



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; or

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

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

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

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5 acknowledgment has been rescinded or successfully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

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

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

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

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

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

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

21 Section 203. Consequences of establishment of parentage. A
22 parent-child relationship established under this Act applies
23 for all purposes, except as otherwise specifically provided by
24 other law of this State.

1 Section 204. Presumption of parentage.

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

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

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

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

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

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

14 (b) If 2 or more conflicting presumptions arise under this
15 Section, the presumption which on the facts is founded on the
16 weightier considerations of policy and logic, especially the
17 policy of promoting the child's best interests, controls.

18 Section 205. Proceedings to declare the non-existence of
19 the parent-child relationship.

20 (a) An action to declare the non-existence of the
21 parent-child relationship may be brought by the child, the
22 birth mother, or a man presumed to be the parent under Section
23 204 of this Act. Actions brought by the child, the birth
24 mother, or a presumed parent shall be brought by verified
25 complaint, which shall be designated a petition. After a

1 presumption under Section 204 of this Act has been rebutted,
2 parentage of the child by another man or woman may be
3 established in the same action, if he or she has been made a
4 party.

5 (b) An action to declare the non-existence of the
6 parent-child relationship brought under subsection (a) of this
7 Section shall be barred if brought later than 2 years after the
8 petitioner knew or should have known of the relevant facts. The
9 2-year period for bringing an action to declare the
10 non-existence of the parent-child relationship shall not
11 extend beyond the date on which the child reaches the age of 18
12 years. Failure to bring an action within 2 years shall not bar
13 any party from asserting a defense in any action to declare the
14 existence of the parent-child relationship.

15 (c) An action to declare the non-existence of the
16 parent-child relationship may be brought subsequent to an
17 adjudication of parentage in any judgment by the man
18 adjudicated to be the parent pursuant to a presumption in
19 paragraphs (a)(1) through (a)(4) of Section 204 if, as a result
20 of deoxyribonucleic acid (DNA) testing, it is discovered that
21 the man adjudicated to be the parent is not the father of the
22 child. Actions brought by the adjudicated father shall be
23 brought by verified petition. If, as a result of the
24 deoxyribonucleic acid (DNA) testing that is admissible under
25 Section 614 of this Act, the petitioner is determined not to be
26 the father of the child, the adjudication of paternity and any

1 orders regarding custody, parenting time, and future payments
2 of support may be vacated.

3 (d) An action to declare the non-existence of the
4 parent-child relationship brought under subsection (c) of this
5 Section shall be barred if brought more than 2 years after the
6 petitioner obtains actual knowledge of relevant facts. The
7 2-year period shall not apply to periods of time where the
8 birth mother or the child refuses to submit to deoxyribonucleic
9 acid (DNA) testing. The 2-year period for bringing an action to
10 declare the non-existence of the parent-child relationship
11 shall not extend beyond the date on which the child reaches the
12 age of 18 years.

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

16 ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT

17 Section 301. Voluntary acknowledgment. A parent-child
18 relationship may be established voluntarily by the signing and
19 witnessing of a voluntary acknowledgment in accordance with
20 Section 12 of the Vital Records Act and Section 10-17.7 of the
21 Illinois Public Aid Code. The voluntary acknowledgment shall
22 contain the last four digits of the social security numbers of
23 the persons signing the voluntary acknowledgment; however,

1 failure to include the social security numbers of the persons
2 signing a voluntary acknowledgment does not invalidate the
3 voluntary acknowledgment.

4 Section 302. Execution of voluntary acknowledgment.

5 (a) A voluntary acknowledgment described in Section 301 of
6 this Act must:

7 (1) be in a record;

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

11 (3) state that the child whose parentage is being
12 acknowledged:

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

15 (B) does not have another acknowledged or
16 adjudicated parent;

17 (4) be witnessed; and

18 (5) state that the signatories understand that the
19 acknowledgment is the equivalent of a judicial
20 adjudication of parentage of the child and that a challenge
21 to the acknowledgment is permitted only under limited
22 circumstances and is barred after 2 years.

23 (b) An acknowledgment is void if it:

24 (1) states that another person is a presumed parent,
25 unless a denial signed or otherwise authenticated by the

1 presumed parent is filed with the Department of Healthcare
2 and Family Services, as provided by law;

3 (2) states that another person is an acknowledged or
4 adjudicated parent; or

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

7 (c) A presumed father may sign or otherwise authenticate an
8 acknowledgment.

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

11 (a) a voluntary acknowledgment described in Section 301 of
12 this Act signed, or otherwise authenticated, by a man is filed
13 pursuant to Section 305 of this Act;

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

16 (c) the presumed parent has not previously:

17 (1) acknowledged his parentage, unless the previous
18 acknowledgment has been rescinded under Section 307 of this
19 Act or successfully challenged under Section 308 of this
20 Act; or

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

22 Section 304. Rules for acknowledgment and denial of
23 parentage.

24 (a) An acknowledgment as described in Section 301 of this

1 Act and a denial may be contained in a single document or may
2 be signed in counterparts, and may be filed separately or
3 simultaneously. If the acknowledgment and denial are both
4 necessary, neither is valid until both are filed.

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

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

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

13 Section 305. Effect of acknowledgment or denial of
14 parentage.

15 (a) Except as otherwise provided in Sections 307 and 308 of
16 this Act, a valid acknowledgment filed with the Department of
17 Healthcare and Family Services, as provided by law, is
18 equivalent to an adjudication of the parentage of a child and
19 confers upon the acknowledged father all of the rights and
20 duties of a parent.

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

1 (c) Except as otherwise provided in Sections 307 and 308 of
2 this Act, a valid denial by a presumed parent filed with the
3 Department of Healthcare and Family Services, as provided by
4 law, in conjunction with a voluntary acknowledgment, is
5 equivalent to an adjudication of the nonparentage of the
6 presumed parent and discharges the presumed parent from all
7 rights and duties of a parent.

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

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

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

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

21 Section 308. Challenge after expiration of period for
22 rescission. After the period for rescission under Section 307
23 of this Act has expired, a signatory of a voluntary

1 acknowledgment or denial may commence a proceeding to challenge
2 the acknowledgment or denial only as provided in Section 309 of
3 this Act.

4 Section 309. Procedure for challenge.

5 (a) A voluntary acknowledgment and any related denial may
6 be challenged only on the basis of fraud, duress, or material
7 mistake of fact by filing a verified petition under this
8 Section within 2 years after the effective date of the
9 acknowledgment or denial, as provided in Section 304 of this
10 Act. Time during which the person challenging the
11 acknowledgment or denial is under legal disability or duress or
12 the ground for relief is fraudulently concealed shall be
13 excluded in computing the period of 2 years.

14 (b) The verified complaint, which shall be designated a
15 petition, shall be filed in the county where a proceeding
16 relating to the child was brought, such as a support proceeding
17 or, if none exists, in the county where the child resides.
18 Every signatory to the voluntary acknowledgment and any related
19 denial must be made a party to a proceeding to challenge the
20 acknowledgment or denial. The party challenging the
21 acknowledgment or denial shall have the burden of proof. The
22 burden of proof to challenge a voluntary acknowledgment is
23 clear and convincing evidence.

24 (c) For the purpose of a challenge to an acknowledgment or
25 denial, a signatory submits to personal jurisdiction of this

1 State by signing the acknowledgment and any related denial,
2 effective upon the filing of the acknowledgment and any related
3 denial with the Department of Healthcare and Family Services,
4 as provided in Section 12 of the Vital Records Act.

5 (d) Except for good cause shown, during the pendency of a
6 proceeding to challenge an acknowledgment or denial, the court
7 may not suspend the legal responsibilities of a signatory
8 arising from the acknowledgment, including the duty to pay
9 child support.

10 (e) At the conclusion of a proceeding to challenge an
11 acknowledgment or denial, the court shall order the Department
12 of Public Health to amend the birth record of the child, if
13 appropriate. A copy of an order entered at the conclusion of a
14 proceeding to challenge shall be provided to the Department of
15 Healthcare and Family Services.

16 Section 310. Ratification barred. A court or
17 administrative agency conducting a judicial or administrative
18 proceeding is not required or permitted to ratify an
19 unchallenged acknowledgment described in Section 301 of this
20 Act.

21 Section 311. Full faith and credit. A court of this State
22 shall give full faith and credit to a valid acknowledgment or
23 denial of parentage effective in another state if the
24 acknowledgment or denial has been signed and is otherwise in

1 compliance with the law of the other state.

2 Section 312. Forms for acknowledgment and denial of
3 parentage.

4 (a) To facilitate compliance with this Article, the
5 Department of Healthcare and Family Services shall prescribe
6 forms for the acknowledgment and the denial of parentage and
7 for the rescission of acknowledgment or denial consistent with
8 Section 307 of this Act.

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

11 Section 313. Release of information. The Department of
12 Healthcare and Family Services may release information
13 relating to the acknowledgment described in Section 301 of this
14 Act, or the related denial, to a signatory of the
15 acknowledgment or denial; to the child's guardian, the
16 emancipated child, or the legal representatives of those
17 individuals; to appropriate federal agencies; and to courts and
18 appropriate agencies of this State or another state.

19 Section 314. Adoption of rules. The Department of Public
20 Health and the Department of Healthcare and Family Services may
21 adopt rules to implement this Article.

22

ARTICLE 4. GENETIC TESTING

1 Section 401. Proceeding authorized. As soon as
2 practicable, a court or an administrative hearing officer in an
3 Expedited Child Support System may, and upon the request of a
4 party except as provided in Section 610 of this Act, or of the
5 child, shall order or direct the mother, child, and alleged
6 father to submit to deoxyribonucleic acid (DNA) testing to
7 determine inherited characteristics. If any party refuses to
8 submit to genetic testing, the court may resolve the question
9 of paternity against that party or enforce its order if the
10 rights of others and the interests of justice so require.

11 Section 402. Requirements for genetic testing.

12 (a) The genetic testing shall be conducted by an expert
13 qualified as an examiner of blood or tissue types and appointed
14 by the court. The expert shall determine the genetic testing
15 procedures. However, any interested party, for good cause
16 shown, in advance of the scheduled genetic testing, may request
17 a hearing to object to the qualifications of the expert or the
18 genetic testing procedures. The expert appointed by the court
19 shall testify at the pre-test hearing at the expense of the
20 party requesting the hearing, except for an indigent party as
21 provided in Section 405 of this Act. An expert not appointed by
22 the court shall testify at the pre-test hearing at the expense
23 of the party retaining the expert. Inquiry into an expert's
24 qualifications at the pre-test hearing shall not affect either

1 party's right to have the expert qualified at trial.

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

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

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

14 (1) The individual objecting may require the testing
15 laboratory, within 30 days after receipt of the report of
16 the genetic testing, to recalculate the probability of
17 paternity using an ethnic or racial group different from
18 that used by the laboratory.

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

21 (A) if the frequencies are not available to the
22 testing laboratory for the ethnic or racial group
23 requested, provide the requested frequencies compiled
24 in a manner recognized by accrediting bodies; or

25 (B) engage another testing laboratory to perform
26 the calculations.

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

5 Section 403. Genetic test results.

6 (a) The expert shall prepare a written report of the
7 genetic test results. If the genetic test results show that the
8 alleged father is not excluded, the report shall contain
9 statistics based upon the statistical formula of combined
10 paternity index (CPI) and the probability of paternity as
11 determined by the probability of exclusion (Random Man Not
12 Excluded = RMNE). The expert may be called by the court as a
13 witness to testify to his or her findings and, if called, shall
14 be subject to cross-examination by the parties. If the genetic
15 test results show that the alleged father is not excluded, any
16 party may demand that other experts, qualified as examiners of
17 blood or tissue types, perform independent genetic testing
18 under order of court, including, but not limited to, blood
19 types or other testing of genetic markers. The results of the
20 genetic testing may be offered into evidence. The number and
21 qualifications of the experts shall be determined by the court.

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

1 (c) The report of the genetic test results prepared by the
2 appointed expert shall be made by affidavit or by certification
3 as provided in Section 1-109 of the Code of Civil Procedure and
4 shall be mailed to all parties. A proof of service shall be
5 filed with the court. The verified report shall be admitted
6 into evidence at trial without foundation testimony or other
7 proof of authenticity or accuracy, unless a written motion
8 challenging the admissibility of the report is filed by either
9 party within 28 days of receipt of the report, in which case
10 expert testimony shall be required. A party may not file such a
11 motion challenging the admissibility of the report later than
12 28 days before commencement of trial. Before trial, the court
13 shall determine whether the motion is sufficient to deny
14 admission of the report by verification. Failure to make that
15 timely motion constitutes a waiver of the right to object to
16 admission by verification and shall not be grounds for a
17 continuance of the hearing to establish paternity.

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

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

24 (b) If the experts disagree in their findings or
25 conclusions, the question shall be weighed with other competent

1 evidence of paternity.

2 (c) If the genetic testing results indicate that the
3 alleged father is not excluded and that the combined paternity
4 index is at least 1,000 to 1, and there is at least a 99.9%
5 probability of paternity, the alleged father is presumed to be
6 the father, and this evidence shall be admitted.

7 (d) A man identified under subsection (c) of this Section
8 as the father of the child may rebut the genetic testing
9 results by other genetic testing satisfying the requirements of
10 this Article which:

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

12 or

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

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

19 Section 405. Cost of genetic testing. The expense of the
20 genetic testing shall be paid by the party who requests the
21 genetic testing, except that the court may apportion the costs
22 between the parties, upon request. When the genetic testing is
23 requested by the party seeking to establish paternity and that
24 party is found to be indigent by the court, the expense shall
25 be paid by the public agency providing representation; except

1 that where a public agency is not providing representation, the
2 expense shall be paid by the county in which the action is
3 brought. When the genetic testing is ordered by the court on
4 its own motion or is requested by the alleged or presumed
5 father and that father is found to be indigent by the court,
6 the expense shall be paid by the county in which the action is
7 brought. Any part of the expense may be taxed as costs in the
8 action, except that no costs may be taxed against a public
9 agency that has not requested the genetic testing.

10 Section 406. Compensation of expert. The compensation of
11 each expert witness appointed by the court shall be paid as
12 provided in Section 405 of this Act. Any part of the payment
13 may be taxed as costs in the action, except that no costs may
14 be taxed against a public agency that has not requested the
15 services of the expert witness.

16 Section 407. Independent genetic testing. Nothing in this
17 Article shall prevent a party from obtaining genetic testing of
18 his or her own blood or tissue independent of those ordered by
19 the court or from presenting expert testimony interpreting
20 those tests or any other blood tests ordered under this
21 Article. Reports of all the independent tests, accompanied by
22 affidavit or certification pursuant to Section 1-109 of the
23 Code of Civil Procedure, and notice of any expert witnesses to
24 be called to testify to the results of those tests shall be

1 submitted to all parties at least 30 days before any hearing
2 set to determine the issue of parentage.

3 Section 408. Additional persons to be tested.

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

9 (1) the parents of the man;

10 (2) brothers and sisters of the man;

11 (3) other children of the man and their mothers; and

12 (4) other relatives of the man necessary to complete
13 genetic testing.

14 (b) Issuance of an order under this Section requires a
15 finding that a need for genetic testing outweighs the
16 legitimate interests of the individual sought to be tested, and
17 in no event shall an order be issued until the individual is
18 joined as a party and given notice as required under the Code
19 of Civil Procedure.

20 ARTICLE 5. TEMPORARY RELIEF

21 Section 501. Temporary orders.

22 (a) On a motion by a party and a showing of clear and
23 convincing evidence of parentage, the court shall issue a

1 temporary order for support of a child if the order is
2 appropriate and the individual ordered to pay support is:

3 (1) a presumed parent of the child;

4 (2) petitioning to have parentage adjudicated;

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

7 (4) an alleged father who has declined to submit to
8 genetic testing;

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

11 (6) the mother of the child; or

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

13 In determining the amount of a temporary child support
14 award, the court shall use the guidelines and standards set
15 forth in Sections 505 and 505.2 of the Illinois Marriage and
16 Dissolution of Marriage Act.

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

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

23 Section 502. Injunctive relief.

24 (a) In any action brought under this Act for the initial
25 determination of parentage, custody or parenting time of a

1 child, or for modification of a prior custody or parenting time
2 order, the court, upon application of a party, may enjoin a
3 party having physical possession or custody of a child from
4 temporarily removing the child from this State pending the
5 adjudication of the issues of parentage, custody, and parenting
6 time. When deciding whether to enjoin removal of a child, or to
7 order a party to return the child to this State, the court
8 shall consider factors including, but not limited to:

9 (1) the extent of previous involvement with the child
10 by the party seeking to enjoin removal or to have the
11 absent party return the child to this State;

12 (2) the likelihood that parentage will be established;
13 and

14 (3) the impact on the financial, physical, and
15 emotional health of the party being enjoined from removing
16 the child or the party being ordered to return the child to
17 this State.

18 (b) A temporary restraining order or preliminary
19 injunction under this Act shall be governed by the relevant
20 provisions of Part 1 of Article XI of the Code of Civil
21 Procedure.

22 (c) Notwithstanding the provisions of subsection (a) of
23 this Section, the court may decline to enjoin a domestic
24 violence victim having physical possession or custody of a
25 child from temporarily or permanently removing the child from
26 this State pending the adjudication of issues of custody or

1 parenting time. In determining whether a person is a domestic
2 violence victim, the court shall consider the following
3 factors:

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

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

9 (3) evidence from police, court, or other government
10 agency records or files;

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

13 (5) documentation from a legal, clerical, medical, or
14 other professional from whom the person has sought
15 assistance in dealing with the alleged domestic violence;
16 and

17 (6) any other evidence that supports the sworn
18 statements, such as a statement from any other individual
19 with knowledge of the circumstances that provides the basis
20 for the claim, or physical evidence of the domestic
21 violence.

22 ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE

23 Section 601. Proceeding authorized. A civil proceeding may
24 be maintained to adjudicate the parentage of a child. The

1 proceeding is governed by the Code of Civil Procedure and
2 Illinois Supreme Court Rules. Administrative proceedings
3 adjudicating paternity shall be governed by Section 10-17.7 of
4 the Illinois Public Aid Code.

5 Section 602. Standing. A complaint to adjudicate parentage
6 shall be verified, shall be designated a petition, and shall
7 name the person or persons alleged to be the parent of the
8 child. Subject to Article 3 and Sections 607, 608, and 609 of
9 this Act, a proceeding to adjudicate parentage may be
10 maintained by:

11 (a) the child;

12 (b) the mother of the child;

13 (c) a pregnant woman;

14 (d) a man presumed or alleging himself to be the parent of
15 the child;

16 (e) a woman alleging herself to be the parent of the child;

17 (f) the support-enforcement agency or other governmental
18 agency authorized by other law;

19 (g) any person or public agency that has custody of, is
20 providing financial support to, or has provided financial
21 support to the child;

22 (h) the Department of Healthcare and Family Services if it
23 is providing, or has provided, financial support to the child
24 or if it is assisting with child support collections services;

25 (i) an authorized adoption agency or licensed

1 child-placing agency;

2 (j) a representative authorized by law to act for an
3 individual who would otherwise be entitled to maintain a
4 proceeding but who is deceased, incapacitated, or a minor;

5 (k) an intended parent pursuant to the terms of a valid
6 gestational surrogacy contract; or

7 (l) an individual who has consented or has allegedly
8 consented to assisted reproduction pursuant to Article 7 of
9 this Act.

10 Section 603. Subject matter and personal jurisdiction.

11 (a) The circuit courts of this State shall have
12 jurisdiction of an action brought under this Act. In a civil
13 action not brought under this Act, the provisions of this Act
14 shall apply if parentage is at issue. The court may join any
15 action under this Act with any other civil action in which this
16 Act is applicable.

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

19 (c) A court of this State having jurisdiction to adjudicate
20 parentage may exercise personal jurisdiction over a
21 nonresident individual, or the guardian or conservator of the
22 individual, if the conditions prescribed in Section 201 of the
23 Uniform Interstate Family Support Act are fulfilled.

24 (d) Lack of jurisdiction over one individual does not
25 preclude the court from making an adjudication of parentage

1 binding on another individual over whom the court has personal
2 jurisdiction.

3 Section 604. Venue.

4 (a) Venue for a proceeding to adjudicate parentage is any
5 county of this State in which a party resides, or if the
6 presumed or alleged father is deceased, in which a proceeding
7 for probate or administration of the presumed or alleged
8 father's estate has been commenced, or could be commenced.

9 (b) A child custody proceeding is commenced in the county
10 where the child resides.

11 Section 605. Notice to presumed parent.

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

21 (1) The person requesting notice shall pay to the clerk
22 of the circuit court a mailing fee of \$1.50 and furnish to
23 the clerk of the circuit court an original and one copy of
24 a notice together with an affidavit setting forth the

1 presumed parent's last known address. The original notice
2 shall be retained by the clerk of the circuit court.

3 (2) The clerk of the circuit court shall promptly mail
4 to the presumed parent, at the address appearing in the
5 affidavit, the copy of the notice by certified mail, return
6 receipt requested. The envelope and return receipt shall
7 bear the return address of the clerk of the circuit court.
8 The receipt for certified mail shall state the name and
9 address of the addressee and the date of mailing and shall
10 be attached to the original notice.

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

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

16 (b) The notice shall read as follows:

17 "IN THE MATTER OF NOTICE TO PRESUMED PARENT.

18 You have been identified as the presumed parent of
19 , born on The birth parent of the child is
20

21 An action is being brought to establish the parent-child
22 relationship between the named child and a parent named by the
23 person filing this action,

24 As the presumed parent, you have certain legal rights with
25 respect to the named child, including the right to notice of
26 the filing of proceedings instituted for the establishment of

1 parentage of the named child and, if named as a parent in a
2 petition to establish parentage, the right to submit to, along
3 with the birth parent and child, deoxyribonucleic acid (DNA)
4 tests to determine inherited characteristics, subject to
5 Section 610 of the Illinois Parentage Act of 2014. If you wish
6 to assert your rights with respect to the child named in this
7 notice, you must file with the Clerk of this Circuit Court of
8 County, Illinois, whose address is , within
9 30 days after the date of receipt of this notice, a declaration
10 of parentage stating that you are, in fact, the parent of the
11 named child and that you intend to assert your legal rights
12 with respect to the child, or that you request to be notified
13 of any further proceedings with respect to the parentage of the
14 child.

15 If you do not file a declaration of parentage or a request
16 for notice, then whatever legal rights you have with respect to
17 the named child, including the right to notice of any future
18 proceedings for the establishment of parentage of the child,
19 may be terminated without any further notice to you. When your
20 legal rights with respect to the named child are terminated,
21 you will not be entitled to notice of any future proceedings.".

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

1 Section 606. Summons. The summons that is served on a
2 respondent shall include the return date on or by which the
3 respondent must appear and shall contain the following
4 information, in a prominent place and in conspicuous language,
5 in addition to the information required to be provided under
6 the laws of this State: "If you do not appear as instructed in
7 this summons, you may be required to support the child named in
8 this petition until the child is at least 18 years old. You may
9 also have to pay the pregnancy and delivery costs of the
10 mother."

11 Section 607. No limitation; child having no presumed,
12 acknowledged, or adjudicated parent. A proceeding to
13 adjudicate the parentage of a child having no presumed,
14 acknowledged, or adjudicated parent may be commenced at any
15 time, even after:

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

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

21 Section 608. Limitation; child having presumed parent.

22 (a) An alleged father, as that term is defined in Section
23 103 of this Act, must commence an action to establish a
24 parent-child relationship for a child having a presumed parent

1 not later than 2 years after the petitioner knew or should have
2 known of the relevant facts. The time the petitioner is under
3 legal disability or duress or the ground for relief is
4 fraudulently concealed shall be excluded in computing the
5 period of 2 years.

6 (b) A proceeding seeking to declare the non-existence of
7 the parent-child relationship between a child and the child's
8 presumed father may be maintained at any time by a person
9 described in paragraphs (1) through (4) of subsection (a) of
10 Section 204 of this Act if the court determines that the
11 presumed father and the mother of the child neither cohabited
12 nor engaged in sexual intercourse with each other during the
13 probable time of conception.

14 Section 609. Limitation; child having acknowledged or
15 adjudicated parent.

16 (a) If a child has an acknowledged parent, a signatory to
17 the acknowledgment described in Section 301 of this Act or
18 related denial may commence a proceeding seeking to challenge
19 the acknowledgment or denial or challenge the paternity of the
20 child only within the time allowed under Section 309 of this
21 Act.

22 (b) If a child has an acknowledged parent or an adjudicated
23 parent, an individual, other than the child, who is neither a
24 signatory to the acknowledgment nor a party to the adjudication
25 and who seeks an adjudication of parentage of the child must

1 commence a proceeding not later than 2 years after the
2 effective date of the acknowledgment or adjudication.

3 (c) A proceeding under this Section is subject to the
4 application of the principles of estoppel established in
5 Section 610 of this Act.

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

7 (a) In a proceeding to adjudicate the parentage of a child
8 having a presumed, acknowledged, or adjudicated parent, the
9 court may deny a motion by a parent, presumed parent,
10 acknowledged parent, adjudicated parent, or alleged parent
11 seeking an order for genetic testing of the parents and child
12 if the court determines that:

13 (1) the conduct of the parent, acknowledged parent,
14 adjudicated parent, or the presumed parent estops that
15 party from denying parentage;

16 (2) it would be inequitable to disprove the
17 parent-child relationship between the child and the
18 presumed, acknowledged, or adjudicated parent; and

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

21 (A) the length of time between the current
22 proceeding to adjudicate parentage and the time that
23 the presumed, acknowledged, or adjudicated parent was
24 placed on notice that he or she might not be the
25 biological parent;

1 (B) the length of time during which the presumed,
2 acknowledged, or adjudicated parent has assumed the
3 role of parent of the child;

4 (C) the facts surrounding the presumed,
5 acknowledged, or adjudicated parent's discovery of his
6 or her possible nonparentage;

7 (D) the nature of the relationship between the
8 child and the presumed, acknowledged, or adjudicated
9 parent;

10 (E) the age of the child;

11 (F) the harm that may result to the child if the
12 presumed, acknowledged, or adjudicated parentage is
13 successfully disproved;

14 (G) the nature of the relationship between the
15 child and any alleged parent;

16 (H) the extent to which the passage of time reduces
17 the chances of establishing the parentage of another
18 person and a child support obligation in favor of the
19 child;

20 (I) other factors that may affect the equities
21 arising from the disruption of the parent-child
22 relationship between the child and the presumed,
23 acknowledged, or adjudicated parent or the chance of
24 other harm to the child; and

25 (J) any other factors the court determines to be
26 equitable.

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

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

8 Section 611. Joinder of proceedings.

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

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

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

24 (a) service of process;

1 (b) the taking of depositions to perpetuate testimony; and
2 (c) except as prohibited by Article 4 of this Act,
3 collection of specimens for genetic testing.

4 Section 613. Child as party; representation.

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

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

12 Section 614. Admissibility of results of genetic testing;
13 expenses.

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

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

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

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

- 1 (1) the amount of the charges billed; and
2 (2) that the charges were reasonable, necessary, and
3 customary.

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

8 Section 615. Consequences of declining genetic testing.

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

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

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

22 Section 616. Admission of parentage authorized.

23 (a) A respondent in a proceeding to adjudicate parentage
24 may admit to the parentage of a child by filing a pleading to

1 that effect or by admitting parentage under penalty of perjury
2 when making an appearance or during a hearing.

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

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

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

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

20 (c) If the court finds that genetic testing under Section
21 404 neither identifies nor excludes a person as the parent of a
22 child, the court may not dismiss the proceeding. In that event,
23 the results of genetic testing and other evidence are
24 admissible to adjudicate the issue of parentage.

25 (d) Unless the results of genetic testing are admitted to

1 rebut other results of genetic testing, a person excluded as
2 the parent of a child by genetic testing may be adjudicated not
3 to be the parent of the child.

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

8 Section 619. Jury prohibited. Trial by jury is not
9 available under this Act.

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

13 Section 621. Binding effect of determination of parentage.

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

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

18 (2) all parties to an adjudication by a court acting
19 under circumstances that satisfy the jurisdictional
20 requirements of Section 201 of the Uniform Interstate
21 Family Support Act.

22 (b) A child is not bound by a determination of parentage

1 under this Act unless:

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

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

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

13 (4) the child was no longer a minor at the time the
14 proceeding was initiated and was the moving party resulting
15 in the parentage determination.

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

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

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

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

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

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

16 Section 622. Custody or visitation prohibited to men who
17 father through sexual assault or sexual abuse.

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

20 (1) has been convicted of or who has pled guilty or
21 nolo contendere to a violation of Section 11-1.20 (criminal
22 sexual assault), Section 11-1.30 (aggravated criminal
23 sexual assault), Section 11-1.40 (predatory criminal
24 sexual assault of a child), Section 11-1.50 (criminal
25 sexual abuse), Section 11-1.60 (aggravated criminal sexual

1 abuse), Section 11-11 (sexual relations within families),
2 Section 12-13 (criminal sexual assault), Section 12-14
3 (aggravated criminal sexual assault), Section 12-14.1
4 (predatory criminal sexual assault of a child), Section
5 12-15 (criminal sexual abuse), or Section 12-16
6 (aggravated criminal sexual abuse) of the Criminal Code of
7 1961 or the Criminal Code of 2012, or a similar statute in
8 another jurisdiction, for his conduct in fathering that
9 child; or

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

14 (b) A person described in subsection (a) shall not be
15 entitled to custody of or visitation with that child without
16 the consent of the child's mother or guardian. If the person
17 described in subsection (a) is also the guardian of the child,
18 he does not have the authority to consent to visitation or
19 custody under this Section. If the mother of the child is a
20 minor, and the person described in subsection (a) is also the
21 father or guardian of the mother, then he does not have the
22 authority to consent to custody or visits.

23 (c) Notwithstanding any other provision of this Act,
24 nothing in this Section shall be construed to relieve the
25 father described in subsection (a) of any support and
26 maintenance obligations to the child under this Act. The

1 child's mother or guardian may decline support and maintenance
2 obligations from the father.

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

7 (e) Notwithstanding any provision of the Illinois Marriage
8 and Dissolution of Marriage Act, the parent, grandparent,
9 great-grandparent, or sibling of the person described in
10 subsection (a) of this Section does not have standing to bring
11 an action requesting custody or visitation with the child
12 without the consent of the child's mother or guardian.

13 (f) A petition under this Section may be filed by the
14 child's mother or guardian either as an affirmative petition in
15 circuit court or as an affirmative defense in any proceeding
16 filed by the person described in subsection (a) of this Section
17 regarding the child.

18 ARTICLE 7. CHILD OF ASSISTED REPRODUCTION

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

23 Section 702. Parental status of donor. Except as provided

1 in this Act, a donor is not a parent of a child conceived by
2 means of assisted reproduction.

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

8 Section 704. Consent to assisted reproduction.

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

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

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

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

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

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

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

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

23 Section 707. Burden of proof. A consent executed under
24 Section 704 of this Act or a withdrawal of consent under

1 Section 705 of this Act must be proven by clear and convincing
2 evidence.

3 ARTICLE 8. SUPPORT AND JUDGMENT

4 Section 801. Child support orders.

5 (a) Notwithstanding any other law to the contrary, pending
6 the outcome of a judicial determination of parentage, the court
7 shall issue an order for child support upon motion by a party
8 and a showing of clear and convincing evidence of parentage. In
9 determining the amount of the child support award, the court
10 shall use the guidelines and standards set forth in Sections
11 505 and 505.2 of the Illinois Marriage and Dissolution of
12 Marriage Act.

13 (b) Any 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 other state or

1 local law to the contrary, a lien arises by operation of law
2 against the real and personal property of the noncustodial
3 parent for each installment of overdue support owed by the
4 noncustodial parent.

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

25 (d) An order for support shall include a date on which the
26 current support obligation terminates. The termination date

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

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

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

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

1 this Section shall also include a provision requiring the
2 obligor and obligee parents to advise each other of a change in
3 residence within 5 days of the change except when the court
4 finds that the physical, mental, or emotional health of a party
5 or that of a minor child, or both, would be seriously
6 endangered by disclosure of the party's address.

7 Section 802. Judgment.

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

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

21 The judgment shall contain or explicitly reserve
22 provisions concerning any duty and amount of child support and
23 may contain provisions concerning the custody and guardianship
24 of the child, parenting time privileges with the child, and the
25 furnishing of bond or other security for the payment of the

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

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

25 (c) If a judgment of parentage contains no explicit award
26 of custody, the establishment of a child support obligation or

1 of parenting time rights in one parent shall be considered a
2 judgment granting custody to the other parent. If the parentage
3 judgment contains no such provisions, custody shall be presumed
4 to be with the mother; however, the presumption shall not apply
5 if the father has had physical custody for at least 6 months
6 prior to the date that the mother seeks to enforce custodial
7 rights.

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

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

19 (1) The factors for determining the amount of support
20 specified in the Illinois Marriage and Dissolution of
21 Marriage Act.

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

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

26 (4) The extent to which the mother or the public agency

1 bringing the action previously informed the father of the
2 child's needs or attempted to seek or require his help in
3 raising or supporting the child.

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

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

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

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

26 (f) A new or existing support order entered by the court

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

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

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

21 (i) After hearing evidence, the court may stay payment of
22 support during the period of the father's minority or period of
23 disability.

24 (j) If, upon a showing of proper service, the father fails
25 to appear in court or otherwise appear as provided by law, the
26 court may proceed to hear the cause upon testimony of the

1 mother or other parties taken in open court and shall enter a
2 judgment by default. The court may reserve any order as to the
3 amount of child support until the father has received notice,
4 by regular mail, of a hearing on the matter.

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

25 (l) An order for support shall include a date on which the
26 current support obligation terminates. The termination date

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

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

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

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

1 shall also include a provision requiring the obligor and
2 obligee parents to advise each other of a change in residence
3 within 5 days of the change except when the court finds that
4 the physical, mental, or emotional health of a party or that of
5 a minor child, or both, would be seriously endangered by
6 disclosure of the party's address.

7 Section 803. Information to State Case Registry.

8 (a) In this Section:

9 "Order for support", "obligor", "obligee", and "business
10 day" are defined as set forth in the Income Withholding for
11 Support Act.

12 "State Case Registry" means the State Case Registry
13 established under Section 10-27 of the Illinois Public Aid
14 Code.

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

1 or modifying the order for support, however.

2 (c) The obligor shall file the following information: the
3 obligor's name, year of birth, mailing address, and the last 4
4 digits of the obligor's social security number. If either the
5 obligor or the obligee receives child support enforcement
6 services from the Department of Healthcare and Family Services
7 under Article X of the Illinois Public Aid Code, the obligor
8 shall also file the following information: the obligor's
9 telephone number, the last 4 digits of the obligor's driver's
10 license number, residential address (if different from the
11 obligor's mailing address), and the name, address, and
12 telephone number of the obligor's employer or employers.

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

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

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

18 (3) The last 4 digits of the social security numbers of
19 the obligee and the child or children covered by the order
20 for support.

21 (4) The obligee's mailing address.

22 (e) In cases in which the obligee receives child support
23 enforcement services from the Department of Healthcare and
24 Family Services under Article X of the Illinois Public Aid
25 Code, the order for support shall (i) require that the obligee
26 file the information required under subsection (d) with the

1 Department of Healthcare and Family Services for inclusion in
2 the State Case Registry, rather than file the information with
3 the clerk, and (ii) require that the obligee include the
4 following additional information:

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

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

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

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

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

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

26 (1) the amount of monthly or other periodic support

1 owed under the order for support and other amounts,
2 including arrearage, interest, or late payment penalties
3 and fees, due or overdue under the order; and

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

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

13 Section 804. Information to locate putative fathers and
14 noncustodial parents.

15 (a) Upon request by a public office, employers, labor
16 unions, and telephone companies shall provide location
17 information concerning putative fathers and noncustodial
18 parents for the purpose of establishing the parentage of a
19 child or establishing, enforcing, or modifying a child support
20 obligation. As used in this Section, the term "public office"
21 is defined as set forth in the Income Withholding for Support
22 Act, and "location information" means information about (i) the
23 physical whereabouts of a putative father or noncustodial
24 parent; (ii) the employer of the putative father or
25 noncustodial parent; or (iii) the salary, wages, and other

1 compensation paid and the health insurance coverage provided to
2 the putative father or noncustodial parent by the employer of
3 the putative father or noncustodial parent or by a labor union
4 of which the putative father or noncustodial parent is a
5 member. An employer, labor union, or telephone company shall
6 respond to the request of the public office within 15 days
7 after receiving the request. An employer, labor union, or
8 telephone company that willfully fails to fully respond within
9 the 15-day period shall be subject to a penalty of \$100 for
10 each day that the response is not provided to the public office
11 after the 15-day period has expired. The penalty may be
12 collected in a civil action, which may be brought against the
13 employer, labor union, or telephone company in favor of the
14 public office.

15 (b) Upon being served with a subpoena (including an
16 administrative subpoena as authorized by law), a utility
17 company or cable television company must provide location
18 information to a public office for the purpose of establishing
19 the parentage of a child or establishing, enforcing, or
20 modifying a child support obligation.

21 (c) Notwithstanding the provisions of any other State or
22 local law to the contrary, an employer, labor union, telephone
23 company, utility company, or cable television company shall not
24 be liable to any person for disclosure of location information
25 under the requirements of this Section, except for willful and
26 wanton misconduct.

1 Section 805. Enforcement of judgment or order.

2 (a) If the existence of the parent-child relationship is
3 declared, or if parentage or a duty of support has been
4 established under this Act or under prior law or under the law
5 of any other jurisdiction, the judgment rendered thereunder may
6 be enforced in the same or in other proceedings by any party or
7 any person or agency that has furnished or may furnish
8 financial assistance or services to the child. The Income
9 Withholding for Support Act and Sections 802 and 808 of this
10 Act shall also be applicable with respect to the entry,
11 modification, and enforcement of a support judgment entered
12 under the Paternity Act, approved July 5, 1957 and repealed
13 July 1, 1985.

14 (b) Failure to comply with an order of the court shall be
15 punishable as contempt as in other cases of failure to comply
16 under the Illinois Marriage and Dissolution of Marriage Act. In
17 addition to other penalties provided by law, the court may,
18 after finding the party guilty of contempt, take the following
19 action:

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

22 (2) Order that the party be sentenced to periodic
23 imprisonment for a period not to exceed 6 months. However,
24 the court may permit the party to be released for periods
25 of time during the day or night to work, conduct business,

1 or engage in other self-employed occupation. The court may
2 further order any part of all the earnings of a party
3 during a sentence of periodic imprisonment to be paid to
4 the clerk of the circuit court or to the person or parent
5 having custody of the minor child for the support of the
6 child until further order of the court.

7 (3) Pierce the ownership veil of a person, persons, or
8 business entity to discover assets of a non-custodial
9 parent held in the name of that person, those persons, or
10 that business entity, if there is a unity of interest and
11 ownership sufficient to render no financial separation
12 between the non-custodial parent and that person, those
13 persons, or the business entity. The following
14 circumstances are sufficient for a court to order discovery
15 of the assets of a person, persons, or business entity and
16 to compel the application of any discovered assets toward
17 payment of the judgment for support:

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

20 (B) the non-custodial parent and the person,
21 persons, or business entity fail to maintain an
22 arm's-length relationship between themselves with
23 regard to any assets.

24 (C) the non-custodial parent transfers assets to
25 the person, persons, or business entity with the intent
26 to perpetrate a fraud on the custodial parent. With

1 respect to assets which are real property, no order
2 entered under this subdivision (3) shall affect the
3 rights of bona fide purchasers, mortgagees, judgment
4 creditors, or other lien holders who acquire their
5 interests in the property prior to the time a notice of
6 lis pendens under the Code of Civil Procedure or a copy
7 of the order is placed of record in the office of the
8 recorder of deeds for the county in which the real
9 property is located.

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

1 of the court and shall, if ordered by the court and subject
2 to the provisions of Section 7-702.1 of the Illinois
3 Vehicle Code, issue a family financial responsibility
4 driving permit to the parent.

5 In addition to the penalties or punishment that may be
6 imposed under this Section, a person whose conduct constitutes
7 a violation of Section 15 of the Non-Support Punishment Act may
8 be prosecuted under that Act, and a person convicted under that
9 Act may be sentenced in accordance with that Act. The sentence
10 may include, but need not be limited to, a requirement that the
11 person perform community service under Section 50 of that Act
12 or participate in a work alternative program under Section 50
13 of that Act. A person may not be required to participate in a
14 work alternative program under Section 50 of the Non-Support
15 Punishment Act if the person is currently participating in a
16 work program under Section 806 of this Act.

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

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

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

1 seek employment in accordance with the order. Additionally, the
2 court may order the unemployed person to report to the
3 Department of Employment Security for job search services and
4 to participate in job training or work programs. When the duty
5 of support is owed to a child receiving child support
6 enforcement services under Article X of the Illinois Public Aid
7 Code, the court may order the unemployed person to report to
8 the Department of Healthcare and Family Services for
9 participation in job search, training, or work programs
10 established under Section 9-6 and Article IXA of that Code.

11 (b) Whenever it is determined that a person owes past-due
12 support for a child, and the child is receiving assistance
13 under the Illinois Public Aid Code, the court shall, at the
14 request of the Department of Healthcare and Family Services,
15 order the following:

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

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

24 Section 807. Order of protection; status. Whenever relief
25 is sought under this Act, the court, before granting relief,

1 shall determine whether an order of protection has previously
2 been entered in the instant proceeding or any other proceeding
3 in which any party, or a child of any party, or both, if
4 relevant, has been designated as either a respondent or a
5 protected person.

6 Section 808. Modification of judgment. The court has
7 continuing jurisdiction to modify an order for support,
8 custody, parenting time, or removal included in a judgment
9 entered under this Act. Any custody, parenting time, or removal
10 judgment modification shall be in accordance with the relevant
11 factors specified in the Illinois Marriage and Dissolution of
12 Marriage Act. Any support judgment is subject to modification
13 or termination only in accordance with Section 510 of the
14 Illinois Marriage and Dissolution of Marriage Act.

15 Section 809. Right to counsel.

16 (a) Any party may be represented by counsel at all
17 proceedings under this Act. Except as otherwise provided in
18 this Act, the court may order, in accordance with the relevant
19 factors specified in Section 508 of the Illinois Marriage and
20 Dissolution of Marriage Act, reasonable fees of counsel,
21 experts, and other costs of the action, pre-trial proceedings,
22 post-judgment proceedings to enforce or modify the judgment,
23 and the appeal or the defense of an appeal of the judgment to
24 be paid by the parties. The court may not order payment by the

1 Department of Healthcare and Family Services in cases in which
2 the Department is providing child support enforcement services
3 under Article X of the Illinois Public Aid Code.

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

10 Section 810. Withholding of income to secure payment of
11 support. Orders for support entered under this Act are subject
12 to the Income Withholding for Support Act.

13 Section 811. Information concerning obligors.

14 (a) In this Section:

15 "Arrearage", "delinquency", "obligor", and "order for
16 support" have the meanings attributed to those terms in the
17 Income Withholding for Support Act.

18 "Consumer reporting agency" has the meaning attributed to
19 that term in Section 603(f) of the Fair Credit Reporting Act,
20 15 U.S.C. 1681a(f).

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

1 shall direct the clerk of the circuit court to make information
2 concerning the obligor available to consumer reporting
3 agencies.

4 (c) Whenever a court of competent jurisdiction finds that
5 an obligor either owes an arrearage of more than \$10,000 or is
6 delinquent in payment of an amount equal to at least 3 months'
7 support obligation pursuant to an order for support, the court
8 shall direct the clerk of the circuit court to cause the
9 obligor's name and address to be published in a newspaper of
10 general circulation in the area in which the obligor resides.
11 The clerk of the circuit court shall cause the obligor's name
12 and address to be published only after sending to the obligor
13 at the obligor's last known address, by certified mail, return
14 receipt requested, a notice of intent to publish the
15 information. This subsection (c) applies only if the obligor
16 resides in the county in which the clerk of the circuit court
17 holds office.

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

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

9 Section 813. Support payments; receiving and disbursing
10 agents.

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

25 (b) In an action filed in a county of 3,000,000 or more

1 inhabitants in which an order for child support is entered, and
2 in supplementary proceedings to enforce or vary the terms of
3 the order arising out of an action filed in such a county, the
4 court, except in actions or supplementary proceedings in which
5 the pregnancy and delivery expenses of the mother or the child
6 support payments are for a recipient of aid under the Illinois
7 Public Aid Code, shall direct that child support payments be
8 made either to the clerk of the circuit court or to the Court
9 Service Division of the Department of Human Services local
10 office or offices or its successor or to the Department of
11 Healthcare and Family Services, unless in the discretion of the
12 court exceptional circumstances warrant otherwise. In cases
13 where payment is to be made to persons other than the clerk of
14 the circuit court, the Court Service Division of the Department
15 of Human Services local office or offices or its successor, or
16 the Department of Healthcare and Family Services, the judgment
17 or order of support shall set forth the facts of the
18 exceptional circumstances.

19 (c) When the action or supplementary proceeding is on
20 behalf of a mother for pregnancy and delivery expenses or for
21 child support, or both, and the mother, child, or both, are
22 recipients of aid under the Illinois Public Aid Code, the court
23 shall order that the payments be made directly to (1) the
24 Department of Healthcare and Family Services, if the mother or
25 child, or both, are recipients under Article IV or V of the
26 Illinois Public Aid Code; or (2) the local governmental unit

1 responsible for the support of the mother or child, or both, if
2 they are recipients under Article VI of the Illinois Public Aid
3 Code. In accordance with federal law and regulations, the
4 Department of Healthcare and Family Services may continue to
5 collect current maintenance payments or child support
6 payments, or both, after those persons cease to receive public
7 assistance and until termination of services under Article X of
8 the Illinois Public Aid Code. The Department of Healthcare and
9 Family Services shall pay the net amount collected to those
10 persons after deducting any costs incurred in making the
11 collection or any collection fee from the amount of any
12 recovery made. The Department of Healthcare and Family Services
13 or the local governmental unit, as the case may be, may direct
14 that payments be made directly to the mother of the child, or
15 to some other person or agency on the child's behalf, upon the
16 removal of the mother and child from the public aid rolls or
17 upon termination of services under Article X of the Illinois
18 Public Aid Code; upon such direction, the Department of
19 Healthcare and Family Services or the local governmental unit
20 shall give notice of the action to the court in writing or by
21 electronic transmission.

22 (d) All clerks of the circuit court and the Court Service
23 Division of the Department of Human Services local office or
24 offices or its successor and the Department of Healthcare and
25 Family Services, receiving child support payments under
26 subsection (a) or (b) shall disburse the payments to the person

1 or persons entitled to the payments under the terms of the
2 order. The entity disbursing the payments shall establish and
3 maintain clear and current records of all moneys received and
4 disbursed and of defaults and delinquencies in required
5 payments. The court, by order or rule, shall make provision for
6 the carrying out of these duties. Payments under this Section
7 to the Department of Healthcare and Family Services made
8 pursuant to the Child Support Enforcement Program established
9 by Title IV-D of the Social Security Act shall be paid into the
10 Child Support Enforcement Trust Fund. All payments under this
11 Section to the Illinois Department of Human Services shall be
12 deposited in the DHS Recoveries Trust Fund. Disbursement from
13 these funds shall be as provided in the Illinois Public Aid
14 Code. Payments received by a local governmental unit shall be
15 deposited in that unit's General Assistance Fund.

16 (e) The moneys received by persons or agencies designated
17 by the court shall be disbursed by them in accordance with the
18 order. However, the court, on petition of the State's Attorney,
19 may enter new orders designating the clerk of the circuit court
20 or the Department of Healthcare and Family Services as the
21 person or agency authorized to receive and disburse child
22 support payments and, in the case of a recipient of public aid,
23 the court, on petition of the Attorney General or State's
24 Attorney, shall direct subsequent payments to be paid to the
25 Department of Healthcare and Family Services or to the
26 appropriate local governmental unit, as provided in subsection

1 (c) of this Section. Payments of child support by principals or
2 sureties on bonds or proceeds of any sale for the enforcement
3 of a judgment shall be made to the clerk of the circuit court,
4 the Department of Healthcare and Family Services, or the
5 appropriate local governmental unit, as required by this
6 Section.

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

1 of the requirements contained in this Section.

2 (g) To the extent the provisions of this Section are
3 inconsistent with the requirements pertaining to the State
4 Disbursement Unit under Section 815 of this Act and Section
5 10-26 of the Illinois Public Aid Code, the requirements
6 pertaining to the State Disbursement Unit shall apply.

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

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

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

1 (b) Notwithstanding any other provision of this Act to the
2 contrary, each order for support entered or modified on or
3 after October 1, 1999 shall require that support payments be
4 made to the State Disbursement Unit established under Section
5 10-26 of the Illinois Public Aid Code if:

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

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

12 (c) Support payments shall be made to the State
13 Disbursement Unit if:

14 (1) the order for support was entered before October 1,
15 1999, and a party to the order is receiving child support
16 enforcement services under Article X of the Illinois Public
17 Aid Code; or

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

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

26 (e) At any time, and notwithstanding the existence of an

1 order directing payments to be made elsewhere, the Department
2 of Healthcare and Family Services may provide notice to the
3 obligor and, where applicable, to the obligor's payor:

4 (1) to make support payments to the State Disbursement
5 Unit if:

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

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

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

18 The Department of Healthcare and Family Services shall
19 provide a copy of the notice sent under this subsection to the
20 obligee and to the clerk of the circuit court.

21 (f) The clerk of the circuit court shall provide written
22 notice to the obligor to make payments directly to the clerk of
23 the circuit court if no party to the order is receiving child
24 support enforcement services under Article X of the Illinois
25 Public Aid Code, the support payments are not made through
26 income withholding, and the order for support requires support

1 payments to be made directly to the clerk of the circuit court.
2 The clerk of the circuit court shall provide a copy of the
3 notice to the obligee.

4 (g) If the State Disbursement Unit receives a support
5 payment that was not appropriately made to the Unit under this
6 Section, the Unit shall immediately return the payment to the
7 sender, including, if possible, instructions detailing where
8 to send the support payments.

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

13 Section 816. Notice to the clerk of circuit court of
14 payment received by Department of Healthcare and Family
15 Services. For those cases in which support is payable to the
16 clerk of the circuit court for transmittal to the Department of
17 Healthcare and Family Services by order of court, and the
18 Department of Healthcare and Family Services collects support
19 by assignment, offset, withhold, deduction, or other process
20 permitted by law, the Department of Healthcare and Family
21 Services shall notify the clerk of the circuit court of the
22 date and amount of the collection. Upon notification, the clerk
23 of the circuit court shall record the collection on the payment
24 record for the case.

1 ARTICLE 9. MISCELLANEOUS PROVISIONS

2 Section 901. Burden of proof. Absent a burden of proof
3 specifically set forth in this Act, the burden of proof shall
4 be by a preponderance of the evidence.

5 Section 902. Severability clause. If any provision of this
6 Act or its application to an individual or circumstance is held
7 invalid, the invalidity does not affect other provisions or
8 applications of this Act which can be given effect without the
9 invalid provision or application, and to this end the
10 provisions of this Act are severable.

11 Section 903. Transitional provision. A proceeding to
12 adjudicate parentage which was commenced before the effective
13 date of this Act is governed by the law in effect at the time
14 the proceeding was commenced.

15 Section 904. Savings provision. The repeal of the Illinois
16 Parentage Act of 1984 and the Illinois Parentage Act shall not
17 affect rights or liabilities under those Act which have been
18 determined, settled, or adjudicated prior to the effective date
19 of this Act or which are the subject of proceedings pending on
20 the effective date of this Act. This Act shall not be construed
21 to bar an action which would have been barred because the
22 action had not been filed within a time limitation under the

1 Illinois Parentage Act of 1984 and the Illinois Parentage Act,
2 or which could not have been maintained under those Acts, as
3 long as the action is not barred by a limitations period set
4 forth in this Act.

5 Section 905. Other states' establishments of parentage.
6 Establishments of parentage made under the laws of other states
7 shall be given full faith and credit in this State regardless
8 of whether parentage was established through voluntary
9 acknowledgment or through judicial or administrative
10 processes.

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

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

15 Sec. 1005-130. Exchange of information for child support
16 enforcement.

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

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

3 (b) Notwithstanding any provisions in the Civil
4 Administrative Code of Illinois to the contrary, the Department
5 of Employment Security 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 952. The Department of Professional Regulation Law
12 of the Civil Administrative Code of Illinois is amended by
13 changing Section 2105-15 as follows:

14 (20 ILCS 2105/2105-15)

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

16 (a) The Department has, subject to the provisions of the
17 Civil Administrative Code of Illinois, the following powers and
18 duties:

19 (1) To authorize examinations in English to ascertain
20 the qualifications and fitness of applicants to exercise
21 the profession, trade, or occupation for which the
22 examination is held.

23 (2) To prescribe rules and regulations for a fair and
24 wholly impartial method of examination of candidates to

1 exercise the respective professions, trades, or
2 occupations.

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

6 (4) To prescribe rules and regulations defining, for
7 the respective professions, trades, and occupations, what
8 shall constitute a school, college, or university, or
9 department of a university, or other institution,
10 reputable and in good standing, and to determine the
11 reputability and good standing of a school, college, or
12 university, or department of a university, or other
13 institution, reputable and in good standing, by reference
14 to a compliance with those rules and regulations; provided,
15 that no school, college, or university, or department of a
16 university, or other institution that refuses admittance
17 to applicants solely on account of race, color, creed, sex,
18 or national origin shall be considered reputable and in
19 good standing.

20 (5) To conduct hearings on proceedings to revoke,
21 suspend, refuse to renew, place on probationary status, or
22 take other disciplinary action as authorized in any
23 licensing Act administered by the Department with regard to
24 licenses, certificates, or authorities of persons
25 exercising the respective professions, trades, or
26 occupations and to revoke, suspend, refuse to renew, place

1 on probationary status, or take other disciplinary action
2 as authorized in any licensing Act administered by the
3 Department with regard to those licenses, certificates, or
4 authorities. The Department shall issue a monthly
5 disciplinary report. The Department shall deny any license
6 or renewal authorized by the Civil Administrative Code of
7 Illinois to any person who has defaulted on an educational
8 loan or scholarship provided by or guaranteed by the
9 Illinois Student Assistance Commission or any governmental
10 agency of this State; however, the Department may issue a
11 license or renewal if the aforementioned persons have
12 established a satisfactory repayment record as determined
13 by the Illinois Student Assistance Commission or other
14 appropriate governmental agency of this State.
15 Additionally, beginning June 1, 1996, any license issued by
16 the Department may be suspended or revoked if the
17 Department, after the opportunity for a hearing under the
18 appropriate licensing Act, finds that the licensee has
19 failed to make satisfactory repayment to the Illinois
20 Student Assistance Commission for a delinquent or
21 defaulted loan. For the purposes of this Section,
22 "satisfactory repayment record" shall be defined by rule.
23 The Department shall refuse to issue or renew a license to,
24 or shall suspend or revoke a license of, any person who,
25 after receiving notice, fails to comply with a subpoena or
26 warrant relating to a paternity or child support

1 proceeding. However, the Department may issue a license or
2 renewal upon compliance with the subpoena or warrant.

3 The Department, without further process or hearings,
4 shall revoke, suspend, or deny any license or renewal
5 authorized by the Civil Administrative Code of Illinois to
6 a person who is certified by the Department of Healthcare
7 and Family Services (formerly Illinois Department of
8 Public Aid) as being more than 30 days delinquent in
9 complying with a child support order or who is certified by
10 a court as being in violation of the Non-Support Punishment
11 Act for more than 60 days. The Department may, however,
12 issue a license or renewal if the person has established a
13 satisfactory repayment record as determined by the
14 Department of Healthcare and Family Services (formerly
15 Illinois Department of Public Aid) or if the person is
16 determined by the court to be in compliance with the
17 Non-Support Punishment Act. The Department may implement
18 this paragraph as added by Public Act 89-6 through the use
19 of emergency rules in accordance with Section 5-45 of the
20 Illinois Administrative Procedure Act. For purposes of the
21 Illinois Administrative Procedure Act, the adoption of
22 rules to implement this paragraph shall be considered an
23 emergency and necessary for the public interest, safety,
24 and welfare.

25 (6) To transfer jurisdiction of any realty under the
26 control of the Department to any other department of the

1 State Government or to acquire or accept federal lands when
2 the transfer, acquisition, or acceptance is advantageous
3 to the State and is approved in writing by the Governor.

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

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

15 Notwithstanding any provisions in this Code to the
16 contrary, the Department of Professional Regulation shall
17 not be liable under any federal or State law to any person
18 for any disclosure of information to the Department of
19 Healthcare and Family Services (formerly Illinois
20 Department of Public Aid) under this paragraph (8) or for
21 any other action taken in good faith to comply with the
22 requirements of this paragraph (8).

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

24 (a-5) Except in cases involving default on an educational
25 loan or scholarship provided by or guaranteed by the Illinois
26 Student Assistance Commission or any governmental agency of

1 this State or in cases involving delinquency in complying with
2 a child support order or violation of the Non-Support
3 Punishment Act, no person or entity whose license, certificate,
4 or authority has been revoked as authorized in any licensing
5 Act administered by the Department may apply for restoration of
6 that license, certification, or authority until 3 years after
7 the effective date of the revocation.

8 (b) The Department may, when a fee is payable to the
9 Department for a wall certificate of registration provided by
10 the Department of Central Management Services, require that
11 portion of the payment for printing and distribution costs be
12 made directly or through the Department to the Department of
13 Central Management Services for deposit into the Paper and
14 Printing Revolving Fund. The remainder shall be deposited into
15 the General Revenue Fund.

16 (c) For the purpose of securing and preparing evidence, and
17 for the purchase of controlled substances, professional
18 services, and equipment necessary for enforcement activities,
19 recoupment of investigative costs, and other activities
20 directed at suppressing the misuse and abuse of controlled
21 substances, including those activities set forth in Sections
22 504 and 508 of the Illinois Controlled Substances Act, the
23 Director and agents appointed and authorized by the Director
24 may expend sums from the Professional Regulation Evidence Fund
25 that the Director deems necessary from the amounts appropriated
26 for that purpose. Those sums may be advanced to the agent when

1 the Director deems that procedure to be in the public interest.
2 Sums for the purchase of controlled substances, professional
3 services, and equipment necessary for enforcement activities
4 and other activities as set forth in this Section shall be
5 advanced to the agent who is to make the purchase from the
6 Professional Regulation Evidence Fund on vouchers signed by the
7 Director. The Director and those agents are authorized to
8 maintain one or more commercial checking accounts with any
9 State banking corporation or corporations organized under or
10 subject to the Illinois Banking Act for the deposit and
11 withdrawal of moneys to be used for the purposes set forth in
12 this Section; provided, that no check may be written nor any
13 withdrawal made from any such account except upon the written
14 signatures of 2 persons designated by the Director to write
15 those checks and make those withdrawals. Vouchers for those
16 expenditures must be signed by the Director. All such
17 expenditures shall be audited by the Director, and the audit
18 shall be submitted to the Department of Central Management
19 Services for approval.

20 (d) Whenever the Department is authorized or required by
21 law to consider some aspect of criminal history record
22 information for the purpose of carrying out its statutory
23 powers and responsibilities, then, upon request and payment of
24 fees in conformance with the requirements of Section 2605-400
25 of the Department of State Police Law (20 ILCS 2605/2605-400),
26 the Department of State Police is authorized to furnish,

1 pursuant to positive identification, the information contained
2 in State files that is necessary to fulfill the request.

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

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

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

26 In addition, a complaint filed with the Department by the

1 Illinois Department of Revenue that includes a certification,
2 signed by its Director or designee, attesting to the amount of
3 the unpaid tax liability or the years for which a return was
4 not filed, or both, is prima facie ~~facia~~ evidence of the
5 licensee's failure to comply with the tax laws administered by
6 the Illinois Department of Revenue. Upon receipt of that
7 certification, the Department shall, without a hearing,
8 immediately suspend all licenses held by the licensee.
9 Enforcement of the Department's order shall be stayed for 60
10 days. The Department shall provide notice of the suspension to
11 the licensee by mailing a copy of the Department's order by
12 certified and regular mail to the licensee's last known address
13 as registered with the Department. The notice shall advise the
14 licensee that the suspension shall be effective 60 days after
15 the issuance of the Department's order unless the Department
16 receives, from the licensee, a request for a hearing before the
17 Department to dispute the matters contained in the order.

18 Any suspension imposed under this subsection (g) shall be
19 terminated by the Department upon notification from the
20 Illinois Department of Revenue that the licensee is in
21 compliance with all tax laws administered by the Illinois
22 Department of Revenue.

23 The Department shall promulgate rules for the
24 administration of this subsection (g).

25 (h) The Department may grant the title "Retired", to be
26 used immediately adjacent to the title of a profession

1 regulated by the Department, to eligible retirees. The use of
2 the title "Retired" shall not constitute representation of
3 current licensure, registration, or certification. Any person
4 without an active license, registration, or certificate in a
5 profession that requires licensure, registration, or
6 certification shall not be permitted to practice that
7 profession.

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

20 (Source: P.A. 96-459, eff. 8-14-09; 96-852, eff. 12-23-09;
21 96-1000, eff. 7-2-10; 97-650, eff. 2-1-12; revised 9-9-13.)

22 Section 953. The Department of Revenue Law of the Civil
23 Administrative Code of Illinois is amended by changing Section
24 2505-65 as follows:

1 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

2 Sec. 2505-65. Exchange of information.

3 (a) The Department has the power to exchange with any
4 state, with any local subdivisions of any state, or with the
5 federal government, except when specifically prohibited by
6 law, any information that may be necessary to efficient tax
7 administration and that may be acquired as a result of the
8 administration of the laws set forth in the Sections following
9 Section 95-10 and preceding Section 2505-60.

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

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

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

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

3 (55 ILCS 5/3-5036.5)

4 Sec. 3-5036.5. Exchange of information for child support
5 enforcement.

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

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

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

22 Section 955. The Collection Agency Act is amended by
23 changing Section 2.04 as follows:

1 (225 ILCS 425/2.04) (from Ch. 111, par. 2005.1)

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

3 Sec. 2.04. Child support indebtedness.

4 (a) Persons, associations, partnerships, corporations, or
5 other legal entities engaged in the business of collecting
6 child support indebtedness owing under a court order as
7 provided under 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 Illinois Parentage Act of 1984, the Illinois Parentage Act of
11 2014, or similar laws of other states are not restricted (i) in
12 the frequency of contact with an obligor who is in arrears,
13 whether by phone, mail, or other means, (ii) from contacting
14 the employer of an obligor who is in arrears, (iii) from
15 publishing or threatening to publish a list of obligors in
16 arrears, (iv) from disclosing or threatening to disclose an
17 arrearage that the obligor disputes, but for which a verified
18 notice of delinquency has been served under the Income
19 Withholding for Support Act (or any of its predecessors,
20 Section 10-16.2 of the Illinois Public Aid Code, Section 706.1
21 of the Illinois Marriage and Dissolution of Marriage Act,
22 Section 4.1 of the Non-Support of Spouse and Children Act,
23 Section 26.1 of the Revised Uniform Reciprocal Enforcement of
24 Support Act, or Section 20 of the Illinois Parentage Act of
25 1984), or (v) from engaging in conduct that would not cause a

1 reasonable person mental or physical illness. For purposes of
2 this subsection, "obligor" means an individual who owes a duty
3 to make periodic payments, under a court order, for the support
4 of a child. "Arrearage" means the total amount of an obligor's
5 unpaid child support obligations.

6 (a-5) A collection agency may not impose a fee or charge,
7 including costs, for any child support payments collected
8 through the efforts of a federal, State, or local government
9 agency, including but not limited to child support collected
10 from federal or State tax refunds, unemployment benefits, or
11 Social Security benefits.

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

22 As to any fees or charges, including costs, retained by the
23 collection agency, that agency shall provide documentation to
24 the obligee demonstrating that the child support payments
25 resulted from the actions of the agency.

26 After collection of the total amount or arrearage,

1 including statutory interest, due as of the date of execution
2 of the collection contract, no further fees may be charged.

3 (a-10) The Department of Professional Regulation shall
4 determine a fee rate of not less than 25% but not greater than
5 35%, based upon presentation by the licensees as to costs to
6 provide the service and a fair rate of return. This rate shall
7 be established by administrative rule.

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

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

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

19 Section 956. The Illinois Public Aid Code is amended by
20 changing Sections 10-3.1, 10-16.7, 10-17, 10-17.7, 10-19,
21 10-25, 10-25.5, 10-27, and 12-4.7c as follows:

22 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

23 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois
24 Department shall establish within its administrative staff a

1 Child and Spouse Support Unit to search for and locate absent
2 parents and spouses liable for the support of persons resident
3 in this State and to exercise the support enforcement powers
4 and responsibilities assigned the Department by this Article.
5 The unit shall cooperate with all law enforcement officials in
6 this State and with the authorities of other States in locating
7 persons responsible for the support of persons resident in
8 other States and shall invite the cooperation of these
9 authorities in the performance of its duties.

10 In addition to other duties assigned the Child and Spouse
11 Support Unit by this Article, the Unit may refer to the
12 Attorney General or units of local government with the approval
13 of the Attorney General, any actions under Sections 10-10 and
14 10-15 for judicial enforcement of the support liability. The
15 Child and Spouse Support Unit shall act for the Department in
16 referring to the Attorney General support matters requiring
17 judicial enforcement under other laws. If requested by the
18 Attorney General to so act, as provided in Section 12-16,
19 attorneys of the Unit may assist the Attorney General or
20 themselves institute actions on ~~in~~ behalf of the Illinois
21 Department under the Revised Uniform Reciprocal Enforcement of
22 Support Act; under the Illinois Parentage Act of 1984 or under
23 the Illinois Parentage Act of 2014; under the Non-Support of
24 Spouse and Children Act; under the Non-Support Punishment Act;
25 or under any other law, State or Federal, providing for support
26 of a spouse or dependent child.

1 The Illinois Department shall also have the authority to
2 enter into agreements with local governmental units or
3 individuals, with the approval of the Attorney General, for the
4 collection of moneys owing because of the failure of a parent
5 to make child support payments for any child receiving services
6 under this Article. Such agreements may be on a contingent fee
7 basis, but such contingent fee shall not exceed 25% of the
8 total amount collected.

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

21 The Illinois Department may also enter into agreements with
22 local governmental units for the Child and Spouse Support Unit
23 to exercise the investigative and enforcement powers
24 designated in this Article, including the issuance of
25 administrative orders under Section 10-11, in locating
26 responsible relatives and obtaining support for persons

1 applying for or receiving aid under Article VI. Payments for
2 defrayment of administrative costs and support payments
3 obtained shall be deposited into the DHS Recoveries Trust Fund.
4 Support payments shall be paid over to the General Assistance
5 Fund of the local governmental unit at such time or times as
6 the agreement may specify.

7 With respect to those cases in which it has support
8 enforcement powers and responsibilities under this Article,
9 the Illinois Department may provide by rule for periodic or
10 other review of each administrative and court order for support
11 to determine whether a modification of the order should be
12 sought. The Illinois Department shall provide for and conduct
13 such review in accordance with any applicable federal law and
14 regulation.

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

26 The Illinois Department may send a written request for the

1 same information to the relative's employer. The employer shall
2 respond to the request for information within 15 days after the
3 date the employer receives the request. If the employer
4 willfully fails to fully respond within the 15-day period, the
5 employer shall pay a penalty of \$100 for each day that the
6 response is not provided to the Illinois Department after the
7 15-day period has expired. The penalty may be collected in a
8 civil action which may be brought against the employer in favor
9 of the Illinois Department.

10 A written request for information sent to an employer
11 pursuant to this Section shall consist of (i) a citation of
12 this Section as the statutory authority for the request and for
13 the employer's obligation to provide the requested
14 information, (ii) a returnable form setting forth the
15 employer's name and address and listing the name of the
16 employee with respect to whom information is requested, and
17 (iii) a citation of this Section as the statutory authority
18 authorizing the employer to withhold a fee of up to \$20 from
19 the wages or income to be paid to each responsible relative for
20 providing the information to the Illinois Department within the
21 15-day period. If the employer is withholding support payments
22 from the responsible relative's income pursuant to an order for
23 withholding, the employer may withhold the fee provided for in
24 this Section only after withholding support as required under
25 the order. Any amounts withheld from the responsible relative's
26 income for payment of support and the fee provided for in this

1 Section shall not be in excess of the amounts permitted under
2 the federal Consumer Credit Protection Act.

3 In a case receiving child support enforcement services, the
4 Illinois Department may request and obtain information from a
5 particular employer under this Section no more than once in any
6 12-month period, unless the information is necessary to conduct
7 a review of a court or administrative order for support at the
8 request of the person receiving child support enforcement
9 services.

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

1 or fails to respond in a manner satisfactory to the applicant
2 or recipient within 30 days from the date of the request for an
3 explanation, the applicant or recipient may request a
4 conference for further review of the matter by the Office of
5 the Administrator of the Child and Spouse Support Unit. A
6 request for a conference may be submitted at any time within 60
7 days after the explanation has been provided by the Child and
8 Spouse Support Unit or within 60 days after the time for
9 providing the explanation has expired.

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

19 Upon receipt of a timely request for a conference, the
20 Office of the Administrator shall review the case. The
21 applicant or recipient requesting the conference shall be
22 entitled, at his or her option, to appear in person or to
23 participate in the conference by telephone. The applicant or
24 recipient requesting the conference shall be entitled to be
25 represented and to be afforded a reasonable opportunity to
26 review the Illinois Department's file before or at the

1 conference. At the conference, the applicant or recipient
2 requesting the conference shall be afforded an opportunity to
3 present all relevant matters in support of his or her claim.
4 Conferences shall be without cost to the applicant or recipient
5 requesting the conference and shall be conducted by a
6 representative of the Child or Spouse Support Unit who did not
7 participate in the action or inaction being reviewed.

8 The Office of the Administrator shall conduct a conference
9 and inform all interested parties, in writing, of the results
10 of the conference within 60 days from the date of filing of the
11 request for a conference.

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

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

19 (305 ILCS 5/10-16.7)

20 Sec. 10-16.7. Child support enforcement debit
21 authorization.

22 (a) For purposes of this Section:

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

25 "Payor" is defined as set forth in Section 15 of the Income

1 Withholding for Support Act.

2 "Order for support" means any order for periodic payment of
3 funds to the State Disbursement Unit for the support of a child
4 or, where applicable, for support of a child and a parent with
5 whom the child resides, that is entered or modified under this
6 Code or under the Illinois Marriage and Dissolution of Marriage
7 Act, the Non-Support of Spouse and Children Act, the
8 Non-Support Punishment Act, ~~or~~ the Illinois Parentage Act of
9 1984, or the Illinois Parentage Act of 2014, or that is entered
10 or registered for modification or enforcement under the Uniform
11 Interstate Family Support Act.

12 "Obligor" means an individual who owes a duty to make
13 payments under an order for support in a case in which child
14 support enforcement services are being provided under this
15 Article X.

16 (b) The Department of Public Aid (now Healthcare and Family
17 Services) shall adopt a child support enforcement debit
18 authorization form that, upon being signed by an obligor,
19 authorizes a financial institution holding an account on the
20 obligor's behalf to debit the obligor's account periodically in
21 an amount equal to the amount of child support that the obligor
22 is required to pay periodically and transfer that amount to the
23 State Disbursement Unit. The form shall include instructions to
24 the financial institution concerning the debiting of accounts
25 held on behalf of obligors and the transfer of the debited
26 amounts to the State Disbursement Unit. In adopting the form,

1 the Department may consult with the Office of Banks and Real
2 Estate and the Department of Financial Institutions. The
3 Department must adopt the form within 6 months after the
4 effective date of this amendatory Act of the 93rd General
5 Assembly. Promptly after adopting the form, the Department must
6 notify each financial institution conducting business in this
7 State that the form has been adopted and is ready for use.

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

22 (d) The signing and issuance of a child support debit
23 authorization form under this Section does not relieve the
24 obligor from responsibility for compliance with any
25 requirement under the order for support.

26 (e) A financial institution is obligated to debit the

1 account of an obligor pursuant to this Section only if or to
2 the extent:

3 (1) the financial institution reasonably believes the
4 debit authorization form is a true and authentic original
5 document;

6 (2) there are finally collected funds in the account;
7 and

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

12 To the extent the account of the obligor is pledged or held
13 by the financial institution as security for a loan or other
14 obligation, or that the financial institution has any other
15 claim or lien against the account, the financial institution is
16 entitled to retain the account.

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

18 (305 ILCS 5/10-17) (from Ch. 23, par. 10-17)

19 Sec. 10-17. Other Actions and Remedies for Support. The
20 procedures, actions and remedies provided in this Article shall
21 in no way be exclusive, but shall be available in addition to
22 other actions and remedies of support, including, but not by
23 way of limitation, the remedies provided in (a) the Illinois
24 Parentage Act of 2014 ~~"Paternity Act", approved July 5, 1957,~~
25 ~~as amended;~~ (b) the "Non-Support of Spouse and Children Act",

1 approved June 24, 1915, as amended; (b-5) the Non-Support
2 Punishment Act; and (c) the "Revised Uniform Reciprocal
3 Enforcement of Support Act", approved August 28, 1969, as
4 amended.

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

6 (305 ILCS 5/10-17.7)

7 Sec. 10-17.7. Administrative determination of paternity.
8 The Illinois Department may provide by rule for the
9 administrative determination of paternity by the Child and
10 Spouse Support Unit in cases involving applicants for or
11 recipients of financial aid under Article IV of this Act and
12 other persons who are given access to the child support
13 enforcement services of this Article as provided in Section
14 10-1, including persons similarly situated and receiving
15 similar services in other states. The rules shall extend to
16 cases in which the mother and alleged father voluntarily
17 acknowledge paternity in the form required by the Illinois
18 Department or agree to be bound by the results of genetic
19 testing or in which the alleged father has failed to respond to
20 a notification of support obligation issued under Section 10-4
21 and to cases of contested paternity. The Illinois Department's
22 form for voluntary acknowledgement of paternity shall be the
23 same form prepared by the Illinois Department for use under the
24 requirements of Section 12 of the Vital Records Act. Any
25 presumption provided for under the Illinois Parentage Act of

1 1984 or under the Illinois Parentage Act of 2014 on and after
2 the effective date of that Act shall apply to cases in which
3 paternity is determined under the rules of the Illinois
4 Department. The rules shall provide for notice and an
5 opportunity to be heard by the responsible relative and the
6 person receiving child support enforcement services under this
7 Article if paternity is not voluntarily acknowledged, and any
8 final administrative decision rendered by the Illinois
9 Department shall be reviewed only under and in accordance with
10 the Administrative Review Law. Determinations of paternity
11 made by the Illinois Department under the rules authorized by
12 this Section shall have the full force and effect of a court
13 judgment of paternity entered under the Illinois Parentage Act
14 of 1984 or under the Illinois Parentage Act of 2014.

15 In determining paternity in contested cases, the Illinois
16 Department shall conduct the evidentiary hearing in accordance
17 with Article 4 of the Illinois Parentage Act of 2014 ~~Section 11~~
18 ~~of the Parentage Act of 1984~~, except that references in that
19 Article ~~Section~~ to "the court" shall be deemed to mean the
20 Illinois Department's hearing officer in cases in which
21 paternity is determined administratively by the Illinois
22 Department.

23 Notwithstanding any other provision of this Article, a
24 default determination of paternity may be made if service of
25 the notice under Section 10-4 was made by publication under the
26 rules for administrative paternity determination authorized by

1 this Section. The rules as they pertain to service by
2 publication shall (i) be based on the provisions of Section
3 2-206 and 2-207 of the Code of Civil Procedure, (ii) provide
4 for service by publication in cases in which the whereabouts of
5 the alleged father are unknown after diligent location efforts
6 by the Child and Spouse Support Unit, and (iii) provide for
7 publication of a notice of default paternity determination in
8 the same manner that the notice under Section 10-4 was
9 published.

10 The Illinois Department may implement this Section through
11 the use of emergency rules in accordance with Section 5-45 of
12 the Illinois Administrative Procedure Act. For purposes of the
13 Illinois Administrative Procedure Act, the adoption of rules to
14 implement this Section shall be considered an emergency and
15 necessary for the public interest, safety, and welfare.

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

17 (305 ILCS 5/10-19) (from Ch. 23, par. 10-19)

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

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

25 1.5. The Non-Support Punishment Act,

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

3 3. The Illinois Parentage Act, as amended,

4 3.5. The Illinois Parentage Act of 2014,

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

7 5. The Juvenile Court Act or the Juvenile Court Act of
8 1987, as amended,

9 6. The "Unified Code of Corrections", approved July 26,
10 1972, as amended,

11 7. Part 7 of Article XII of the Code of Civil Procedure, as
12 amended,

13 8. Part 8 of Article XII of the Code of Civil Procedure, as
14 amended, and

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

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

26 To the extent the provisions of this Section are

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

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

7 (305 ILCS 5/10-25)

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

10 (a) Notwithstanding any other State or local law to the
11 contrary, the State shall have a lien on all legal and
12 equitable interests of responsible relatives in their real
13 property in the amount of past-due child support owing pursuant
14 to an order for child support entered under Sections 10-10 and
15 10-11 of this Code, or under the Illinois Marriage and
16 Dissolution of Marriage Act, the Non-Support of Spouse and
17 Children Act, the Non-Support Punishment Act, the Uniform
18 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
19 1984, or the Illinois Parentage Act of 2014.

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

25 (c) When enforcing a lien under subsection (a) of this

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

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

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

1 registered prior to the registration of the notice.

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

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

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

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

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

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

7 (305 ILCS 5/10-25.5)

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

10 (a) Notwithstanding any other State or local law to the
11 contrary, the State shall have a lien on all legal and
12 equitable interests of responsible relatives in their personal
13 property, including any account in a financial institution as
14 defined in Section 10-24, or in the case of an insurance
15 company or benefit association only in accounts as defined in
16 Section 10-24, in the amount of past-due child support owing
17 pursuant to an order for child support entered under Sections
18 10-10 and 10-11 of this Code, or under the Illinois Marriage
19 and Dissolution of Marriage Act, the Non-Support of Spouse and
20 Children Act, the Non-Support Punishment Act, the Uniform
21 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
22 1984, or the Illinois Parentage Act of 2014.

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

1 rendered by the Illinois Department shall be reviewed only
2 under and in accordance with the Administrative Review Law.

3 (c) When enforcing a lien under subsection (a) of this
4 Section, the Illinois Department shall have the authority to
5 execute notices of administrative liens and levies, which shall
6 contain the name and address of the responsible relative, a
7 description of the property to be levied, the fact that a lien
8 is being claimed for past-due child support, and such other
9 information as the Illinois Department may by rule prescribe.
10 The Illinois Department may serve the notice of lien or levy
11 upon any financial institution where the accounts as defined in
12 Section 10-24 of the responsible relative may be held, for
13 encumbrance or surrender of the accounts as defined in Section
14 10-24 by the financial institution.

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

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

25 (f) To protect the lien of the State for past-due child
26 support, the Illinois Department may, from funds that are

1 available for that purpose, pay or provide for the payment of
2 necessary or essential repairs, purchase tax certificates, or
3 pay or cause to be satisfied any prior liens on the property to
4 which the lien hereunder applies.

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

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

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

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

1 (305 ILCS 5/10-27)

2 Sec. 10-27. State Case Registry.

3 (a) The Illinois Department shall establish an automated
4 State Case Registry to contain records concerning child support
5 orders for parties receiving child support enforcement
6 services under this Article X, and for all child support orders
7 entered or modified on or after October 1, 1998. The State Case
8 Registry shall include (i) the information filed with the
9 Illinois Department, or filed with the clerk of the circuit
10 court and provided to the Illinois Department, under the
11 provisions of Sections 10-10.5 and 10-11.2 of this Code,
12 Section 505.3 of the Illinois Marriage and Dissolution of
13 Marriage Act, Section 30 of the Non-Support Punishment Act, ~~and~~
14 Section 803 of the Illinois Parentage Act of 2014, and Section
15 14.1 of the Illinois Parentage Act of 1984, and (ii) any other
16 information required under Title IV, Part D of the Social
17 Security Act or by the federal Department of Health and Human
18 Services.

19 (b) (Blank).

20 (c) The Illinois Department shall maintain the following
21 payment information on child support orders for parties
22 receiving child support enforcement services under this
23 Article X:

24 (1) the amount of monthly or other periodic support
25 owed under the order and other amounts, including

1 arrearages, interest or late payment penalties, and fees,
2 due or overdue under the order;

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

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

6 (4) the amount of any lien imposed with respect to the
7 order pursuant to Section 10-25 or Section 10-25.5 of this
8 Code.

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

13 (1) information on administrative actions and
14 administrative and judicial proceedings and orders
15 relating to paternity and support;

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

18 (3) information on support collections and
19 distribution; and

20 (4) any other relevant information.

21 (e) The Illinois Department shall use the automated State
22 Case Registry to share and compare information with, and
23 receive information from, other data bases and information
24 comparison services in order to obtain (or provide) information
25 necessary to enable the Illinois Department (or the federal
26 Department of Health and Human Services or other State or

1 federal agencies) to carry out the requirements of the child
2 support enforcement program established under Title IV, Part D
3 of the Social Security Act. Such information comparison
4 activities shall include the following:

5 (1) Furnishing to the Federal Case Registry of Child
6 Support Orders (and updating as necessary, with
7 information including notice of expiration of orders) the
8 information specified by the federal Department of Health
9 and Human Services in regulations.

10 (2) Exchanging information with the Federal Parent
11 Locator Service for the purposes specified in Section 453
12 of the Social Security Act.

13 (3) Exchanging information with State agencies (of
14 this State and of other states) administering programs
15 funded under Title IV, Part A and Title XIX of the Social
16 Security Act and other programs designated by the federal
17 Department of Health and Human Services, as necessary to
18 perform responsibilities under Title IV, Part D of the
19 Social Security Act and under such other programs.

20 (4) Exchanging information with other agencies of this
21 State, agencies of other states, and interstate
22 information networks, as necessary and appropriate to
23 carry out (or assist other states to carry out) the
24 purposes of Title IV, Part D of the Social Security Act.

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

1 (f) The Illinois Department shall adopt rules establishing
2 safeguards, applicable to all confidential information
3 included in the State Case Registry, that are designed to
4 protect the privacy rights of persons concerning whom
5 information is on record in the State Case Registry. Such
6 safeguards shall include, but not be limited to the following:

7 (1) Prohibitions against the release of information on
8 the whereabouts of one party or the child to another party
9 against whom a protective order with respect to the former
10 party or the child has been entered.

11 (2) Prohibitions against the release of information on
12 the whereabouts of one party or the child to another party
13 if the Illinois Department has reasonable evidence of
14 domestic violence or child abuse (that is, allegations of
15 domestic violence or child abuse, unless the Illinois
16 Department has an independent, reasonable basis to find the
17 person making the allegation not credible) to the former
18 party or child by the party requesting information.

19 (3) Prohibitions against the release of information on
20 the whereabouts of one party or the child to another person
21 if the Illinois Department has reason to believe the
22 release of information to that person may result in
23 physical or emotional harm to the party or child.

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

25 (305 ILCS 5/12-4.7c)

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

2 (a) The Department of Human Services shall exchange with
3 the Department of Healthcare and Family Services information
4 that may be necessary for the enforcement of child support
5 orders entered pursuant to Sections 10-10 and 10-11 of this
6 Code or pursuant to the Illinois Marriage and Dissolution of
7 Marriage Act, the Non-Support of Spouse and Children Act, the
8 Non-Support Punishment Act, the Revised Uniform Reciprocal
9 Enforcement of Support Act, the Uniform Interstate Family
10 Support Act, ~~or~~ the Illinois Parentage Act of 1984, or the
11 Illinois Parentage Act of 2014.

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

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

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

22 (410 ILCS 513/22)

23 Sec. 22. Tests to determine inherited characteristics in
24 paternity proceedings. Nothing in this Act shall be construed

1 to affect or restrict in any way the ordering of or use of
2 results from deoxyribonucleic acid (DNA) testing or other tests
3 to determine inherited characteristics by the court in a
4 judicial proceeding under the Illinois Parentage Act of 1984 or
5 under the Illinois Parentage Act of 2014 on and after the
6 effective date of that Act or by the Department of Healthcare
7 and Family Services in an administrative paternity proceeding
8 under Article X of the Illinois Public Aid Code and rules
9 promulgated under that Article.

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

11 (410 ILCS 513/30)

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

13 (a) No person may disclose or be compelled to disclose the
14 identity of any person upon whom a genetic test is performed or
15 the results of a genetic test in a manner that permits
16 identification of the subject of the test, except to the
17 following persons:

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

1 faith under this paragraph. For the purpose of any
2 proceedings, civil or criminal, the good faith of any
3 physician acting under this paragraph shall be presumed.

4 (2) Any person designated in a specific written legally
5 effective release of the test results executed by the
6 subject of the test or the subject's legally authorized
7 representative.

8 (3) An authorized agent or employee of a health
9 facility or health care provider if the health facility or
10 health care provider itself is authorized to obtain the
11 test results, the agent or employee provides patient care,
12 and the agent or employee has a need to know the
13 information in order to conduct the tests or provide care
14 or treatment.

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

17 (A) a human body part from a deceased person with
18 respect to medical information regarding that person;

19 or

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

22 (5) Health facility staff committees for the purposes
23 of conducting program monitoring, program evaluation, or
24 service reviews.

25 (6) In the case of a minor under 18 years of age, the
26 health care provider who ordered the test shall make a

1 reasonable effort to notify the minor's parent or legal
2 guardian if, in the professional judgment of the health
3 care provider, notification would be in the best interest
4 of the minor and the health care provider has first sought
5 unsuccessfully to persuade the minor to notify the parent
6 or legal guardian or after a reasonable time after the
7 minor has agreed to notify the parent or legal guardian,
8 the health care provider has reason to believe that the
9 minor has not made the notification. This paragraph shall
10 not create a duty or obligation under which a health care
11 provider must notify the minor's parent or legal guardian
12 of the test results, nor shall a duty or obligation be
13 implied. No civil liability or criminal sanction under this
14 Act shall be imposed for any notification or
15 non-notification of a minor's test result by a health care
16 provider acting in good faith under this paragraph. For the
17 purpose of any proceeding, civil or criminal, the good
18 faith of any health care provider acting under this
19 paragraph shall be presumed.

20 (7) All information and records held by a State agency
21 or local health authority pertaining to genetic
22 information shall be strictly confidential and exempt from
23 copying and inspection under the Freedom of Information
24 Act. The information and records shall not be released or
25 made public by the State agency or local health authority
26 and shall not be admissible as evidence nor discoverable in

1 any action of any kind in any court or before any tribunal,
2 board, agency, or person and shall be treated in the same
3 manner as the information and those records subject to the
4 provisions of Part 21 of Article VIII of the Code of Civil
5 Procedure except under the following circumstances:

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

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

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

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

14 Disclosure shall be limited to those who have a need to
15 know the information, and no additional disclosures may be
16 made.

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

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

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

23 (410 ILCS 535/12)

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

1 (1) Each live birth which occurs in this State shall be
2 registered with the local or subregistrar of the district in
3 which the birth occurred as provided in this Section, within 7
4 days after the birth. When a birth occurs on a moving
5 conveyance, the city, village, township, or road district in
6 which the child is first removed from the conveyance shall be
7 considered the place of birth and a birth certificate shall be
8 filed in the registration district in which the place is
9 located.

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

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

26 (a) The physician in attendance at or immediately after

1 the birth, or in the absence of such a person,

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

4 (c) The father, the mother, or in the absence of the
5 father and the inability of the mother, the person in
6 charge of the premises where the birth occurred.

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

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

22 (5) Upon the birth of a child to an unmarried woman, or
23 upon the birth of a child to a woman who was married at the time
24 of conception or birth and whose husband is not the biological
25 father of the child, the institution at the time of birth and
26 the local registrar or county clerk after the birth shall do

1 the following:

2 (a) Provide (i) an opportunity for the child's mother
3 and father to sign an acknowledgment of parentage and (ii)
4 if the presumed father is not the biological father, an
5 opportunity for the mother and presumed father to sign a
6 denial of paternity. The signing and witnessing of the
7 acknowledgment of parentage or, if the presumed father of
8 the child is not the biological father, the acknowledgment
9 of parentage and denial of paternity conclusively
10 establishes a parent and child relationship in accordance
11 with Sections 5 and 6 of the Illinois Parentage Act of 1984
12 and with the Illinois Parentage Act of 2014 on and after
13 the effective date of that Act.

14 The Department of Healthcare and Family Services shall
15 furnish the acknowledgment of parentage and denial of
16 paternity form to institutions, county clerks, and State
17 and local registrars' offices. The form shall include
18 instructions to send the original signed and witnessed
19 acknowledgment of parentage and denial of paternity to the
20 Department of Healthcare and Family Services. The
21 acknowledgement of paternity and denial of paternity form
22 shall also include a statement informing the mother, the
23 alleged father, and the presumed father, if any, that they
24 have the right to request deoxyribonucleic acid (DNA) tests
25 regarding the issue of the child's paternity and that by
26 signing the form, they expressly waive such tests. The

1 statement shall be set forth in bold-face capital letters
2 not less than 0.25 inches in height.

3 (b) Provide the following documents, furnished by the
4 Department of Healthcare and Family Services, to the
5 child's mother, biological father, and (if the person
6 presumed to be the child's father is not the biological
7 father) presumed father for their review at the time the
8 opportunity is provided to establish a parent and child
9 relationship:

10 (i) An explanation of the implications of,
11 alternatives to, legal consequences of, and the rights
12 and responsibilities that arise from signing an
13 acknowledgment of parentage and, if necessary, a
14 denial of paternity, including an explanation of the
15 parental rights and responsibilities of child support,
16 visitation, custody, retroactive support, health
17 insurance coverage, and payment of birth expenses.

18 (ii) An explanation of the benefits of having a
19 child's parentage established and the availability of
20 parentage establishment and child support enforcement
21 services.

22 (iii) A request for an application for child
23 support enforcement services from the Department of
24 Healthcare and Family Services.

25 (iv) Instructions concerning the opportunity to
26 speak, either by telephone or in person, with staff of

1 the Department of Healthcare and Family Services who
2 are trained to clarify information and answer
3 questions about paternity establishment.

4 (v) Instructions for completing and signing the
5 acknowledgment of parentage and denial of paternity.

6 (c) Provide an oral explanation of the documents and
7 instructions set forth in subdivision (5) (b), including an
8 explanation of the implications of, alternatives to, legal
9 consequences of, and the rights and responsibilities that
10 arise from signing an acknowledgment of parentage and, if
11 necessary, a denial of paternity. The oral explanation may
12 be given in person or through the use of video or audio
13 equipment.

14 (6) The institution, State or local registrar, or county
15 clerk shall provide an opportunity for the child's father or
16 mother to sign a rescission of parentage. The signing and
17 witnessing of the rescission of parentage voids the
18 acknowledgment of parentage and nullifies the presumption of
19 paternity if executed and filed with the Department of
20 Healthcare and Family Services (formerly Illinois Department
21 of Public Aid) within the time frame contained in Section 5 of
22 the Illinois Parentage Act of 1984 or Section 307 of the
23 Illinois Parentage Act of 2014 on and after the effective date
24 of that Act. The Department of Healthcare and Family Services
25 shall furnish the rescission of parentage form to institutions,
26 county clerks, and State and local registrars' offices. The

1 form shall include instructions to send the original signed and
2 witnessed rescission of parentage to the Department of
3 Healthcare and Family Services.

4 (7) An acknowledgment of paternity signed pursuant to
5 Section 6 of the Illinois Parentage Act of 1984 or Section 302
6 of the Illinois Parentage Act of 2014 on and after the
7 effective date of that Act may be challenged in court only on
8 the basis of fraud, duress, or material mistake of fact, with
9 the burden of proof upon the challenging party. Pending outcome
10 of a challenge to the acknowledgment of paternity, the legal
11 responsibilities of the signatories shall remain in full force
12 and effect, except upon order of the court upon a showing of
13 good cause.

14 (8) When the process for acknowledgment of parentage as
15 provided for under subsection (5) establishes the paternity of
16 a child whose certificate of birth is on file in another state,
17 the Department of Healthcare and Family Services shall forward
18 a copy of the acknowledgment of parentage, the denial of
19 paternity, if applicable, and the rescission of parentage, if
20 applicable, to the birth record agency of the state where the
21 child's certificate of birth is on file.

22 (9) In the event the parent-child relationship has been
23 established in accordance with subdivision (a)(1) of Section 6
24 of the Parentage Act of 1984, the names of the biological
25 mother and biological father so established shall be entered on
26 the child's birth certificate, and the names of the surrogate

1 mother and surrogate mother's husband, if any, shall not be on
2 the birth certificate.

3 (Source: P.A. 95-331, eff. 8-21-07; 96-333, eff. 8-11-09;
4 96-474, eff. 8-14-09; 96-1000, eff. 7-2-10.)

5 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

6 Sec. 24. (1) To protect the integrity of vital records, to
7 insure their proper use, and to insure the efficient and proper
8 administration of the vital records system, access to vital
9 records, and indexes thereof, including vital records in the
10 custody of local registrars and county clerks originating prior
11 to January 1, 1916, is limited to the custodian and his
12 employees, and then only for administrative purposes, except
13 that the indexes of those records in the custody of local
14 registrars and county clerks, originating prior to January 1,
15 1916, shall be made available to persons for the purpose of
16 genealogical research. Original, photographic or
17 microphotographic reproductions of original records of births
18 100 years old and older and deaths 50 years old and older, and
19 marriage records 75 years old and older on file in the State
20 Office of Vital Records and in the custody of the county clerks
21 may be made available for inspection in the Illinois State
22 Archives reference area, Illinois Regional Archives
23 Depositories, and other libraries approved by the Illinois
24 State Registrar and the Director of the Illinois State
25 Archives, provided that the photographic or microphotographic

1 copies are made at no cost to the county or to the State of
2 Illinois. It is unlawful for any custodian to permit inspection
3 of, or to disclose information contained in, vital records, or
4 to copy or permit to be copied, all or part of any such record
5 except as authorized by this Act or regulations adopted
6 pursuant thereto.

7 (2) The State Registrar of Vital Records, or his agent, and
8 any municipal, county, multi-county, public health district,
9 or regional health officer recognized by the Department may
10 examine vital records for the purpose only of carrying out the
11 public health programs and responsibilities under his
12 jurisdiction.

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

17 This amendatory Act of 1973 does not apply to any home rule
18 unit.

19 (4) The State Registrar shall exchange with the Department
20 of Healthcare and Family Services information that may be
21 necessary for the establishment of paternity and the
22 establishment, modification, and enforcement of child support
23 orders entered pursuant to the Illinois Public Aid Code, the
24 Illinois Marriage and Dissolution of Marriage Act, the
25 Non-Support of Spouse and Children Act, the Non-Support
26 Punishment Act, the Revised Uniform Reciprocal Enforcement of

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

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

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

13 (625 ILCS 5/2-109.1)

14 Sec. 2-109.1. Exchange of information.

15 (a) The Secretary of State shall exchange information with
16 the Department of Healthcare and Family Services which may be
17 necessary for the establishment of paternity and the
18 establishment, modification, and enforcement of child support
19 orders pursuant to 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 Revised Uniform Reciprocal Enforcement of Support Act, the
23 Uniform Interstate Family Support Act, ~~or~~ the Illinois
24 Parentage Act of 1984, or the Illinois Parentage Act of 2014.

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

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

9 (625 ILCS 5/7-703)

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

12 (a) The clerk of the circuit court, as provided in
13 subsection (b) of Section 505 of the Illinois Marriage and
14 Dissolution of Marriage Act or as provided in Section 15 of the
15 Illinois Parentage Act of 2014 ~~1984~~, shall forward to the
16 Secretary of State, on a form prescribed by the Secretary, an
17 authenticated document certifying the court's order suspending
18 the driving privileges of the obligor. For any such
19 certification, the clerk of the court shall charge the obligor
20 a fee of \$5 as provided in the Clerks of Courts Act.

21 (b) If an obligor has been adjudicated in arrears in court
22 ordered child support payments in an amount equal to 90 days
23 obligation or more but has not been held in contempt of court,
24 the circuit court may order that the obligor's driving
25 privileges be suspended. If the circuit court orders that the

1 obligor's driving privileges be suspended, it shall forward to
2 the Secretary of State, on a form prescribed by the Secretary,
3 an authenticated document certifying the court's order
4 suspending the driving privileges of the obligor. The
5 authenticated document shall be forwarded to the Secretary of
6 State by the court no later than 45 days after entry of the
7 order suspending the obligor's driving privileges.

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

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

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

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

3 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

4 Sec. 27.1a. The fees of the clerks of the circuit court in
5 all counties having a population of not more than 500,000
6 inhabitants in the instances described in this Section shall be
7 as provided in this Section. In those instances where a minimum
8 and maximum fee is stated, the clerk of the circuit court must
9 charge the minimum fee listed and may charge up to the maximum
10 fee if the county board has by resolution increased the fee.
11 The fees shall be paid in advance and shall be as follows:

12 (a) Civil Cases.

13 The fee for filing a complaint, petition, or other
14 pleading initiating a civil action, with the following
15 exceptions, shall be a minimum of \$40 and a maximum of
16 \$160.

17 (A) When the amount of money or damages or the
18 value of personal property claimed does not exceed
19 \$250, \$10.

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

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

24 (D) When that amount exceeds \$2500 but does not

1 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

2 (E) For the exercise of eminent domain, a minimum
3 of \$45 and a maximum of \$150. For each additional lot
4 or tract of land or right or interest therein subject
5 to be condemned, the damages in respect to which shall
6 require separate assessment by a jury, a minimum of \$45
7 and a maximum of \$150.

8 (a-1) Family.

9 For filing a petition under the Juvenile Court Act of
10 1987, \$25.

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

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

13 For filing a petition under the Illinois Parentage Act
14 of 2014 ~~1984~~, \$40.

15 (b) Forcible Entry and Detainer.

16 In each forcible entry and detainer case when the
17 plaintiff seeks possession only or unites with his or her
18 claim for possession of the property a claim for rent or
19 damages or both in the amount of \$15,000 or less, a minimum
20 of \$10 and a maximum of \$50. When the plaintiff unites his
21 or her claim for possession with a claim for rent or
22 damages or both exceeding \$15,000, a minimum of \$40 and a
23 maximum of \$160.

24 (c) Counterclaim or Joining Third Party Defendant.

25 When any defendant files a counterclaim as part of his
26 or her answer or otherwise or joins another party as a

1 third party defendant, or both, the defendant shall pay a
2 fee for each counterclaim or third party action in an
3 amount equal to the fee he or she would have had to pay had
4 he or she brought a separate action for the relief sought
5 in the counterclaim or against the third party defendant,
6 less the amount of the appearance fee, if that has been
7 paid.

8 (d) Confession of Judgment.

9 In a confession of judgment when the amount does not
10 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
11 the amount exceeds \$1500, but does not exceed \$15,000, a
12 minimum of \$40 and a maximum of \$115. When the amount
13 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

14 (e) Appearance.

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

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

21 (B) When the amount in the case does not exceed
22 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

26 In garnishment affidavit, wage deduction affidavit,

1 and citation petition when the amount does not exceed
2 \$1,000, a minimum of \$5 and a maximum of \$15; when the
3 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
4 of \$5 and a maximum of \$30; and when the amount exceeds
5 \$5,000, a minimum of \$5 and a maximum of \$50.

6 (g) Petition to Vacate or Modify.

7 (1) Petition to vacate or modify any final judgment or
8 order of court, except in forcible entry and detainer cases
9 and small claims cases or a petition to reopen an estate,
10 to modify, terminate, or enforce a judgment or order for
11 child or spousal support, or to modify, suspend, or
12 terminate an order for withholding, if filed before 30 days
13 after the entry of the judgment or order, a minimum of \$20
14 and a maximum of \$50.

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

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

23 (h) Mailing.

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

1 (i) Certified Copies.

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

5 (j) Habeas Corpus.

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

8 (k) Certification, Authentication, and Reproduction.

9 (1) Each certification or authentication for taking
10 the acknowledgment of a deed or other instrument in writing
11 with the seal of office, a minimum of \$2 and a maximum of
12 \$6.

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

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

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

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

24 (A) First page, a minimum of \$1 and a maximum of
25 \$2.

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

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

2 (l) Remands.

3 In any cases remanded to the Circuit Court from the
4 Supreme Court or the Appellate Court for a new trial, the
5 clerk shall file the remanding order and reinstate the case
6 with either its original number or a new number. The Clerk
7 shall not charge any new or additional fee for the
8 reinstatement. Upon reinstatement the Clerk shall advise
9 the parties of the reinstatement. A party shall have the
10 same right to a jury trial on remand and reinstatement as
11 he or she had before the appeal, and no additional or new
12 fee or charge shall be made for a jury trial after remand.

13 (m) Record Search.

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

17 (n) Hard Copy.

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

22 (o) Index Inquiry and Other Records.

23 No fee shall be charged for a single
24 plaintiff/defendant index inquiry or single case record
25 inquiry when this request is made in person and the records
26 are maintained in a current automated medium, and when no

1 hard copy print output is requested. The fees to be charged
2 for management records, multiple case records, and
3 multiple journal records may be specified by the Chief
4 Judge pursuant to the guidelines for access and
5 dissemination of information approved by the Supreme
6 Court.

7 (p) (Blank).

8 (q) Alias Summons.

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

11 (r) Other Fees.

12 Any fees not covered in this Section shall be set by
13 rule or administrative order of the Circuit Court with the
14 approval of the Administrative Office of the Illinois
15 Courts.

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

26 (s) Jury Services.

1 The clerk shall be entitled to receive, in addition to
2 other fees allowed by law, the sum of a minimum of \$62.50
3 and a maximum of \$212.50, as a fee for the services of a
4 jury in every civil action not quasi-criminal in its nature
5 and not a proceeding for the exercise of the right of
6 eminent domain and in every other action wherein the right
7 of trial by jury is or may be given by law. The jury fee
8 shall be paid by the party demanding a jury at the time of
9 filing the jury demand. If the fee is not paid by either
10 party, no jury shall be called in the action or proceeding,
11 and the same shall be tried by the court without a jury.

12 (t) Voluntary Assignment.

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

25 (u) Expungement Petition.

26 The clerk shall be entitled to receive a fee of a

1 minimum of \$15 and a maximum of \$60 for each expungement
2 petition filed and an additional fee of a minimum of \$2 and
3 a maximum of \$4 for each certified copy of an order to
4 expunge arrest records.

5 (v) Probate.

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

10 (1) For administration of the estate of a decedent
11 (whether testate or intestate) or of a missing person, a
12 minimum of \$50 and a maximum of \$150, 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) proof of heirship alone is made, (ii)
18 a domestic or foreign will is admitted to probate
19 without administration (including proof of heirship),
20 or (iii) letters of office are issued for a particular
21 purpose without administration of the estate, the fee
22 shall be a minimum of \$10 and a maximum of \$40.

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

24 (2) For administration of the estate of a ward, a
25 minimum of \$50 and a maximum of \$75, 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) letters of office are issued to a
5 guardian of the person or persons, but not of the
6 estate or (ii) letters of office are issued in the
7 estate of a ward without administration of the estate,
8 including filing or joining in the filing of a tax
9 return or releasing a mortgage or consenting to the
10 marriage of the ward, the fee shall be a minimum of \$10
11 and a maximum of \$20.

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

13 (3) In addition to the fees payable under subsection
14 (v) (1) or (v) (2) of this Section, the following fees are
15 payable:

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

19 (B) For filing a claim in an estate when the amount
20 claimed is \$150 or more but less than \$500, a minimum
21 of \$10 and a maximum of \$25; when the amount claimed is
22 \$500 or more but less than \$10,000, a minimum of \$10
23 and a maximum of \$40; when the amount claimed is
24 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
25 provided that the court in allowing a claim may add to
26 the amount allowed the filing fee paid by the claimant.

1 (C) For filing in an estate a claim, petition, or
2 supplemental proceeding based upon an action seeking
3 equitable relief including the construction or contest
4 of a will, enforcement of a contract to make a will,
5 and proceedings involving testamentary trusts or the
6 appointment of testamentary trustees, a minimum of \$40
7 and a maximum of \$60.

8 (D) For filing in an estate (i) the appearance of
9 any person for the purpose of consent or (ii) the
10 appearance of an executor, administrator,
11 administrator to collect, guardian, guardian ad litem,
12 or special administrator, no fee.

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

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

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

1 maximum of \$20.

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

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

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

13 (5) The person on whose behalf a charge is incurred for
14 witness, court reporter, appraiser, or other miscellaneous
15 fee shall pay the same directly to the person entitled
16 thereto.

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

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

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

26 (A) Felony complaints, a minimum of \$40 and a

1 maximum of \$100.

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

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

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

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

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

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

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

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

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

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

21 (2) In counties having a population of not more than
22 500,000 inhabitants, when the violation complaint is
23 issued by a municipal police department, the clerk shall be
24 entitled to costs from each person convicted therein as
25 follows:

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

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

2 (3) In ordinance violation cases punishable by fine
3 only, the clerk of the circuit court shall be entitled to
4 receive, unless the fee is excused upon a finding by the
5 court that the defendant is indigent, in addition to other
6 fees or costs allowed or imposed by law, the sum of a
7 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
8 services of a jury. The jury fee shall be paid by the
9 defendant at the time of filing his or her jury demand. If
10 the fee is not so paid by the defendant, no jury shall be
11 called, and the case shall be tried by the court without a
12 jury.

13 (x) Transcripts of Judgment.

14 For the filing of a transcript of judgment, the clerk
15 shall be entitled to the same fee as if it were the
16 commencement of a new suit.

17 (y) Change of Venue.

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

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

25 (z) Tax objection complaints.

26 For each tax objection complaint containing one or more

1 tax objections, regardless of the number of parcels
2 involved or the number of taxpayers joining on the
3 complaint, a minimum of \$10 and a maximum of \$50.

4 (aa) Tax Deeds.

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

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

9 (bb) Collections.

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

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

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

20 (4) In child support and maintenance cases, the clerk,
21 if authorized by an ordinance of the county board, may
22 collect an annual fee of up to \$36 from the person making
23 payment for maintaining child support records and the
24 processing of support orders to the State of Illinois KIDS
25 system and the recording of payments issued by the State
26 Disbursement Unit for the official record of the Court.

1 This fee shall be in addition to and separate from amounts
2 ordered to be paid as maintenance or child support and
3 shall be deposited into a Separate Maintenance and Child
4 Support Collection Fund, of which the clerk shall be the
5 custodian, ex-officio, to be used by the clerk to maintain
6 child support orders and record all payments issued by the
7 State Disbursement Unit for the official record of the
8 Court. The clerk may recover from the person making the
9 maintenance or child support payment any additional cost
10 incurred in the collection of this annual fee.

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

16 (cc) Corrections of Numbers.

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

22 (dd) Exceptions.

23 (1) The fee requirements of this Section shall not
24 apply to police departments or other law enforcement
25 agencies. In this Section, "law enforcement agency" means
26 an agency of the State or a unit of local government which

1 is vested by law or ordinance with the duty to maintain
 2 public order and to enforce criminal laws or ordinances.
 3 "Law enforcement agency" also means the Attorney General or
 4 any state's attorney.

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

7 (3) The fee requirements of this Section shall not
 8 apply to any action instituted under subsection (b) of
 9 Section 11-31-1 of the Illinois Municipal Code by a private
 10 owner or tenant of real property within 1200 feet of a
 11 dangerous or unsafe building seeking an order compelling
 12 the owner or owners of the building to take any of the
 13 actions authorized under that subsection.

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

19 (ee) Adoptions.

20 (1) For an adoption \$65

21 (2) Upon good cause shown, the court may waive the
 22 adoption filing fee in a special needs adoption. The term
 23 "special needs adoption" shall have the meaning ascribed to
 24 it by the Illinois Department of Children and Family
 25 Services.

26 (ff) Adoption exemptions.

1 No fee other than that set forth in subsection (ee)
2 shall be charged to any person in connection with an
3 adoption proceeding nor may any fee be charged for
4 proceedings for the appointment of a confidential
5 intermediary under the Adoption Act.

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

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

9 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

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

13 (1) "Adjudicatory hearing" means a hearing to determine
14 whether the allegations of a petition under Section 2-13, 3-15
15 or 4-12 that a minor under 18 years of age is abused, neglected
16 or dependent, or requires authoritative intervention, or
17 addicted, respectively, are supported by a preponderance of the
18 evidence or whether the allegations of a petition under Section
19 5-520 that a minor is delinquent are proved beyond a reasonable
20 doubt.

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

22 (3) "Agency" means a public or private child care facility
23 legally authorized or licensed by this State for placement or
24 institutional care or for both placement and institutional

1 care.

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

6 (4.05) Whenever a "best interest" determination is
7 required, the following factors shall be considered in the
8 context of the child's age and developmental needs:

9 (a) the physical safety and welfare of the child,
10 including food, shelter, health, and clothing;

11 (b) the development of the child's identity;

12 (c) the child's background and ties, including
13 familial, cultural, and religious;

14 (d) the child's sense of attachments, including:

15 (i) where the child actually feels love,
16 attachment, and a sense of being valued (as opposed to
17 where adults believe the child should feel such love,
18 attachment, and a sense of being valued);

19 (ii) the child's sense of security;

20 (iii) the child's sense of familiarity;

21 (iv) continuity of affection for the child;

22 (v) the least disruptive placement alternative for
23 the child;

24 (e) the child's wishes and long-term goals;

25 (f) the child's community ties, including church,
26 school, and friends;

1 (g) the child's need for permanence which includes the
2 child's need for stability and continuity of relationships
3 with parent figures and with siblings and other relatives;

4 (h) the uniqueness of every family and child;

5 (i) the risks attendant to entering and being in
6 substitute care; and

7 (j) the preferences of the persons available to care
8 for the child.

9 (4.1) "Chronic truant" shall have the definition ascribed
10 to it in Section 26-2a of the School Code.

11 (5) "Court" means the circuit court in a session or
12 division assigned to hear proceedings under this Act.

13 (6) "Dispositional hearing" means a hearing to determine
14 whether a minor should be adjudged to be a ward of the court,
15 and to determine what order of disposition should be made in
16 respect to a minor adjudged to be a ward of the court.

17 (7) "Emancipated minor" means any minor 16 years of age or
18 over who has been completely or partially emancipated under the
19 Emancipation of Minors Act or under this Act.

20 (7.05) "Foster parent" includes a relative caregiver
21 selected by the Department of Children and Family Services to
22 provide care for the minor.

23 (8) "Guardianship of the person" of a minor means the duty
24 and authority to act in the best interests of the minor,
25 subject to residual parental rights and responsibilities, to
26 make important decisions in matters having a permanent effect

1 on the life and development of the minor and to be concerned
2 with his or her general welfare. It includes but is not
3 necessarily limited to:

4 (a) the authority to consent to marriage, to enlistment
5 in the armed forces of the United States, or to a major
6 medical, psychiatric, and surgical treatment; to represent
7 the minor in legal actions; and to make other decisions of
8 substantial legal significance concerning the minor;

9 (b) the authority and duty of reasonable visitation,
10 except to the extent that these have been limited in the
11 best interests of the minor by court order;

12 (c) the rights and responsibilities of legal custody
13 except where legal custody has been vested in another
14 person or agency; and

15 (d) the power to consent to the adoption of the minor,
16 but only if expressly conferred on the guardian in
17 accordance with Section 2-29, 3-30, or 4-27.

18 (9) "Legal custody" means the relationship created by an
19 order of court in the best interests of the minor which imposes
20 on the custodian the responsibility of physical possession of a
21 minor and the duty to protect, train and discipline him and to
22 provide him with food, shelter, education and ordinary medical
23 care, except as these are limited by residual parental rights
24 and responsibilities and the rights and responsibilities of the
25 guardian of the person, if any.

26 (9.1) "Mentally capable adult relative" means a person 21

1 years of age or older who is not suffering from a mental
2 illness that prevents him or her from providing the care
3 necessary to safeguard the physical safety and welfare of a
4 minor who is left in that person's care by the parent or
5 parents or other person responsible for the minor's welfare.

6 (10) "Minor" means a person under the age of 21 years
7 subject to this Act.

8 (11) "Parent" means a ~~the~~ father or mother of a child and
9 includes any adoptive parent. It also includes a person ~~man~~ (i)
10 whose parentage ~~paternity~~ is presumed or has been established
11 under the law of this or another jurisdiction or (ii) who has
12 registered with the Putative Father Registry in accordance with
13 Section 12.1 of the Adoption Act and whose paternity has not
14 been ruled out under the law of this or another jurisdiction.
15 It does not include a parent whose rights in respect to the
16 minor have been terminated in any manner provided by law. It
17 does not include a person who has been or could be determined
18 to be a parent under the Illinois Parentage Act of 1984 or the
19 Illinois Parentage Act of 2014, or similar parentage law in any
20 other state, if that person has been convicted of or pled nolo
21 contendere to a crime that resulted in the conception of the
22 child under Section 11-1.20, 11-1.30, 11-1.40, 11-11, 12-13,
23 12-14, 12-14.1, subsection (a) or (b) (but not subsection (c))
24 of Section 11-1.50 or 12-15, or subsection (a), (b), (c), (e),
25 or (f) (but not subsection (d)) of Section 11-1.60 or 12-16 of
26 the Criminal Code of 1961 or the Criminal Code of 2012, or

1 similar statute in another jurisdiction unless upon motion of
2 any party, other than the offender, to the juvenile court
3 proceedings the court finds it is in the child's best interest
4 to deem the offender a parent for purposes of the juvenile
5 court proceedings.

6 (11.1) "Permanency goal" means a goal set by the court as
7 defined in subdivision (2) of Section 2-28.

8 (11.2) "Permanency hearing" means a hearing to set the
9 permanency goal and to review and determine (i) the
10 appropriateness of the services contained in the plan and
11 whether those services have been provided, (ii) whether
12 reasonable efforts have been made by all the parties to the
13 service plan to achieve the goal, and (iii) whether the plan
14 and goal have been achieved.

15 (12) "Petition" means the petition provided for in Section
16 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
17 thereunder in Section 3-15, 4-12 or 5-520.

18 (12.1) "Physically capable adult relative" means a person
19 21 years of age or older who does not have a severe physical
20 disability or medical condition, or is not suffering from
21 alcoholism or drug addiction, that prevents him or her from
22 providing the care necessary to safeguard the physical safety
23 and welfare of a minor who is left in that person's care by the
24 parent or parents or other person responsible for the minor's
25 welfare.

26 (12.2) "Post Permanency Sibling Contact Agreement" has the

1 meaning ascribed to the term in Section 7.4 of the Children and
2 Family Services Act.

3 (13) "Residual parental rights and responsibilities" means
4 those rights and responsibilities remaining with the parent
5 after the transfer of legal custody or guardianship of the
6 person, including, but not necessarily limited to, the right to
7 reasonable visitation (which may be limited by the court in the
8 best interests of the minor as provided in subsection (8) (b) of
9 this Section), the right to consent to adoption, the right to
10 determine the minor's religious affiliation, and the
11 responsibility for his support.

12 (14) "Shelter" means the temporary care of a minor in
13 physically unrestricting facilities pending court disposition
14 or execution of court order for placement.

15 (14.1) "Sibling Contact Support Plan" has the meaning
16 ascribed to the term in Section 7.4 of the Children and Family
17 Services Act.

18 (15) "Station adjustment" means the informal handling of an
19 alleged offender by a juvenile police officer.

20 (16) "Ward of the court" means a minor who is so adjudged
21 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
22 requisite jurisdictional facts, and thus is subject to the
23 dispositional powers of the court under this Act.

24 (17) "Juvenile police officer" means a sworn police officer
25 who has completed a Basic Recruit Training Course, has been
26 assigned to the position of juvenile police officer by his or

1 her chief law enforcement officer and has completed the
2 necessary juvenile officers training as prescribed by the
3 Illinois Law Enforcement Training Standards Board, or in the
4 case of a State police officer, juvenile officer training
5 approved by the Director of the Department of State Police.

6 (18) "Secure child care facility" means any child care
7 facility licensed by the Department of Children and Family
8 Services to provide secure living arrangements for children
9 under 18 years of age who are subject to placement in
10 facilities under the Children and Family Services Act and who
11 are not subject to placement in facilities for whom standards
12 are established by the Department of Corrections under Section
13 3-15-2 of the Unified Code of Corrections. "Secure child care
14 facility" also means a facility that is designed and operated
15 to ensure that all entrances and exits from the facility, a
16 building, or a distinct part of the building are under the
17 exclusive control of the staff of the facility, whether or not
18 the child has the freedom of movement within the perimeter of
19 the facility, building, or distinct part of the building.

20 (Source: P.A. 97-568, eff. 8-25-11; 97-1076, eff. 8-24-12;
21 97-1150, eff. 1-25-13; 98-249, eff. 1-1-14.)

22 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

23 Sec. 6-9. Enforcement of liability of parents and others.

24 (1) If parentage is at issue in any proceeding under this
25 Act, other than cases involving those exceptions to the

1 definition of parent set out in item (11) in Section 1-3, then
2 the Illinois Parentage Act of 2014 ~~1984~~ shall apply and the
3 court shall enter orders consistent with that Act. If it
4 appears at any hearing that a parent or any other person named
5 in the petition, liable under the law for the support of the
6 minor, is able to contribute to his or her support, the court
7 shall enter an order requiring that parent or other person to
8 pay the clerk of the court, or to the guardian or custodian
9 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a
10 reasonable sum from time to time for the care, support and
11 necessary special care or treatment, of the minor. If the court
12 determines at any hearing that a parent or any other person
13 named in the petition, liable under the law for the support of
14 the minor, is able to contribute to help defray the costs
15 associated with the minor's detention in a county or regional
16 detention center, the court shall enter an order requiring that
17 parent or other person to pay the clerk of the court a
18 reasonable sum for the care and support of the minor. The court
19 may require reasonable security for the payments. Upon failure
20 to pay, the court may enforce obedience to the order by a
21 proceeding as for contempt of court.

22 If it appears that the person liable for the support of the
23 minor is able to contribute to legal fees for representation of
24 the minor, the court shall enter an order requiring that person
25 to pay a reasonable sum for the representation, to the attorney
26 providing the representation or to the clerk of the court for

1 deposit in the appropriate account or fund. The sum may be paid
2 as the court directs, and the payment thereof secured and
3 enforced as provided in this Section for support.

4 If it appears at the detention or shelter care hearing of a
5 minor before the court under Section 5-501 that a parent or any
6 other person liable for support of the minor is able to
7 contribute to his or her support, that parent or other person
8 shall be required to pay a fee for room and board at a rate not
9 to exceed \$10 per day established, with the concurrence of the
10 chief judge of the judicial circuit, by the county board of the
11 county in which the minor is detained unless the court
12 determines that it is in the best interest and welfare of the
13 minor to waive the fee. The concurrence of the chief judge
14 shall be in the form of an administrative order. Each week, on
15 a day designated by the clerk of the circuit court, that parent
16 or other person shall pay the clerk for the minor's room and
17 board. All fees for room and board collected by the circuit
18 court clerk shall be disbursed into the separate county fund
19 under Section 6-7.

20 Upon application, the court shall waive liability for
21 support or legal fees under this Section if the parent or other
22 person establishes that he or she is indigent and unable to pay
23 the incurred liability, and the court may reduce or waive
24 liability if the parent or other person establishes
25 circumstances showing that full payment of support or legal
26 fees would result in financial hardship to the person or his or

1 her family.

2 (2) When a person so ordered to pay for the care and
3 support of a minor is employed for wages, salary or commission,
4 the court may order him to make the support payments for which
5 he is liable under this Act out of his wages, salary or
6 commission and to assign so much thereof as will pay the
7 support. The court may also order him to make discovery to the
8 court as to his place of employment and the amounts earned by
9 him. Upon his failure to obey the orders of court he may be
10 punished as for contempt of court.

11 (3) If the minor is a recipient of public aid under the
12 Illinois Public Aid Code, the court shall order that payments
13 made by a parent or through assignment of his wages, salary or
14 commission be made directly to (a) the Department of Healthcare
15 and Family Services if the minor is a recipient of aid under
16 Article V of the Code, (b) the Department of Human Services if
17 the minor is a recipient of aid under Article IV of the Code,
18 or (c) the local governmental unit responsible for the support
19 of the minor if he is a recipient under Articles VI or VII of
20 the Code. The order shall permit the Department of Healthcare
21 and Family Services, the Department of Human Services, or the
22 local governmental unit, as the case may be, to direct that
23 subsequent payments be made directly to the guardian or
24 custodian of the minor, or to some other person or agency in
25 the minor's behalf, upon removal of the minor from the public
26 aid rolls; and upon such direction and removal of the minor

1 from the public aid rolls, the Department of Healthcare and
2 Family Services, Department of Human Services, or local
3 governmental unit, as the case requires, shall give written
4 notice of such action to the court. Payments received by the
5 Department of Healthcare and Family Services, Department of
6 Human Services, or local governmental unit are to be covered,
7 respectively, into the General Revenue Fund of the State
8 Treasury or General Assistance Fund of the governmental unit,
9 as provided in Section 10-19 of the Illinois Public Aid Code.

10 (Source: P.A. 97-568, eff. 8-25-11.)

11 Section 962. The Code of Criminal Procedure of 1963 is
12 amended by changing Section 112A-14 as follows:

13 (725 ILCS 5/112A-14) (from Ch. 38, par. 112A-14)

14 Sec. 112A-14. Order of protection; remedies.

15 (a) Issuance of order. If the court finds that petitioner
16 has been abused by a family or household member, as defined in
17 this Article, an order of protection prohibiting such abuse
18 shall issue; provided that petitioner must also satisfy the
19 requirements of one of the following Sections, as appropriate:
20 Section 112A-17 on emergency orders, Section 112A-18 on interim
21 orders, or Section 112A-19 on plenary orders. Petitioner shall
22 not be denied an order of protection because petitioner or
23 respondent is a minor. The court, when determining whether or
24 not to issue an order of protection, shall not require physical

1 manifestations of abuse on the person of the victim.
2 Modification and extension of prior orders of protection shall
3 be in accordance with this Article.

4 (b) Remedies and standards. The remedies to be included in
5 an order of protection shall be determined in accordance with
6 this Section and one of the following Sections, as appropriate:
7 Section 112A-17 on emergency orders, Section 112A-18 on interim
8 orders, and Section 112A-19 on plenary orders. The remedies
9 listed in this subsection shall be in addition to other civil
10 or criminal remedies available to petitioner.

11 (1) Prohibition of abuse. Prohibit respondent's
12 harassment, interference with personal liberty,
13 intimidation of a dependent, physical abuse or willful
14 deprivation, as defined in this Article, if such abuse has
15 occurred or otherwise appears likely to occur if not
16 prohibited.

17 (2) Grant of exclusive possession of residence.
18 Prohibit respondent from entering or remaining in any
19 residence, household, or premises of the petitioner,
20 including one owned or leased by respondent, if petitioner
21 has a right to occupancy thereof. The grant of exclusive
22 possession of the residence, household, or premises shall
23 not affect title to real property, nor shall the court be
24 limited by the standard set forth in Section 701 of the
25 Illinois Marriage and Dissolution of Marriage Act.

26 (A) Right to occupancy. A party has a right to

1 occupancy of a residence or household if it is solely
2 or jointly owned or leased by that party, that party's
3 spouse, a person with a legal duty to support that
4 party or a minor child in that party's care, or by any
5 person or entity other than the opposing party that
6 authorizes that party's occupancy (e.g., a domestic
7 violence shelter). Standards set forth in subparagraph
8 (B) shall not preclude equitable relief.

9 (B) Presumption of hardships. If petitioner and
10 respondent each has the right to occupancy of a
11 residence or household, the court shall balance (i) the
12 hardships to respondent and any minor child or
13 dependent adult in respondent's care resulting from
14 entry of this remedy with (ii) the hardships to
15 petitioner and any minor child or dependent adult in
16 petitioner's care resulting from continued exposure to
17 the risk of abuse (should petitioner remain at the
18 residence or household) or from loss of possession of
19 the residence or household (should petitioner leave to
20 avoid the risk of abuse). When determining the balance
21 of hardships, the court shall also take into account
22 the accessibility of the residence or household.
23 Hardships need not be balanced if respondent does not
24 have a right to occupancy.

25 The balance of hardships is presumed to favor
26 possession by petitioner unless the presumption is

1 rebutted by a preponderance of the evidence, showing
2 that the hardships to respondent substantially
3 outweigh the hardships to petitioner and any minor
4 child or dependent adult in petitioner's care. The
5 court, on the request of petitioner or on its own
6 motion, may order respondent to provide suitable,
7 accessible, alternate housing for petitioner instead
8 of excluding respondent from a mutual residence or
9 household.

10 (3) Stay away order and additional prohibitions. Order
11 respondent to stay away from petitioner or any other person
12 protected by the order of protection, or prohibit
13 respondent from entering or remaining present at
14 petitioner's school, place of employment, or other
15 specified places at times when petitioner is present, or
16 both, if reasonable, given the balance of hardships.
17 Hardships need not be balanced for the court to enter a
18 stay away order or prohibit entry if respondent has no
19 right to enter the premises.

20 If an order of protection grants petitioner exclusive
21 possession of the residence, or prohibits respondent from
22 entering the residence, or orders respondent to stay away
23 from petitioner or other protected persons, then the court
24 may allow respondent access to the residence to remove
25 items of clothing and personal adornment used exclusively
26 by respondent, medications, and other items as the court

1 directs. The right to access shall be exercised on only one
2 occasion as the court directs and in the presence of an
3 agreed-upon adult third party or law enforcement officer.

4 (4) Counseling. Require or recommend the respondent to
5 undergo counseling for a specified duration with a social
6 worker, psychologist, clinical psychologist, psychiatrist,
7 family service agency, alcohol or substance abuse program,
8 mental health center guidance counselor, agency providing
9 services to elders, program designed for domestic violence
10 abusers or any other guidance service the court deems
11 appropriate. The court may order the respondent in any
12 intimate partner relationship to report to an Illinois
13 Department of Human Services protocol approved partner
14 abuse intervention program for an assessment and to follow
15 all recommended treatment.

16 (5) Physical care and possession of the minor child. In
17 order to protect the minor child from abuse, neglect, or
18 unwarranted separation from the person who has been the
19 minor child's primary caretaker, or to otherwise protect
20 the well-being of the minor child, the court may do either
21 or both of the following: (i) grant petitioner physical
22 care or possession of the minor child, or both, or (ii)
23 order respondent to return a minor child to, or not remove
24 a minor child from, the physical care of a parent or person
25 in loco parentis.

26 If a court finds, after a hearing, that respondent has

1 committed abuse (as defined in Section 112A-3) of a minor
2 child, there shall be a rebuttable presumption that
3 awarding physical care to respondent would not be in the
4 minor child's best interest.

5 (6) Temporary legal custody. Award temporary legal
6 custody to petitioner in accordance with this Section, the
7 Illinois Marriage and Dissolution of Marriage Act, the
8 Illinois Parentage Act of 2014 ~~1984~~, and this State's
9 Uniform Child-Custody Jurisdiction and Enforcement Act.

10 If a court finds, after a hearing, that respondent has
11 committed abuse (as defined in Section 112A-3) of a minor
12 child, there shall be a rebuttable presumption that
13 awarding temporary legal custody to respondent would not be
14 in the child's best interest.

15 (7) Visitation. Determine the visitation rights, if
16 any, of respondent in any case in which the court awards
17 physical care or temporary legal custody of a minor child
18 to petitioner. The court shall restrict or deny
19 respondent's visitation with a minor child if the court
20 finds that respondent has done or is likely to do any of
21 the following: (i) abuse or endanger the minor child during
22 visitation; (ii) use the visitation as an opportunity to
23 abuse or harass petitioner or petitioner's family or
24 household members; (iii) improperly conceal or detain the
25 minor child; or (iv) otherwise act in a manner that is not
26 in the best interests of the minor child. The court shall

1 not be limited by the standards set forth in Section 607.1
2 of the Illinois Marriage and Dissolution of Marriage Act.
3 If the court grants visitation, the order shall specify
4 dates and times for the visitation to take place or other
5 specific parameters or conditions that are appropriate. No
6 order for visitation shall refer merely to the term
7 "reasonable visitation".

8 Petitioner may deny respondent access to the minor
9 child if, when respondent arrives for visitation,
10 respondent is under the influence of drugs or alcohol and
11 constitutes a threat to the safety and well-being of
12 petitioner or petitioner's minor children or is behaving in
13 a violent or abusive manner.

14 If necessary to protect any member of petitioner's
15 family or household from future abuse, respondent shall be
16 prohibited from coming to petitioner's residence to meet
17 the minor child for visitation, and the parties shall
18 submit to the court their recommendations for reasonable
19 alternative arrangements for visitation. A person may be
20 approved to supervise visitation only after filing an
21 affidavit accepting that responsibility and acknowledging
22 accountability to the court.

23 (8) Removal or concealment of minor child. Prohibit
24 respondent from removing a minor child from the State or
25 concealing the child within the State.

26 (9) Order to appear. Order the respondent to appear in

1 court, alone or with a minor child, to prevent abuse,
2 neglect, removal or concealment of the child, to return the
3 child to the custody or care of the petitioner or to permit
4 any court-ordered interview or examination of the child or
5 the respondent.

6 (10) Possession of personal property. Grant petitioner
7 exclusive possession of personal property and, if
8 respondent has possession or control, direct respondent to
9 promptly make it available to petitioner, if:

10 (i) petitioner, but not respondent, owns the
11 property; or

12 (ii) the parties own the property jointly; sharing
13 it would risk abuse of petitioner by respondent or is
14 impracticable; and the balance of hardships favors
15 temporary possession by petitioner.

16 If petitioner's sole claim to ownership of the property
17 is that it is marital property, the court may award
18 petitioner temporary possession thereof under the
19 standards of subparagraph (ii) of this paragraph only if a
20 proper proceeding has been filed under the Illinois
21 Marriage and Dissolution of Marriage Act, as now or
22 hereafter amended.

23 No order under this provision shall affect title to
24 property.

25 (11) Protection of property. Forbid the respondent
26 from taking, transferring, encumbering, concealing,

1 damaging or otherwise disposing of any real or personal
2 property, except as explicitly authorized by the court, if:

3 (i) petitioner, but not respondent, owns the
4 property; or

5 (ii) the parties own the property jointly, and the
6 balance of hardships favors granting this remedy.

7 If petitioner's sole claim to ownership of the property
8 is that it is marital property, the court may grant
9 petitioner relief under subparagraph (ii) of this
10 paragraph only if a proper proceeding has been filed under
11 the Illinois Marriage and Dissolution of Marriage Act, as
12 now or hereafter amended.

13 The court may further prohibit respondent from
14 improperly using the financial or other resources of an
15 aged member of the family or household for the profit or
16 advantage of respondent or of any other person.

17 (11.5) Protection of animals. Grant the petitioner the
18 exclusive care, custody, or control of any animal owned,
19 possessed, leased, kept, or held by either the petitioner
20 or the respondent or a minor child residing in the
21 residence or household of either the petitioner or the
22 respondent and order the respondent to stay away from the
23 animal and forbid the respondent from taking,
24 transferring, encumbering, concealing, harming, or
25 otherwise disposing of the animal.

26 (12) Order for payment of support. Order respondent to

1 pay temporary support for the petitioner or any child in
2 the petitioner's care or custody, when the respondent has a
3 legal obligation to support that person, in accordance with
4 the Illinois Marriage and Dissolution of Marriage Act,
5 which shall govern, among other matters, the amount of
6 support, payment through the clerk and withholding of
7 income to secure payment. An order for child support may be
8 granted to a petitioner with lawful physical care or
9 custody of a child, or an order or agreement for physical
10 care or custody, prior to entry of an order for legal
11 custody. Such a support order shall expire upon entry of a
12 valid order granting legal custody to another, unless
13 otherwise provided in the custody order.

14 (13) Order for payment of losses. Order respondent to
15 pay petitioner for losses suffered as a direct result of
16 the abuse. Such losses shall include, but not be limited
17 to, medical expenses, lost earnings or other support,
18 repair or replacement of property damaged or taken,
19 reasonable attorney's fees, court costs and moving or other
20 travel expenses, including additional reasonable expenses
21 for temporary shelter and restaurant meals.

22 (i) Losses affecting family needs. If a party is
23 entitled to seek maintenance, child support or
24 property distribution from the other party under the
25 Illinois Marriage and Dissolution of Marriage Act, as
26 now or hereafter amended, the court may order

1 respondent to reimburse petitioner's actual losses, to
2 the extent that such reimbursement would be
3 "appropriate temporary relief", as authorized by
4 subsection (a) (3) of Section 501 of that Act.

5 (ii) Recovery of expenses. In the case of an
6 improper concealment or removal of a minor child, the
7 court may order respondent to pay the reasonable
8 expenses incurred or to be incurred in the search for
9 and recovery of the minor child, including but not
10 limited to legal fees, court costs, private
11 investigator fees, and travel costs.

12 (14) Prohibition of entry. Prohibit the respondent
13 from entering or remaining in the residence or household
14 while the respondent is under the influence of alcohol or
15 drugs and constitutes a threat to the safety and well-being
16 of the petitioner or the petitioner's children.

17 (14.5) Prohibition of firearm possession.

18 (A) A person who is subject to an existing order of
19 protection, interim order of protection, emergency
20 order of protection, or plenary order of protection,
21 issued under this Code may not lawfully possess weapons
22 under Section 8.2 of the Firearm Owners Identification
23 Card Act.

24 (B) Any firearms in the possession of the
25 respondent, except as provided in subparagraph (C) of
26 this paragraph (14.5), shall be ordered by the court to

1 be turned over to a person with a valid Firearm Owner's
2 Identification Card for safekeeping. The court shall
3 issue an order that the respondent's Firearm Owner's
4 Identification Card be turned over to the local law
5 enforcement agency, which in turn shall immediately
6 mail the card to the Department of State Police Firearm
7 Owner's Identification Card Office for safekeeping.
8 The period of safekeeping shall be for the duration of
9 the order of protection. The firearm or firearms and
10 Firearm Owner's Identification Card, if unexpired,
11 shall at the respondent's request be returned to the
12 respondent at expiration of the order of protection.

13 (C) If the respondent is a peace officer as defined
14 in Section 2-13 of the Criminal Code of 2012, the court
15 shall order that any firearms used by the respondent in
16 the performance of his or her duties as a peace officer
17 be surrendered to the chief law enforcement executive
18 of the agency in which the respondent is employed, who
19 shall retain the firearms for safekeeping for the
20 duration of the order of protection.

21 (D) Upon expiration of the period of safekeeping,
22 if the firearms or Firearm Owner's Identification Card
23 cannot be returned to respondent because respondent
24 cannot be located, fails to respond to requests to
25 retrieve the firearms, or is not lawfully eligible to
26 possess a firearm, upon petition from the local law

1 enforcement agency, the court may order the local law
2 enforcement agency to destroy the firearms, use the
3 firearms for training purposes, or for any other
4 application as deemed appropriate by the local law
5 enforcement agency; or that the firearms be turned over
6 to a third party who is lawfully eligible to possess
7 firearms, and who does not reside with respondent.

8 (15) Prohibition of access to records. If an order of
9 protection prohibits respondent from having contact with
10 the minor child, or if petitioner's address is omitted
11 under subsection (b) of Section 112A-5, or if necessary to
12 prevent abuse or wrongful removal or concealment of a minor
13 child, the order shall deny respondent access to, and
14 prohibit respondent from inspecting, obtaining, or
15 attempting to inspect or obtain, school or any other
16 records of the minor child who is in the care of
17 petitioner.

18 (16) Order for payment of shelter services. Order
19 respondent to reimburse a shelter providing temporary
20 housing and counseling services to the petitioner for the
21 cost of the services, as certified by the shelter and
22 deemed reasonable by the court.

23 (17) Order for injunctive relief. Enter injunctive
24 relief necessary or appropriate to prevent further abuse of
25 a family or household member or to effectuate one of the
26 granted remedies, if supported by the balance of hardships.

1 If the harm to be prevented by the injunction is abuse or
2 any other harm that one of the remedies listed in
3 paragraphs (1) through (16) of this subsection is designed
4 to prevent, no further evidence is necessary to establish
5 that the harm is an irreparable injury.

6 (c) Relevant factors; findings.

7 (1) In determining whether to grant a specific remedy,
8 other than payment of support, the court shall consider
9 relevant factors, including but not limited to the
10 following:

11 (i) the nature, frequency, severity, pattern and
12 consequences of the respondent's past abuse of the
13 petitioner or any family or household member,
14 including the concealment of his or her location in
15 order to evade service of process or notice, and the
16 likelihood of danger of future abuse to petitioner or
17 any member of petitioner's or respondent's family or
18 household; and

19 (ii) the danger that any minor child will be abused
20 or neglected or improperly removed from the
21 jurisdiction, improperly concealed within the State or
22 improperly separated from the child's primary
23 caretaker.

24 (2) In comparing relative hardships resulting to the
25 parties from loss of possession of the family home, the
26 court shall consider relevant factors, including but not

1 limited to the following:

2 (i) availability, accessibility, cost, safety,
3 adequacy, location and other characteristics of
4 alternate housing for each party and any minor child or
5 dependent adult in the party's care;

6 (ii) the effect on the party's employment; and

7 (iii) the effect on the relationship of the party,
8 and any minor child or dependent adult in the party's
9 care, to family, school, church and community.

10 (3) Subject to the exceptions set forth in paragraph
11 (4) of this subsection, the court shall make its findings
12 in an official record or in writing, and shall at a minimum
13 set forth the following:

14 (i) That the court has considered the applicable
15 relevant factors described in paragraphs (1) and (2) of
16 this subsection.

17 (ii) Whether the conduct or actions of respondent,
18 unless prohibited, will likely cause irreparable harm
19 or continued abuse.

20 (iii) Whether it is necessary to grant the
21 requested relief in order to protect petitioner or
22 other alleged abused persons.

23 (4) For purposes of issuing an ex parte emergency order
24 of protection, the court, as an alternative to or as a
25 supplement to making the findings described in paragraphs
26 (c) (3) (i) through (c) (3) (iii) of this subsection, may use

1 the following procedure:

2 When a verified petition for an emergency order of
3 protection in accordance with the requirements of Sections
4 112A-5 and 112A-17 is presented to the court, the court
5 shall examine petitioner on oath or affirmation. An
6 emergency order of protection shall be issued by the court
7 if it appears from the contents of the petition and the
8 examination of petitioner that the averments are
9 sufficient to indicate abuse by respondent and to support
10 the granting of relief under the issuance of the emergency
11 order of protection.

12 (5) Never married parties. No rights or
13 responsibilities for a minor child born outside of marriage
14 attach to a putative father until a father and child
15 relationship has been established under the Illinois
16 Parentage Act of 1984 or under the Illinois Parentage Act
17 of 2014 on and after the effective date of that Act. Absent
18 such an adjudication, no putative father shall be granted
19 temporary custody of the minor child, visitation with the
20 minor child, or physical care and possession of the minor
21 child, nor shall an order of payment for support of the
22 minor child be entered.

23 (d) Balance of hardships; findings. If the court finds that
24 the balance of hardships does not support the granting of a
25 remedy governed by paragraph (2), (3), (10), (11), or (16) of
26 subsection (b) of this Section, which may require such

1 balancing, the court's findings shall so indicate and shall
2 include a finding as to whether granting the remedy will result
3 in hardship to respondent that would substantially outweigh the
4 hardship to petitioner from denial of the remedy. The findings
5 shall be an official record or in writing.

6 (e) Denial of remedies. Denial of any remedy shall not be
7 based, in whole or in part, on evidence that:

8 (1) Respondent has cause for any use of force, unless
9 that cause satisfies the standards for justifiable use of
10 force provided by Article 7 of the Criminal Code of 2012;

11 (2) Respondent was voluntarily intoxicated;

12 (3) Petitioner acted in self-defense or defense of
13 another, provided that, if petitioner utilized force, such
14 force was justifiable under Article 7 of the Criminal Code
15 of 2012;

16 (4) Petitioner did not act in self-defense or defense
17 of another;

18 (5) Petitioner left the residence or household to avoid
19 further abuse by respondent;

20 (6) Petitioner did not leave the residence or household
21 to avoid further abuse by respondent;

22 (7) Conduct by any family or household member excused
23 the abuse by respondent, unless that same conduct would
24 have excused such abuse if the parties had not been family
25 or household members.

26 (Source: P.A. 97-158, eff. 1-1-12; 97-1131, eff. 1-1-13;

1 97-1150, eff. 1-25-13; 98-63, eff. 7-9-13.)

2 Section 963. The Unified Code of Corrections is amended by
3 changing Section 3-5-4 as follows:

4 (730 ILCS 5/3-5-4)

5 Sec. 3-5-4. Exchange of information for child support
6 enforcement.

7 (a) The Department shall exchange with the Department of
8 Healthcare and Family Services information that may be
9 necessary for the enforcement of child support orders entered
10 pursuant to the Illinois Public Aid Code, the Illinois Marriage
11 and 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 Uniform
14 Interstate Family Support Act, ~~or~~ the Illinois Parentage Act of
15 1984, or the Illinois Parentage Act of 2014.

16 (b) Notwithstanding any provisions in this Code to the
17 contrary, the Department 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 964. The Code of Civil Procedure is amended by

1 changing Sections 2-209, 2-1401, 12-112, and 12-819 as follows:

2 (735 ILCS 5/2-209) (from Ch. 110, par. 2-209)

3 Sec. 2-209. Act submitting to jurisdiction - Process.

4 (a) Any person, whether or not a citizen or resident of
5 this State, who in person or through an agent does any of the
6 acts hereinafter enumerated, thereby submits such person, and,
7 if an individual, his or her personal representative, to the
8 jurisdiction of the courts of this State as to any cause of
9 action arising from the doing of any of such acts:

10 (1) The transaction of any business within this State;

11 (2) The commission of a tortious act within this State;

12 (3) The ownership, use, or possession of any real
13 estate situated in this State;

14 (4) Contracting to insure any person, property or risk
15 located within this State at the time of contracting;

16 (5) With respect to actions of dissolution of marriage,
17 declaration of invalidity of marriage and legal
18 separation, the maintenance in this State of a matrimonial
19 domicile at the time this cause of action arose or the
20 commission in this State of any act giving rise to the
21 cause of action;

22 (6) With respect to actions brought under the Illinois
23 Parentage Act of 1984, as now or hereafter amended, or
24 under the Illinois Parentage Act of 2014 on and after the
25 effective date of that Act, the performance of an act of

1 sexual intercourse within this State during the possible
2 period of conception;

3 (7) The making or performance of any contract or
4 promise substantially connected with this State;

5 (8) The performance of sexual intercourse within this
6 State which is claimed to have resulted in the conception
7 of a child who resides in this State;

8 (9) The failure to support a child, spouse or former
9 spouse who has continued to reside in this State since the
10 person either formerly resided with them in this State or
11 directed them to reside in this State;

12 (10) The acquisition of ownership, possession or
13 control of any asset or thing of value present within this
14 State when ownership, possession or control was acquired;

15 (11) The breach of any fiduciary duty within this
16 State;

17 (12) The performance of duties as a director or officer
18 of a corporation organized under the laws of this State or
19 having its principal place of business within this State;

20 (13) The ownership of an interest in any trust
21 administered within this State; or

22 (14) The exercise of powers granted under the authority
23 of this State as a fiduciary.

24 (b) A court may exercise jurisdiction in any action arising
25 within or without this State against any person who:

26 (1) Is a natural person present within this State when

1 served;

2 (2) Is a natural person domiciled or resident within
3 this State when the cause of action arose, the action was
4 commenced, or process was served;

5 (3) Is a corporation organized under the laws of this
6 State; or

7 (4) Is a natural person or corporation doing business
8 within this State.

9 (b-5) Foreign defamation judgment. The courts of this State
10 shall have personal jurisdiction over any person who obtains a
11 judgment in a defamation proceeding outside the United States
12 against any person who is a resident of Illinois or, if not a
13 natural person, has its principal place of business in
14 Illinois, for the purposes of rendering declaratory relief with
15 respect to that resident's liability for the judgment, or for
16 the purpose of determining whether said judgment should be
17 deemed non-recognizable pursuant to this Code, to the fullest
18 extent permitted by the United States Constitution, provided:

19 (1) the publication at issue was published in Illinois,
20 and

21 (2) that resident (i) has assets in Illinois which
22 might be used to satisfy the foreign defamation judgment,
23 or (ii) may have to take actions in Illinois to comply with
24 the foreign defamation judgment.

25 The provisions of this subsection (b-5) shall apply to
26 persons who obtained judgments in defamation proceedings

1 outside the United States prior to, on, or after the effective
2 date of this amendatory Act of the 95th General Assembly.

3 (c) A court may also exercise jurisdiction on any other
4 basis now or hereafter permitted by the Illinois Constitution
5 and the Constitution of the United States.

6 (d) Service of process upon any person who is subject to
7 the jurisdiction of the courts of this State, as provided in
8 this Section, may be made by personally serving the summons
9 upon the defendant outside this State, as provided in this Act,
10 with the same force and effect as though summons had been
11 personally served within this State.

12 (e) Service of process upon any person who resides or whose
13 business address is outside the United States and who is
14 subject to the jurisdiction of the courts of this State, as
15 provided in this Section, in any action based upon product
16 liability may be made by serving a copy of the summons with a
17 copy of the complaint attached upon the Secretary of State. The
18 summons shall be accompanied by a \$5 fee payable to the
19 Secretary of State. The plaintiff shall forthwith mail a copy
20 of the summons, upon which the date of service upon the
21 Secretary is clearly shown, together with a copy of the
22 complaint to the defendant at his or her last known place of
23 residence or business address. Plaintiff shall file with the
24 circuit clerk an affidavit of the plaintiff or his or her
25 attorney stating the last known place of residence or the last
26 known business address of the defendant and a certificate of

1 mailing a copy of the summons and complaint to the defendant at
2 such address as required by this subsection (e). The
3 certificate of mailing shall be prima facie evidence that the
4 plaintiff or his or her attorney mailed a copy of the summons
5 and complaint to the defendant as required. Service of the
6 summons shall be deemed to have been made upon the defendant on
7 the date it is served upon the Secretary and shall have the
8 same force and effect as though summons had been personally
9 served upon the defendant within this State.

10 (f) Only causes of action arising from acts enumerated
11 herein may be asserted against a defendant in an action in
12 which jurisdiction over him or her is based upon subsection
13 (a).

14 (g) Nothing herein contained limits or affects the right to
15 serve any process in any other manner now or hereafter provided
16 by law.

17 (Source: P.A. 95-865, eff. 8-19-08.)

18 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

19 Sec. 2-1401. Relief from judgments.

20 (a) Relief from final orders and judgments, after 30 days
21 from the entry thereof, may be had upon petition as provided in
22 this Section. Writs of error coram nobis and coram vobis, bills
23 of review and bills in the nature of bills of review are
24 abolished. All relief heretofore obtainable and the grounds for
25 such relief heretofore available, whether by any of the

1 foregoing remedies or otherwise, shall be available in every
2 case, by proceedings hereunder, regardless of the nature of the
3 order or judgment from which relief is sought or of the
4 proceedings in which it was entered. Except as provided in
5 ~~Section 6~~ of the Illinois Parentage Act of 2014 ~~1984~~, there
6 shall be no distinction between actions and other proceedings,
7 statutory or otherwise, as to availability of relief, grounds
8 for relief or the relief obtainable.

9 (b) The petition must be filed in the same proceeding in
10 which the order or judgment was entered but is not a
11 continuation thereof. The petition must be supported by
12 affidavit or other appropriate showing as to matters not of
13 record. All parties to the petition shall be notified as
14 provided by rule.

15 (c) Except as provided in Section 20b of the Adoption Act
16 and Section 2-32 of the Juvenile Court Act of 1987 or in a
17 petition based upon Section 116-3 of the Code of Criminal
18 Procedure of 1963, the petition must be filed not later than 2
19 years after the entry of the order or judgment. Time during
20 which the person seeking relief is under legal disability or
21 duress or the ground for relief is fraudulently concealed shall
22 be excluded in computing the period of 2 years.

23 (d) The filing of a petition under this Section does not
24 affect the order or judgment, or suspend its operation.

25 (e) Unless lack of jurisdiction affirmatively appears from
26 the record proper, the vacation or modification of an order or

1 judgment pursuant to the provisions of this Section does not
2 affect the right, title or interest in or to any real or
3 personal property of any person, not a party to the original
4 action, acquired for value after the entry of the order or
5 judgment but before the filing of the petition, nor affect any
6 right of any person not a party to the original action under
7 any certificate of sale issued before the filing of the
8 petition, pursuant to a sale based on the order or judgment.

9 (f) Nothing contained in this Section affects any existing
10 right to relief from a void order or judgment, or to employ any
11 existing method to procure that relief.

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

13 (735 ILCS 5/12-112) (from Ch. 110, par. 12-112)

14 Sec. 12-112. What liable to enforcement. All the lands,
15 tenements, real estate, goods and chattels (except such as is
16 by law declared to be exempt) of every person against whom any
17 judgment has been or shall be hereafter entered in any court,
18 for any debt, damages, costs, or other sum of money, shall be
19 liable to be sold upon such judgment. Any real property, any
20 beneficial interest in a land trust, or any interest in real
21 property held in a revocable inter vivos trust or revocable
22 inter vivos trusts created for estate planning purposes, held
23 in tenancy by the entirety shall not be liable to be sold upon
24 judgment entered on or after October 1, 1990 against only one
25 of the tenants, except if the property was transferred into

1 tenancy by the entirety with the sole intent to avoid the
2 payment of debts existing at the time of the transfer beyond
3 the transferor's ability to pay those debts as they become due.
4 However, any income from such property shall be subject to
5 garnishment as provided in Part 7 of this Article XII, whether
6 judgment has been entered against one or both of the tenants.

7 If the court authorizes the piercing of the ownership veil
8 pursuant to Section 505 of the Illinois Marriage and
9 Dissolution of Marriage Act or Section 805 ~~45~~ of the Illinois
10 Parentage Act of 2014 ~~1984~~, any assets determined to be those
11 of the non-custodial parent, although not held in name of the
12 non-custodial parent, shall be subject to attachment or other
13 provisional remedy in accordance with the procedure prescribed
14 by this Code. The court may not authorize attachment of
15 property or any other provisional remedy under this paragraph
16 unless it has obtained jurisdiction over the entity holding
17 title to the property by proper service on that entity. With
18 respect to assets which are real property, no order entered as
19 described in this paragraph shall affect the rights of bona
20 fide purchasers, mortgagees, judgment creditors, or other lien
21 holders who acquire their interests in the property prior to
22 the time a notice of lis pendens pursuant to this Code or a
23 copy of the order is placed of record in the office of the
24 recorder of deeds for the county in which the real property is
25 located.

26 This amendatory Act of 1995 (P.A. 89-438) is declarative of

1 existing law.

2 This amendatory Act of 1997 (P.A. 90-514) is intended as a
3 clarification of existing law and not as a new enactment.

4 (Source: P.A. 96-1145, eff. 1-1-11.)

5 (735 ILCS 5/12-819) (from Ch. 110, par. 12-819)

6 Sec. 12-819. Limitations on part 8 of Article XII. The
7 provisions of this Part 8 of Article XII of this Act do not
8 apply to orders for withholding of income entered by the court
9 under provisions of 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 Illinois Parentage Act of 1984, and the Illinois Parentage Act
14 of 2014 ~~and the Paternity Act~~ for support of a child or
15 maintenance of a spouse.

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

17 Section 965. The Illinois Wage Assignment Act is amended by
18 changing Section 11 as follows:

19 (740 ILCS 170/11) (from Ch. 48, par. 39.12)

20 Sec. 11. The provisions of this Act do not apply to orders
21 for withholding of income entered by the court under provisions
22 of The Illinois Public Aid Code, the Illinois Marriage and
23 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 Illinois
3 Parentage Act of 1984, and the Illinois Parentage Act of 2014
4 ~~and the Paternity Act~~ for support of a child or maintenance of
5 a spouse.

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

7 Section 966. The Illinois Marriage and Dissolution of
8 Marriage Act is amended by changing Section 713 as follows:

9 (750 ILCS 5/713) (from Ch. 40, par. 713)

10 Sec. 713. Attachment of the Body. As used in this Section,
11 "obligor" has the same meaning ascribed to such term in the
12 Income Withholding for Support Act.

13 (a) In any proceeding to enforce an order for support,
14 where the obligor has failed to appear in court pursuant to
15 order of court and after due notice thereof, the court may
16 enter an order for the attachment of the body of the obligor.
17 Notices under this Section shall be served upon the obligor by
18 any means authorized under subsection (a-5) of Section 505. The
19 attachment order shall fix an amount of escrow which is equal
20 to a minimum of 20% of the total child support arrearage
21 alleged by the obligee in sworn testimony to be due and owing.
22 The attachment order shall direct the Sheriff of any county in
23 Illinois to take the obligor into custody and shall set the
24 number of days following release from custody for a hearing to

1 be held at which the obligor must appear, if he is released
2 under subsection (b) of this Section.

3 (b) If the obligor is taken into custody, the Sheriff shall
4 take the obligor before the court which entered the attachment
5 order. However, the Sheriff may release the person after he or
6 she has deposited the amount of escrow ordered by the court
7 pursuant to local procedures for the posting of bond. The
8 Sheriff shall advise the obligor of the hearing date at which
9 the obligor is required to appear.

10 (c) Any escrow deposited pursuant to this Section shall be
11 transmitted to the Clerk of the Circuit Court for the county in
12 which the order for attachment of the body of the obligor was
13 entered. Any Clerk who receives money deposited into escrow
14 pursuant to this Section shall notify the obligee, public
15 office or legal counsel whose name appears on the attachment
16 order of the court date at which the obligor is required to
17 appear and the amount deposited into escrow. The Clerk shall
18 disburse such money to the obligee only under an order from the
19 court that entered the attachment order pursuant to this
20 Section.

21 (d) Whenever an obligor is taken before the court by the
22 Sheriff, or appears in court after the court has ordered the
23 attachment of his body, the court shall:

24 (1) hold a hearing on the complaint or petition that
25 gave rise to the attachment order. For purposes of
26 determining arrearages that are due and owing by the

1 obligor, the court shall accept the previous sworn
2 testimony of the obligee as true and the appearance of the
3 obligee shall not be required. The court shall require
4 sworn testimony of the obligor as to the last 4 digits of
5 his or her Social Security number, income, employment, bank
6 accounts, property and any other assets. If there is a
7 dispute as to the total amount of arrearages, the court
8 shall proceed as in any other case as to the undisputed
9 amounts; and

10 (2) order the Clerk of the Circuit Court to disburse to
11 the obligee or public office money held in escrow pursuant
12 to this Section if the court finds that the amount of
13 arrearages exceeds the amount of the escrow. Amounts
14 received by the obligee or public office shall be deducted
15 from the amount of the arrearages.

16 (e) If the obligor fails to appear in court after being
17 notified of the court date by the Sheriff upon release from
18 custody, the court shall order any monies deposited into escrow
19 to be immediately released to the obligee or public office and
20 shall proceed under subsection (a) of this Section by entering
21 another order for the attachment of the body of the obligor.

22 (f) This Section shall apply to any order for support
23 issued under the "Illinois Marriage and Dissolution of Marriage
24 Act", approved September 22, 1977, as amended; the Illinois
25 Parentage Act of 2014; the "Illinois Parentage Act of 1984",
26 effective July 1, 1985, as amended; the "Revised Uniform

1 Reciprocal Enforcement of Support Act", approved August 28,
2 1969, as amended; "The Illinois Public Aid Code", approved
3 April 11, 1967, as amended; the Non-Support Punishment Act; and
4 the "Non-support of Spouse and Children Act", approved June 8,
5 1953, as amended.

6 (g) Any escrow established pursuant to this Section for the
7 purpose of providing support shall not be subject to fees
8 collected by the Clerk of the Circuit Court for any other
9 escrow.

10 (Source: P.A. 91-113, eff. 7-15-99; 91-613, eff. 10-1-99;
11 92-16, eff. 6-28-01.)

12 Section 967. The Non-Support Punishment Act is amended by
13 changing Section 50 as follows:

14 (750 ILCS 16/50)

15 Sec. 50. Community service; work alternative program.

16 (a) In addition to any other penalties imposed against an
17 offender under this Act, the court may order the offender to
18 perform community service for not less than 30 and not more
19 than 120 hours per month, if community service is available in
20 the jurisdiction and is funded and approved by the county board
21 of the county where the offense was committed. In addition,
22 whenever any person is placed on supervision for committing an
23 offense under this Act, the supervision shall be conditioned on
24 the performance of the community service.

1 (b) In addition to any other penalties imposed against an
2 offender under this Act, the court may sentence the offender to
3 service in a work alternative program administered by the
4 sheriff. The conditions of the program are that the offender
5 obtain or retain employment and participate in a work
6 alternative program administered by the sheriff during
7 non-working hours. A person may not be required to participate
8 in a work alternative program under this subsection if the
9 person is currently participating in a work program pursuant to
10 another provision of this Act, Section 10-11.1 of the Illinois
11 Public Aid Code, Section 505.1 of the Illinois Marriage and
12 Dissolution of Marriage Act, or Section 806 ~~15.1~~ of the
13 Illinois Parentage Act of 2014 ~~1984~~.

14 (c) In addition to any other penalties imposed against an
15 offender under this Act, the court may order, in cases where
16 the offender has been in violation of this Act for 90 days or
17 more, that the offender's Illinois driving privileges be
18 suspended until the court determines that the offender is in
19 compliance with this Act.

20 The court may determine that the offender is in compliance
21 with this Act if the offender has agreed (i) to pay all
22 required amounts of support and maintenance as determined by
23 the court or (ii) to the garnishment of his or her income for
24 the purpose of paying those amounts.

25 The court may also order that the offender be issued a
26 family financial responsibility driving permit that would

1 allow limited driving privileges for employment and medical
2 purposes in accordance with Section 7-702.1 of the Illinois
3 Vehicle Code. The clerk of the circuit court shall certify the
4 order suspending the driving privileges of the offender or
5 granting the issuance of a family financial responsibility
6 driving permit to the Secretary of State on forms prescribed by
7 the Secretary. Upon receipt of the authenticated documents, the
8 Secretary of State shall suspend the offender's driving
9 privileges until further order of the court and shall, if
10 ordered by the court, subject to the provisions of Section
11 7-702.1 of the Illinois Vehicle Code, issue a family financial
12 responsibility driving permit to the offender.

13 (d) If the court determines that the offender has been in
14 violation of this Act for more than 60 days, the court may
15 determine whether the offender has applied for or been issued a
16 professional license by the Department of Professional
17 Regulation or another licensing agency. If the court determines
18 that the offender has applied for or been issued such a
19 license, the court may certify to the Department of
20 Professional Regulation or other licensing agency that the
21 offender has been in violation of this Act for more than 60
22 days so that the Department or other agency may take
23 appropriate steps with respect to the license or application as
24 provided in Section 10-65 of the Illinois Administrative
25 Procedure Act and Section 2105-15 of the Department of
26 Professional Regulation Law of the Civil Administrative Code of

1 Illinois. The court may take the actions required under this
2 subsection in addition to imposing any other penalty authorized
3 under this Act.

4 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

5 Section 968. The Uniform Interstate Family Support Act is
6 amended by changing Section 102 as follows:

7 (750 ILCS 22/102) (was 750 ILCS 22/101)

8 Sec. 102. Definitions. In this Act:

9 "Child" means an individual, whether over or under the age
10 of 18, who is or is alleged to be owed a duty of support by the
11 individual's parent or who is or is alleged to be the
12 beneficiary of a support order directed to the parent.

13 "Child-support order" means a support order for a child,
14 including a child who has attained the age of 18.

15 "Duty of support" means an obligation imposed or imposable
16 by law to provide support for a child, spouse, or former spouse
17 including an unsatisfied obligation to provide support.

18 "Home state" means the state in which a child lived with a
19 parent or a person acting as parent for at least 6 consecutive
20 months immediately preceding the time of filing of a petition
21 or comparable pleading for support, and if a child is less than
22 6 months old, the state in which the child lived from birth
23 with any of them. A period of temporary absence of any of them
24 is counted as part of the 6-month or other period.

1 "Income" includes earnings or other periodic entitlements
2 to money from any source and any other property subject to
3 withholding for support under the law of this State.

4 "Income-withholding order" means an order or other legal
5 process directed to an obligor's employer or other debtor, as
6 defined by the Illinois Marriage and Dissolution of Marriage
7 Act, the Non-Support of Spouse and Children Act, the
8 Non-Support Punishment Act the Illinois Public Aid Code, and
9 the Illinois Parentage Act of 2014 ~~1984~~, to withhold support
10 from the income of the obligor.

11 "Initiating state" means a state from which a proceeding is
12 forwarded or in which a proceeding is filed for forwarding to a
13 responding state under this Act or a law or procedure
14 substantially similar to this Act.

15 "Initiating tribunal" means the authorized tribunal in an
16 initiating state.

17 "Issuing state" means the state in which a tribunal issues
18 a support order or renders a judgment determining parentage.

19 "Issuing tribunal" means the tribunal that issues a support
20 order or renders a judgment determining parentage.

21 "Obligee" means:

22 (A) an individual to whom a duty of support is or is
23 alleged to be owed or in whose favor a support order has
24 been issued or a judgment determining parentage has been
25 rendered;

26 (B) a state or political subdivision to which the

1 rights under a duty of support or support order have been
2 assigned or which has independent claims based on financial
3 assistance provided to an individual obligee; or

4 (C) an individual seeking a judgment determining
5 parentage of the individual's child.

6 "Obligor" means an individual, or the estate of a decedent:

7 (i) who owes or is alleged to owe a duty of
8 support;

9 (ii) who is alleged but has not been adjudicated to
10 be a parent of a child; or

11 (iii) who is liable under a support order.

12 "Person means an individual, corporation, business trust,
13 estate, trust, partnership, limited liability company,
14 association, joint venture, government, governmental
15 subdivision, agency, instrumentality, public corporation, or
16 any other legal or commercial entity.

17 "Record" means information that is inscribed on a tangible
18 medium or that is stored in an electronic or other medium and
19 is retrievable in perceivable form.

20 "Register" means to record a support order or judgment
21 determining parentage in the appropriate Registry of Foreign
22 Support Orders.

23 "Registering tribunal" means a tribunal in which a support
24 order is registered.

25 "Responding state" means a state in which a proceeding is
26 filed or to which a proceeding is forwarded for filing from an

1 initiating state under this Act or a law or procedure
2 substantially similar to this Act.

3 "Responding tribunal" means the authorized tribunal in a
4 responding state.

5 "Spousal-support order" means a support order for a spouse
6 or former spouse of the obligor.

7 "State" means a state of the United States, the District of
8 Columbia, Puerto Rico, the United States Virgin Islands, or any
9 territory or insular possession subject to the jurisdiction of
10 the United States. The term includes:

11 (A) an Indian tribe; and

12 (B) a foreign country or political subdivision that:

13 (i) has been declared to be a foreign reciprocating
14 country or political subdivision under federal law;

15 (ii) has established a reciprocal arrangement for
16 child support with this State as provided in Section
17 308; or

18 (iii) has enacted a law or established procedures
19 for issuance and enforcement of support orders which
20 are substantially similar to the procedures under this
21 Act.

22 "Support enforcement agency" means a public official or
23 agency authorized to seek:

24 (A) enforcement of support orders or laws relating to
25 the duty of support;

26 (B) establishment or modification of child support;

- 1 (C) determination of parentage;
- 2 (D) to locate obligors or their assets; or
- 3 (E) determination of the controlling child support
- 4 order.

5 "Support order" means a judgment, decree, order, or

6 directive, whether temporary, final, or subject to

7 modification, issued by a tribunal for the benefit of a child,

8 a spouse, or a former spouse, which provides for monetary

9 support, health care, arrearages, or reimbursement, and may

10 include related costs and fees, interest, income withholding,

11 attorney's fees, and other relief.

12 "Tribunal" means a court, administrative agency, or

13 quasi-judicial entity authorized to establish, enforce, or

14 modify support orders or to determine parentage.

15 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04.)

16 Section 969. The Expedited Child Support Act of 1990 is

17 amended by changing Section 6 as follows:

18 (750 ILCS 25/6) (from Ch. 40, par. 2706)

19 Sec. 6. Authority of hearing officers.

20 (a) With the exception of judicial functions exclusively

21 retained by the court in Section 8 of this Act and in

22 accordance with Supreme Court rules promulgated pursuant to

23 this Act, Administrative Hearing Officers shall be authorized

24 to:

1 (1) Accept voluntary agreements reached by the parties
2 setting the amount of child support to be paid and medical
3 support liability and recommend the entry of orders
4 incorporating such agreements.

5 (2) Accept voluntary acknowledgments of parentage and
6 recommend entry of an order establishing parentage based on
7 such acknowledgement. Prior to accepting such
8 acknowledgment, the Administrative Hearing Officer shall
9 advise the putative father of his rights and obligations in
10 accordance with Supreme Court rules promulgated pursuant
11 to this Act.

12 (3) Manage all stages of discovery, including setting
13 deadlines by which discovery must be completed; and
14 directing the parties to submit to appropriate tests
15 pursuant to ~~Section 11 of~~ the Illinois Parentage Act of
16 2014 ~~1984~~.

17 (4) Cause notices to be issued requiring the Obligor to
18 appear either before the Administrative Hearing Officer or
19 in court.

20 (5) Administer the oath or affirmation and take
21 testimony under oath or affirmation.

22 (6) Analyze the evidence and prepare written
23 recommendations based on such evidence, including but not
24 limited to: (i) proposed findings as to the amount of the
25 Obligor's income; (ii) proposed findings as to the amount
26 and nature of appropriate deductions from the Obligor's

1 income to determine the Obligor's net income; (iii)
2 proposed findings as to the existence of relevant factors
3 as set forth in subsection (a)(2) of Section 505 of the
4 Illinois Marriage and Dissolution of Marriage Act, which
5 justify setting child support payment levels above or below
6 the guidelines; (iv) recommended orders for temporary
7 child support; (v) recommended orders setting the amount of
8 current child support to be paid; (vi) proposed findings as
9 to the existence and amount of any arrearages; (vii)
10 recommended orders reducing any arrearages to judgement
11 and for the payment of amounts towards such arrearages;
12 (viii) proposed findings as to whether there has been a
13 substantial change of circumstances since the entry of the
14 last child support order, or other circumstances
15 justifying a modification of the child support order; and
16 (ix) proposed findings as to whether the Obligor is
17 employed.

18 (7) With respect to any unemployed Obligor who is not
19 making child support payments or is otherwise unable to
20 provide support, recommend that the Obligor be ordered to
21 seek employment and report periodically of his or her
22 efforts in accordance with such order. Additionally, the
23 Administrative Hearing Officer may recommend that the
24 Obligor be ordered to report to the Department of
25 Employment Security for job search services or to make
26 application with the local Job Training Partnership Act

1 provider for participation in job search, training or work
2 programs and, where the duty of support is owed to a child
3 receiving child support enforcement services under Article
4 X of the Illinois Public Aid Code, the Administrative
5 Hearing Officer may recommend that the Obligor be ordered
6 to report to the Department of Healthcare and Family
7 Services for participation in the job search, training or
8 work programs established under Section 9-6 of the Illinois
9 Public Aid Code.

10 (8) Recommend the registration of any foreign support
11 judgments or orders as the judgments or orders of Illinois.

12 (b) In any case in which the Obligee is not participating
13 in the IV-D program or has not applied to participate in the
14 IV-D program, the Administrative Hearing Officer shall:

15 (1) inform the Obligee of the existence of the IV-D
16 program and provide applications on request; and

17 (2) inform the Obligee and the Obligor of the option of
18 requesting payment to be made through the Clerk of the
19 Circuit Court.

20 If a request for payment through the Clerk is made, the
21 Administrative Hearing Officer shall note this fact in the
22 recommendations to the court.

23 (c) The Administrative Hearing Officer may make
24 recommendations in addition to the proposed findings of fact
25 and recommended order to which the parties have agreed.

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

1 Section 970. The Income Withholding for Support Act is
2 amended by changing Section 15 as follows:

3 (750 ILCS 28/15)

4 Sec. 15. Definitions.

5 (a) "Order for support" means any order of the court which
6 provides for periodic payment of funds for the support of a
7 child or maintenance of a spouse, whether temporary or final,
8 and includes any such order which provides for:

9 (1) modification or resumption of, or payment of
10 arrearage, including interest, accrued under, a previously
11 existing order;

12 (2) reimbursement of support;

13 (3) payment or reimbursement of the expenses of
14 pregnancy and delivery (for orders for support entered
15 under the Illinois Parentage Act of 1984 or its predecessor
16 the Paternity Act or under the Illinois Parentage Act of
17 2014); or

18 (4) enrollment in a health insurance plan that is
19 available to the obligor through an employer or labor union
20 or trade union.

21 (b) "Arrearage" means the total amount of unpaid support
22 obligations, including interest, as determined by the court and
23 incorporated into an order for support.

24 (b-5) "Business day" means a day on which State offices are

1 open for regular business.

2 (c) "Delinquency" means any payment, including a payment of
3 interest, under an order for support which becomes due and
4 remains unpaid after entry of the order for support.

5 (d) "Income" means any form of periodic payment to an
6 individual, regardless of source, including, but not limited
7 to: wages, salary, commission, compensation as an independent
8 contractor, workers' compensation, disability, annuity,
9 pension, and retirement benefits, lottery prize awards,
10 insurance proceeds, vacation pay, bonuses, profit-sharing
11 payments, severance pay, interest, and any other payments, made
12 by any person, private entity, federal or state government, any
13 unit of local government, school district or any entity created
14 by Public Act; however, "income" excludes:

15 (1) any amounts required by law to be withheld, other
16 than creditor claims, including, but not limited to,
17 federal, State and local taxes, Social Security and other
18 retirement and disability contributions;

19 (2) union dues;

20 (3) any amounts exempted by the federal Consumer Credit
21 Protection Act;

22 (4) public assistance payments; and

23 (5) unemployment insurance benefits except as provided
24 by law.

25 Any other State or local laws which limit or exempt income
26 or the amount or percentage of income that can be withheld

1 shall not apply.

2 (e) "Obligor" means the individual who owes a duty to make
3 payments under an order for support.

4 (f) "Obligee" means the individual to whom a duty of
5 support is owed or the individual's legal representative.

6 (g) "Payor" means any payor of income to an obligor.

7 (h) "Public office" means any elected official or any State
8 or local agency which is or may become responsible by law for
9 enforcement of, or which is or may become authorized to
10 enforce, an order for support, including, but not limited to:
11 the Attorney General, the Illinois Department of Healthcare and
12 Family Services, the Illinois Department of Human Services, the
13 Illinois Department of Children and Family Services, and the
14 various State's Attorneys, Clerks of the Circuit Court and
15 supervisors of general assistance.

16 (i) "Premium" means the dollar amount for which the obligor
17 is liable to his employer or labor union or trade union and
18 which must be paid to enroll or maintain a child in a health
19 insurance plan that is available to the obligor through an
20 employer or labor union or trade union.

21 (j) "State Disbursement Unit" means the unit established to
22 collect and disburse support payments in accordance with the
23 provisions of Section 10-26 of the Illinois Public Aid Code.

24 (k) "Title IV-D Agency" means the agency of this State
25 charged by law with the duty to administer the child support
26 enforcement program established under Title IV, Part D of the

1 Social Security Act and Article X of the Illinois Public Aid
2 Code.

3 (l) "Title IV-D case" means a case in which an obligee or
4 obligor is receiving child support enforcement services under
5 Title IV, Part D of the Social Security Act and Article X of
6 the Illinois Public Aid Code.

7 (m) "National Medical Support Notice" means the notice
8 required for enforcement of orders for support providing for
9 health insurance coverage of a child under Title IV, Part D of
10 the Social Security Act, the Employee Retirement Income
11 Security Act of 1974, and federal regulations promulgated under
12 those Acts.

13 (n) "Employer" means a payor or labor union or trade union
14 with an employee group health insurance plan and, for purposes
15 of the National Medical Support Notice, also includes but is
16 not limited to:

17 (1) any State or local governmental agency with a group
18 health plan; and

19 (2) any payor with a group health plan or "church plan"
20 covered under the Employee Retirement Income Security Act
21 of 1974.

22 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07; 95-685,
23 eff. 10-23-07.)

24 Section 971. The Gestational Surrogacy Act is amended by
25 changing Section 35 as follows:

1 (750 ILCS 47/35)

2 Sec. 35. Establishment of the parent-child relationship.

3 (a) For purposes of the Illinois Parentage Act of 2014
4 ~~1984~~, a parent-child relationship shall be established prior to
5 the birth of a child born through gestational surrogacy if, in
6 addition to satisfying the requirements of Articles 2 and 3
7 ~~Sections 5 and 6~~ of the Illinois Parentage Act of 2014 ~~1984~~,
8 the attorneys representing both the gestational surrogate and
9 the intended parent or parents certify that the parties entered
10 into a gestational surrogacy contract intended to satisfy the
11 requirements of Section 25 of this Act with respect to the
12 child.

13 (b) The attorneys' certifications required by subsection
14 (a) of this Section shall be filed on forms prescribed by the
15 Illinois Department of Public Health and in a manner consistent
16 with the requirement of the Illinois Parentage Act of 2014
17 ~~1984~~.

18 (Source: P.A. 93-921, eff. 1-1-05.)

19 Section 972. The Adoption Act is amended by changing
20 Sections 1, 8, 12a, and 18.06 as follows:

21 (750 ILCS 50/1) (from Ch. 40, par. 1501)

22 Sec. 1. Definitions. When used in this Act, unless the
23 context otherwise requires:

1 A. "Child" means a person under legal age subject to
2 adoption under this Act.

3 B. "Related child" means a child subject to adoption where
4 either or both of the adopting parents stands in any of the
5 following relationships to the child by blood or marriage:
6 parent, grand-parent, brother, sister, step-parent,
7 step-grandparent, step-brother, step-sister, uncle, aunt,
8 great-uncle, great-aunt, or cousin of first degree. A child
9 whose parent has executed a final irrevocable consent to
10 adoption or a final irrevocable surrender for purposes of
11 adoption, or whose parent has had his or her parental rights
12 terminated, is not a related child to that person, unless the
13 consent is determined to be void or is void pursuant to
14 subsection O of Section 10.

15 C. "Agency" for the purpose of this Act means a public
16 child welfare agency or a licensed child welfare agency.

17 D. "Unfit person" means any person whom the court shall
18 find to be unfit to have a child, without regard to the
19 likelihood that the child will be placed for adoption. The
20 grounds of unfitness are any one or more of the following,
21 except that a person shall not be considered an unfit person
22 for the sole reason that the person has relinquished a child in
23 accordance with the Abandoned Newborn Infant Protection Act:

24 (a) Abandonment of the child.

25 (a-1) Abandonment of a newborn infant in a hospital.

26 (a-2) Abandonment of a newborn infant in any setting

1 where the evidence suggests that the parent intended to
2 relinquish his or her parental rights.

3 (b) Failure to maintain a reasonable degree of
4 interest, concern or responsibility as to the child's
5 welfare.

6 (c) Desertion of the child for more than 3 months next
7 preceding the commencement of the Adoption proceeding.

8 (d) Substantial neglect of the child if continuous or
9 repeated.

10 (d-1) Substantial neglect, if continuous or repeated,
11 of any child residing in the household which resulted in
12 the death of that child.

13 (e) Extreme or repeated cruelty to the child.

14 (f) There is a rebuttable presumption, which can be
15 overcome only by clear and convincing evidence, that a
16 parent is unfit if:

17 (1) Two or more findings of physical abuse have
18 been entered regarding any children under Section 2-21
19 of the Juvenile Court Act of 1987, the most recent of
20 which was determined by the juvenile court hearing the
21 matter to be supported by clear and convincing
22 evidence; or

23 (2) The parent has been convicted or found not
24 guilty by reason of insanity and the conviction or
25 finding resulted from the death of any child by
26 physical abuse; or

1 (3) There is a finding of physical child abuse
2 resulting from the death of any child under Section
3 2-21 of the Juvenile Court Act of 1987.

4 No conviction or finding of delinquency pursuant
5 to Article V ~~5~~ of the Juvenile Court Act of 1987 shall
6 be considered a criminal conviction for the purpose of
7 applying any presumption under this item (f).

8 (g) Failure to protect the child from conditions within
9 his environment injurious to the child's welfare.

10 (h) Other neglect of, or misconduct toward the child;
11 provided that in making a finding of unfitness the court
12 hearing the adoption proceeding shall not be bound by any
13 previous finding, order or judgment affecting or
14 determining the rights of the parents toward the child
15 sought to be adopted in any other proceeding except such
16 proceedings terminating parental rights as shall be had
17 under either this Act, the Juvenile Court Act or the
18 Juvenile Court Act of 1987.

19 (i) Depravity. Conviction of any one of the following
20 crimes shall create a presumption that a parent is deprived
21 which can be overcome only by clear and convincing
22 evidence: (1) first degree murder in violation of paragraph
23 1 or 2 of subsection (a) of Section 9-1 of the Criminal
24 Code of 1961 or the Criminal Code of 2012 or conviction of
25 second degree murder in violation of subsection (a) of
26 Section 9-2 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 of a parent of the child to be adopted; (2)
2 first degree murder or second degree murder of any child in
3 violation of the Criminal Code of 1961 or the Criminal Code
4 of 2012; (3) attempt or conspiracy to commit first degree
5 murder or second degree murder of any child in violation of
6 the Criminal Code of 1961 or the Criminal Code of 2012; (4)
7 solicitation to commit murder of any child, solicitation to
8 commit murder of any child for hire, or solicitation to
9 commit second degree murder of any child in violation of
10 the Criminal Code of 1961 or the Criminal Code of 2012; (5)
11 predatory criminal sexual assault of a child in violation
12 of Section 11-1.40 or 12-14.1 of the Criminal Code of 1961
13 or the Criminal Code of 2012; (6) heinous battery of any
14 child in violation of the Criminal Code of 1961; or (7)
15 aggravated battery of any child in violation of the
16 Criminal Code of 1961 or the Criminal Code of 2012.

17 There is a rebuttable presumption that a parent is
18 deprived if the parent has been criminally convicted of at
19 least 3 felonies under the laws of this State or any other
20 state, or under federal law, or the criminal laws of any
21 United States territory; and at least one of these
22 convictions took place within 5 years of the filing of the
23 petition or motion seeking termination of parental rights.

24 There is a rebuttable presumption that a parent is
25 deprived if that parent has been criminally convicted of
26 either first or second degree murder of any person as

1 defined in the Criminal Code of 1961 or the Criminal Code
2 of 2012 within 10 years of the filing date of the petition
3 or motion to terminate parental rights.

4 No conviction or finding of delinquency pursuant to
5 Article 5 of the Juvenile Court Act of 1987 shall be
6 considered a criminal conviction for the purpose of
7 applying any presumption under this item (i).

8 (j) Open and notorious adultery or fornication.

9 (j-1) (Blank).

10 (k) Habitual drunkenness or addiction to drugs, other
11 than those prescribed by a physician, for at least one year
12 immediately prior to the commencement of the unfitness
13 proceeding.

14 There is a rebuttable presumption that a parent is
15 unfit under this subsection with respect to any child to
16 which that parent gives birth where there is a confirmed
17 test result that at birth the child's blood, urine, or
18 meconium contained any amount of a controlled substance as
19 defined in subsection (f) of Section 102 of the Illinois
20 Controlled Substances Act or metabolites of such
21 substances, the presence of which in the newborn infant was
22 not the result of medical treatment administered to the
23 mother or the newborn infant; and the biological mother of
24 this child is the biological mother of at least one other
25 child who was adjudicated a neglected minor under
26 subsection (c) of Section 2-3 of the Juvenile Court Act of

1 1987.

2 (l) Failure to demonstrate a reasonable degree of
3 interest, concern or responsibility as to the welfare of a
4 new born child during the first 30 days after its birth.

5 (m) Failure by a parent (i) to make reasonable efforts
6 to correct the conditions that were the basis for the
7 removal of the child from the parent during any 9-month
8 period following the adjudication of neglected or abused
9 minor under Section 2-3 of the Juvenile Court Act of 1987
10 or dependent minor under Section 2-4 of that Act, or (ii)
11 to make reasonable progress toward the return of the child
12 to the parent during any 9-month period following the
13 adjudication of neglected or abused minor under Section 2-3
14 of the Juvenile Court Act of 1987 or dependent minor under
15 Section 2-4 of that Act. If a service plan has been
16 established as required under Section 8.2 of the Abused and
17 Neglected Child Reporting Act to correct the conditions
18 that were the basis for the removal of the child from the
19 parent and if those services were available, then, for
20 purposes of this Act, "failure to make reasonable progress
21 toward the return of the child to the parent" includes the
22 parent's failure to substantially fulfill his or her
23 obligations under the service plan and correct the
24 conditions that brought the child into care during any
25 9-month period following the adjudication under Section
26 2-3 or 2-4 of the Juvenile Court Act of 1987.

1 Notwithstanding any other provision, when a petition or
2 motion seeks to terminate parental rights on the basis of
3 item (ii) of this subsection (m), the petitioner shall file
4 with the court and serve on the parties a pleading that
5 specifies the 9-month period or periods relied on. The
6 pleading shall be filed and served on the parties no later
7 than 3 weeks before the date set by the court for closure
8 of discovery, and the allegations in the pleading shall be
9 treated as incorporated into the petition or motion.
10 Failure of a respondent to file a written denial of the
11 allegations in the pleading shall not be treated as an
12 admission that the allegations are true.

13 (m-1) Pursuant to the Juvenile Court Act of 1987, a
14 child has been in foster care for 15 months out of any 22
15 month period which begins on or after the effective date of
16 this amendatory Act of 1998 unless the child's parent can
17 prove by a preponderance of the evidence that it is more
18 likely than not that it will be in the best interests of
19 the child to be returned to the parent within 6 months of
20 the date on which a petition for termination of parental
21 rights is filed under the Juvenile Court Act of 1987. The
22 15 month time limit is tolled during any period for which
23 there is a court finding that the appointed custodian or
24 guardian failed to make reasonable efforts to reunify the
25 child with his or her family, provided that (i) the finding
26 of no reasonable efforts is made within 60 days of the

1 period when reasonable efforts were not made or (ii) the
2 parent filed a motion requesting a finding of no reasonable
3 efforts within 60 days of the period when reasonable
4 efforts were not made. For purposes of this subdivision
5 (m-1), the date of entering foster care is the earlier of:
6 (i) the date of a judicial finding at an adjudicatory
7 hearing that the child is an abused, neglected, or
8 dependent minor; or (ii) 60 days after the date on which
9 the child is removed from his or her parent, guardian, or
10 legal custodian.

11 (n) Evidence of intent to forgo his or her parental
12 rights, whether or not the child is a ward of the court,
13 (1) as manifested by his or her failure for a period of 12
14 months: (i) to visit the child, (ii) to communicate with
15 the child or agency, although able to do so and not
16 prevented from doing so by an agency or by court order, or
17 (iii) to maintain contact with or plan for the future of
18 the child, although physically able to do so, or (2) as
19 manifested by the father's failure, where he and the mother
20 of the child were unmarried to each other at the time of
21 the child's birth, (i) to commence legal proceedings to
22 establish his paternity under the Illinois Parentage Act of
23 1984, the Illinois Parentage Act of 2014, or the law of the
24 jurisdiction of the child's birth within 30 days of being
25 informed, pursuant to Section 12a of this Act, that he is
26 the father or the likely father of the child or, after

1 being so informed where the child is not yet born, within
2 30 days of the child's birth, or (ii) to make a good faith
3 effort to pay a reasonable amount of the expenses related
4 to the birth of the child and to provide a reasonable
5 amount for the financial support of the child, the court to
6 consider in its determination all relevant circumstances,
7 including the financial condition of both parents;
8 provided that the ground for termination provided in this
9 subparagraph (n)(2)(ii) shall only be available where the
10 petition is brought by the mother or the husband of the
11 mother.

12 Contact or communication by a parent with his or her
13 child that does not demonstrate affection and concern does
14 not constitute reasonable contact and planning under
15 subdivision (n). In the absence of evidence to the
16 contrary, the ability to visit, communicate, maintain
17 contact, pay expenses and plan for the future shall be
18 presumed. The subjective intent of the parent, whether
19 expressed or otherwise, unsupported by evidence of the
20 foregoing parental acts manifesting that intent, shall not
21 preclude a determination that the parent has intended to
22 forgo his or her parental rights. In making this
23 determination, the court may consider but shall not require
24 a showing of diligent efforts by an authorized agency to
25 encourage the parent to perform the acts specified in
26 subdivision (n).

1 It shall be an affirmative defense to any allegation
2 under paragraph (2) of this subsection that the father's
3 failure was due to circumstances beyond his control or to
4 impediments created by the mother or any other person
5 having legal custody. Proof of that fact need only be by a
6 preponderance of the evidence.

7 (o) Repeated or continuous failure by the parents,
8 although physically and financially able, to provide the
9 child with adequate food, clothing, or shelter.

10 (p) Inability to discharge parental responsibilities
11 supported by competent evidence from a psychiatrist,
12 licensed clinical social worker, or clinical psychologist
13 of mental impairment, mental illness or an intellectual
14 disability as defined in Section 1-116 of the Mental Health
15 and Developmental Disabilities Code, or developmental
16 disability as defined in Section 1-106 of that Code, and
17 there is sufficient justification to believe that the
18 inability to discharge parental responsibilities shall
19 extend beyond a reasonable time period. However, this
20 subdivision (p) shall not be construed so as to permit a
21 licensed clinical social worker to conduct any medical
22 diagnosis to determine mental illness or mental
23 impairment.

24 (q) (Blank).

25 (r) The child is in the temporary custody or
26 guardianship of the Department of Children and Family

1 Services, the parent is incarcerated as a result of
2 criminal conviction at the time the petition or motion for
3 termination of parental rights is filed, prior to
4 incarceration the parent had little or no contact with the
5 child or provided little or no support for the child, and
6 the parent's incarceration will prevent the parent from
7 discharging his or her parental responsibilities for the
8 child for a period in excess of 2 years after the filing of
9 the petition or motion for termination of parental rights.

10 (s) The child is in the temporary custody or
11 guardianship of the Department of Children and Family
12 Services, the parent is incarcerated at the time the
13 petition or motion for termination of parental rights is
14 filed, the parent has been repeatedly incarcerated as a
15 result of criminal convictions, and the parent's repeated
16 incarceration has prevented the parent from discharging
17 his or her parental responsibilities for the child.

18 (t) A finding that at birth the child's blood, urine,
19 or meconium contained any amount of a controlled substance
20 as defined in subsection (f) of Section 102 of the Illinois
21 Controlled Substances Act, or a metabolite of a controlled
22 substance, with the exception of controlled substances or
23 metabolites of such substances, the presence of which in
24 the newborn infant was the result of medical treatment
25 administered to the mother or the newborn infant, and that
26 the biological mother of this child is the biological

1 mother of at least one other child who was adjudicated a
2 neglected minor under subsection (c) of Section 2-3 of the
3 Juvenile Court Act of 1987, after which the biological
4 mother had the opportunity to enroll in and participate in
5 a clinically appropriate substance abuse counseling,
6 treatment, and rehabilitation program.

7 E. "Parent" means the father or mother of a lawful child of
8 the parties or child born out of wedlock. For the purpose of
9 this Act, a person who has executed a final and irrevocable
10 consent to adoption or a final and irrevocable surrender for
11 purposes of adoption, or whose parental rights have been
12 terminated by a court, is not a parent of the child who was the
13 subject of the consent or surrender, unless the consent is void
14 pursuant to subsection O of Section 10.

15 F. A person is available for adoption when the person is:

16 (a) a child who has been surrendered for adoption to an
17 agency and to whose adoption the agency has thereafter
18 consented;

19 (b) a child to whose adoption a person authorized by
20 law, other than his parents, has consented, or to whose
21 adoption no consent is required pursuant to Section 8 of
22 this Act;

23 (c) a child who is in the custody of persons who intend
24 to adopt him through placement made by his parents;

25 (c-1) a child for whom a parent has signed a specific
26 consent pursuant to subsection O of Section 10;

1 (d) an adult who meets the conditions set forth in
2 Section 3 of this Act; or

3 (e) a child who has been relinquished as defined in
4 Section 10 of the Abandoned Newborn Infant Protection Act.

5 A person who would otherwise be available for adoption
6 shall not be deemed unavailable for adoption solely by reason
7 of his or her death.

8 G. The singular includes the plural and the plural includes
9 the singular and the "male" includes the "female", as the
10 context of this Act may require.

11 H. "Adoption disruption" occurs when an adoptive placement
12 does not prove successful and it becomes necessary for the
13 child to be removed from placement before the adoption is
14 finalized.

15 I. "Habitual residence" has the meaning ascribed to it in
16 the federal Intercountry Adoption Act of 2000 and regulations
17 promulgated thereunder.

18 J. "Immediate relatives" means the biological parents, the
19 parents of the biological parents and siblings of the
20 biological parents.

21 K. "Intercountry adoption" is a process by which a child
22 from a country other than the United States is adopted by
23 persons who are habitual residents of the United States, or the
24 child is a habitual resident of the United States who is
25 adopted by persons who are habitual residents of a country
26 other than the United States.

1 L. "Intercountry Adoption Coordinator" means a staff
2 person of the Department of Children and Family Services
3 appointed by the Director to coordinate the provision of
4 services related to an intercountry adoption.

5 M. "Interstate Compact on the Placement of Children" is a
6 law enacted by all states and certain territories for the
7 purpose of establishing uniform procedures for handling the
8 interstate placement of children in foster homes, adoptive
9 homes, or other child care facilities.

10 N. (Blank).

11 O. "Preadoption requirements" means any conditions or
12 standards established by the laws or administrative rules of
13 this State that must be met by a prospective adoptive parent
14 prior to the placement of a child in an adoptive home.

15 P. "Abused child" means a child whose parent or immediate
16 family member, or any person responsible for the child's
17 welfare, or any individual residing in the same home as the
18 child, or a paramour of the child's parent:

19 (a) inflicts, causes to be inflicted, or allows to be
20 inflicted upon the child physical injury, by other than
21 accidental means, that causes death, disfigurement,
22 impairment of physical or emotional health, or loss or
23 impairment of any bodily function;

24 (b) creates a substantial risk of physical injury to
25 the child by other than accidental means which would be
26 likely to cause death, disfigurement, impairment of

1 physical or emotional health, or loss or impairment of any
2 bodily function;

3 (c) commits or allows to be committed any sex offense
4 against the child, as sex offenses are defined in the
5 Criminal Code of 2012 and extending those definitions of
6 sex offenses to include children under 18 years of age;

7 (d) commits or allows to be committed an act or acts of
8 torture upon the child; or

9 (e) inflicts excessive corporal punishment.

10 Q. "Neglected child" means any child whose parent or other
11 person responsible for the child's welfare withholds or denies
12 nourishment or medically indicated treatment including food or
13 care denied solely on the basis of the present or anticipated
14 mental or physical impairment as determined by a physician
15 acting alone or in consultation with other physicians or
16 otherwise does not provide the proper or necessary support,
17 education as required by law, or medical or other remedial care
18 recognized under State law as necessary for a child's
19 well-being, or other care necessary for his or her well-being,
20 including adequate food, clothing and shelter; or who is
21 abandoned by his or her parents or other person responsible for
22 the child's welfare.

23 A child shall not be considered neglected or abused for the
24 sole reason that the child's parent or other person responsible
25 for his or her welfare depends upon spiritual means through
26 prayer alone for the treatment or cure of disease or remedial

1 care as provided under Section 4 of the Abused and Neglected
2 Child Reporting Act. A child shall not be considered neglected
3 or abused for the sole reason that the child's parent or other
4 person responsible for the child's welfare failed to vaccinate,
5 delayed vaccination, or refused vaccination for the child due
6 to a waiver on religious or medical grounds as permitted by
7 law.

8 R. "Putative father" means a man who may be a child's
9 father, but who (1) is not married to the child's mother on or
10 before the date that the child was or is to be born and (2) has
11 not established paternity of the child in a court proceeding
12 before the filing of a petition for the adoption of the child.
13 The term includes a male who is less than 18 years of age.
14 "Putative father" does not mean a man who is the child's father
15 as a result of criminal sexual abuse or assault as defined
16 under Article 11 of the Criminal Code of 2012.

17 S. "Standby adoption" means an adoption in which a parent
18 consents to custody and termination of parental rights to
19 become effective upon the occurrence of a future event, which
20 is either the death of the parent or the request of the parent
21 for the entry of a final judgment of adoption.

22 T. (Blank).

23 U. "Interstate adoption" means the placement of a minor
24 child with a prospective adoptive parent for the purpose of
25 pursuing an adoption for that child that is subject to the
26 provisions of the Interstate Compact on Placement of Children.

1 V. "Endorsement letter" means the letter issued by the
2 Department of Children and Family Services to document that a
3 prospective adoptive parent has met preadoption requirements
4 and has been deemed suitable by the Department to adopt a child
5 who is the subject of an intercountry adoption.

6 W. "Denial letter" means the letter issued by the
7 Department of Children and Family Services to document that a
8 prospective adoptive parent has not met preadoption
9 requirements and has not been deemed suitable by the Department
10 to adopt a child who is the subject of an intercountry
11 adoption.

12 (Source: P.A. 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13;
13 97-1150, eff. 1-25-13; 98-455, eff. 1-1-14; 98-532, eff.
14 1-1-14; revised 9-24-13.)

15 (750 ILCS 50/8) (from Ch. 40, par. 1510)

16 Sec. 8. Consents to adoption and surrenders for purposes of
17 adoption.

18 (a) Except as hereinafter provided in this Section consents
19 or surrenders shall be required in all cases, unless the person
20 whose consent or surrender would otherwise be required shall be
21 found by the court:

22 (1) to be an unfit person as defined in Section 1 of
23 this Act, by clear and convincing evidence; or

24 (2) not to be the biological or adoptive father of the
25 child; or

1 (3) to have waived his parental rights to the child
2 under Section 12a or 12.1 or subsection S of Section 10 of
3 this Act; or

4 (4) to be the parent of an adult sought to be adopted;
5 or

6 (5) to be the father of the child as a result of
7 criminal sexual abuse or assault as defined under Article
8 11 of the Criminal Code of 2012; or

9 (6) to be the father of a child who:

10 (i) is a family member of the mother of the child,
11 and the mother is under the age of 18 at the time of
12 the child's conception; for purposes of this
13 subsection, a "family member" is a parent,
14 step-parent, grandparent, step-grandparent, sibling,
15 or cousin of the first degree, whether by whole blood,
16 half-blood, or adoption, as well as a person age 18 or
17 over at the time of the child's conception who has
18 resided in the household with the mother continuously
19 for at least one year; or

20 (ii) is at least 5 years older than the child's
21 mother, and the mother was under the age of 17 at the
22 time of the child's conception, unless the mother and
23 father voluntarily acknowledge the father's paternity
24 of the child by marrying or by establishing the
25 father's paternity by consent of the parties pursuant
26 to the Illinois Parentage Act of 2014 ~~1984~~ or pursuant

1 to a substantially similar statute in another state.

2 A criminal conviction of any offense pursuant to
3 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
4 11-1.70, 12C-5, 12C-10, 12C-35, 12C-40, 12C-45, 18-6,
5 19-6, or Article 12 of the Criminal Code of 1961 or the
6 Criminal Code of 2012 is not required.

7 (b) Where consents are required in the case of an adoption
8 of a minor child, the consents of the following persons shall
9 be sufficient:

10 (1) (A) The mother of the minor child; and

11 (B) The father of the minor child, if the father:

12 (i) was married to the mother on the date of
13 birth of the child or within 300 days before the
14 birth of the child, except for a husband or former
15 husband who has been found by a court of competent
16 jurisdiction not to be the biological father of the
17 child; or

18 (ii) is the father of the child under a
19 judgment for adoption, an order of parentage, or an
20 acknowledgment of parentage or paternity pursuant
21 to subsection (a) of Section 5 of the Illinois
22 Parentage Act of 1984 or pursuant to Article 3 of
23 the Illinois Parentage Act of 2014; or

24 (iii) in the case of a child placed with the
25 adopting parents less than 6 months after birth,
26 openly lived with the child, the child's

1 biological mother, or both, and held himself out to
2 be the child's biological father during the first
3 30 days following the birth of the child; or

4 (iv) in the case of a child placed with the
5 adopting parents less than 6 months after birth,
6 made a good faith effort to pay a reasonable amount
7 of the expenses related to the birth of the child
8 and to provide a reasonable amount for the
9 financial support of the child before the
10 expiration of 30 days following the birth of the
11 child, provided that the court may consider in its
12 determination all relevant circumstances,
13 including the financial condition of both
14 biological parents; or

15 (v) in the case of a child placed with the
16 adopting parents more than 6 months after birth,
17 has maintained substantial and continuous or
18 repeated contact with the child as manifested by:
19 (I) the payment by the father toward the support of
20 the child of a fair and reasonable sum, according
21 to the father's means, and either (II) the father's
22 visiting the child at least monthly when
23 physically and financially able to do so and not
24 prevented from doing so by the person or authorized
25 agency having lawful custody of the child, or (III)
26 the father's regular communication with the child

1 or with the person or agency having the care or
2 custody of the child, when physically and
3 financially unable to visit the child or prevented
4 from doing so by the person or authorized agency
5 having lawful custody of the child. The subjective
6 intent of the father, whether expressed or
7 otherwise unsupported by evidence of acts
8 specified in this sub-paragraph as manifesting
9 such intent, shall not preclude a determination
10 that the father failed to maintain substantial and
11 continuous or repeated contact with the child; or

12 (vi) in the case of a child placed with the
13 adopting parents more than six months after birth,
14 openly lived with the child for a period of six
15 months within the one year period immediately
16 preceding the placement of the child for adoption
17 and openly held himself out to be the father of the
18 child; or

19 (vii) has timely registered with Putative
20 Father Registry, as provided in Section 12.1 of
21 this Act, and prior to the expiration of 30 days
22 from the date of such registration, commenced
23 legal proceedings to establish paternity under the
24 Illinois Parentage Act of 1984, under the Illinois
25 Parentage Act of 2014, or under the law of the
26 jurisdiction of the child's birth; or

1 (2) The legal guardian of the person of the child, if
2 there is no surviving parent; or

3 (3) An agency, if the child has been surrendered for
4 adoption to such agency; or

5 (4) Any person or agency having legal custody of a
6 child by court order if the parental rights of the parents
7 have been judicially terminated, and the court having
8 jurisdiction of the guardianship of the child has
9 authorized the consent to the adoption; or

10 (5) The execution and verification of the petition by
11 any petitioner who is also a parent of the child sought to
12 be adopted shall be sufficient evidence of such parent's
13 consent to the adoption.

14 (c) Where surrenders to an agency are required in the case
15 of a placement for adoption of a minor child by an agency, the
16 surrenders of the following persons shall be sufficient:

17 (1) (A) The mother of the minor child; and

18 (B) The father of the minor child, if the father:

19 (i) was married to the mother on the date of
20 birth of the child or within 300 days before the
21 birth of the child, except for a husband or former
22 husband who has been found by a court of competent
23 jurisdiction not to be the biological father of the
24 child; or

25 (ii) is the father of the child under a
26 judgment for adoption, an order of parentage, or an

1 acknowledgment of parentage or paternity pursuant
2 to subsection (a) of Section 5 of the Illinois
3 Parentage Act of 1984 or pursuant to Article 3 of
4 the Illinois Parentage Act of 2014; or

5 (iii) in the case of a child placed with the
6 adopting parents less than 6 months after birth,
7 openly lived with the child, the child's
8 biological mother, or both, and held himself out to
9 be the child's biological father during the first
10 30 days following the birth of a child; or

11 (iv) in the case of a child placed with the
12 adopting parents less than 6 months after birth,
13 made a good faith effort to pay a reasonable amount
14 of the expenses related to the birth of the child
15 and to provide a reasonable amount for the
16 financial support of the child before the
17 expiration of 30 days following the birth of the
18 child, provided that the court may consider in its
19 determination all relevant circumstances,
20 including the financial condition of both
21 biological parents; or

22 (v) in the case of a child placed with the
23 adopting parents more than six months after birth,
24 has maintained substantial and continuous or
25 repeated contact with the child as manifested by:
26 (I) the payment by the father toward the support of

1 the child of a fair and reasonable sum, according
2 to the father's means, and either (II) the father's
3 visiting the child at least monthly when
4 physically and financially able to do so and not
5 prevented from doing so by the person or authorized
6 agency having lawful custody of the child or (III)
7 the father's regular communication with the child
8 or with the person or agency having the care or
9 custody of the child, when physically and
10 financially unable to visit the child or prevented
11 from doing so by the person or authorized agency
12 having lawful custody of the child. The subjective
13 intent of the father, whether expressed or
14 otherwise, unsupported by evidence of acts
15 specified in this sub-paragraph as manifesting
16 such intent, shall not preclude a determination
17 that the father failed to maintain substantial and
18 continuous or repeated contact with the child; or

19 (vi) in the case of a child placed with the
20 adopting parents more than six months after birth,
21 openly lived with the child for a period of six
22 months within the one year period immediately
23 preceding the placement of the child for adoption
24 and openly held himself out to be the father of the
25 child; or

26 (vii) has timely registered with the Putative

1 Father Registry, as provided in Section 12.1 of
2 this Act, and prior to the expiration of 30 days
3 from the date of such registration, commenced
4 legal proceedings to establish paternity under the
5 Illinois Parentage Act of 1984, under the Illinois
6 Parentage Act of 2014, or under the law of the
7 jurisdiction of the child's birth.

8 (d) In making a determination under subparagraphs (b) (1)
9 and (c) (1), no showing shall be required of diligent efforts by
10 a person or agency to encourage the father to perform the acts
11 specified therein.

12 (e) In the case of the adoption of an adult, only the
13 consent of such adult shall be required.

14 (Source: P.A. 97-493, eff. 8-22-11; 97-1150, eff. 1-25-13.)

15 (750 ILCS 50/12a) (from Ch. 40, par. 1515)

16 Sec. 12a. Notice to putative father.

17 1. Upon the written request to any Clerk of any Circuit
18 Court, and upon the payment of a filing fee of \$10.00, by any
19 interested party, including persons intending to adopt a child,
20 a child welfare agency with whom the mother has placed or has
21 given written notice of her intention to place a child for
22 adoption, the mother of a child, or any attorney representing
23 an interested party, a notice, the declaration of paternity and
24 the disclaimer of paternity may be served on a putative father
25 in the same manner as Summons is served in other civil

1 proceedings, or, in lieu of personal service, service may be
2 made as follows:

3 (a) The person requesting notice shall pay to the Clerk
4 of the Court a mailing fee of \$2 plus the cost of U. S.
5 postage for certified or registered mail and furnish to the
6 Clerk an original and one copy of a notice, the declaration
7 of paternity and the disclaimer of paternity together with
8 an Affidavit setting forth the putative father's last known
9 address. The original notice, the declaration of paternity
10 and the disclaimer of paternity shall be retained by the
11 Clerk.

12 (b) The Clerk shall forthwith mail to the putative
13 father, at the address appearing in the Affidavit, the copy
14 of the notice, the declaration of paternity and the
15 disclaimer of paternity, by certified mail, return receipt
16 requested; the envelope and return receipt shall bear the
17 return address of the Clerk. The receipt for certified mail
18 shall state the name and address of the addressee, and the
19 date of mailing, and shall be attached to the original
20 notice.

21 (c) The return receipt, when returned to the Clerk,
22 shall be attached to the original notice, the declaration
23 of paternity and the disclaimer of paternity, and shall
24 constitute proof of service.

25 (d) The Clerk shall note the fact of service in a
26 permanent record.

1 2. The notice shall be signed by the Clerk, and may be
2 served on the putative father at any time after conception, and
3 shall read as follows:

4 "IN THE MATTER OF NOTICE TO, PUTATIVE FATHER.

5 You have been identified as the father of a child born or
6 expected to be born on or about (insert date).

7 The mother of the child is.....

8 The mother has indicated that she intends to place the
9 child for adoption.

10 As the alleged father of the child, you have certain legal
11 rights with respect to the child, including the right to notice
12 of the filing of proceedings instituted for the adoption of the
13 child. If you wish to retain your rights with respect to the
14 child, you must file with the Clerk of this Circuit Court of
15 County, Illinois, whose address is, Illinois, within
16 30 days after the date of receipt of this notice, the
17 declaration of paternity enclosed herewith stating that you
18 are, in fact, the father of the child and that you intend to
19 retain your legal rights with respect to the child, or request
20 to be notified of any further proceedings with respect to
21 custody or adoption of the child.

22 If you do not file such a declaration of paternity, or a
23 request for notice, then whatever legal rights you have with
24 respect to the child, including the right to notice of any
25 future proceedings for the adoption of the child, may be
26 terminated without any further notice to you. When your legal

1 rights with respect to the child are so terminated, you will
2 not be entitled to notice of any proceeding instituted for the
3 adoption of the child.

4 If you are not the father of the child, you may file with
5 the Clerk of this Court the disclaimer of paternity enclosed
6 herewith which will be noted in the Clerk's file and you will
7 receive no further notice with respect to the child."

8 The declaration of paternity shall be substantially as
9 follows:

10 "IN THE CIRCUIT COURT OF THE
11 JUDICIAL CIRCUIT, ILLINOIS
12 County
13)
14)
15) No.)
16)

17 DECLARATION OF PATERNITY WITH ENTRY OF APPEARANCE

18 I,, state as follows:

19 (1) That I am years of age; and I reside at
20 in the County of, State of

21 (2) That I have been advised that is the mother of
22 a ...male child with the initials ~~named~~ born or
23 expected to be born on or about and that such mother
24 has stated that I am the father of this child.

25 (3) I declare that I am the father of this child.

26 (4) I understand that the mother of this child wishes to

1 consent to the adoption of this child. I do not consent to the
2 adoption of this child, and I understand that I must return
3 this initial declaration of parentage form to the Clerk of the
4 Circuit Court of County, located at, within
5 30 days of receipt of this notice.

6 (5) I further understand that I am also obligated to
7 establish my paternity pursuant to the Illinois Parentage Act
8 of 2014 ~~1984~~ within 30 days of my receiving this notice or, if
9 the child is not yet born, within 30 days after the birth of
10 the child. This proceeding is separate and distinct from the
11 above mailing of initial declaration of paternity; in this
12 second notice, I must state that I am, in fact, the father of
13 said child, and that I intend to retain my legal rights with
14 respect to said child, and request to be notified of any
15 further proceedings with respect to custody or adoption of the
16 child.

17 (6) I hereby enter my appearance in the above entitled
18 cause.

19 OATH

20 I have been duly sworn and I say under oath that I have
21 read and understand this Declaration of Paternity With Entry of
22 Appearance. The facts that it contains are true and correct to
23 the best of my knowledge, and I understand that by signing this
24 document I admit my paternity. I have signed this document as
25 my free and voluntary act.

26

(signature)

Dated (insert date).

Signed and sworn before me on (insert date).

.....
(notary public)".

The disclaimer of paternity shall be substantially as follows:

"IN THE CIRCUIT COURT OF THE
..... JUDICIAL CIRCUIT, ILLINOIS
..... County

)
)
) No.)
)

DENIAL OF PATERNITY WITH ENTRY OF APPEARANCE
AND CONSENT TO ADOPTION

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 amale 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 deny that I am the father of this child.

1 (4) I further understand that the mother of this child
 2 wishes to consent to the adoption of the child. I hereby
 3 consent to the adoption of this child, and waive any rights,
 4 remedies and defenses that I may now or in the future have as a
 5 result of the mother's allegation of the paternity of this
 6 child. This consent is being given in order to facilitate the
 7 adoption of the child and so that the court may terminate what
 8 rights I may have to the child as a result of being named the
 9 father by the mother. This consent is not in any manner an
 10 admission of paternity.

11 (5) I hereby enter my appearance in the above entitled
 12 cause and waive service of summons and other pleading.

OATH

14 I have been duly sworn and I say under oath that I have
 15 read and understood this Denial of Paternity With Entry of
 16 Appearance and Consent to Adoption. The facts it contains are
 17 true and correct to the best of my knowledge, and I understand
 18 that by signing this document I have not admitted paternity. I
 19 have signed this document as my free and voluntary act in order
 20 to facilitate the adoption of the child.

.....

(signature)

23 Dated (insert date).

24 Signed and sworn before me on (insert date).

.....

(notary public)".

26

1

2 The names of adoptive parents shall not be included in the
3 notice.

4 3. If the putative father files a disclaimer of paternity,
5 he shall be deemed not to be the father of the child with
6 respect to any adoption or other proceeding held to terminate
7 the rights of parents as respects such child.

8 4. In the event the putative father does not file a
9 declaration of paternity of the child or request for notice
10 within 30 days of service of the above notice, he need not be
11 made a party to or given notice of any proceeding brought for
12 the adoption of the child. An Order or judgment may be entered
13 in such proceeding terminating all of his rights with respect
14 to the child without further notice to him.

15 5. If the putative father files a declaration of paternity
16 or a request for notice in accordance with subsection 2, with
17 respect to the child, he shall be given notice in event any
18 proceeding is brought for the adoption of the child.

19 6. The Clerk shall maintain separate numbered files and
20 records of requests and proofs of service and all other
21 documents filed pursuant to this article. All such records
22 shall be impounded.

23 (Source: P.A. 91-357, eff. 7-29-99.)

24

(750 ILCS 50/18.06)

1 Sec. 18.06. Definitions. When used in Sections 18.05
2 through Section 18.6, for the purposes of the Registry:

3 "Adopted person" means a person who was adopted pursuant to
4 the laws in effect at the time of the adoption.

5 "Adoptive parent" means a person who has become a parent
6 through the legal process of adoption.

7 "Adult child" means the biological child 21 years of age or
8 over of a deceased adopted or surrendered person.

9 "Adult Adopted or Surrendered Person" means an adopted or
10 surrendered person 21 years of age or over.

11 "Agency" means a public child welfare agency or a licensed
12 child welfare agency.

13 "Birth aunt" means the adult full or half sister of a
14 deceased birth parent.

15 "Birth father" means the biological father of an adopted or
16 surrendered person who is named on the original certificate of
17 live birth or on a consent or surrender document, or a
18 biological father whose paternity has been established by a
19 judgment or order of the court, pursuant to the Illinois
20 Parentage Act of 1984 or the Illinois Parentage Act of 2014.

21 "Birth mother" means the biological mother of an adopted or
22 surrendered person.

23 "Birth parent" means a birth mother or birth father of an
24 adopted or surrendered person.

25 "Birth Parent Preference Form" means the form prepared by
26 the Department of Public Health pursuant to Section 18.2

1 completed by a birth parent registrant and filed with the
2 Registry that indicates the birth parent's preferences
3 regarding contact and, if applicable, the release of his or her
4 identifying information on the non-certified copy of the
5 original birth certificate released to an adult adopted or
6 surrendered person or to the surviving adult child or surviving
7 spouse of a deceased adopted or surrendered person who has
8 filed a Request for a Non-Certified Copy of an Original Birth
9 Certificate.

10 "Birth relative" means a birth mother, birth father, birth
11 sibling, birth aunt, or birth uncle.

12 "Birth sibling" means the adult full or half sibling of an
13 adopted or surrendered person.

14 "Birth uncle" means the adult full or half brother of a
15 deceased birth parent.

16 "Confidential intermediary" means an individual certified
17 by the Department of Children and Family Services pursuant to
18 Section 18.3a(e).

19 "Denial of Information Exchange" means an affidavit
20 completed by a registrant with the Illinois Adoption Registry
21 and Medical Information Exchange denying the release of
22 identifying information which has been filed with the Registry.

23 "Information Exchange Authorization" means an affidavit
24 completed by a registrant with the Illinois Adoption Registry
25 and Medical Information Exchange authorizing the release of
26 identifying information which has been filed with the Registry.

1 "Medical Information Exchange Questionnaire" means the
2 medical history questionnaire completed by a registrant of the
3 Illinois Adoption Registry and Medical Information Exchange.

4 "Non-certified Copy of the Original Birth Certificate"
5 means a non-certified copy of the original certificate of live
6 birth of an adult adopted or surrendered person who was born in
7 Illinois.

8 "Proof of death" means a death certificate.

9 "Registrant" or "Registered Party" means a birth parent,
10 birth sibling, birth aunt, birth uncle, adopted or surrendered
11 person 21 years of age or over, adoptive parent or legal
12 guardian of an adopted or surrendered person under the age of
13 21, or adoptive parent, surviving spouse, or adult child of a
14 deceased adopted or surrendered person who has filed an
15 Illinois Adoption Registry Application or Registration
16 Identification Form with the Registry.

17 "Registry" means the Illinois Adoption Registry and
18 Medical Information Exchange.

19 "Request for a Non-Certified Copy of an Original Birth
20 Certificate" means an affidavit completed by an adult adopted
21 or surrendered person or by the surviving adult child or
22 surviving spouse of a deceased adopted or surrendered person
23 and filed with the Registry requesting a non-certified copy of
24 an adult adopted or surrendered person's original certificate
25 of live birth in Illinois.

26 "Surrendered person" means a person whose parents' rights

1 have been surrendered or terminated but who has not been
2 adopted.

3 "Surviving spouse" means the wife or husband, 21 years of
4 age or older, of a deceased adopted or surrendered person who
5 would be 21 years of age or older if still alive and who has one
6 or more surviving biological children who are under the age of
7 21.

8 "18.3 Statement" means a statement regarding the
9 disclosure of identifying information signed by a birth parent
10 under Section 18.3 of this Act as it existed immediately prior
11 to the effective date of this amendatory Act of the 96th
12 General Assembly.

13 (Source: P.A. 96-895, eff. 5-21-10; 97-110, eff. 7-14-11.)

14 Section 973. The Illinois Domestic Violence Act of 1986 is
15 amended by changing Sections 202 and 214 as follows:

16 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

17 Sec. 202. Commencement of action; filing fees; dismissal.

18 (a) How to commence action. Actions for orders of
19 protection are commenced:

20 (1) Independently: By filing a petition for an order of
21 protection in any civil court, unless specific courts are
22 designated by local rule or order.

23 (2) In conjunction with another civil proceeding: By
24 filing a petition for an order of protection under the same

1 case number as another civil proceeding involving the
2 parties, including but not limited to: (i) any proceeding
3 under the Illinois Marriage and Dissolution of Marriage
4 Act, Illinois Parentage Act of 2014 ~~1984~~, Nonsupport of
5 Spouse and Children Act, Revised Uniform Reciprocal
6 Enforcement of Support Act or an action for nonsupport
7 brought under Article 10 of the Illinois Public Aid Code,
8 provided that a petitioner and the respondent are a party
9 to or the subject of that proceeding or (ii) a guardianship
10 proceeding under the Probate Act of 1975, or a proceeding
11 for involuntary commitment under the Mental Health and
12 Developmental Disabilities Code, or any proceeding, other
13 than a delinquency petition, under the Juvenile Court Act
14 of 1987, provided that a petitioner or the respondent is a
15 party to or the subject of such proceeding.

16 (3) In conjunction with a delinquency petition or a
17 criminal prosecution: By filing a petition for an order of
18 protection, under the same case number as the delinquency
19 petition or criminal prosecution, to be granted during
20 pre-trial release of a defendant, with any dispositional
21 order issued under Section 5-710 of the Juvenile Court Act
22 of 1987 or as a condition of release, supervision,
23 conditional discharge, probation, periodic imprisonment,
24 parole, aftercare release, or mandatory supervised
25 release, or in conjunction with imprisonment or a bond
26 forfeiture warrant; provided that:

1 (i) the violation is alleged in an information,
2 complaint, indictment or delinquency petition on file,
3 and the alleged offender and victim are family or
4 household members or persons protected by this Act; and

5 (ii) the petition, which is filed by the State's
6 Attorney, names a victim of the alleged crime as a
7 petitioner.

8 (b) Filing, certification, and service fees. No fee shall
9 be charged by the clerk for filing, amending, vacating,
10 certifying, or photocopying petitions or orders; or for issuing
11 alias summons; or for any related filing service. No fee shall
12 be charged by the sheriff for service by the sheriff of a
13 petition, rule, motion, or order in an action commenced under
14 this Section.

15 (c) Dismissal and consolidation. Withdrawal or dismissal
16 of any petition for an order of protection prior to
17 adjudication where the petitioner is represented by the State
18 shall operate as a dismissal without prejudice. No action for
19 an order of protection shall be dismissed because the
20 respondent is being prosecuted for a crime against the
21 petitioner. An independent action may be consolidated with
22 another civil proceeding, as provided by paragraph (2) of
23 subsection (a) of this Section. For any action commenced under
24 paragraph (2) or (3) of subsection (a) of this Section,
25 dismissal of the conjoined case (or a finding of not guilty)
26 shall not require dismissal of the action for the order of

1 protection; instead, it may be treated as an independent action
2 and, if necessary and appropriate, transferred to a different
3 court or division. Dismissal of any conjoined case shall not
4 affect the validity of any previously issued order of
5 protection, and thereafter subsections (b)(1) and (b)(2) of
6 Section 220 shall be inapplicable to such order.

7 (d) Pro se petitions. The court shall provide, through the
8 office of the clerk of the court, simplified forms and clerical
9 assistance to help with the writing and filing of a petition
10 under this Section by any person not represented by counsel. In
11 addition, that assistance may be provided by the state's
12 attorney.

13 (Source: P.A. 98-558, eff. 1-1-14.)

14 (750 ILCS 60/214) (from Ch. 40, par. 2312-14)

15 Sec. 214. Order of protection; remedies.

16 (a) Issuance of order. If the court finds that petitioner
17 has been abused by a family or household member or that
18 petitioner is a high-risk adult who has been abused, neglected,
19 or exploited, as defined in this Act, an order of protection
20 prohibiting the abuse, neglect, or exploitation shall issue;
21 provided that petitioner must also satisfy the requirements of
22 one of the following Sections, as appropriate: Section 217 on
23 emergency orders, Section 218 on interim orders, or Section 219
24 on plenary orders. Petitioner shall not be denied an order of
25 protection because petitioner or respondent is a minor. The

1 court, when determining whether or not to issue an order of
2 protection, shall not require physical manifestations of abuse
3 on the person of the victim. Modification and extension of
4 prior orders of protection shall be in accordance with this
5 Act.

6 (b) Remedies and standards. The remedies to be included in
7 an order of protection shall be determined in accordance with
8 this Section and one of the following Sections, as appropriate:
9 Section 217 on emergency orders, Section 218 on interim orders,
10 and Section 219 on plenary orders. The remedies listed in this
11 subsection shall be in addition to other civil or criminal
12 remedies available to petitioner.

13 (1) Prohibition of abuse, neglect, or exploitation.
14 Prohibit respondent's harassment, interference with
15 personal liberty, intimidation of a dependent, physical
16 abuse, or willful deprivation, neglect or exploitation, as
17 defined in this Act, or stalking of the petitioner, as
18 defined in Section 12-7.3 of the Criminal Code of 2012, if
19 such abuse, neglect, exploitation, or stalking has
20 occurred or otherwise appears likely to occur if not
21 prohibited.

22 (2) Grant of exclusive possession of residence.
23 Prohibit respondent from entering or remaining in any
24 residence, household, or premises of the petitioner,
25 including one owned or leased by respondent, if petitioner
26 has a right to occupancy thereof. The grant of exclusive

1 possession of the residence, household, or premises shall
2 not affect title to real property, nor shall the court be
3 limited by the standard set forth in Section 701 of the
4 Illinois Marriage and Dissolution of Marriage Act.

5 (A) Right to occupancy. A party has a right to
6 occupancy of a residence or household if it is solely
7 or jointly owned or leased by that party, that party's
8 spouse, a person with a legal duty to support that
9 party or a minor child in that party's care, or by any
10 person or entity other than the opposing party that
11 authorizes that party's occupancy (e.g., a domestic
12 violence shelter). Standards set forth in subparagraph
13 (B) shall not preclude equitable relief.

14 (B) Presumption of hardships. If petitioner and
15 respondent each has the right to occupancy of a
16 residence or household, the court shall balance (i) the
17 hardships to respondent and any minor child or
18 dependent adult in respondent's care resulting from
19 entry of this remedy with (ii) the hardships to
20 petitioner and any minor child or dependent adult in
21 petitioner's care resulting from continued exposure to
22 the risk of abuse (should petitioner remain at the
23 residence or household) or from loss of possession of
24 the residence or household (should petitioner leave to
25 avoid the risk of abuse). When determining the balance
26 of hardships, the court shall also take into account

1 the accessibility of the residence or household.
2 Hardships need not be balanced if respondent does not
3 have a right to occupancy.

4 The balance of hardships is presumed to favor
5 possession by petitioner unless the presumption is
6 rebutted by a preponderance of the evidence, showing
7 that the hardships to respondent substantially
8 outweigh the hardships to petitioner and any minor
9 child or dependent adult in petitioner's care. The
10 court, on the request of petitioner or on its own
11 motion, may order respondent to provide suitable,
12 accessible, alternate housing for petitioner instead
13 of excluding respondent from a mutual residence or
14 household.

15 (3) Stay away order and additional prohibitions. Order
16 respondent to stay away from petitioner or any other person
17 protected by the order of protection, or prohibit
18 respondent from entering or remaining present at
19 petitioner's school, place of employment, or other
20 specified places at times when petitioner is present, or
21 both, if reasonable, given the balance of hardships.
22 Hardships need not be balanced for the court to enter a
23 stay away order or prohibit entry if respondent has no
24 right to enter the premises.

25 (A) If an order of protection grants petitioner
26 exclusive possession of the residence, or prohibits

1 respondent from entering the residence, or orders
2 respondent to stay away from petitioner or other
3 protected persons, then the court may allow respondent
4 access to the residence to remove items of clothing and
5 personal adornment used exclusively by respondent,
6 medications, and other items as the court directs. The
7 right to access shall be exercised on only one occasion
8 as the court directs and in the presence of an
9 agreed-upon adult third party or law enforcement
10 officer.

11 (B) When the petitioner and the respondent attend
12 the same public, private, or non-public elementary,
13 middle, or high school, the court when issuing an order
14 of protection and providing relief shall consider the
15 severity of the act, any continuing physical danger or
16 emotional distress to the petitioner, the educational
17 rights guaranteed to the petitioner and respondent
18 under federal and State law, the availability of a
19 transfer of the respondent to another school, a change
20 of placement or a change of program of the respondent,
21 the expense, difficulty, and educational disruption
22 that would be caused by a transfer of the respondent to
23 another school, and any other relevant facts of the
24 case. The court may order that the respondent not
25 attend the public, private, or non-public elementary,
26 middle, or high school attended by the petitioner,

1 order that the respondent accept a change of placement
2 or change of program, as determined by the school
3 district or private or non-public school, or place
4 restrictions on the respondent's movements within the
5 school attended by the petitioner. The respondent
6 bears the burden of proving by a preponderance of the
7 evidence that a transfer, change of placement, or
8 change of program of the respondent is not available.
9 The respondent also bears the burden of production with
10 respect to the expense, difficulty, and educational
11 disruption that would be caused by a transfer of the
12 respondent to another school. A transfer, change of
13 placement, or change of program is not unavailable to
14 the respondent solely on the ground that the respondent
15 does not agree with the school district's or private or
16 non-public school's transfer, change of placement, or
17 change of program or solely on the ground that the
18 respondent fails or refuses to consent or otherwise
19 does not take an action required to effectuate a
20 transfer, change of placement, or change of program.
21 When a court orders a respondent to stay away from the
22 public, private, or non-public school attended by the
23 petitioner and the respondent requests a transfer to
24 another attendance center within the respondent's
25 school district or private or non-public school, the
26 school district or private or non-public school shall

1 have sole discretion to determine the attendance
2 center to which the respondent is transferred. In the
3 event the court order results in a transfer of the
4 minor respondent to another attendance center, a
5 change in the respondent's placement, or a change of
6 the respondent's program, the parents, guardian, or
7 legal custodian of the respondent is responsible for
8 transportation and other costs associated with the
9 transfer or change.

10 (C) The court may order the parents, guardian, or
11 legal custodian of a minor respondent to take certain
12 actions or to refrain from taking certain actions to
13 ensure that the respondent complies with the order. In
14 the event the court orders a transfer of the respondent
15 to another school, the parents, guardian, or legal
16 custodian of the respondent is responsible for
17 transportation and other costs associated with the
18 change of school by the respondent.

19 (4) Counseling. Require or recommend the respondent to
20 undergo counseling for a specified duration with a social
21 worker, psychologist, clinical psychologist, psychiatrist,
22 family service agency, alcohol or substance abuse program,
23 mental health center guidance counselor, agency providing
24 services to elders, program designed for domestic violence
25 abusers or any other guidance service the court deems
26 appropriate. The Court may order the respondent in any

1 intimate partner relationship to report to an Illinois
2 Department of Human Services protocol approved partner
3 abuse intervention program for an assessment and to follow
4 all recommended treatment.

5 (5) Physical care and possession of the minor child. In
6 order to protect the minor child from abuse, neglect, or
7 unwarranted separation from the person who has been the
8 minor child's primary caretaker, or to otherwise protect
9 the well-being of the minor child, the court may do either
10 or both of the following: (i) grant petitioner physical
11 care or possession of the minor child, or both, or (ii)
12 order respondent to return a minor child to, or not remove
13 a minor child from, the physical care of a parent or person
14 in loco parentis.

15 If a court finds, after a hearing, that respondent has
16 committed abuse (as defined in Section 103) of a minor
17 child, there shall be a rebuttable presumption that
18 awarding physical care to respondent would not be in the
19 minor child's best interest.

20 (6) Temporary legal custody. Award temporary legal
21 custody to petitioner in accordance with this Section, the
22 Illinois Marriage and Dissolution of Marriage Act, the
23 Illinois Parentage Act of 2014 ~~1984~~, and this State's
24 Uniform Child-Custody Jurisdiction and Enforcement Act.

25 If a court finds, after a hearing, that respondent has
26 committed abuse (as defined in Section 103) of a minor

1 child, there shall be a rebuttable presumption that
2 awarding temporary legal custody to respondent would not be
3 in the child's best interest.

4 (7) Visitation. Determine the visitation rights, if
5 any, of respondent in any case in which the court awards
6 physical care or temporary legal custody of a minor child
7 to petitioner. The court shall restrict or deny
8 respondent's visitation with a minor child if the court
9 finds that respondent has done or is likely to do any of
10 the following: (i) abuse or endanger the minor child during
11 visitation; (ii) use the visitation as an opportunity to
12 abuse or harass petitioner or petitioner's family or
13 household members; (iii) improperly conceal or detain the
14 minor child; or (iv) otherwise act in a manner that is not
15 in the best interests of the minor child. The court shall
16 not be limited by the standards set forth in Section 607.1
17 of the Illinois Marriage and Dissolution of Marriage Act.
18 If the court grants visitation, the order shall specify
19 dates and times for the visitation to take place or other
20 specific parameters or conditions that are appropriate. No
21 order for visitation shall refer merely to the term
22 "reasonable visitation".

23 Petitioner may deny respondent access to the minor
24 child if, when respondent arrives for visitation,
25 respondent is under the influence of drugs or alcohol and
26 constitutes a threat to the safety and well-being of

1 petitioner or petitioner's minor children or is behaving in
2 a violent or abusive manner.

3 If necessary to protect any member of petitioner's
4 family or household from future abuse, respondent shall be
5 prohibited from coming to petitioner's residence to meet
6 the minor child for visitation, and the parties shall
7 submit to the court their recommendations for reasonable
8 alternative arrangements for visitation. A person may be
9 approved to supervise visitation only after filing an
10 affidavit accepting that responsibility and acknowledging
11 accountability to the court.

12 (8) Removal or concealment of minor child. Prohibit
13 respondent from removing a minor child from the State or
14 concealing the child within the State.

15 (9) Order to appear. Order the respondent to appear in
16 court, alone or with a minor child, to prevent abuse,
17 neglect, removal or concealment of the child, to return the
18 child to the custody or care of the petitioner or to permit
19 any court-ordered interview or examination of the child or
20 the respondent.

21 (10) Possession of personal property. Grant petitioner
22 exclusive possession of personal property and, if
23 respondent has possession or control, direct respondent to
24 promptly make it available to petitioner, if:

25 (i) petitioner, but not respondent, owns the
26 property; or

1 (ii) the parties own the property jointly; sharing
2 it would risk abuse of petitioner by respondent or is
3 impracticable; and the balance of hardships favors
4 temporary possession by petitioner.

5 If petitioner's sole claim to ownership of the property
6 is that it is marital property, the court may award
7 petitioner temporary possession thereof under the
8 standards of subparagraph (ii) of this paragraph only if a
9 proper proceeding has been filed under the Illinois
10 Marriage and Dissolution of Marriage Act, as now or
11 hereafter amended.

12 No order under this provision shall affect title to
13 property.

14 (11) Protection of property. Forbid the respondent
15 from taking, transferring, encumbering, concealing,
16 damaging or otherwise disposing of any real or personal
17 property, except as explicitly authorized by the court, if:

18 (i) petitioner, but not respondent, owns the
19 property; or

20 (ii) the parties own the property jointly, and the
21 balance of hardships favors granting this remedy.

22 If petitioner's sole claim to ownership of the property
23 is that it is marital property, the court may grant
24 petitioner relief under subparagraph (ii) of this
25 paragraph only if a proper proceeding has been filed under
26 the Illinois Marriage and Dissolution of Marriage Act, as

1 now or hereafter amended.

2 The court may further prohibit respondent from
3 improperly using the financial or other resources of an
4 aged member of the family or household for the profit or
5 advantage of respondent or of any other person.

6 (11.5) Protection of animals. Grant the petitioner the
7 exclusive care, custody, or control of any animal owned,
8 possessed, leased, kept, or held by either the petitioner
9 or the respondent or a minor child residing in the
10 residence or household of either the petitioner or the
11 respondent and order the respondent to stay away from the
12 animal and forbid the respondent from taking,
13 transferring, encumbering, concealing, harming, or
14 otherwise disposing of the animal.

15 (12) Order for payment of support. Order respondent to
16 pay temporary support for the petitioner or any child in
17 the petitioner's care or custody, when the respondent has a
18 legal obligation to support that person, in accordance with
19 the Illinois Marriage and Dissolution of Marriage Act,
20 which shall govern, among other matters, the amount of
21 support, payment through the clerk and withholding of
22 income to secure payment. An order for child support may be
23 granted to a petitioner with lawful physical care or
24 custody of a child, or an order or agreement for physical
25 care or custody, prior to entry of an order for legal
26 custody. Such a support order shall expire upon entry of a

1 valid order granting legal custody to another, unless
2 otherwise provided in the custody order.

3 (13) Order for payment of losses. Order respondent to
4 pay petitioner for losses suffered as a direct result of
5 the abuse, neglect, or exploitation. Such losses shall
6 include, but not be limited to, medical expenses, lost
7 earnings or other support, repair or replacement of
8 property damaged or taken, reasonable attorney's fees,
9 court costs and moving or other travel expenses, including
10 additional reasonable expenses for temporary shelter and
11 restaurant meals.

12 (i) Losses affecting family needs. If a party is
13 entitled to seek maintenance, child support or
14 property distribution from the other party under the
15 Illinois Marriage and Dissolution of Marriage Act, as
16 now or hereafter amended, the court may order
17 respondent to reimburse petitioner's actual losses, to
18 the extent that such reimbursement would be
19 "appropriate temporary relief", as authorized by
20 subsection (a) (3) of Section 501 of that Act.

21 (ii) Recovery of expenses. In the case of an
22 improper concealment or removal of a minor child, the
23 court may order respondent to pay the reasonable
24 expenses incurred or to be incurred in the search for
25 and recovery of the minor child, including but not
26 limited to legal fees, court costs, private

1 investigator fees, and travel costs.

2 (14) Prohibition of entry. Prohibit the respondent
3 from entering or remaining in the residence or household
4 while the respondent is under the influence of alcohol or
5 drugs and constitutes a threat to the safety and well-being
6 of the petitioner or the petitioner's children.

7 (14.5) Prohibition of firearm possession.

8 (a) Prohibit a respondent against whom an order of
9 protection was issued from possessing any firearms
10 during the duration of the order if the order:

11 (1) was issued after a hearing of which such
12 person received actual notice, and at which such
13 person had an opportunity to participate;

14 (2) restrains such person from harassing,
15 stalking, or threatening an intimate partner of
16 such person or child of such intimate partner or
17 person, or engaging in other conduct that would
18 place an intimate partner in reasonable fear of
19 bodily injury to the partner or child; and

20 (3)(i) includes a finding that such person
21 represents a credible threat to the physical
22 safety of such intimate partner or child; or (ii)
23 by its terms explicitly prohibits the use,
24 attempted use, or threatened use of physical force
25 against such intimate partner or child that would
26 reasonably be expected to cause bodily injury.

1 Any Firearm Owner's Identification Card in the
2 possession of the respondent, except as provided in
3 subsection (b), shall be ordered by the court to be
4 turned over to the local law enforcement agency. The
5 local law enforcement agency shall immediately mail
6 the card to the Department of State Police Firearm
7 Owner's Identification Card Office for safekeeping.
8 The court shall issue a warrant for seizure of any
9 firearm in the possession of the respondent, to be kept
10 by the local law enforcement agency for safekeeping,
11 except as provided in subsection (b). The period of
12 safekeeping shall be for the duration of the order of
13 protection. The firearm or firearms and Firearm
14 Owner's Identification Card, if unexpired, shall at
15 the respondent's request, be returned to the
16 respondent at the end of the order of protection. It is
17 the respondent's responsibility to notify the
18 Department of State Police Firearm Owner's
19 Identification Card Office.

20 (b) If the respondent is a peace officer as defined
21 in Section 2-13 of the Criminal Code of 2012, the court
22 shall order that any firearms used by the respondent in
23 the performance of his or her duties as a peace officer
24 be surrendered to the chief law enforcement executive
25 of the agency in which the respondent is employed, who
26 shall retain the firearms for safekeeping for the

1 duration of the order of protection.

2 (c) Upon expiration of the period of safekeeping,
3 if the firearms or Firearm Owner's Identification Card
4 cannot be returned to respondent because respondent
5 cannot be located, fails to respond to requests to
6 retrieve the firearms, or is not lawfully eligible to
7 possess a firearm, upon petition from the local law
8 enforcement agency, the court may order the local law
9 enforcement agency to destroy the firearms, use the
10 firearms for training purposes, or for any other
11 application as deemed appropriate by the local law
12 enforcement agency; or that the firearms be turned over
13 to a third party who is lawfully eligible to possess
14 firearms, and who does not reside with respondent.

15 (15) Prohibition of access to records. If an order of
16 protection prohibits respondent from having contact with
17 the minor child, or if petitioner's address is omitted
18 under subsection (b) of Section 203, or if necessary to
19 prevent abuse or wrongful removal or concealment of a minor
20 child, the order shall deny respondent access to, and
21 prohibit respondent from inspecting, obtaining, or
22 attempting to inspect or obtain, school or any other
23 records of the minor child who is in the care of
24 petitioner.

25 (16) Order for payment of shelter services. Order
26 respondent to reimburse a shelter providing temporary

1 housing and counseling services to the petitioner for the
2 cost of the services, as certified by the shelter and
3 deemed reasonable by the court.

4 (17) Order for injunctive relief. Enter injunctive
5 relief necessary or appropriate to prevent further abuse of
6 a family or household member or further abuse, neglect, or
7 exploitation of a high-risk adult with disabilities or to
8 effectuate one of the granted remedies, if supported by the
9 balance of hardships. If the harm to be prevented by the
10 injunction is abuse or any other harm that one of the
11 remedies listed in paragraphs (1) through (16) of this
12 subsection is designed to prevent, no further evidence is
13 necessary that the harm is an irreparable injury.

14 (c) Relevant factors; findings.

15 (1) In determining whether to grant a specific remedy,
16 other than payment of support, the court shall consider
17 relevant factors, including but not limited to the
18 following:

19 (i) the nature, frequency, severity, pattern and
20 consequences of the respondent's past abuse, neglect
21 or exploitation of the petitioner or any family or
22 household member, including the concealment of his or
23 her location in order to evade service of process or
24 notice, and the likelihood of danger of future abuse,
25 neglect, or exploitation to petitioner or any member of
26 petitioner's or respondent's family or household; and

1 (ii) the danger that any minor child will be abused
2 or neglected or improperly removed from the
3 jurisdiction, improperly concealed within the State or
4 improperly separated from the child's primary
5 caretaker.

6 (2) In comparing relative hardships resulting to the
7 parties from loss of possession of the family home, the
8 court shall consider relevant factors, including but not
9 limited to the following:

10 (i) availability, accessibility, cost, safety,
11 adequacy, location and other characteristics of
12 alternate housing for each party and any minor child or
13 dependent adult in the party's care;

14 (ii) the effect on the party's employment; and

15 (iii) the effect on the relationship of the party,
16 and any minor child or dependent adult in the party's
17 care, to family, school, church and community.

18 (3) Subject to the exceptions set forth in paragraph
19 (4) of this subsection, the court shall make its findings
20 in an official record or in writing, and shall at a minimum
21 set forth the following:

22 (i) That the court has considered the applicable
23 relevant factors described in paragraphs (1) and (2) of
24 this subsection.

25 (ii) Whether the conduct or actions of respondent,
26 unless prohibited, will likely cause irreparable harm

1 or continued abuse.

2 (iii) Whether it is necessary to grant the
3 requested relief in order to protect petitioner or
4 other alleged abused persons.

5 (4) For purposes of issuing an ex parte emergency order
6 of protection, the court, as an alternative to or as a
7 supplement to making the findings described in paragraphs
8 (c) (3) (i) through (c) (3) (iii) of this subsection, may use
9 the following procedure:

10 When a verified petition for an emergency order of
11 protection in accordance with the requirements of Sections
12 203 and 217 is presented to the court, the court shall
13 examine petitioner on oath or affirmation. An emergency
14 order of protection shall be issued by the court if it
15 appears from the contents of the petition and the
16 examination of petitioner that the averments are
17 sufficient to indicate abuse by respondent and to support
18 the granting of relief under the issuance of the emergency
19 order of protection.

20 (5) Never married parties. No rights or
21 responsibilities for a minor child born outside of marriage
22 attach to a putative father until a father and child
23 relationship has been established under the Illinois
24 Parentage Act of 1984, the Illinois Parentage Act of 2014,
25 the Illinois Public Aid Code, Section 12 of the Vital
26 Records Act, the Juvenile Court Act of 1987, the Probate

1 Act of 1985, the Revised Uniform Reciprocal Enforcement of
2 Support Act, the Uniform Interstate Family Support Act, the
3 Expedited Child Support Act of 1990, any judicial,
4 administrative, or other act of another state or territory,
5 any other Illinois statute, or by any foreign nation
6 establishing the father and child relationship, any other
7 proceeding substantially in conformity with the Personal
8 Responsibility and Work Opportunity Reconciliation Act of
9 1996 (Pub. L. 104-193), or where both parties appeared in
10 open court or at an administrative hearing acknowledging
11 under oath or admitting by affirmation the existence of a
12 father and child relationship. Absent such an
13 adjudication, finding, or acknowledgement, no putative
14 father shall be granted temporary custody of the minor
15 child, visitation with the minor child, or physical care
16 and possession of the minor child, nor shall an order of
17 payment for support of the minor child be entered.

18 (d) Balance of hardships; findings. If the court finds that
19 the balance of hardships does not support the granting of a
20 remedy governed by paragraph (2), (3), (10), (11), or (16) of
21 subsection (b) of this Section, which may require such
22 balancing, the court's findings shall so indicate and shall
23 include a finding as to whether granting the remedy will result
24 in hardship to respondent that would substantially outweigh the
25 hardship to petitioner from denial of the remedy. The findings
26 shall be an official record or in writing.

1 (e) Denial of remedies. Denial of any remedy shall not be
2 based, in whole or in part, on evidence that:

3 (1) Respondent has cause for any use of force, unless
4 that cause satisfies the standards for justifiable use of
5 force provided by Article 7 of the Criminal Code of 2012;

6 (2) Respondent was voluntarily intoxicated;

7 (3) Petitioner acted in self-defense or defense of
8 another, provided that, if petitioner utilized force, such
9 force was justifiable under Article 7 of the Criminal Code
10 of 2012;

11 (4) Petitioner did not act in self-defense or defense
12 of another;

13 (5) Petitioner left the residence or household to avoid
14 further abuse, neglect, or exploitation by respondent;

15 (6) Petitioner did not leave the residence or household
16 to avoid further abuse, neglect, or exploitation by
17 respondent;

18 (7) Conduct by any family or household member excused
19 the abuse, neglect, or exploitation by respondent, unless
20 that same conduct would have excused such abuse, neglect,
21 or exploitation if the parties had not been family or
22 household members.

23 (Source: P.A. 96-701, eff. 1-1-10; 96-1239, eff. 1-1-11;
24 97-158, eff. 1-1-12; 97-294, eff. 1-1-12; 97-813, eff. 7-13-12;
25 97-1131, eff. 1-1-13; 97-1150, eff. 1-25-13.)

1 Section 974. The Business Corporation Act of 1983 is
2 amended by changing Section 1.25 as follows:

3 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

4 Sec. 1.25. List of corporations; exchange of information.

5 (a) The Secretary of State shall publish each year a list
6 of corporations filing an annual report for the preceding year
7 in accordance with the provisions of this Act, which report
8 shall state the name of the corporation and the respective
9 names and addresses of the president, secretary, and registered
10 agent thereof and the address of the registered office in this
11 State of each such corporation. The Secretary of State shall
12 furnish without charge a copy of such report to each recorder
13 of this State, and to each member of the General Assembly and
14 to each State agency or department requesting the same. The
15 Secretary of State shall, upon receipt of a written request and
16 a fee as determined by the Secretary, furnish such report to
17 anyone else.

18 (b) (1) The Secretary of State shall publish daily a list
19 of all newly formed corporations, business and not for profit,
20 chartered by him on that day issued after receipt of the
21 application. The daily list shall contain the same information
22 as to each corporation as is provided for the corporation list
23 published under subsection (a) of this Section. The daily list
24 may be obtained at the Secretary's office by any person,
25 newspaper, State department or agency, or local government for

1 a reasonable charge to be determined by the Secretary.
2 Inspection of the daily list may be made at the Secretary's
3 office during normal business hours without charge by any
4 person, newspaper, State department or agency, or local
5 government.

6 (2) The Secretary shall compile the daily list mentioned in
7 paragraph (1) of subsection (b) of this Section monthly, or
8 more often at the Secretary's discretion. The compilation shall
9 be immediately mailed free of charge to all local governments
10 requesting in writing receipt of such publication, or shall be
11 automatically mailed by the Secretary without charge to local
12 governments as determined by the Secretary. The Secretary shall
13 mail a copy of the compilations free of charge to all State
14 departments or agencies making a written request. A request for
15 a compilation of the daily list once made by a local government
16 or State department or agency need not be renewed. However, the
17 Secretary may request from time to time whether the local
18 governments or State departments or agencies desire to continue
19 receiving the compilation.

20 (3) The compilations of the daily list mentioned in
21 paragraph (2) of subsection (b) of this Section shall be mailed
22 to newspapers, or any other person not included as a recipient
23 in paragraph (2) of subsection (b) of this Section, upon
24 receipt of a written application signed by the applicant and
25 accompanied by the payment of a fee as determined by the
26 Secretary.

1 (c) If a domestic or foreign corporation has filed with the
2 Secretary of State an annual report for the preceding year or
3 has been newly formed or is otherwise and in any manner
4 registered with the Secretary of State, the Secretary of State
5 shall exchange with the Department of Healthcare and Family
6 Services any information concerning that corporation that may
7 be necessary for the enforcement of child support orders
8 entered pursuant to the Illinois Public Aid Code, the Illinois
9 Marriage and Dissolution of Marriage Act, the Non-Support of
10 Spouse and Children Act, the Non-Support Punishment Act, the
11 Revised Uniform Reciprocal Enforcement of Support Act, the
12 Uniform Interstate Family Support Act, ~~or~~ the Illinois
13 Parentage Act of 1984, or the Illinois Parentage Act of 2014.

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

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

21 Section 975. The Limited Liability Company Act is amended
22 by changing Section 50-5 as follows:

23 (805 ILCS 180/50-5)

24 Sec. 50-5. List of limited liability companies; exchange of

1 information.

2 (a) The Secretary of State may publish a list or lists of
3 limited liability companies and foreign limited liability
4 companies, as often, in the format, and for the fees as the
5 Secretary of State may in his or her discretion provide by
6 rule. The Secretary of State may disseminate information
7 concerning limited liability companies and foreign limited
8 liability companies by computer network in the format and for
9 the fees as may be determined by rule.

10 (b) Upon written request, any list published under
11 subsection (a) shall be free to each member of the General
12 Assembly, to each State agency or department, and to each
13 recorder in this State. An appropriate fee established by rule
14 to cover the cost of producing the list shall be charged to all
15 others.

16 (c) If a domestic or foreign limited liability company has
17 filed with the Secretary of State an annual report for the
18 preceding year or has been newly formed or is otherwise and in
19 any manner registered with the Secretary of State, the
20 Secretary of State shall exchange with the Department of
21 Healthcare and Family Services any information concerning that
22 limited liability company that may be necessary for the
23 enforcement of child support orders entered pursuant to the
24 Illinois Public Aid Code, the Illinois Marriage and Dissolution
25 of Marriage Act, the Non-Support of Spouse and Children Act,
26 the Non-Support Punishment Act, the Revised Uniform Reciprocal

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

4 Notwithstanding any provisions in this Act to the contrary,
5 the Secretary of State 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 this subsection or for any other action taken in
9 good faith to comply with the requirements of this subsection.
10 (Source: P.A. 95-331, eff. 8-21-07.)

11 (750 ILCS 40/Act rep.)

12 Section 976. The Illinois Parentage Act is repealed.

13 (750 ILCS 45/Act rep.)

14 Section 977. The Illinois Parentage Act of 1984 is
15 repealed."