



Sen. Donne E. Trotter

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LRB098 04436 JLS 46035 a

1 AMENDMENT TO SENATE BILL 629

2 AMENDMENT NO. _____. Amend Senate Bill 629 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Pharmacy Practice Act is amended by adding
5 Section 26.5 as follows:

6 (225 ILCS 85/26.5 new)

7 Sec. 26.5. Unemployed persons. If a person is unemployed
8 and requires prescription medication, then upon filing for
9 benefits with the Department of Employment Security or upon
10 applying for Medicaid benefits with the Department of
11 Healthcare and Family Services, the respective Department
12 shall inform the applicant of benefits of acquiring
13 prescription medications via materials developed by the agency
14 and distributed through that respective agency.

15 Section 10. The Energy Assistance Act is amended by adding

1 Section 7.5 as follows:

2 (305 ILCS 20/7.5 new)

3 Sec. 7.5. Residential hardship programs. An energy
4 provider shall give notice and shall supply information
5 accessible by the internet about any program it is offering to
6 residential customers experiencing difficulty in paying
7 utility bills due to financial hardship. If a residential
8 customer contacts an energy provider concerning the customer's
9 financial hardship and inability to pay utility bills for
10 winter energy services, then the energy provider shall refer
11 the customer to the Low Income Home Energy Assistance Program
12 managed by the Department of Commerce and Economic Opportunity.
13 When making a referral, the energy provider shall inform the
14 customer that the Low Income Home Energy Assistance Program is
15 designed to assist income-eligible households with winter
16 energy services through payment in the form of a grant for
17 assistance made on behalf of the customer to the energy
18 provider. An energy provider shall post information concerning
19 the Low Income Home Energy Assistance Program on its website
20 and the information shall also be made available upon a
21 customer's request.

22 Section 15. The Code of Civil Procedure is amended by
23 changing Section 15-1508 as follows:

1 (735 ILCS 5/15-1508) (from Ch. 110, par. 15-1508)

2 (Text of Section before amendment by P.A. 97-1164)

3 Sec. 15-1508. Report of Sale and Confirmation of Sale.

4 (a) Report. The person conducting the sale shall promptly
5 make a report to the court, which report shall include a copy
6 of all receipts and, if any, certificate of sale.

7 (b) Hearing. Upon motion and notice in accordance with
8 court rules applicable to motions generally, which motion shall
9 not be made prior to sale, the court shall conduct a hearing to
10 confirm the sale. Unless the court finds that (i) a notice
11 required in accordance with subsection (c) of Section 15-1507
12 was not given, (ii) the terms of sale were unconscionable,
13 (iii) the sale was conducted fraudulently, or (iv) justice was
14 otherwise not done, the court shall then enter an order
15 confirming the sale. The confirmation order shall include a
16 name, address, and telephone number of the holder of the
17 certificate of sale or deed issued pursuant to that certificate
18 or, if no certificate or deed was issued, the purchaser, whom a
19 municipality or county may contact with concerns about the real
20 estate. The confirmation order may also:

21 (1) approve the mortgagee's fees and costs arising
22 between the entry of the judgment of foreclosure and the
23 confirmation hearing, those costs and fees to be allowable
24 to the same extent as provided in the note and mortgage and
25 in Section 15-1504;

26 (2) provide for a personal judgment against any party

1 for a deficiency; and

2 (3) determine the priority of the judgments of parties
3 who deferred proving the priority pursuant to subsection
4 (h) of Section 15-1506, but the court shall not defer
5 confirming the sale pending the determination of such
6 priority.

7 (b-5) Notice with respect to residential real estate. With
8 respect to residential real estate, the notice required under
9 subsection (b) of this Section shall be sent to the mortgagor
10 even if the mortgagor has previously been held in default. In
11 the event the mortgagor has filed an appearance, the notice
12 shall be sent to the address indicated on the appearance. In
13 all other cases, the notice shall be sent to the mortgagor at
14 the common address of the foreclosed property. The notice shall
15 be sent by first class mail. Unless the right to possession has
16 been previously terminated by the court, the notice shall
17 include the following language in 12-point boldface
18 capitalized type:

19 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO
20 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
21 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
22 ILLINOIS MORTGAGE FORECLOSURE LAW.

23 (b-10) Notice of confirmation order sent to municipality or
24 county. A copy of the confirmation order required under
25 subsection (b) shall be sent to the municipality in which the
26 foreclosed property is located, or to the county within the

1 boundary of which the foreclosed property is located if the
2 foreclosed property is located in an unincorporated territory.
3 A municipality or county must clearly publish on its website a
4 single address to which such notice shall be sent. If a
5 municipality or county does not maintain a website, then the
6 municipality or county must publicly post in its main office a
7 single address to which such notice shall be sent. In the event
8 that a municipality or county has not complied with the
9 publication requirement in this subsection (b-10), then such
10 notice to the municipality or county shall be provided pursuant
11 to Section 2-211 of the Code of Civil Procedure.

12 (c) Failure to Give Notice. If any sale is held without
13 compliance with subsection (c) of Section 15-1507 of this
14 Article, any party entitled to the notice provided for in
15 paragraph (3) of that subsection (c) who was not so notified
16 may, by motion supported by affidavit made prior to
17 confirmation of such sale, ask the court which entered the
18 judgment to set aside the sale. Any such party shall guarantee
19 or secure by bond a bid equal to the successful bid at the
20 prior sale, unless the party seeking to set aside the sale is
21 the mortgagor, the real estate sold at the sale is residential
22 real estate, and the mortgagor occupies the residential real
23 estate at the time the motion is filed. In that event, no
24 guarantee or bond shall be required of the mortgagor. Any
25 subsequent sale is subject to the same notice requirement as
26 the original sale.

1 (d) Validity of Sale. Except as provided in subsection (c)
2 of Section 15-1508, no sale under this Article shall be held
3 invalid or be set aside because of any defect in the notice
4 thereof or in the publication of the same, or in the
5 proceedings of the officer conducting the sale, except upon
6 good cause shown in a hearing pursuant to subsection (b) of
7 Section 15-1508. At any time after a sale has occurred, any
8 party entitled to notice under paragraph (3) of subsection (c)
9 of Section 15-1507 may recover from the mortgagee any damages
10 caused by the mortgagee's failure to comply with such paragraph
11 (3). Any party who recovers damages in a judicial proceeding
12 brought under this subsection may also recover from the
13 mortgagee the reasonable expenses of litigation, including
14 reasonable attorney's fees.

15 (d-5) Making Home Affordable Program. The court that
16 entered the judgment shall set aside a sale held pursuant to
17 Section 15-1507, upon motion of the mortgagor at any time prior
18 to the confirmation of the sale, if the mortgagor proves by a
19 preponderance of the evidence that (i) the mortgagor has
20 applied for assistance under the Making Home Affordable Program
21 established by the United States Department of the Treasury
22 pursuant to the Emergency Economic Stabilization Act of 2008,
23 as amended by the American Recovery and Reinvestment Act of
24 2009, and (ii) the mortgaged real estate was sold in material
25 violation of the program's requirements for proceeding to a
26 judicial sale. The provisions of this subsection (d-5), except

1 for this sentence, shall become inoperative on January 1, 2014
2 for all actions filed under this Article after December 31,
3 2013, in which the mortgagor did not apply for assistance under
4 the Making Home Affordable Program on or before December 31,
5 2013.

6 (d-10) Illinois Hardest Hit Program. The court that entered
7 the judgment shall set aside a sale held pursuant to Section
8 15-1507 of this Act, upon motion of the mortgagor at any time
9 prior to the confirmation of the sale, if the mortgagor proves
10 by a preponderance of the evidence that (i) the mortgagor is
11 receiving assistance under the Illinois Hardest Hit Program as
12 created by 12 U.S.C. 5211 and 12 U.S.C. 5219, and administered
13 by the Illinois Housing Development Authority pursuant to the
14 Illinois Housing Development Act and (ii) the assistance
15 received under part (i) of this subsection has enabled the
16 mortgagor to reinstate the mortgage pursuant to Section 15-1602
17 of this Act and make continuing mortgage payments as available
18 under the Illinois Hardest Hit Program to avoid default.
19 Nothing in this subsection shall prohibit the mortgagee from
20 proceeding in the foreclosure action upon a subsequent default
21 of the mortgagor. Except for this sentence, this subsection is
22 inoperative on and after January 1, 2017 for all actions filed
23 under this Article after December 31, 2016 in which the
24 mortgagor did not begin receiving the assistance described in
25 this subsection under the Illinois Hardest Hit Program on or
26 before December 31, 2016.

1 (e) Deficiency Judgment. In any order confirming a sale
2 pursuant to the judgment of foreclosure, the court shall also
3 enter a personal judgment for deficiency against any party (i)
4 if otherwise authorized and (ii) to the extent requested in the
5 complaint and proven upon presentation of the report of sale in
6 accordance with Section 15-1508. Except as otherwise provided
7 in this Article, a judgment may be entered for any balance of
8 money that may be found due to the plaintiff, over and above
9 the proceeds of the sale or sales, and enforcement may be had
10 for the collection of such balance, the same as when the
11 judgment is solely for the payment of money. Such judgment may
12 be entered, or enforcement had, only in cases where personal
13 service has been had upon the persons personally liable for the
14 mortgage indebtedness, unless they have entered their
15 appearance in the foreclosure action.

16 (f) Satisfaction. Upon confirmation of the sale, the
17 judgment stands satisfied to the extent of the sale price less
18 expenses and costs. If the order confirming the sale includes a
19 deficiency judgment, the judgment shall become a lien in the
20 manner of any other judgment for the payment of money.

21 (g) The order confirming the sale shall include,
22 notwithstanding any previous orders awarding possession during
23 the pendency of the foreclosure, an award to the purchaser of
24 possession of the mortgaged real estate, as of the date 30 days
25 after the entry of the order, against the parties to the
26 foreclosure whose interests have been terminated.

1 An order of possession authorizing the removal of a person
2 from possession of the mortgaged real estate shall be entered
3 and enforced only against those persons personally named as
4 individuals in the complaint or the petition under subsection
5 (h) of Section 15-1701 and in the order of possession and shall
6 not be entered and enforced against any person who is only
7 generically described as an unknown owner or nonrecord claimant
8 or by another generic designation in the complaint.

9 Notwithstanding the preceding paragraph, the failure to
10 personally name, include, or seek an award of possession of the
11 mortgaged real estate against a person in the confirmation
12 order shall not abrogate any right that the purchaser may have
13 to possession of the mortgaged real estate and to maintain a
14 proceeding against that person for possession under Article 9
15 of this Code or subsection (h) of Section 15-1701; and
16 possession against a person who (1) has not been personally
17 named as a party to the foreclosure and (2) has not been
18 provided an opportunity to be heard in the foreclosure
19 proceeding may be sought only by maintaining a proceeding under
20 Article 9 of this Code or subsection (h) of Section 15-1701.

21 (h) With respect to mortgaged real estate containing 5 or
22 more dwelling units, the order confirming the sale shall also
23 provide that (i) the mortgagor shall transfer to the purchaser
24 the security deposits, if any, that the mortgagor received to
25 secure payment of rent or to compensate for damage to the
26 mortgaged real estate from any current occupant of a dwelling

1 unit of the mortgaged real estate, as well as any statutory
2 interest that has not been paid to the occupant, and (ii) the
3 mortgagor shall provide an accounting of the security deposits
4 that are transferred, including the name and address of each
5 occupant for whom the mortgagor holds the deposit and the
6 amount of the deposit and any statutory interest.

7 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;
8 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.
9 8-26-11; 97-1159, eff. 1-29-13.)

10 (Text of Section after amendment by P.A. 97-1164)

11 Sec. 15-1508. Report of Sale and Confirmation of Sale.

12 (a) Report. The person conducting the sale shall promptly
13 make a report to the court, which report shall include a copy
14 of all receipts and, if any, certificate of sale.

15 (b) Hearing. Upon motion and notice in accordance with
16 court rules applicable to motions generally, which motion shall
17 not be made prior to sale, the court shall conduct a hearing to
18 confirm the sale. Unless the court finds that (i) a notice
19 required in accordance with subsection (c) of Section 15-1507
20 was not given, (ii) the terms of sale were unconscionable,
21 (iii) the sale was conducted fraudulently, or (iv) justice was
22 otherwise not done, the court shall then enter an order
23 confirming the sale. The confirmation order shall include a
24 name, address, and telephone number of the holder of the
25 certificate of sale or deed issued pursuant to that certificate

1 or, if no certificate or deed was issued, the purchaser, whom a
2 municipality or county may contact with concerns about the real
3 estate. The confirmation order may also:

4 (1) approve the mortgagee's fees and costs arising
5 between the entry of the judgment of foreclosure and the
6 confirmation hearing, those costs and fees to be allowable
7 to the same extent as provided in the note and mortgage and
8 in Section 15-1504;

9 (2) provide for a personal judgment against any party
10 for a deficiency; and

11 (3) determine the priority of the judgments of parties
12 who deferred proving the priority pursuant to subsection
13 (h) of Section 15-1506, but the court shall not defer
14 confirming the sale pending the determination of such
15 priority.

16 (b-3) Hearing to confirm sale of abandoned residential
17 property. Upon motion and notice by first-class mail to the
18 last known address of the mortgagor, which motion shall be made
19 prior to the sale and heard by the court at the earliest
20 practicable time after conclusion of the sale, and upon the
21 posting at the property address of the notice required by
22 paragraph (2) of subsection (1) of Section 15-1505.8, the court
23 shall enter an order confirming the sale of the abandoned
24 residential property, unless the court finds that a reason set
25 forth in items (i) through (iv) of subsection (b) of this
26 Section exists for not approving the sale, or an order is

1 entered pursuant to subsection (h) of Section 15-1505.8. The
2 confirmation order also may address the matters identified in
3 items (1) through (3) of subsection (b) of this Section. The
4 notice required under subsection (b-5) of this Section shall
5 not be required.

6 (b-5) Notice with respect to residential real estate. With
7 respect to residential real estate, the notice required under
8 subsection (b) of this Section shall be sent to the mortgagor
9 even if the mortgagor has previously been held in default. In
10 the event the mortgagor has filed an appearance, the notice
11 shall be sent to the address indicated on the appearance. In
12 all other cases, the notice shall be sent to the mortgagor at
13 the common address of the foreclosed property. The notice shall
14 be sent by first class mail. Unless the right to possession has
15 been previously terminated by the court, the notice shall
16 include the following language in 12-point boldface
17 capitalized type:

18 IF YOU ARE THE MORTGAGOR (HOMEOWNER), YOU HAVE THE RIGHT TO
19 REMAIN IN POSSESSION FOR 30 DAYS AFTER ENTRY OF AN ORDER OF
20 POSSESSION, IN ACCORDANCE WITH SECTION 15-1701(c) OF THE
21 ILLINOIS MORTGAGE FORECLOSURE LAW.

22 (b-10) Notice of confirmation order sent to municipality or
23 county. A copy of the confirmation order required under
24 subsection (b) shall be sent to the municipality in which the
25 foreclosed property is located, or to the county within the
26 boundary of which the foreclosed property is located if the

1 foreclosed property is located in an unincorporated territory.
2 A municipality or county must clearly publish on its website a
3 single address to which a copy of the order shall be sent. If a
4 municipality or county does not maintain a website, then the
5 municipality or county must publicly post in its main office a
6 single address to which a copy of the order shall be sent. In
7 the event that a municipality or county has not complied with
8 the publication requirement in this subsection (b-10), then a
9 copy of the order shall be sent by first class mail, postage
10 prepaid, to the chairperson of the county board or county clerk
11 in the case of a county, to the mayor or city clerk in the case
12 of a city, to the president of the board of trustees or village
13 clerk in the case of a village, or to the president or town
14 clerk in the case of a town.

15 (b-15) Notice of confirmation order sent to known insurers.
16 With respect to residential real estate, the party filing the
17 complaint shall send a copy of the confirmation order required
18 under subsection (b) by first class mail, postage prepaid, to
19 the last known property insurer of the foreclosed property.
20 Failure to send or receive a copy of the order shall not impair
21 or abrogate in any way the rights of the mortgagee or purchaser
22 or affect the status of the foreclosure proceedings.

23 (c) Failure to Give Notice. If any sale is held without
24 compliance with subsection (c) of Section 15-1507 of this
25 Article, any party entitled to the notice provided for in
26 paragraph (3) of that subsection (c) who was not so notified

1 may, by motion supported by affidavit made prior to
2 confirmation of such sale, ask the court which entered the
3 judgment to set aside the sale. Any such party shall guarantee
4 or secure by bond a bid equal to the successful bid at the
5 prior sale, unless the party seeking to set aside the sale is
6 the mortgagor, the real estate sold at the sale is residential
7 real estate, and the mortgagor occupies the residential real
8 estate at the time the motion is filed. In that event, no
9 guarantee or bond shall be required of the mortgagor. Any
10 subsequent sale is subject to the same notice requirement as
11 the original sale.

12 (d) Validity of Sale. Except as provided in subsection (c)
13 of Section 15-1508, no sale under this Article shall be held
14 invalid or be set aside because of any defect in the notice
15 thereof or in the publication of the same, or in the
16 proceedings of the officer conducting the sale, except upon
17 good cause shown in a hearing pursuant to subsection (b) of
18 Section 15-1508. At any time after a sale has occurred, any
19 party entitled to notice under paragraph (3) of subsection (c)
20 of Section 15-1507 may recover from the mortgagee any damages
21 caused by the mortgagee's failure to comply with such paragraph
22 (3). Any party who recovers damages in a judicial proceeding
23 brought under this subsection may also recover from the
24 mortgagee the reasonable expenses of litigation, including
25 reasonable attorney's fees.

26 (d-5) Making Home Affordable Program. The court that

1 entered the judgment shall set aside a sale held pursuant to
2 Section 15-1507, upon motion of the mortgagor at any time prior
3 to the confirmation of the sale, if the mortgagor proves by a
4 preponderance of the evidence that (i) the mortgagor has
5 applied for assistance under the Making Home Affordable Program
6 established by the United States Department of the Treasury
7 pursuant to the Emergency Economic Stabilization Act of 2008,
8 as amended by the American Recovery and Reinvestment Act of
9 2009, and (ii) the mortgaged real estate was sold in material
10 violation of the program's requirements for proceeding to a
11 judicial sale. The provisions of this subsection (d-5), except
12 for this sentence, shall become inoperative on January 1, 2014
13 for all actions filed under this Article after December 31,
14 2013, in which the mortgagor did not apply for assistance under
15 the Making Home Affordable Program on or before December 31,
16 2013.

17 (d-10) Illinois Hardest Hit Program. The court that entered
18 the judgment shall set aside a sale held pursuant to Section
19 15-1507 of this Act, upon motion of the mortgagor at any time
20 prior to the confirmation of the sale, if the mortgagor proves
21 by a preponderance of the evidence that (i) the mortgagor is
22 receiving assistance under the Illinois Hardest Hit Program as
23 created by 12 U.S.C. 5211 and 12 U.S.C. 5219, and administered
24 by the Illinois Housing Development Authority pursuant to the
25 Illinois Housing Development Act and (ii) the assistance
26 received under part (i) of this subsection has enabled the

1 mortgagor to reinstate the mortgage pursuant to Section 15-1602
2 of this Act and make continuing mortgage payments as available
3 under the Illinois Hardest Hit Program to avoid default.
4 Nothing in this subsection shall prohibit the mortgagee from
5 proceeding in the foreclosure action upon a subsequent default
6 of the mortgagor. Except for this sentence, this subsection is
7 inoperative on and after January 1, 2017 for all actions filed
8 under this Article after December 31, 2016 in which the
9 mortgagor did not begin receiving the assistance described in
10 this subsection under the Illinois Hardest Hit Program on or
11 before December 31, 2016.

12 (e) Deficiency Judgment. In any order confirming a sale
13 pursuant to the judgment of foreclosure, the court shall also
14 enter a personal judgment for deficiency against any party (i)
15 if otherwise authorized and (ii) to the extent requested in the
16 complaint and proven upon presentation of the report of sale in
17 accordance with Section 15-1508. Except as otherwise provided
18 in this Article, a judgment may be entered for any balance of
19 money that may be found due to the plaintiff, over and above
20 the proceeds of the sale or sales, and enforcement may be had
21 for the collection of such balance, the same as when the
22 judgment is solely for the payment of money. Such judgment may
23 be entered, or enforcement had, only in cases where personal
24 service has been had upon the persons personally liable for the
25 mortgage indebtedness, unless they have entered their
26 appearance in the foreclosure action.

1 (f) Satisfaction. Upon confirmation of the sale, the
2 judgment stands satisfied to the extent of the sale price less
3 expenses and costs. If the order confirming the sale includes a
4 deficiency judgment, the judgment shall become a lien in the
5 manner of any other judgment for the payment of money.

6 (g) The order confirming the sale shall include,
7 notwithstanding any previous orders awarding possession during
8 the pendency of the foreclosure, an award to the purchaser of
9 possession of the mortgaged real estate, as of the date 30 days
10 after the entry of the order, against the parties to the
11 foreclosure whose interests have been terminated.

12 An order of possession authorizing the removal of a person
13 from possession of the mortgaged real estate shall be entered
14 and enforced only against those persons personally named as
15 individuals in the complaint or the petition under subsection
16 (h) of Section 15-1701 and in the order of possession and shall
17 not be entered and enforced against any person who is only
18 generically described as an unknown owner or nonrecord claimant
19 or by another generic designation in the complaint.

20 Notwithstanding the preceding paragraph, the failure to
21 personally name, include, or seek an award of possession of the
22 mortgaged real estate against a person in the confirmation
23 order shall not abrogate any right that the purchaser may have
24 to possession of the mortgaged real estate and to maintain a
25 proceeding against that person for possession under Article 9
26 of this Code or subsection (h) of Section 15-1701; and

1 possession against a person who (1) has not been personally
2 named as a party to the foreclosure and (2) has not been
3 provided an opportunity to be heard in the foreclosure
4 proceeding may be sought only by maintaining a proceeding under
5 Article 9 of this Code or subsection (h) of Section 15-1701.

6 (h) With respect to mortgaged real estate containing 5 or
7 more dwelling units, the order confirming the sale shall also
8 provide that (i) the mortgagor shall transfer to the purchaser
9 the security deposits, if any, that the mortgagor received to
10 secure payment of rent or to compensate for damage to the
11 mortgaged real estate from any current occupant of a dwelling
12 unit of the mortgaged real estate, as well as any statutory
13 interest that has not been paid to the occupant, and (ii) the
14 mortgagor shall provide an accounting of the security deposits
15 that are transferred, including the name and address of each
16 occupant for whom the mortgagor holds the deposit and the
17 amount of the deposit and any statutory interest.

18 (Source: P.A. 96-265, eff. 8-11-09; 96-856, eff. 3-1-10;
19 96-1245, eff. 7-23-10; 97-333, eff. 8-12-11; 97-575, eff.
20 8-26-11; 97-1159, eff. 1-29-13; 97-1164, eff. 6-1-13; revised
21 2-22-13.)

22 Section 20. The Illinois Marriage and Dissolution of
23 Marriage Act is amended by changing Section 505 as follows:

24 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

2 (a) In a proceeding for dissolution of marriage, legal
3 separation, declaration of invalidity of marriage, a
4 proceeding for child support following dissolution of the
5 marriage by a court that lacked personal jurisdiction over the
6 absent spouse, a proceeding for modification of a previous
7 order for child support under Section 510 of this Act, or any
8 proceeding authorized under Section 501 or 601 of this Act, the
9 court may order either or both parents owing a duty of support
10 to a child of the marriage to pay an amount reasonable and
11 necessary for the support of the child, without regard to
12 marital misconduct. The duty of support owed to a child
13 includes the obligation to provide for the reasonable and
14 necessary educational, physical, mental and emotional health
15 needs of the child. For purposes of this Section, the term
16 "child" shall include any child under age 18 and any child
17 under age 19 who is still attending high school.

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

20	Number of Children	Percent of Supporting Party's
21		Net Income
22	1	20%
23	2	28%
24	3	32%
25	4	40%
26	5	45%

1 reasonable:

2 (a) health needs not covered by insurance;

3 (b) child care;

4 (c) education; and

5 (d) extracurricular activities.

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

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

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

12 (c) Social Security (FICA payments);

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

15 (e) Union dues;

16 (f) Dependent and individual
17 health/hospitalization insurance premiums and premiums
18 for life insurance ordered by the court to reasonably
19 secure payment of ordered child support;

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

22 (h) Expenditures for repayment of debts that
23 represent reasonable and necessary expenses for the
24 production of income, medical expenditures necessary
25 to preserve life or health, reasonable expenditures
26 for the benefit of the child and the other parent,

1 exclusive of gifts. The court shall reduce net income
2 in determining the minimum amount of support to be
3 ordered only for the period that such payments are due
4 and shall enter an order containing provisions for its
5 self-executing modification upon termination of such
6 payment period;

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

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

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

1 entered.

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

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

1 (a-5) In an action to enforce an order for support based on
2 the respondent's failure to make support payments as required
3 by the order, notice of proceedings to hold the respondent in
4 contempt for that failure may be served on the respondent by
5 personal service or by regular mail addressed to the
6 respondent's last known address. The respondent's last known
7 address may be determined from records of the clerk of the
8 court, from the Federal Case Registry of Child Support Orders,
9 or by any other reasonable means.

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

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

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

21 (A) work; or

22 (B) conduct a business or other self-employed
23 occupation.

24 The Court may further order any part or all of the earnings
25 of a parent during a sentence of periodic imprisonment paid to
26 the Clerk of the Circuit Court or to the parent having custody

1 or to the guardian having custody of the children of the
2 sentenced parent for the support of said children until further
3 order of the Court.

4 If either parent fails to pay support due to unemployment,
5 then the court may not fine or sentence the parent to periodic
6 imprisonment.

7 If a parent who is found guilty of contempt for failure to
8 comply with an order to pay support is a person who conducts a
9 business or who is self-employed, the court in addition to
10 other penalties provided by law may order that the parent do
11 one or more of the following: (i) provide to the court monthly
12 financial statements showing income and expenses from the
13 business or the self-employment; (ii) seek employment and
14 report periodically to the court with a diary, listing, or
15 other memorandum of his or her employment search efforts; or
16 (iii) report to the Department of Employment Security for job
17 search services to find employment that will be subject to
18 withholding for child support.

19 If there is a unity of interest and ownership sufficient to
20 render no financial separation between a non-custodial parent
21 and another person or persons or business entity, the court may
22 pierce the ownership veil of the person, persons, or business
23 entity to discover assets of the non-custodial parent held in
24 the name of that person, those persons, or that business
25 entity. The following circumstances are sufficient to
26 authorize a court to order discovery of the assets of a person,

1 persons, or business entity and to compel the application of
2 any discovered assets toward payment on the judgment for
3 support:

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

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

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

12 With respect to assets which are real property, no order
13 entered under this paragraph shall affect the rights of bona
14 fide purchasers, mortgagees, judgment creditors, or other lien
15 holders who acquire their interests in the property prior to
16 the time a notice of lis pendens pursuant to the Code of Civil
17 Procedure or a copy of the order is placed of record in the
18 office of the recorder of deeds for the county in which the
19 real property is located.

20 The court may also order in cases where the parent is 90
21 days or more delinquent in payment of support or has been
22 adjudicated in arrears in an amount equal to 90 days obligation
23 or more, that the parent's Illinois driving privileges be
24 suspended until the court determines that the parent is in
25 compliance with the order of support. The court may also order
26 that the parent be issued a family financial responsibility

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

14 In addition to the penalties or punishment that may be
15 imposed under this Section, any person whose conduct
16 constitutes a violation of Section 15 of the Non-Support
17 Punishment Act may be prosecuted under that Act, and a person
18 convicted under that Act may be sentenced in accordance with
19 that Act. The sentence may include but need not be limited to a
20 requirement that the person perform community service under
21 Section 50 of that Act or participate in a work alternative
22 program under Section 50 of that Act. A person may not be
23 required to participate in a work alternative program under
24 Section 50 of that Act if the person is currently participating
25 in a work program pursuant to Section 505.1 of this Act.

26 A support obligation, or any portion of a support

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

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

22 (d) Any new or existing support order entered by the court
23 under this Section shall be deemed to be a series of judgments
24 against the person obligated to pay support thereunder, each
25 such judgment to be in the amount of each payment or
26 installment of support and each such judgment to be deemed

1 entered as of the date the corresponding payment or installment
2 becomes due under the terms of the support order. Each such
3 judgment shall have the full force, effect and attributes of
4 any other judgment of this State, including the ability to be
5 enforced. Notwithstanding any other State or local law to the
6 contrary, a lien arises by operation of law against the real
7 and personal property of the noncustodial parent for each
8 installment of overdue support owed by the noncustodial parent.

9 (e) When child support is to be paid through the clerk of
10 the court in a county of 1,000,000 inhabitants or less, the
11 order shall direct the obligor to pay to the clerk, in addition
12 to the child support payments, all fees imposed by the county
13 board under paragraph (3) of subsection (u) of Section 27.1 of
14 the Clerks of Courts Act. Unless paid in cash or pursuant to an
15 order for withholding, the payment of the fee shall be by a
16 separate instrument from the support payment and shall be made
17 to the order of the Clerk.

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

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

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

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

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

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

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

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

24 (Source: P.A. 96-1134, eff. 7-21-10; 97-186, eff. 7-22-11;
25 97-608, eff. 1-1-12; 97-813, eff. 7-13-12; 97-878, eff. 8-2-12;
26 97-941, eff. 1-1-13; 97-1029, eff. 1-1-13; revised 8-23-12.)

1 Section 25. The Illinois Parentage Act of 1984 is amended
2 by changing Section 15 as follows:

3 (750 ILCS 45/15) (from Ch. 40, par. 2515)

4 Sec. 15. Enforcement of Judgment or Order.

5 (a) If existence of the parent and child relationship is
6 declared, or paternity or duty of support has been established
7 under this Act or under prior law or under the law of any other
8 jurisdiction, the judgment rendered thereunder may be enforced
9 in the same or other proceedings by any party or any person or
10 agency that has furnished or may furnish financial assistance
11 or services to the child. The Income Withholding for Support
12 Act and Sections 14 and 16 of this Act shall also be applicable
13 with respect to entry, modification and enforcement of any
14 support judgment entered under provisions of the "Paternity
15 Act", approved July 5, 1957, as amended, repealed July 1, 1985.

16 (b) Failure to comply with any order of the court shall be
17 punishable as contempt as in other cases of failure to comply
18 under the "Illinois Marriage and Dissolution of Marriage Act",
19 as now or hereafter amended. In addition to other penalties
20 provided by law, the court may, after finding the party guilty
21 of contempt, order that the party be:

22 (1) Placed on probation with such conditions of
23 probation as the court deems advisable;

24 (2) Sentenced to periodic imprisonment for a period not

1 to exceed 6 months. However, the court may permit the party
2 to be released for periods of time during the day or night
3 to work or conduct business or other self-employed
4 occupation. The court may further order any part of all the
5 earnings of a party during a sentence of periodic
6 imprisonment to be paid to the Clerk of the Circuit Court
7 or to the person or parent having custody of the minor
8 child for the support of said child until further order of
9 the court.

10 If either parent fails to pay support due to unemployment,
11 then the court may not fine or sentence the parent to periodic
12 imprisonment.

13 (2.5) The court may also pierce the ownership veil of a
14 person, persons, or business entity to discover assets of a
15 non-custodial parent held in the name of that person, those
16 persons, or that business entity if there is a unity of
17 interest and ownership sufficient to render no financial
18 separation between the non-custodial parent and that
19 person, those persons, or the business entity. The
20 following circumstances are sufficient for a court to order
21 discovery of the assets of a person, persons, or business
22 entity and to compel the application of any discovered
23 assets toward payment on the judgment for support:

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

26 (B) the non-custodial parent and the person,

1 persons, or business entity fail to maintain an arms
2 length relationship between themselves with regard to
3 any assets.

4 (C) the non-custodial parent transfers assets to
5 the person, persons, or business entity with the intent
6 to perpetrate a fraud on the custodial parent.

7 With respect to assets which are real property, no
8 order entered under this subdivision (2.5) shall affect the
9 rights of bona fide purchasers, mortgagees, judgment
10 creditors, or other lien holders who acquire their
11 interests in the property prior to the time a notice of lis
12 pendens pursuant to the Code of Civil Procedure or a copy
13 of the order is placed of record in the office of the
14 recorder of deeds for the county in which the real property
15 is located.

16 (3) The court may also order that in cases where the
17 party is 90 days or more delinquent in payment of support
18 or has been adjudicated in arrears in an amount equal to 90
19 days obligation or more, that the party's Illinois driving
20 privileges be suspended until the court determines that the
21 party is in compliance with the judgement or duty of
22 support. The court may also order that the parent be issued
23 a family financial responsibility driving permit that
24 would allow limited driving privileges for employment and
25 medical purposes in accordance with Section 7-702.1 of the
26 Illinois Vehicle Code. The clerk of the circuit court shall

1 certify the order suspending the driving privileges of the
2 parent or granting the issuance of a family financial
3 responsibility driving permit to the Secretary of State on
4 forms prescribed by the Secretary. Upon receipt of the
5 authenticated documents, the Secretary of State shall
6 suspend the party's driving privileges until further order
7 of the court and shall, if ordered by the court, subject to
8 the provisions of Section 7-702.1 of the Illinois Vehicle
9 Code, issue a family financial responsibility driving
10 permit to the parent.

11 In addition to the penalties or punishment that may be
12 imposed under this Section, any person whose conduct
13 constitutes a violation of Section 15 of the Non-Support
14 Punishment Act may be prosecuted under that Act, and a person
15 convicted under that Act may be sentenced in accordance with
16 that Act. The sentence may include but need not be limited to a
17 requirement that the person perform community service under
18 Section 50 of that Act or participate in a work alternative
19 program under Section 50 of that Act. A person may not be
20 required to participate in a work alternative program under
21 Section 50 of that Act if the person is currently participating
22 in a work program pursuant to Section 15.1 of this Act.

23 (b-5) If a party who is found guilty of contempt for a
24 failure to comply with an order to pay support is a person who
25 conducts a business or who is self-employed, the court may in
26 addition to other penalties provided by law order that the

1 party do one or more of the following: (i) provide to the court
2 monthly financial statements showing income and expenses from
3 the business or the self-employment; (ii) seek employment and
4 report periodically to the court with a diary, listing, or
5 other memorandum of his or her employment search efforts; or
6 (iii) report to the Department of Employment Security for job
7 search services to find employment that will be subject to
8 withholding of child support.

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

12 (Source: P.A. 97-1029, eff. 1-1-13.)

13 Section 95. No acceleration or delay. Where this Act makes
14 changes in a statute that is represented in this Act by text
15 that is not yet or no longer in effect (for example, a Section
16 represented by multiple versions), the use of that text does
17 not accelerate or delay the taking effect of (i) the changes
18 made by this Act or (ii) provisions derived from any other
19 Public Act.

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