14 or exploitation if the parties had not been family or  
15 household members.

16 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;  
17 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;  
18 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

19 Section 974. The Business Corporation Act of 1983 is  
20 amended by changing Section 1.25 as follows:

21 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

22 Sec. 1.25. List of corporations; exchange of information.

23 (a) The Secretary of State shall publish each year a list  
24 of corporations filing an annual report for the preceding year



1 in accordance with the provisions of this Act, which report  
2 shall state the name of the corporation and the respective  
3 names and addresses of the president, secretary, and registered  
4 agent thereof and the address of the registered office in this  
5 State of each such corporation. The Secretary of State shall  
6 furnish without charge a copy of such report to each recorder  
7 of this State, and to each member of the General Assembly and  
8 to each State agency or department requesting the same. The  
9 Secretary of State shall, upon receipt of a written request and  
10 a fee as determined by the Secretary, furnish such report to  
11 anyone else.

12 (b) (1) The Secretary of State shall publish daily a list  
13 of all newly formed corporations, business and not for profit,  
14 chartered by him on that day issued after receipt of the  
15 application. The daily list shall contain the same information  
16 as to each corporation as is provided for the corporation list  
17 published under subsection (a) of this Section. The daily list  
18 may be obtained at the Secretary's office by any person,  
19 newspaper, State department or agency, or local government for  
20 a reasonable charge to be determined by the Secretary.  
21 Inspection of the daily list may be made at the Secretary's  
22 office during normal business hours without charge by any  
23 person, newspaper, State department or agency, or local  
24 government.

25 (2) The Secretary shall compile the daily list mentioned in  
26 paragraph (1) of subsection (b) of this Section monthly, or

1 more often at the Secretary's discretion. The compilation shall  
2 be immediately mailed free of charge to all local governments  
3 requesting in writing receipt of such publication, or shall be  
4 automatically mailed by the Secretary without charge to local  
5 governments as determined by the Secretary. The Secretary shall  
6 mail a copy of the compilations free of charge to all State  
7 departments or agencies making a written request. A request for  
8 a compilation of the daily list once made by a local government  
9 or State department or agency need not be renewed. However, the  
10 Secretary may request from time to time whether the local  
11 governments or State departments or agencies desire to continue  
12 receiving the compilation.

13 (3) The compilations of the daily list mentioned in  
14 paragraph (2) of subsection (b) of this Section shall be mailed  
15 to newspapers, or any other person not included as a recipient  
16 in paragraph (2) of subsection (b) of this Section, upon  
17 receipt of a written application signed by the applicant and  
18 accompanied by the payment of a fee as determined by the  
19 Secretary.

20 (c) If a domestic or foreign corporation has filed with the  
21 Secretary of State an annual report for the preceding year or  
22 has been newly formed or is otherwise and in any manner  
23 registered with the Secretary of State, the Secretary of State  
24 shall exchange with the Department of Healthcare and Family  
25 Services any information concerning that corporation that may  
26 be necessary for the enforcement of child support orders

1 entered pursuant to the Illinois Public Aid Code, the Illinois  
2 Marriage and Dissolution of Marriage Act, the Non-Support of  
3 Spouse and Children Act, the Non-Support Punishment Act, the  
4 Revised Uniform Reciprocal Enforcement of Support Act, the  
5 Uniform Interstate Family Support Act, ~~or~~ the Illinois  
6 Parentage Act of 1984, or the Illinois Parentage Act of 2013.

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

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

14 Section 975. The Limited Liability Company Act is amended  
15 by changing Section 50-5 as follows:

16 (805 ILCS 180/50-5)

17 Sec. 50-5. List of limited liability companies; exchange of  
18 information.

19 (a) The Secretary of State may publish a list or lists of  
20 limited liability companies and foreign limited liability  
21 companies, as often, in the format, and for the fees as the  
22 Secretary of State may in his or her discretion provide by  
23 rule. The Secretary of State may disseminate information  
24 concerning limited liability companies and foreign limited

1 liability companies by computer network in the format and for  
2 the fees as may be determined by rule.

3 (b) Upon written request, any list published under  
4 subsection (a) shall be free to each member of the General  
5 Assembly, to each State agency or department, and to each  
6 recorder in this State. An appropriate fee established by rule  
7 to cover the cost of producing the list shall be charged to all  
8 others.

9 (c) If a domestic or foreign limited liability company has  
10 filed with the Secretary of State an annual report for the  
11 preceding year or has been newly formed or is otherwise and in  
12 any manner registered with the Secretary of State, the  
13 Secretary of State shall exchange with the Department of  
14 Healthcare and Family Services any information concerning that  
15 limited liability company that may be necessary for the  
16 enforcement of child support orders entered pursuant to the  
17 Illinois Public Aid Code, the Illinois Marriage and Dissolution  
18 of Marriage Act, the Non-Support of Spouse and Children Act,  
19 the Non-Support Punishment Act, the Revised Uniform Reciprocal  
20 Enforcement of Support Act, the Uniform Interstate Family  
21 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the  
22 Illinois Parentage Act of 2013.

23 Notwithstanding any provisions in this Act to the contrary,  
24 the Secretary of State shall not be liable to any person for  
25 any disclosure of information to the Department of Healthcare  
26 and Family Services (formerly Illinois Department of Public

1 Aid) under this subsection or for any other action taken in  
2 good faith to comply with the requirements of this subsection.

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

4 (750 ILCS 40/Act rep.)

5 Section 976. The Illinois Parentage Act is repealed.

6 (750 ILCS 45/Act rep.)

7 Section 977. The Illinois Parentage Act of 1984 is  
8 repealed.