

1 AMENDMENT TO SENATE BILL 2224

2 AMENDMENT NO. _____. Amend Senate Bill 2224 by replacing
3 everything after the enacting clause with the following:

4 "Section 2. The Children and Family Services Act is
5 amended by changing Section 9.1 as follows:

6 (20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

7 Sec. 9.1. The parents or guardians of the estates of
8 children accepted for care and training under the Juvenile
9 Court Act or the Juvenile Court Act of 1987, or through a
10 voluntary placement agreement with the parents or guardians
11 shall be liable for the payment to the Department, or to a
12 licensed or approved child care facility designated by the
13 Department of sums representing charges for the care and
14 training of those children at a rate to be determined by the
15 Department. The Department shall establish a standard by
16 which shall be measured the ability of parents or guardians
17 to pay for the care and training of their children, and shall
18 implement the standard by rules governing its application.
19 The standard and the rules shall take into account ability to
20 pay as measured by annual income and family size. Medical or
21 other treatment provided on behalf of the family may also be
22 taken into account in determining ability to pay if the

1 Department concludes that such treatment is appropriate.

2 In addition, the Department may provide by rule for
3 referral of Title IV-E foster care maintenance cases to the
4 Department of Public Aid for child support enforcement
5 services under Title IV-D of the Social Security Act. The
6 Department shall consider "good cause" as defined in
7 regulations promulgated under Title IV-A of the Social
8 Security Act, among other criteria, when determining whether
9 to refer a case and, upon referral, the parent or guardian of
10 the estate of a child who is receiving Title IV-E foster care
11 maintenance payments shall be deemed to have made an
12 assignment to the Department of any and all rights, title and
13 interest in any support obligation on behalf of a child. The
14 rights to support assigned to the Department shall constitute
15 an obligation owed the State by the person who is responsible
16 for providing the support, and shall be collectible under all
17 applicable processes.

18 The acceptance of children for services or care shall not
19 be limited or conditioned in any manner on the financial
20 status or ability of parents or guardians to make such
21 payments.

22 (Source: P.A. 85-1209; 86-1311.)

23 Section 5. The Illinois Public Aid Code is amended by
24 changing Sections 9-6, 10-1, 10-3, 10-3.1, 10-4, 10-7, 10-8,
25 10-8.1, 10-10, 10-10.1, 10-10.4, 10-11, 10-11.1, 10-12.1,
26 10-13, 10-14, 10-14.1, 10-15, 10-17.2, 10-17.7, 10-26, and
27 12-8 as follows:

28 (305 ILCS 5/9-6) (from Ch. 23, par. 9-6)

29 Sec. 9-6. Job Search, Training and Work Programs. The
30 Illinois Department and local governmental units shall
31 initiate, promote and develop job search, training and work
32 programs which will provide employment for and contribute to

1 the training and experience of persons receiving aid under
2 Articles III, V, and VI.

3 The job search, training and work programs shall be
4 designed to preserve and improve the work habits and skills
5 of recipients for whom jobs are not otherwise immediately
6 available and to provide training and experience for
7 recipients who lack the skills required for such employment
8 opportunities as are or may become available. The Illinois
9 Department and local governmental unit shall determine by
10 rule those classes of recipients who shall be subject to
11 participation in such programs. If made subject to
12 participation, every applicant for or recipient of public aid
13 who is determined to be "able to engage in employment", as
14 defined by the Department or local governmental unit pursuant
15 to rules and regulations, for whom unsubsidized jobs are not
16 otherwise immediately available shall be required to
17 participate in any program established under this Section.

18 The Illinois Department shall establish with the Director
19 of Central Management Services an outreach and training
20 program designed to encourage and assist recipients
21 participating in job search, training and work programs to
22 participate in open competitive examinations for trainee and
23 other entry level positions to maximize opportunities for
24 placement on open competitive eligible listings and referral
25 to State agencies for employment consideration.

26 The Department shall provide payment for transportation,
27 day-care and Workers' Compensation costs which occur for
28 recipients as a result of participating in job search,
29 training and work programs as described in this Section. The
30 Department may decline to initiate such programs in areas
31 where eligible recipients would be so few in number as to not
32 economically justify such programs; and in this event the
33 Department shall not require persons in such areas to
34 participate in any job search, training, or work programs

1 whatsoever as a condition of their continued receipt of, or
2 application for, aid.

3 The programs may include, but shall not be limited to,
4 service in child care centers, in preschool programs as
5 teacher aides and in public health programs as home visitors
6 and health aides; the maintenance of or services required in
7 connection with public offices, buildings and grounds; state,
8 county and municipal hospitals, forest preserves, parks,
9 playgrounds, streets and highways, and other governmental
10 maintenance or construction directed toward environmental
11 improvement; and similar facilities.

12 The Illinois Department or local governmental units may
13 enter into agreements with local taxing bodies and private
14 not-for-profit organizations, agencies and institutions to
15 provide for the supervision and administration of job search,
16 work and training projects authorized by this Section. Such
17 agreements shall stipulate the requirements for utilization
18 of recipients in such projects. In addition to any other
19 requirements dealing with the administration of these
20 programs, the Department shall assure, pursuant to rules and
21 regulations, that:

22 (a) Recipients may not displace regular employees.

23 (b) The maximum number of hours of mandatory work
24 is 8 hours per day and 40 hours per week, not to exceed
25 120 hours per month.

26 (c) The maximum number of hours per month shall be
27 determined by dividing the recipient's benefits by the
28 federal minimum wage, rounded to the lowest full hour.
29 "Recipient's benefits" in this subsection includes: (i)
30 both cash assistance and food stamps provided to the
31 entire assistance unit or household by the Illinois
32 Department where the job search, work and training
33 program is administered by the Illinois Department and,
34 where federal programs are involved, includes all such

1 cash assistance and food stamps provided to the greatest
2 extent allowed by federal law; or (ii) includes only cash
3 assistance provided to the entire assistance unit by the
4 local governmental unit where the job search, work and
5 training program is administered by the local
6 governmental unit.

7 (d) The recipient shall be provided or compensated
8 for transportation to and from the work location.

9 (e) Appropriate terms regarding recipient
10 compensation are met.

11 Local taxing bodies and private not-for-profit
12 organizations, agencies and institutions which utilize
13 recipients in job search, work and training projects
14 authorized by this Section are urged to include such
15 recipients in the formulation of their employment policies.

16 Unless directly paid by an employing local taxing body or
17 not-for-profit agency, a recipient participating in a work
18 project who meets all requirements set forth by the Illinois
19 Department shall receive credit towards his or her monthly
20 assistance benefits for work performed based upon the
21 applicable minimum wage rate. Where a recipient is paid
22 directly by an employing agency, the Illinois Department or
23 local governmental unit shall provide for payment to such
24 employing entity the appropriate amount of assistance
25 benefits to which the recipient would otherwise be entitled
26 under this Code.

27 The Illinois Department or its designee, including local
28 governmental units, may enter into agreements with the
29 agencies or institutions providing work under programs
30 established hereunder for payment to each such employer
31 (hereinafter called "public service employer") of all or a
32 portion of the wages to be paid to persons for the work
33 performed and other appropriate costs.

34 If the number of persons receiving aid under Article VI

1 is insufficient to justify the establishment of job search,
2 training and work programs on a local basis by a local
3 governmental unit, or if for other good cause the
4 establishment of a local program is impractical or
5 unwarranted, the local governmental unit shall cooperate with
6 other local governmental units, with civic and non-profit
7 community agencies, and with the Illinois Department in
8 developing a program or programs which will jointly serve the
9 participating governmental units and agencies.

10 A local governmental unit receiving State funds shall
11 refer all recipients able to engage in employment to such job
12 search, training and work programs as are established,
13 whether within or without the governmental unit, and as are
14 accessible to persons receiving aid from the governmental
15 unit. The Illinois Department shall withhold allocation of
16 state funds to any governmental unit which fails or refuses
17 to make such referrals.

18 Participants in job search, training and work programs
19 shall be required to maintain current registration for
20 regular employment under Section 11-10 and to accept any bona
21 fide offer of regular employment. They shall likewise be
22 required to accept education, work and training opportunities
23 available to them under other provisions of this Code or
24 Federal law. The Illinois Department or local governmental
25 unit shall provide by rule for periodic review of the
26 circumstances of each participant to determine the
27 feasibility of his placement in regular employment or other
28 work, education and training opportunities.

29 Moneys made available for public aid purposes under
30 Articles IV and VI may be expended to pay public service
31 employers all or a portion of the wages of public service
32 employees and other appropriate costs, to provide necessary
33 supervisory personnel and equipment, to purchase Workers'
34 Compensation Insurance or to pay Workers' Compensation

1 claims, and to provide transportation to and from work sites.

2 The Department shall provide through rules and
3 regulations for sanctions against applicants and recipients
4 of aid under this Code who fail to cooperate with the
5 regulations and requirements established pursuant to this
6 Section. Such sanctions may include the loss of eligibility
7 to receive aid under Article VI of this Code for up to 3
8 months.

9 The Department, in cooperation with a local governmental
10 unit, may maintain a roster of persons who are required to
11 participate in a local job search, training and work program.
12 In such cases, the roster shall be available for inspection
13 by employers for the selection of possible workers.

14 In addition to the programs authorized by this Section,
15 the Illinois Department is authorized to administer any job
16 search, training or work projects in conjunction with the
17 Federal Food Stamp Program, either under this Section or
18 under other regulations required by the Federal government.

19 The Illinois Department may also administer pilot
20 programs to provide job search, training and work programs to
21 unemployed parents of children receiving child support
22 enforcement services under Article X of this Code.

23 (Source: P.A. 92-111, eff. 1-1-02.)

24 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

25 Sec. 10-1. Declaration of Public Policy - Persons
26 Eligible for Child and-Spouse Support Enforcement Services -
27 Fees for Non-Applicants and Non-Recipients.) It is the intent
28 of this Code that the financial aid and social welfare
29 services herein provided supplement rather than supplant the
30 primary and continuing obligation of the family unit for
31 self-support to the fullest extent permitted by the resources
32 available to it. This primary and continuing obligation
33 applies whether the family unit of parents and children or of

1 husband and wife remains intact and resides in a common
2 household or whether the unit has been broken by absence of
3 one or more members of the unit. The obligation of the
4 family unit is particularly applicable when a member is in
5 necessitous circumstances and lacks the means of a livelihood
6 compatible with health and well-being.

7 It is the purpose of this Article to provide for locating
8 an absent parent or spouse, for determining his financial
9 circumstances, and for enforcing his legal obligation of
10 support, if he is able to furnish support, in whole or in
11 part. The Illinois Department of Public Aid shall give
12 priority to establishing, enforcing and collecting the
13 current support obligation, and then to past due support owed
14 to the family unit, except with respect to collections
15 effected through the intercept programs provided for in this
16 Article.

17 The child and--spouse support enforcement services
18 provided hereunder shall be furnished dependents of an absent
19 parent or spouse who are applicants for or recipients of
20 financial aid under this Code. It is not, however, a
21 condition of eligibility for financial aid that there be no
22 responsible relatives who are reasonably able to provide
23 support. Nor, except as provided in Sections 4-1.7 and 10-8,
24 shall the existence of such relatives or their payment of
25 support contributions disqualify a needy person for financial
26 aid.

27 By accepting financial aid under this Code, a spouse or a
28 parent or other person having custody of a child shall be
29 deemed to have made assignment to the Illinois Department for
30 aid under Articles III, IV, V and VII or to a local
31 governmental unit for aid under Article VI of any and all
32 rights, title, and interest in any support obligation up to
33 the amount of financial aid provided. The rights to support
34 assigned to the Illinois Department of Public Aid or local

1 governmental unit shall constitute an obligation owed the
 2 State or local governmental unit by the person who is
 3 responsible for providing the support, and shall be
 4 collectible under all applicable processes.

5 The Illinois Department of Public Aid shall also furnish
 6 the child and-spouse support enforcement services established
 7 under this Article in behalf of persons who are not
 8 applicants for or recipients of financial aid under this Code
 9 in accordance with the requirements of Title IV, Part D of
 10 the Social Security Act. The Department may establish a
 11 schedule of reasonable fees, to be paid for the services
 12 provided and may deduct a collection fee, not to exceed 10%
 13 of the amount collected, from such collection. The Illinois
 14 Department of Public Aid shall cause to be published and
 15 distributed publications reasonably calculated to inform the
 16 public that individuals who are not recipients of or
 17 applicants for public aid under this Code are eligible for
 18 the child and-spouse support enforcement services under this
 19 Article X. Such publications shall set forth an explanation,
 20 in plain language, that the child and--spouse support
 21 enforcement services program is independent of any public aid
 22 program under the Code and that the receiving of child and
 23 spouse support enforcement services service in no way implies
 24 that the person receiving such services service is receiving
 25 public aid.

26 (Source: P.A. 90-18, eff. 7-1-97.)

27 (305 ILCS 5/10-3) (from Ch. 23, par. 10-3)

28 Sec. 10-3. Standard and Regulations for Determining
 29 Ability to Support.† The Illinois Department shall establish
 30 a standard by which shall be measured the ability of
 31 responsible relatives to provide support, and shall implement
 32 the standard by rules governing its application. The
 33 standard and the rules shall take into account the buying and

1 consumption patterns of self-supporting persons of modest
2 income, present or future contingencies having direct bearing
3 on maintenance of the relative's self-support status and
4 fulfillment of his obligations to his immediate family, and
5 any unusual or exceptional circumstances including
6 estrangement or other personal or social factors, that have a
7 bearing on family relationships and the relative's ability to
8 meet his support obligations. The standard shall be
9 recomputed periodically to reflect changes in the cost of
10 living and other pertinent factors.

11 In addition to the standard, the Illinois Department may
12 establish guidelines to be used exclusively to measure the
13 ability of responsible relatives to provide support on behalf
14 of applicants for or recipients of financial aid under
15 Article IV of this Act and other persons who are given access
16 to the child and-spouse support enforcement services of this
17 Article as provided in Section 10-1. In such case, the
18 Illinois Department shall base the guidelines upon the
19 applicable provisions of Sections 504, 505 and 505.2 of the
20 Illinois Marriage and Dissolution of Marriage Act, as
21 amended, and shall implement such guidelines by rules
22 governing their application.

23 The term "administrative ~~administration~~ enforcement
24 unit", when used in this Article, means local governmental
25 units or the Child and Spouse Support Unit established under
26 Section 10-3.1 when exercising the powers designated in this
27 Article. The administrative enforcement unit shall apply the
28 standard or guidelines, rules and procedures provided for by
29 this Section and Sections 10-4 through 10-8 in determining
30 the ability of responsible relatives to provide support for
31 applicants for or recipients of financial aid under this
32 Code, except that the administrative enforcement unit may
33 apply such standard or guidelines, rules and procedures at
34 its discretion with respect to those applicants for or

1 recipients of financial aid under Article IV and other
2 persons who are given access to the child and-spouse support
3 enforcement services of this Article as provided by Section
4 10-1.

5 (Source: P.A. 86-649; revised 12-13-01.)

6 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

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

19 In addition to other duties assigned the Child and Spouse
20 Support Unit by this Article, the Unit may refer to the
21 Attorney General or units of local government with the
22 approval of the Attorney General, any actions under Sections
23 10-10 and 10-15 for judicial enforcement of the support
24 liability. The Child and Spouse Support Unit shall act for
25 the Department in referring to the Attorney General support
26 matters requiring judicial enforcement under other laws. If
27 requested by the Attorney General to so act, as provided in
28 Section 12-16, attorneys of the Unit may assist the Attorney
29 General or themselves institute actions in behalf of the
30 Illinois Department under the Revised Uniform Reciprocal
31 Enforcement of Support Act; under the Illinois Parentage Act
32 of 1984; under the Non-Support of Spouse and Children Act;
33 under the Non-Support Punishment Act; or under any other law,

1 State or Federal, providing for support of a spouse or
2 dependent child.

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

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

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

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

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

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

30 A written request for information sent to an employer
31 pursuant to this Section shall consist of (i) a citation of
32 this Section as the statutory authority for the request and
33 for the employer's obligation to provide the requested
34 information, (ii) a returnable form setting forth the

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

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

23 The Illinois Department shall establish and maintain an
24 administrative unit to receive and transmit to the Child and
25 Spouse Support Unit information supplied by persons applying
26 for or receiving child and--spouse support enforcement
27 services under Section 10-1. In addition, the Illinois
28 Department shall address and respond to any alleged
29 deficiencies that persons receiving or applying for services
30 from the Child and Spouse Support Unit may identify
31 concerning the Child and Spouse Support Unit's provision of
32 child and-spouse support enforcement services. Within 60 days
33 after an action or failure to act by the Child and Spouse
34 Support Unit that affects his or her case, a recipient of or

1 applicant for child and-spouse support enforcement services
2 under Article X of this Code may request an explanation of
3 the Unit's handling of the case. At the requestor's option,
4 the explanation may be provided either orally in an
5 interview, in writing, or both. If the Illinois Department
6 fails to respond to the request for an explanation or fails
7 to respond in a manner satisfactory to the applicant or
8 recipient within 30 days from the date of the request for an
9 explanation, the applicant or recipient may request a
10 conference for further review of the matter by the Office of
11 the Administrator of the Child and Spouse Support Unit. A
12 request for a conference may be submitted at any time within
13 60 days after the explanation has been provided by the Child
14 and Spouse Support Unit or within 60 days after the time for
15 providing the explanation has expired.

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

26 Upon receipt of a timely request for a conference, the
27 Office of the Administrator shall review the case. The
28 applicant or recipient requesting the conference shall be
29 entitled, at his or her option, to appear in person or to
30 participate in the conference by telephone. The applicant or
31 recipient requesting the conference shall be entitled to be
32 represented and to be afforded a reasonable opportunity to
33 review the Illinois Department's file before or at the
34 conference. At the conference, the applicant or recipient

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

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

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

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

18 (305 ILCS 5/10-4) (from Ch. 23, par. 10-4)

19 Sec. 10-4. Notification of Support Obligation. The
20 administrative enforcement unit within the authorized area of
21 its operation shall notify each responsible relative of an
22 applicant or recipient, or responsible relatives of other
23 persons given access to the child support enforcement
24 services of this Article, of his legal obligation to support
25 and shall request such information concerning his financial
26 status as may be necessary to determine whether he is
27 financially able to provide such support, in whole or in
28 part. In cases involving a child born out of wedlock, the
29 notification shall include a statement that the responsible
30 relative has been named as the biological father of the child
31 identified in the notification.

32 In the case of applicants, the notification shall be sent
33 as soon as practical after the filing of the application. In

1 the case of recipients, the notice shall be sent at such time
2 as may be established by rule of the Illinois Department.

3 The notice shall be accompanied by the forms or
4 questionnaires provided in Section 10-5. It shall inform the
5 relative that he may be liable for reimbursement of any
6 support furnished from public aid funds prior to
7 determination of the relative's financial circumstances, as
8 well as for future support. In the alternative, when support
9 is sought on behalf of applicants for or recipients of
10 financial aid under Article IV of this Code and other persons
11 who are given access to the child and--spouse support
12 enforcement services of this Article as provided in Section
13 10-1, the notice shall inform the relative that the relative
14 may be required to pay support for a period before the date
15 an administrative support order is entered, as well as future
16 support.

17 Neither the mailing nor receipt of such notice shall be
18 deemed a jurisdictional requirement for the subsequent
19 exercise of the investigative procedures undertaken by an
20 administrative enforcement unit or the entry of any order or
21 determination of paternity or support or reimbursement by the
22 administrative enforcement unit; except that notice shall be
23 served by certified mail addressed to the responsible
24 relative at his or her last known address, return receipt
25 requested, or by any method provided by law for service of
26 summons, in cases where a determination of paternity or
27 support by default is sought on behalf of applicants for or
28 recipients of financial aid under Article IV of this Act and
29 other persons who are given access to the child and--spouse
30 support enforcement services of this Article as provided in
31 Section 10-1.

32 (Source: P.A. 88-687, eff. 1-24-95.)

33 (305 ILCS 5/10-7) (from Ch. 23, par. 10-7)

1 Sec. 10-7. Notice of support due.

2 (a) When an administrative enforcement unit has
3 determined that a responsible relative is financially able to
4 contribute to the support of an applicant or recipient, the
5 responsible relative shall be notified by mailing him a copy
6 of the determination by United States registered or certified
7 mail, advising him of his legal obligation to make support
8 payments for such period or periods of time, definite in
9 duration or indefinite, as the circumstances require. The
10 notice shall direct payment as provided in Section 10-8.
11 Where applicable, the determination and notice may include a
12 demand for reimbursement for emergency aid granted an
13 applicant or recipient during the period between the
14 application and determination of the relative's obligation
15 for support and for aid granted during any subsequent period
16 the responsible relative was financially able to provide
17 support but failed or refused to do so.

18 (b) In the alternative, when support is sought on behalf
19 of applicants for or recipients of financial aid under
20 Article IV of this Act and other persons who are given access
21 to the child and-spouse support enforcement services of this
22 Article as provided in Section 10-1, the administrative
23 enforcement unit shall not be required to send the notice and
24 may enter an administrative order immediately under the
25 provisions of Section 10-11. The order shall be based upon
26 the determination made under the provisions of Section 10-6
27 or, in instances of default, upon the needs of the persons
28 for whom support is sought. In addition to requiring payment
29 of future support, the administrative order may require
30 payment of support for a period before the date the order is
31 entered. The amount of support to be paid for the prior
32 period shall be determined under the guidelines established
33 by the Illinois Department pursuant to Section 10-3. The
34 order shall direct payment as provided in Section 10-10.

1 (Source: P.A. 88-687, eff. 1-24-95.)

2 (305 ILCS 5/10-8) (from Ch. 23, par. 10-8)

3 Sec. 10-8. Support Payments - Partial Support - Full
4 Support. The notice to responsible relatives issued pursuant
5 to Section 10-7 shall direct payment (a) to the Illinois
6 Department in cases of applicants and recipients under
7 Articles III, IV, V and VII, (b) except as provided in
8 Section 10-3.1, to the local governmental unit in the case of
9 applicants and recipients under Article VI, and (c) to the
10 Illinois Department in cases of non-applicants and
11 non-recipients given access to the child and--spouse support
12 enforcement services of this Article, as provided by Section
13 10-1. However, if the support payments by responsible
14 relatives are sufficient to meet needs of a recipient in
15 full, including current and anticipated medical needs, and
16 the Illinois Department or the local governmental unit, as
17 the case may be, has reasonable grounds to believe that such
18 needs will continue to be provided in full by the responsible
19 relatives, the relatives may be directed to make subsequent
20 support payments to the needy person or to some person or
21 agency in his behalf and the recipient shall be removed from
22 the rolls. In such instance the recipient also shall be
23 notified by registered or certified mail of the action taken.
24 If a recipient removed from the rolls requests the Illinois
25 Department to continue to collect the support payments in his
26 behalf, the Department, at its option, may do so and pay
27 amounts so collected to the person. The Department may
28 provide for deducting any costs incurred by it in making the
29 collection from the amount of any recovery made and pay only
30 the net amount to the person.

31 Payments under this Section to the Illinois Department
32 pursuant to the Child Support Enforcement Program established
33 by Title IV-D of the Social Security Act shall be paid into

1 the Child Support Enforcement Trust Fund. All payments under
2 this Section to the Illinois Department of Human Services
3 shall be deposited in the DHS Recoveries Trust Fund.
4 Disbursements from these funds shall be as provided in
5 Sections 12-9.1 and 12-10.2 of this Code. Payments received
6 by a local governmental unit shall be deposited in that
7 unit's General Assistance Fund.

8 To the extent the provisions of this Section are
9 inconsistent with the requirements pertaining to the State
10 Disbursement Unit under Sections 10-10.4 and 10-26 of this
11 Code, the requirements pertaining to the State Disbursement
12 Unit shall apply.

13 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
14 92-16, eff. 6-28-01.)

15 (305 ILCS 5/10-8.1)

16 Sec. 10-8.1. Temporary order for child support.
17 Notwithstanding any other law to the contrary, pending the
18 outcome of an administrative determination of parentage, the
19 Illinois Department shall issue a temporary order for child
20 support, upon motion by a party and a showing of clear and
21 convincing evidence of paternity. In determining the amount
22 of the temporary child support award, the Illinois Department
23 shall use the guidelines and standards set forth in
24 subsection (a) of Section 505 and in Section 505.2 of the
25 Illinois Marriage and Dissolution of Marriage Act.

26 Any new or existing support order entered by the Illinois
27 Department under this Section shall be deemed to be a series
28 of judgments against the person obligated to pay support
29 thereunder, each such judgment to be in the amount of each
30 payment or installment of support and each judgment to be
31 deemed entered as of the date the corresponding payment or
32 installment becomes due under the terms of the support order.
33 Each such judgment shall have the full force, effect, and

1 attributes of any other judgment of this State, including the
2 ability to be enforced. Any such judgment is subject to
3 modification or termination only in accordance with Section
4 510 of the Illinois Marriage and Dissolution of Marriage Act.
5 A lien arises by operation of law against the real and
6 personal property of the noncustodial parent for each
7 installment of overdue support owed by the noncustodial
8 parent.

9 All orders for support entered or modified in a case in
10 which a party is receiving child and---spouse support
11 enforcement services under this Article X shall include a
12 provision requiring the non-custodial parent to notify the
13 Illinois Department, within 7 days, (i) of the name, address,
14 and telephone number of any new employer of the non-custodial
15 parent, (ii) whether the non-custodial parent has access to
16 health insurance coverage through the employer or other group
17 coverage, and, if so, the policy name and number and the
18 names of persons covered under the policy, and (iii) of any
19 new residential or mailing address or telephone number of the
20 non-custodial parent.

21 In any subsequent action to enforce a support order, upon
22 sufficient showing that diligent effort has been made to
23 ascertain the location of the non-custodial parent, service
24 of process or provision of notice necessary in that action
25 may be made at the last known address of the non-custodial
26 parent, in any manner expressly provided by the Code of Civil
27 Procedure or this Act, which service shall be sufficient for
28 purposes of due process.

29 An order for support shall include a date on which the
30 current support obligation terminates. The termination date
31 shall be no earlier than the date on which the child covered
32 by the order will attain the age of majority or is otherwise
33 emancipated. The order for support shall state that the
34 termination date does not apply to any arrearage that may

1 remain unpaid on that date. Nothing in this paragraph shall
2 be construed to prevent the Illinois Department from
3 modifying the order.

4 (Source: P.A. 90-18, eff. 7-1-97.)

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

6 Sec. 10-10. Court enforcement; applicability also to
7 persons who are not applicants or recipients. Except where
8 the Illinois Department, by agreement, acts for the local
9 governmental unit, as provided in Section 10-3.1, local
10 governmental units shall refer to the State's Attorney or to
11 the proper legal representative of the governmental unit, for
12 judicial enforcement as herein provided, instances of
13 non-support or insufficient support when the dependents are
14 applicants or recipients under Article VI. The Child and
15 Spouse Support Unit established by Section 10-3.1 may
16 institute in behalf of the Illinois Department any actions
17 under this Section for judicial enforcement of the support
18 liability when the dependents are (a) applicants or
19 recipients under Articles III, IV, V or VII; (b) applicants
20 or recipients in a local governmental unit when the Illinois
21 Department, by agreement, acts for the unit; or (c)
22 non-applicants or non-recipients who are receiving child
23 support enforcement services under this Article X, as
24 provided in Section 10-1. Where the Child and Spouse Support
25 Unit has exercised its option and discretion not to apply the
26 provisions of Sections 10-3 through 10-8, the failure by the
27 Unit to apply such provisions shall not be a bar to bringing
28 an action under this Section.

29 Action shall be brought in the circuit court to obtain
30 support, or for the recovery of aid granted during the period
31 such support was not provided, or both for the obtainment of
32 support and the recovery of the aid provided. Actions for
33 the recovery of aid may be taken separately or they may be

1 consolidated with actions to obtain support. Such actions
2 may be brought in the name of the person or persons requiring
3 support, or may be brought in the name of the Illinois
4 Department or the local governmental unit, as the case
5 requires, in behalf of such persons.

6 The court may enter such orders for the payment of moneys
7 for the support of the person as may be just and equitable
8 and may direct payment thereof for such period or periods of
9 time as the circumstances require, including support for a
10 period before the date the order for support is entered. The
11 order may be entered against any or all of the defendant
12 responsible relatives and may be based upon the proportionate
13 ability of each to contribute to the person's support.

14 The Court shall determine the amount of child support
15 (including child support for a period before the date the
16 order for child support is entered) by using the guidelines
17 and standards set forth in subsection (a) of Section 505 and
18 in Section 505.2 of the Illinois Marriage and Dissolution of
19 Marriage Act. For purposes of determining the amount of child
20 support to be paid for a period before the date the order for
21 child support is entered, there is a rebuttable presumption
22 that the responsible relative's net income for that period
23 was the same as his or her net income at the time the order
24 is entered.

25 If (i) the responsible relative was properly served with
26 a request for discovery of financial information relating to
27 the responsible relative's ability to provide child support,
28 (ii) the responsible relative failed to comply with the
29 request, despite having been ordered to do so by the court,
30 and (iii) the responsible relative is not present at the
31 hearing to determine support despite having received proper
32 notice, then any relevant financial information concerning
33 the responsible relative's ability to provide child support
34 that was obtained pursuant to subpoena and proper notice

1 shall be admitted into evidence without the need to establish
2 any further foundation for its admission.

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

23 The Court shall determine the amount of maintenance using
24 the standards set forth in Section 504 of the Illinois
25 Marriage and Dissolution of Marriage Act.

26 Any new or existing support order entered by the court
27 under this Section shall be deemed to be a series of
28 judgments against the person obligated to pay support
29 thereunder, each such judgment to be in the amount of each
30 payment or installment of support and each such judgment to
31 be deemed entered as of the date the corresponding payment or
32 installment becomes due under the terms of the support order.
33 Each such judgment shall have the full force, effect and
34 attributes of any other judgment of this State, including the

1 ability to be enforced. Any such judgment is subject to
2 modification or termination only in accordance with Section
3 510 of the Illinois Marriage and Dissolution of Marriage Act.
4 A lien arises by operation of law against the real and
5 personal property of the noncustodial parent for each
6 installment of overdue support owed by the noncustodial
7 parent.

8 When an order is entered for the support of a minor, the
9 court may provide therein for reasonable visitation of the
10 minor by the person or persons who provided support pursuant
11 to the order. Whoever willfully refuses to comply with such
12 visitation order or willfully interferes with its enforcement
13 may be declared in contempt of court and punished therefor.

14 Except where the local governmental unit has entered into
15 an agreement with the Illinois Department for the Child and
16 Spouse Support Unit to act for it, as provided in Section
17 10-3.1, support orders entered by the court in cases
18 involving applicants or recipients under Article VI shall
19 provide that payments thereunder be made directly to the
20 local governmental unit. Orders for the support of all other
21 applicants or recipients shall provide that payments
22 thereunder be made directly to the Illinois Department. In
23 accordance with federal law and regulations, the Illinois
24 Department may continue to collect current maintenance
25 payments or child support payments, or both, after those
26 persons cease to receive public assistance and until
27 termination of services under Article X. The Illinois
28 Department shall pay the net amount collected to those
29 persons after deducting any costs incurred in making the
30 collection or any collection fee from the amount of any
31 recovery made. In both cases the order shall permit the
32 local governmental unit or the Illinois Department, as the
33 case may be, to direct the responsible relative or relatives
34 to make support payments directly to the needy person, or to

1 some person or agency in his behalf, upon removal of the
2 person from the public aid rolls or upon termination of
3 services under Article X.

4 If the notice of support due issued pursuant to Section
5 10-7 directs that support payments be made directly to the
6 needy person, or to some person or agency in his behalf, and
7 the recipient is removed from the public aid rolls, court
8 action may be taken against the responsible relative
9 hereunder if he fails to furnish support in accordance with
10 the terms of such notice.

11 Actions may also be brought under this Section in behalf
12 of any person who is in need of support from responsible
13 relatives, as defined in Section 2-11 of Article II who is
14 not an applicant for or recipient of financial aid under this
15 Code. In such instances, the State's Attorney of the county
16 in which such person resides shall bring action against the
17 responsible relatives hereunder. If the Illinois Department,
18 as authorized by Section 10-1, extends the child support
19 enforcement services provided by this Article to spouses and
20 dependent children who are not applicants or recipients under
21 this Code, the Child and Spouse Support Unit established by
22 Section 10-3.1 shall bring action against the responsible
23 relatives hereunder and any support orders entered by the
24 court in such cases shall provide that payments thereunder be
25 made directly to the Illinois Department.

26 Whenever it is determined in a proceeding to establish or
27 enforce a child support or maintenance obligation that the
28 person owing a duty of support is unemployed, the court may
29 order the person to seek employment and report periodically
30 to the court with a diary, listing or other memorandum of his
31 or her efforts in accordance with such order. Additionally,
32 the court may order the unemployed person to report to the
33 Department of Employment Security for job search services or
34 to make application with the local Job Training Partnership

1 Act provider for participation in job search, training or
2 work programs and where the duty of support is owed to a
3 child receiving child support enforcement services under this
4 Article X, the court may order the unemployed person to
5 report to the Illinois Department for participation in job
6 search, training or work programs established under Section
7 9-6 and Article IXA of this Code.

8 Whenever it is determined that a person owes past-due
9 support for a child receiving assistance under this Code, the
10 court shall order at the request of the Illinois Department:

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

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

19 A determination under this Section shall not be
20 administratively reviewable by the procedures specified in
21 Sections 10-12, and 10-13 to 10-13.10. Any determination
22 under these Sections, if made the basis of court action under
23 this Section, shall not affect the de novo judicial
24 determination required under this Section.

25 A one-time charge of 20% is imposable upon the amount of
26 past-due child support owed on July 1, 1988 which has accrued
27 under a support order entered by the court. The charge shall
28 be imposed in accordance with the provisions of Section 10-21
29 of this Code and shall be enforced by the court upon
30 petition.

31 All orders for support, when entered or modified, shall
32 include a provision requiring the non-custodial parent to
33 notify the court and, in cases in which a party is receiving
34 child and-spouse support enforcement services under this

1 Article X, the Illinois Department, within 7 days, (i) of the
2 name, address, and telephone number of any new employer of
3 the non-custodial parent, (ii) whether the non-custodial
4 parent has access to health insurance coverage through the
5 employer or other group coverage and, if so, the policy name
6 and number and the names of persons covered under the policy,
7 and (iii) of any new residential or mailing address or
8 telephone number of the non-custodial parent. In any
9 subsequent action to enforce a support order, upon a
10 sufficient showing that a diligent effort has been made to
11 ascertain the location of the non-custodial parent, service
12 of process or provision of notice necessary in the case may
13 be made at the last known address of the non-custodial parent
14 in any manner expressly provided by the Code of Civil
15 Procedure or this Code, which service shall be sufficient for
16 purposes of due process.

17 An order for support shall include a date on which the
18 current support obligation terminates. The termination date
19 shall be no earlier than the date on which the child covered
20 by the order will attain the age of majority or is otherwise
21 emancipated. The order for support shall state that the
22 termination date does not apply to any arrearage that may
23 remain unpaid on that date. Nothing in this paragraph shall
24 be construed to prevent the court from modifying the order.

25 Upon notification in writing or by electronic
26 transmission from the Illinois Department to the clerk of the
27 court that a person who is receiving support payments under
28 this Section is receiving services under the Child Support
29 Enforcement Program established by Title IV-D of the Social
30 Security Act, any support payments subsequently received by
31 the clerk of the court shall be transmitted in accordance
32 with the instructions of the Illinois Department until the
33 Illinois Department gives notice to the clerk of the court to
34 cease the transmittal. After providing the notification

1 authorized under this paragraph, the Illinois Department
2 shall be entitled as a party to notice of any further
3 proceedings in the case. The clerk of the court shall file a
4 copy of the Illinois Department's notification in the court
5 file. The clerk's failure to file a copy of the notification
6 in the court file shall not, however, affect the Illinois
7 Department's right to receive notice of further proceedings.

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

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

23 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
24 91-357, eff. 7-29-99; 91-767, eff. 6-9-00; 92-16, eff.
25 6-28-01.)

26 (305 ILCS 5/10-10.1) (from Ch. 23, par. 10-10.1)

27 Sec. 10-10.1. Public Aid Collection Fee. In all cases
28 instituted by the Illinois Department on behalf of a child or
29 spouse, other than one receiving a grant of financial aid
30 under Article IV, on whose behalf an application has been
31 made and approved for child support enforcement services as
32 provided by Section 10-1, the court shall impose a collection
33 fee on the individual who owes a child or spouse support

1 obligation in an amount equal to 10% of the amount so owed as
 2 long as such collection is required by federal law, which fee
 3 shall be in addition to the support obligation. The
 4 imposition of such fee shall be in accordance with provisions
 5 of Title IV, Part D, of the Social Security Act and
 6 regulations duly promulgated thereunder. The fee shall be
 7 payable to the clerk of the circuit court for transmittal to
 8 the Illinois Department and shall continue until child
 9 support enforcement services are terminated by the
 10 Department.

11 (Source: P.A. 82-979.)

12 (305 ILCS 5/10-10.4)

13 Sec. 10-10.4. Payment of Support to State Disbursement
 14 Unit.

15 (a) As used in this Section:

16 "Order for support", "obligor", "obligee", and "payor"
 17 mean those terms as defined in the Income Withholding for
 18 Support Act, except that "order for support" shall not mean
 19 orders providing for spousal maintenance under which there is
 20 no child support obligation.

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

26 (1) a party to the order is receiving child and
 27 spouse support enforcement services under this Article X;
 28 or

29 (2) no party to the order is receiving child and
 30 spouse support enforcement services, but the support
 31 payments are made through income withholding.

32 (c) Support payments shall be made to the State
 33 Disbursement Unit if:

1 (1) the order for support was entered before
 2 October 1, 1999, and a party to the order is receiving
 3 child and-spouse support enforcement services under this
 4 Article X; or

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

8 (c-5) If no party to the order is receiving child and
 9 spouse support enforcement services under this Article X, and
 10 the support payments are not being made through income
 11 withholding, then support payments shall be made as directed
 12 in the order for support.

13 (c-10) At any time, and notwithstanding the existence of
 14 an order directing payments to be made elsewhere, the
 15 Department of Public Aid may provide notice to the obligor
 16 and, where applicable, to the obligor's payor:

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

19 (A) a party to the order for support is
 20 receiving child support enforcement services under
 21 this Article X; or

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

26 (2) to make support payments to the State
 27 Disbursement Unit of another state upon request of
 28 another state's Title IV-D child support enforcement
 29 agency, in accordance with the requirements of Title IV,
 30 Part D of the Social Security Act and regulations
 31 promulgated under that Part D. Within-15-days-after-the
 32 effective-date-of-this-amendatory-Act-of-the-91st-General
 33 Assembly, the-Illinois-Department-shall--provide--written
 34 notice--to--the--clerk-of-the-circuit-court,--the-obligor,

1 and,--where--applicable,--the--obligor's--payor--to--make
2 payments-to-the-State-Disbursement-Unit-if:

3 (1)--the--order--for--support--was--entered--before
4 October--1,--1999,--and-a-party-to-the-order-is-receiving
5 child-and-spouse-support-services-under-this--Article--X;
6 or

7 (2)--no--party--to--the-order-is-receiving-child-and
8 spouse-support-services,--and--the--support--payments--are
9 being-made-through-income-withholding.

10 (c-15) Within 15 days after the effective date of this
11 amendatory Act of the 91st General Assembly, the clerk of the
12 circuit court shall provide written notice to the obligor to
13 make payments directly to the clerk of the circuit court if
14 no party to the order is receiving child and--spouse support
15 enforcement services under this Article X, the support
16 payments are not made through income withholding, and the
17 order for support requires support payments to be made
18 directly to the clerk of the circuit court.

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

24 (d) The notices required under subsections (c-10) and
25 (c-15) may be sent by ordinary mail, certified mail, return
26 receipt requested, facsimile transmission, or other
27 electronic process, or may be served upon the obligor or
28 payor using any method provided by law for service of a
29 summons. A copy of the notice shall be provided to the
30 obligee and, when the order for support was entered by the
31 court, to the clerk of the court.

32 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

33 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

1 Sec. 10-11. Administrative Orders. In lieu of actions
2 for court enforcement of support under Section 10-10, the
3 Child and Spouse Support Unit of the Illinois Department, in
4 accordance with the rules of the Illinois Department, may
5 issue an administrative order requiring the responsible
6 relative to comply with the terms of the determination and
7 notice of support due, determined and issued under Sections
8 10-6 and 10-7. The Unit may also enter an administrative
9 order under subsection (b) of Section 10-7. The
10 administrative order shall be served upon the responsible
11 relative by United States registered or certified mail. In
12 cases in which the responsible relative appeared at the
13 office of the Child and Spouse Support Unit in response to
14 the notice of support obligation issued under Section 10-4,
15 however, or in cases of default in which the notice was
16 served on the responsible relative by certified mail, return
17 receipt requested, or by any method provided by law for
18 service of summons, the administrative determination of
19 paternity or administrative support order may be sent to the
20 responsible relative by ordinary mail addressed to the
21 responsible relative's last known address.

22 If a responsible relative or a person receiving child and
23 spouse support enforcement services under this Article fails
24 to petition the Illinois Department for release from or
25 modification of the administrative order, as provided in
26 Section 10-12 or Section 10-12.1, the order shall become
27 final and there shall be no further administrative or
28 judicial remedy. Likewise a decision by the Illinois
29 Department as a result of an administrative hearing, as
30 provided in Sections 10-13 to 10-13.10, shall become final
31 and enforceable if not judicially reviewed under the
32 Administrative Review Law, as provided in Section 10-14.

33 Any new or existing support order entered by the Illinois
34 Department under this Section shall be deemed to be a series

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

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

1 A one-time charge of 20% is imposable upon the amount of
2 past-due child support owed on July 1, 1988, which has
3 accrued under a support order entered by the Illinois
4 Department under this Section. The charge shall be imposed
5 in accordance with the provisions of Section 10-21 and shall
6 be enforced by the court in a suit filed under Section 10-15.
7 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
8 90-655, eff. 7-30-98; 90-790, eff. 8-14-98; 91-212, eff.
9 7-20-99.)

10 (305 ILCS 5/10-11.1) (from Ch. 23, par. 10-11.1)

11 Sec. 10-11.1. (a) Whenever it is determined in a
12 proceeding under Sections 10-6, 10-7, 10-11 or 10-17.1 that
13 the responsible relative is unemployed, and support is sought
14 on behalf of applicants for or recipients of financial aid
15 under Article IV of this Code or other persons who are given
16 access to the child and-spouse support enforcement services
17 of this Article as provided in Section 10-1, the
18 administrative enforcement unit may order the responsible
19 relative to report to the Illinois Department for
20 participation in job search, training or work programs
21 established under Section 9-6 and Article IXA of this Code or
22 to the Illinois Department of Employment Security for job
23 search services or to make application with the local Job
24 Training Partnership Act provider for participation in job
25 search, training or work programs.

26 (b) Whenever it is determined that a responsible
27 relative owes past-due support for a child under an
28 administrative support order entered under subsection (b) of
29 Section 10-7 or under Section 10-11 or 10-17.1 and the child
30 is receiving assistance under this Code, the administrative
31 enforcement unit shall order the following:

32 (1) that the responsible relative pay the past-due
33 support in accordance with a plan approved by the

1 administrative enforcement unit; or

2 (2) if the responsible relative owing past-due
3 support is unemployed, is subject to such a plan, and is
4 not incapacitated, that the responsible relative
5 participate in job search, training, or work programs
6 established under Section 9-6 and Article IXA of this
7 Code.

8 (Source: P.A. 92-16, eff. 6-28-01.)

9 (305 ILCS 5/10-12.1)

10 Sec. 10-12.1. Petition by person receiving child and
11 spouse support enforcement services for release from or
12 modification of administrative support order or
13 administrative determination of paternity. Any person
14 receiving child and-spouse support enforcement services under
15 this Article who is aggrieved by an administrative order
16 entered under Section 10-11 or 10-11.1 or an administrative
17 determination of paternity entered under Section 10-17.7 who
18 has been duly notified of the order or determination may,
19 within 30 days after the date of mailing of the order or
20 determination, petition the Illinois Department for release
21 from or modification of the order or determination. The day
22 immediately subsequent to the mailing of the order or
23 determination shall be considered as the first day and the
24 day the petition is received by the Illinois Department shall
25 be considered as the last day in computing the 30-day appeal
26 period. Upon receiving a petition within the 30-day appeal
27 period, the Illinois Department shall provide for a hearing
28 to be held on the petition.

29 (Source: P.A. 90-790, eff. 8-14-98.)

30 (305 ILCS 5/10-13) (from Ch. 23, par. 10-13)

31 Sec. 10-13. Hearing on Petition. The Illinois Department,
32 or any officer or employee thereof designated in writing by

1 the Illinois Department, shall conduct hearings and
2 investigations in connection with petitions filed pursuant to
3 Section 10-12 or Section 10-12.1. Responsible relatives and
4 persons receiving child and--spouse support enforcement
5 services under this Article shall be entitled to appear in
6 person, to be represented by counsel at the hearing and to
7 present all relevant matter in support of their petitions.
8 The provisions of Sections 10-13.1 through 10-13.10 shall
9 govern the hearing.

10 The hearing shall be de novo and the Illinois
11 Department's determination of liability or non-liability
12 shall be independent of the determination of the
13 administrative enforcement unit.

14 (Source: P.A. 90-790, eff. 8-14-98.)

15 (305 ILCS 5/10-14) (from Ch. 23, par. 10-14)

16 Sec. 10-14. Review of Illinois department decision on
17 petition for hearing. Any responsible relative or person
18 receiving child and--spouse support enforcement services under
19 this Article affected by a final administrative decision of
20 the Illinois Department in a hearing, conducted pursuant to
21 Sections 10-13 through 10-13.10 in which such relative or
22 person receiving services was a party, may have the decision
23 reviewed only under and in accordance with the Administrative
24 Review Law, as amended. The provisions of the Administrative
25 Review Law, and the rules adopted pursuant thereto, shall
26 apply to and govern all proceedings for the judicial review
27 of such final administrative decisions of the Illinois
28 Department. The term "administrative decision" is defined as
29 in Section 3-101 of the Code of Civil Procedure.

30 Appeals from all final orders and judgments entered by a
31 court upon review of the Illinois Department's order in any
32 case may be taken by either party to the proceeding and shall
33 be governed by the rules applicable to appeals in civil

1 cases.

2 The remedy herein provided for appeal shall be exclusive,
3 and no court shall have jurisdiction to review the subject
4 matter of any order made by the Illinois Department except as
5 herein provided.

6 (Source: P.A. 90-790, eff. 8-14-98.)

7 (305 ILCS 5/10-14.1)

8 Sec. 10-14.1. Relief from administrative orders.
9 Notwithstanding the 30-day appeal period provided in Sections
10 10-12 and 10-12.1 and the limitation on review of final
11 administrative decisions contained in Section 10-14, a
12 responsible relative or a person receiving child and-spouse
13 support enforcement services under this Article who is
14 aggrieved by an administrative order entered under Section
15 10-11 or 10-11.1 or an administrative determination of
16 paternity entered under Section 10-17.7 and who did not
17 petition within the 30-day appeal period may petition the
18 Illinois Department for relief from the administrative order
19 or determination on the same grounds as are provided for
20 relief from judgments under Section 2-1401 of the Code of
21 Civil Procedure. The petition must be filed not later than 2
22 years after the entry of the order or determination by the
23 Illinois Department. The day immediately subsequent to the
24 mailing of the order or determination shall be considered as
25 the first day and the day the petition is received by the
26 Illinois Department shall be considered as the last day in
27 computing the 2-year period. Any period during which the
28 person seeking relief is under a legal disability or duress
29 or during which the grounds for relief are fraudulently
30 concealed shall be excluded in computing the period of 2
31 years.

32 Upon receiving a petition within the 2-year period, the
33 Illinois Department shall provide for a hearing to be held on

1 the petition.

2 (Source: P.A. 90-790, eff. 8-14-98.)

3 (305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

4 Sec. 10-15. Enforcement of administrative order; costs
5 and fees. If a responsible relative refuses, neglects, or
6 fails to comply with a final administrative support or
7 reimbursement order of the Illinois Department entered by the
8 Child and Spouse Support Unit pursuant to Sections 10-11 or
9 10-11.1 or registered pursuant to Section 10-17.1, the Child
10 and Spouse Support Unit may file suit against the responsible
11 relative or relatives to secure compliance with the
12 administrative order.

13 Suits shall be instituted in the name of the People of
14 the State of Illinois on the relation of the Department of
15 Public Aid of the State of Illinois and the spouse or
16 dependent children for whom the support order has been
17 issued.

18 The court shall order the payment of the support
19 obligation, or orders for reimbursement of moneys for support
20 provided, directly to the Illinois Department but the order
21 shall permit the Illinois Department to direct the
22 responsible relative or relatives to make payments of support
23 directly to the spouse or dependent children, or to some
24 person or agency in his or their behalf, as provided in
25 Section 10-8 or 10-10, as applicable.

26 Whenever it is determined in a proceeding to enforce an
27 administrative order that the responsible relative is
28 unemployed, and support is sought on behalf of applicants for
29 or recipients of financial aid under Article IV of this Code
30 or other persons who are given access to the child and-spouse
31 support enforcement services of this Article as provided in
32 Section 10-1, the court may order the responsible relative to
33 seek employment and report periodically to the court with a

1 diary, listing or other memorandum of his or her efforts in
2 accordance with such order. In addition, the court may order
3 the unemployed responsible relative to report to the Illinois
4 Department for participation in job search, training or work
5 programs established under Section 9-6 of this Code or to the
6 Illinois Department of Employment Security for job search
7 services or to make application with the local Job Training
8 Partnership Act provider for participation in job search,
9 training or work programs.

10 Charges imposed in accordance with the provisions of
11 Section 10-21 shall be enforced by the Court in a suit filed
12 under this Section.

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

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

19 (305 ILCS 5/10-17.2) (from Ch. 23, par. 10-17.2)

20 Sec. 10-17.2. Income Withholding By Administrative
21 Order. The Illinois Department may provide by rule for entry
22 of an administrative support order containing income
23 withholding provisions and for service and enforcement of an
24 income withholding notice and a National Medical Support
25 Notice, by the Child and Spouse Support Unit based upon and
26 in the same manner as prescribed by the Income Withholding
27 for Support Act. The penalties provided in the Income
28 Withholding for Support Act shall apply hereto and shall be
29 enforced by filing an action under that Act. The rule shall
30 provide for notice to and an opportunity to be heard by the
31 responsible relative affected and any final administrative
32 decision rendered by the Department shall be reviewed only
33 under and in accordance with the Administrative Review Law.

1 (Source: P.A. 90-18, eff. 7-1-97; 90-673, eff. 1-1-99.)

2 (305 ILCS 5/10-17.7)

3 Sec. 10-17.7. Administrative determination of paternity.
4 The Illinois Department may provide by rule for the
5 administrative determination of paternity by the Child and
6 Spouse Support Unit in cases involving applicants for or
7 recipients of financial aid under Article IV of this Act and
8 other persons who are given access to the child and spouse
9 support enforcement services of this Article as provided in
10 Section 10-1, including persons similarly situated and
11 receiving similar services in other states. The rules shall
12 extend to cases in which the mother and alleged father
13 voluntarily acknowledge paternity in the form required by the
14 Illinois Department or agree to be bound by the results of
15 genetic testing or in which the alleged father has failed to
16 respond to a notification of support obligation issued under
17 Section 10-4 and to cases of contested paternity. Any
18 presumption provided for under the Illinois Parentage Act of
19 1984 shall apply to cases in which paternity is determined
20 under the rules of the Illinois Department. The rules shall
21 provide for notice and an opportunity to be heard by the
22 responsible relative and the person receiving child and
23 spouse support enforcement services under this Article if
24 paternity is not voluntarily acknowledged, and any final
25 administrative decision rendered by the Illinois Department
26 shall be reviewed only under and in accordance with the
27 Administrative Review Law. Determinations of paternity made
28 by the Illinois Department under the rules authorized by this
29 Section shall have the full force and effect of a court
30 judgment of paternity entered under the Illinois Parentage
31 Act of 1984.

32 In determining paternity in contested cases, the Illinois
33 Department shall conduct the evidentiary hearing in

1 accordance with Section 11 of the Parentage Act of 1984,
2 except that references in that Section to "the court" shall
3 be deemed to mean the Illinois Department's hearing officer
4 in cases in which paternity is determined administratively by
5 the Illinois Department.

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

19 The Illinois Department may implement this Section
20 through the use of emergency rules in accordance with Section
21 5-45 of the Illinois Administrative Procedure Act. For
22 purposes of the Illinois Administrative Procedure Act, the
23 adoption of rules to implement this Section shall be
24 considered an emergency and necessary for the public
25 interest, safety, and welfare.

26 (Source: P.A. 89-6, eff. 3-6-95; 89-641, eff. 8-9-96; 90-790,
27 eff. 8-14-98.)

28 (305 ILCS 5/12-8) (from Ch. 23, par. 12-8)

29 Sec. 12-8. Public Assistance Emergency Revolving Fund -
30 Uses. The Public Assistance Emergency Revolving Fund,
31 established by Act approved July 8, 1955 shall be held by the
32 Illinois Department and shall be used for the following
33 purposes:

1 1. To provide immediate financial aid to applicants
2 in acute need who have been determined eligible for aid
3 under Articles III, IV, or V.

4 2. To provide emergency aid to recipients under
5 said Articles who have failed to receive their grants
6 because of mail box or other thefts, or who are victims
7 of a burnout, eviction, or other circumstances causing
8 privation, in which cases the delays incident to the
9 issuance of grants from appropriations would cause
10 hardship and suffering.

11 3. To provide emergency aid for transportation,
12 meals and lodging to applicants who are referred to
13 cities other than where they reside for physical
14 examinations to establish blindness or disability, or to
15 determine the incapacity of the parent of a dependent
16 child.

17 4. To provide emergency transportation expense
18 allowances to recipients engaged in vocational training
19 and rehabilitation projects.

20 5. To assist public aid applicants in obtaining
21 copies of birth certificates, death certificates,
22 marriage licenses or other similar legal documents which
23 may facilitate the verification of eligibility for public
24 aid under this Code.

25 6. To provide immediate payments to current or
26 former recipients of child support enforcement services,
27 or refunds to responsible relatives, for child support
28 made to the Illinois Department under Title IV-D of the
29 Social Security Act when such recipients of services or
30 responsible relatives are legally entitled to all or part
31 of such child support payments under applicable State or
32 federal law.

33 7. To provide payments to individuals or providers
34 of transportation to and from medical care for the

1 benefit of recipients under Articles III, IV, V, and VI.

2 Disbursements from the Public Assistance Emergency
3 Revolving Fund shall be made by the Illinois Department.

4 Expenditures from the Public Assistance Emergency
5 Revolving Fund shall be for purposes which are properly
6 chargeable to appropriations made to the Illinois Department,
7 or, in the case of payments under subparagraph 6, to the
8 Child Support Enforcement Trust Fund, except that no
9 expenditure shall be made for purposes which are properly
10 chargeable to appropriations for the following objects:
11 personal services; extra help; state contributions to
12 retirement system; state contributions to Social Security;
13 state contributions for employee group insurance; contractual
14 services; travel; commodities; printing; equipment;
15 electronic data processing; operation of auto equipment;
16 telecommunications services; library books; and refunds. The
17 Illinois Department shall reimburse the Public Assistance
18 Emergency Revolving Fund by warrants drawn by the State
19 Comptroller on the appropriation or appropriations which are
20 so chargeable, or, in the case of payments under subparagraph
21 6, by warrants drawn on the Child Support Enforcement Trust
22 Fund, payable to the Revolving Fund.

23 The Illinois Department shall consult, in writing, with
24 the Citizens Assembly/Council on Public Aid with respect to
25 the investment of funds from the Public Assistance Emergency
26 Revolving Fund outside the State Treasury in certificates of
27 deposit or other interest-bearing accounts.

28 (Source: P.A. 92-111, eff. 1-1-02.)

29 Section 7. The Vital Records Act is amended by changing
30 Section 12 as follows:

31 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

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

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

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

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

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

28 (b) Any other person in attendance at or
29 immediately after the birth, or in the absence of such a
30 person,

31 (c) The father, the mother, or in the absence of
32 the father and the inability of the mother, the person in
33 charge of the premises where the birth occurred.

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

1 was not married to the father of the child at either the time
2 of conception or the time of birth, the name of the father
3 shall be entered on the child's birth certificate only if the
4 mother and the person to be named as the father have signed
5 an acknowledgment of parentage in accordance with subsection
6 (5).

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

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

22 (a) Provide (i) an opportunity for the child's
23 mother and father to sign an acknowledgment of parentage
24 and (ii) if the presumed father is not the biological
25 father, an opportunity for the mother and presumed father
26 to sign a denial of paternity. The signing and
27 witnessing of the acknowledgment of parentage or, if the
28 presumed father of the child is not the biological
29 father, the acknowledgment of parentage and denial of
30 paternity conclusively establishes a parent and child
31 relationship in accordance with Sections 5 and 6 of the
32 Illinois Parentage Act of 1984.

33 The Illinois Department of Public Aid shall furnish
34 the acknowledgment of parentage and denial of paternity

1 form to institutions, county clerks, and State and local
2 registrars' offices. The form shall include instructions
3 to send the original signed and witnessed acknowledgment
4 of parentage and denial of paternity to the Illinois
5 Department of Public Aid.

6 (b) Provide the following documents, furnished by
7 the Illinois Department of Public Aid, to the child's
8 mother, biological father, and (if the person presumed to
9 be the child's father is not the biological father)
10 presumed father for their review at the time the
11 opportunity is provided to establish a parent and child
12 relationship:

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

22 (ii) An explanation of the benefits of having
23 a child's parentage established and the availability
24 of parentage establishment and child support
25 enforcement services.

26 (iii) A request for an application for child
27 support enforcement services from the Illinois
28 Department of Public Aid.

29 (iv) Instructions concerning the opportunity
30 to speak, either by telephone or in person, with
31 staff of the Illinois Department of Public Aid who
32 are trained to clarify information and answer
33 questions about paternity establishment.

34 (v) Instructions for completing and signing

1 the acknowledgment of parentage and denial of
2 paternity.

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

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

24 (7) An acknowledgment of paternity signed pursuant to
25 Section 6 of the Illinois Parentage Act of 1984 may be
26 challenged in court only on the basis of fraud, duress, or
27 material mistake of fact, with the burden of proof upon the
28 challenging party. Pending outcome of a challenge to the
29 acknowledgment of paternity, the legal responsibilities of
30 the signatories shall remain in full force and effect, except
31 upon order of the court upon a showing of good cause.

32 (8) When the process for acknowledgment of parentage as
33 provided for under subsection (5) establishes the paternity
34 of a child whose certificate of birth is on file in another

1 state, the Illinois Department of Public Aid shall forward a
2 copy of the acknowledgment of parentage, the denial of
3 paternity, if applicable, and the rescission of parentage, if
4 applicable, to the birth record agency of the state where the
5 child's certificate of birth is on file.

6 (9) In the event the parent-child relationship has been
7 established in accordance with subdivision (a)(1) of Section
8 6 of the Parentage Act of 1984, the names of the biological
9 mother and biological father so established shall be entered
10 on the child's birth certificate, and the names of the
11 surrogate mother and surrogate mother's husband, if any,
12 shall not be on the birth certificate.

13 (Source: P.A. 90-18, eff. 7-1-97; 90-790, eff. 8-14-98;
14 91-308, eff. 7-29-99.)

15 Section 10. The Illinois Marriage and Dissolution of
16 Marriage Act is amended by changing Sections 505.1, 506,
17 507.1, 510, 516, 709, and 710 as follows:

18 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

19 Sec. 505.1. (a) Whenever it is determined in a
20 proceeding to establish or enforce a child support or
21 maintenance obligation that the person owing a duty of
22 support is unemployed, the court may order the person to seek
23 employment and report periodically to the court with a diary,
24 listing or other memorandum of his or her efforts in
25 accordance with such order. Additionally, the court may order
26 the unemployed person to report to the Department of
27 Employment Security for job search services or to make
28 application with the local Job Training Partnership Act
29 provider for participation in job search, training or work
30 programs and where the duty of support is owed to a child
31 receiving child support enforcement services under Article X
32 of the Illinois Public Aid Code, as amended, the court may

1 order the unemployed person to report to the Illinois
2 Department of Public Aid for participation in job search,
3 training or work programs established under Section 9-6 and
4 Article IXA of that Code.

5 (b) Whenever it is determined that a person owes
6 past-due support for a child or for a child and the parent
7 with whom the child is living, and the child is receiving
8 assistance under the Illinois Public Aid Code, the court
9 shall order at the request of the Illinois Department of
10 Public Aid:

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

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

19 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

20 (750 ILCS 5/506) (from Ch. 40, par. 506)

21 Sec. 506. Representation of child.

22 (a) Duties. In any proceedings involving the support,
23 custody, visitation, education, parentage, property interest,
24 or general welfare of a minor or dependent child, the court
25 may, on its own motion or that of any party, and subject to
26 the terms or specifications the court determines, appoint an
27 attorney to serve in one of the following capacities:

28 (1) as an attorney to represent the child;

29 (2) as a guardian ad litem to address issues the
30 court delineates;

31 (3) as a child's representative whose duty shall be
32 to advocate what the representative finds to be in the
33 best interests of the child after reviewing the facts and

1 circumstances of the case. The child's representative
2 shall have the same power and authority to take part in
3 the conduct of the litigation as does an attorney for a
4 party and shall possess all the powers of investigation
5 and recommendation as does a guardian ad litem. The
6 child's representative shall consider, but not be bound
7 by, the expressed wishes of the child. A child's
8 representative shall have received training in child
9 advocacy or shall possess such experience as determined
10 to be equivalent to such training by the chief judge of
11 the circuit where the child's representative has been
12 appointed. The child's representative shall not disclose
13 confidential communications made by the child, except as
14 required by law or by the Rules of Professional Conduct.
15 The child's representative shall not be called as a
16 witness regarding the issues set forth in this
17 subsection.

18 During the proceedings the court may appoint an
19 additional attorney to serve in another of the capacities
20 described in subdivisions (a)(1), (a)(2), or (a)(3) on its
21 own motion or that of a party only for good cause shown and
22 when the reasons for the additional appointment are set forth
23 in specific findings.

24 (b) Fees and costs. The court shall enter an order as
25 appropriate for costs, fees, and disbursements, including a
26 retainer, when the attorney, guardian ad litem, or child's
27 representative is appointed, and thereafter as necessary.
28 Such orders shall require payment by either or both parents,
29 by any other party or source, or from the marital estate or
30 the child's separate estate. The court may not order payment
31 by the Illinois Department of Public Aid in cases in which
32 the Department is providing child and--spouse support
33 enforcement services under Article X of the Illinois Public
34 Aid Code. Unless otherwise ordered by the court at the time

1 fees and costs are approved, all fees and costs payable to an
 2 attorney, guardian ad litem, or child's representative under
 3 this Section are by implication deemed to be in the nature of
 4 support of the child and are within the exceptions to
 5 discharge in bankruptcy under 11 U.S.C.A. 523. The
 6 provisions of Sections 501 and 508 of this Act shall apply to
 7 fees and costs for attorneys appointed under this Section.
 8 (Source: P.A. 90-309, eff. 1-1-98; 91-410, eff. 1-1-00.)

9 (750 ILCS 5/507.1)

10 Sec. 507.1. Payment of Support to State Disbursement
 11 Unit.

12 (a) As used in this Section:

13 "Order for support", "obligor", "obligee", and "payor"
 14 mean those terms as defined in the Income Withholding for
 15 Support Act, except that "order for support" shall not mean
 16 orders providing for spousal maintenance under which there is
 17 no child support obligation.

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

23 (1) a party to the order is receiving child and
 24 spouse support enforcement services under Article X of
 25 the Illinois Public Aid Code; or

26 (2) no party to the order is receiving child and
 27 spouse support enforcement services, but the support
 28 payments are made through income withholding.

29 (c) Support payments shall be made to the State
 30 Disbursement Unit if:

31 (1) the order for support was entered before
 32 October 1, 1999, and a party to the order is receiving
 33 child and--spouse support enforcement services under

1 Article X of the Illinois Public Aid Code; or

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

5 (c-5) If no party to the order is receiving child and
6 spouse support enforcement services under Article X of the
7 Illinois Public Aid Code, and the support payments are not
8 made through income withholding, then support payments shall
9 be made as directed by the order for support.

10 (c-10) At any time, and notwithstanding the existence of
11 an order directing payments to be made elsewhere, the
12 Department of Public Aid may provide notice to the obligor
13 and, where applicable, to the obligor's payor:

14 (1) to make support payments to the State
15 Disbursement Unit if:

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

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

24 (2) to make support payments to the State
25 Disbursement Unit of another state upon request of
26 another state's Title IV-D child support enforcement
27 agency, in accordance with the requirements of Title IV,
28 Part D of the Social Security Act and regulations
29 promulgated under that Part D.

30 The Department of Public Aid shall provide a copy of the
31 notice to the obligee and to the clerk of the circuit court.
32 Within 15 days after the effective date of this amendatory
33 Act of the 91st General Assembly, the Illinois Department
34 shall provide written notice to the clerk of the circuit

1 court,--the--obligor,--and,--where--applicable,--the--obligor's
2 payer--to--make--payments--to--the--State--Disbursement--Unit--if:

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

7 (2)--no--party--to--the--order--is--receiving--child--and
8 spouse--support--services,--and--the--support--payments--are
9 being--made--through--income--withholding.

10 (c-15) Within 15 days after the effective date of this
11 amendatory Act of the 91st General Assembly, the clerk of the
12 circuit court shall provide written notice to the obligor to
13 make payments directly to the clerk of the circuit court if
14 no party to the order is receiving child and--spouse support
15 enforcement services under Article X of the Illinois Public
16 Aid Code, the support payments are not made through income
17 withholding, and the order for support requires support
18 payments to be made directly to the clerk of the circuit
19 court. The clerk shall provide a copy of the notice to the
20 obligee.

21 (c-20) If the State Disbursement Unit receives a support
22 payment that was not appropriately made to the Unit under
23 this Section, the Unit shall immediately return the payment
24 to the sender, including, if possible, instructions detailing
25 where to send the support payment.

26 (d) The notices required under subsections (c-10) and
27 (c-15) may be sent by ordinary mail, certified mail, return
28 receipt requested, facsimile transmission, or other
29 electronic process, or may be served upon the obligor or
30 payor using any method provided by law for service of a
31 summons. ~~The--Illinois--Department--of--Public--Aid--shall--provide~~
32 ~~a--copy--of--the--notice--to--the--obligee--and--to--the--clerk--of--the~~
33 ~~court.~~

34 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

1 (750 ILCS 5/510) (from Ch. 40, par. 510)

2 Sec. 510. Modification and termination of provisions for
3 maintenance, support, educational expenses, and property
4 disposition.

5 (a) Except as otherwise provided in paragraph (f) of
6 Section 502 and in subsection (b) ~~(d)~~, clause (3) of Section
7 505.2, the provisions of any judgment respecting maintenance
8 or support may be modified only as to installments accruing
9 subsequent to due notice by the moving party of the filing of
10 the motion for modification and, with respect to maintenance,
11 only upon a showing of a substantial change in circumstances.
12 An order for child support may be modified as follows:

13 (1) upon a showing of a substantial change in
14 circumstances; and

15 (2) without the necessity of showing a substantial
16 change in circumstances, as follows:

17 (A) upon a showing of an inconsistency of at
18 least 20%, but no less than \$10 per month, between
19 the amount of the existing order and the amount of
20 child support that results from application of the
21 guidelines specified in Section 505 of this Act
22 unless the inconsistency is due to the fact that the
23 amount of the existing order resulted from a
24 deviation from the guideline amount and there has
25 not been a change in the circumstances that resulted
26 in that deviation; or

27 (B) Upon a showing of a need to provide for
28 the health care needs of the child under the order
29 through health insurance or other means. In no
30 event shall the eligibility for or receipt of
31 medical assistance be considered to meet the need to
32 provide for the child's health care needs.

33 The provisions of subparagraph (a)(2)(A) shall apply only
34 in cases in which a party is receiving child and-spouse

1 support enforcement services from the Illinois Department of
2 Public Aid under Article X of the Illinois Public Aid Code,
3 and only when at least 36 months have elapsed since the order
4 for child support was entered or last modified.

5 (b) The provisions as to property disposition may not be
6 revoked or modified, unless the court finds the existence of
7 conditions that justify the reopening of a judgment under the
8 laws of this State.

9 (c) Unless otherwise agreed by the parties in a written
10 agreement set forth in the judgment or otherwise approved by
11 the court, the obligation to pay future maintenance is
12 terminated upon the death of either party, or the remarriage
13 of the party receiving maintenance, or if the party receiving
14 maintenance cohabits with another person on a resident,
15 continuing conjugal basis.

16 (d) Unless otherwise agreed in writing or expressly
17 provided in a judgment, provisions for the support of a child
18 are terminated by emancipation of the child, except as
19 otherwise provided herein, but not by the death of a parent
20 obligated to support or educate the child. An existing
21 obligation to pay for support or educational expenses, or
22 both, is not terminated by the death of a parent. When a
23 parent obligated to pay support or educational expenses, or
24 both, dies, the amount of support or educational expenses, or
25 both, may be enforced, modified, revoked or commuted to a
26 lump sum payment, as equity may require, and that
27 determination may be provided for at the time of the
28 dissolution of the marriage or thereafter.

29 (e) The right to petition for support or educational
30 expenses, or both, under Sections 505 and 513 is not
31 extinguished by the death of a parent. Upon a petition filed
32 before or after a parent's death, the court may award sums of
33 money out of the decedent's estate for the child's support or
34 educational expenses, or both, as equity may require. The

1 time within which a claim may be filed against the estate of
2 a decedent under Sections 505 and 513 and subsection (d) and
3 this subsection shall be governed by the provisions of the
4 Probate Act of 1975, as a barrable, noncontingent claim.

5 (f) A petition to modify or terminate child support,
6 custody, or visitation shall not delay any child support
7 enforcement litigation or supplementary proceeding on behalf
8 of the obligee, including, but not limited to, a petition for
9 a rule to show cause, for non-wage garnishment, or for a
10 restraining order.

11 (Source: P.A. 92-289, eff. 8-9-01; revised 12-07-01.)

12 (750 ILCS 5/516) (from Ch. 40, par. 516)

13 Sec. 516. Public Aid collection fee. In all cases
14 instituted by the Illinois Department of Public Aid on behalf
15 of a child or spouse, other than one receiving a grant of
16 financial aid under Article IV of The Illinois Public Aid
17 Code, on whose behalf an application has been made and
18 approved for child support enforcement services as provided
19 by Section 10-1 of that Code, the court shall impose a
20 collection fee on the individual who owes a child or spouse
21 support obligation in an amount equal to 10% of the amount so
22 owed as long as such collection is required by federal law,
23 which fee shall be in addition to the support obligation.
24 The imposition of such fee shall be in accordance with
25 provisions of Title IV, Part D, of the Social Security Act
26 and regulations duly promulgated thereunder. The fee shall
27 be payable to the clerk of the circuit court for transmittal
28 to the Illinois Department of Public Aid and shall continue
29 until child support enforcement services are terminated by
30 that Department.

31 (Source: P.A. 82-979.)

32 (750 ILCS 5/709) (from Ch. 40, par. 709)

1 Sec. 709. Mandatory child support payments to clerk.

2 (a) As of January 1, 1982, child support orders entered
3 in any county covered by this subsection shall be made
4 pursuant to the provisions of Sections 709 through 712 of
5 this Act. For purposes of these Sections, the term "child
6 support payment" or "payment" shall include any payment
7 ordered to be made solely for the purpose of the support of a
8 child or children or any payment ordered for general support
9 which includes any amount for support of any child or
10 children.

11 The provisions of Sections 709 through 712 shall be
12 applicable to any county with a population of 2 million or
13 more and to any other county which notifies the Supreme Court
14 of its desire to be included within the coverage of these
15 Sections and is certified pursuant to Supreme Court Rules.

16 The effective date of inclusion, however, shall be
17 subject to approval of the application for reimbursement of
18 the costs of the support program by the Department of Public
19 Aid as provided in Section 712.

20 (b) In any proceeding for a dissolution of marriage,
21 legal separation, or declaration of invalidity of marriage,
22 or in any supplementary proceedings in which a judgment or
23 modification thereof for the payment of child support is
24 entered on or after January 1, 1982, in any county covered by
25 Sections 709 through 712, and the person entitled to payment
26 is receiving a grant of financial aid under Article IV of the
27 Illinois Public Aid Code or has applied and qualified for
28 child support enforcement services under Section 10-1 of that
29 Code, the court shall direct: (1) that such payments be made
30 to the clerk of the court and (2) that the parties affected
31 shall each thereafter notify the clerk of any change of
32 address or change in other conditions that may affect the
33 administration of the order, including the fact that a party
34 who was previously not on public aid has become a recipient

1 of public aid, within 10 days of such change. All notices
2 sent to the obligor's last known address on file with the
3 clerk shall be deemed sufficient to proceed with enforcement
4 pursuant to the provisions of Sections 709 through 712.

5 In all other cases, the court may direct that payments be
6 made to the clerk of the court.

7 (c) Except as provided in subsection (d) of this
8 Section, the clerk shall disburse the payments to the person
9 or persons entitled thereto under the terms of the order or
10 judgment.

11 (d) The court shall determine, prior to the entry of the
12 support order, if the party who is to receive the support is
13 presently receiving public aid or has a current application
14 for public aid pending and shall enter the finding on the
15 record.

16 If the person entitled to payment is a recipient of aid
17 under the Illinois Public Aid Code, the clerk, upon being
18 informed of this fact by finding of the court, by
19 notification by the party entitled to payment, by the
20 Illinois Department of Public Aid or by the local
21 governmental unit, shall make all payments to: (1) the
22 Illinois Department of Public Aid if the person is a
23 recipient under Article III, IV, or V of the Code or (2) the
24 local governmental unit responsible for his or her support if
25 the person is a recipient under Article VI or VII of the
26 Code. In accordance with federal law and regulations, the
27 Illinois Department of Public Aid may continue to collect
28 current maintenance payments or child support payments, or
29 both, after those persons cease to receive public assistance
30 and until termination of services under Article X of the
31 Illinois Public Aid Code. The Illinois Department of Public
32 Aid shall pay the net amount collected to those persons after
33 deducting any costs incurred in making the collection or any
34 collection fee from the amount of any recovery made. Upon

1 termination of public aid payments to such a recipient or
2 termination of services under Article X of the Illinois
3 Public Aid Code, the Illinois Department of Public Aid or the
4 appropriate local governmental unit shall notify the clerk in
5 writing or by electronic transmission that all subsequent
6 payments are to be sent directly to the person entitled
7 thereto.

8 Upon notification in writing or by electronic
9 transmission from the Illinois Department of Public Aid to
10 the clerk of the court that a person who is receiving support
11 payments under this Section is receiving services under the
12 Child Support Enforcement Program established by Title IV-D
13 of the Social Security Act, any support payments subsequently
14 received by the clerk of the court shall be transmitted in
15 accordance with the instructions of the Illinois Department
16 of Public Aid until the Department gives notice to the clerk
17 of the court to cease the transmittal. After providing the
18 notification authorized under this paragraph, the Illinois
19 Department of Public Aid shall be entitled as a party to
20 notice of any further proceedings in the case. The clerk of
21 the court shall file a copy of the Illinois Department of
22 Public Aid's notification in the court file. The failure of
23 the clerk to file a copy of the notification in the court
24 file shall not, however, affect the Illinois Department of
25 Public Aid's right to receive notice of further proceedings.

26 Payments under this Section to the Illinois Department of
27 Public Aid pursuant to the Child Support Enforcement Program
28 established by Title IV-D of the Social Security Act shall be
29 paid into the Child Support Enforcement Trust Fund. All
30 payments under this Section to the Illinois Department of
31 Human Services shall be deposited in the DHS Recoveries Trust
32 Fund. Disbursements from these funds shall be as provided in
33 the Illinois Public Aid Code. Payments received by a local
34 governmental unit shall be deposited in that unit's General

1 Assistance Fund.

2 (e) Any order or judgment may be amended by the court,
3 upon its own motion or upon the motion of either party, to
4 conform with the provisions of Sections 709 through 712,
5 either as to the requirement of making payments to the clerk
6 or, where payments are already being made to the clerk, as to
7 the statutory fees provided for under Section 711.

8 (f) The clerk may invest in any interest bearing account
9 or in any securities, monies collected for the benefit of a
10 payee, where such payee cannot be found; however, the
11 investment may be only for the period until the clerk is able
12 to locate and present the payee with such monies. The clerk
13 may invest in any interest bearing account, or in any
14 securities, monies collected for the benefit of any other
15 payee; however, this does not alter the clerk's obligation to
16 make payments to the payee in a timely manner. Any interest
17 or capital gains accrued shall be for the benefit of the
18 county and shall be paid into the special fund established in
19 subsection (b) of Section 711.

20 (g) The clerk shall establish and maintain a payment
21 record of all monies received and disbursed and such record
22 shall constitute prima facie evidence of such payment and
23 non-payment, as the case may be.

24 (h) For those cases in which child support is payable to
25 the clerk of the circuit court for transmittal to the
26 Illinois Department of Public Aid by order of court or upon
27 notification by the Illinois Department of Public Aid, the
28 clerk shall transmit all such payments, within 4 working days
29 of receipt, to insure that funds are available for immediate
30 distribution by the Department to the person or entity
31 entitled thereto in accordance with standards of the Child
32 Support Enforcement Program established under Title IV-D of
33 the Social Security Act. The clerk shall notify the
34 Department of the date of receipt and amount thereof at the

1 time of transmittal. Where the clerk has entered into an
2 agreement of cooperation with the Department to record the
3 terms of child support orders and payments made thereunder
4 directly into the Department's automated data processing
5 system, the clerk shall account for, transmit and otherwise
6 distribute child support payments in accordance with such
7 agreement in lieu of the requirements contained herein.

8 (i) To the extent the provisions of this Section are
9 inconsistent with the requirements pertaining to the State
10 Disbursement Unit under Section 507.1 of this Act and Section
11 10-26 of the Illinois Public Aid Code, the requirements
12 pertaining to the State Disbursement Unit shall apply.

13 (Source: P.A. 91-24, eff. 7-1-99; 91-212, eff. 7-20-99;
14 92-16, eff. 6-28-01.)

15 (750 ILCS 5/710) (from Ch. 40, par. 710)

16 Sec. 710. Enforcement; Penalties.

17 (a) In counties certified as included under the
18 provisions of Sections 709 through 712 and whose application
19 for reimbursement is approved, there shall be instituted a
20 child support enforcement program to be conducted by the
21 clerk of the circuit court and the state's attorney of the
22 county. The program is to be limited to enforcement of child
23 support orders entered pursuant to this Act.

24 The child support enforcement program is to be conducted
25 only on behalf of dependent children included in a grant of
26 financial aid under Article IV of The Illinois Public Aid
27 Code and parties who apply and qualify for child support
28 enforcement services pursuant to Section 10-1 of such Code.

29 Nothing in this Section shall be construed to prohibit
30 the establishment of a child support enforcement program by
31 the clerk of the circuit court in cooperation with the
32 State's Attorney of the county.

33 (b) In the event of a delinquency in payment, as

1 determined from the record maintained by the clerk in a
2 county covered by the child support enforcement program, such
3 clerk shall notify both the party obligated to make the
4 payment, hereinafter called the payor, and the recipient of
5 such payment, hereinafter called the payee, of such
6 delinquency and that if the amount then due and owing is not
7 remitted in the time period required by circuit court rules,
8 the matter will be referred to the state's attorney for
9 enforcement proceedings. Upon failure of the payor to remit
10 as required, the clerk shall refer the matter to the state's
11 attorney, except as provided by rule of the circuit court.

12 (c) Upon referral from the clerk, the state's attorney
13 shall promptly initiate enforcement proceedings against the
14 payor. Legal representation by the state's attorney shall be
15 limited to child support and shall not extend to visitation,
16 custody, property or other matters; however, if the payor
17 properly files pleadings raising such matters during the
18 course of the child support hearing and the court finds that
19 it has jurisdiction of such matters, the payee shall be
20 granted the opportunity to obtain a continuance in order to
21 secure representation for those other matters, and the court
22 shall not delay entry of an appropriate support order pending
23 the disposition of such other matters.

24 If the state's attorney does not commence enforcement
25 proceedings within 30 days, the clerk shall inform the court
26 which, upon its own motion, shall appoint counsel for
27 purposes of enforcement. The fees and expenses of such
28 counsel shall be paid by the payor and shall not be paid by
29 the State.

30 Nothing in this Section shall be construed to prevent a
31 payee from instituting independent enforcement proceedings or
32 limit the remedies available to payee in such proceedings.
33 However, absent the exercise under this provision of a
34 private right of enforcement, enforcement shall be as

1 otherwise provided in this Section.

2 (d) At the time any support order is entered, the payee
3 shall be informed of the procedure used for enforcement and
4 shall be given the address and telephone number both of the
5 clerk and of the Child and Spouse Support Unit as provided in
6 Section 712.

7 The payee shall be informed that, if no action is taken
8 within 2 months of any complaint to the clerk, payee may
9 contact the Unit to seek assistance in obtaining enforcement.

10 (e) Upon a finding that payor is in default and that
11 such non-payment is for a period of two months and that such
12 non-payment is without good cause, the court shall order the
13 payor to pay a sum equal to 2% of the arrearage as a penalty
14 along with his payment.

15 The court may further assess against the payor any fees
16 and expenses incurred in the enforcement of any order or the
17 reasonable value thereof and may impose any penalty otherwise
18 available to it in a case of contempt.

19 All penalties, fees and expenses assessed against the
20 payor pursuant to this subsection are to cover the expenses
21 of enforcement, are to be paid to the clerk and are to be
22 placed by him in the special fund provided for in Section
23 711.

24 (f) Any person not covered by the child support
25 enforcement program may institute private and independent
26 proceedings to enforce payment of support.

27 (Source: P.A. 88-284.)

28 Section 15. The Non-Support Punishment Act is amended by
29 changing Sections 7, 20, 25, 35, and 60 as follows:

30 (750 ILCS 16/7)

31 Sec. 7. Prosecutions by Attorney General. In addition
32 to enforcement proceedings by the several State's Attorneys,

1 a proceeding for the enforcement of this Act may be
 2 instituted and prosecuted by the Attorney General in cases
 3 referred by the Illinois Department of Public Aid involving
 4 persons receiving child and--spouse support enforcement
 5 services under Article X of the Illinois Public Aid Code.
 6 Before referring a case to the Attorney General for
 7 enforcement under this Act, the Department of Public Aid
 8 shall notify the person receiving child and--spouse support
 9 enforcement services under Article X of the Illinois Public
 10 Aid Code of the Department's intent to refer the case to the
 11 Attorney General under this Section for prosecution.

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

13 (750 ILCS 16/20)

14 Sec. 20. Entry of order for support; income withholding.

15 (a) In a case in which no court or administrative order
 16 for support is in effect against the defendant:

17 (1) at any time before the trial, upon motion of
 18 the State's Attorney, or of the Attorney General if the
 19 action has been instituted by his office, and upon notice
 20 to the defendant, or at the time of arraignment or as a
 21 condition of postponement of arraignment, the court may
 22 enter such temporary order for support as may seem just,
 23 providing for the support or maintenance of the spouse or
 24 child or children of the defendant, or both, pendente
 25 lite; or

26 (2) before trial with the consent of the defendant,
 27 or at the trial on entry of a plea of guilty, or after
 28 conviction, instead of imposing the penalty provided in
 29 this Act, or in addition thereto, the court may enter an
 30 order for support, subject to modification by the court
 31 from time to time as circumstances may require, directing
 32 the defendant to pay a certain sum for maintenance of the
 33 spouse, or for support of the child or children, or both.

1 (b) The court shall determine the amount of child
2 support by using the guidelines and standards set forth in
3 subsection (a) of Section 505 and in Section 505.2 of the
4 Illinois Marriage and Dissolution of Marriage Act.

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

17 (c) The court shall determine the amount of maintenance
18 using the standards set forth in Section 504 of the Illinois
19 Marriage and Dissolution of Marriage Act.

20 (d) The court may, for violation of any order under this
21 Section, punish the offender as for a contempt of court, but
22 no pendente lite order shall remain in effect longer than 4
23 months, or after the discharge of any panel of jurors
24 summoned for service thereafter in such court, whichever is
25 sooner.

26 (e) Any order for support entered by the court under
27 this Section shall be deemed to be a series of judgments
28 against the person obligated to pay support under the
29 judgments, each such judgment to be in the amount of each
30 payment or installment of support and each judgment to be
31 deemed entered as of the date the corresponding payment or
32 installment becomes due under the terms of the support order.
33 Each judgment shall have the full force, effect, and
34 attributes of any other judgment of this State, including the

1 ability to be enforced. Each judgment is subject to
2 modification or termination only in accordance with Section
3 510 of the Illinois Marriage and Dissolution of Marriage Act.
4 A lien arises by operation of law against the real and
5 personal property of the noncustodial parent for each
6 installment of overdue support owed by the noncustodial
7 parent.

8 (f) An order for support entered under this Section
9 shall include a provision requiring the obligor to report to
10 the obligee and to the clerk of the court within 10 days each
11 time the obligor obtains new employment, and each time the
12 obligor's employment is terminated for any reason. The
13 report shall be in writing and shall, in the case of new
14 employment, include the name and address of the new employer.

15 Failure to report new employment or the termination of
16 current employment, if coupled with nonpayment of support for
17 a period in excess of 60 days, is indirect criminal contempt.
18 For any obligor arrested for failure to report new
19 employment, bond shall be set in the amount of the child
20 support that should have been paid during the period of
21 unreported employment.

22 An order for support entered under this Section shall
23 also include a provision requiring the obligor and obligee
24 parents to advise each other of a change in residence within
25 5 days of the change except when the court finds that the
26 physical, mental, or emotional health of a party or of a
27 minor child, or both, would be seriously endangered by
28 disclosure of the party's address.

29 (g) An order for support entered or modified in a case
30 in which a party is receiving child and-spouse support
31 enforcement services under Article X of the Illinois Public
32 Aid Code shall include a provision requiring the noncustodial
33 parent to notify the Illinois Department of Public Aid,
34 within 7 days, of the name and address of any new employer of

1 the noncustodial parent, whether the noncustodial parent has
2 access to health insurance coverage through the employer or
3 other group coverage and, if so, the policy name and number
4 and the names of persons covered under the policy.

5 (h) In any subsequent action to enforce an order for
6 support entered under this Act, upon sufficient showing that
7 diligent effort has been made to ascertain the location of
8 the noncustodial parent, service of process or provision of
9 notice necessary in that action may be made at the last known
10 address of the noncustodial parent, in any manner expressly
11 provided by the Code of Civil Procedure or in this Act, which
12 service shall be sufficient for purposes of due process.

13 (i) An order for support shall include a date on which
14 the current support obligation terminates. The termination
15 date shall be no earlier than the date on which the child
16 covered by the order will attain the age of majority or is
17 otherwise emancipated. The order for support shall state that
18 the termination date does not apply to any arrearage that may
19 remain unpaid on that date. Nothing in this subsection shall
20 be construed to prevent the court from modifying the order.

21 (j) A support obligation, or any portion of a support
22 obligation, which becomes due and remains unpaid for 30 days
23 or more shall accrue simple interest at the rate of 9% per
24 annum. An order for support entered or modified on or after
25 January 1, 2002 shall contain a statement that a support
26 obligation required under the order, or any portion of a
27 support obligation required under the order, that becomes due
28 and remains unpaid for 30 days or more shall accrue simple
29 interest at the rate of 9% per annum. Failure to include the
30 statement in the order for support does not affect the
31 validity of the order or the accrual of interest as provided
32 in this Section.

33 (Source: P.A. 91-613, eff. 10-1-99; 91-767, eff. 6-9-00;
34 92-374, eff. 8-15-01.)

1 (750 ILCS 16/25)

2 Sec. 25. Payment of support to State Disbursement Unit;
3 clerk of the court.

4 (a) As used in this Section, "order for support",
5 "obligor", "obligee", and "payor" mean those terms as defined
6 in the Income Withholding for Support Act.

7 (b) Each order for support entered or modified under
8 Section 20 of this Act shall require that support payments be
9 made to the State Disbursement Unit established under the
10 Illinois Public Aid Code, under the following circumstances:

11 (1) when a party to the order is receiving child and
12 spouse support enforcement services under Article X of
13 the Illinois Public Aid Code; or

14 (2) when no party to the order is receiving child
15 and--spouse support enforcement services, but the support
16 payments are made through income withholding.

17 (c) When no party to the order is receiving child and
18 spouse support enforcement services, and payments are not
19 being made through income withholding, the court shall order
20 the obligor to make support payments to the clerk of the
21 court.

22 (d) At any time, and notwithstanding the existence of an
23 order directing payments to be made elsewhere, the Department
24 of Public Aid may provide notice to the obligor and, where
25 applicable, to the obligor's payor:

26 (1) to make support payments to the State
27 Disbursement Unit if:

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

31 (B) no party to the order for support is
32 receiving child support enforcement services under
33 Article X of the Illinois Public Aid Code, but the
34 support payments are made through income

1 withholding; or

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

8 The Department of Public Aid shall provide a copy of the
9 notice to the obligee and to the clerk of the circuit court.

10 ~~In the case of an order for support entered by the court~~
11 ~~under this Act before a party commenced receipt of child and~~
12 ~~spouse support services, upon receipt of these services by a~~
13 ~~party the Illinois Department of Public Aid shall provide~~
14 ~~notice to the obligor to send any support payments he or she~~
15 ~~makes personally to the State Disbursement Unit until further~~
16 ~~direction of the Department. The Department shall provide a~~
17 ~~copy of the notice to the obligee and to the clerk of the~~
18 ~~court.~~

19 (e) If a State Disbursement Unit as specified by federal
20 law has not been created in Illinois upon the effective date
21 of this Act, then, until the creation of a State Disbursement
22 Unit as specified by federal law, the following provisions
23 regarding payment and disbursement of support payments shall
24 control and the provisions in subsections (a), (b), (c), and
25 (d) shall be inoperative. Upon the creation of a State
26 Disbursement Unit as specified by federal law, this
27 ~~subsection (e) shall be inoperative and the payment and~~
28 ~~disbursement provisions of subsections (a), (b), (c), and (d)~~
29 ~~shall control, and this subsection (e) shall be inoperative~~
30 to the extent that it conflicts with those subsections.

31 (1) In cases in which an order for support is
32 entered under Section 20 of this Act, the court shall
33 order that maintenance and support payments be made to
34 the clerk of the court for remittance to the person or

1 agency entitled to receive the payments. However, the
2 court in its discretion may direct otherwise where
3 exceptional circumstances so warrant.

4 (2) The court shall direct that support payments be
5 sent by the clerk to (i) the Illinois Department of
6 Public Aid if the person in whose behalf payments are
7 made is receiving aid under Articles III, IV, or V of the
8 Illinois Public Aid Code, or child ~~and--spouse~~ support
9 enforcement services under Article X of the Code, or (ii)
10 to the local governmental unit responsible for the
11 support of the person if he or she is a recipient under
12 Article VI of the Code. In accordance with federal law
13 and regulations, the Illinois Department of Public Aid
14 may continue to collect current maintenance payments or
15 child support payments, or both, after those persons
16 cease to receive public assistance and until termination
17 of services under Article X of the Illinois Public Aid
18 Code. The Illinois Department shall pay the net amount
19 collected to those persons after deducting any costs
20 incurred in making the collection or any collection fee
21 from the amount of any recovery made. The order shall
22 permit the Illinois Department of Public Aid or the local
23 governmental unit, as the case may be, to direct that
24 support payments be made directly to the spouse,
25 children, or both, or to some person or agency in their
26 behalf, upon removal of the spouse or children from the
27 public aid rolls or upon termination of services under
28 Article X of the Illinois Public Aid Code; and upon such
29 direction, the Illinois Department or the local
30 governmental unit, as the case requires, shall give
31 notice of such action to the court in writing or by
32 electronic transmission.

33 (3) The clerk of the court shall establish and
34 maintain current records of all moneys received and

1 disbursed and of delinquencies and defaults in required
2 payments. The court, by order or rule, shall make
3 provision for the carrying out of these duties.

4 (4) Upon notification in writing or by electronic
5 transmission from the Illinois Department of Public Aid
6 to the clerk of the court that a person who is receiving
7 support payments under this Section is receiving services
8 under the Child Support Enforcement Program established
9 by Title IV-D of the Social Security Act, any support
10 payments subsequently received by the clerk of the court
11 shall be transmitted in accordance with the instructions
12 of the Illinois Department of Public Aid until the
13 Department gives notice to cease the transmittal. After
14 providing the notification authorized under this
15 paragraph, the Illinois Department of Public Aid shall be
16 a party and entitled to notice of any further proceedings
17 in the case. The clerk of the court shall file a copy of
18 the Illinois Department of Public Aid's notification in
19 the court file. The failure of the clerk to file a copy
20 of the notification in the court file shall not, however,
21 affect the Illinois Department of Public Aid's rights as
22 a party or its right to receive notice of further
23 proceedings.

24 (5) Payments under this Section to the Illinois
25 Department of Public Aid pursuant to the Child Support
26 Enforcement Program established by Title IV-D of the
27 Social Security Act shall be paid into the Child Support
28 Enforcement Trust Fund. All other payments under this
29 Section to the Illinois Department of Public Aid shall be
30 deposited in the Public Assistance Recoveries Trust Fund.
31 Disbursements from these funds shall be as provided in
32 the Illinois Public Aid Code. Payments received by a
33 local governmental unit shall be deposited in that unit's
34 General Assistance Fund.

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

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

22 (750 ILCS 16/35)

23 Sec. 35. Fine; release of defendant on probation;
24 violation of order for support; forfeiture of recognizance.

25 (a) Whenever a fine is imposed it may be directed by the
26 court to be paid, in whole or in part, to the spouse,
27 ex-spouse, or if the support of a child or children is
28 involved, to the custodial parent, to the clerk, probation
29 officer, or to the Illinois Department of Public Aid if a
30 recipient of child and-spouse support enforcement services
31 under Article X of the Illinois Public Aid Code is involved
32 as the case requires, to be disbursed by such officers or
33 agency under the terms of the order.

1 (b) The court may also relieve the defendant from custody
2 on probation for the period fixed in the order or judgment
3 upon his or her entering into a recognizance, with or without
4 surety, in the sum as the court orders and approves. The
5 condition of the recognizance shall be such that if the
6 defendant makes his or her personal appearance in court
7 whenever ordered to do so by the court, during such period as
8 may be so fixed, and further complies with the terms of the
9 order for support, or any subsequent modification of the
10 order, then the recognizance shall be void; otherwise it will
11 remain in full force and effect.

12 (c) If the court is satisfied by testimony in open court,
13 that at any time during the period of one year the defendant
14 has violated the terms of the order for support, it may
15 proceed with the trial of the defendant under the original
16 charge, or sentence him or her under the original conviction,
17 or enforce the suspended sentence, as the case may be. In
18 case of forfeiture of recognizance, and enforcement of
19 recognizance by execution, the sum so recovered may, in the
20 discretion of the court, be paid, in whole or in part, to the
21 spouse, ex-spouse, or if the support of a child or children
22 is involved, to the custodial parent, to the clerk, or to the
23 Illinois Department of Public Aid if a recipient of child and
24 spouse support enforcement services under Article X of the
25 Illinois Public Aid Code is involved as the case requires, to
26 be disbursed by the clerk or the Department under the terms
27 of the order.

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

29 (750 ILCS 16/60)

30 Sec. 60. Unemployed persons owing duty of support.

31 (a) Whenever it is determined in a proceeding to
32 establish or enforce a child support or maintenance
33 obligation that the person owing a duty of support is

1 unemployed, the court may order the person to seek employment
2 and report periodically to the court with a diary, listing or
3 other memorandum of his or her efforts in accordance with
4 such order. Additionally, the court may order the unemployed
5 person to report to the Department of Employment Security for
6 job search services or to make application with the local Job
7 Training Partnership Act provider for participation in job
8 search, training, or work programs and where the duty of
9 support is owed to a child receiving child support
10 enforcement services under Article X of the Illinois Public
11 Aid Code the court may order the unemployed person to report
12 to the Illinois Department of Public Aid for participation in
13 job search, training, or work programs established under
14 Section 9-6 and Article IXA of that Code.

15 (b) Whenever it is determined that a person owes past
16 due support for a child or for a child and the parent with
17 whom the child is living, and the child is receiving
18 assistance under the Illinois Public Aid Code, the court
19 shall order at the request of the Illinois Department of
20 Public Aid:

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

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

29 (Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01.)

30 Section 20. The Uniform Interstate Family Support Act is
31 amended by changing Section 320 as follows:

32 (750 ILCS 22/320)

1 Sec. 320. Payment of Support to State Disbursement Unit.

2 (a) As used in this Section:

3 "Order for support", "obligor", "obligee", and "payor"
4 mean those terms as defined in the Income Withholding for
5 Support Act, except that "order for support" means an order
6 entered by any tribunal of this State but shall not mean
7 orders providing for spousal maintenance under which there is
8 no child support obligation.

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

14 (1) a party to the order is receiving child and
15 spouse support enforcement services under Article X of
16 the Illinois Public Aid Code; or

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

20 (c) Support payments shall be made to the State
21 Disbursement Unit if:

22 (1) the order for support was entered before
23 October 1, 1999, and a party to the order is receiving
24 child and--spouse support enforcement services under
25 Article X of the Illinois Public Aid Code; or

26 (2) no party to the order is receiving child and
27 spouse support enforcement services, and the support
28 payments are being made through income withholding.

29 (c-5) If no party to the order is receiving child and
30 spouse support enforcement services under Article X of the
31 Illinois Public Aid Code, and the support payments are not
32 made through income withholding, then support payments shall
33 be made as directed by the order for support.

34 (c-10) At any time, and notwithstanding the existence of

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

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

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

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

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

20 The Department of Public Aid shall provide a copy of the
21 notice to the obligee and to the clerk of the circuit court.

22 ~~Within 15 days after the effective date of this amendatory~~
23 ~~Act of the 91st General Assembly, the Illinois Department~~
24 ~~shall provide written notice to the clerk of the circuit~~
25 ~~court, the obligor, and, where applicable, the obligor's~~
26 ~~payor to make payments to the State Disbursement Unit if:~~

27 ~~(1) the order for support was entered before~~
28 ~~October 1, 1999, and a party to the order is receiving~~
29 ~~child and spouse support services under Article X of the~~
30 ~~Illinois Public Aid Code; or~~

31 ~~(2) no party to the order is receiving child and~~
32 ~~spouse support services, and the support payments are~~
33 ~~being made through income withholding.~~

34 (c-15) Within 15 days after the effective date of this

1 amendatory Act of the 91st General Assembly, the clerk of the
 2 circuit court shall provide written notice to the obligor to
 3 make payments directly to the clerk of the circuit court if
 4 no party to the order is receiving child and--spouse support
 5 enforcement services under Article X of the Illinois Public
 6 Aid Code, the support payments are not made through income
 7 withholding, and the order for support requires support
 8 payments to be made directly to the clerk of the circuit
 9 court. The clerk shall provide a copy of the notice to the
 10 obligee.

11 (c-20) If the State Disbursement Unit receives a support
 12 payment that was not appropriately made to the Unit under
 13 this Section, the Unit shall immediately return the payment
 14 to the sender, including, if possible, instructions detailing
 15 where to send the support payments.

16 (d) The notices required under subsections (c-10) and
 17 (c-15) may be sent by ordinary mail, certified mail, return
 18 receipt requested, facsimile transmission, or other
 19 electronic process, or may be served upon the obligor or
 20 payor using any method provided by law for service of a
 21 summons. ~~The Illinois Department of Public Aid shall provide~~
 22 ~~a copy of the notice to the obligee and to the clerk of the~~
 23 ~~court.~~

24 (Source: P.A. 91-677, eff. 1-5-00.)

25 Section 22. The Expedited Child Support Act of 1990 is
 26 amended by changing Section 6 as follows:

27 (750 ILCS 25/6) (from Ch. 40, par. 2706)

28 Sec. 6. Authority of hearing officers.

29 (a) With the exception of judicial functions exclusively
 30 retained by the court in Section 8 of this Act and in
 31 accordance with Supreme Court rules promulgated pursuant to
 32 this Act, Administrative Hearing Officers shall be authorized

1 to:

2 (1) Accept voluntary agreements reached by the
3 parties setting the amount of child support to be paid
4 and medical support liability and recommend the entry of
5 orders incorporating such agreements.

6 (2) Accept voluntary acknowledgments of parentage
7 and recommend entry of an order establishing parentage
8 based on such acknowledgement. Prior to accepting such
9 acknowledgment, the Administrative Hearing Officer shall
10 advise the putative father of his rights and obligations
11 in accordance with Supreme Court rules promulgated
12 pursuant to this Act.

13 (3) Manage all stages of discovery, including
14 setting deadlines by which discovery must be completed;
15 and directing the parties to submit to appropriate tests
16 pursuant to Section 11 of the Illinois Parentage Act of
17 1984.

18 (4) Cause notices to be issued requiring the
19 Obligor to appear either before the Administrative
20 Hearing Officer or in court.

21 (5) Administer the oath or affirmation and take
22 testimony under oath or affirmation.

23 (6) Analyze the evidence and prepare written
24 recommendations based on such evidence, including but not
25 limited to: (i) proposed findings as to the amount of the
26 Obligor's income; (ii) proposed findings as to the amount
27 and nature of appropriate deductions from the Obligor's
28 income to determine the Obligor's net income; (iii)
29 proposed findings as to the existence of relevant factors
30 as set forth in subsection (a)(2) of Section 505 of the
31 Illinois Marriage and Dissolution of Marriage Act, which
32 justify setting child support payment levels above or
33 below the guidelines; (iv) recommended orders for
34 temporary child support; (v) recommended orders setting

1 the amount of current child support to be paid; (vi)
2 proposed findings as to the existence and amount of any
3 arrearages; (vii) recommended orders reducing any
4 arrearages to judgement and for the payment of amounts
5 towards such arrearages; (viii) proposed findings as to
6 whether there has been a substantial change of
7 circumstances since the entry of the last child support
8 order, or other circumstances justifying a modification
9 of the child support order; and (ix) proposed findings as
10 to whether the Obligor is employed.

11 (7) With respect to any unemployed Obligor who is
12 not making child support payments or is otherwise unable
13 to provide support, recommend that the Obligor be ordered
14 to seek employment and report periodically of his or her
15 efforts in accordance with such order. Additionally, the
16 Administrative Hearing Officer may recommend that the
17 Obligor be ordered to report to the Department of
18 Employment Security for job search services or to make
19 application with the local Job Training Partnership Act
20 provider for participation in job search, training or
21 work programs and, where the duty of support is owed to a
22 child receiving child support enforcement services under
23 Article X of the Illinois Public Aid Code, the
24 Administrative Hearing Officer may recommend that the
25 Obligor be ordered to report to the Illinois Department
26 of Public Aid for participation in the job search,
27 training or work programs established under Section 9-6
28 of the Public Aid Code.

29 (8) Recommend the registration of any foreign
30 support judgments or orders as the judgments or orders of
31 Illinois.

32 (b) In any case in which the Obligee is not
33 participating in the IV-D program or has not applied to
34 participate in the IV-D program, the Administrative Hearing

1 Officer shall:

2 (1) inform the Obligee of the existence of the IV-D
3 program and provide applications on request; and

4 (2) inform the Obligee and the Obligor of the
5 option of requesting payment to be made through the Clerk
6 of the Circuit Court.

7 If a request for payment through the Clerk is made, the
8 Administrative Hearing Officer shall note this fact in the
9 recommendations to the court.

10 (c) The Administrative Hearing Officer may make
11 recommendations in addition to the proposed findings of fact
12 and recommended order to which the parties have agreed.

13 (Source: P.A. 92-16, eff. 6-28-01.)

14 Section 25. The Income Withholding for Support Act is
15 amended by changing Sections 15 and 35 and adding Section 22
16 as follows:

17 (750 ILCS 28/15)

18 Sec. 15. Definitions.

19 (a) "Order for support" means any order of the court
20 which provides for periodic payment of funds for the support
21 of a child or maintenance of a spouse, whether temporary or
22 final, and includes any such order which provides for:

23 (1) modification or resumption of, or payment of
24 arrearage accrued under, a previously existing order;

25 (2) reimbursement of support;

26 (3) payment or reimbursement of the expenses of
27 pregnancy and delivery (for orders for support entered
28 under the Illinois Parentage Act of 1984 or its
29 predecessor the Paternity Act); or

30 (4) enrollment in a health insurance plan that is
31 available to the obligor through an employer or labor
32 union or trade union.

1 (b) "Arrearage" means the total amount of unpaid support
2 obligations as determined by the court and incorporated into
3 an order for support.

4 (b-5) "Business day" means a day on which State offices
5 are open for regular business.

6 (c) "Delinquency" means any payment under an order for
7 support which becomes due and remains unpaid after entry of
8 the order for support.

9 (d) "Income" means any form of periodic payment to an
10 individual, regardless of source, including, but not limited
11 to: wages, salary, commission, compensation as an independent
12 contractor, workers' compensation, disability, annuity,
13 pension, and retirement benefits, lottery prize awards,
14 insurance proceeds, vacation pay, bonuses, profit-sharing
15 payments, interest, and any other payments, made by any
16 person, private entity, federal or state government, any unit
17 of local government, school district or any entity created by
18 Public Act; however, "income" excludes:

19 (1) any amounts required by law to be withheld,
20 other than creditor claims, including, but not limited
21 to, federal, State and local taxes, Social Security and
22 other retirement and disability contributions;

23 (2) union dues;

24 (3) any amounts exempted by the federal Consumer
25 Credit Protection Act;

26 (4) public assistance payments; and

27 (5) unemployment insurance benefits except as
28 provided by law.

29 Any other State or local laws which limit or exempt
30 income or the amount or percentage of income that can be
31 withheld shall not apply.

32 (e) "Obligor" means the individual who owes a duty to
33 make payments under an order for support.

34 (f) "Obligee" means the individual to whom a duty of

1 support is owed or the individual's legal representative.

2 (g) "Payor" means any payor of income to an obligor.

3 (h) "Public office" means any elected official or any
4 State or local agency which is or may become responsible by
5 law for enforcement of, or which is or may become authorized
6 to enforce, an order for support, including, but not limited
7 to: the Attorney General, the Illinois Department of Public
8 Aid, the Illinois Department of Human Services, the Illinois
9 Department of Children and Family Services, and the various
10 State's Attorneys, Clerks of the Circuit Court and
11 supervisors of general assistance.

12 (i) "Premium" means the dollar amount for which the
13 obligor is liable to his employer or labor union or trade
14 union and which must be paid to enroll or maintain a child in
15 a health insurance plan that is available to the obligor
16 through an employer or labor union or trade union.

17 (j) "State Disbursement Unit" means the unit established
18 to collect and disburse support payments in accordance with
19 the provisions of Section 10-26 of the Illinois Public Aid
20 Code.

21 (k) "Title IV-D Agency" means the agency of this State
22 charged by law with the duty to administer the child support
23 enforcement program established under Title IV, Part D of the
24 Social Security Act and Article X of the Illinois Public Aid
25 Code.

26 (l) "Title IV-D case" means a case in which an obligee
27 or obligor is receiving child support enforcement services
28 under Title IV, Part D of the Social Security Act and Article
29 X of the Illinois Public Aid Code.

30 (m) "National Medical Support Notice" means the notice
31 required for enforcement of orders for support providing for
32 health insurance coverage of a child under Title IV, Part D
33 of the Social Security Act, the Employee Retirement Income
34 Security Act of 1974, and federal regulations promulgated

1 under those Acts.

2 (n) "Employer" means a payor or labor union or trade
3 union with an employee group health insurance plan and, for
4 purposes of the National Medical Support Notice, also
5 includes but is not limited to:

6 (1) any State or local governmental agency with a
7 group health plan; and

8 (2) any payor with a group health plan or "church
9 plan" covered under the Employee Retirement Income
10 Security Act of 1974.

11 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
12 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99.)

13 (750 ILCS 28/22 new)

14 Sec. 22. Use of National Medical Support Notice to
15 enforce health insurance coverage.

16 (a) Notwithstanding the provisions of subdivision (c)(4)
17 of Section 20, when an order for support is being enforced by
18 the Title IV-D Agency under this Act, any requirement for
19 health insurance coverage to be provided through an employer,
20 including withholding of premiums from the income of the
21 obligor, shall be enforced through use of a National Medical
22 Support Notice instead of through provisions in an income
23 withholding notice.

24 (b) A National Medical Support Notice may be served on
25 the employer in the manner and under the circumstances
26 provided for serving an income withholding notice under this
27 Act, except that an order for support that conditions service
28 of an income withholding notice on the obligor becoming
29 delinquent in paying the order for support, as provided under
30 subdivision (a)(1) of Section 20, shall not prevent immediate
31 service of a National Medical Support Notice by the Title
32 IV-D Agency. The Title IV-D Agency may serve a National
33 Medical Support Notice on an employer in conjunction with

1 service of an income withholding notice. Service of an income
2 withholding notice is not a condition for service of a
3 National Medical Support Notice, however.

4 (c) At the time of service of a National Medical Support
5 Notice on the employer, the Title IV-D Agency shall serve a
6 copy of the Notice on the obligor by ordinary mail addressed
7 to the obligor's last known address. The Title IV-D Agency
8 shall file a copy of the National Medical Support Notice,
9 together with proofs of service on the employer and the
10 obligor, with the clerk of the circuit court.

11 (d) Within 20 business days after the date of a National
12 Medical Support Notice, an employer served with the Notice
13 shall transfer the severable notice to plan administrator to
14 the appropriate group health plan providing any health
15 insurance coverage for which the child is eligible. As
16 required in the part of the National Medical Support Notice
17 directed to the employer, the employer shall withhold any
18 employee premium necessary for coverage of the child and
19 shall send any amount withheld directly to the plan. The
20 employer shall commence the withholding no later than the
21 next payment of income that occurs 14 days following the date
22 the National Medical Support Notice was mailed, sent by
23 facsimile or other electronic means, or placed for personal
24 delivery to or service on the employer.

25 Notwithstanding the requirement to withhold premiums from
26 the obligor's income, if the plan administrator informs the
27 employer that the child is enrolled in an option under the
28 plan for which the employer has determined that the obligor's
29 premium exceeds the amount that may be withheld from the
30 obligor's income due to the withholding limitation or
31 prioritization contained in Section 35 of this Act, the
32 employer shall complete the appropriate item in the part of
33 the National Medical Support Notice directed to the employer
34 according to the instructions in the Notice and shall return

1 that part to the Title IV-D Agency.

2 (e) If one of the following circumstances exists, an
3 employer served with a National Medical Support Notice shall
4 complete the part of the Notice directed to the employer in
5 accordance with the instructions in the Notice and shall
6 return that part to the Title IV-D Agency within 20 business
7 days after the date of the Notice:

8 (1) The employer does not maintain or contribute to
9 plans providing dependent or family health insurance
10 coverage.

11 (2) The obligor is among a class of employees that
12 is not eligible for family health insurance coverage
13 under any group health plan maintained by the employer or
14 to which the employer contributes.

15 (3) Health insurance coverage is not available
16 because the obligor is no longer employed by the
17 employer.

18 (f) The administrator of a health insurance plan to whom
19 an employer has transferred the severable notice to plan
20 administrator part of a National Medical Support Notice shall
21 complete that part with the health insurance coverage
22 information required under the instructions in the Notice and
23 shall return that part to the Title IV-D Agency within 40
24 business days after the date of the Notice.

25 (g) The obligor may contest withholding under this
26 Section based only on a mistake of fact and may contest
27 withholding by filing a petition with the clerk of the
28 circuit court within 20 days after service of a copy of the
29 National Medical Support Notice on the obligor. The obligor
30 must serve a copy of the petition on the Title IV-D Agency at
31 the address stated in the National Medical Support Notice.
32 The National Medical Support Notice, including the
33 requirement to withhold any required premium, shall continue
34 to be binding on the employer until the employer is served

1 with a court order resolving the contest or until notified by
2 the Title IV-D Agency.

3 (h) Whenever the obligor is no longer receiving income
4 from the employer, the employer shall return a copy of the
5 National Medical Support Notice to the Title IV-D Agency and
6 shall provide information for the purpose of enforcing health
7 insurance coverage under this Section.

8 (i) The Title IV-D Agency shall promptly notify the
9 employer when there is no longer a current order for health
10 insurance coverage in effect which the Title IV-D Agency is
11 responsible for enforcing.

12 (j) Unless stated otherwise in this Section, all of the
13 provisions of this Act relating to income withholding for
14 support shall pertain to income withholding for health
15 insurance coverage under a National Medical Support Notice,
16 including but not limited to the duties of the employer and
17 obligor, and the penalties contained in Section 35 and
18 Section 50. In addition, an employer who willfully fails to
19 transfer the severable notice to plan administrator part of a
20 National Medical Support Notice to the appropriate group
21 health plan providing health insurance coverage for which the
22 child is eligible, within 20 business days after the date of
23 the Notice, is liable for the full amount of medical expenses
24 incurred by or on behalf of the child which would have been
25 paid or reimbursed by the health insurance coverage had the
26 severable notice to plan administrator part of the Notice
27 been timely transferred to the group health insurance plan.
28 This penalty may be collected in a civil action that may be
29 brought against the employer in favor of the obligee or the
30 Title IV-D Agency.

31 (k) To the extent that any other State or local law may
32 be construed to limit or prevent compliance by an employer or
33 health insurance plan administrator with the requirements of
34 this Section and federal law and regulations pertaining to

1 the National Medical Support Notice, that State or local law
2 shall not apply.

3 (1) As the Title IV-D Agency, the Department of Public
4 Aid shall adopt any rules necessary for use of and compliance
5 with the National Medical Support Notice.

6 (750 ILCS 28/35)

7 Sec. 35. Duties of payor.

8 (a) It shall be the duty of any payor who has been
9 served with an income withholding notice to deduct and pay
10 over income as provided in this Section. The payor shall
11 deduct the amount designated in the income withholding
12 notice, as supplemented by any notice provided pursuant to
13 subsection (f) of Section 45, beginning no later than the
14 next payment of income which is payable or creditable to the
15 obligor that occurs 14 days following the date the income
16 withholding notice was mailed, sent by facsimile or other
17 electronic means, or placed for personal delivery to or
18 service on the payor. The payor may combine all amounts
19 withheld for the benefit of an obligee or public office into
20 a single payment and transmit the payment with a listing of
21 obligors from whom withholding has been effected. The payor
22 shall pay the amount withheld to the State Disbursement Unit
23 within 7 business days after the date the amount would (but
24 for the duty to withhold income) have been paid or credited
25 to the obligor. If the payor knowingly fails to pay any
26 amount withheld to the State Disbursement Unit within 7
27 business days after the date the amount would have been paid
28 or credited to the obligor, the payor shall pay a penalty of
29 \$100 for each day that the withheld amount is not paid to the
30 State Disbursement Unit after the period of 7 business days
31 has expired. The failure of a payor, on more than one
32 occasion, to pay amounts withheld to the State Disbursement
33 Unit within 7 business days after the date the amount would

1 have been paid or credited to the obligor creates a
2 presumption that the payor knowingly failed to pay over the
3 amounts. This penalty may be collected in a civil action
4 which may be brought against the payor in favor of the
5 obligee or public office. A finding of a payor's
6 nonperformance within the time required under this Act must
7 be documented by a certified mail return receipt showing the
8 date the income withholding notice was served on the payor.
9 For purposes of this Act, a withheld amount shall be
10 considered paid by a payor on the date it is mailed by the
11 payor, or on the date an electronic funds transfer of the
12 amount has been initiated by the payor, or on the date
13 delivery of the amount has been initiated by the payor. For
14 each deduction, the payor shall provide the State
15 Disbursement Unit, at the time of transmittal, with the date
16 the amount would (but for the duty to withhold income) have
17 been paid or credited to the obligor.

18 After June 30, 2000, every payor that has 250 or more
19 employees shall use electronic funds transfer to pay all
20 amounts withheld under this Section. During the year 2001
21 and during each year thereafter, every payor that has fewer
22 than 250 employees and that withheld income under this
23 Section pursuant to 10 or more income withholding notices
24 during December of the preceding year shall use electronic
25 funds transfer to pay all amounts withheld under this
26 Section.

27 Upon receipt of an income withholding notice requiring
28 that a minor child be named as a beneficiary of a health
29 insurance plan available through an employer or labor union
30 or trade union, the employer or labor union or trade union
31 shall immediately enroll the minor child as a beneficiary in
32 the health insurance plan designated by the income
33 withholding notice. The employer shall withhold any required
34 premiums and pay over any amounts so withheld and any

1 additional amounts the employer pays to the insurance carrier
2 in a timely manner. The employer or labor union or trade
3 union shall mail to the obligee, within 15 days of enrollment
4 or upon request, notice of the date of coverage, information
5 on the dependent coverage plan, and all forms necessary to
6 obtain reimbursement for covered health expenses, such as
7 would be made available to a new employee. When an order for
8 dependent coverage is in effect and the insurance coverage is
9 terminated or changed for any reason, the employer or labor
10 union or trade union shall notify the obligee within 10 days
11 of the termination or change date along with notice of
12 conversion privileges.

13 For withholding of income, the payor shall be entitled to
14 receive a fee not to exceed \$5 per month to be taken from the
15 income to be paid to the obligor.

16 (b) Whenever the obligor is no longer receiving income
17 from the payor, the payor shall return a copy of the income
18 withholding notice to the obligee or public office and shall
19 provide information for the purpose of enforcing this Act.

20 (c) Withholding of income under this Act shall be made
21 without regard to any prior or subsequent garnishments,
22 attachments, wage assignments, or any other claims of
23 creditors. Withholding of income under this Act shall not be
24 in excess of the maximum amounts permitted under the federal
25 Consumer Credit Protection Act. Income available for
26 withholding shall be applied first to the current support
27 obligation, then to any premium required for employer, labor
28 union, or trade union-related health insurance coverage
29 ordered under the order for support, and then to payments
30 required on past-due support obligations. If there is
31 insufficient available income remaining to pay the full
32 amount of the required health insurance premium after
33 withholding of income for the current support obligation,
34 then the remaining available income shall be applied to

1 payments required on past-due support obligations. If the
 2 payor has been served with more than one income withholding
 3 notice pertaining to the same obligor, the payor shall
 4 allocate income available for withholding on a proportionate
 5 share basis, giving priority to current support payments. If
 6 ~~there---is---any---income---available---for---withholding---after~~
 7 ~~withholding-for-all-current-support--obligations,--the--payor~~
 8 ~~shall--allocate--the--income--to--past--due--support-payments~~
 9 ~~ordered-in-cases-in-which-cash-assistance-under-the--Illinois~~
 10 ~~Public-Aid-Code-is-not-being-provided-to-the-obligee-and-then~~
 11 ~~to--past--due-support-payments-ordered-in-cases-in-which-cash~~
 12 ~~assistance-under--the--Illinois--Public--Aid--Code--is--being~~
 13 ~~provided-to-the-obligee,--both-on-a-proportionate-share-basis.~~
 14 A payor who complies with an income withholding notice that
 15 is regular on its face shall not be subject to civil
 16 liability with respect to any individual, any agency, or any
 17 creditor of the obligor for conduct in compliance with the
 18 notice.

19 (d) No payor shall discharge, discipline, refuse to hire
 20 or otherwise penalize any obligor because of the duty to
 21 withhold income.

22 (Source: P.A. 90-673, eff. 1-1-99; 91-212, eff. 7-20-99;
 23 91-677, eff. 1-5-00.)

24 Section 30. The Illinois Parentage Act of 1984 is
 25 amended by changing Sections 13.1, 14, 15.1, 18, 21.1, and 22
 26 as follows:

27 (750 ILCS 45/13.1)

28 Sec. 13.1. Temporary order for child support.
 29 Notwithstanding any other law to the contrary, pending the
 30 outcome of a judicial determination of parentage, the court
 31 shall issue a temporary order for child support, upon motion
 32 by a party and a showing of clear and convincing evidence of

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

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

22 All orders for support, when entered or modified, shall
23 include a provision requiring the non-custodial parent to
24 notify the court, and in cases in which a party is receiving
25 child and-spouse support enforcement services under Article X
26 of the Illinois Public Aid Code, the Illinois Department of
27 Public Aid, within 7 days, (i) of the name, address, and
28 telephone number of any new employer of the non-custodial
29 parent, (ii) whether the non-custodial parent has access to
30 health insurance coverage through the employer or other group
31 coverage, and, if so, the policy name and number and the
32 names of persons covered under the policy, and (iii) of any
33 new residential or mailing address or telephone number of the
34 non-custodial parent.

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

9 An order for support shall include a date on which the
10 current support obligation terminates. The termination date
11 shall be no earlier than the date on which the child covered
12 by the order will attain the age of majority or is otherwise
13 emancipated. The order for support shall state that the
14 termination date does not apply to any arrearage that may
15 remain unpaid on that date. Nothing in this paragraph shall
16 be construed to prevent the court from modifying the order.

17 (Source: P.A. 90-18, eff. 7-1-97.)

18 (750 ILCS 45/14) (from Ch. 40, par. 2514)

19 Sec. 14. Judgment.

20 (a) (1) The judgment shall contain or explicitly reserve
21 provisions concerning any duty and amount of child support
22 and may contain provisions concerning the custody and
23 guardianship of the child, visitation privileges with the
24 child, the furnishing of bond or other security for the
25 payment of the judgment, which the court shall determine in
26 accordance with the relevant factors set forth in the
27 Illinois Marriage and Dissolution of Marriage Act and any
28 other applicable law of Illinois, to guide the court in a
29 finding in the best interests of the child. In determining
30 custody, joint custody, or visitation, the court shall apply
31 the relevant standards of the Illinois Marriage and
32 Dissolution of Marriage Act. Specifically, in determining the
33 amount of any child support award, the court shall use the

1 guidelines and standards set forth in subsection (a) of
2 Section 505 and in Section 505.2 of the Illinois Marriage and
3 Dissolution of Marriage Act. For purposes of Section 505 of
4 the Illinois Marriage and Dissolution of Marriage Act, "net
5 income" of the non-custodial parent shall include any
6 benefits available to that person under the Illinois Public
7 Aid Code or from other federal, State or local
8 government-funded programs. The court shall, in any event
9 and regardless of the amount of the non-custodial parent's
10 net income, in its judgment order the non-custodial parent to
11 pay child support to the custodial parent in a minimum amount
12 of not less than \$10 per month. In an action brought within 2
13 years after a child's birth, the judgment or order may direct
14 either parent to pay the reasonable expenses incurred by
15 either parent related to the mother's pregnancy and the
16 delivery of the child. The judgment or order shall contain
17 the father's social security number, which the father shall
18 disclose to the court; however, failure to include the
19 father's social security number on the judgment or order does
20 not invalidate the judgment or order.

21 (2) If a judgment of parentage contains no explicit
22 award of custody, the establishment of a support obligation
23 or of visitation rights in one parent shall be considered a
24 judgment granting custody to the other parent. If the
25 parentage judgment contains no such provisions, custody shall
26 be presumed to be with the mother; however, the presumption
27 shall not apply if the father has had physical custody for at
28 least 6 months prior to the date that the mother seeks to
29 enforce custodial rights.

30 (b) The court shall order all child support payments,
31 determined in accordance with such guidelines, to commence
32 with the date summons is served. The level of current
33 periodic support payments shall not be reduced because of
34 payments set for the period prior to the date of entry of the

1 support order. The Court may order any child support
2 payments to be made for a period prior to the commencement of
3 the action. In determining whether and the extent to which
4 the payments shall be made for any prior period, the court
5 shall consider all relevant facts, including the factors for
6 determining the amount of support specified in the Illinois
7 Marriage and Dissolution of Marriage Act and other equitable
8 factors including but not limited to:

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

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

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

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

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

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

27 If (i) the non-custodial parent was properly served with
28 a request for discovery of financial information relating to
29 the non-custodial parent's ability to provide child support,
30 (ii) the non-custodial parent failed to comply with the
31 request, despite having been ordered to do so by the court,
32 and (iii) the non-custodial parent is not present at the
33 hearing to determine support despite having received proper
34 notice, then any relevant financial information concerning

1 the non-custodial parent's ability to provide child support
2 that was obtained pursuant to subpoena and proper notice
3 shall be admitted into evidence without the need to establish
4 any further foundation for its admission.

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

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

22 (e) On request of the mother and the father, the court
23 shall order a change in the child's name. After hearing
24 evidence the court may stay payment of support during the
25 period of the father's minority or period of disability.

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

33 (g) A one-time charge of 20% is imposable upon the
34 amount of past-due child support owed on July 1, 1988 which

1 has accrued under a support order entered by the court. The
2 charge shall be imposed in accordance with the provisions of
3 Section 10-21 of the Illinois Public Aid Code and shall be
4 enforced by the court upon petition.

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

25 (i) An order for support shall include a date on which
26 the current support obligation terminates. The termination
27 date shall be no earlier than the date on which the child
28 covered by the order will attain the age of majority or is
29 otherwise emancipated. The order for support shall state
30 that the termination date does not apply to any arrearage
31 that may remain unpaid on that date. Nothing in this
32 subsection shall be construed to prevent the court from
33 modifying the order.

34 (j) An order entered under this Section shall include a

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

20 (Source: P.A. 90-18, eff. 7-1-97; 90-539, eff. 6-1-98;
21 90-655, eff. 7-30-98; 91-767, eff. 6-9-00.)

22 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

23 Sec. 15.1. (a) Whenever it is determined in a proceeding
24 to establish or enforce a child support obligation that the
25 person owing a duty of support is unemployed, the court may
26 order the person to seek employment and report periodically
27 to the court with a diary, listing or other memorandum of his
28 or her efforts in accordance with such order. Additionally,
29 the court may order the unemployed person to report to the
30 Department of Employment Security for job search services or
31 to make application with the local Job Training Partnership
32 Act provider for participation in job search, training or
33 work programs and where the duty of support is owed to a

1 child receiving child support enforcement services under
 2 Article X of the Illinois Public Aid Code, as amended, the
 3 court may order the unemployed person to report to the
 4 Illinois Department of Public Aid for participation in job
 5 search, training or work programs established under Section
 6 9-6 and Article IXA of that Code.

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

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

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

20 (Source: P.A. 90-18, eff. 7-1-97; 91-357, eff. 7-29-99.)

21 (750 ILCS 45/18) (from Ch. 40, par. 2518)
 22 Sec. 18. Right to Counsel; Free Transcript on Appeal.

23 (a) Any party may be represented by counsel at all
 24 proceedings under this Act.

25 (a-5) In any proceedings involving the support, custody,
 26 visitation, education, parentage, property interest, or
 27 general welfare of a minor or dependent child, the court may,
 28 on its own motion or that of any party, and subject to the
 29 terms or specifications the court determines, appoint an
 30 attorney to serve in one of the following capacities:

- 31 (1) as an attorney to represent the child;
- 32 (2) as a guardian ad litem to address issues the
- 33 court delineates;

1 (3) as a child's representative whose duty shall be
2 to advocate what the representative finds to be in the
3 best interests of the child after reviewing the facts and
4 circumstances of the case. The child's representative
5 shall have the same power and authority to take part in
6 the conduct of the litigation as does an attorney for a
7 party and shall possess all the powers of investigation
8 and recommendation as does a guardian ad litem. The
9 child's representative shall consider, but not be bound
10 by, the expressed wishes of the child. A child's
11 representative shall have received training in child
12 advocacy or shall possess such experience as determined
13 to be equivalent to such training by the chief judge of
14 the circuit where the child's representative has been
15 appointed. The child's representative shall not disclose
16 confidential communications made by the child, except as
17 required by law or by the Rules of Professional Conduct.
18 The child's representative shall not be called as a
19 witness regarding the issues set forth in this
20 subsection.

21 During the proceedings the court may appoint an
22 additional attorney to serve in another of the capacities
23 described in subdivisions (1), (2), or (3) of the preceding
24 paragraph on its own motion or that of a party only for good
25 cause shown and when the reasons for the additional
26 appointment are set forth in specific findings.

27 The court shall enter an order as appropriate for costs,
28 fees, and disbursements, including a retainer, when the
29 attorney, guardian ad litem, or child's representative is
30 appointed, and thereafter as necessary. Such orders shall
31 require payment by either or both parents, by any other party
32 or source, or from the marital estate or the child's separate
33 estate. The court may not order payment by the Illinois
34 Department of Public Aid in cases in which the Department is

1 providing child and-spouse support enforcement services under
2 Article X of the Illinois Public Aid Code. Unless otherwise
3 ordered by the court at the time fees and costs are approved,
4 all fees and costs payable to an attorney, guardian ad litem,
5 or child's representative under this Section are by
6 implication deemed to be in the nature of support of the
7 child and are within the exceptions to discharge in
8 bankruptcy under 11 U.S.C.A. 523. The provisions of Sections
9 501 and 508 of this Act shall apply to fees and costs for
10 attorneys appointed under this Section.

11 (b) Upon the request of a mother or child seeking to
12 establish the existence of a father and child relationship,
13 the State's Attorney shall represent the mother or child in
14 the trial court. If the child is an applicant for or a
15 recipient of assistance as defined in Section 2-6 of "The
16 Illinois Public Aid Code", approved April 11, 1967, as
17 amended, or has applied to the Illinois Department of Public
18 Aid for services under Article X of such Code, the Department
19 may file a complaint in the child's behalf under this Act.
20 The Department shall refer the complaint to the Public Aid
21 Claims Enforcement Division of the Office of the Attorney
22 General as provided in Section 12-16 of "The Illinois Public
23 Aid Code" for enforcement by the Attorney General. Legal
24 representation by the State's Attorney or the Attorney
25 General shall be limited to the establishment and enforcement
26 of an order for support, and shall not extend to visitation,
27 custody, property or other matters. If visitation, custody,
28 property or other matters are raised by a party and
29 considered by the court in any proceeding under this Act, the
30 court shall provide a continuance sufficient to enable the
31 mother or child to obtain representation for such matters.

32 (c) The Court may appoint counsel to represent any
33 indigent defendant in the trial court, except that this
34 representation shall be limited to the establishment of a

1 parent and child relationship and an order for support, and
2 shall not extend to visitation, custody, property,
3 enforcement of an order for support, or other matters. If
4 visitation, custody, property or other matters are raised by
5 a party and considered by the court in any proceeding under
6 this Act, the court shall provide a continuance sufficient to
7 enable the defendant to obtain representation for such
8 matters.

9 (d) The court shall furnish on request of any indigent
10 party a transcript for purposes of appeal.

11 (Source: P.A. 90-23, eff. 1-1-98; 91-410, eff. 1-1-00.)

12 (750 ILCS 45/21.1)

13 Sec. 21.1. Payment of Support to State Disbursement Unit.

14 (a) As used in this Section:

15 "Order for support", "obligor", "obligee", and "payor"
16 mean those terms as defined in the Income Withholding for
17 Support Act, except that "order for support" shall not mean
18 orders providing for spousal maintenance under which there is
19 no child support obligation.

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

25 (1) a party to the order is receiving child and
26 spouse support enforcement services under Article X of
27 the Illinois Public Aid Code; or

28 (2) no party to the order is receiving child and
29 spouse support enforcement services, but the support
30 payments are made through income withholding.

31 (c) Support payments shall be made to the State
32 Disbursement Unit if:

33 (1) the order for support was entered before

1 October 1, 1999, and a party to the order is receiving
2 child and--spouse support enforcement services under
3 Article X of the Illinois Public Aid Code; or

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

7 (c-5) If no party to the order is receiving child and
8 spouse support enforcement services under Article X of the
9 Illinois Public Aid Code, and the support payments are not
10 made through income withholding, then support payments shall
11 be made as directed by the order for support.

12 (c-10) At any time, and notwithstanding the existence of
13 an order directing payments to be made elsewhere, the
14 Department of Public Aid may provide notice to the obligor
15 and, where applicable, to the obligor's payor:

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

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

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

26 (2) to make support payments to the State
27 Disbursement Unit of another state upon request of
28 another state's Title IV-D child support enforcement
29 agency, in accordance with the requirements of Title IV,
30 Part D of the Social Security Act and regulations
31 promulgated under that Part D.

32 The Department of Public Aid shall provide a copy of the
33 notice to the obligee and to the clerk of the circuit court.

34 Within-15-days-after-the-effective-date--of--this--amendatory

1 Act--of--the--91st--General-Assembly, the Illinois Department
 2 shall provide written notice to the clerk of the circuit
 3 court, the obligor, and where applicable, the obligor's
 4 payor to make payments to the State Disbursement Unit if:

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

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

12 (c-15) Within 15 days after the effective date of this
 13 amendatory Act of the 91st General Assembly, the clerk of the
 14 circuit court shall provide written notice to the obligor to
 15 directly to the clerk of the circuit court if no party to the
 16 order is receiving child and spouse support enforcement
 17 services under Article X of the Illinois Public Aid Code, the
 18 support payments are not made through income withholding, and
 19 the order for support requires support payments to be made
 20 directly to the clerk of the circuit court. The clerk shall
 21 provide a copy of the notice to the obligee.

22 (c-20) If the State Disbursement Unit receives a support
 23 payment that was not appropriately made to the Unit under
 24 this Section, the Unit shall immediately return the payment
 25 to the sender, including, if possible, instructions detailing
 26 where to send the support payments.

27 (d) The notices required under subsections (c-10) and
 28 (c-15) may be sent by ordinary mail, certified mail, return
 29 receipt requested, facsimile transmission, or other
 30 electronic process, or may be served upon the obligor or
 31 payor using any method provided by law for service of a
 32 summons. ~~The Illinois Department of Public Aid shall provide~~
 33 ~~a copy of the notice to the obligee and to the clerk of the~~
 34 ~~court.~~

1 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00.)

2 (750 ILCS 45/22) (from Ch. 40, par. 2522)

3 Sec. 22. In all cases instituted by the Illinois
4 Department of Public Aid on behalf of a child or spouse,
5 other than one receiving a grant of financial aid under
6 Article IV of The Illinois Public Aid Code, on whose behalf
7 an application has been made and approved for child support
8 enforcement services as provided by Section 10-1 of that
9 Code, the court shall impose a collection fee on the
10 individual who owes a child or spouse support obligation in
11 an amount equal to 10% of the amount so owed as long as such
12 collection is required by federal law, which fee shall be in
13 addition to the support obligation. The imposition of such
14 fee shall be in accordance with provisions of Title IV, Part
15 D, of the Social Security Act and regulations duly
16 promulgated thereunder. The fee shall be payable to the
17 clerk of the circuit court for transmittal to the Illinois
18 Department of Public Aid and shall continue until support
19 services are terminated by that Department.

20 (Source: P.A. 83-1372.)

21 Section 35. The Unemployment Insurance Act is amended by
22 changing Section 1300 as follows:

23 (820 ILCS 405/1300) (from Ch. 48, par. 540)

24 Sec. 1300. Waiver or transfer of benefit rights -
25 Partial exemption.

26 (A) Except as otherwise provided herein any agreement by
27 an individual to waive, release or commute his rights under
28 this Act shall be void.

29 (B) Benefits due under this Act shall not be assigned,
30 pledged, encumbered, released or commuted and shall be exempt
31 from all claims of creditors and from levy, execution and

1 attachment or other remedy for recovery or collection of a
2 debt. However, nothing in this Section shall prohibit a
3 specified or agreed upon deduction from benefits by an
4 individual, or a court or administrative order for
5 withholding of income, for payment of past due child support
6 from being enforced and collected by the Department of Public
7 Aid on behalf of persons receiving a grant of financial aid
8 under Article IV of the Illinois Public Aid Code, persons for
9 whom an application has been made and approved for child
10 support enforcement services under Section 10-1 of such Code,
11 or persons similarly situated and receiving like ~~support~~
12 services in other states. It is provided that:

13 (1) The aforementioned deduction of benefits and
14 order for withholding of income apply only if appropriate
15 arrangements have been made for reimbursement to the
16 Director by the Department of Public Aid for any
17 administrative costs incurred by the Director under this
18 Section.

19 (2) The Director shall deduct and withhold from
20 benefits payable under this Act, or under any arrangement
21 for the payment of benefits entered into by the Director
22 pursuant to the powers granted under Section 2700 of this
23 Act, the amount specified or agreed upon. In the case of
24 a court or administrative order for withholding of
25 income, the Director shall withhold the amount of the
26 order.

27 (3) Any amount deducted and withheld by the
28 Director shall be paid to the Department of Public Aid or
29 the State Disbursement Unit established under Section
30 10-26 of the Illinois Public Aid Code, as directed by the
31 Department of Public Aid, on behalf of the individual.

32 (4) Any amount deducted and withheld under
33 subsection (3) shall for all purposes be treated as if it
34 were paid to the individual as benefits and paid by such

1 individual to the Department of Public Aid or the State
2 Disbursement Unit in satisfaction of the individual's
3 child support obligations.

4 (5) For the purpose of this Section, child support
5 is defined as those obligations which are being enforced
6 pursuant to a plan described in Title IV, Part D, Section
7 454 of the Social Security Act and approved by the
8 Secretary of Health and Human Services.

9 (6) The deduction of benefits and order for
10 withholding of income for child support shall be governed
11 by Titles III and IV of the Social Security Act and all
12 regulations duly promulgated thereunder.

13 (C) Nothing in this Section prohibits an individual from
14 voluntarily electing to have federal income tax deducted and
15 withheld from his or her unemployment insurance benefit
16 payments.

17 (1) The Director shall, at the time that an
18 individual files his or her claim for benefits that
19 establishes his or her benefit year, inform the
20 individual that:

21 (a) unemployment insurance is subject to
22 federal, State, and local income taxes;

23 (b) requirements exist pertaining to estimated
24 tax payments;

25 (c) the individual may elect to have federal
26 income tax deducted and withheld from his or her
27 payments of unemployment insurance in the amount
28 specified in the federal Internal Revenue Code; and

29 (d) the individual is permitted to change a
30 previously elected withholding status.

31 (2) Amounts deducted and withheld from unemployment
32 insurance shall remain in the unemployment fund until
33 transferred to the federal taxing authority as a payment
34 of income tax.

1 (3) The Director shall follow all procedures
2 specified by the United States Department of Labor and
3 the federal Internal Revenue Service pertaining to the
4 deducting and withholding of income tax.

5 (4) Amounts shall be deducted and withheld in
6 accordance with the priorities established in rules
7 promulgated by the Director.

8 (D) Nothing in this Section prohibits an individual from
9 voluntarily electing to have State of Illinois income tax
10 deducted and withheld from his or her unemployment insurance
11 benefit payments if such deduction and withholding is
12 provided for pursuant to rules promulgated by the Director.

13 (1) If pursuant to rules promulgated by the
14 Director, an individual may voluntarily elect to have
15 State of Illinois income tax deducted and withheld from
16 his or her unemployment insurance benefit payments, the
17 Director shall, at the time that an individual files his
18 or her claim for benefits that establishes his or her
19 benefit year, in addition to providing the notice
20 required under subsection C, inform the individual that:

21 (a) the individual may elect to have State of
22 Illinois income tax deducted and withheld from his
23 or her payments of unemployment insurance in the
24 amount specified pursuant to rules promulgated by
25 the Director; and

26 (b) the individual is permitted to change a
27 previously elected withholding status.

28 (2) Amounts deducted and withheld from unemployment
29 insurance shall remain in the unemployment fund until
30 transferred to the Department of Revenue as a payment of
31 State of Illinois income tax.

32 (3) Amounts shall be deducted and withheld in
33 accordance with the priorities established in rules
34 promulgated by the Director.

1 (E) Nothing in this Section prohibits the deduction and
2 withholding of an uncollected overissuance of food stamp
3 coupons from unemployment insurance benefits pursuant to this
4 subsection (E).

5 (1) At the time that an individual files a claim
6 for benefits that establishes his or her benefit year,
7 that individual must disclose whether or not he or she
8 owes an uncollected overissuance (as defined in Section
9 13(c)(1) of the federal Food Stamp Act of 1977) of food
10 stamp coupons. The Director shall notify the State food
11 stamp agency enforcing such obligation of any individual
12 who discloses that he or she owes an uncollected
13 overissuance of food stamp coupons and who meets the
14 monetary eligibility requirements of subsection E of
15 Section 500.

16 (2) The Director shall deduct and withhold from any
17 unemployment insurance benefits payable to an individual
18 who owes an uncollected overissuance of food stamp
19 coupons:

20 (a) the amount specified by the individual to
21 the Director to be deducted and withheld under this
22 subsection (E);

23 (b) the amount (if any) determined pursuant to
24 an agreement submitted to the State food stamp
25 agency under Section 13(c)(3)(A) of the federal Food
26 Stamp Act of 1977; or

27 (c) any amount otherwise required to be
28 deducted and withheld from unemployment insurance
29 benefits pursuant to Section 13(c)(3)(B) of the
30 federal Food Stamp Act of 1977.

31 (3) Any amount deducted and withheld pursuant to
32 this subsection (E) shall be paid by the Director to the
33 State food stamp agency.

34 (4) Any amount deducted and withheld pursuant to

1 this subsection (E) shall for all purposes be treated as
2 if it were paid to the individual as unemployment
3 insurance benefits and paid by the individual to the
4 State food stamp agency as repayment of the individual's
5 uncollected overissuance of food stamp coupons.

6 (5) For purposes of this subsection (E),
7 "unemployment insurance benefits" means any compensation
8 payable under this Act including amounts payable by the
9 Director pursuant to an agreement under any federal law
10 providing for compensation, assistance, or allowances
11 with respect to unemployment.

12 (6) This subsection (E) applies only if
13 arrangements have been made for reimbursement by the
14 State food stamp agency for the administrative costs
15 incurred by the Director under this subsection (E) which
16 are attributable to the repayment of uncollected
17 overissuances of food stamp coupons to the State food
18 stamp agency.

19 (Source: P.A. 90-425, eff. 8-15-97; 90-554, eff. 12-12-97;
20 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

21 Section 99. Effective date. This Act takes effect on
22 July 1, 2002."