



Sen. Donne E. Trotter

**Filed: 5/29/2013**

09800SB0629sam002

LRB098 04436 DRJ 46448 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 a parent fails to pay support due to unemployment,  
5 before determining whether to impose a fine or sentence of  
6 periodic imprisonment, the court may consider the following  
7 factors:

8 (I) whether the unemployment is willful or voluntary  
9 and any other reason for the parent's unemployment;

10 (II) whether the parent has or had other income or  
11 assets which can be used to pay support;

12 (III) the parent's efforts to obtain employment;

13 (IV) whether the parent's other debts and obligations  
14 have been paid during the period of unemployment, and if  
15 so, the means by which the parent paid the other debts and  
16 obligations; and

17 (V) any other factor the court deems appropriate under  
18 the circumstances.

19 If a parent who is found guilty of contempt for failure to  
20 comply with an order to pay support is a person who conducts a  
21 business or who is self-employed, the court in addition to  
22 other penalties provided by law may order that the parent do  
23 one or more of the following: (i) provide to the court monthly  
24 financial statements showing income and expenses from the  
25 business or the self-employment; (ii) seek employment and  
26 report periodically to the court with a diary, listing, or

1 other memorandum of his or her employment search efforts; or  
2 (iii) report to the Department of Employment Security for job  
3 search services to find employment that will be subject to  
4 withholding for child support.

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

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

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

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

24 With respect to assets which are real property, no order  
25 entered under this paragraph shall affect the rights of bona  
26 fide purchasers, mortgagees, judgment creditors, or other lien

1 holders who acquire their interests in the property prior to  
2 the time a notice of lis pendens pursuant to the Code of Civil  
3 Procedure or a copy of the order is placed of record in the  
4 office of the recorder of deeds for the county in which the  
5 real property is located.

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

26 In addition to the penalties or punishment that may be

1 imposed under this Section, any person whose conduct  
2 constitutes a violation of Section 15 of the Non-Support  
3 Punishment Act may be prosecuted under that Act, and a person  
4 convicted under that Act may be sentenced in accordance with  
5 that Act. The sentence may include but need not be limited to a  
6 requirement that the person perform community service under  
7 Section 50 of that Act or participate in a work alternative  
8 program under Section 50 of that Act. A person may not be  
9 required to participate in a work alternative program under  
10 Section 50 of that Act if the person is currently participating  
11 in a work program pursuant to Section 505.1 of this Act.

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

1 accrual of interest as provided in this Section.

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

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

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

1 order for withholding, the payment of the fee shall be by a  
2 separate instrument from the support payment and shall be made  
3 to the order of the Clerk.

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

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

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

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

1 after the effective date of this amendatory Act of the 93rd  
2 General Assembly must contain a statement notifying the parties  
3 of the requirements of this subsection. Failure to include the  
4 statement in the order for support does not affect the validity  
5 of the order or the operation of the provisions of this  
6 subsection with regard to the order. This subsection shall not  
7 be construed to prevent or affect the establishment or  
8 modification of an order for support of a minor child or the  
9 establishment or modification of an order for support of a  
10 non-minor child or educational expenses under Section 513 of  
11 this Act.

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



1 residence within 5 days of the change except when the court  
2 finds that the physical, mental, or emotional health of a party  
3 or that of a child, or both, would be seriously endangered by  
4 disclosure of the party's address.

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

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

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

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

16 Sec. 15. Enforcement of Judgment or Order.

17 (a) If existence of the parent and child relationship is  
18 declared, or paternity or duty of support has been established  
19 under this Act or under prior law or under the law of any other  
20 jurisdiction, the judgment rendered thereunder may be enforced  
21 in the same or other proceedings by any party or any person or  
22 agency that has furnished or may furnish financial assistance  
23 or services to the child. The Income Withholding for Support  
24 Act and Sections 14 and 16 of this Act shall also be applicable

1 with respect to entry, modification and enforcement of any  
2 support judgment entered under provisions of the "Paternity  
3 Act", approved July 5, 1957, as amended, repealed July 1, 1985.

4 (b) Failure to comply with any order of the court shall be  
5 punishable as contempt as in other cases of failure to comply  
6 under the "Illinois Marriage and Dissolution of Marriage Act",  
7 as now or hereafter amended. In addition to other penalties  
8 provided by law, the court may, after finding the party guilty  
9 of contempt, order that the party be:

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

12 (2) Sentenced to periodic imprisonment for a period not  
13 to exceed 6 months. However, the court may permit the party  
14 to be released for periods of time during the day or night  
15 to work or conduct business or other self-employed  
16 occupation. The court may further order any part of all the  
17 earnings of a party during a sentence of periodic  
18 imprisonment to be paid to the Clerk of the Circuit Court  
19 or to the person or parent having custody of the minor  
20 child for the support of said child until further order of  
21 the court.

22 If a parent fails to pay support due to unemployment,  
23 before determining whether to impose a fine or sentence of  
24 periodic imprisonment, the court may consider the  
25 following factors:

26 (I) whether the unemployment is willful or

1           voluntary and any other reason for the parent's  
2           unemployment;

3           (II) whether the parent has or had other income or  
4           assets which can be used to pay support;

5           (III) the parent's efforts to obtain employment;

6           (IV) whether the parent's other debts and  
7           obligations have been paid during the period of  
8           unemployment, and if so, the means by which the parent  
9           paid the other debts and obligations; and

10           (V) any other factor the court deems appropriate  
11           under the circumstances.

12           (2.5) The court may also pierce the ownership veil of a  
13           person, persons, or business entity to discover assets of a  
14           non-custodial parent held in the name of that person, those  
15           persons, or that business entity if there is a unity of  
16           interest and ownership sufficient to render no financial  
17           separation between the non-custodial parent and that  
18           person, those persons, or the business entity. The  
19           following circumstances are sufficient for a court to order  
20           discovery of the assets of a person, persons, or business  
21           entity and to compel the application of any discovered  
22           assets toward payment on the judgment for support:

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

25           (B) the non-custodial parent and the person,  
26           persons, or business entity fail to maintain an arms

1 length relationship between themselves with regard to  
2 any assets.

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

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

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

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

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

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

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

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

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

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

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