



Rep. Kelly Burke

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1 AMENDMENT TO HOUSE BILL 1243

2 AMENDMENT NO. _____. Amend House Bill 1243, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "ARTICLE 1. GENERAL PROVISIONS

6 Section 101. Short title. This Act may be cited as the
7 Illinois Parentage Act of 2014.

8 Section 102. Public policy. Illinois recognizes the right
9 of every child to the physical, mental, emotional, and
10 financial support of his or her parents. The parent-child
11 relationship, including support obligations, extends equally
12 to every child and to his or her parent or to each of his or her
13 2 parents, regardless of the legal relationship of the parents,
14 and regardless of whether a parent is a minor.

1 Section 103. Definitions. In this Act:

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

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

8 (c) "Alleged father" means a man who alleges himself to be,
9 or is alleged to be, the biological father or a possible
10 biological father of a child, but whose paternity has not been
11 established. The term does not include:

12 (1) a presumed parent or acknowledged father;

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

15 (3) a male donor.

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

19 (1) intrauterine insemination;

20 (2) donation of eggs;

21 (3) donation of embryos;

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

23 (5) intracytoplasmic sperm injection; and

24 (6) artificial insemination.

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

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

3 (1) the likelihood that the tested man is the father,
4 based on the genetic markers of the tested man, mother, and
5 child, conditioned on the hypothesis that the tested man is
6 the father of the child; and

7 (2) the likelihood that the tested man is not the
8 father, based on the genetic markers of the tested man,
9 mother, and child, conditioned on the hypothesis that the
10 tested man is not the father of the child and that the
11 father is of the same ethnic or racial group as the tested
12 man.

13 (g) "Commence" means to file the initial pleading seeking
14 an adjudication of parentage in the circuit court of this
15 State.

16 (h) "Determination of parentage" means the establishment
17 of the parent-child relationship by the signing of a voluntary
18 acknowledgment under Article 3 of this Act or adjudication by
19 the court or as authorized under Article X of the Illinois
20 Public Aid Code.

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

24 (1) an intended parent who provides sperm, or an
25 intended parent who provides eggs, to be used for assisted
26 reproduction by the intended parent or parents;

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

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

8 (j) "Ethnic or racial group" means, for purposes of genetic
9 testing, a recognized group that an individual identifies as
10 all or part of the individual's ancestry or that is so
11 identified by other information.

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

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

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

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

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

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

1 (q) "Probability of paternity" means the measure, for the
2 ethnic or racial group to which the alleged father belongs, of
3 the probability that the man in question is the father of the
4 child, compared with a random, unrelated man of the same ethnic
5 or racial group, expressed as a percentage incorporating the
6 combined paternity index and a prior probability.

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

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

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

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

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

21 (1) enforcement of support orders or laws relating to
22 the duty of support;

23 (2) establishment or modification of child support;

24 (3) determination of parentage; or

25 (4) location of child-support obligors and their
26 income and assets.

1 Section 104. Scope of Act; choice of law; other legal
2 rights and duties preserved.

3 (a) This Act applies to determination of parentage in this
4 State.

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

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

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

10 (c) This Act does not create, enlarge, abrogate, or
11 diminish parental rights or duties under other laws of this
12 State, including the common law.

13 Section 105. Authority to establish parentage. The circuit
14 courts are authorized to establish parentage under this Act.
15 The Department of Healthcare and Family Services may make
16 administrative determinations of paternity and nonpaternity in
17 accordance with Section 10-17.7 of the Illinois Public Aid
18 Code. Such administrative determinations shall have the full
19 force and effect of court judgments entered under this Act.

20 Section 106. Protection of participants. Proceedings under
21 this Act are subject to other law of this State governing the
22 health, safety, privacy, and liberty of a child or other
23 individual who could be jeopardized by disclosure of

1 identifying information, including address, telephone number,
2 place of employment, social security number, and the child's
3 day-care facility and school.

4 Section 107. Applicability. Insofar as practicable, the
5 provisions of this Act applicable to the father and child
6 relationship shall apply to the mother and child relationship
7 including, but not limited to, the obligation to support.

8 ARTICLE 2. PARENT-CHILD RELATIONSHIP

9 Section 201. Establishment of parent-child relationship.

10 (a) The parent-child relationship is established between a
11 woman and a child by:

12 (1) the woman having given birth to the child, except
13 as otherwise provided in a valid gestational surrogacy
14 contract;

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

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

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

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

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

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

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

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

9 (3) an adjudication of the man's parentage;

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

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

14 (6) a valid gestational surrogacy contract under the
15 Gestational Surrogacy Act or other law.

16 (c) Insofar as practicable, the provisions of this Act
17 applicable to parent-child relationships shall apply equally
18 to men and women as parents, including, but not limited to, the
19 obligation to support.

20 Section 202. Parents' legal relationship. Every child has
21 equal rights under the law regardless of the parents' legal
22 relationship.

23 Section 203. Consequences of establishment of parentage. A
24 parent-child relationship established under this Act applies

1 for all purposes, except as otherwise specifically provided by
2 other law of this State.

3 Section 204. Presumption of parentage.

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

5 (1) he and the mother of the child have entered into a
6 marriage, civil union, or substantially similar legal
7 relationship, and the child is born to the mother during
8 the marriage, civil union, or substantially similar legal
9 relationship, except as provided by a valid gestational
10 surrogacy contract, Article 7 of this Act, or other law;

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

21 (3) before the birth of the child, he and the mother of
22 the child entered into a marriage, civil union, or
23 substantially similar legal relationship in apparent
24 compliance with law, even if the attempted marriage, civil
25 union, or substantially similar legal relationship is or

1 could be declared invalid, and the child is born during the
2 invalid marriage, civil union, or substantially similar
3 legal relationship or within 300 days after its termination
4 by death, declaration of invalidity of marriage, judgment
5 for dissolution of marriage, civil union, or substantially
6 similar legal relationship, or after a judgment for legal
7 separation, except as provided by a valid gestational
8 surrogacy contract, Article 7 of this Act, or other law; OR

9 (4) after the child's birth, he and the child's mother
10 have entered into a marriage, civil union, or substantially
11 similar legal relationship, even if the marriage, civil
12 union, or substantially similar legal relationship is or
13 could be declared invalid, and he is named, with his
14 written consent, as the child's father on the child's birth
15 certificate.

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

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

24 (2) she and the birth mother of the child were in a
25 marriage, civil union, or substantially similar legal
26 relationship and the child is born to the birth mother

1 within 300 days after the marriage, civil union, or
2 substantially similar legal relationship is terminated by
3 death, declaration of invalidity of marriage, judgment for
4 dissolution of marriage, civil union, or substantially
5 similar legal relationship, or after a judgment for legal
6 separation, except as provided by a valid gestational
7 surrogacy contract, Article 7 of this Act, or other law;

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

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

1 certificate.

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

6 Section 205. Proceedings to declare the non-existence of
7 the parent-child relationship.

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

18 (b) An action to declare the non-existence of the
19 parent-child relationship brought under subsection (a) of this
20 Section shall be barred if brought later than 2 years after the
21 petitioner knew or should have known of the relevant facts. The
22 2-year period for bringing an action to declare the
23 non-existence of the parent-child relationship shall not
24 extend beyond the date on which the child reaches the age of 18
25 years. Failure to bring an action within 2 years shall not bar

1 any party from asserting a defense in any action to declare the
2 existence of the parent-child relationship.

3 (c) An action to declare the non-existence of the
4 parent-child relationship may be brought subsequent to an
5 adjudication of parentage in any judgment by the man
6 adjudicated to be the parent pursuant to a presumption in
7 paragraphs (a)(1) through (a)(4) of Section 204 if, as a result
8 of deoxyribonucleic acid (DNA) testing, it is discovered that
9 the man adjudicated to be the parent is not the father of the
10 child. Actions brought by the adjudicated father shall be
11 brought by verified petition. If, as a result of the
12 deoxyribonucleic acid (DNA) testing that is admissible under
13 Section 614 of this Act, the petitioner is determined not to be
14 the father of the child, the adjudication of paternity and any
15 orders regarding custody, parenting time, and future payments
16 of support may be vacated.

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

1 Section 206. Presumption; burden of proof. A person
2 challenging a presumption under Section 204 of this Act may
3 rebut the presumption with clear and convincing evidence.

4 ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT

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

15 Section 302. Execution of voluntary acknowledgment.

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

18 (1) be in a record;

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

22 (3) state that the child whose parentage is being

1 acknowledged:

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

4 (B) does not have another acknowledged or
5 adjudicated parent;

6 (4) be witnessed; and

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

12 (b) An acknowledgment is void if it:

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

17 (2) states that another person is an acknowledged or
18 adjudicated parent; or

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

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

23 Section 303. Denial of parentage. A presumed parent may
24 sign a denial of parentage. The denial is valid only if:

25 (a) a voluntary acknowledgment described in Section 301 of

1 this Act signed, or otherwise authenticated, by a man is filed
2 pursuant to Section 305 of this Act;

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

5 (c) the presumed parent has not previously:

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

10 (2) been adjudicated to be the parent of the child.

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

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

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

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

24 (d) An acknowledgment or denial signed by a minor is valid
25 if it is otherwise in compliance with this Act.

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

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

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

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

21 Section 306. No filing fee. The Department of Healthcare
22 and Family Services, as provided by law, may not charge a fee
23 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
24 acknowledgment or denial is under legal disability or duress or

1 the ground for relief is fraudulently concealed shall be
2 excluded in computing the period of 2 years.

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

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

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

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

1 appropriate. A copy of an order entered at the conclusion of a
2 proceeding to challenge shall be provided to the Department of
3 Healthcare and Family Services.

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

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

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

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

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

1 Section 313. Release of information. The Department of
2 Healthcare and Family Services may release information
3 relating to the acknowledgment described in Section 301 of this
4 Act, or the related denial, to a signatory of the
5 acknowledgment or denial; to the child's guardian, the
6 emancipated child, or the legal representatives of those
7 individuals; to appropriate federal agencies; and to courts and
8 appropriate agencies of this State or another state.

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

12 ARTICLE 4. GENETIC TESTING

13 Section 401. Proceeding authorized. As soon as
14 practicable, a court or an administrative hearing officer in an
15 Expedited Child Support System may, and upon the request of a
16 party except as provided in Section 610 of this Act, or of the
17 child, shall order or direct the mother, child, and alleged
18 father to submit to deoxyribonucleic acid (DNA) testing to
19 determine inherited characteristics. If any party refuses to
20 submit to genetic testing, the court may resolve the question
21 of paternity against that party or enforce its order if the
22 rights of others and the interests of justice so require.

1 Section 402. Requirements for genetic testing.

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

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

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

23 (d) The testing laboratory shall determine the databases
24 from which to select frequencies for use in calculation of the
25 probability of paternity based on the ethnic or racial group of
26 an individual or individuals. If there is disagreement as to

1 the testing laboratory's choice, the following rules apply:

2 (1) The individual objecting may require the testing
3 laboratory, within 30 days after receipt of the report of
4 the genetic testing, to recalculate the probability of
5 paternity using an ethnic or racial group different from
6 that used by the laboratory.

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

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

13 (B) engage another testing laboratory to perform
14 the calculations.

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

19 Section 403. Genetic test results.

20 (a) The expert shall prepare a written report of the
21 genetic test results. If the genetic test results show that the
22 alleged father is not excluded, the report shall contain
23 statistics based upon the statistical formula of combined
24 paternity index (CPI) and the probability of paternity as
25 determined by the probability of exclusion (Random Man Not

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

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

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

1 shall determine whether the motion is sufficient to deny
2 admission of the report by verification. Failure to make that
3 timely motion constitutes a waiver of the right to object to
4 admission by verification and shall not be grounds for a
5 continuance of the hearing to establish paternity.

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

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

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

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

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

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

25 or

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

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

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

23 Section 406. Compensation of expert. The compensation of
24 each expert witness appointed by the court shall be paid as

1 provided in Section 405 of this Act. Any part of the payment
2 may be taxed as costs in the action, except that no costs may
3 be taxed against a public agency that has not requested the
4 services of the expert witness.

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

16 Section 408. Additional persons to be tested.

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

- 22 (1) the parents of the man;
23 (2) brothers and sisters of the man;
24 (3) other children of the man and their mothers; and

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

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

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

11 Section 502. Injunctive relief.

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

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

25 (2) the likelihood that parentage will be established;

1 and

2 (3) the impact on the financial, physical, and
3 emotional health of the party being enjoined from removing
4 the child or the party being ordered to return the child to
5 this State.

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

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

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

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

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

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

1 (5) documentation from a legal, clerical, medical, or
2 other professional from whom the person has sought
3 assistance in dealing with the alleged domestic violence;
4 and

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

10 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

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

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

23 (a) the child;

1 (b) the mother of the child;

2 (c) a pregnant woman;

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

5 (e) the support-enforcement agency or other governmental
6 agency authorized by other law;

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

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

13 (h) an authorized adoption agency or licensed
14 child-placing agency;

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

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

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

23 Section 603. Subject matter and personal jurisdiction.

24 (a) The circuit courts of this State shall have
25 jurisdiction of an action brought under this Act. In a civil

1 action not brought under this Act, the provisions of this Act
2 shall apply if parentage is at issue. The court may join any
3 action under this Act with any other civil action in which this
4 Act is applicable.

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

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

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

16 Section 604. Venue.

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

22 (b) A child custody proceeding is commenced in the county
23 where the child resides.

24 Section 605. Notice to presumed parent.

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

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

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

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

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

3 (b) The notice shall read as follows:

4 "IN THE MATTER OF NOTICE TO PRESUMED PARENT.

5 You have been identified as the presumed parent of
6 , born on The birth parent of the child is
7

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

11 As the presumed parent, you have certain legal rights with
12 respect to the named child, including the right to notice of
13 the filing of proceedings instituted for the establishment of
14 parentage of the named child and, if named as a parent in a
15 petition to establish parentage, the right to submit to, along
16 with the birth parent and child, deoxyribonucleic acid (DNA)
17 tests to determine inherited characteristics, subject to
18 Section 610 of the Illinois Parentage Act of 2014. If you wish
19 to assert your rights with respect to the child named in this
20 notice, you must file with the Clerk of this Circuit Court of
21 County, Illinois, whose address is , within
22 30 days after the date of receipt of this notice, a declaration
23 of parentage stating that you are, in fact, the parent of the
24 named child and that you intend to assert your legal rights
25 with respect to the child, or that you request to be notified
26 of any further proceedings with respect to the parentage of the

1 child.

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

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

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

23 Section 607. No limitation; child having no presumed,
24 acknowledged, or adjudicated parent. A proceeding to

1 adjudicate the parentage of a child having no presumed,
2 acknowledged, or adjudicated parent may be commenced at any
3 time, even after:

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

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

9 Section 608. Limitation; child having presumed parent.

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

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

1 Section 609. Limitation; child having acknowledged or
2 adjudicated parent.

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

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

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

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

19 (a) In a proceeding to adjudicate the parentage of a child
20 having a presumed, acknowledged, or adjudicated parent, the
21 court may deny a motion by a parent, presumed parent,
22 acknowledged parent, adjudicated parent, or alleged parent
23 seeking an order for genetic testing of the parents and child
24 if the court determines that:

1 (1) the conduct of the parent, acknowledged parent,
2 adjudicated parent, or the presumed parent estops that
3 party from denying parentage;

4 (2) it would be inequitable to disprove the
5 parent-child relationship between the child and the
6 presumed, acknowledged, or adjudicated parent; and

7 (3) it is in the child's best interests to deny genetic
8 testing, taking into account the following factors:

9 (A) the length of time between the current
10 proceeding to adjudicate parentage and the time that
11 the presumed, acknowledged, or adjudicated parent was
12 placed on notice that he or she might not be the
13 biological parent;

14 (B) the length of time during which the presumed,
15 acknowledged, or adjudicated parent has assumed the
16 role of parent of the child;

17 (C) the facts surrounding the presumed,
18 acknowledged, or adjudicated parent's discovery of his
19 or her possible nonparentage;

20 (D) the nature of the relationship between the
21 child and the presumed, acknowledged, or adjudicated
22 parent;

23 (E) the age of the child;

24 (F) the harm that may result to the child if the
25 presumed, acknowledged, or adjudicated parentage is
26 successfully disproved;

1 (G) the nature of the relationship between the
2 child and any alleged parent;

3 (H) the extent to which the passage of time reduces
4 the chances of establishing the parentage of another
5 person and a child support obligation in favor of the
6 child;

7 (I) other factors that may affect the equities
8 arising from the disruption of the parent-child
9 relationship between the child and the presumed,
10 acknowledged, or adjudicated parent or the chance of
11 other harm to the child; and

12 (J) any other factors the court determines to be
13 equitable.

14 (b) In a proceeding involving the application of this
15 Section, a minor or incapacitated child must be represented by
16 a guardian ad litem, child's representative, or attorney for
17 the child.

18 (c) If the court denies a motion seeking an order for
19 genetic testing, it shall issue an order adjudicating the
20 presumed parent to be the parent of the child.

21 Section 611. Joinder of proceedings.

22 (a) Except as otherwise provided in subsection (b), a
23 proceeding to adjudicate parentage may be joined with a
24 proceeding for adoption, termination of parental rights, child
25 custody or parenting time, child support, dissolution of

1 marriage or civil union, declaration of invalidity of marriage
2 or civil union, legal separation, probate or administration of
3 an estate, or other appropriate proceeding.

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

7 Section 612. Proceeding before birth. A proceeding to
8 establish parentage may be commenced before the birth of the
9 child, but may not be concluded until after the birth of the
10 child. The following actions may be taken before the birth of
11 the child:

12 (a) service of process;

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

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

16 Section 613. Child as party; representation.

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

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

1 Section 614. Admissibility of results of genetic testing;
2 expenses.

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

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

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

10 (b) Copies of bills for genetic testing and for prenatal
11 and postnatal health care for the mother and child which are
12 furnished to the adverse party not less than 10 days before the
13 date of a hearing are admissible to establish:

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

15 (2) that the charges were reasonable, necessary, and
16 customary.

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

21 Section 615. Consequences of declining genetic testing.

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

24 (b) If an individual whose parentage is being determined
25 declines to submit to genetic testing ordered by the court or

1 administrative agency, the court or administrative agency may
2 adjudicate parentage contrary to the position of that
3 individual.

4 (c) Genetic testing of the mother of a child is not a
5 condition precedent to genetically testing the child and a man
6 whose paternity is being determined. If the mother is
7 unavailable or declines to submit to genetic testing, the court
8 or administrative agency may order the genetic testing of the
9 child and every man whose paternity is being adjudicated.

10 Section 616. Admission of parentage authorized.

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

15 (b) If the court finds that the admission of parentage
16 satisfies the requirements of this Section and finds that there
17 is no reason to question the admission, the court shall enter
18 an order adjudicating the child to be the child of the person
19 admitting parentage.

20 Section 617. Rules for adjudication of parentage. The court
21 shall apply the following rules to adjudicate the parentage of
22 a child:

23 (a) The parentage of a child having an adjudicated parent
24 may be disproved only by admissible results of genetic testing,

1 or other means, excluding that person as the parent of the
2 child or identifying another person as the parent of the child.

3 (b) Unless the results of the genetic testing or other
4 evidence are admitted to rebut other results of genetic
5 testing, a person identified as the parent of a child under
6 Section 404 of this Act may be adjudicated the parent of the
7 child.

8 (c) If the court finds that genetic testing under Section
9 404 neither identifies nor excludes a person as the parent of a
10 child, the court may not dismiss the proceeding. In that event,
11 the results of genetic testing and other evidence are
12 admissible to adjudicate the issue of parentage.

13 (d) Unless the results of genetic testing are admitted to
14 rebut other results of genetic testing, a person excluded as
15 the parent of a child by genetic testing may be adjudicated not
16 to be the parent of the child.

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

21 Section 619. Jury prohibited. Trial by jury is not
22 available under this Act.

23 Section 620. Order on default. The court may issue an order

1 adjudicating the parentage of a person who is in default after
2 service of process.

3 Section 621. Binding effect of determination of parentage.

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

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

8 (2) all parties to an adjudication by a court acting
9 under circumstances that satisfy the jurisdictional
10 requirements of Section 201 of the Uniform Interstate
11 Family Support Act.

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

14 (1) the determination was based on an unrescinded
15 acknowledgment as provided in Article 3 of this Act and the
16 acknowledgment is consistent with the results of genetic
17 testing;

18 (2) the adjudication of parentage was based on a
19 finding consistent with the results of genetic testing and
20 the consistency is declared in the determination or is
21 otherwise shown;

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

25 (4) the child was no longer a minor at the time the

1 proceeding was initiated and was the moving party resulting
2 in the parentage determination.

3 (c) In a proceeding for dissolution of marriage, civil
4 union, or substantially similar legal relationship,
5 declaration of invalidity of marriage, civil union, or
6 substantially similar legal relationship, or legal separation,
7 the court is deemed to have made an adjudication of the
8 parentage of a child if the court acts under circumstances that
9 satisfy the jurisdictional requirements of Section 201 of the
10 Uniform Interstate Family Support Act, and the final order:

11 (1) expressly identifies a child as a "child of the
12 marriage, civil union, or substantially similar legal
13 relationship", "issue of the marriage, civil union, or
14 substantially similar legal relationship", or uses similar
15 words indicating that a party to the marriage, civil union,
16 or substantially similar legal relationship is the parent
17 of the child; or

18 (2) provides for support of the child by the parties to
19 the marriage, civil union, or substantially similar legal
20 relationship, unless parentage is specifically disclaimed
21 in the order.

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

26 (e) A party to an adjudication of parentage may challenge

1 the adjudication only under the laws of this State relating to
2 appeal, vacation of judgments, or other judicial review.

3 Section 622. Custody or visitation prohibited to men who
4 father through sexual assault or sexual abuse.

5 (a) This Section applies to a person who has been found to
6 be the father of a child under this Act and who:

7 (1) has been convicted of or who has pled guilty or
8 nolo contendere to a violation of Section 11-1.20 (criminal
9 sexual assault), Section 11-1.30 (aggravated criminal
10 sexual assault), Section 11-1.40 (predatory criminal
11 sexual assault of a child), Section 11-1.50 (criminal
12 sexual abuse), Section 11-1.60 (aggravated criminal sexual
13 abuse), Section 11-11 (sexual relations within families),
14 Section 12-13 (criminal sexual assault), Section 12-14
15 (aggravated criminal sexual assault), Section 12-14.1
16 (predatory criminal sexual assault of a child), Section
17 12-15 (criminal sexual abuse), or Section 12-16
18 (aggravated criminal sexual abuse) of the Criminal Code of
19 1961 or the Criminal Code of 2012, or a similar statute in
20 another jurisdiction, for his conduct in fathering that
21 child; or

22 (2) at a fact-finding hearing, is found by clear and
23 convincing evidence to have committed an act of
24 non-consensual sexual penetration for his conduct in
25 fathering that child.

1 (b) A person described in subsection (a) shall not be
2 entitled to custody of or visitation with that child without
3 the consent of the child's mother or guardian. If the person
4 described in subsection (a) is also the guardian of the child,
5 he does not have the authority to consent to visitation or
6 custody under this Section. If the mother of the child is a
7 minor, and the person described in subsection (a) is also the
8 father or guardian of the mother, then he does not have the
9 authority to consent to custody or visits.

10 (c) Notwithstanding any other provision of this Act,
11 nothing in this Section shall be construed to relieve the
12 father described in subsection (a) of any support and
13 maintenance obligations to the child under this Act. The
14 child's mother or guardian may decline support and maintenance
15 obligations from the father.

16 (d) Notwithstanding any other provision of law, the father
17 described in subsection (a) of this Section is not entitled to
18 any inheritance or other rights from the child without the
19 consent of the child's mother or guardian.

20 (e) Notwithstanding any provision of the Illinois Marriage
21 and Dissolution of Marriage Act, the parent, grandparent,
22 great-grandparent, or sibling of the person described in
23 subsection (a) of this Section does not have standing to bring
24 an action requesting custody or visitation with the child
25 without the consent of the child's mother or guardian.

26 (f) A petition under this Section may be filed by the

1 child's mother or guardian either as an affirmative petition in
2 circuit court or as an affirmative defense in any proceeding
3 filed by the person described in subsection (a) of this Section
4 regarding the child.

5 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

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

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

13 Section 703. Parentage of a child of assisted reproduction.
14 A person who provides gametes for, or consents to, assisted
15 reproduction by a woman as provided in Section 704 of this Act
16 with the intent to be the parent of her child is a parent of the
17 resulting child.

18 Section 704. Consent to assisted reproduction.

19 (a) Consent by an individual who intends to be a parent of
20 a child born to a woman must be in a writing signed by the woman
21 and the individual consenting to be the parent. A writing

1 includes a certificate of birth naming both intended parents or
2 a written ratification of a prior oral agreement to assisted
3 reproduction.

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

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

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

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

14 (a) If a petition for legal separation or for the
15 dissolution or declaration of invalidity of a marriage, civil
16 union, or substantially similar legal relationship is filed and
17 properly served or notice is given of the filing of the
18 petition to the other party before implantation of existing
19 gametes or an embryo or embryos, then consent to assisted
20 reproduction shall be treated as being withdrawn unless the
21 party and the woman, after the filing of the petition or the
22 giving of notice of the filing of the petition to the other
23 party, sign a new writing consenting to the assisted
24 reproduction or ratify, in writing, a prior written consent.

25 (b) Consent to assisted reproduction may be withdrawn by an

1 individual in a writing given with proper notice to the other
2 party at any time before implantation of the gametes or an
3 embryo or embryos. An individual who withdraws consent under
4 this Section is not a parent of any resulting child.

5 Section 706. Parental status of deceased individual. If an
6 individual does not consent in a writing to be a parent by
7 assisted reproduction after death and dies before the
8 implantation of gametes or an embryo or embryos, the deceased
9 individual is not a parent of the resulting child.

10 Section 707. Burden of proof. A consent executed under
11 Section 704 of this Act or a withdrawal of consent under
12 Section 705 of this Act must be proven by clear and convincing
13 evidence.

14 ARTICLE 8. SUPPORT AND JUDGMENT

15 Section 801. Child support orders.

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

1 Marriage Act.

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

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

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

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

25 (e) If there is an unpaid arrearage or delinquency (as
26 those terms are defined in the Income Withholding for Support

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

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

20 Section 802. Judgment.

21 (a) The court shall issue an order adjudicating whether a
22 person alleged or claiming to be the parent is the parent of
23 the child. An order adjudicating parentage must identify the
24 child by initials and year of birth.

25 The court may assess filing fees, reasonable attorney's

1 fees, fees for genetic testing, other costs, necessary travel
2 expenses, and other reasonable expenses incurred in a
3 proceeding under this Act. The court may award attorney's fees,
4 which may be paid directly to the attorney, who may enforce the
5 order in the attorney's own name. The court may not assess
6 fees, costs, or expenses against the support-enforcement
7 agency of this State or another state, except as provided by
8 other law.

9 The judgment shall contain or explicitly reserve
10 provisions concerning any duty and amount of child support and
11 may contain provisions concerning the custody and guardianship
12 of the child, parenting time privileges with the child, and the
13 furnishing of bond or other security for the payment of the
14 judgment, which the court shall determine in accordance with
15 the relevant factors set forth in the Illinois Marriage and
16 Dissolution of Marriage Act and any other applicable law of
17 this State, to guide the court in a finding in the best
18 interests of the child. In determining custody, joint custody,
19 removal, parenting time, parenting time interference, support
20 for a non-minor disabled child, educational expenses for a
21 non-minor child, and related post-judgment issues, the court
22 shall apply the relevant standards of the Illinois Marriage and
23 Dissolution of Marriage Act. Specifically, in determining the
24 amount of a child support award, the court shall use the
25 guidelines and standards set forth in subsection (a) of Section
26 505 and in Section 505.2 of the Illinois Marriage and

1 Dissolution of Marriage Act. The court shall order all child
2 support payments, determined in accordance with such
3 guidelines, to commence with the date summons is served. The
4 level of current periodic support payments shall not be reduced
5 because of payments set for the period prior to the date of
6 entry of the support order.

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

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

21 (d) The court, if necessary to protect and promote the best
22 interests of the child, may set aside a portion of the
23 separately held estates of the parties in a separate fund or
24 trust for the support, education, physical and mental health,
25 and general welfare of a minor or mentally or physically
26 disabled child of the parties.

1 (e) The court may order child support payments to be made
2 for a period prior to the commencement of the action. In
3 determining whether and to what extent the payments shall be
4 made for the prior period, the court shall consider all
5 relevant facts, including but not limited to:

6 (1) The factors for determining the amount of support
7 specified in the Illinois Marriage and Dissolution of
8 Marriage Act.

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

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

13 (4) The extent to which the mother or the public agency
14 bringing the action previously informed the father of the
15 child's needs or attempted to seek or require his help in
16 raising or supporting the child.

17 (5) The reasons the mother or the public agency did not
18 file the action earlier.

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

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

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

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

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

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

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

8 (i) After hearing evidence, the court may stay payment of
9 support during the period of the father's minority or period of
10 disability.

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

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

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

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

25 (m) If there is an unpaid arrearage or delinquency (as
26 those terms are defined in the Income Withholding for Support

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

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

20 Section 803. Information to State Case Registry.

21 (a) In this Section:

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

25 "State Case Registry" means the State Case Registry

1 established under Section 10-27 of the Illinois Public Aid
2 Code.

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

15 (c) The obligor shall file the following information: the
16 obligor's name, year of birth, mailing address, and the last 4
17 digits of the obligor's social security number. If either the
18 obligor or the obligee receives child support enforcement
19 services from the Department of Healthcare and Family Services
20 under Article X of the Illinois Public Aid Code, the obligor
21 shall also file the following information: the obligor's
22 telephone number, the last 4 digits of the obligor's driver's
23 license number, residential address (if different from the
24 obligor's mailing address), and the name, address, and
25 telephone number of the obligor's employer or employers.

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

1 (1) The name of the obligee and the initials of the
2 child or children covered by the order for support.

3 (2) The years of birth of the obligee and the child or
4 children covered by the order for support.

5 (3) The last 4 digits of the social security numbers of
6 the obligee and the child or children covered by the order
7 for support.

8 (4) The obligee's mailing address.

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

18 (1) The obligee's telephone and the last 4 digits of
19 the obligee's driver's license number.

20 (2) The obligee's residential address, if different
21 from the obligee's mailing address.

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

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

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

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

13 (1) the amount of monthly or other periodic support
14 owed under the order for support and other amounts,
15 including arrearage, interest, or late payment penalties
16 and fees, due or overdue under the order; and

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

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

1 Section 804. Information to locate putative fathers and
2 noncustodial parents.

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

1 public office.

2 (b) Upon being served with a subpoena (including an
3 administrative subpoena as authorized by law), a utility
4 company or cable television company must provide location
5 information to a public office for the purpose of establishing
6 the parentage of a child or establishing, enforcing, or
7 modifying a child support obligation.

8 (c) Notwithstanding the provisions of any other State or
9 local law to the contrary, an employer, labor union, telephone
10 company, utility company, or cable television company shall not
11 be liable to any person for disclosure of location information
12 under the requirements of this Section, except for willful and
13 wanton misconduct.

14 Section 805. Enforcement of judgment or order.

15 (a) If the existence of the parent-child relationship is
16 declared, or if parentage or a duty of support has been
17 established under this Act or under prior law or under the law
18 of any other jurisdiction, the judgment rendered thereunder may
19 be enforced in the same or in other proceedings by any party or
20 any person or agency that has furnished or may furnish
21 financial assistance or services to the child. The Income
22 Withholding for Support Act and Sections 802 and 808 of this
23 Act shall also be applicable with respect to the entry,
24 modification, and enforcement of a support judgment entered
25 under the Paternity Act, approved July 5, 1957 and repealed

1 July 1, 1985.

2 (b) Failure to comply with an order of the court shall be
3 punishable as contempt as in other cases of failure to comply
4 under the Illinois Marriage and Dissolution of Marriage Act. In
5 addition to other penalties provided by law, the court may,
6 after finding the party guilty of contempt, take the following
7 action:

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

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

20 (3) Pierce the ownership veil of a person, persons, or
21 business entity to discover assets of a non-custodial
22 parent held in the name of that person, those persons, or
23 that business entity, if there is a unity of interest and
24 ownership sufficient to render no financial separation
25 between the non-custodial parent and that person, those
26 persons, or the business entity. The following

1 circumstances are sufficient for a court to order discovery
2 of the assets of a person, persons, or business entity and
3 to compel the application of any discovered assets toward
4 payment of the judgment for support:

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

7 (B) the non-custodial parent and the person,
8 persons, or business entity fail to maintain an
9 arm's-length relationship between themselves with
10 regard to any assets.

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

23 (4) Order that, in cases where the party is 90 days or
24 more delinquent in payment of support or has been
25 adjudicated in arrears in an amount equal to 90 days
26 obligation or more, the party's Illinois driving

1 privileges be suspended until the court determines that the
2 party is in compliance with the judgment or duty of
3 support. The court may also order that the parent be issued
4 a family financial responsibility driving permit that
5 would allow limited driving privileges for employment and
6 medical purposes in accordance with Section 7-702.1 of the
7 Illinois Vehicle Code. The clerk of the circuit court shall
8 certify the order suspending the driving privileges of the
9 parent or granting the issuance of a family financial
10 responsibility driving permit to the Secretary of State on
11 forms prescribed by the Secretary. Upon receipt of the
12 authenticated documents, the Secretary of State shall
13 suspend the party's driving privileges until further order
14 of the court and shall, if ordered by the court and subject
15 to the provisions of Section 7-702.1 of the Illinois
16 Vehicle Code, issue a family financial responsibility
17 driving permit to the parent.

18 In addition to the penalties or punishment that may be
19 imposed under this Section, a person whose conduct constitutes
20 a violation of Section 15 of the Non-Support Punishment Act may
21 be prosecuted under that Act, and a person convicted under that
22 Act may be sentenced in accordance with that Act. The sentence
23 may include, but need not be limited to, a requirement that the
24 person perform community service under Section 50 of that Act
25 or participate in a work alternative program under Section 50
26 of that Act. A person may not be required to participate in a

1 work alternative program under Section 50 of the Non-Support
2 Punishment Act if the person is currently participating in a
3 work program under Section 806 of this Act.

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

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

8 (a) Whenever it is determined in a proceeding to establish
9 or enforce a child support obligation that the person owing a
10 duty of support is unemployed, the court may order the person
11 to seek employment and report periodically to the court with a
12 diary, listing, or other memorandum of his or her efforts to
13 seek employment in accordance with the order. Additionally, the
14 court may order the unemployed person to report to the
15 Department of Employment Security for job search services and
16 to participate in job training or work programs. When the duty
17 of support is owed to a child receiving child support
18 enforcement services under Article X of the Illinois Public Aid
19 Code, the court may order the unemployed person to report to
20 the Department of Healthcare and Family Services for
21 participation in job search, training, or work programs
22 established under Section 9-6 and Article IXA of that Code.

23 (b) Whenever it is determined that a person owes past-due
24 support for a child, and the child is receiving assistance
25 under the Illinois Public Aid Code, the court shall, at the

1 request of the Department of Healthcare and Family Services,
2 order the following:

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

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

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

18 Section 808. Modification of judgment. The court has
19 continuing jurisdiction to modify an order for support,
20 custody, parenting time, or removal included in a judgment
21 entered under this Act. Any custody, parenting time, or removal
22 judgment modification shall be in accordance with the relevant
23 factors specified in the Illinois Marriage and Dissolution of
24 Marriage Act. Any support judgment is subject to modification

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

3 Section 809. Right to counsel.

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

16 (b) In any proceedings involving the support, custody,
17 parenting time, education, parentage, property interest, or
18 general welfare of a minor or dependent child, the court may,
19 on its own motion or that of any party, appoint an attorney to
20 serve in one of the capacities specified in Section 506 of the
21 Illinois Marriage and Dissolution of Marriage Act.

22 Section 810. Withholding of income to secure payment of
23 support. Orders for support entered under this Act are subject
24 to the Income Withholding for Support Act.

1 Section 811. Information concerning obligors.

2 (a) In this Section:

3 "Arrearage", "delinquency", "obligor", and "order for
4 support" have the meanings attributed to those terms in the
5 Income Withholding for Support Act.

6 "Consumer reporting agency" has the meaning attributed to
7 that term in Section 603(f) of the Fair Credit Reporting Act,
8 15 U.S.C. 1681a(f).

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

16 (c) Whenever a court of competent jurisdiction finds that
17 an obligor either owes an arrearage of more than \$10,000 or is
18 delinquent in payment of an amount equal to at least 3 months'
19 support obligation pursuant to an order for support, the court
20 shall direct the clerk of the circuit court to cause the
21 obligor's name and address to be published in a newspaper of
22 general circulation in the area in which the obligor resides.
23 The clerk of the circuit court shall cause the obligor's name
24 and address to be published only after sending to the obligor
25 at the obligor's last known address, by certified mail, return

1 receipt requested, a notice of intent to publish the
2 information. This subsection (c) applies only if the obligor
3 resides in the county in which the clerk of the circuit court
4 holds office.

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

21 Section 813. Support payments; receiving and disbursing
22 agents.

23 (a) In an action filed in a county with less than 3,000,000
24 inhabitants in which an order for child support is entered, and

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

13 (b) In an action filed in a county of 3,000,000 or more
14 inhabitants in which an order for child support is entered, and
15 in supplementary proceedings to enforce or vary the terms of
16 the order arising out of an action filed in such a county, the
17 court, except in actions or supplementary proceedings in which
18 the pregnancy and delivery expenses of the mother or the child
19 support payments are for a recipient of aid under the Illinois
20 Public Aid Code, shall direct that child support payments be
21 made either to the clerk of the circuit court or to the Court
22 Service Division of the Department of Human Services local
23 office or offices or its successor or to the Department of
24 Healthcare and Family Services, unless in the discretion of the
25 court exceptional circumstances warrant otherwise. In cases
26 where payment is to be made to persons other than the clerk of

1 the circuit court, the Court Service Division of the Department
2 of Human Services local office or offices or its successor, or
3 the Department of Healthcare and Family Services, the judgment
4 or order of support shall set forth the facts of the
5 exceptional circumstances.

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

1 that payments be made directly to the mother of the child, or
2 to some other person or agency on the child's behalf, upon the
3 removal of the mother and child from the public aid rolls or
4 upon termination of services under Article X of the Illinois
5 Public Aid Code; upon such direction, the Department of
6 Healthcare and Family Services or the local governmental unit
7 shall give notice of the action to the court in writing or by
8 electronic transmission.

9 (d) All clerks of the circuit court and the Court Service
10 Division of the Department of Human Services local office or
11 offices or its successor and the Department of Healthcare and
12 Family Services, receiving child support payments under
13 subsection (a) or (b) shall disburse the payments to the person
14 or persons entitled to the payments under the terms of the
15 order. The entity disbursing the payments shall establish and
16 maintain clear and current records of all moneys received and
17 disbursed and of defaults and delinquencies in required
18 payments. The court, by order or rule, shall make provision for
19 the carrying out of these duties. Payments under this Section
20 to the Department of Healthcare and Family Services made
21 pursuant to the Child Support Enforcement Program established
22 by Title IV-D of the Social Security Act shall be paid into the
23 Child Support Enforcement Trust Fund. All payments under this
24 Section to the Illinois Department of Human Services shall be
25 deposited in the DHS Recoveries Trust Fund. Disbursement from
26 these funds shall be as provided in the Illinois Public Aid

1 Code. Payments received by a local governmental unit shall be
2 deposited in that unit's General Assistance Fund.

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

20 (f) For those cases in which child support is payable to
21 the clerk of the circuit court for transmittal to the
22 Department of Healthcare and Family Services by order of court
23 or upon notification by the Department of Healthcare and Family
24 Services, the clerk of the circuit court shall transmit all
25 payments, within 4 working days of receipt, to insure that
26 funds are available for immediate distribution by the

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

15 (g) To the extent the provisions of this Section are
16 inconsistent with the requirements pertaining to the State
17 Disbursement Unit under Section 815 of this Act and Section
18 10-26 of the Illinois Public Aid Code, the requirements
19 pertaining to the State Disbursement Unit shall apply.

20 Section 814. Notice of child support enforcement services.
21 The Department of Healthcare and Family Services may provide
22 notice at any time to the parties to an action filed under this
23 Act that child support enforcement services are being provided
24 by the Department under Article X of the Illinois Public Aid
25 Code. After notice is provided, the Department of Healthcare

1 and Family Services shall be entitled, as if it were a party,
2 to notice of any further proceedings brought in the case. The
3 Department of Healthcare and Family Services shall provide the
4 clerk of the circuit court with copies of the notices sent to
5 the parties. The clerk of the circuit court shall file the
6 copies in the court file.

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

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

13 (b) Notwithstanding any other provision of this Act to the
14 contrary, each order for support entered or modified on or
15 after October 1, 1999 shall require that support payments be
16 made to the State Disbursement Unit established under Section
17 10-26 of the Illinois Public Aid Code if:

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

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

24 (c) Support payments shall be made to the State
25 Disbursement Unit if:

1 (1) the order for support was entered before October 1,
2 1999, and a party to the order is receiving child support
3 enforcement services under Article X of the Illinois Public
4 Aid Code; or

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

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

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

17 (1) to make support payments to the State Disbursement
18 Unit if:

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

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

26 (2) to make support payments to the State Disbursement

1 Unit of another state upon request of another state's Title
2 IV-D child support enforcement agency, in accordance with
3 the requirements of Title IV, Part D of the Social Security
4 Act and regulations promulgated under that Part D.

5 The Department of Healthcare and Family Services shall
6 provide a copy of the notice sent under this subsection to the
7 obligee and to the clerk of the circuit court.

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

17 (g) If the State Disbursement Unit receives a support
18 payment that was not appropriately made to the Unit under this
19 Section, the Unit shall immediately return the payment to the
20 sender, including, if possible, instructions detailing where
21 to send the support payments.

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

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

13 ARTICLE 9. MISCELLANEOUS PROVISIONS

14 Section 901. Burden of proof. Absent a burden of proof
15 specifically set forth in this Act, the burden of proof shall
16 be by a preponderance of the evidence.

17 Section 902. Severability clause. If any provision of this
18 Act or its application to an individual or circumstance is held
19 invalid, the invalidity does not affect other provisions or
20 applications of this Act which can be given effect without the
21 invalid provision or application, and to this end the
22 provisions of this Act are severable.

1 Section 903. Transitional provision. A proceeding to
2 adjudicate parentage which was commenced before the effective
3 date of this Act is governed by the law in effect at the time
4 the proceeding was commenced.

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

17 Section 905. Other states' establishments of parentage.
18 Establishments of parentage made under the laws of other states
19 shall be given full faith and credit in this State regardless
20 of whether parentage was established through voluntary
21 acknowledgment or through judicial or administrative
22 processes.

23 Section 951. The Department of Employment Security Law of

1 the Civil Administrative Code of Illinois is amended by
2 changing Section 1005-130 as follows:

3 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

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

6 (a) The Department has the power to exchange with the
7 Department of Healthcare and Family Services information that
8 may be necessary for the enforcement of child support orders
9 entered pursuant to the Illinois Public Aid Code, the Illinois
10 Marriage and Dissolution of Marriage Act, the Non-Support of
11 Spouse and Children Act, the Non-Support Punishment Act, the
12 Revised Uniform Reciprocal Enforcement of Support Act, the
13 Uniform Interstate Family Support Act, ~~or~~ the Illinois
14 Parentage Act of 1984, or the Illinois Parentage Act of 2014.

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

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

23 Section 952. The Department of Professional Regulation Law
24 of the Civil Administrative Code of Illinois is amended by

1 changing Section 2105-15 as follows:

2 (20 ILCS 2105/2105-15)

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

4 (a) The Department has, subject to the provisions of the
5 Civil Administrative Code of Illinois, the following powers and
6 duties:

7 (1) To authorize examinations in English to ascertain
8 the qualifications and fitness of applicants to exercise
9 the profession, trade, or occupation for which the
10 examination is held.

11 (2) To prescribe rules and regulations for a fair and
12 wholly impartial method of examination of candidates to
13 exercise the respective professions, trades, or
14 occupations.

15 (3) To pass upon the qualifications of applicants for
16 licenses, certificates, and authorities, whether by
17 examination, by reciprocity, or by endorsement.

18 (4) To prescribe rules and regulations defining, for
19 the respective professions, trades, and occupations, what
20 shall constitute a school, college, or university, or
21 department of a university, or other institution,
22 reputable and in good standing, and to determine the
23 reputability and good standing of a school, college, or
24 university, or department of a university, or other
25 institution, reputable and in good standing, by reference

1 to a compliance with those rules and regulations; provided,
2 that no school, college, or university, or department of a
3 university, or other institution that refuses admittance
4 to applicants solely on account of race, color, creed, sex,
5 or national origin shall be considered reputable and in
6 good standing.

7 (5) To conduct hearings on proceedings to revoke,
8 suspend, refuse to renew, place on probationary status, or
9 take other disciplinary action as authorized in any
10 licensing Act administered by the Department with regard to
11 licenses, certificates, or authorities of persons
12 exercising the respective professions, trades, or
13 occupations and to revoke, suspend, refuse to renew, place
14 on probationary status, or take other disciplinary action
15 as authorized in any licensing Act administered by the
16 Department with regard to those licenses, certificates, or
17 authorities. The Department shall issue a monthly
18 disciplinary report. The Department shall deny any license
19 or renewal authorized by the Civil Administrative Code of
20 Illinois to any person who has defaulted on an educational
21 loan or scholarship provided by or guaranteed by the
22 Illinois Student Assistance Commission or any governmental
23 agency of this State; however, the Department may issue a
24 license or renewal if the aforementioned persons have
25 established a satisfactory repayment record as determined
26 by the Illinois Student Assistance Commission or other

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

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

1 Department of Healthcare and Family Services (formerly
2 Illinois Department of Public Aid) or if the person is
3 determined by the court to be in compliance with the
4 Non-Support Punishment Act. The Department may implement
5 this paragraph as added by Public Act 89-6 through the use
6 of emergency rules in accordance with Section 5-45 of the
7 Illinois Administrative Procedure Act. For purposes of the
8 Illinois Administrative Procedure Act, the adoption of
9 rules to implement this paragraph shall be considered an
10 emergency and necessary for the public interest, safety,
11 and welfare.

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

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

19 (8) To exchange with the Department of Healthcare and
20 Family Services information that may be necessary for the
21 enforcement of child support orders entered pursuant to the
22 Illinois Public Aid Code, the Illinois Marriage and
23 Dissolution of Marriage Act, the Non-Support of Spouse and
24 Children Act, the Non-Support Punishment Act, the Revised
25 Uniform Reciprocal Enforcement of Support Act, the Uniform
26 Interstate Family Support Act, ~~or~~ the Illinois Parentage

1 Act of 1984, or the Illinois Parentage Act of 2014.
2 Notwithstanding any provisions in this Code to the
3 contrary, the Department of Professional Regulation shall
4 not be liable under any federal or State law to any person
5 for any disclosure of information to the Department of
6 Healthcare and Family Services (formerly Illinois
7 Department of Public Aid) under this paragraph (8) or for
8 any other action taken in good faith to comply with the
9 requirements of this paragraph (8).

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

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

21 (b) The Department may, when a fee is payable to the
22 Department for a wall certificate of registration provided by
23 the Department of Central Management Services, require that
24 portion of the payment for printing and distribution costs be
25 made directly or through the Department to the Department of
26 Central Management Services for deposit into the Paper and

1 Printing Revolving Fund. The remainder shall be deposited into
2 the General Revenue Fund.

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

1 signatures of 2 persons designated by the Director to write
2 those checks and make those withdrawals. Vouchers for those
3 expenditures must be signed by the Director. All such
4 expenditures shall be audited by the Director, and the audit
5 shall be submitted to the Department of Central Management
6 Services for approval.

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

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

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

25 (g) Notwithstanding anything that may appear in any
26 individual licensing statute or administrative rule, the

1 Department shall deny any license application or renewal
2 authorized under any licensing Act administered by the
3 Department to any person who has failed to file a return, or to
4 pay the tax, penalty, or interest shown in a filed return, or
5 to pay any final assessment of tax, penalty, or interest, as
6 required by any tax Act administered by the Illinois Department
7 of Revenue, until such time as the requirement of any such tax
8 Act are satisfied; however, the Department may issue a license
9 or renewal if the person has established a satisfactory
10 repayment record as determined by the Illinois Department of
11 Revenue. For the purpose of this Section, "satisfactory
12 repayment record" shall be defined by rule.

13 In addition, a complaint filed with the Department by the
14 Illinois Department of Revenue that includes a certification,
15 signed by its Director or designee, attesting to the amount of
16 the unpaid tax liability or the years for which a return was
17 not filed, or both, is prima facie ~~facia~~ evidence of the
18 licensee's failure to comply with the tax laws administered by
19 the Illinois Department of Revenue. Upon receipt of that
20 certification, the Department shall, without a hearing,
21 immediately suspend all licenses held by the licensee.
22 Enforcement of the Department's order shall be stayed for 60
23 days. The Department shall provide notice of the suspension to
24 the licensee by mailing a copy of the Department's order by
25 certified and regular mail to the licensee's last known address
26 as registered with the Department. The notice shall advise the

1 licensee that the suspension shall be effective 60 days after
2 the issuance of the Department's order unless the Department
3 receives, from the licensee, a request for a hearing before the
4 Department to dispute the matters contained in the order.

5 Any suspension imposed under this subsection (g) shall be
6 terminated by the Department upon notification from the
7 Illinois Department of Revenue that the licensee is in
8 compliance with all tax laws administered by the Illinois
9 Department of Revenue.

10 The Department shall promulgate rules for the
11 administration of this subsection (g).

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

21 (i) Within 180 days after December 23, 2009 (the effective
22 date of Public Act 96-852), the Department shall promulgate
23 rules which permit a person with a criminal record, who seeks a
24 license or certificate in an occupation for which a criminal
25 record is not expressly a per se bar, to apply to the
26 Department for a non-binding, advisory opinion to be provided

1 by the Board or body with the authority to issue the license or
2 certificate as to whether his or her criminal record would bar
3 the individual from the licensure or certification sought,
4 should the individual meet all other licensure requirements
5 including, but not limited to, the successful completion of the
6 relevant examinations.

7 (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;
8 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12; revised 9-9-13.)

9 Section 953. The Department of Revenue Law of the Civil
10 Administrative Code of Illinois is amended by changing Section
11 2505-65 as follows:

12 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

13 Sec. 2505-65. Exchange of information.

14 (a) The Department has the power to exchange with any
15 state, with any local subdivisions of any state, or with the
16 federal government, except when specifically prohibited by
17 law, any information that may be necessary to efficient tax
18 administration and that may be acquired as a result of the
19 administration of the laws set forth in the Sections following
20 Section 95-10 and preceding Section 2505-60.

21 (b) The Department has the power to exchange with the
22 Department of Healthcare and Family Services information that
23 may be necessary for the enforcement of child support orders
24 entered pursuant to the Illinois Public Aid Code, the Illinois

1 Marriage and Dissolution of Marriage Act, the Non-Support of
2 Spouse and Children Act, the Non-Support Punishment Act, the
3 Revised Uniform Reciprocal Enforcement of Support Act, the
4 Uniform Interstate Family Support Act, ~~or~~ the Illinois
5 Parentage Act of 1984, or the Illinois Parentage Act of 2014.

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

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

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

16 (55 ILCS 5/3-5036.5)

17 Sec. 3-5036.5. Exchange of information for child support
18 enforcement.

19 (a) The Recorder shall exchange with the Department of
20 Healthcare and Family Services information that may be
21 necessary for the enforcement of child support orders entered
22 pursuant to the Illinois Public Aid Code, the Illinois Marriage
23 and Dissolution of Marriage Act, the Non-Support of Spouse and
24 Children Act, the Non-Support Punishment Act, the Revised

1 Uniform Reciprocal Enforcement of Support Act, the Uniform
2 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
3 1984, or the Illinois Parentage Act of 2014.

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

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

11 Section 955. The Collection Agency Act is amended by
12 changing Section 2.04 as follows:

13 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

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

15 Sec. 2.04. Child support indebtedness.

16 (a) Persons, associations, partnerships, corporations, or
17 other legal entities engaged in the business of collecting
18 child support indebtedness owing under a court order as
19 provided under the Illinois Public Aid Code, the Illinois
20 Marriage and Dissolution of Marriage Act, the Non-Support of
21 Spouse and Children Act, the Non-Support Punishment Act, the
22 Illinois Parentage Act of 1984, the Illinois Parentage Act of
23 2014, or similar laws of other states are not restricted (i) in
24 the frequency of contact with an obligor who is in arrears,

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

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

25 No collection agency that collects child support payments
26 shall (i) impose a charge or fee, including costs, for

1 collection of a current child support payment, (ii) fail to
2 apply collections to current support as specified in the order
3 for support before applying collection to arrears or other
4 amounts, or (iii) designate a current child support payment as
5 arrears or other amount owed. In all circumstances, the
6 collection agency shall turn over to the obligee all support
7 collected in a month up to the amount of current support
8 required to be paid for that month.

9 As to any fees or charges, including costs, retained by the
10 collection agency, that agency shall provide documentation to
11 the obligee demonstrating that the child support payments
12 resulted from the actions of the agency.

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

16 (a-10) The Department of Professional Regulation shall
17 determine a fee rate of not less than 25% but not greater than
18 35%, based upon presentation by the licensees as to costs to
19 provide the service and a fair rate of return. This rate shall
20 be established by administrative rule.

21 Without prejudice to the determination by the Department of
22 the appropriate rate through administrative rule, a collection
23 agency shall impose a fee of not more than 29% of the amount of
24 child support actually collected by the collection agency
25 subject to the provisions of subsection (a-5). This interim
26 rate is based upon the March 2002 General Account Office report

1 "Child Support Enforcement", GAO-02-349. This rate shall apply
2 until a fee rate is established by administrative rule.

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

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

6 Section 956. The Illinois Public Aid Code is amended by
7 changing Sections 10-3.1, 10-16.7, 10-17, 10-17.7, 10-19,
8 10-25, 10-25.5, 10-27, and 12-4.7c as follows:

9 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

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

21 In addition to other duties assigned the Child and Spouse
22 Support Unit by this Article, the Unit may refer to the
23 Attorney General or units of local government with the approval
24 of the Attorney General, any actions under Sections 10-10 and

1 10-15 for judicial enforcement of the support liability. The
2 Child and Spouse Support Unit shall act for the Department in
3 referring to the Attorney General support matters requiring
4 judicial enforcement under other laws. If requested by the
5 Attorney General to so act, as provided in Section 12-16,
6 attorneys of the Unit may assist the Attorney General or
7 themselves institute actions on ~~in~~ behalf of the Illinois
8 Department under the Revised Uniform Reciprocal Enforcement of
9 Support Act; under the Illinois Parentage Act of 1984 or under
10 the Illinois Parentage Act of 2014; under the Non-Support of
11 Spouse and Children Act; under the Non-Support Punishment Act;
12 or under any other law, State or Federal, providing for support
13 of a spouse or dependent child.

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

22 An attorney who provides representation pursuant to this
23 Section shall represent the Illinois Department exclusively.
24 Regardless of the designation of the plaintiff in an action
25 brought pursuant to this Section, an attorney-client
26 relationship does not exist for purposes of that action between

1 that attorney and (i) an applicant for or recipient of child
2 support enforcement services or (ii) any other party to the
3 action other than the Illinois Department. Nothing in this
4 Section shall be construed to modify any power or duty
5 (including a duty to maintain confidentiality) of the Child and
6 Spouse Support Unit or the Illinois Department otherwise
7 provided by law.

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

20 With respect to those cases in which it has support
21 enforcement powers and responsibilities under this Article,
22 the Illinois Department may provide by rule for periodic or
23 other review of each administrative and court order for support
24 to determine whether a modification of the order should be
25 sought. The Illinois Department shall provide for and conduct
26 such review in accordance with any applicable federal law and

1 regulation.

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

13 The Illinois Department may send a written request for the
14 same information to the relative's employer. The employer shall
15 respond to the request for information within 15 days after the
16 date the employer receives the request. If the employer
17 willfully fails to fully respond within the 15-day period, the
18 employer shall pay a penalty of \$100 for each day that the
19 response is not provided to the Illinois Department after the
20 15-day period has expired. The penalty may be collected in a
21 civil action which may be brought against the employer in favor
22 of the Illinois Department.

23 A written request for information sent to an employer
24 pursuant to this Section shall consist of (i) a citation of
25 this Section as the statutory authority for the request and for
26 the employer's obligation to provide the requested

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

16 In a case receiving child support enforcement services, the
17 Illinois Department may request and obtain information from a
18 particular employer under this Section no more than once in any
19 12-month period, unless the information is necessary to conduct
20 a review of a court or administrative order for support at the
21 request of the person receiving child support enforcement
22 services.

23 The Illinois Department shall establish and maintain an
24 administrative unit to receive and transmit to the Child and
25 Spouse Support Unit information supplied by persons applying
26 for or receiving child support enforcement services under

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

23 The applicant or recipient may request a conference
24 concerning any decision denying or terminating child support
25 enforcement services under Article X of this Code, and the
26 applicant or recipient may also request a conference concerning

1 the Unit's failure to provide services or the provision of
2 services in an amount or manner that is considered inadequate.
3 For purposes of this Section, the Child and Spouse Support Unit
4 includes all local governmental units or individuals with whom
5 the Illinois Department has contracted under Section 10-3.1.

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

21 The Office of the Administrator shall conduct a conference
22 and inform all interested parties, in writing, of the results
23 of the conference within 60 days from the date of filing of the
24 request for a conference.

25 In addition to its other powers and responsibilities
26 established by this Article, the Child and Spouse Support Unit

1 shall conduct an annual assessment of each institution's
2 program for institution based paternity establishment under
3 Section 12 of the Vital Records Act.

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

6 (305 ILCS 5/10-16.7)

7 Sec. 10-16.7. Child support enforcement debit
8 authorization.

9 (a) For purposes of this Section:

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

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

14 "Order for support" means any order for periodic payment of
15 funds to the State Disbursement Unit for the support of a child
16 or, where applicable, for support of a child and a parent with
17 whom the child resides, that is entered or modified under this
18 Code or under the Illinois Marriage and Dissolution of Marriage
19 Act, the Non-Support of Spouse and Children Act, the
20 Non-Support Punishment Act, ~~or~~ the Illinois Parentage Act of
21 1984, or the Illinois Parentage Act of 2014, or that is entered
22 or registered for modification or enforcement under the Uniform
23 Interstate Family Support Act.

24 "Obligor" means an individual who owes a duty to make
25 payments under an order for support in a case in which child

1 support enforcement services are being provided under this
2 Article X.

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

21 (c) An obligor who does not have a payor may sign a child
22 support debit authorization form adopted by the Department
23 under this Section. The obligor may sign a form in relation to
24 any or all of the financial institutions holding an account on
25 the obligor's behalf. Promptly after an obligor signs a child
26 support debit authorization form, the Department shall send the

1 original signed form to the appropriate financial institution.
2 Subject to subsection (e), upon receiving the form, the
3 financial institution shall debit the account and transfer the
4 debited amounts to the State Disbursement Unit according to the
5 instructions in the form. A financial institution that complies
6 with a child support debit authorization form signed by an
7 obligor and issued under this Section shall not be subject to
8 civil liability with respect to any individual or any agency.

9 (d) The signing and issuance of a child support debit
10 authorization form under this Section does not relieve the
11 obligor from responsibility for compliance with any
12 requirement under the order for support.

13 (e) A financial institution is obligated to debit the
14 account of an obligor pursuant to this Section only if or to
15 the extent:

16 (1) the financial institution reasonably believes the
17 debit authorization form is a true and authentic original
18 document;

19 (2) there are finally collected funds in the account;
20 and

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

25 To the extent the account of the obligor is pledged or held
26 by the financial institution as security for a loan or other

1 obligation, or that the financial institution has any other
2 claim or lien against the account, the financial institution is
3 entitled to retain the account.

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

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

6 Sec. 10-17. Other Actions and Remedies for Support. The
7 procedures, actions and remedies provided in this Article shall
8 in no way be exclusive, but shall be available in addition to
9 other actions and remedies of support, including, but not by
10 way of limitation, the remedies provided in (a) the Illinois
11 Parentage Act of 2014 ~~"Paternity Act", approved July 5, 1957,~~
12 ~~as amended;~~ (b) the "Non-Support of Spouse and Children Act",
13 approved June 24, 1915, as amended; (b-5) the Non-Support
14 Punishment Act; and (c) the "Revised Uniform Reciprocal
15 Enforcement of Support Act", approved August 28, 1969, as
16 amended.

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

18 (305 ILCS 5/10-17.7)

19 Sec. 10-17.7. Administrative determination of paternity.
20 The Illinois Department may provide by rule for the
21 administrative determination of paternity by the Child and
22 Spouse Support Unit in cases involving applicants for or
23 recipients of financial aid under Article IV of this Act and
24 other persons who are given access to the child support

1 enforcement services of this Article as provided in Section
2 10-1, including persons similarly situated and receiving
3 similar services in other states. The rules shall extend to
4 cases in which the mother and alleged father voluntarily
5 acknowledge paternity in the form required by the Illinois
6 Department or agree to be bound by the results of genetic
7 testing or in which the alleged father has failed to respond to
8 a notification of support obligation issued under Section 10-4
9 and to cases of contested paternity. The Illinois Department's
10 form for voluntary acknowledgement of paternity shall be the
11 same form prepared by the Illinois Department for use under the
12 requirements of Section 12 of the Vital Records Act. Any
13 presumption provided for under the Illinois Parentage Act of
14 1984 or under the Illinois Parentage Act of 2014 on and after
15 the effective date of that Act shall apply to cases in which
16 paternity is determined under the rules of the Illinois
17 Department. The rules shall provide for notice and an
18 opportunity to be heard by the responsible relative and the
19 person receiving child support enforcement services under this
20 Article if paternity is not voluntarily acknowledged, and any
21 final administrative decision rendered by the Illinois
22 Department shall be reviewed only under and in accordance with
23 the Administrative Review Law. Determinations of paternity
24 made by the Illinois Department under the rules authorized by
25 this Section shall have the full force and effect of a court
26 judgment of paternity entered under the Illinois Parentage Act

1 of 1984 or under the Illinois Parentage Act of 2014.

2 In determining paternity in contested cases, the Illinois
3 Department shall conduct the evidentiary hearing in accordance
4 with Article 4 of the Illinois Parentage Act of 2014 ~~Section 11~~
5 ~~of the Parentage Act of 1984~~, except that references in that
6 Article ~~Section~~ to "the court" shall be deemed to mean the
7 Illinois Department's hearing officer in cases in which
8 paternity is determined administratively by the Illinois
9 Department.

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

23 The Illinois Department may implement this Section through
24 the use of emergency rules in accordance with Section 5-45 of
25 the Illinois Administrative Procedure Act. For purposes of the
26 Illinois Administrative Procedure Act, the adoption of rules to

1 implement this Section shall be considered an emergency and
2 necessary for the public interest, safety, and welfare.

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

4 (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

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

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

12 1.5. The Non-Support Punishment Act,

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

15 3. The Illinois Parentage Act, as amended,

16 3.5. The Illinois Parentage Act of 2014,

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

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

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

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

25 8. Part 8 of Article XII of the Code of Civil Procedure, as

1 amended, and

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

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

13 To the extent the provisions of this Section are
14 inconsistent with the requirements pertaining to the State
15 Disbursement Unit under Sections 10-10.4 and 10-26 of this
16 Code, the requirements pertaining to the State Disbursement
17 Unit shall apply.

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

20 (305 ILCS 5/10-25)

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

23 (a) Notwithstanding any other State or local law to the
24 contrary, the State shall have a lien on all legal and
25 equitable interests of responsible relatives in their real

1 property in the amount of past-due child support owing pursuant
2 to an order for child support entered under Sections 10-10 and
3 10-11 of this Code, or under the Illinois Marriage and
4 Dissolution of Marriage Act, the Non-Support of Spouse and
5 Children Act, the Non-Support Punishment Act, the Uniform
6 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
7 1984, or the Illinois Parentage Act of 2014.

8 (b) The Illinois Department shall provide by rule for
9 notice to and an opportunity to be heard by each responsible
10 relative affected, and any final administrative decision
11 rendered by the Illinois Department shall be reviewed only
12 under and in accordance with the Administrative Review Law.

13 (c) When enforcing a lien under subsection (a) of this
14 Section, the Illinois Department shall have the authority to
15 execute notices of administrative liens and levies, which shall
16 contain the name and address of the responsible relative, a
17 legal description of the real property to be levied, the fact
18 that a lien is being claimed for past-due child support, and
19 such other information as the Illinois Department may by rule
20 prescribe. The Illinois Department shall record the notice of
21 lien with the recorder or registrar of titles of the county or
22 counties in which the real estate is located.

23 (d) The State's lien under subsection (a) shall be
24 enforceable upon the recording or filing of a notice of lien
25 with the recorder or registrar of titles of the county or
26 counties in which the real estate is located. The lien shall be

1 prior to any lien thereafter recorded or filed and shall be
2 notice to a subsequent purchaser, assignor, or encumbrancer of
3 the existence and nature of the lien. The lien shall be
4 inferior to the lien of general taxes, special assessment, and
5 special taxes heretofore or hereafter levied by any political
6 subdivision or municipal corporation of the State.

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

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

26 (f) The Illinois Department shall not be required to

1 furnish bond or make a deposit for or pay any costs or fees of
2 any court or officer thereof in any legal proceeding involving
3 the lien.

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

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

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

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

20 (305 ILCS 5/10-25.5)

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

23 (a) Notwithstanding any other State or local law to the
24 contrary, the State shall have a lien on all legal and
25 equitable interests of responsible relatives in their personal

1 property, including any account in a financial institution as
2 defined in Section 10-24, or in the case of an insurance
3 company or benefit association only in accounts as defined in
4 Section 10-24, in the amount of past-due child support owing
5 pursuant to an order for child support entered under Sections
6 10-10 and 10-11 of this Code, or under the Illinois Marriage
7 and Dissolution of Marriage Act, the Non-Support of Spouse and
8 Children Act, the Non-Support Punishment Act, the Uniform
9 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
10 1984, or the Illinois Parentage Act of 2014.

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

16 (c) When enforcing a lien under subsection (a) of this
17 Section, the Illinois Department shall have the authority to
18 execute notices of administrative liens and levies, which shall
19 contain the name and address of the responsible relative, a
20 description of the property to be levied, the fact that a lien
21 is being claimed for past-due child support, and such other
22 information as the Illinois Department may by rule prescribe.
23 The Illinois Department may serve the notice of lien or levy
24 upon any financial institution where the accounts as defined in
25 Section 10-24 of the responsible relative may be held, for
26 encumbrance or surrender of the accounts as defined in Section

1 10-24 by the financial institution.

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

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

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

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

26 (h) A lien created under this Section is subordinate to any

1 prior lien of the financial institution or any prior lien
2 holder or any prior right of set-off that the financial
3 institution may have against the assets, or in the case of an
4 insurance company or benefit association only in the accounts
5 as defined in Section 10-24.

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

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

14 (305 ILCS 5/10-27)

15 Sec. 10-27. State Case Registry.

16 (a) The Illinois Department shall establish an automated
17 State Case Registry to contain records concerning child support
18 orders for parties receiving child support enforcement
19 services under this Article X, and for all child support orders
20 entered or modified on or after October 1, 1998. The State Case
21 Registry shall include (i) the information filed with the
22 Illinois Department, or filed with the clerk of the circuit
23 court and provided to the Illinois Department, under the
24 provisions of Sections 10-10.5 and 10-11.2 of this Code,
25 Section 505.3 of the Illinois Marriage and Dissolution of

1 Marriage Act, Section 30 of the Non-Support Punishment Act, ~~and~~
2 Section 803 of the Illinois Parentage Act of 2014, and Section
3 14.1 of the Illinois Parentage Act of 1984, and (ii) any other
4 information required under Title IV, Part D of the Social
5 Security Act or by the federal Department of Health and Human
6 Services.

7 (b) (Blank).

8 (c) The Illinois Department shall maintain the following
9 payment information on child support orders for parties
10 receiving child support enforcement services under this
11 Article X:

12 (1) the amount of monthly or other periodic support
13 owed under the order and other amounts, including
14 arrearages, interest or late payment penalties, and fees,
15 due or overdue under the order;

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

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

19 (4) the amount of any lien imposed with respect to the
20 order pursuant to Section 10-25 or Section 10-25.5 of this
21 Code.

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

26 (1) information on administrative actions and

1 administrative and judicial proceedings and orders
2 relating to paternity and support;

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

5 (3) information on support collections and
6 distribution; and

7 (4) any other relevant information.

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

18 (1) Furnishing to the Federal Case Registry of Child
19 Support Orders (and updating as necessary, with
20 information including notice of expiration of orders) the
21 information specified by the federal Department of Health
22 and Human Services in regulations.

23 (2) Exchanging information with the Federal Parent
24 Locator Service for the purposes specified in Section 453
25 of the Social Security Act.

26 (3) Exchanging information with State agencies (of

1 this State and of other states) administering programs
2 funded under Title IV, Part A and Title XIX of the Social
3 Security Act and other programs designated by the federal
4 Department of Health and Human Services, as necessary to
5 perform responsibilities under Title IV, Part D of the
6 Social Security Act and under such other programs.

7 (4) Exchanging information with other agencies of this
8 State, agencies of other states, and interstate
9 information networks, as necessary and appropriate to
10 carry out (or assist other states to carry out) the
11 purposes of Title IV, Part D of the Social Security Act.

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

14 (f) The Illinois Department shall adopt rules establishing
15 safeguards, applicable to all confidential information
16 included in the State Case Registry, that are designed to
17 protect the privacy rights of persons concerning whom
18 information is on record in the State Case Registry. Such
19 safeguards shall include, but not be limited to the following:

20 (1) Prohibitions against the release of information on
21 the whereabouts of one party or the child to another party
22 against whom a protective order with respect to the former
23 party or the child has been entered.

24 (2) Prohibitions against the release of information on
25 the whereabouts of one party or the child to another party
26 if the Illinois Department has reasonable evidence of

1 domestic violence or child abuse (that is, allegations of
2 domestic violence or child abuse, unless the Illinois
3 Department has an independent, reasonable basis to find the
4 person making the allegation not credible) to the former
5 party or child by the party requesting information.

6 (3) Prohibitions against the release of information on
7 the whereabouts of one party or the child to another person
8 if the Illinois Department has reason to believe the
9 release of information to that person may result in
10 physical or emotional harm to the party or child.

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

12 (305 ILCS 5/12-4.7c)

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

14 (a) The Department of Human Services shall exchange with
15 the Department of Healthcare and Family Services information
16 that may be necessary for the enforcement of child support
17 orders entered pursuant to Sections 10-10 and 10-11 of this
18 Code or pursuant to the Illinois Marriage and Dissolution of
19 Marriage Act, the Non-Support of Spouse and Children Act, the
20 Non-Support Punishment Act, the Revised Uniform Reciprocal
21 Enforcement of Support Act, the Uniform Interstate Family
22 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
23 Illinois Parentage Act of 2014.

24 (b) Notwithstanding any provisions in this Code to the
25 contrary, the Department of Human Services shall not be liable

1 to any person for any disclosure of information to the
2 Department of Healthcare and Family Services (formerly
3 Illinois Department of Public Aid) under subsection (a) or for
4 any other action taken in good faith to comply with the
5 requirements of subsection (a).

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

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

9 (410 ILCS 513/22)

10 Sec. 22. Tests to determine inherited characteristics in
11 paternity proceedings. Nothing in this Act shall be construed
12 to affect or restrict in any way the ordering of or use of
13 results from deoxyribonucleic acid (DNA) testing or other tests
14 to determine inherited characteristics by the court in a
15 judicial proceeding under the Illinois Parentage Act of 1984 or
16 under the Illinois Parentage Act of 2014 on and after the
17 effective date of that Act or by the Department of Healthcare
18 and Family Services in an administrative paternity proceeding
19 under Article X of the Illinois Public Aid Code and rules
20 promulgated under that Article.

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

22 (410 ILCS 513/30)

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

1 (a) No person may disclose or be compelled to disclose the
2 identity of any person upon whom a genetic test is performed or
3 the results of a genetic test in a manner that permits
4 identification of the subject of the test, except to the
5 following persons:

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

17 (2) Any person designated in a specific written legally
18 effective release of the test results executed by the
19 subject of the test or the subject's legally authorized
20 representative.

21 (3) An authorized agent or employee of a health
22 facility or health care provider if the health facility or
23 health care provider itself is authorized to obtain the
24 test results, the agent or employee provides patient care,
25 and the agent or employee has a need to know the
26 information in order to conduct the tests or provide care

1 or treatment.

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

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

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

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

12 (6) In the case of a minor under 18 years of age, the
13 health care provider who ordered the test shall make a
14 reasonable effort to notify the minor's parent or legal
15 guardian if, in the professional judgment of the health
16 care provider, notification would be in the best interest
17 of the minor and the health care provider has first sought
18 unsuccessfully to persuade the minor to notify the parent
19 or legal guardian or after a reasonable time after the
20 minor has agreed to notify the parent or legal guardian,
21 the health care provider has reason to believe that the
22 minor has not made the notification. This paragraph shall
23 not create a duty or obligation under which a health care
24 provider must notify the minor's parent or legal guardian
25 of the test results, nor shall a duty or obligation be
26 implied. No civil liability or criminal sanction under this

1 Act shall be imposed for any notification or
2 non-notification of a minor's test result by a health care
3 provider acting in good faith under this paragraph. For the
4 purpose of any proceeding, civil or criminal, the good
5 faith of any health care provider acting under this
6 paragraph shall be presumed.

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

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

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

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

25 (D) when made under the authorization of the
26 Illinois Parentage Act of 2014 ~~1984~~.

1 Disclosure shall be limited to those who have a need to
2 know the information, and no additional disclosures may be
3 made.

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

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

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

10 (410 ILCS 535/12)

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

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

21 (2) When a birth occurs in an institution, the person in
22 charge of the institution or his designated representative
23 shall obtain and record all the personal and statistical
24 particulars relative to the parents of the child that are

1 required to properly complete the live birth certificate; shall
2 secure the required personal signatures on the hospital
3 worksheet; shall prepare the certificate from this worksheet;
4 and shall file the certificate with the local registrar. The
5 institution shall retain the hospital worksheet permanently or
6 as otherwise specified by rule. The physician in attendance
7 shall verify or provide the date of birth and medical
8 information required by the certificate, within 24 hours after
9 the birth occurs.

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

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

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

17 (c) The father, the mother, or in the absence of the
18 father and the inability of the mother, the person in
19 charge of the premises where the birth occurred.

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

26 Unless otherwise provided in this Act, if the mother was

1 married at the time of conception or birth and the presumed
2 father (that is, the mother's husband) is not the biological
3 father of the child, the name of the biological father shall be
4 entered on the child's birth certificate only if, in accordance
5 with subsection (5), (i) the mother and the person to be named
6 as the father have signed an acknowledgment of parentage and
7 (ii) the mother and presumed father have signed a denial of
8 paternity.

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

15 (a) Provide (i) an opportunity for the child's mother
16 and father to sign an acknowledgment of parentage and (ii)
17 if the presumed father is not the biological father, an
18 opportunity for the mother and presumed father to sign a
19 denial of paternity. The signing and witnessing of the
20 acknowledgment of parentage or, if the presumed father of
21 the child is not the biological father, the acknowledgment
22 of parentage and denial of paternity conclusively
23 establishes a parent and child relationship in accordance
24 with Sections 5 and 6 of the Illinois Parentage Act of 1984
25 and with the Illinois Parentage Act of 2014 on and after
26 the effective date of that Act.

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

16 (b) Provide the following documents, furnished by the
17 Department of Healthcare and Family Services, to the
18 child's mother, biological father, and (if the person
19 presumed to be the child's father is not the biological
20 father) presumed father for their review at the time the
21 opportunity is provided to establish a parent and child
22 relationship:

23 (i) An explanation of the implications of,
24 alternatives to, legal consequences of, and the rights
25 and responsibilities that arise from signing an
26 acknowledgment of parentage and, if necessary, a

1 denial of paternity, including an explanation of the
2 parental rights and responsibilities of child support,
3 visitation, custody, retroactive support, health
4 insurance coverage, and payment of birth expenses.

5 (ii) An explanation of the benefits of having a
6 child's parentage established and the availability of
7 parentage establishment and child support enforcement
8 services.

9 (iii) A request for an application for child
10 support enforcement services from the Department of
11 Healthcare and Family Services.

12 (iv) Instructions concerning the opportunity to
13 speak, either by telephone or in person, with staff of
14 the Department of Healthcare and Family Services who
15 are trained to clarify information and answer
16 questions about paternity establishment.

17 (v) Instructions for completing and signing the
18 acknowledgment of parentage and denial of paternity.

19 (c) Provide an oral explanation of the documents and
20 instructions set forth in subdivision (5)(b), including an
21 explanation of the implications of, alternatives to, legal
22 consequences of, and the rights and responsibilities that
23 arise from signing an acknowledgment of parentage and, if
24 necessary, a denial of paternity. The oral explanation may
25 be given in person or through the use of video or audio
26 equipment.

1 (6) The institution, State or local registrar, or county
2 clerk shall provide an opportunity for the child's father or
3 mother to sign a rescission of parentage. The signing and
4 witnessing of the rescission of parentage voids the
5 acknowledgment of parentage and nullifies the presumption of
6 paternity if executed and filed with the Department of
7 Healthcare and Family Services (formerly Illinois Department
8 of Public Aid) within the time frame contained in Section 5 of
9 the Illinois Parentage Act of 1984 or Section 307 of the
10 Illinois Parentage Act of 2014 on and after the effective date
11 of that Act. The Department of Healthcare and Family Services
12 shall furnish the rescission of parentage form to institutions,
13 county clerks, and State and local registrars' offices. The
14 form shall include instructions to send the original signed and
15 witnessed rescission of parentage to the Department of
16 Healthcare and Family Services.

17 (7) An acknowledgment of paternity signed pursuant to
18 Section 6 of the Illinois Parentage Act of 1984 or Section 302
19 of the Illinois Parentage Act of 2014 on and after the
20 effective date of that Act may be challenged in court only on
21 the basis of fraud, duress, or material mistake of fact, with
22 the burden of proof upon the challenging party. Pending outcome
23 of a challenge to the acknowledgment of paternity, the legal
24 responsibilities of the signatories shall remain in full force
25 and effect, except upon order of the court upon a showing of
26 good cause.

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

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

16 (Source: P.A. 95-331, eff. 8-21-07; 96-333, eff. 8-11-09;
17 96-474, eff. 8-14-09; 96-1000, eff. 7-2-10.)

18 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

19 Sec. 24. (1) To protect the integrity of vital records, to
20 insure their proper use, and to insure the efficient and proper
21 administration of the vital records system, access to vital
22 records, and indexes thereof, including vital records in the
23 custody of local registrars and county clerks originating prior
24 to January 1, 1916, is limited to the custodian and his
25 employees, and then only for administrative purposes, except

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

20 (2) The State Registrar of Vital Records, or his agent, and
21 any municipal, county, multi-county, public health district,
22 or regional health officer recognized by the Department may
23 examine vital records for the purpose only of carrying out the
24 public health programs and responsibilities under his
25 jurisdiction.

26 (3) The State Registrar of Vital Records, may disclose, or

1 authorize the disclosure of, data contained in the vital
2 records when deemed essential for bona fide research purposes
3 which are not for private gain.

4 This amendatory Act of 1973 does not apply to any home rule
5 unit.

6 (4) The State Registrar shall exchange with the Department
7 of Healthcare and Family Services information that may be
8 necessary for the establishment of paternity and the
9 establishment, modification, and enforcement of child support
10 orders entered pursuant to the Illinois Public Aid Code, the
11 Illinois Marriage and Dissolution of Marriage Act, the
12 Non-Support of Spouse and Children Act, the Non-Support
13 Punishment Act, the Revised Uniform Reciprocal Enforcement of
14 Support Act, the Uniform Interstate Family Support Act, ~~or~~ the
15 Illinois Parentage Act of 1984, or the Illinois Parentage Act
16 of 2014. Notwithstanding any provisions in this Act to the
17 contrary, the State Registrar shall not be liable to any person
18 for any disclosure of information to the Department of
19 Healthcare and Family Services (formerly Illinois Department
20 of Public Aid) under this subsection or for any other action
21 taken in good faith to comply with the requirements of this
22 subsection.

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

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

1 (625 ILCS 5/2-109.1)

2 Sec. 2-109.1. Exchange of information.

3 (a) The Secretary of State shall exchange information with
4 the Department of Healthcare and Family Services which may be
5 necessary for the establishment of paternity and the
6 establishment, modification, and enforcement of child support
7 orders pursuant to the Illinois Public Aid Code, the Illinois
8 Marriage and Dissolution of Marriage Act, the Non-Support of
9 Spouse and Children Act, the Non-Support Punishment Act, the
10 Revised Uniform Reciprocal Enforcement of Support Act, the
11 Uniform Interstate Family Support Act, ~~or~~ the Illinois
12 Parentage Act of 1984, or the Illinois Parentage Act of 2014.

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

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

21 (625 ILCS 5/7-703)

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

24 (a) The clerk of the circuit court, as provided in

1 subsection (b) of Section 505 of the Illinois Marriage and
2 Dissolution of Marriage Act or as provided in Section 15 of the
3 Illinois Parentage Act of 2014 ~~1984~~, shall forward to the
4 Secretary of State, on a form prescribed by the Secretary, an
5 authenticated document certifying the court's order suspending
6 the driving privileges of the obligor. For any such
7 certification, the clerk of the court shall charge the obligor
8 a fee of \$5 as provided in the Clerks of Courts Act.

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

21 (c) The clerk of the circuit court, as provided in
22 subsection (c-1) of Section 607.1 of the Illinois Marriage and
23 Dissolution of Marriage Act, shall forward to the Secretary of
24 State, on a form prescribed by the Secretary, an authenticated
25 document certifying the court's order suspending the driving
26 privileges of the party. For any such certification, the clerk

1 of the court shall charge the party a fee of \$5 as provided in
2 the Clerks of Courts Act.

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

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

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

16 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

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

1 (a) Civil Cases.

2 The fee for filing a complaint, petition, or other
3 pleading initiating a civil action, with the following
4 exceptions, shall be a minimum of \$40 and a maximum of
5 \$160.

6 (A) When the amount of money or damages or the
7 value of personal property claimed does not exceed
8 \$250, \$10.

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

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

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

15 (E) For the exercise of eminent domain, a minimum
16 of \$45 and a maximum of \$150. For each additional lot
17 or tract of land or right or interest therein subject
18 to be condemned, the damages in respect to which shall
19 require separate assessment by a jury, a minimum of \$45
20 and a maximum of \$150.

21 (a-1) Family.

22 For filing a petition under the Juvenile Court Act of
23 1987, \$25.

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

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

26 For filing a petition under the Illinois Parentage Act

1 of 2014 ~~1984~~, \$40.

2 (b) Forcible Entry and Detainer.

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

11 (c) Counterclaim or Joining Third Party Defendant.

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

21 (d) Confession of Judgment.

22 In a confession of judgment when the amount does not
23 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
24 the amount exceeds \$1500, but does not exceed \$15,000, a
25 minimum of \$40 and a maximum of \$115. When the amount
26 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

1 (e) Appearance.

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

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

8 (B) When the amount in the case does not exceed
9 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

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

19 (g) Petition to Vacate or Modify.

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

1 and a maximum of \$50.

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

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

10 (h) Mailing.

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

14 (i) Certified Copies.

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

18 (j) Habeas Corpus.

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

21 (k) Certification, Authentication, and Reproduction.

22 (1) Each certification or authentication for taking
23 the acknowledgment of a deed or other instrument in writing
24 with the seal of office, a minimum of \$2 and a maximum of
25 \$6.

26 (2) Court appeals when original documents are

1 forwarded, under 100 pages, plus delivery and costs, a
2 minimum of \$20 and a maximum of \$60.

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

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

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

11 (A) First page, a minimum of \$1 and a maximum of
12 \$2.

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

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

15 (l) Remands.

16 In any cases remanded to the Circuit Court from the
17 Supreme Court or the Appellate Court for a new trial, the
18 clerk shall file the remanding order and reinstate the case
19 with either its original number or a new number. The Clerk
20 shall not charge any new or additional fee for the
21 reinstatement. Upon reinstatement the Clerk shall advise
22 the parties of the reinstatement. A party shall have the
23 same right to a jury trial on remand and reinstatement as
24 he or she had before the appeal, and no additional or new
25 fee or charge shall be made for a jury trial after remand.

26 (m) Record Search.

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

4 (n) Hard Copy.

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

9 (o) Index Inquiry and Other Records.

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

20 (p) (Blank).

21 (q) Alias Summons.

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

24 (r) Other Fees.

25 Any fees not covered in this Section shall be set by
26 rule or administrative order of the Circuit Court with the

1 approval of the Administrative Office of the Illinois
2 Courts.

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

13 (s) Jury Services.

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

25 (t) Voluntary Assignment.

26 For filing each deed of voluntary assignment, a minimum

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

12 (u) Expungement Petition.

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

18 (v) Probate.

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

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

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

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

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

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

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

17 (B) When (i) letters of office are issued to a
18 guardian of the person or persons, but not of the
19 estate or (ii) letters of office are issued in the
20 estate of a ward without administration of the estate,
21 including filing or joining in the filing of a tax
22 return or releasing a mortgage or consenting to the
23 marriage of the ward, the fee shall be a minimum of \$10
24 and a maximum of \$20.

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

26 (3) In addition to the fees payable under subsection

1 (v) (1) or (v) (2) of this Section, the following fees are
2 payable:

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

6 (B) For filing a claim in an estate when the amount
7 claimed is \$150 or more but less than \$500, a minimum
8 of \$10 and a maximum of \$25; when the amount claimed is
9 \$500 or more but less than \$10,000, a minimum of \$10
10 and a maximum of \$40; when the amount claimed is
11 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
12 provided that the court in allowing a claim may add to
13 the amount allowed the filing fee paid by the claimant.

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

21 (D) For filing in an estate (i) the appearance of
22 any person for the purpose of consent or (ii) the
23 appearance of an executor, administrator,
24 administrator to collect, guardian, guardian ad litem,
25 or special administrator, no fee.

26 (E) Except as provided in subsection (v) (3) (D),

1 for filing the appearance of any person or persons, a
2 minimum of \$10 and a maximum of \$30.

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

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

15 (H) For each certified copy of letters of office,
16 of court order or other certification, a minimum of \$1
17 and a maximum of \$2, plus a minimum of 50 cents and a
18 maximum of \$1 per page in excess of 3 pages for the
19 document certified.

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

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

26 (5) The person on whose behalf a charge is incurred for

1 witness, court reporter, appraiser, or other miscellaneous
2 fee shall pay the same directly to the person entitled
3 thereto.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 (2) In counties having a population of not more than
9 500,000 inhabitants, when the violation complaint is
10 issued by a municipal police department, the clerk shall be
11 entitled to costs from each person convicted therein as
12 follows:

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

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

15 (3) In ordinance violation cases punishable by fine
16 only, the clerk of the circuit court shall be entitled to
17 receive, unless the fee is excused upon a finding by the
18 court that the defendant is indigent, in addition to other
19 fees or costs allowed or imposed by law, the sum of a
20 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
21 services of a jury. The jury fee shall be paid by the
22 defendant at the time of filing his or her jury demand. If
23 the fee is not so paid by the defendant, no jury shall be
24 called, and the case shall be tried by the court without a
25 jury.

26 (x) Transcripts of Judgment.

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

4 (y) Change of Venue.

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

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

12 (z) Tax objection complaints.

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

17 (aa) Tax Deeds.

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

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

22 (bb) Collections.

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

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

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

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

24 The clerk shall also be entitled to a fee of \$5 for
25 certifications made to the Secretary of State as provided
26 in Section 7-703 of the Family Financial Responsibility Law

1 and these fees shall also be deposited into the Separate
2 Maintenance and Child Support Collection Fund.

3 (cc) Corrections of Numbers.

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

9 (dd) Exceptions.

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

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

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

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

6 (ee) Adoptions.

7 (1) For an adoption \$65

8 (2) Upon good cause shown, the court may waive the
9 adoption filing fee in a special needs adoption. The term
10 "special needs adoption" shall have the meaning ascribed to
11 it by the Illinois Department of Children and Family
12 Services.

13 (ff) Adoption exemptions.

14 No fee other than that set forth in subsection (ee)
15 shall be charged to any person in connection with an
16 adoption proceeding nor may any fee be charged for
17 proceedings for the appointment of a confidential
18 intermediary under the Adoption Act.

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

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

22 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

23 Sec. 1-3. Definitions. Terms used in this Act, unless the
24 context otherwise requires, have the following meanings

1 ascribed to them:

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

10 (2) "Adult" means a person 21 years of age or older.

11 (3) "Agency" means a public or private child care facility
12 legally authorized or licensed by this State for placement or
13 institutional care or for both placement and institutional
14 care.

15 (4) "Association" means any organization, public or
16 private, engaged in welfare functions which include services to
17 or on behalf of children but does not include "agency" as
18 herein defined.

19 (4.05) Whenever a "best interest" determination is
20 required, the following factors shall be considered in the
21 context of the child's age and developmental needs:

22 (a) the physical safety and welfare of the child,
23 including food, shelter, health, and clothing;

24 (b) the development of the child's identity;

25 (c) the child's background and ties, including
26 familial, cultural, and religious;

- 1 (d) the child's sense of attachments, including:
- 2 (i) where the child actually feels love,
- 3 attachment, and a sense of being valued (as opposed to
- 4 where adults believe the child should feel such love,
- 5 attachment, and a sense of being valued);
- 6 (ii) the child's sense of security;
- 7 (iii) the child's sense of familiarity;
- 8 (iv) continuity of affection for the child;
- 9 (v) the least disruptive placement alternative for
- 10 the child;
- 11 (e) the child's wishes and long-term goals;
- 12 (f) the child's community ties, including church,
- 13 school, and friends;
- 14 (g) the child's need for permanence which includes the
- 15 child's need for stability and continuity of relationships
- 16 with parent figures and with siblings and other relatives;
- 17 (h) the uniqueness of every family and child;
- 18 (i) the risks attendant to entering and being in
- 19 substitute care; and
- 20 (j) the preferences of the persons available to care
- 21 for the child.
- 22 (4.1) "Chronic truant" shall have the definition ascribed
- 23 to it in Section 26-2a of the School Code.
- 24 (5) "Court" means the circuit court in a session or
- 25 division assigned to hear proceedings under this Act.
- 26 (6) "Dispositional hearing" means a hearing to determine

1 whether a minor should be adjudged to be a ward of the court,
2 and to determine what order of disposition should be made in
3 respect to a minor adjudged to be a ward of the court.

4 (7) "Emancipated minor" means any minor 16 years of age or
5 over who has been completely or partially emancipated under the
6 Emancipation of Minors Act or under this Act.

7 (7.05) "Foster parent" includes a relative caregiver
8 selected by the Department of Children and Family Services to
9 provide care for the minor.

10 (8) "Guardianship of the person" of a minor means the duty
11 and authority to act in the best interests of the minor,
12 subject to residual parental rights and responsibilities, to
13 make important decisions in matters having a permanent effect
14 on the life and development of the minor and to be concerned
15 with his or her general welfare. It includes but is not
16 necessarily limited to:

17 (a) the authority to consent to marriage, to enlistment
18 in the armed forces of the United States, or to a major
19 medical, psychiatric, and surgical treatment; to represent
20 the minor in legal actions; and to make other decisions of
21 substantial legal significance concerning the minor;

22 (b) the authority and duty of reasonable visitation,
23 except to the extent that these have been limited in the
24 best interests of the minor by court order;

25 (c) the rights and responsibilities of legal custody
26 except where legal custody has been vested in another

1 person or agency; and

2 (d) the power to consent to the adoption of the minor,
3 but only if expressly conferred on the guardian in
4 accordance with Section 2-29, 3-30, or 4-27.

5 (9) "Legal custody" means the relationship created by an
6 order of court in the best interests of the minor which imposes
7 on the custodian the responsibility of physical possession of a
8 minor and the duty to protect, train and discipline him and to
9 provide him with food, shelter, education and ordinary medical
10 care, except as these are limited by residual parental rights
11 and responsibilities and the rights and responsibilities of the
12 guardian of the person, if any.

13 (9.1) "Mentally capable adult relative" means a person 21
14 years of age or older who is not suffering from a mental
15 illness that prevents him or her from providing the care
16 necessary to safeguard the physical safety and welfare of a
17 minor who is left in that person's care by the parent or
18 parents or other person responsible for the minor's welfare.

19 (10) "Minor" means a person under the age of 21 years
20 subject to this Act.

21 (11) "Parent" means a ~~the~~ father or mother of a child and
22 includes any adoptive parent. It also includes a person ~~man~~ (i)
23 whose parentage ~~paternity~~ is presumed or has been established
24 under the law of this or another jurisdiction or (ii) who has
25 registered with the Putative Father Registry in accordance with
26 Section 12.1 of the Adoption Act and whose paternity has not

1 been ruled out under the law of this or another jurisdiction.
2 It does not include a parent whose rights in respect to the
3 minor have been terminated in any manner provided by law. It
4 does not include a person who has been or could be determined
5 to be a parent under the Illinois Parentage Act of 1984 or the
6 Illinois Parentage Act of 2014, or similar parentage law in any
7 other state, if that person has been convicted of or pled nolo
8 contendere to a crime that resulted in the conception of the
9 child under Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13,
10 12-14, 12-14.1, subsection (a) or (b) (but not subsection (c))
11 of Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e),
12 or (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of
13 the Criminal Code of 1961 or the Criminal Code of 2012, or
14 similar statute in another jurisdiction unless upon motion of
15 any party, other than the offender, to the juvenile court
16 proceedings the court finds it is in the child's best interest
17 to deem the offender a parent for purposes of the juvenile
18 court proceedings.

19 (11.1) "Permanency goal" means a goal set by the court as
20 defined in subdivision (2) of Section 2-28.

21 (11.2) "Permanency hearing" means a hearing to set the
22 permanency goal and to review and determine (i) the
23 appropriateness of the services contained in the plan and
24 whether those services have been provided, (ii) whether
25 reasonable efforts have been made by all the parties to the
26 service plan to achieve the goal, and (iii) whether the plan

1 and goal have been achieved.

2 (12) "Petition" means the petition provided for in Section
3 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
4 thereunder in Section 3-15, 4-12 or 5-520.

5 (12.1) "Physically capable adult relative" means a person
6 21 years of age or older who does not have a severe physical
7 disability or medical condition, or is not suffering from
8 alcoholism or drug addiction, that prevents him or her from
9 providing the care necessary to safeguard the physical safety
10 and welfare of a minor who is left in that person's care by the
11 parent or parents or other person responsible for the minor's
12 welfare.

13 (12.2) "Post Permanency Sibling Contact Agreement" has the
14 meaning ascribed to the term in Section 7.4 of the Children and
15 Family Services Act.

16 (13) "Residual parental rights and responsibilities" means
17 those rights and responsibilities remaining with the parent
18 after the transfer of legal custody or guardianship of the
19 person, including, but not necessarily limited to, the right to
20 reasonable visitation (which may be limited by the court in the
21 best interests of the minor as provided in subsection (8) (b) of
22 this Section), the right to consent to adoption, the right to
23 determine the minor's religious affiliation, and the
24 responsibility for his support.

25 (14) "Shelter" means the temporary care of a minor in
26 physically unrestricting facilities pending court disposition

1 or execution of court order for placement.

2 (14.1) "Sibling Contact Support Plan" has the meaning
3 ascribed to the term in Section 7.4 of the Children and Family
4 Services Act.

5 (15) "Station adjustment" means the informal handling of an
6 alleged offender by a juvenile police officer.

7 (16) "Ward of the court" means a minor who is so adjudged
8 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
9 requisite jurisdictional facts, and thus is subject to the
10 dispositional powers of the court under this Act.

11 (17) "Juvenile police officer" means a sworn police officer
12 who has completed a Basic Recruit Training Course, has been
13 assigned to the position of juvenile police officer by his or
14 her chief law enforcement officer and has completed the
15 necessary juvenile officers training as prescribed by the
16 Illinois Law Enforcement Training Standards Board, or in the
17 case of a State police officer, juvenile officer training
18 approved by the Director of the Department of State Police.

19 (18) "Secure child care facility" means any child care
20 facility licensed by the Department of Children and Family
21 Services to provide secure living arrangements for children
22 under 18 years of age who are subject to placement in
23 facilities under the Children and Family Services Act and who
24 are not subject to placement in facilities for whom standards
25 are established by the Department of Corrections under Section
26 3-15-2 of the Unified Code of Corrections. "Secure child care

1 facility" also means a facility that is designed and operated
2 to ensure that all entrances and exits from the facility, a
3 building, or a distinct part of the building are under the
4 exclusive control of the staff of the facility, whether or not
5 the child has the freedom of movement within the perimeter of
6 the facility, building, or distinct part of the building.

7 (Source: P.A. 97-568, eff. 8-25-11; 97-1076, eff. 8-24-12;
8 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14.)

9 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

10 Sec. 6-9. Enforcement of liability of parents and others.

11 (1) If parentage is at issue in any proceeding under this
12 Act, other than cases involving those exceptions to the
13 definition of parent set out in item (11) in Section 1-3, then
14 the Illinois Parentage Act of 2014 ~~1984~~ shall apply and the
15 court shall enter orders consistent with that Act. If it
16 appears at any hearing that a parent or any other person named
17 in the petition, liable under the law for the support of the
18 minor, is able to contribute to his or her support, the court
19 shall enter an order requiring that parent or other person to
20 pay the clerk of the court, or to the guardian or custodian
21 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a
22 reasonable sum from time to time for the care, support and
23 necessary special care or treatment, of the minor. If the court
24 determines at any hearing that a parent or any other person
25 named in the petition, liable under the law for the support of

1 the minor, is able to contribute to help defray the costs
2 associated with the minor's detention in a county or regional
3 detention center, the court shall enter an order requiring that
4 parent or other person to pay the clerk of the court a
5 reasonable sum for the care and support of the minor. The court
6 may require reasonable security for the payments. Upon failure
7 to pay, the court may enforce obedience to the order by a
8 proceeding as for contempt of court.

9 If it appears that the person liable for the support of the
10 minor is able to contribute to legal fees for representation of
11 the minor, the court shall enter an order requiring that person
12 to pay a reasonable sum for the representation, to the attorney
13 providing the representation or to the clerk of the court for
14 deposit in the appropriate account or fund. The sum may be paid
15 as the court directs, and the payment thereof secured and
16 enforced as provided in this Section for support.

17 If it appears at the detention or shelter care hearing of a
18 minor before the court under Section 5-501 that a parent or any
19 other person liable for support of the minor is able to
20 contribute to his or her support, that parent or other person
21 shall be required to pay a fee for room and board at a rate not
22 to exceed \$10 per day established, with the concurrence of the
23 chief judge of the judicial circuit, by the county board of the
24 county in which the minor is detained unless the court
25 determines that it is in the best interest and welfare of the
26 minor to waive the fee. The concurrence of the chief judge

1 shall be in the form of an administrative order. Each week, on
2 a day designated by the clerk of the circuit court, that parent
3 or other person shall pay the clerk for the minor's room and
4 board. All fees for room and board collected by the circuit
5 court clerk shall be disbursed into the separate county fund
6 under Section 6-7.

7 Upon application, the court shall waive liability for
8 support or legal fees under this Section if the parent or other
9 person establishes that he or she is indigent and unable to pay
10 the incurred liability, and the court may reduce or waive
11 liability if the parent or other person establishes
12 circumstances showing that full payment of support or legal
13 fees would result in financial hardship to the person or his or
14 her family.

15 (2) When a person so ordered to pay for the care and
16 support of a minor is employed for wages, salary or commission,
17 the court may order him to make the support payments for which
18 he is liable under this Act out of his wages, salary or
19 commission and to assign so much thereof as will pay the
20 support. The court may also order him to make discovery to the
21 court as to his place of employment and the amounts earned by
22 him. Upon his failure to obey the orders of court he may be
23 punished as for contempt of court.

24 (3) If the minor is a recipient of public aid under the
25 Illinois Public Aid Code, the court shall order that payments
26 made by a parent or through assignment of his wages, salary or

1 commission be made directly to (a) the Department of Healthcare
2 and Family Services if the minor is a recipient of aid under
3 Article V of the Code, (b) the Department of Human Services if
4 the minor is a recipient of aid under Article IV of the Code,
5 or (c) the local governmental unit responsible for the support
6 of the minor if he is a recipient under Articles VI or VII of
7 the Code. The order shall permit the Department of Healthcare
8 and Family Services, the Department of Human Services, or the
9 local governmental unit, as the case may be, to direct that
10 subsequent payments be made directly to the guardian or
11 custodian of the minor, or to some other person or agency in
12 the minor's behalf, upon removal of the minor from the public
13 aid rolls; and upon such direction and removal of the minor
14 from the public aid rolls, the Department of Healthcare and
15 Family Services, Department of Human Services, or local
16 governmental unit, as the case requires, shall give written
17 notice of such action to the court. Payments received by the
18 Department of Healthcare and Family Services, Department of
19 Human Services, or local governmental unit are to be covered,
20 respectively, into the General Revenue Fund of the State
21 Treasury or General Assistance Fund of the governmental unit,
22 as provided in Section 10-19 of the Illinois Public Aid Code.

23 (Source: P.A. 97-568, eff. 8-25-11.)

24 Section 962. The Code of Criminal Procedure of 1963 is
25 amended by changing Section 112A-14 as follows:

1 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

2 Sec. 112A-14. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that petitioner
4 has been abused by a family or household member, as defined in
5 this Article, an order of protection prohibiting such abuse
6 shall issue; provided that petitioner must also satisfy the
7 requirements of one of the following Sections, as appropriate:
8 Section 112A-17 on emergency orders, Section 112A-18 on interim
9 orders, or Section 112A-19 on plenary orders. Petitioner shall
10 not be denied an order of protection because petitioner or
11 respondent is a minor. The court, when determining whether or
12 not to issue an order of protection, shall not require physical
13 manifestations of abuse on the person of the victim.
14 Modification and extension of prior orders of protection shall
15 be in accordance with this Article.

16 (b) Remedies and standards. The remedies to be included in
17 an order of protection shall be determined in accordance with
18 this Section and one of the following Sections, as appropriate:
19 Section 112A-17 on emergency orders, Section 112A-18 on interim
20 orders, and Section 112A-19 on plenary orders. The remedies
21 listed in this subsection shall be in addition to other civil
22 or criminal remedies available to petitioner.

23 (1) Prohibition of abuse. Prohibit respondent's
24 harassment, interference with personal liberty,
25 intimidation of a dependent, physical abuse or willful

1 deprivation, as defined in this Article, if such abuse has
2 occurred or otherwise appears likely to occur if not
3 prohibited.

4 (2) Grant of exclusive possession of residence.
5 Prohibit respondent from entering or remaining in any
6 residence, household, or premises of the petitioner,
7 including one owned or leased by respondent, if petitioner
8 has a right to occupancy thereof. The grant of exclusive
9 possession of the residence, household, or premises shall
10 not affect title to real property, nor shall the court be
11 limited by the standard set forth in Section 701 of the
12 Illinois Marriage and Dissolution of Marriage Act.

13 (A) Right to occupancy. A party has a right to
14 occupancy of a residence or household if it is solely
15 or jointly owned or leased by that party, that party's
16 spouse, a person with a legal duty to support that
17 party or a minor child in that party's care, or by any
18 person or entity other than the opposing party that
19 authorizes that party's occupancy (e.g., a domestic
20 violence shelter). Standards set forth in subparagraph
21 (B) shall not preclude equitable relief.

22 (B) Presumption of hardships. If petitioner and
23 respondent each has the right to occupancy of a
24 residence or household, the court shall balance (i) the
25 hardships to respondent and any minor child or
26 dependent adult in respondent's care resulting from

1 entry of this remedy with (ii) the hardships to
2 petitioner and any minor child or dependent adult in
3 petitioner's care resulting from continued exposure to
4 the risk of abuse (should petitioner remain at the
5 residence or household) or from loss of possession of
6 the residence or household (should petitioner leave to
7 avoid the risk of abuse). When determining the balance
8 of hardships, the court shall also take into account
9 the accessibility of the residence or household.
10 Hardships need not be balanced if respondent does not
11 have a right to occupancy.

12 The balance of hardships is presumed to favor
13 possession by petitioner unless the presumption is
14 rebutted by a preponderance of the evidence, showing
15 that the hardships to respondent substantially
16 outweigh the hardships to petitioner and any minor
17 child or dependent adult in petitioner's care. The
18 court, on the request of petitioner or on its own
19 motion, may order respondent to provide suitable,
20 accessible, alternate housing for petitioner instead
21 of excluding respondent from a mutual residence or
22 household.

23 (3) Stay away order and additional prohibitions. Order
24 respondent to stay away from petitioner or any other person
25 protected by the order of protection, or prohibit
26 respondent from entering or remaining present at

1 petitioner's school, place of employment, or other
2 specified places at times when petitioner is present, or
3 both, if reasonable, given the balance of hardships.
4 Hardships need not be balanced for the court to enter a
5 stay away order or prohibit entry if respondent has no
6 right to enter the premises.

7 If an order of protection grants petitioner exclusive
8 possession of the residence, or prohibits respondent from
9 entering the residence, or orders respondent to stay away
10 from petitioner or other protected persons, then the court
11 may allow respondent access to the residence to remove
12 items of clothing and personal adornment used exclusively
13 by respondent, medications, and other items as the court
14 directs. The right to access shall be exercised on only one
15 occasion as the court directs and in the presence of an
16 agreed-upon adult third party or law enforcement officer.

17 (4) Counseling. Require or recommend the respondent to
18 undergo counseling for a specified duration with a social
19 worker, psychologist, clinical psychologist, psychiatrist,
20 family service agency, alcohol or substance abuse program,
21 mental health center guidance counselor, agency providing
22 services to elders, program designed for domestic violence
23 abusers or any other guidance service the court deems
24 appropriate. The court may order the respondent in any
25 intimate partner relationship to report to an Illinois
26 Department of Human Services protocol approved partner

1 abuse intervention program for an assessment and to follow
2 all recommended treatment.

3 (5) Physical care and possession of the minor child. In
4 order to protect the minor child from abuse, neglect, or
5 unwarranted separation from the person who has been the
6 minor child's primary caretaker, or to otherwise protect
7 the well-being of the minor child, the court may do either
8 or both of the following: (i) grant petitioner physical
9 care or possession of the minor child, or both, or (ii)
10 order respondent to return a minor child to, or not remove
11 a minor child from, the physical care of a parent or person
12 in loco parentis.

13 If a court finds, after a hearing, that respondent has
14 committed abuse (as defined in Section 112A-3) of a minor
15 child, there shall be a rebuttable presumption that
16 awarding physical care to respondent would not be in the
17 minor child's best interest.

18 (6) Temporary legal custody. Award temporary legal
19 custody to petitioner in accordance with this Section, the
20 Illinois Marriage and Dissolution of Marriage Act, the
21 Illinois Parentage Act of 2014 ~~1984~~, and this State's
22 Uniform Child-Custody Jurisdiction and Enforcement Act.

23 If a court finds, after a hearing, that respondent has
24 committed abuse (as defined in Section 112A-3) of a minor
25 child, there shall be a rebuttable presumption that
26 awarding temporary legal custody to respondent would not be

1 in the child's best interest.

2 (7) Visitation. Determine the visitation rights, if
3 any, of respondent in any case in which the court awards
4 physical care or temporary legal custody of a minor child
5 to petitioner. The court shall restrict or deny
6 respondent's visitation with a minor child if the court
7 finds that respondent has done or is likely to do any of
8 the following: (i) abuse or endanger the minor child during
9 visitation; (ii) use the visitation as an opportunity to
10 abuse or harass petitioner or petitioner's family or
11 household members; (iii) improperly conceal or detain the
12 minor child; or (iv) otherwise act in a manner that is not
13 in the best interests of the minor child. The court shall
14 not be limited by the standards set forth in Section 607.1
15 of the Illinois Marriage and Dissolution of Marriage Act.
16 If the court grants visitation, the order shall specify
17 dates and times for the visitation to take place or other
18 specific parameters or conditions that are appropriate. No
19 order for visitation shall refer merely to the term
20 "reasonable visitation".

21 Petitioner may deny respondent access to the minor
22 child if, when respondent arrives for visitation,
23 respondent is under the influence of drugs or alcohol and
24 constitutes a threat to the safety and well-being of
25 petitioner or petitioner's minor children or is behaving in
26 a violent or abusive manner.

1 If necessary to protect any member of petitioner's
2 family or household from future abuse, respondent shall be
3 prohibited from coming to petitioner's residence to meet
4 the minor child for visitation, and the parties shall
5 submit to the court their recommendations for reasonable
6 alternative arrangements for visitation. A person may be
7 approved to supervise visitation only after filing an
8 affidavit accepting that responsibility and acknowledging
9 accountability to the court.

10 (8) Removal or concealment of minor child. Prohibit
11 respondent from removing a minor child from the State or
12 concealing the child within the State.

13 (9) Order to appear. Order the respondent to appear in
14 court, alone or with a minor child, to prevent abuse,
15 neglect, removal or concealment of the child, to return the
16 child to the custody or care of the petitioner or to permit
17 any court-ordered interview or examination of the child or
18 the respondent.

19 (10) Possession of personal property. Grant petitioner
20 exclusive possession of personal property and, if
21 respondent has possession or control, direct respondent to
22 promptly make it available to petitioner, if:

23 (i) petitioner, but not respondent, owns the
24 property; or

25 (ii) the parties own the property jointly; sharing
26 it would risk abuse of petitioner by respondent or is

1 impracticable; and the balance of hardships favors
2 temporary possession by petitioner.

3 If petitioner's sole claim to ownership of the property
4 is that it is marital property, the court may award
5 petitioner temporary possession thereof under the
6 standards of subparagraph (ii) of this paragraph only if a
7 proper proceeding has been filed under the Illinois
8 Marriage and Dissolution of Marriage Act, as now or
9 hereafter amended.

10 No order under this provision shall affect title to
11 property.

12 (11) Protection of property. Forbid the respondent
13 from taking, transferring, encumbering, concealing,
14 damaging or otherwise disposing of any real or personal
15 property, except as explicitly authorized by the court, if:

16 (i) petitioner, but not respondent, owns the
17 property; or

18 (ii) the parties own the property jointly, and the
19 balance of hardships favors granting this remedy.

20 If petitioner's sole claim to ownership of the property
21 is that it is marital property, the court may grant
22 petitioner relief under subparagraph (ii) of this
23 paragraph only if a proper proceeding has been filed under
24 the Illinois Marriage and Dissolution of Marriage Act, as
25 now or hereafter amended.

26 The court may further prohibit respondent from

1 improperly using the financial or other resources of an
2 aged member of the family or household for the profit or
3 advantage of respondent or of any other person.

4 (11.5) Protection of animals. Grant the petitioner the
5 exclusive care, custody, or control of any animal owned,
6 possessed, leased, kept, or held by either the petitioner
7 or the respondent or a minor child residing in the
8 residence or household of either the petitioner or the
9 respondent and order the respondent to stay away from the
10 animal and forbid the respondent from taking,
11 transferring, encumbering, concealing, harming, or
12 otherwise disposing of the animal.

13 (12) Order for payment of support. Order respondent to
14 pay temporary support for the petitioner or any child in
15 the petitioner's care or custody, when the respondent has a
16 legal obligation to support that person, in accordance with
17 the Illinois Marriage and Dissolution of Marriage Act,
18 which shall govern, among other matters, the amount of
19 support, payment through the clerk and withholding of
20 income to secure payment. An order for child support may be
21 granted to a petitioner with lawful physical care or
22 custody of a child, or an order or agreement for physical
23 care or custody, prior to entry of an order for legal
24 custody. Such a support order shall expire upon entry of a
25 valid order granting legal custody to another, unless
26 otherwise provided in the custody order.

1 (13) Order for payment of losses. Order respondent to
2 pay petitioner for losses suffered as a direct result of
3 the abuse. Such losses shall include, but not be limited
4 to, medical expenses, lost earnings or other support,
5 repair or replacement of property damaged or taken,
6 reasonable attorney's fees, court costs and moving or other
7 travel expenses, including additional reasonable expenses
8 for temporary shelter and restaurant meals.

9 (i) Losses affecting family needs. If a party is
10 entitled to seek maintenance, child support or
11 property distribution from the other party under the
12 Illinois Marriage and Dissolution of Marriage Act, as
13 now or hereafter amended, the court may order
14 respondent to reimburse petitioner's actual losses, to
15 the extent that such reimbursement would be
16 "appropriate temporary relief", as authorized by
17 subsection (a) (3) of Section 501 of that Act.

18 (ii) Recovery of expenses. In the case of an
19 improper concealment or removal of a minor child, the
20 court may order respondent to pay the reasonable
21 expenses incurred or to be incurred in the search for
22 and recovery of the minor child, including but not
23 limited to legal fees, court costs, private
24 investigator fees, and travel costs.

25 (14) Prohibition of entry. Prohibit the respondent
26 from entering or remaining in the residence or household

1 while the respondent is under the influence of alcohol or
2 drugs and constitutes a threat to the safety and well-being
3 of the petitioner or the petitioner's children.

4 (14.5) Prohibition of firearm possession.

5 (A) A person who is subject to an existing order of
6 protection, interim order of protection, emergency
7 order of protection, or plenary order of protection,
8 issued under this Code may not lawfully possess weapons
9 under Section 8.2 of the Firearm Owners Identification
10 Card Act.

11 (B) Any firearms in the possession of the
12 respondent, except as provided in subparagraph (C) of
13 this paragraph (14.5), shall be ordered by the court to
14 be turned over to a person with a valid Firearm Owner's
15 Identification Card for safekeeping. The court shall
16 issue an order that the respondent's Firearm Owner's
17 Identification Card be turned over to the local law
18 enforcement agency, which in turn shall immediately
19 mail the card to the Department of State Police Firearm
20 Owner's Identification Card Office for safekeeping.
21 The period of safekeeping shall be for the duration of
22 the order of protection. The firearm or firearms and
23 Firearm Owner's Identification Card, if unexpired,
24 shall at the respondent's request be returned to the
25 respondent at expiration of the order of protection.

26 (C) If the respondent is a peace officer as defined

1 in Section 2-13 of the Criminal Code of 2012, the court
2 shall order that any firearms used by the respondent in
3 the performance of his or her duties as a peace officer
4 be surrendered to the chief law enforcement executive
5 of the agency in which the respondent is employed, who
6 shall retain the firearms for safekeeping for the
7 duration of the order of protection.

8 (D) Upon expiration of the period of safekeeping,
9 if the firearms or Firearm Owner's Identification Card
10 cannot be returned to respondent because respondent
11 cannot be located, fails to respond to requests to
12 retrieve the firearms, or is not lawfully eligible to
13 possess a firearm, upon petition from the local law
14 enforcement agency, the court may order the local law
15 enforcement agency to destroy the firearms, use the
16 firearms for training purposes, or for any other
17 application as deemed appropriate by the local law
18 enforcement agency; or that the firearms be turned over
19 to a third party who is lawfully eligible to possess
20 firearms, and who does not reside with respondent.

21 (15) Prohibition of access to records. If an order of
22 protection prohibits respondent from having contact with
23 the minor child, or if petitioner's address is omitted
24 under subsection (b) of Section 112A-5, or if necessary to
25 prevent abuse or wrongful removal or concealment of a minor
26 child, the order shall deny respondent access to, and

1 prohibit respondent from inspecting, obtaining, or
2 attempting to inspect or obtain, school or any other
3 records of the minor child who is in the care of
4 petitioner.

5 (16) Order for payment of shelter services. Order
6 respondent to reimburse a shelter providing temporary
7 housing and counseling services to the petitioner for the
8 cost of the services, as certified by the shelter and
9 deemed reasonable by the court.

10 (17) Order for injunctive relief. Enter injunctive
11 relief necessary or appropriate to prevent further abuse of
12 a family or household member or to effectuate one of the
13 granted remedies, if supported by the balance of hardships.
14 If the harm to be prevented by the injunction is abuse or
15 any other harm that one of the remedies listed in
16 paragraphs (1) through (16) of this subsection is designed
17 to prevent, no further evidence is necessary to establish
18 that the harm is an irreparable injury.

19 (c) Relevant factors; findings.

20 (1) In determining whether to grant a specific remedy,
21 other than payment of support, the court shall consider
22 relevant factors, including but not limited to the
23 following:

24 (i) the nature, frequency, severity, pattern and
25 consequences of the respondent's past abuse of the
26 petitioner or any family or household member,

1 including the concealment of his or her location in
2 order to evade service of process or notice, and the
3 likelihood of danger of future abuse to petitioner or
4 any member of petitioner's or respondent's family or
5 household; and

6 (ii) the danger that any minor child will be abused
7 or neglected or improperly removed from the
8 jurisdiction, improperly concealed within the State or
9 improperly separated from the child's primary
10 caretaker.

11 (2) In comparing relative hardships resulting to the
12 parties from loss of possession of the family home, the
13 court shall consider relevant factors, including but not
14 limited to the following:

15 (i) availability, accessibility, cost, safety,
16 adequacy, location and other characteristics of
17 alternate housing for each party and any minor child or
18 dependent adult in the party's care;

19 (ii) the effect on the party's employment; and

20 (iii) the effect on the relationship of the party,
21 and any minor child or dependent adult in the party's
22 care, to family, school, church and community.

23 (3) Subject to the exceptions set forth in paragraph
24 (4) of this subsection, the court shall make its findings
25 in an official record or in writing, and shall at a minimum
26 set forth the following:

1 (i) That the court has considered the applicable
2 relevant factors described in paragraphs (1) and (2) of
3 this subsection.

4 (ii) Whether the conduct or actions of respondent,
5 unless prohibited, will likely cause irreparable harm
6 or continued abuse.

7 (iii) Whether it is necessary to grant the
8 requested relief in order to protect petitioner or
9 other alleged abused persons.

10 (4) For purposes of issuing an ex parte emergency order
11 of protection, the court, as an alternative to or as a
12 supplement to making the findings described in paragraphs
13 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
14 the following procedure:

15 When a verified petition for an emergency order of
16 protection in accordance with the requirements of Sections
17 112A-5 and 112A-17 is presented to the court, the court
18 shall examine petitioner on oath or affirmation. An
19 emergency order of protection shall be issued by the court
20 if it appears from the contents of the petition and the
21 examination of petitioner that the averments are
22 sufficient to indicate abuse by respondent and to support
23 the granting of relief under the issuance of the emergency
24 order of protection.

25 (5) Never married parties. No rights or
26 responsibilities for a minor child born outside of marriage

1 attach to a putative father until a father and child
2 relationship has been established under the Illinois
3 Parentage Act of 1984 or under the Illinois Parentage Act
4 of 2014 on and after the effective date of that Act. Absent
5 such an adjudication, no putative father shall be granted
6 temporary custody of the minor child, visitation with the
7 minor child, or physical care and possession of the minor
8 child, nor shall an order of payment for support of the
9 minor child be entered.

10 (d) Balance of hardships; findings. If the court finds that
11 the balance of hardships does not support the granting of a
12 remedy governed by paragraph (2), (3), (10), (11), or (16) of
13 subsection (b) of this Section, which may require such
14 balancing, the court's findings shall so indicate and shall
15 include a finding as to whether granting the remedy will result
16 in hardship to respondent that would substantially outweigh the
17 hardship to petitioner from denial of the remedy. The findings
18 shall be an official record or in writing.

19 (e) Denial of remedies. Denial of any remedy shall not be
20 based, in whole or in part, on evidence that:

21 (1) Respondent has cause for any use of force, unless
22 that cause satisfies the standards for justifiable use of
23 force provided by Article 7 of the Criminal Code of 2012;

24 (2) Respondent was voluntarily intoxicated;

25 (3) Petitioner acted in self-defense or defense of
26 another, provided that, if petitioner utilized force, such

1 force was justifiable under Article 7 of the Criminal Code
2 of 2012;

3 (4) Petitioner did not act in self-defense or defense
4 of another;

5 (5) Petitioner left the residence or household to avoid
6 further abuse by respondent;

7 (6) Petitioner did not leave the residence or household
8 to avoid further abuse by respondent;

9 (7) Conduct by any family or household member excused
10 the abuse by respondent, unless that same conduct would
11 have excused such abuse if the parties had not been family
12 or household members.

13 (Source: P.A. 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13;
14 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

15 Section 963. The Unified Code of Corrections is amended by
16 changing Section 3-5-4 as follows:

17 (730 ILCS 5/3-5-4)

18 Sec. 3-5-4. Exchange of information for child support
19 enforcement.

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

1 Children Act, the Non-Support Punishment Act, the Revised
2 Uniform Reciprocal Enforcement of Support Act, the Uniform
3 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
4 1984, or the Illinois Parentage Act of 2014.

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

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

12 Section 964. The Code of Civil Procedure is amended by
13 changing Sections 2-209, 2-1401, 12-112, and 12-819 as follows:

14 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

15 Sec. 2-209. Act submitting to jurisdiction - Process.

16 (a) Any person, whether or not a citizen or resident of
17 this State, who in person or through an agent does any of the
18 acts hereinafter enumerated, thereby submits such person, and,
19 if an individual, his or her personal representative, to the
20 jurisdiction of the courts of this State as to any cause of
21 action arising from the doing of any of such acts:

22 (1) The transaction of any business within this State;

23 (2) The commission of a tortious act within this State;

24 (3) The ownership, use, or possession of any real

1 estate situated in this State;

2 (4) Contracting to insure any person, property or risk
3 located within this State at the time of contracting;

4 (5) With respect to actions of dissolution of marriage,
5 declaration of invalidity of marriage and legal
6 separation, the maintenance in this State of a matrimonial
7 domicile at the time this cause of action arose or the
8 commission in this State of any act giving rise to the
9 cause of action;

10 (6) With respect to actions brought under the Illinois
11 Parentage Act of 1984, as now or hereafter amended, or
12 under the Illinois Parentage Act of 2014 on and after the
13 effective date of that Act, the performance of an act of
14 sexual intercourse within this State during the possible
15 period of conception;

16 (7) The making or performance of any contract or
17 promise substantially connected with this State;

18 (8) The performance of sexual intercourse within this
19 State which is claimed to have resulted in the conception
20 of a child who resides in this State;

21 (9) The failure to support a child, spouse or former
22 spouse who has continued to reside in this State since the
23 person either formerly resided with them in this State or
24 directed them to reside in this State;

25 (10) The acquisition of ownership, possession or
26 control of any asset or thing of value present within this

1 State when ownership, possession or control was acquired;

2 (11) The breach of any fiduciary duty within this
3 State;

4 (12) The performance of duties as a director or officer
5 of a corporation organized under the laws of this State or
6 having its principal place of business within this State;

7 (13) The ownership of an interest in any trust
8 administered within this State; or

9 (14) The exercise of powers granted under the authority
10 of this State as a fiduciary.

11 (b) A court may exercise jurisdiction in any action arising
12 within or without this State against any person who:

13 (1) Is a natural person present within this State when
14 served;

15 (2) Is a natural person domiciled or resident within
16 this State when the cause of action arose, the action was
17 commenced, or process was served;

18 (3) Is a corporation organized under the laws of this
19 State; or

20 (4) Is a natural person or corporation doing business
21 within this State.

22 (b-5) Foreign defamation judgment. The courts of this State
23 shall have personal jurisdiction over any person who obtains a
24 judgment in a defamation proceeding outside the United States
25 against any person who is a resident of Illinois or, if not a
26 natural person, has its principal place of business in

1 Illinois, for the purposes of rendering declaratory relief with
2 respect to that resident's liability for the judgment, or for
3 the purpose of determining whether said judgment should be
4 deemed non-recognizable pursuant to this Code, to the fullest
5 extent permitted by the United States Constitution, provided:

6 (1) the publication at issue was published in Illinois,
7 and

8 (2) that resident (i) has assets in Illinois which
9 might be used to satisfy the foreign defamation judgment,
10 or (ii) may have to take actions in Illinois to comply with
11 the foreign defamation judgment.

12 The provisions of this subsection (b-5) shall apply to
13 persons who obtained judgments in defamation proceedings
14 outside the United States prior to, on, or after the effective
15 date of this amendatory Act of the 95th General Assembly.

16 (c) A court may also exercise jurisdiction on any other
17 basis now or hereafter permitted by the Illinois Constitution
18 and the Constitution of the United States.

19 (d) Service of process upon any person who is subject to
20 the jurisdiction of the courts of this State, as provided in
21 this Section, may be made by personally serving the summons
22 upon the defendant outside this State, as provided in this Act,
23 with the same force and effect as though summons had been
24 personally served within this State.

25 (e) Service of process upon any person who resides or whose
26 business address is outside the United States and who is

1 subject to the jurisdiction of the courts of this State, as
2 provided in this Section, in any action based upon product
3 liability may be made by serving a copy of the summons with a
4 copy of the complaint attached upon the Secretary of State. The
5 summons shall be accompanied by a \$5 fee payable to the
6 Secretary of State. The plaintiff shall forthwith mail a copy
7 of the summons, upon which the date of service upon the
8 Secretary is clearly shown, together with a copy of the
9 complaint to the defendant at his or her last known place of
10 residence or business address. Plaintiff shall file with the
11 circuit clerk an affidavit of the plaintiff or his or her
12 attorney stating the last known place of residence or the last
13 known business address of the defendant and a certificate of
14 mailing a copy of the summons and complaint to the defendant at
15 such address as required by this subsection (e). The
16 certificate of mailing shall be prima facie evidence that the
17 plaintiff or his or her attorney mailed a copy of the summons
18 and complaint to the defendant as required. Service of the
19 summons shall be deemed to have been made upon the defendant on
20 the date it is served upon the Secretary and shall have the
21 same force and effect as though summons had been personally
22 served upon the defendant within this State.

23 (f) Only causes of action arising from acts enumerated
24 herein may be asserted against a defendant in an action in
25 which jurisdiction over him or her is based upon subsection
26 (a).

1 (g) Nothing herein contained limits or affects the right to
2 serve any process in any other manner now or hereafter provided
3 by law.

4 (Source: P.A. 95-865, eff. 8-19-08.)

5 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

6 Sec. 2-1401. Relief from judgments.

7 (a) Relief from final orders and judgments, after 30 days
8 from the entry thereof, may be had upon petition as provided in
9 this Section. Writs of error coram nobis and coram vobis, bills
10 of review and bills in the nature of bills of review are
11 abolished. All relief heretofore obtainable and the grounds for
12 such relief heretofore available, whether by any of the
13 foregoing remedies or otherwise, shall be available in every
14 case, by proceedings hereunder, regardless of the nature of the
15 order or judgment from which relief is sought or of the
16 proceedings in which it was entered. Except as provided in
17 ~~Section 6 of~~ the Illinois Parentage Act of 2014 ~~1984~~, there
18 shall be no distinction between actions and other proceedings,
19 statutory or otherwise, as to availability of relief, grounds
20 for relief or the relief obtainable.

21 (b) The petition must be filed in the same proceeding in
22 which the order or judgment was entered but is not a
23 continuation thereof. The petition must be supported by
24 affidavit or other appropriate showing as to matters not of
25 record. All parties to the petition shall be notified as

1 provided by rule.

2 (c) Except as provided in Section 20b of the Adoption Act
3 and Section 2-32 of the Juvenile Court Act of 1987 or in a
4 petition based upon Section 116-3 of the Code of Criminal
5 Procedure of 1963, the petition must be filed not later than 2
6 years after the entry of the order or judgment. Time during
7 which the person seeking relief is under legal disability or
8 duress or the ground for relief is fraudulently concealed shall
9 be excluded in computing the period of 2 years.

10 (d) The filing of a petition under this Section does not
11 affect the order or judgment, or suspend its operation.

12 (e) Unless lack of jurisdiction affirmatively appears from
13 the record proper, the vacation or modification of an order or
14 judgment pursuant to the provisions of this Section does not
15 affect the right, title or interest in or to any real or
16 personal property of any person, not a party to the original
17 action, acquired for value after the entry of the order or
18 judgment but before the filing of the petition, nor affect any
19 right of any person not a party to the original action under
20 any certificate of sale issued before the filing of the
21 petition, pursuant to a sale based on the order or judgment.

22 (f) Nothing contained in this Section affects any existing
23 right to relief from a void order or judgment, or to employ any
24 existing method to procure that relief.

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

1 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

2 Sec. 12-112. What liable to enforcement. All the lands,
3 tenements, real estate, goods and chattels (except such as is
4 by law declared to be exempt) of every person against whom any
5 judgment has been or shall be hereafter entered in any court,
6 for any debt, damages, costs, or other sum of money, shall be
7 liable to be sold upon such judgment. Any real property, any
8 beneficial interest in a land trust, or any interest in real
9 property held in a revocable inter vivos trust or revocable
10 inter vivos trusts created for estate planning purposes, held
11 in tenancy by the entirety shall not be liable to be sold upon
12 judgment entered on or after October 1, 1990 against only one
13 of the tenants, except if the property was transferred into
14 tenancy by the entirety with the sole intent to avoid the
15 payment of debts existing at the time of the transfer beyond
16 the transferor's ability to pay those debts as they become due.
17 However, any income from such property shall be subject to
18 garnishment as provided in Part 7 of this Article XII, whether
19 judgment has been entered against one or both of the tenants.

20 If the court authorizes the piercing of the ownership veil
21 pursuant to Section 505 of the Illinois Marriage and
22 Dissolution of Marriage Act or Section 805 ~~15~~ of the Illinois
23 Parentage Act of 2014 ~~1984~~, any assets determined to be those
24 of the non-custodial parent, although not held in name of the
25 non-custodial parent, shall be subject to attachment or other
26 provisional remedy in accordance with the procedure prescribed

1 by this Code. The court may not authorize attachment of
2 property or any other provisional remedy under this paragraph
3 unless it has obtained jurisdiction over the entity holding
4 title to the property by proper service on that entity. With
5 respect to assets which are real property, no order entered as
6 described in this paragraph shall affect the rights of bona
7 fide purchasers, mortgagees, judgment creditors, or other lien
8 holders who acquire their interests in the property prior to
9 the time a notice of lis pendens pursuant to this Code or a
10 copy of the order is placed of record in the office of the
11 recorder of deeds for the county in which the real property is
12 located.

13 This amendatory Act of 1995 (P.A. 89-438) is declarative of
14 existing law.

15 This amendatory Act of 1997 (P.A. 90-514) is intended as a
16 clarification of existing law and not as a new enactment.

17 (Source: P.A. 96-1145, eff. 1-1-11.)

18 (735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

19 Sec. 12-819. Limitations on part 8 of Article XII. The
20 provisions of this Part 8 of Article XII of this Act do not
21 apply to orders for withholding of income entered by the court
22 under provisions of The Illinois Public Aid Code, the Illinois
23 Marriage and Dissolution of Marriage Act, the Non-Support of
24 Spouse and Children Act, the Non-Support Punishment Act, the
25 Revised Uniform Reciprocal Enforcement of Support Act, the

1 Illinois Parentage Act of 1984, and the Illinois Parentage Act
2 of 2014 ~~and the Paternity Act~~ for support of a child or
3 maintenance of a spouse.

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

5 Section 965. The Illinois Wage Assignment Act is amended by
6 changing Section 11 as follows:

7 (740 ILCS 170/11) (from Ch. 48, par. 39.12)

8 Sec. 11. The provisions of this Act do not apply to orders
9 for withholding of income entered by the court under provisions
10 of The Illinois Public Aid Code, the Illinois Marriage and
11 Dissolution of Marriage Act, the Non-Support of Spouse and
12 Children Act, the Non-Support Punishment Act, the Revised
13 Uniform Reciprocal Enforcement of Support Act, the Illinois
14 Parentage Act of 1984, and the Illinois Parentage Act of 2014
15 ~~and the Paternity Act~~ for support of a child or maintenance of
16 a spouse.

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

18 Section 966. The Illinois Marriage and Dissolution of
19 Marriage Act is amended by changing Section 713 as follows:

20 (750 ILCS 5/713) (from Ch. 40, par. 713)

21 Sec. 713. Attachment of the Body. As used in this Section,
22 "obligor" has the same meaning ascribed to such term in the

1 Income Withholding for Support Act.

2 (a) In any proceeding to enforce an order for support,
3 where the obligor has failed to appear in court pursuant to
4 order of court and after due notice thereof, the court may
5 enter an order for the attachment of the body of the obligor.
6 Notices under this Section shall be served upon the obligor by
7 any means authorized under subsection (a-5) of Section 505. The
8 attachment order shall fix an amount of escrow which is equal
9 to a minimum of 20% of the total child support arrearage
10 alleged by the obligee in sworn testimony to be due and owing.
11 The attachment order shall direct the Sheriff of any county in
12 Illinois to take the obligor into custody and shall set the
13 number of days following release from custody for a hearing to
14 be held at which the obligor must appear, if he is released
15 under subsection (b) of this Section.

16 (b) If the obligor is taken into custody, the Sheriff shall
17 take the obligor before the court which entered the attachment
18 order. However, the Sheriff may release the person after he or
19 she has deposited the amount of escrow ordered by the court
20 pursuant to local procedures for the posting of bond. The
21 Sheriff shall advise the obligor of the hearing date at which
22 the obligor is required to appear.

23 (c) Any escrow deposited pursuant to this Section shall be
24 transmitted to the Clerk of the Circuit Court for the county in
25 which the order for attachment of the body of the obligor was
26 entered. Any Clerk who receives money deposited into escrow

1 pursuant to this Section shall notify the obligee, public
2 office or legal counsel whose name appears on the attachment
3 order of the court date at which the obligor is required to
4 appear and the amount deposited into escrow. The Clerk shall
5 disburse such money to the obligee only under an order from the
6 court that entered the attachment order pursuant to this
7 Section.

8 (d) Whenever an obligor is taken before the court by the
9 Sheriff, or appears in court after the court has ordered the
10 attachment of his body, the court shall:

11 (1) hold a hearing on the complaint or petition that
12 gave rise to the attachment order. For purposes of
13 determining arrearages that are due and owing by the
14 obligor, the court shall accept the previous sworn
15 testimony of the obligee as true and the appearance of the
16 obligee shall not be required. The court shall require
17 sworn testimony of the obligor as to the last 4 digits of
18 his or her Social Security number, income, employment, bank
19 accounts, property and any other assets. If there is a
20 dispute as to the total amount of arrearages, the court
21 shall proceed as in any other case as to the undisputed
22 amounts; and

23 (2) order the Clerk of the Circuit Court to disburse to
24 the obligee or public office money held in escrow pursuant
25 to this Section if the court finds that the amount of
26 arrearages exceeds the amount of the escrow. Amounts

1 received by the obligee or public office shall be deducted
2 from the amount of the arrearages.

3 (e) If the obligor fails to appear in court after being
4 notified of the court date by the Sheriff upon release from
5 custody, the court shall order any monies deposited into escrow
6 to be immediately released to the obligee or public office and
7 shall proceed under subsection (a) of this Section by entering
8 another order for the attachment of the body of the obligor.

9 (f) This Section shall apply to any order for support
10 issued under the "Illinois Marriage and Dissolution of Marriage
11 Act", approved September 22, 1977, as amended; the Illinois
12 Parentage Act of 2014; the "Illinois Parentage Act of 1984",
13 effective July 1, 1985, as amended; the "Revised Uniform
14 Reciprocal Enforcement of Support Act", approved August 28,
15 1969, as amended; "The Illinois Public Aid Code", approved
16 April 11, 1967, as amended; the Non-Support Punishment Act; and
17 the "Non-support of Spouse and Children Act", approved June 8,
18 1953, as amended.

19 (g) Any escrow established pursuant to this Section for the
20 purpose of providing support shall not be subject to fees
21 collected by the Clerk of the Circuit Court for any other
22 escrow.

23 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;
24 92-16, eff. 6-28-01.)

25 Section 967. The Non-Support Punishment Act is amended by

1 changing Section 50 as follows:

2 (750 ILCS 16/50)

3 Sec. 50. Community service; work alternative program.

4 (a) In addition to any other penalties imposed against an
5 offender under this Act, the court may order the offender to
6 perform community service for not less than 30 and not more
7 than 120 hours per month, if community service is available in
8 the jurisdiction and is funded and approved by the county board
9 of the county where the offense was committed. In addition,
10 whenever any person is placed on supervision for committing an
11 offense under this Act, the supervision shall be conditioned on
12 the performance of the community service.

13 (b) In addition to any other penalties imposed against an
14 offender under this Act, the court may sentence the offender to
15 service in a work alternative program administered by the
16 sheriff. The conditions of the program are that the offender
17 obtain or retain employment and participate in a work
18 alternative program administered by the sheriff during
19 non-working hours. A person may not be required to participate
20 in a work alternative program under this subsection if the
21 person is currently participating in a work program pursuant to
22 another provision of this Act, Section 10-11.1 of the Illinois
23 Public Aid Code, Section 505.1 of the Illinois Marriage and
24 Dissolution of Marriage Act, or Section 806 ~~15.1~~ of the
25 Illinois Parentage Act of 2014 ~~1984~~.

1 (c) In addition to any other penalties imposed against an
2 offender under this Act, the court may order, in cases where
3 the offender has been in violation of this Act for 90 days or
4 more, that the offender's Illinois driving privileges be
5 suspended until the court determines that the offender is in
6 compliance with this Act.

7 The court may determine that the offender is in compliance
8 with this Act if the offender has agreed (i) to pay all
9 required amounts of support and maintenance as determined by
10 the court or (ii) to the garnishment of his or her income for
11 the purpose of paying those amounts.

12 The court may also order that the offender be issued a
13 family financial responsibility driving permit that would
14 allow limited driving privileges for employment and medical
15 purposes in accordance with Section 7-702.1 of the Illinois
16 Vehicle Code. The clerk of the circuit court shall certify the
17 order suspending the driving privileges of the offender or
18 granting the issuance of a family financial responsibility
19 driving permit to the Secretary of State on forms prescribed by
20 the Secretary. Upon receipt of the authenticated documents, the
21 Secretary of State shall suspend the offender's driving
22 privileges until further order of the court and shall, if
23 ordered by the court, subject to the provisions of Section
24 7-702.1 of the Illinois Vehicle Code, issue a family financial
25 responsibility driving permit to the offender.

26 (d) If the court determines that the offender has been in

1 violation of this Act for more than 60 days, the court may
2 determine whether the offender has applied for or been issued a
3 professional license by the Department of Professional
4 Regulation or another licensing agency. If the court determines
5 that the offender has applied for or been issued such a
6 license, the court may certify to the Department of
7 Professional Regulation or other licensing agency that the
8 offender has been in violation of this Act for more than 60
9 days so that the Department or other agency may take
10 appropriate steps with respect to the license or application as
11 provided in Section 10-65 of the Illinois Administrative
12 Procedure Act and Section 2105-15 of the Department of
13 Professional Regulation Law of the Civil Administrative Code of
14 Illinois. The court may take the actions required under this
15 subsection in addition to imposing any other penalty authorized
16 under this Act.

17 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

18 Section 968. The Uniform Interstate Family Support Act is
19 amended by changing Section 102 as follows:

20 (750 ILCS 22/102) (was 750 ILCS 22/101)

21 Sec. 102. Definitions. In this Act:

22 "Child" means an individual, whether over or under the age
23 of 18, who is or is alleged to be owed a duty of support by the
24 individual's parent or who is or is alleged to be the

1 beneficiary of a support order directed to the parent.

2 "Child-support order" means a support order for a child,
3 including a child who has attained the age of 18.

4 "Duty of support" means an obligation imposed or imposable
5 by law to provide support for a child, spouse, or former spouse
6 including an unsatisfied obligation to provide support.

7 "Home state" means the state in which a child lived with a
8 parent or a person acting as parent for at least 6 consecutive
9 months immediately preceding the time of filing of a petition
10 or comparable pleading for support, and if a child is less than
11 6 months old, the state in which the child lived from birth
12 with any of them. A period of temporary absence of any of them
13 is counted as part of the 6-month or other period.

14 "Income" includes earnings or other periodic entitlements
15 to money from any source and any other property subject to
16 withholding for support under the law of this State.

17 "Income-withholding order" means an order or other legal
18 process directed to an obligor's employer or other debtor, as
19 defined by the Illinois Marriage and Dissolution of Marriage
20 Act, the Non-Support of Spouse and Children Act, the
21 Non-Support Punishment Act the Illinois Public Aid Code, and
22 the Illinois Parentage Act of 2014 ~~1984~~, to withhold support
23 from the income of the obligor.

24 "Initiating state" means a state from which a proceeding is
25 forwarded or in which a proceeding is filed for forwarding to a
26 responding state under this Act or a law or procedure

1 substantially similar to this Act.

2 "Initiating tribunal" means the authorized tribunal in an
3 initiating state.

4 "Issuing state" means the state in which a tribunal issues
5 a support order or renders a judgment determining parentage.

6 "Issuing tribunal" means the tribunal that issues a support
7 order or renders a judgment determining parentage.

8 "Obligee" means:

9 (A) an individual to whom a duty of support is or is
10 alleged to be owed or in whose favor a support order has
11 been issued or a judgment determining parentage has been
12 rendered;

13 (B) a state or political subdivision to which the
14 rights under a duty of support or support order have been
15 assigned or which has independent claims based on financial
16 assistance provided to an individual obligee; or

17 (C) an individual seeking a judgment determining
18 parentage of the individual's child.

19 "Obligor" means an individual, or the estate of a decedent:

20 (i) who owes or is alleged to owe a duty of
21 support;

22 (ii) who is alleged but has not been adjudicated to
23 be a parent of a child; or

24 (iii) who is liable under a support order.

25 "Person means an individual, corporation, business trust,
26 estate, trust, partnership, limited liability company,

1 association, joint venture, government, governmental
2 subdivision, agency, instrumentality, public corporation, or
3 any other legal or commercial entity.

4 "Record" means information that is inscribed on a tangible
5 medium or that is stored in an electronic or other medium and
6 is retrievable in perceivable form.

7 "Register" means to record a support order or judgment
8 determining parentage in the appropriate Registry of Foreign
9 Support Orders.

10 "Registering tribunal" means a tribunal in which a support
11 order is registered.

12 "Responding state" means a state in which a proceeding is
13 filed or to which a proceeding is forwarded for filing from an
14 initiating state under this Act or a law or procedure
15 substantially similar to this Act.

16 "Responding tribunal" means the authorized tribunal in a
17 responding state.

18 "Spousal-support order" means a support order for a spouse
19 or former spouse of the obligor.

20 "State" means a state of the United States, the District of
21 Columbia, Puerto Rico, the United States Virgin Islands, or any
22 territory or insular possession subject to the jurisdiction of
23 the United States. The term includes:

24 (A) an Indian tribe; and

25 (B) a foreign country or political subdivision that:

26 (i) has been declared to be a foreign reciprocating

1 country or political subdivision under federal law;

2 (ii) has established a reciprocal arrangement for
3 child support with this State as provided in Section
4 308; or

5 (iii) has enacted a law or established procedures
6 for issuance and enforcement of support orders which
7 are substantially similar to the procedures under this
8 Act.

9 "Support enforcement agency" means a public official or
10 agency authorized to seek:

11 (A) enforcement of support orders or laws relating to
12 the duty of support;

13 (B) establishment or modification of child support;

14 (C) determination of parentage;

15 (D) to locate obligors or their assets; or

16 (E) determination of the controlling child support
17 order.

18 "Support order" means a judgment, decree, order, or
19 directive, whether temporary, final, or subject to
20 modification, issued by a tribunal for the benefit of a child,
21 a spouse, or a former spouse, which provides for monetary
22 support, health care, arrearages, or reimbursement, and may
23 include related costs and fees, interest, income withholding,
24 attorney's fees, and other relief.

25 "Tribunal" means a court, administrative agency, or
26 quasi-judicial entity authorized to establish, enforce, or

1 modify support orders or to determine parentage.

2 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

3 Section 969. The Expedited Child Support Act of 1990 is
4 amended by changing Section 6 as follows:

5 (750 ILCS 25/6) (from Ch. 40, par. 2706)

6 Sec. 6. Authority of hearing officers.

7 (a) With the exception of judicial functions exclusively
8 retained by the court in Section 8 of this Act and in
9 accordance with Supreme Court rules promulgated pursuant to
10 this Act, Administrative Hearing Officers shall be authorized
11 to:

12 (1) Accept voluntary agreements reached by the parties
13 setting the amount of child support to be paid and medical
14 support liability and recommend the entry of orders
15 incorporating such agreements.

16 (2) Accept voluntary acknowledgments of parentage and
17 recommend entry of an order establishing parentage based on
18 such acknowledgement. Prior to accepting such
19 acknowledgment, the Administrative Hearing Officer shall
20 advise the putative father of his rights and obligations in
21 accordance with Supreme Court rules promulgated pursuant
22 to this Act.

23 (3) Manage all stages of discovery, including setting
24 deadlines by which discovery must be completed; and

1 directing the parties to submit to appropriate tests
2 pursuant to ~~Section 11 of~~ the Illinois Parentage Act of
3 2014 ~~1984~~.

4 (4) Cause notices to be issued requiring the Obligor to
5 appear either before the Administrative Hearing Officer or
6 in court.

7 (5) Administer the oath or affirmation and take
8 testimony under oath or affirmation.

9 (6) Analyze the evidence and prepare written
10 recommendations based on such evidence, including but not
11 limited to: (i) proposed findings as to the amount of the
12 Obligor's income; (ii) proposed findings as to the amount
13 and nature of appropriate deductions from the Obligor's
14 income to determine the Obligor's net income; (iii)
15 proposed findings as to the existence of relevant factors
16 as set forth in subsection (a)(2) of Section 505 of the
17 Illinois Marriage and Dissolution of Marriage Act, which
18 justify setting child support payment levels above or below
19 the guidelines; (iv) recommended orders for temporary
20 child support; (v) recommended orders setting the amount of
21 current child support to be paid; (vi) proposed findings as
22 to the existence and amount of any arrearages; (vii)
23 recommended orders reducing any arrearages to judgement
24 and for the payment of amounts towards such arrearages;
25 (viii) proposed findings as to whether there has been a
26 substantial change of circumstances since the entry of the

1 last child support order, or other circumstances
2 justifying a modification of the child support order; and
3 (ix) proposed findings as to whether the Obligor is
4 employed.

5 (7) With respect to any unemployed Obligor who is not
6 making child support payments or is otherwise unable to
7 provide support, recommend that the Obligor be ordered to
8 seek employment and report periodically of his or her
9 efforts in accordance with such order. Additionally, the
10 Administrative Hearing Officer may recommend that the
11 Obligor be ordered to report to the Department of
12 Employment Security for job search services or to make
13 application with the local Job Training Partnership Act
14 provider for participation in job search, training or work
15 programs and, where the duty of support is owed to a child
16 receiving child support enforcement services under Article
17 X of the Illinois Public Aid Code, the Administrative
18 Hearing Officer may recommend that the Obligor be ordered
19 to report to the Department of Healthcare and Family
20 Services for participation in the job search, training or
21 work programs established under Section 9-6 of the Illinois
22 Public Aid Code.

23 (8) Recommend the registration of any foreign support
24 judgments or orders as the judgments or orders of Illinois.

25 (b) In any case in which the Obligee is not participating
26 in the IV-D program or has not applied to participate in the

1 IV-D program, the Administrative Hearing Officer shall:

2 (1) inform the Obligee of the existence of the IV-D
3 program and provide applications on request; and

4 (2) inform the Obligee and the Obligor of the option of
5 requesting payment to be made through the Clerk of the
6 Circuit Court.

7 If a request for payment through the Clerk is made, the
8 Administrative Hearing Officer shall note this fact in the
9 recommendations to the court.

10 (c) The Administrative Hearing Officer may make
11 recommendations in addition to the proposed findings of fact
12 and recommended order to which the parties have agreed.

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

14 Section 970. The Income Withholding for Support Act is
15 amended by changing Section 15 as follows:

16 (750 ILCS 28/15)

17 Sec. 15. Definitions.

18 (a) "Order for support" means any order of the court which
19 provides for periodic payment of funds for the support of a
20 child or maintenance of a spouse, whether temporary or final,
21 and includes any such order which provides for:

22 (1) modification or resumption of, or payment of
23 arrearage, including interest, accrued under, a previously
24 existing order;

1 (2) reimbursement of support;

2 (3) payment or reimbursement of the expenses of
3 pregnancy and delivery (for orders for support entered
4 under the Illinois Parentage Act of 1984 or its predecessor
5 the Paternity Act or under the Illinois Parentage Act of
6 2014); or

7 (4) enrollment in a health insurance plan that is
8 available to the obligor through an employer or labor union
9 or trade union.

10 (b) "Arrearage" means the total amount of unpaid support
11 obligations, including interest, as determined by the court and
12 incorporated into an order for support.

13 (b-5) "Business day" means a day on which State offices are
14 open for regular business.

15 (c) "Delinquency" means any payment, including a payment of
16 interest, under an order for support which becomes due and
17 remains unpaid after entry of the order for support.

18 (d) "Income" means any form of periodic payment to an
19 individual, regardless of source, including, but not limited
20 to: wages, salary, commission, compensation as an independent
21 contractor, workers' compensation, disability, annuity,
22 pension, and retirement benefits, lottery prize awards,
23 insurance proceeds, vacation pay, bonuses, profit-sharing
24 payments, severance pay, interest, and any other payments, made
25 by any person, private entity, federal or state government, any
26 unit of local government, school district or any entity created

1 by Public Act; however, "income" excludes:

2 (1) any amounts required by law to be withheld, other
3 than creditor claims, including, but not limited to,
4 federal, State and local taxes, Social Security and other
5 retirement and disability contributions;

6 (2) union dues;

7 (3) any amounts exempted by the federal Consumer Credit
8 Protection Act;

9 (4) public assistance payments; and

10 (5) unemployment insurance benefits except as provided
11 by law.

12 Any other State or local laws which limit or exempt income
13 or the amount or percentage of income that can be withheld
14 shall not apply.

15 (e) "Obligor" means the individual who owes a duty to make
16 payments under an order for support.

17 (f) "Obligee" means the individual to whom a duty of
18 support is owed or the individual's legal representative.

19 (g) "Payor" means any payor of income to an obligor.

20 (h) "Public office" means any elected official or any State
21 or local agency which is or may become responsible by law for
22 enforcement of, or which is or may become authorized to
23 enforce, an order for support, including, but not limited to:
24 the Attorney General, the Illinois Department of Healthcare and
25 Family Services, the Illinois Department of Human Services, the
26 Illinois Department of Children and Family Services, and the

1 various State's Attorneys, Clerks of the Circuit Court and
2 supervisors of general assistance.

3 (i) "Premium" means the dollar amount for which the obligor
4 is liable to his employer or labor union or trade union and
5 which must be paid to enroll or maintain a child in a health
6 insurance plan that is available to the obligor through an
7 employer or labor union or trade union.

8 (j) "State Disbursement Unit" means the unit established to
9 collect and disburse support payments in accordance with the
10 provisions of Section 10-26 of the Illinois Public Aid Code.

11 (k) "Title IV-D Agency" means the agency of this State
12 charged by law with the duty to administer the child support
13 enforcement program established under Title IV, Part D of the
14 Social Security Act and Article X of the Illinois Public Aid
15 Code.

16 (l) "Title IV-D case" means a case in which an obligee or
17 obligor is receiving child support enforcement services under
18 Title IV, Part D of the Social Security Act and Article X of
19 the Illinois Public Aid Code.

20 (m) "National Medical Support Notice" means the notice
21 required for enforcement of orders for support providing for
22 health insurance coverage of a child under Title IV, Part D of
23 the Social Security Act, the Employee Retirement Income
24 Security Act of 1974, and federal regulations promulgated under
25 those Acts.

26 (n) "Employer" means a payor or labor union or trade union

1 with an employee group health insurance plan and, for purposes
2 of the National Medical Support Notice, also includes but is
3 not limited to:

4 (1) any State or local governmental agency with a group
5 health plan; and

6 (2) any payor with a group health plan or "church plan"
7 covered under the Employee Retirement Income Security Act
8 of 1974.

9 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,
10 eff. 10-23-07.)

11 Section 971. The Gestational Surrogacy Act is amended by
12 changing Section 35 as follows:

13 (750 ILCS 47/35)

14 Sec. 35. Establishment of the parent-child relationship.

15 (a) For purposes of the Illinois Parentage Act of 2014
16 ~~1984~~, a parent-child relationship shall be established prior to
17 the birth of a child born through gestational surrogacy if, in
18 addition to satisfying the requirements of Articles 2 and 3
19 ~~Sections 5 and 6~~ of the Illinois Parentage Act of 2014 ~~1984~~,
20 the attorneys representing both the gestational surrogate and
21 the intended parent or parents certify that the parties entered
22 into a gestational surrogacy contract intended to satisfy the
23 requirements of Section 25 of this Act with respect to the
24 child.

1 (b) The attorneys' certifications required by subsection
2 (a) of this Section shall be filed on forms prescribed by the
3 Illinois Department of Public Health and in a manner consistent
4 with the requirement of the Illinois Parentage Act of 2014
5 ~~1984~~.

6 (Source: P.A. 93-921, eff. 1-1-05.)

7 Section 972. The Adoption Act is amended by changing
8 Sections 1, 8, 12a, and 18.06 as follows:

9 (750 ILCS 50/1) (from Ch. 40, par. 1501)

10 Sec. 1. Definitions. When used in this Act, unless the
11 context otherwise requires:

12 A. "Child" means a person under legal age subject to
13 adoption under this Act.

14 B. "Related child" means a child subject to adoption where
15 either or both of the adopting parents stands in any of the
16 following relationships to the child by blood or marriage:
17 parent, grand-parent, brother, sister, step-parent,
18 step-grandparent, step-brother, step-sister, uncle, aunt,
19 great-uncle, great-aunt, or cousin of first degree. A child
20 whose parent has executed a final irrevocable consent to
21 adoption or a final irrevocable surrender for purposes of
22 adoption, or whose parent has had his or her parental rights
23 terminated, is not a related child to that person, unless the
24 consent is determined to be void or is void pursuant to

1 subsection 0 of Section 10.

2 C. "Agency" for the purpose of this Act means a public
3 child welfare agency or a licensed child welfare agency.

4 D. "Unfit person" means any person whom the court shall
5 find to be unfit to have a child, without regard to the
6 likelihood that the child will be placed for adoption. The
7 grounds of unfitness are any one or more of the following,
8 except that a person shall not be considered an unfit person
9 for the sole reason that the person has relinquished a child in
10 accordance with the Abandoned Newborn Infant Protection Act:

11 (a) Abandonment of the child.

12 (a-1) Abandonment of a newborn infant in a hospital.

13 (a-2) Abandonment of a newborn infant in any setting
14 where the evidence suggests that the parent intended to
15 relinquish his or her parental rights.

16 (b) Failure to maintain a reasonable degree of
17 interest, concern or responsibility as to the child's
18 welfare.

19 (c) Desertion of the child for more than 3 months next
20 preceding the commencement of the Adoption proceeding.

21 (d) Substantial neglect of the child if continuous or
22 repeated.

23 (d-1) Substantial neglect, if continuous or repeated,
24 of any child residing in the household which resulted in
25 the death of that child.

26 (e) Extreme or repeated cruelty to the child.

1 (f) There is a rebuttable presumption, which can be
2 overcome only by clear and convincing evidence, that a
3 parent is unfit if:

4 (1) Two or more findings of physical abuse have
5 been entered regarding any children under Section 2-21
6 of the Juvenile Court Act of 1987, the most recent of
7 which was determined by the juvenile court hearing the
8 matter to be supported by clear and convincing
9 evidence; or

10 (2) The parent has been convicted or found not
11 guilty by reason of insanity and the conviction or
12 finding resulted from the death of any child by
13 physical abuse; or

14 (3) There is a finding of physical child abuse
15 resulting from the death of any child under Section
16 2-21 of the Juvenile Court Act of 1987.

17 No conviction or finding of delinquency pursuant
18 to Article V ~~5~~ of the Juvenile Court Act of 1987 shall
19 be considered a criminal conviction for the purpose of
20 applying any presumption under this item (f).

21 (g) Failure to protect the child from conditions within
22 his environment injurious to the child's welfare.

23 (h) Other neglect of, or misconduct toward the child;
24 provided that in making a finding of unfitness the court
25 hearing the adoption proceeding shall not be bound by any
26 previous finding, order or judgment affecting or

1 determining the rights of the parents toward the child
2 sought to be adopted in any other proceeding except such
3 proceedings terminating parental rights as shall be had
4 under either this Act, the Juvenile Court Act or the
5 Juvenile Court Act of 1987.

6 (i) Depravity. Conviction of any one of the following
7 crimes shall create a presumption that a parent is deprived
8 which can be overcome only by clear and convincing
9 evidence: (1) first degree murder in violation of paragraph
10 1 or 2 of subsection (a) of Section 9-1 of the Criminal
11 Code of 1961 or the Criminal Code of 2012 or conviction of
12 second degree murder in violation of subsection (a) of
13 Section 9-2 of the Criminal Code of 1961 or the Criminal
14 Code of 2012 of a parent of the child to be adopted; (2)
15 first degree murder or second degree murder of any child in
16 violation of the Criminal Code of 1961 or the Criminal Code
17 of 2012; (3) attempt or conspiracy to commit first degree
18 murder or second degree murder of any child in violation of
19 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
20 solicitation to commit murder of any child, solicitation to
21 commit murder of any child for hire, or solicitation to
22 commit second degree murder of any child in violation of
23 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
24 predatory criminal sexual assault of a child in violation
25 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
26 or the Criminal Code of 2012; (6) heinous battery of any

1 child in violation of the Criminal Code of 1961; or (7)
2 aggravated battery of any child in violation of the
3 Criminal Code of 1961 or the Criminal Code of 2012.

4 There is a rebuttable presumption that a parent is
5 deprived if the parent has been criminally convicted of at
6 least 3 felonies under the laws of this State or any other
7 state, or under federal law, or the criminal laws of any
8 United States territory; and at least one of these
9 convictions took place within 5 years of the filing of the
10 petition or motion seeking termination of parental rights.

11 There is a rebuttable presumption that a parent is
12 deprived if that parent has been criminally convicted of
13 either first or second degree murder of any person as
14 defined in the Criminal Code of 1961 or the Criminal Code
15 of 2012 within 10 years of the filing date of the petition
16 or motion to terminate parental rights.

17 No conviction or finding of delinquency pursuant to
18 Article 5 of the Juvenile Court Act of 1987 shall be
19 considered a criminal conviction for the purpose of
20 applying any presumption under this item (i).

21 (j) Open and notorious adultery or fornication.

22 (j-1) (Blank).

23 (k) Habitual drunkenness or addiction to drugs, other
24 than those prescribed by a physician, for at least one year
25 immediately prior to the commencement of the unfitness
26 proceeding.

1 There is a rebuttable presumption that a parent is
2 unfit under this subsection with respect to any child to
3 which that parent gives birth where there is a confirmed
4 test result that at birth the child's blood, urine, or
5 meconium contained any amount of a controlled substance as
6 defined in subsection (f) of Section 102 of the Illinois
7 Controlled Substances Act or metabolites of such
8 substances, the presence of which in the newborn infant was
9 not the result of medical treatment administered to the
10 mother or the newborn infant; and the biological mother of
11 this child is the biological mother of at least one other
12 child who was adjudicated a neglected minor under
13 subsection (c) of Section 2-3 of the Juvenile Court Act of
14 1987.

15 (1) Failure to demonstrate a reasonable degree of
16 interest, concern or responsibility as to the welfare of a
17 new born child during the first 30 days after its birth.

18 (m) Failure by a parent (i) to make reasonable efforts
19 to correct the conditions that were the basis for the
20 removal of the child from the parent during any 9-month
21 period following the adjudication of neglected or abused
22 minor under Section 2-3 of the Juvenile Court Act of 1987
23 or dependent minor under Section 2-4 of that Act, or (ii)
24 to make reasonable progress toward the return of the child
25 to the parent during any 9-month period following the
26 adjudication of neglected or abused minor under Section 2-3

1 of the Juvenile Court Act of 1987 or dependent minor under
2 Section 2-4 of that Act. If a service plan has been
3 established as required under Section 8.2 of the Abused and
4 Neglected Child Reporting Act to correct the conditions
5 that were the basis for the removal of the child from the
6 parent and if those services were available, then, for
7 purposes of this Act, "failure to make reasonable progress
8 toward the return of the child to the parent" includes the
9 parent's failure to substantially fulfill his or her
10 obligations under the service plan and correct the
11 conditions that brought the child into care during any
12 9-month period following the adjudication under Section
13 2-3 or 2-4 of the Juvenile Court Act of 1987.
14 Notwithstanding any other provision, when a petition or
15 motion seeks to terminate parental rights on the basis of
16 item (ii) of this subsection (m), the petitioner shall file
17 with the court and serve on the parties a pleading that
18 specifies the 9-month period or periods relied on. The
19 pleading shall be filed and served on the parties no later
20 than 3 weeks before the date set by the court for closure
21 of discovery, and the allegations in the pleading shall be
22 treated as incorporated into the petition or motion.
23 Failure of a respondent to file a written denial of the
24 allegations in the pleading shall not be treated as an
25 admission that the allegations are true.

26 (m-1) Pursuant to the Juvenile Court Act of 1987, a

1 child has been in foster care for 15 months out of any 22
2 month period which begins on or after the effective date of
3 this amendatory Act of 1998 unless the child's parent can
4 prove by a preponderance of the evidence that it is more
5 likely than not that it will be in the best interests of
6 the child to be returned to the parent within 6 months of
7 the date on which a petition for termination of parental
8 rights is filed under the Juvenile Court Act of 1987. The
9 15 month time limit is tolled during any period for which
10 there is a court finding that the appointed custodian or
11 guardian failed to make reasonable efforts to reunify the
12 child with his or her family, provided that (i) the finding
13 of no reasonable efforts is made within 60 days of the
14 period when reasonable efforts were not made or (ii) the
15 parent filed a motion requesting a finding of no reasonable
16 efforts within 60 days of the period when reasonable
17 efforts were not made. For purposes of this subdivision
18 (m-1), the date of entering foster care is the earlier of:
19 (i) the date of a judicial finding at an adjudicatory
20 hearing that the child is an abused, neglected, or
21 dependent minor; or (ii) 60 days after the date on which
22 the child is removed from his or her parent, guardian, or
23 legal custodian.

24 (n) Evidence of intent to forgo his or her parental
25 rights, whether or not the child is a ward of the court,
26 (1) as manifested by his or her failure for a period of 12

1 months: (i) to visit the child, (ii) to communicate with
2 the child or agency, although able to do so and not
3 prevented from doing so by an agency or by court order, or
4 (iii) to maintain contact with or plan for the future of
5 the child, although physically able to do so, or (2) as
6 manifested by the father's failure, where he and the mother
7 of the child were unmarried to each other at the time of
8 the child's birth, (i) to commence legal proceedings to
9 establish his paternity under the Illinois Parentage Act of
10 1984, the Illinois Parentage Act of 2014, or the law of the
11 jurisdiction of the child's birth within 30 days of being
12 informed, pursuant to Section 12a of this Act, that he is
13 the father or the likely father of the child or, after
14 being so informed where the child is not yet born, within
15 30 days of the child's birth, or (ii) to make a good faith
16 effort to pay a reasonable amount of the expenses related
17 to the birth of the child and to provide a reasonable
18 amount for the financial support of the child, the court to
19 consider in its determination all relevant circumstances,
20 including the financial condition of both parents;
21 provided that the ground for termination provided in this
22 subparagraph (n)(2)(ii) shall only be available where the
23 petition is brought by the mother or the husband of the
24 mother.

25 Contact or communication by a parent with his or her
26 child that does not demonstrate affection and concern does

1 not constitute reasonable contact and planning under
2 subdivision (n). In the absence of evidence to the
3 contrary, the ability to visit, communicate, maintain
4 contact, pay expenses and plan for the future shall be
5 presumed. The subjective intent of the parent, whether
6 expressed or otherwise, unsupported by evidence of the
7 foregoing parental acts manifesting that intent, shall not
8 preclude a determination that the parent has intended to
9 forgo his or her parental rights. In making this
10 determination, the court may consider but shall not require
11 a showing of diligent efforts by an authorized agency to
12 encourage the parent to perform the acts specified in
13 subdivision (n).

14 It shall be an affirmative defense to any allegation
15 under paragraph (2) of this subsection that the father's
16 failure was due to circumstances beyond his control or to
17 impediments created by the mother or any other person
18 having legal custody. Proof of that fact need only be by a
19 preponderance of the evidence.

20 (o) Repeated or continuous failure by the parents,
21 although physically and financially able, to provide the
22 child with adequate food, clothing, or shelter.

23 (p) Inability to discharge parental responsibilities
24 supported by competent evidence from a psychiatrist,
25 licensed clinical social worker, or clinical psychologist
26 of mental impairment, mental illness or an intellectual

1 disability as defined in Section 1-116 of the Mental Health
2 and Developmental Disabilities Code, or developmental
3 disability as defined in Section 1-106 of that Code, and
4 there is sufficient justification to believe that the
5 inability to discharge parental responsibilities shall
6 extend beyond a reasonable time period. However, this
7 subdivision (p) shall not be construed so as to permit a
8 licensed clinical social worker to conduct any medical
9 diagnosis to determine mental illness or mental
10 impairment.

11 (q) (Blank).

12 (r) The child is in the temporary custody or
13 guardianship of the Department of Children and Family
14 Services, the parent is incarcerated as a result of
15 criminal conviction at the time the petition or motion for
16 termination of parental rights is filed, prior to
17 incarceration the parent had little or no contact with the
18 child or provided little or no support for the child, and
19 the parent's incarceration will prevent the parent from
20 discharging his or her parental responsibilities for the
21 child for a period in excess of 2 years after the filing of
22 the petition or motion for termination of parental rights.

23 (s) The child is in the temporary custody or
24 guardianship of the Department of Children and Family
25 Services, the parent is incarcerated at the time the
26 petition or motion for termination of parental rights is

1 filed, the parent has been repeatedly incarcerated as a
2 result of criminal convictions, and the parent's repeated
3 incarceration has prevented the parent from discharging
4 his or her parental responsibilities for the child.

5 (t) A finding that at birth the child's blood, urine,
6 or meconium contained any amount of a controlled substance
7 as defined in subsection (f) of Section 102 of the Illinois
8 Controlled Substances Act, or a metabolite of a controlled
9 substance, with the exception of controlled substances or
10 metabolites of such substances, the presence of which in
11 the newborn infant was the result of medical treatment
12 administered to the mother or the newborn infant, and that
13 the biological mother of this child is the biological
14 mother of at least one other child who was adjudicated a
15 neglected minor under subsection (c) of Section 2-3 of the
16 Juvenile Court Act of 1987, after which the biological
17 mother had the opportunity to enroll in and participate in
18 a clinically appropriate substance abuse counseling,
19 treatment, and rehabilitation program.

20 E. "Parent" means the father or mother of a lawful child of
21 the parties or child born out of wedlock. For the purpose of
22 this Act, a person who has executed a final and irrevocable
23 consent to adoption or a final and irrevocable surrender for
24 purposes of adoption, or whose parental rights have been
25 terminated by a court, is not a parent of the child who was the
26 subject of the consent or surrender, unless the consent is void

1 pursuant to subsection O of Section 10.

2 F. A person is available for adoption when the person is:

3 (a) a child who has been surrendered for adoption to an
4 agency and to whose adoption the agency has thereafter
5 consented;

6 (b) a child to whose adoption a person authorized by
7 law, other than his parents, has consented, or to whose
8 adoption no consent is required pursuant to Section 8 of
9 this Act;

10 (c) a child who is in the custody of persons who intend
11 to adopt him through placement made by his parents;

12 (c-1) a child for whom a parent has signed a specific
13 consent pursuant to subsection O of Section 10;

14 (d) an adult who meets the conditions set forth in
15 Section 3 of this Act; or

16 (e) a child who has been relinquished as defined in
17 Section 10 of the Abandoned Newborn Infant Protection Act.

18 A person who would otherwise be available for adoption
19 shall not be deemed unavailable for adoption solely by reason
20 of his or her death.

21 G. The singular includes the plural and the plural includes
22 the singular and the "male" includes the "female", as the
23 context of this Act may require.

24 H. "Adoption disruption" occurs when an adoptive placement
25 does not prove successful and it becomes necessary for the
26 child to be removed from placement before the adoption is

1 finalized.

2 I. "Habitual residence" has the meaning ascribed to it in
3 the federal Intercountry Adoption Act of 2000 and regulations
4 promulgated thereunder.

5 J. "Immediate relatives" means the biological parents, the
6 parents of the biological parents and siblings of the
7 biological parents.

8 K. "Intercountry adoption" is a process by which a child
9 from a country other than the United States is adopted by
10 persons who are habitual residents of the United States, or the
11 child is a habitual resident of the United States who is
12 adopted by persons who are habitual residents of a country
13 other than the United States.

14 L. "Intercountry Adoption Coordinator" means a staff
15 person of the Department of Children and Family Services
16 appointed by the Director to coordinate the provision of
17 services related to an intercountry adoption.

18 M. "Interstate Compact on the Placement of Children" is a
19 law enacted by all states and certain territories for the
20 purpose of establishing uniform procedures for handling the
21 interstate placement of children in foster homes, adoptive
22 homes, or other child care facilities.

23 N. (Blank).

24 O. "Preadoption requirements" means any conditions or
25 standards established by the laws or administrative rules of
26 this State that must be met by a prospective adoptive parent

1 prior to the placement of a child in an adoptive home.

2 P. "Abused child" means a child whose parent or immediate
3 family member, or any person responsible for the child's
4 welfare, or any individual residing in the same home as the
5 child, or a paramour of the child's parent:

6 (a) inflicts, causes to be inflicted, or allows to be
7 inflicted upon the child physical injury, by other than
8 accidental means, that causes death, disfigurement,
9 impairment of physical or emotional health, or loss or
10 impairment of any bodily function;

11 (b) creates a substantial risk of physical injury to
12 the child by other than accidental means which would be
13 likely to cause death, disfigurement, impairment of
14 physical or emotional health, or loss or impairment of any
15 bodily function;

16 (c) commits or allows to be committed any sex offense
17 against the child, as sex offenses are defined in the
18 Criminal Code of 2012 and extending those definitions of
19 sex offenses to include children under 18 years of age;

20 (d) commits or allows to be committed an act or acts of
21 torture upon the child; or

22 (e) inflicts excessive corporal punishment.

23 Q. "Neglected child" means any child whose parent or other
24 person responsible for the child's welfare withholds or denies
25 nourishment or medically indicated treatment including food or
26 care denied solely on the basis of the present or anticipated

1 mental or physical impairment as determined by a physician
2 acting alone or in consultation with other physicians or
3 otherwise does not provide the proper or necessary support,
4 education as required by law, or medical or other remedial care
5 recognized under State law as necessary for a child's
6 well-being, or other care necessary for his or her well-being,
7 including adequate food, clothing and shelter; or who is
8 abandoned by his or her parents or other person responsible for
9 the child's welfare.

10 A child shall not be considered neglected or abused for the
11 sole reason that the child's parent or other person responsible
12 for his or her welfare depends upon spiritual means through
13 prayer alone for the treatment or cure of disease or remedial
14 care as provided under Section 4 of the Abused and Neglected
15 Child Reporting Act. A child shall not be considered neglected
16 or abused for the sole reason that the child's parent or other
17 person responsible for the child's welfare failed to vaccinate,
18 delayed vaccination, or refused vaccination for the child due
19 to a waiver on religious or medical grounds as permitted by
20 law.

21 R. "Putative father" means a man who may be a child's
22 father, but who (1) is not married to the child's mother on or
23 before the date that the child was or is to be born and (2) has
24 not established paternity of the child in a court proceeding
25 before the filing of a petition for the adoption of the child.
26 The term includes a male who is less than 18 years of age.

1 "Putative father" does not mean a man who is the child's father
2 as a result of criminal sexual abuse or assault as defined
3 under Article 11 of the Criminal Code of 2012.

4 S. "Standby adoption" means an adoption in which a parent
5 consents to custody and termination of parental rights to
6 become effective upon the occurrence of a future event, which
7 is either the death of the parent or the request of the parent
8 for the entry of a final judgment of adoption.

9 T. (Blank).

10 U. "Interstate adoption" means the placement of a minor
11 child with a prospective adoptive parent for the purpose of
12 pursuing an adoption for that child that is subject to the
13 provisions of the Interstate Compact on Placement of Children.

14 V. "Endorsement letter" means the letter issued by the
15 Department of Children and Family Services to document that a
16 prospective adoptive parent has met preadoption requirements
17 and has been deemed suitable by the Department to adopt a child
18 who is the subject of an intercountry adoption.

19 W. "Denial letter" means the letter issued by the
20 Department of Children and Family Services to document that a
21 prospective adoptive parent has not met preadoption
22 requirements and has not been deemed suitable by the Department
23 to adopt a child who is the subject of an intercountry
24 adoption.

25 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
26 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.

1 1-1-14; revised 9-24-13.)

2 (750 ILCS 50/8) (from Ch. 40, par. 1510)

3 Sec. 8. Consents to adoption and surrenders for purposes of
4 adoption.

5 (a) Except as hereinafter provided in this Section consents
6 or surrenders shall be required in all cases, unless the person
7 whose consent or surrender would otherwise be required shall be
8 found by the court:

9 (1) to be an unfit person as defined in Section 1 of
10 this Act, by clear and convincing evidence; or

11 (2) not to be the biological or adoptive father of the
12 child; or

13 (3) to have waived his parental rights to the child
14 under Section 12a or 12.1 or subsection S of Section 10 of
15 this Act; or

16 (4) to be the parent of an adult sought to be adopted;
17 or

18 (5) to be the father of the child as a result of
19 criminal sexual abuse or assault as defined under Article
20 11 of the Criminal Code of 2012; or

21 (6) to be the father of a child who:

22 (i) is a family member of the mother of the child,
23 and the mother is under the age of 18 at the time of
24 the child's conception; for purposes of this
25 subsection, a "family member" is a parent,

1 step-parent, grandparent, step-grandparent, sibling,
2 or cousin of the first degree, whether by whole blood,
3 half-blood, or adoption, as well as a person age 18 or
4 over at the time of the child's conception who has
5 resided in the household with the mother continuously
6 for at least one year; or

7 (ii) is at least 5 years older than the child's
8 mother, and the mother was under the age of 17 at the
9 time of the child's conception, unless the mother and
10 father voluntarily acknowledge the father's paternity
11 of the child by marrying or by establishing the
12 father's paternity by consent of the parties pursuant
13 to the Illinois Parentage Act of 2014 ~~1984~~ or pursuant
14 to a substantially similar statute in another state.

15 A criminal conviction of any offense pursuant to
16 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
17 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
18 19-6, or Article 12 of the Criminal Code of 1961 or the
19 Criminal Code of 2012 is not required.

20 (b) Where consents are required in the case of an adoption
21 of a minor child, the consents of the following persons shall
22 be sufficient:

23 (1) (A) The mother of the minor child; and

24 (B) The father of the minor child, if the father:

25 (i) was married to the mother on the date of
26 birth of the child or within 300 days before the

1 birth of the child, except for a husband or former
2 husband who has been found by a court of competent
3 jurisdiction not to be the biological father of the
4 child; or

5 (ii) is the father of the child under a
6 judgment for adoption, an order of parentage, or an
7 acknowledgment of parentage or paternity pursuant
8 to subsection (a) of Section 5 of the Illinois
9 Parentage Act of 1984 or pursuant to Article 3 of
10 the Illinois Parentage Act of 2014; or

11 (iii) in the case of a child placed with the
12 adopting parents less than 6 months after birth,
13 openly lived with the child, the child's
14 biological mother, or both, and held himself out to
15 be the child's biological father during the first
16 30 days following the birth of the child; or

17 (iv) in the case of a child placed with the
18 adopting parents less than 6 months after birth,
19 made a good faith effort to pay a reasonable amount
20 of the expenses related to the birth of the child
21 and to provide a reasonable amount for the
22 financial support of the child before the
23 expiration of 30 days following the birth of the
24 child, provided that the court may consider in its
25 determination all relevant circumstances,
26 including the financial condition of both

1 biological parents; or

2 (v) in the case of a child placed with the
3 adopting parents more than 6 months after birth,
4 has maintained substantial and continuous or
5 repeated contact with the child as manifested by:

6 (I) the payment by the father toward the support of
7 the child of a fair and reasonable sum, according
8 to the father's means, and either (II) the father's
9 visiting the child at least monthly when

10 physically and financially able to do so and not
11 prevented from doing so by the person or authorized

12 agency having lawful custody of the child, or (III)
13 the father's regular communication with the child

14 or with the person or agency having the care or
15 custody of the child, when physically and

16 financially unable to visit the child or prevented
17 from doing so by the person or authorized agency

18 having lawful custody of the child. The subjective
19 intent of the father, whether expressed or

20 otherwise unsupported by evidence of acts
21 specified in this sub-paragraph as manifesting

22 such intent, shall not preclude a determination
23 that the father failed to maintain substantial and

24 continuous or repeated contact with the child; or

25 (vi) in the case of a child placed with the
26 adopting parents more than six months after birth,

1 openly lived with the child for a period of six
2 months within the one year period immediately
3 preceding the placement of the child for adoption
4 and openly held himself out to be the father of the
5 child; or

6 (vii) has timely registered with Putative
7 Father Registry, as provided in Section 12.1 of
8 this Act, and prior to the expiration of 30 days
9 from the date of such registration, commenced
10 legal proceedings to establish paternity under the
11 Illinois Parentage Act of 1984, under the Illinois
12 Parentage Act of 2014, or under the law of the
13 jurisdiction of the child's birth; or

14 (2) The legal guardian of the person of the child, if
15 there is no surviving parent; or

16 (3) An agency, if the child has been surrendered for
17 adoption to such agency; or

18 (4) Any person or agency having legal custody of a
19 child by court order if the parental rights of the parents
20 have been judicially terminated, and the court having
21 jurisdiction of the guardianship of the child has
22 authorized the consent to the adoption; or

23 (5) The execution and verification of the petition by
24 any petitioner who is also a parent of the child sought to
25 be adopted shall be sufficient evidence of such parent's
26 consent to the adoption.

1 (c) Where surrenders to an agency are required in the case
2 of a placement for adoption of a minor child by an agency, the
3 surrenders of the following persons shall be sufficient:

4 (1) (A) The mother of the minor child; and

5 (B) The father of the minor child, if the father:

6 (i) was married to the mother on the date of
7 birth of the child or within 300 days before the
8 birth of the child, except for a husband or former
9 husband who has been found by a court of competent
10 jurisdiction not to be the biological father of the
11 child; or

12 (ii) is the father of the child under a
13 judgment for adoption, an order of parentage, or an
14 acknowledgment of parentage or paternity pursuant
15 to subsection (a) of Section 5 of the Illinois
16 Parentage Act of 1984 or pursuant to Article 3 of
17 the Illinois Parentage Act of 2014; or

18 (iii) in the case of a child placed with the
19 adopting parents less than 6 months after birth,
20 openly lived with the child, the child's
21 biological mother, or both, and held himself out to
22 be the child's biological father during the first
23 30 days following the birth of a child; or

24 (iv) in the case of a child placed with the
25 adopting parents less than 6 months after birth,
26 made a good faith effort to pay a reasonable amount

1 of the expenses related to the birth of the child
2 and to provide a reasonable amount for the
3 financial support of the child before the
4 expiration of 30 days following the birth of the
5 child, provided that the court may consider in its
6 determination all relevant circumstances,
7 including the financial condition of both
8 biological parents; or

9 (v) in the case of a child placed with the
10 adopting parents more than six months after birth,
11 has maintained substantial and continuous or
12 repeated contact with the child as manifested by:
13 (I) the payment by the father toward the support of
14 the child of a fair and reasonable sum, according
15 to the father's means, and either (II) the father's
16 visiting the child at least monthly when
17 physically and financially able to do so and not
18 prevented from doing so by the person or authorized
19 agency having lawful custody of the child or (III)
20 the father's regular communication with the child
21 or with the person or agency having the care or
22 custody of the child, when physically and
23 financially unable to visit the child or prevented
24 from doing so by the person or authorized agency
25 having lawful custody of the child. The subjective
26 intent of the father, whether expressed or

1 otherwise, unsupported by evidence of acts
2 specified in this sub-paragraph as manifesting
3 such intent, shall not preclude a determination
4 that the father failed to maintain substantial and
5 continuous or repeated contact with the child; or

6 (vi) in the case of a child placed with the
7 adopting parents more than six months after birth,
8 openly lived with the child for a period of six
9 months within the one year period immediately
10 preceding the placement of the child for adoption
11 and openly held himself out to be the father of the
12 child; or

13 (vii) has timely registered with the Putative
14 Father Registry, as provided in Section 12.1 of
15 this Act, and prior to the expiration of 30 days
16 from the date of such registration, commenced
17 legal proceedings to establish paternity under the
18 Illinois Parentage Act of 1984, under the Illinois
19 Parentage Act of 2014, or under the law of the
20 jurisdiction of the child's birth.

21 (d) In making a determination under subparagraphs (b) (1)
22 and (c) (1), no showing shall be required of diligent efforts by
23 a person or agency to encourage the father to perform the acts
24 specified therein.

25 (e) In the case of the adoption of an adult, only the
26 consent of such adult shall be required.

1 (Source: P.A. 97-493, eff. 8-22-11; 97-1150, eff. 1-25-13.)

2 (750 ILCS 50/12a) (from Ch. 40, par. 1515)

3 Sec. 12a. Notice to putative father.

4 1. Upon the written request to any Clerk of any Circuit
5 Court, and upon the payment of a filing fee of \$10.00, by any
6 interested party, including persons intending to adopt a child,
7 a child welfare agency with whom the mother has placed or has
8 given written notice of her intention to place a child for
9 adoption, the mother of a child, or any attorney representing
10 an interested party, a notice, the declaration of paternity and
11 the disclaimer of paternity may be served on a putative father
12 in the same manner as Summons is served in other civil
13 proceedings, or, in lieu of personal service, service may be
14 made as follows:

15 (a) The person requesting notice shall pay to the Clerk
16 of the Court a mailing fee of \$2 plus the cost of U. S.
17 postage for certified or registered mail and furnish to the
18 Clerk an original and one copy of a notice, the declaration
19 of paternity and the disclaimer of paternity together with
20 an Affidavit setting forth the putative father's last known
21 address. The original notice, the declaration of paternity
22 and the disclaimer of paternity shall be retained by the
23 Clerk.

24 (b) The Clerk shall forthwith mail to the putative
25 father, at the address appearing in the Affidavit, the copy

1 of the notice, the declaration of paternity and the
2 disclaimer of paternity, by certified mail, return receipt
3 requested; the envelope and return receipt shall bear the
4 return address of the Clerk. The receipt for certified mail
5 shall state the name and address of the addressee, and the
6 date of mailing, and shall be attached to the original
7 notice.

8 (c) The return receipt, when returned to the Clerk,
9 shall be attached to the original notice, the declaration
10 of paternity and the disclaimer of paternity, and shall
11 constitute proof of service.

12 (d) The Clerk shall note the fact of service in a
13 permanent record.

14 2. The notice shall be signed by the Clerk, and may be
15 served on the putative father at any time after conception, and
16 shall read as follows:

17 "IN THE MATTER OF NOTICE TO, PUTATIVE FATHER.

18 You have been identified as the father of a child born or
19 expected to be born on or about (insert date).

20 The mother of the child is.....

21 The mother has indicated that she intends to place the
22 child for adoption.

23 As the alleged father of the child, you have certain legal
24 rights with respect to the child, including the right to notice
25 of the filing of proceedings instituted for the adoption of the
26 child. If you wish to retain your rights with respect to the

1 child, you must file with the Clerk of this Circuit Court of
2 County, Illinois, whose address is, Illinois, within
3 30 days after the date of receipt of this notice, the
4 declaration of paternity enclosed herewith stating that you
5 are, in fact, the father of the child and that you intend to
6 retain your legal rights with respect to the child, or request
7 to be notified of any further proceedings with respect to
8 custody or adoption of the child.

9 If you do not file such a declaration of paternity, or a
10 request for notice, then whatever legal rights you have with
11 respect to the child, including the right to notice of any
12 future proceedings for the adoption of the child, may be
13 terminated without any further notice to you. When your legal
14 rights with respect to the child are so terminated, you will
15 not be entitled to notice of any proceeding instituted for the
16 adoption of the child.

17 If you are not the father of the child, you may file with
18 the Clerk of this Court the disclaimer of paternity enclosed
19 herewith which will be noted in the Clerk's file and you will
20 receive no further notice with respect to the child."

21 The declaration of paternity shall be substantially as
22 follows:

23 "IN THE CIRCUIT COURT OF THE
24 JUDICIAL CIRCUIT, ILLINOIS
25 County

26)

1)
 2) No.)
 3)

DECLARATION OF PATERNITY WITH ENTRY OF APPEARANCE

I,, state as follows:

(1) That I am years of age; and I reside at in the County of, State of

(2) That I have been advised that is the mother of a ...male child with the initials ~~named~~ born or expected to be born on or about and that such mother has stated that I am the father of this child.

(3) I declare that I am the father of this child.

(4) I understand that the mother of this child wishes to consent to the adoption of this child. I do not consent to the adoption of this child, and I understand that I must return this initial declaration of parentage form to the Clerk of the Circuit Court of County, located at, within 30 days of receipt of this notice.

(5) I further understand that I am also obligated to establish my paternity pursuant to the Illinois Parentage Act of 2014 ~~1984~~ within 30 days of my receiving this notice or, if the child is not yet born, within 30 days after the birth of the child. This proceeding is separate and distinct from the above mailing of initial declaration of paternity; in this second notice, I must state that I am, in fact, the father of said child, and that I intend to retain my legal rights with

1 respect to said child, and request to be notified of any
2 further proceedings with respect to custody or adoption of the
3 child.

4 (6) I hereby enter my appearance in the above entitled
5 cause.

6 OATH

7 I have been duly sworn and I say under oath that I have
8 read and understand this Declaration of Paternity With Entry of
9 Appearance. The facts that it contains are true and correct to
10 the best of my knowledge, and I understand that by signing this
11 document I admit my paternity. I have signed this document as
12 my free and voluntary act.

13
14 (signature)

15 Dated (insert date).

16 Signed and sworn before me on (insert date).

17
18 (notary public)".

19
20 The disclaimer of paternity shall be substantially as
21 follows:

22 "IN THE CIRCUIT COURT OF THE
23 JUDICIAL CIRCUIT, ILLINOIS
24 County
25)

1)
 2) No.)
 3)

DENIAL OF PATERNITY WITH ENTRY OF APPEARANCE

AND CONSENT TO ADOPTION

I,, state as follows:

7 (1) That I am years of age; and I reside at
 8 in the County of, State of

9 (2) That I have been advised that is the mother
 10 of amale child with the initials ~~named~~ born or
 11 expected to be born on or about and that such mother has
 12 stated that I am the father of this child.

13 (3) I deny that I am the father of this child.

14 (4) I further understand that the mother of this child
 15 wishes to consent to the adoption of the child. I hereby
 16 consent to the adoption of this child, and waive any rights,
 17 remedies and defenses that I may now or in the future have as a
 18 result of the mother's allegation of the paternity of this
 19 child. This consent is being given in order to facilitate the
 20 adoption of the child and so that the court may terminate what
 21 rights I may have to the child as a result of being named the
 22 father by the mother. This consent is not in any manner an
 23 admission of paternity.

24 (5) I hereby enter my appearance in the above entitled
 25 cause and waive service of summons and other pleading.

OATH

26

1 I have been duly sworn and I say under oath that I have
 2 read and understood this Denial of Paternity With Entry of
 3 Appearance and Consent to Adoption. The facts it contains are
 4 true and correct to the best of my knowledge, and I understand
 5 that by signing this document I have not admitted paternity. I
 6 have signed this document as my free and voluntary act in order
 7 to facilitate the adoption of the child.

8
 9 (signature)

10 Dated (insert date).

11 Signed and sworn before me on (insert date).

12
 13 (notary public)".

14

15 The names of adoptive parents shall not be included in the
 16 notice.

17 3. If the putative father files a disclaimer of paternity,
 18 he shall be deemed not to be the father of the child with
 19 respect to any adoption or other proceeding held to terminate
 20 the rights of parents as respects such child.

21 4. In the event the putative father does not file a
 22 declaration of paternity of the child or request for notice
 23 within 30 days of service of the above notice, he need not be
 24 made a party to or given notice of any proceeding brought for
 25 the adoption of the child. An Order or judgment may be entered

1 in such proceeding terminating all of his rights with respect
2 to the child without further notice to him.

3 5. If the putative father files a declaration of paternity
4 or a request for notice in accordance with subsection 2, with
5 respect to the child, he shall be given notice in event any
6 proceeding is brought for the adoption of the child.

7 6. The Clerk shall maintain separate numbered files and
8 records of requests and proofs of service and all other
9 documents filed pursuant to this article. All such records
10 shall be impounded.

11 (Source: P.A. 91-357, eff. 7-29-99.)

12 (750 ILCS 50/18.06)

13 Sec. 18.06. Definitions. When used in Sections 18.05
14 through Section 18.6, for the purposes of the Registry:

15 "Adopted person" means a person who was adopted pursuant to
16 the laws in effect at the time of the adoption.

17 "Adoptive parent" means a person who has become a parent
18 through the legal process of adoption.

19 "Adult child" means the biological child 21 years of age or
20 over of a deceased adopted or surrendered person.

21 "Adult Adopted or Surrendered Person" means an adopted or
22 surrendered person 21 years of age or over.

23 "Agency" means a public child welfare agency or a licensed
24 child welfare agency.

25 "Birth aunt" means the adult full or half sister of a

1 deceased birth parent.

2 "Birth father" means the biological father of an adopted or
3 surrendered person who is named on the original certificate of
4 live birth or on a consent or surrender document, or a
5 biological father whose paternity has been established by a
6 judgment or order of the court, pursuant to the Illinois
7 Parentage Act of 1984 or the Illinois Parentage Act of 2014.

8 "Birth mother" means the biological mother of an adopted or
9 surrendered person.

10 "Birth parent" means a birth mother or birth father of an
11 adopted or surrendered person.

12 "Birth Parent Preference Form" means the form prepared by
13 the Department of Public Health pursuant to Section 18.2
14 completed by a birth parent registrant and filed with the
15 Registry that indicates the birth parent's preferences
16 regarding contact and, if applicable, the release of his or her
17 identifying information on the non-certified copy of the
18 original birth certificate released to an adult adopted or
19 surrendered person or to the surviving adult child or surviving
20 spouse of a deceased adopted or surrendered person who has
21 filed a Request for a Non-Certified Copy of an Original Birth
22 Certificate.

23 "Birth relative" means a birth mother, birth father, birth
24 sibling, birth aunt, or birth uncle.

25 "Birth sibling" means the adult full or half sibling of an
26 adopted or surrendered person.

1 "Birth uncle" means the adult full or half brother of a
2 deceased birth parent.

3 "Confidential intermediary" means an individual certified
4 by the Department of Children and Family Services pursuant to
5 Section 18.3a(e).

6 "Denial of Information Exchange" means an affidavit
7 completed by a registrant with the Illinois Adoption Registry
8 and Medical Information Exchange denying the release of
9 identifying information which has been filed with the Registry.

10 "Information Exchange Authorization" means an affidavit
11 completed by a registrant with the Illinois Adoption Registry
12 and Medical Information Exchange authorizing the release of
13 identifying information which has been filed with the Registry.

14 "Medical Information Exchange Questionnaire" means the
15 medical history questionnaire completed by a registrant of the
16 Illinois Adoption Registry and Medical Information Exchange.

17 "Non-certified Copy of the Original Birth Certificate"
18 means a non-certified copy of the original certificate of live
19 birth of an adult adopted or surrendered person who was born in
20 Illinois.

21 "Proof of death" means a death certificate.

22 "Registrant" or "Registered Party" means a birth parent,
23 birth sibling, birth aunt, birth uncle, adopted or surrendered
24 person 21 years of age or over, adoptive parent or legal
25 guardian of an adopted or surrendered person under the age of
26 21, or adoptive parent, surviving spouse, or adult child of a

1 deceased adopted or surrendered person who has filed an
2 Illinois Adoption Registry Application or Registration
3 Identification Form with the Registry.

4 "Registry" means the Illinois Adoption Registry and
5 Medical Information Exchange.

6 "Request for a Non-Certified Copy of an Original Birth
7 Certificate" means an affidavit completed by an adult adopted
8 or surrendered person or by the surviving adult child or
9 surviving spouse of a deceased adopted or surrendered person
10 and filed with the Registry requesting a non-certified copy of
11 an adult adopted or surrendered person's original certificate
12 of live birth in Illinois.

13 "Surrendered person" means a person whose parents' rights
14 have been surrendered or terminated but who has not been
15 adopted.

16 "Surviving spouse" means the wife or husband, 21 years of
17 age or older, of a deceased adopted or surrendered person who
18 would be 21 years of age or older if still alive and who has one
19 or more surviving biological children who are under the age of
20 21.

21 "18.3 Statement" means a statement regarding the
22 disclosure of identifying information signed by a birth parent
23 under Section 18.3 of this Act as it existed immediately prior
24 to the effective date of this amendatory Act of the 96th
25 General Assembly.

26 (Source: P.A. 96-895, eff. 5-21-10; 97-110, eff. 7-14-11.)

1 Section 973. The Illinois Domestic Violence Act of 1986 is
2 amended by changing Sections 202 and 214 as follows:

3 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

4 Sec. 202. Commencement of action; filing fees; dismissal.

5 (a) How to commence action. Actions for orders of
6 protection are commenced:

7 (1) Independently: By filing a petition for an order of
8 protection in any civil court, unless specific courts are
9 designated by local rule or order.

10 (2) In conjunction with another civil proceeding: By
11 filing a petition for an order of protection under the same
12 case number as another civil proceeding involving the
13 parties, including but not limited to: (i) any proceeding
14 under the Illinois Marriage and Dissolution of Marriage
15 Act, Illinois Parentage Act of 2014 ~~1984~~, Nonsupport of
16 Spouse and Children Act, Revised Uniform Reciprocal
17 Enforcement of Support Act or an action for nonsupport
18 brought under Article 10 of the Illinois Public Aid Code,
19 provided that a petitioner and the respondent are a party
20 to or the subject of that proceeding or (ii) a guardianship
21 proceeding under the Probate Act of 1975, or a proceeding
22 for involuntary commitment under the Mental Health and
23 Developmental Disabilities Code, or any proceeding, other
24 than a delinquency petition, under the Juvenile Court Act

1 of 1987, provided that a petitioner or the respondent is a
2 party to or the subject of such proceeding.

3 (3) In conjunction with a delinquency petition or a
4 criminal prosecution: By filing a petition for an order of
5 protection, under the same case number as the delinquency
6 petition or criminal prosecution, to be granted during
7 pre-trial release of a defendant, with any dispositional
8 order issued under Section 5-710 of the Juvenile Court Act
9 of 1987 or as a condition of release, supervision,
10 conditional discharge, probation, periodic imprisonment,
11 parole, aftercare release, or mandatory supervised
12 release, or in conjunction with imprisonment or a bond
13 forfeiture warrant; provided that:

14 (i) the violation is alleged in an information,
15 complaint, indictment or delinquency petition on file,
16 and the alleged offender and victim are family or
17 household members or persons protected by this Act; and

18 (ii) the petition, which is filed by the State's
19 Attorney, names a victim of the alleged crime as a
20 petitioner.

21 (b) Filing, certification, and service fees. No fee shall
22 be charged by the clerk for filing, amending, vacating,
23 certifying, or photocopying petitions or orders; or for issuing
24 alias summons; or for any related filing service. No fee shall
25 be charged by the sheriff for service by the sheriff of a
26 petition, rule, motion, or order in an action commenced under

1 this Section.

2 (c) Dismissal and consolidation. Withdrawal or dismissal
3 of any petition for an order of protection prior to
4 adjudication where the petitioner is represented by the State
5 shall operate as a dismissal without prejudice. No action for
6 an order of protection shall be dismissed because the
7 respondent is being prosecuted for a crime against the
8 petitioner. An independent action may be consolidated with
9 another civil proceeding, as provided by paragraph (2) of
10 subsection (a) of this Section. For any action commenced under
11 paragraph (2) or (3) of subsection (a) of this Section,
12 dismissal of the conjoined case (or a finding of not guilty)
13 shall not require dismissal of the action for the order of
14 protection; instead, it may be treated as an independent action
15 and, if necessary and appropriate, transferred to a different
16 court or division. Dismissal of any conjoined case shall not
17 affect the validity of any previously issued order of
18 protection, and thereafter subsections (b)(1) and (b)(2) of
19 Section 220 shall be inapplicable to such order.

20 (d) Pro se petitions. The court shall provide, through the
21 office of the clerk of the court, simplified forms and clerical
22 assistance to help with the writing and filing of a petition
23 under this Section by any person not represented by counsel. In
24 addition, that assistance may be provided by the state's
25 attorney.

26 (Source: P.A. 98-558, eff. 1-1-14.)

1 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

2 Sec. 214. Order of protection; remedies.

3 (a) Issuance of order. If the court finds that petitioner
4 has been abused by a family or household member or that
5 petitioner is a high-risk adult who has been abused, neglected,
6 or exploited, as defined in this Act, an order of protection
7 prohibiting the abuse, neglect, or exploitation shall issue;
8 provided that petitioner must also satisfy the requirements of
9 one of the following Sections, as appropriate: Section 217 on
10 emergency orders, Section 218 on interim orders, or Section 219
11 on plenary orders. Petitioner shall not be denied an order of
12 protection because petitioner or respondent is a minor. The
13 court, when determining whether or not to issue an order of
14 protection, shall not require physical manifestations of abuse
15 on the person of the victim. Modification and extension of
16 prior orders of protection shall be in accordance with this
17 Act.

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 217 on emergency orders, Section 218 on interim orders,
22 and Section 219 on plenary orders. The remedies listed in this
23 subsection shall be in addition to other civil or criminal
24 remedies available to petitioner.

25 (1) Prohibition of abuse, neglect, or exploitation.

1 Prohibit respondent's harassment, interference with
2 personal liberty, intimidation of a dependent, physical
3 abuse, or willful deprivation, neglect or exploitation, as
4 defined in this Act, or stalking of the petitioner, as
5 defined in Section 12-7.3 of the Criminal Code of 2012, if
6 such abuse, neglect, exploitation, or stalking has
7 occurred or otherwise appears likely to occur if not
8 prohibited.

9 (2) Grant of exclusive possession of residence.
10 Prohibit respondent from entering or remaining in any
11 residence, household, or premises of the petitioner,
12 including one owned or leased by respondent, if petitioner
13 has a right to occupancy thereof. The grant of exclusive
14 possession of the residence, household, or premises shall
15 not affect title to real property, nor shall the court be
16 limited by the standard set forth in Section 701 of the
17 Illinois Marriage and Dissolution of Marriage Act.

18 (A) Right to occupancy. A party has a right to
19 occupancy of a residence or household if it is solely
20 or jointly owned or leased by that party, that party's
21 spouse, a person with a legal duty to support that
22 party or a minor child in that party's care, or by any
23 person or entity other than the opposing party that
24 authorizes that party's occupancy (e.g., a domestic
25 violence shelter). Standards set forth in subparagraph
26 (B) shall not preclude equitable relief.

1 (B) Presumption of hardships. If petitioner and
2 respondent each has the right to occupancy of a
3 residence or household, the court shall balance (i) the
4 hardships to respondent and any minor child or
5 dependent adult in respondent's care resulting from
6 entry of this remedy with (ii) the hardships to
7 petitioner and any minor child or dependent adult in
8 petitioner's care resulting from continued exposure to
9 the risk of abuse (should petitioner remain at the
10 residence or household) or from loss of possession of
11 the residence or household (should petitioner leave to
12 avoid the risk of abuse). When determining the balance
13 of hardships, the court shall also take into account
14 the accessibility of the residence or household.
15 Hardships need not be balanced if respondent does not
16 have a right to occupancy.

17 The balance of hardships is presumed to favor
18 possession by petitioner unless the presumption is
19 rebutted by a preponderance of the evidence, showing
20 that the hardships to respondent substantially
21 outweigh the hardships to petitioner and any minor
22 child or dependent adult in petitioner's care. The
23 court, on the request of petitioner or on its own
24 motion, may order respondent to provide suitable,
25 accessible, alternate housing for petitioner instead
26 of excluding respondent from a mutual residence or

1 household.

2 (3) Stay away order and additional prohibitions. Order
3 respondent to stay away from petitioner or any other person
4 protected by the order of protection, or prohibit
5 respondent from entering or remaining present at
6 petitioner's school, place of employment, or other
7 specified places at times when petitioner is present, or
8 both, if reasonable, given the balance of hardships.
9 Hardships need not be balanced for the court to enter a
10 stay away order or prohibit entry if respondent has no
11 right to enter the premises.

12 (A) If an order of protection grants petitioner
13 exclusive possession of the residence, or prohibits
14 respondent from entering the residence, or orders
15 respondent to stay away from petitioner or other
16 protected persons, then the court may allow respondent
17 access to the residence to remove items of clothing and
18 personal adornment used exclusively by respondent,
19 medications, and other items as the court directs. The
20 right to access shall be exercised on only one occasion
21 as the court directs and in the presence of an
22 agreed-upon adult third party or law enforcement
23 officer.

24 (B) When the petitioner and the respondent attend
25 the same public, private, or non-public elementary,
26 middle, or high school, the court when issuing an order

1 of protection and providing relief shall consider the
2 severity of the act, any continuing physical danger or
3 emotional distress to the petitioner, the educational
4 rights guaranteed to the petitioner and respondent
5 under federal and State law, the availability of a
6 transfer of the respondent to another school, a change
7 of placement or a change of program of the respondent,
8 the expense, difficulty, and educational disruption
9 that would be caused by a transfer of the respondent to
10 another school, and any other relevant facts of the
11 case. The court may order that the respondent not
12 attend the public, private, or non-public elementary,
13 middle, or high school attended by the petitioner,
14 order that the respondent accept a change of placement
15 or change of program, as determined by the school
16 district or private or non-public school, or place
17 restrictions on the respondent's movements within the
18 school attended by the petitioner. The respondent
19 bears the burden of proving by a preponderance of the
20 evidence that a transfer, change of placement, or
21 change of program of the respondent is not available.
22 The respondent also bears the burden of production with
23 respect to the expense, difficulty, and educational
24 disruption that would be caused by a transfer of the
25 respondent to another school. A transfer, change of
26 placement, or change of program is not unavailable to

1 the respondent solely on the ground that the respondent
2 does not agree with the school district's or private or
3 non-public school's transfer, change of placement, or
4 change of program or solely on the ground that the
5 respondent fails or refuses to consent or otherwise
6 does not take an action required to effectuate a
7 transfer, change of placement, or change of program.
8 When a court orders a respondent to stay away from the
9 public, private, or non-public school attended by the
10 petitioner and the respondent requests a transfer to
11 another attendance center within the respondent's
12 school district or private or non-public school, the
13 school district or private or non-public school shall
14 have sole discretion to determine the attendance
15 center to which the respondent is transferred. In the
16 event the court order results in a transfer of the
17 minor respondent to another attendance center, a
18 change in the respondent's placement, or a change of
19 the respondent's program, the parents, guardian, or
20 legal custodian of the respondent is responsible for
21 transportation and other costs associated with the
22 transfer or change.

23 (C) The court may order the parents, guardian, or
24 legal custodian of a minor respondent to take certain
25 actions or to refrain from taking certain actions to
26 ensure that the respondent complies with the order. In

1 the event the court orders a transfer of the respondent
2 to another school, the parents, guardian, or legal
3 custodian of the respondent is responsible for
4 transportation and other costs associated with the
5 change of school by the respondent.

6 (4) Counseling. Require or recommend the respondent to
7 undergo counseling for a specified duration with a social
8 worker, psychologist, clinical psychologist, psychiatrist,
9 family service agency, alcohol or substance abuse program,
10 mental health center guidance counselor, agency providing
11 services to elders, program designed for domestic violence
12 abusers or any other guidance service the court deems
13 appropriate. The Court may order the respondent in any
14 intimate partner relationship to report to an Illinois
15 Department of Human Services protocol approved partner
16 abuse intervention program for an assessment and to follow
17 all recommended treatment.

18 (5) Physical care and possession of the minor child. In
19 order to protect the minor child from abuse, neglect, or
20 unwarranted separation from the person who has been the
21 minor child's primary caretaker, or to otherwise protect
22 the well-being of the minor child, the court may do either
23 or both of the following: (i) grant petitioner physical
24 care or possession of the minor child, or both, or (ii)
25 order respondent to return a minor child to, or not remove
26 a minor child from, the physical care of a parent or person

1 in loco parentis.

2 If a court finds, after a hearing, that respondent has
3 committed abuse (as defined in Section 103) of a minor
4 child, there shall be a rebuttable presumption that
5 awarding physical care to respondent would not be in the
6 minor child's best interest.

7 (6) Temporary legal custody. Award temporary legal
8 custody to petitioner in accordance with this Section, the
9 Illinois Marriage and Dissolution of Marriage Act, the
10 Illinois Parentage Act of 2014 ~~1984~~, and this State's
11 Uniform Child-Custody Jurisdiction and Enforcement Act.

12 If a court finds, after a hearing, that respondent has
13 committed abuse (as defined in Section 103) of a minor
14 child, there shall be a rebuttable presumption that
15 awarding temporary legal custody to respondent would not be
16 in the child's best interest.

17 (7) Visitation. Determine the visitation rights, if
18 any, of respondent in any case in which the court awards
19 physical care or temporary legal custody of a minor child
20 to petitioner. The court shall restrict or deny
21 respondent's visitation with a minor child if the court
22 finds that respondent has done or is likely to do any of
23 the following: (i) abuse or endanger the minor child during
24 visitation; (ii) use the visitation as an opportunity to
25 abuse or harass petitioner or petitioner's family or
26 household members; (iii) improperly conceal or detain the

1 minor child; or (iv) otherwise act in a manner that is not
2 in the best interests of the minor child. The court shall
3 not be limited by the standards set forth in Section 607.1
4 of the Illinois Marriage and Dissolution of Marriage Act.
5 If the court grants visitation, the order shall specify
6 dates and times for the visitation to take place or other
7 specific parameters or conditions that are appropriate. No
8 order for visitation shall refer merely to the term
9 "reasonable visitation".

10 Petitioner may deny respondent access to the minor
11 child if, when respondent arrives for visitation,
12 respondent is under the influence of drugs or alcohol and
13 constitutes a threat to the safety and well-being of
14 petitioner or petitioner's minor children or is behaving in
15 a violent or abusive manner.

16 If necessary to protect any member of petitioner's
17 family or household from future abuse, respondent shall be
18 prohibited from coming to petitioner's residence to meet
19 the minor child for visitation, and the parties shall
20 submit to the court their recommendations for reasonable
21 alternative arrangements for visitation. A person may be
22 approved to supervise visitation only after filing an
23 affidavit accepting that responsibility and acknowledging
24 accountability to the court.

25 (8) Removal or concealment of minor child. Prohibit
26 respondent from removing a minor child from the State or

1 concealing the child within the State.

2 (9) Order to appear. Order the respondent to appear in
3 court, alone or with a minor child, to prevent abuse,
4 neglect, removal or concealment of the child, to return the
5 child to the custody or care of the petitioner or to permit
6 any court-ordered interview or examination of the child or
7 the respondent.

8 (10) Possession of personal property. Grant petitioner
9 exclusive possession of personal property and, if
10 respondent has possession or control, direct respondent to
11 promptly make it available to petitioner, if:

12 (i) petitioner, but not respondent, owns the
13 property; or

14 (ii) the parties own the property jointly; sharing
15 it would risk abuse of petitioner by respondent or is
16 impracticable; and the balance of hardships favors
17 temporary possession by petitioner.

18 If petitioner's sole claim to ownership of the property
19 is that it is marital property, the court may award
20 petitioner temporary possession thereof under the
21 standards of subparagraph (ii) of this paragraph only if a
22 proper proceeding has been filed under the Illinois
23 Marriage and Dissolution of Marriage Act, as now or
24 hereafter amended.

25 No order under this provision shall affect title to
26 property.

1 (11) Protection of property. Forbid the respondent
2 from taking, transferring, encumbering, concealing,
3 damaging or otherwise disposing of any real or personal
4 property, except as explicitly authorized by the court, if:

5 (i) petitioner, but not respondent, owns the
6 property; or

7 (ii) the parties own the property jointly, and the
8 balance of hardships favors granting this remedy.

9 If petitioner's sole claim to ownership of the property
10 is that it is marital property, the court may grant
11 petitioner relief under subparagraph (ii) of this
12 paragraph only if a proper proceeding has been filed under
13 the Illinois Marriage and Dissolution of Marriage Act, as
14 now or hereafter amended.

15 The court may further prohibit respondent from
16 improperly using the financial or other resources of an
17 aged member of the family or household for the profit or
18 advantage of respondent or of any other person.

19 (11.5) Protection of animals. Grant the petitioner the
20 exclusive care, custody, or control of any animal owned,
21 possessed, leased, kept, or held by either the petitioner
22 or the respondent or a minor child residing in the
23 residence or household of either the petitioner or the
24 respondent and order the respondent to stay away from the
25 animal and forbid the respondent from taking,
26 transferring, encumbering, concealing, harming, or

1 otherwise disposing of the animal.

2 (12) Order for payment of support. Order respondent to
3 pay temporary support for the petitioner or any child in
4 the petitioner's care or custody, when the respondent has a
5 legal obligation to support that person, in accordance with
6 the Illinois Marriage and Dissolution of Marriage Act,
7 which shall govern, among other matters, the amount of
8 support, payment through the clerk and withholding of
9 income to secure payment. An order for child support may be
10 granted to a petitioner with lawful physical care or
11 custody of a child, or an order or agreement for physical
12 care or custody, prior to entry of an order for legal
13 custody. Such a support order shall expire upon entry of a
14 valid order granting legal custody to another, unless
15 otherwise provided in the custody order.

16 (13) Order for payment of losses. Order respondent to
17 pay petitioner for losses suffered as a direct result of
18 the abuse, neglect, or exploitation. Such losses shall
19 include, but not be limited to, medical expenses, lost
20 earnings or other support, repair or replacement of
21 property damaged or taken, reasonable attorney's fees,
22 court costs and moving or other travel expenses, including
23 additional reasonable expenses for temporary shelter and
24 restaurant meals.

25 (i) Losses affecting family needs. If a party is
26 entitled to seek maintenance, child support or

1 property distribution from the other party under the
2 Illinois Marriage and Dissolution of Marriage Act, as
3 now or hereafter amended, the court may order
4 respondent to reimburse petitioner's actual losses, to
5 the extent that such reimbursement would be
6 "appropriate temporary relief", as authorized by
7 subsection (a) (3) of Section 501 of that Act.

8 (ii) Recovery of expenses. In the case of an
9 improper concealment or removal of a minor child, the
10 court may order respondent to pay the reasonable
11 expenses incurred or to be incurred in the search for
12 and recovery of the minor child, including but not
13 limited to legal fees, court costs, private
14 investigator fees, and travel costs.

15 (14) Prohibition of entry. Prohibit the respondent
16 from entering or remaining in the residence or household
17 while the respondent is under the influence of alcohol or
18 drugs and constitutes a threat to the safety and well-being
19 of the petitioner or the petitioner's children.

20 (14.5) Prohibition of firearm possession.

21 (a) Prohibit a respondent against whom an order of
22 protection was issued from possessing any firearms
23 during the duration of the order if the order:

24 (1) was issued after a hearing of which such
25 person received actual notice, and at which such
26 person had an opportunity to participate;

1 (2) restrains such person from harassing,
2 stalking, or threatening an intimate partner of
3 such person or child of such intimate partner or
4 person, or engaging in other conduct that would
5 place an intimate partner in reasonable fear of
6 bodily injury to the partner or child; and

7 (3)(i) includes a finding that such person
8 represents a credible threat to the physical
9 safety of such intimate partner or child; or (ii)
10 by its terms explicitly prohibits the use,
11 attempted use, or threatened use of physical force
12 against such intimate partner or child that would
13 reasonably be expected to cause bodily injury.

14 Any Firearm Owner's Identification Card in the
15 possession of the respondent, except as provided in
16 subsection (b), shall be ordered by the court to be
17 turned over to the local law enforcement agency. The
18 local law enforcement agency shall immediately mail
19 the card to the Department of State Police Firearm
20 Owner's Identification Card Office for safekeeping.
21 The court shall issue a warrant for seizure of any
22 firearm in the possession of the respondent, to be kept
23 by the local law enforcement agency for safekeeping,
24 except as provided in subsection (b). The period of
25 safekeeping shall be for the duration of the order of
26 protection. The firearm or firearms and Firearm

1 Owner's Identification Card, if unexpired, shall at
2 the respondent's request, be returned to the
3 respondent at the end of the order of protection. It is
4 the respondent's responsibility to notify the
5 Department of State Police Firearm Owner's
6 Identification Card Office.

7 (b) If the respondent is a peace officer as defined
8 in Section 2-13 of the Criminal Code of 2012, the court
9 shall order that any firearms used by the respondent in
10 the performance of his or her duties as a peace officer
11 be surrendered to the chief law enforcement executive
12 of the agency in which the respondent is employed, who
13 shall retain the firearms for safekeeping for the
14 duration of the order of protection.

15 (c) Upon expiration of the period of safekeeping,
16 if the firearms or Firearm Owner's Identification Card
17 cannot be returned to respondent because respondent
18 cannot be located, fails to respond to requests to
19 retrieve the firearms, or is not lawfully eligible to
20 possess a firearm, upon petition from the local law
21 enforcement agency, the court may order the local law
22 enforcement agency to destroy the firearms, use the
23 firearms for training purposes, or for any other
24 application as deemed appropriate by the local law
25 enforcement agency; or that the firearms be turned over
26 to a third party who is lawfully eligible to possess

1 firearms, and who does not reside with respondent.

2 (15) Prohibition of access to records. If an order of
3 protection prohibits respondent from having contact with
4 the minor child, or if petitioner's address is omitted
5 under subsection (b) of Section 203, or if necessary to
6 prevent abuse or wrongful removal or concealment of a minor
7 child, the order shall deny respondent access to, and
8 prohibit respondent from inspecting, obtaining, or
9 attempting to inspect or obtain, school or any other
10 records of the minor child who is in the care of
11 petitioner.

12 (16) Order for payment of shelter services. Order
13 respondent to reimburse a shelter providing temporary
14 housing and counseling services to the petitioner for the
15 cost of the services, as certified by the shelter and
16 deemed reasonable by the court.

17 (17) Order for injunctive relief. Enter injunctive
18 relief necessary or appropriate to prevent further abuse of
19 a family or household member or further abuse, neglect, or
20 exploitation of a high-risk adult with disabilities or to
21 effectuate one of the granted remedies, if supported by the
22 balance of hardships. If the harm to be prevented by the
23 injunction is abuse or any other harm that one of the
24 remedies listed in paragraphs (1) through (16) of this
25 subsection is designed to prevent, no further evidence is
26 necessary that the harm is an irreparable injury.

1 (c) Relevant factors; findings.

2 (1) In determining whether to grant a specific remedy,
3 other than payment of support, the court shall consider
4 relevant factors, including but not limited to the
5 following:

6 (i) the nature, frequency, severity, pattern and
7 consequences of the respondent's past abuse, neglect
8 or exploitation of the petitioner or any family or
9 household member, including the concealment of his or
10 her location in order to evade service of process or
11 notice, and the likelihood of danger of future abuse,
12 neglect, or exploitation to petitioner or any member of
13 petitioner's or respondent's family or household; and

14 (ii) the danger that any minor child will be abused
15 or neglected or improperly removed from the
16 jurisdiction, improperly concealed within the State or
17 improperly separated from the child's primary
18 caretaker.

19 (2) In comparing relative hardships resulting to the
20 parties from loss of possession of the family home, the
21 court shall consider relevant factors, including but not
22 limited to the following:

23 (i) availability, accessibility, cost, safety,
24 adequacy, location and other characteristics of
25 alternate housing for each party and any minor child or
26 dependent adult in the party's care;

1 (ii) the effect on the party's employment; and

2 (iii) the effect on the relationship of the party,
3 and any minor child or dependent adult in the party's
4 care, to family, school, church and community.

5 (3) Subject to the exceptions set forth in paragraph
6 (4) of this subsection, the court shall make its findings
7 in an official record or in writing, and shall at a minimum
8 set forth the following:

9 (i) That the court has considered the applicable
10 relevant factors described in paragraphs (1) and (2) of
11 this subsection.

12 (ii) Whether the conduct or actions of respondent,
13 unless prohibited, will likely cause irreparable harm
14 or continued abuse.

15 (iii) Whether it is necessary to grant the
16 requested relief in order to protect petitioner or
17 other alleged abused persons.

18 (4) For purposes of issuing an ex parte emergency order
19 of protection, the court, as an alternative to or as a
20 supplement to making the findings described in paragraphs
21 (c)(3)(i) through (c)(3)(iii) of this subsection, may use
22 the following procedure:

23 When a verified petition for an emergency order of
24 protection in accordance with the requirements of Sections
25 203 and 217 is presented to the court, the court shall
26 examine petitioner on oath or affirmation. An emergency

1 order of protection shall be issued by the court if it
2 appears from the contents of the petition and the
3 examination of petitioner that the averments are
4 sufficient to indicate abuse by respondent and to support
5 the granting of relief under the issuance of the emergency
6 order of protection.

7 (5) Never married parties. No rights or
8 responsibilities for a minor child born outside of marriage
9 attach to a putative father until a father and child
10 relationship has been established under the Illinois
11 Parentage Act of 1984, the Illinois Parentage Act of 2014,
12 the Illinois Public Aid Code, Section 12 of the Vital
13 Records Act, the Juvenile Court Act of 1987, the Probate
14 Act of 1985, the Revised Uniform Reciprocal Enforcement of
15 Support Act, the Uniform Interstate Family Support Act, the
16 Expedited Child Support Act of 1990, any judicial,
17 administrative, or other act of another state or territory,
18 any other Illinois statute, or by any foreign nation
19 establishing the father and child relationship, any other
20 proceeding substantially in conformity with the Personal
21 Responsibility and Work Opportunity Reconciliation Act of
22 1996 (Pub. L. 104-193), or where both parties appeared in
23 open court or at an administrative hearing acknowledging
24 under oath or admitting by affirmation the existence of a
25 father and child relationship. Absent such an
26 adjudication, finding, or acknowledgement, no putative

1 father shall be granted temporary custody of the minor
2 child, visitation with the minor child, or physical care
3 and possession of the minor child, nor shall an order of
4 payment for support of the minor child be entered.

5 (d) Balance of hardships; findings. If the court finds that
6 the balance of hardships does not support the granting of a
7 remedy governed by paragraph (2), (3), (10), (11), or (16) of
8 subsection (b) of this Section, which may require such
9 balancing, the court's findings shall so indicate and shall
10 include a finding as to whether granting the remedy will result
11 in hardship to respondent that would substantially outweigh the
12 hardship to petitioner from denial of the remedy. The findings
13 shall be an official record or in writing.

14 (e) Denial of remedies. Denial of any remedy shall not be
15 based, in whole or in part, on evidence that:

16 (1) Respondent has cause for any use of force, unless
17 that cause satisfies the standards for justifiable use of
18 force provided by Article 7 of the Criminal Code of 2012;

19 (2) Respondent was voluntarily intoxicated;

20 (3) Petitioner acted in self-defense or defense of
21 another, provided that, if petitioner utilized force, such
22 force was justifiable under Article 7 of the Criminal Code
23 of 2012;

24 (4) Petitioner did not act in self-defense or defense
25 of another;

26 (5) Petitioner left the residence or household to avoid

1 further abuse, neglect, or exploitation by respondent;

2 (6) Petitioner did not leave the residence or household
3 to avoid further abuse, neglect, or exploitation by
4 respondent;

5 (7) Conduct by any family or household member excused
6 the abuse, neglect, or exploitation by respondent, unless
7 that same conduct would have excused such abuse, neglect,
8 or exploitation if the parties had not been family or
9 household members.

10 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
11 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
12 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

13 Section 974. The Business Corporation Act of 1983 is
14 amended by changing Section 1.25 as follows:

15 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

16 Sec. 1.25. List of corporations; exchange of information.

17 (a) The Secretary of State shall publish each year a list
18 of corporations filing an annual report for the preceding year
19 in accordance with the provisions of this Act, which report
20 shall state the name of the corporation and the respective
21 names and addresses of the president, secretary, and registered
22 agent thereof and the address of the registered office in this
23 State of each such corporation. The Secretary of State shall
24 furnish without charge a copy of such report to each recorder

1 of this State, and to each member of the General Assembly and
2 to each State agency or department requesting the same. The
3 Secretary of State shall, upon receipt of a written request and
4 a fee as determined by the Secretary, furnish such report to
5 anyone else.

6 (b) (1) The Secretary of State shall publish daily a list
7 of all newly formed corporations, business and not for profit,
8 chartered by him on that day issued after receipt of the
9 application. The daily list shall contain the same information
10 as to each corporation as is provided for the corporation list
11 published under subsection (a) of this Section. The daily list
12 may be obtained at the Secretary's office by any person,
13 newspaper, State department or agency, or local government for
14 a reasonable charge to be determined by the Secretary.
15 Inspection of the daily list may be made at the Secretary's
16 office during normal business hours without charge by any
17 person, newspaper, State department or agency, or local
18 government.

19 (2) The Secretary shall compile the daily list mentioned in
20 paragraph (1) of subsection (b) of this Section monthly, or
21 more often at the Secretary's discretion. The compilation shall
22 be immediately mailed free of charge to all local governments
23 requesting in writing receipt of such publication, or shall be
24 automatically mailed by the Secretary without charge to local
25 governments as determined by the Secretary. The Secretary shall
26 mail a copy of the compilations free of charge to all State

1 departments or agencies making a written request. A request for
2 a compilation of the daily list once made by a local government
3 or State department or agency need not be renewed. However, the
4 Secretary may request from time to time whether the local
5 governments or State departments or agencies desire to continue
6 receiving the compilation.

7 (3) The compilations of the daily list mentioned in
8 paragraph (2) of subsection (b) of this Section shall be mailed
9 to newspapers, or any other person not included as a recipient
10 in paragraph (2) of subsection (b) of this Section, upon
11 receipt of a written application signed by the applicant and
12 accompanied by the payment of a fee as determined by the
13 Secretary.

14 (c) If a domestic or foreign corporation has filed with the
15 Secretary of State an annual report for the preceding year or
16 has been newly formed or is otherwise and in any manner
17 registered with the Secretary of State, the Secretary of State
18 shall exchange with the Department of Healthcare and Family
19 Services any information concerning that corporation that may
20 be necessary for the enforcement of child support orders
21 entered pursuant to the Illinois Public Aid Code, the Illinois
22 Marriage and Dissolution of Marriage Act, the Non-Support of
23 Spouse and Children Act, the Non-Support Punishment Act, the
24 Revised Uniform Reciprocal Enforcement of Support Act, the
25 Uniform Interstate Family Support Act, ~~or~~ the Illinois
26 Parentage Act of 1984, or the Illinois Parentage Act of 2014.

1 Notwithstanding any provisions in this Act to the contrary,
2 the Secretary of State shall not be liable to any person for
3 any disclosure of information to the Department of Healthcare
4 and Family Services (formerly Illinois Department of Public
5 Aid) under this subsection or for any other action taken in
6 good faith to comply with the requirements of this subsection.
7 (Source: P.A. 95-331, eff. 8-21-07.)

8 Section 975. The Limited Liability Company Act is amended
9 by changing Section 50-5 as follows:

10 (805 ILCS 180/50-5)

11 Sec. 50-5. List of limited liability companies; exchange of
12 information.

13 (a) The Secretary of State may publish a list or lists of
14 limited liability companies and foreign limited liability
15 companies, as often, in the format, and for the fees as the
16 Secretary of State may in his or her discretion provide by
17 rule. The Secretary of State may disseminate information
18 concerning limited liability companies and foreign limited
19 liability companies by computer network in the format and for
20 the fees as may be determined by rule.

21 (b) Upon written request, any list published under
22 subsection (a) shall be free to each member of the General
23 Assembly, to each State agency or department, and to each
24 recorder in this State. An appropriate fee established by rule

1 to cover the cost of producing the list shall be charged to all
2 others.

3 (c) If a domestic or foreign limited liability company has
4 filed with the Secretary of State an annual report for the
5 preceding year or has been newly formed or is otherwise and in
6 any manner registered with the Secretary of State, the
7 Secretary of State shall exchange with the Department of
8 Healthcare and Family Services any information concerning that
9 limited liability company that may be necessary for the
10 enforcement of child support orders entered pursuant to the
11 Illinois Public Aid Code, the Illinois Marriage and Dissolution
12 of Marriage Act, the Non-Support of Spouse and Children Act,
13 the Non-Support Punishment Act, the Revised Uniform Reciprocal
14 Enforcement of Support Act, the Uniform Interstate Family
15 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
16 Illinois Parentage Act of 2014.

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

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

24 (750 ILCS 40/Act rep.)

25 Section 976. The Illinois Parentage Act is repealed.

1 (750 ILCS 45/Act rep.)

2 Section 977. The Illinois Parentage Act of 1984 is

3 repealed.".