

# Illinois Parentage Act 2015, Effective 1/1/16

The Gitlin Law Firm, P.C., Woodstock, Illinois

© 2016

Updated: Tuesday, May 17, 2016



See: <http://www.ilga.gov/legislation/publicacts/99/PDF/099-0085.pdf>

See also: HB 4447: [Parentage Act of 2015 Technical Corrections](#)

## **Illinois Parentage Act of 2015.**

<b>ARTICLE 1. GENERAL PROVISIONS</b> .....	<a href="#">Page 2</a>
Sec. 103. <b>Definitions</b> .....	<a href="#">Page 2</a>
<b>ARTICLE 2. PARENT-CHILD RELATIONSHIP</b> .....	<a href="#">Page 4</a>
Sec. 201. <b>Establishment of parent-child relationship</b> .....	<a href="#">Page 4</a>
Sec. 204. <b>Presumption of parentage</b> .....	<a href="#">Page 5</a>
Sec. 205. <b>Proceedings to declare the non-existence of the parent-child relationship</b> .....	<a href="#">Page 6</a>
Sec. 206. <b>Presumption; burden of proof</b> .....	<a href="#">Page 7</a>
<b>ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT</b> .....	<a href="#">Page 7</a>
Sec. 301. <b>Voluntary acknowledgment</b> .....	<a href="#">Page 7</a>
Sec. 302. <b>Execution of voluntary acknowledgment</b> .....	<a href="#">Page 7</a>
Sec. 303. <b>Denial of parentage</b> .....	<a href="#">Page 8</a>
Sec. 304. <b>Rules for acknowledgment and denial of parentage</b> .....	<a href="#">Page 8</a>
Sec. 305. <b>Effect of acknowledgment or denial of parentage</b> .....	<a href="#">Page 8</a>
Sec. 307. <b>Proceeding for rescission</b> .....	<a href="#">Page 9</a>
Sec. 308. <b>Challenge after expiration of period for rescission</b> .....	<a href="#">Page 9</a>
<b>ARTICLE 4. GENETIC TESTING</b> .....	<a href="#">Page 11</a>
<b>ARTICLE 5. TEMPORARY RELIEF</b> .....	<a href="#">Page 14</a>
Sec. 501. <b>Temporary orders</b> .....	<a href="#">Page 14</a>
Sec. 502. <b>Injunctive relief</b> .....	<a href="#">Page 14</a>
<b>ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE</b> .....	<a href="#">Page 15</a>
Sec. 602. <b>Standing</b> .....	<a href="#">Page 15</a>
Sec. 603. <b>Subject matter and personal jurisdiction</b> .....	<a href="#">Page 16</a>
Sec. 604. <b>Venue</b> .....	<a href="#">Page 16</a>
Sec. 605. <b>Notice to presumed parent</b> .....	<a href="#">Page 16</a>

Sec. 606. <b>Summons</b> .....	<a href="#">Page 17</a>
Sec. 607. <b>No limitation; child having no presumed, acknowledged, or adjudicated parent</b> .....	<a href="#">Page 18</a>
Sec. 608. <b>Limitation; child having presumed parent</b> .....	<a href="#">Page 18</a>
Sec. 609. <b>Limitation; child having acknowledged or adjudicated parent</b> ....	<a href="#">Page 18</a>
Sec. 610. <b>Authority to deny motion for genetic testing</b> .....	<a href="#">Page 19</a>
Sec. 611. <b>Joinder of proceedings</b> .....	<a href="#">Page 19</a>
Sec. 612. <b>Proceeding before birth</b> .....	<a href="#">Page 20</a>
Sec. 613. <b>Child as party; representation</b> .....	<a href="#">Page 20</a>
Sec. 617. <b>Rules for adjudication of parentage</b> .....	<a href="#">Page 21</a>
Sec. 621. <b>Binding effect of determination of parentage</b> .....	<a href="#">Page 22</a>
<b>ARTICLE 8. SUPPORT AND JUDGMENT</b> .....	<a href="#">Page 23</a>
Sec. 801. <b>Child support orders</b> .....	<a href="#">Page 23</a>
Sec. 802. <b>Judgment</b> .....	<a href="#">Page 25</a>
Sec. 805. <b>Enforcement of judgment or order</b> .....	<a href="#">Page 30</a>
Sec. 806. <b>Unemployment of person owing duty of support</b> .....	<a href="#">Page 31</a>
Sec. 808. <b>Modification of judgment</b> .....	<a href="#">Page 32</a>

---

(750 ILCS 46/) **Illinois Parentage Act of 2015.**

(750 ILCS 46/Art. 1 heading)

**ARTICLE 1. GENERAL PROVISIONS**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/101)

Sec. 101. **Short title.** This Act may be cited as the **Illinois Parentage Act of 2015.**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/102)

Sec. 102. **Public policy.** Illinois recognizes the right of every child to the physical, mental, emotional, and financial support of his or her parents. The parent-child relationship, including support obligations, extends equally to every child and to his or her parent or to each of his or her 2 parents, regardless of the legal relationship of the parents, and regardless of whether a parent is a minor.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/103)

Sec. 103. **Definitions.** In this Act:

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

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

(c) "Alleged father" means a man who alleges himself to be, or is alleged to be, the biological

father or a possible biological father of a child, but whose paternity has not been established. The term does not include:

- (1) a presumed parent or acknowledged father; or
- (2) a man whose parental rights have been terminated or declared not to exist.

(d) (Reserved).

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

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

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

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

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

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

(i) (Reserved).

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

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

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

(l-5) "Gestational surrogacy" means the process by which a woman attempts to carry and give birth to a child created through in vitro fertilization in which the gestational surrogate has made no genetic contribution to any resulting child.

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

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

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

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

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

(r) "Record" means information that is inscribed on a tangible medium or that is stored in an

electronic or other medium and is retrievable in perceivable form.

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

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

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

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

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

(2) establishment or modification of child support;

(3) determination of parentage; or

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/104)

**Sec. 104. Scope of Act; choice of law; other legal rights and duties preserved.**

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/105)

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/106)

**Sec. 106. Protection of participants.** Proceedings under this Act are subject to other law of this State governing the health, safety, privacy, and liberty of a child or other individual who could be jeopardized by disclosure of identifying information, including address, telephone number, place of employment, social security number, and the child's day-care facility and school.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/107)

**Sec. 107. Applicability.** Insofar as practicable, the provisions of this Act applicable to the father and child relationship shall apply to the mother and child relationship including, but not limited to, the obligation to support.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 2 heading)

## **ARTICLE 2. PARENT-CHILD RELATIONSHIP**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/201)

### **Sec. 201. Establishment of parent-child relationship.**

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

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

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

(3) adoption of the child by the woman;

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

or

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

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

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

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/202)

**Sec. 202. Parents' legal relationship.** Every child has equal rights under the law regardless of the parents' legal relationship.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/203)

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/204)

### **Sec. 204. Presumption of parentage.**

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

(1) the person and the mother of the child have entered into a marriage, civil union, or substantially similar legal relationship, and the child is born to the mother during the marriage, civil union, or substantially similar legal relationship, except as provided by a valid gestational surrogacy contract, or other law;

(2) the person and the mother of the child were in a marriage, civil union, or substantially similar legal relationship and the child is born to the mother within 300 days after the marriage, civil union, or substantially similar legal relationship is terminated by death, declaration of invalidity of marriage, judgment for dissolution of marriage, civil union, or substantially similar legal relationship, or after a judgment for legal separation, except as provided by a valid gestational surrogacy contract, or other law;

(3) before the birth of the child, the person and the mother of the child entered into a marriage, civil union, or substantially similar legal relationship in apparent compliance with law, even if the attempted marriage, civil union, or substantially similar legal relationship is or could be declared invalid, and the child is born during the invalid marriage, civil union, or substantially similar legal relationship or within 300 days after its termination by death, declaration of invalidity of marriage, judgment for dissolution of marriage, civil union, or substantially similar legal relationship, or after a judgment for legal separation, except as provided by a valid gestational surrogacy contract, or other law; or

(4) after the child's birth, the person and the child's mother have entered into a marriage, civil union, or substantially similar legal relationship, even if the marriage, civil union, or substantially similar legal relationship is or could be declared invalid, and the person is named, with the person's written consent, as the child's parent on the child's birth certificate.

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/205)

**Sec. 205. Proceedings to declare the non-existence of the parent-child relationship.**

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

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

(c) An action to declare the non-existence of the parent-child relationship may be brought subsequent to an adjudication of parentage in any judgment by the man adjudicated to be the parent pursuant to a presumption in paragraphs (a)(1) through (a)(4) of Section 204 if, as a result of deoxyribonucleic acid (DNA) testing, it is discovered that the man adjudicated to be the

parent is not the father of the child. Actions brought by the adjudicated father shall be brought by verified petition. If, as a result of the deoxyribonucleic acid (DNA) testing that is admissible under Section 614 of this Act, the petitioner is determined not to be the father of the child, the adjudication of paternity and any orders regarding custody, parenting time, and future payments of support may be vacated.

(d) An action to declare the non-existence of the parent-child relationship brought under subsection (c) of this Section shall be barred if brought more than 2 years after the petitioner obtains actual knowledge of relevant facts. The 2-year period shall not apply to periods of time where the birth mother or the child refuses to submit to deoxyribonucleic acid (DNA) testing. The 2-year period for bringing an action to declare the non-existence of the parent-child relationship shall not extend beyond the date on which the child reaches the age of 18 years. (Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/206)

**Sec. 206. Presumption; burden of proof.** A person challenging a presumption under Section 204 of this Act may rebut the presumption with *clear and convincing evidence*. (Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 3 heading)

### **ARTICLE 3. VOLUNTARY ACKNOWLEDGMENT**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/301)

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/302)

#### **Sec. 302. Execution of voluntary acknowledgment.**

- (a) A voluntary acknowledgment described in Section 301 of this Act must:
- (1) be in a record;
  - (2) be signed, or otherwise authenticated, under penalty of perjury by the mother and by the man seeking to establish his parentage;
  - (3) state that the child whose parentage is being acknowledged:
    - (A) does not have a presumed parent, or has a presumed parent whose full name is stated; and
    - (B) does not have another acknowledged or adjudicated parent;
  - (4) be witnessed; and
  - (5) state that the signatories understand that the acknowledgment is the equivalent of a judicial adjudication of parentage of the child and that a challenge to the acknowledgment is



permitted only under limited circumstances and is barred after 2 years.

(b) An acknowledgment is **void** if it:

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/303)

**Sec. 303. Denial of parentage.** A *presumed parent* may sign a denial of parentage. The denial is valid only if:

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

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

(c) the presumed parent has not previously:

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/304)

**Sec. 304. Rules for acknowledgment and denial of parentage.**

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/305)

**Sec. 305. Effect of acknowledgment or denial of parentage.**

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



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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/306)

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/307)

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/308)

**Sec. 308. Challenge after expiration of period for rescission.** After the period for rescission under Section 307 of this Act has expired, a signatory of a voluntary acknowledgment or denial may commence a proceeding to challenge the acknowledgment or denial only as provided in Section 309 of this Act.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/309)

**Sec. 309. Procedure for challenge.**

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

(b) The verified complaint, which shall be designated a petition, shall be filed in the county where a proceeding relating to the child was brought, such as a support proceeding or, if none

exists, in the county where the child resides. Every signatory to the voluntary acknowledgment and any related denial must be made a party to a proceeding to challenge the acknowledgment or denial. The party challenging the acknowledgment or denial shall have the burden of proof. The burden of proof to challenge a voluntary acknowledgment is **clear and convincing evidence**.

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/310)

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/311)

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/312)

**Sec. 312. Forms for acknowledgment and denial of parentage.**

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/313)

**Sec. 313. Release of information.** The Department of Healthcare and Family Services may release information relating to the acknowledgment described in Section 301 of this Act, or the related denial, to a signatory of the acknowledgment or denial; to the child's guardian, the emancipated child, or the legal representatives of those individuals; to appropriate federal

agencies; and to courts and appropriate agencies of this State or another state.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/314)

Sec. 314. **Adoption of rules.** The Department of Public Health and the Department of Healthcare and Family Services may adopt rules to implement this Article.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 4 heading)

#### **ARTICLE 4. GENETIC TESTING**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/401)

Sec. 401. **Proceeding authorized.** As soon as practicable, a court or an administrative hearing officer in an Expedited Child Support System may, and upon the request of a party except as provided in Section 610 of this Act, or of the child, shall order or direct the mother, child, and alleged father to submit to deoxyribonucleic acid (DNA) testing to determine inherited characteristics. If any party refuses to submit to genetic testing, the court may resolve the question of paternity against that party or enforce its order if the rights of others and the interests of justice so require.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/402)

#### **Sec. 402. Requirements for genetic testing.**

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

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

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

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

(1) The individual objecting may require the testing laboratory, within 30 days after receipt

of the report of the genetic testing, to recalculate the probability of paternity using an ethnic or racial group different from that used by the laboratory.

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/403)

**Sec. 403. Genetic test results.**

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/404)

**Sec. 404. Effect of genetic testing.** Genetic testing taken under this Article shall have the following effect:

(a) If the court finds that the conclusion of the expert or experts, as disclosed by the

evidence based upon the genetic testing, is that the alleged father is not the parent of the child, the question of paternity shall be resolved accordingly.

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

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/405)

**Sec. 405. Cost of genetic testing.** The expense of the genetic testing shall be paid by the party who requests the genetic testing, except that the court may apportion the costs between the parties, upon request. When the genetic testing is requested by the party seeking to establish paternity and that party is found to be indigent by the court, the expense shall be paid by the public agency providing representation; except that where a public agency is not providing representation, the expense shall be paid by the county in which the action is brought. When the genetic testing is ordered by the court on its own motion or is requested by the alleged or presumed father and that father is found to be indigent by the court, the expense shall be paid by the county in which the action is brought. Any part of the expense may be taxed as costs in the action, except that no costs may be taxed against a public agency that has not requested the genetic testing.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/406)

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/407)

**Sec. 407. Independent genetic testing.** Nothing in this Article shall prevent a party from obtaining genetic testing of his or her own blood or tissue independent of those ordered by the court or from presenting expert testimony interpreting those tests or any other blood tests ordered under this Article. Reports of all the independent tests, accompanied by affidavit or certification pursuant to Section 1-109 of the Code of Civil Procedure, and notice of any expert witnesses to

be called to testify to the results of those tests shall be submitted to all parties at least 30 days before any hearing set to determine the issue of parentage.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/408)

**Sec. 408. Additional persons to be tested.**

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

- (1) the parents of the man;
- (2) brothers and sisters of the man;
- (3) other children of the man and their mothers; and
- (4) other relatives of the man necessary to complete genetic testing.

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 5 heading)

**ARTICLE 5. TEMPORARY RELIEF**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/501)

**Sec. 501. Temporary orders.**

(a) On a motion by a party and a showing of **clear and convincing evidence of parentage**, the court shall issue a **temporary order for support** of a child if the order is appropriate and the individual ordered to pay support is:

- (1) a presumed parent of the child;
- (2) petitioning to have parentage adjudicated;
- (3) identified as the father through genetic testing under Article 4 of this Act;
- (4) an alleged father who has declined to submit to genetic testing;
- (5) shown by clear and convincing evidence to be the child's father;
- (6) the mother of the child; or
- (7) anyone else determined to be the child's parent.

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)



(750 ILCS 46/502)

**Sec. 502. Injunctive relief.**

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

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 6 heading)

**ARTICLE 6. PROCEEDING TO ADJUDICATE PARENTAGE**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/601)

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

(Source: P.A. 99-85, eff. 1-1-16.)



(750 ILCS 46/602)

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

- (a) the child;
- (b) the mother of the child;
- (c) a pregnant woman;
- (d) a man presumed or alleging himself to be the parent of the child;
- (e) a woman presumed or alleging herself to be the parent of the child;
- (f) the support-enforcement agency or other governmental agency authorized by other law;
- (g) any person or public agency that has custody of, is providing financial support to, or has provided financial support to the child;
- (h) the Department of Healthcare and Family Services if it is providing, or has provided, financial support to the child or if it is assisting with child support collections services;
- (i) an authorized adoption agency or licensed child-placing agency;
- (j) a representative authorized by law to act for an individual who would otherwise be entitled to maintain a proceeding but who is deceased, incapacitated, or a minor; or
- (k) an intended parent pursuant to the terms of a valid gestational surrogacy contract.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/603)

Sec. 603. **Subject matter and personal jurisdiction.**

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/604)

Sec. 604. **Venue.**

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/605)

**Sec. 605. Notice to presumed parent.**

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

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

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

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

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

(b) The notice shall read as follows:

"IN THE MATTER OF NOTICE TO ..... PRESUMED PARENT.

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

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

As the presumed parent, you have certain legal rights with respect to the named child, including the right to notice of the filing of proceedings instituted for the establishment of parentage of the named child and, if named as a parent in a petition to establish parentage, the right to submit to, along with the birth parent and child, deoxyribonucleic acid (DNA) tests to determine inherited characteristics, subject to Section 610 of the Illinois Parentage Act of 2015. If you wish to assert your rights with respect to the child named in this notice, you must file with the Clerk of this Circuit Court of ..... County, Illinois, whose address is ..... , within 30 days after the date of receipt of this notice, a declaration of parentage stating that you are, in fact, the parent of the named child and that you intend to assert your legal rights with respect to the child, or that you request to be notified of any further proceedings with respect to the parentage of the child.

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/606)

**Sec. 606. Summons.** The summons that is served on a respondent shall include the return date on or by which the respondent must appear and shall contain the following information, in a prominent place and in conspicuous language, in addition to the information required to be provided under the laws of this State: "If you do not appear as instructed in this summons, you may be required to support the child named in this petition until the child is at least 18 years old. You may also have to pay the pregnancy and delivery costs of the mother.".  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/607)

**Sec. 607. No limitation; child having no presumed, acknowledged, or adjudicated parent.** A proceeding to adjudicate the parentage of a child having no presumed, acknowledged, or adjudicated parent may be commenced at any time, even after:

- (a) the child becomes an adult, but only if the child initiates the proceeding; or
- (b) an earlier proceeding to adjudicate parentage has been dismissed based on the application of a statute of limitations then in effect.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/608)

**Sec. 608. Limitation; child having presumed parent.**

- (a) An alleged father, as that term is defined in Section 103 of this Act, must commence an action to establish a parent-child relationship for a child having a presumed parent not later than 2 years after the petitioner knew or should have known of the relevant facts. The time the petitioner is under legal disability or duress or the ground for relief is fraudulently concealed shall be excluded in computing the period of 2 years.
- (b) A proceeding seeking to declare the non-existence of the parent-child relationship between a child and the child's presumed father may be maintained at any time by a person described in paragraphs (1) through (4) of subsection (a) of Section 204 of this Act if the court determines that the presumed father and the mother of the child neither cohabited nor engaged in sexual intercourse with each other during the probable time of conception.
- (c) An adjudication under this Section shall serve as a rebuttal or confirmation of a presumed parent as defined in subsection (p) of Section 103.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/609)

**Sec. 609. Limitation; child having acknowledged or adjudicated parent.**

- (a) If a child has an acknowledged parent, a signatory to the acknowledgment described in Section 301 of this Act or related denial may commence a proceeding seeking to challenge the acknowledgment or denial or challenge the paternity of the child only within the time allowed under Section 309 of this Act.
- (b) If a child has an acknowledged parent or an adjudicated parent, an individual, other than the child, who is neither a signatory to the acknowledgment nor a party to the adjudication and who seeks an adjudication of parentage of the child must commence a proceeding not later than

2 years after the effective date of the acknowledgment or adjudication.

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/610)

**Sec. 610. Authority to deny motion for genetic testing.**

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

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

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

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

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

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

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

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

(E) the age of the child;

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

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

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/611)

**Sec. 611. Joinder of proceedings.**

(a) Except as otherwise provided in subsection (b), a proceeding to adjudicate parentage may

be joined with a proceeding for adoption, termination of parental rights, child custody or parenting time, child support, dissolution of marriage or civil union, declaration of invalidity of marriage or civil union, legal separation, probate or administration of an estate, or other appropriate proceeding.

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/612)

**Sec. 612. Proceeding before birth.** A proceeding to establish parentage may be commenced before the birth of the child, but may not be concluded until after the birth of the child. The following actions may be taken before the birth of the child:

(a) service of process;

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/613)

**Sec. 613. Child as party; representation.**

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/614)

**Sec. 614. Admissibility of results of genetic testing; expenses.**

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

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

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

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

(1) the amount of the charges billed; and

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/615)

**Sec. 615. Consequences of declining genetic testing.**

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/616)

**Sec. 616. Admission of parentage authorized.**

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/617)

**Sec. 617. Rules for adjudication of parentage.** The court shall apply the following rules to adjudicate the parentage of a child:

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/618)

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



(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/619)

Sec. 619. **Jury prohibited.** Trial by jury is not available under this Act.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/620)

Sec. 620. **Order on default.** The court may issue an order adjudicating the parentage of a person who is in default after service of process.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/621)

Sec. 621. **Binding effect of determination of parentage.**

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

(1) all signatories to an acknowledgment or denial as provided in Article 3 of this Act; and  
(2) all parties to an adjudication by a court acting under circumstances that satisfy the jurisdictional requirements of Section 201 of the Uniform Interstate Family Support Act.

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

(1) the determination was based on an unrescinded acknowledgment as provided in Article 3 of this Act and the acknowledgment is consistent with the results of genetic testing;  
(2) the adjudication of parentage was based on a finding consistent with the results of genetic testing and the consistency is declared in the determination or is otherwise shown;  
(3) the child was a party or was represented in the proceeding determining parentage by a guardian ad litem, child's representative or attorney for the child; and  
(4) the child was no longer a minor at the time the proceeding was initiated and was the moving party resulting in the parentage determination.

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)



(750 ILCS 46/622)

**Sec. 622. Custody or visitation prohibited to men who father through sexual assault or sexual abuse.**

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

(1) has been convicted of or who has pled guilty or nolo contendere to a violation of \*\*\* for his conduct in fathering that child; or

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

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 8 heading)

**ARTICLE 8. SUPPORT AND JUDGMENT**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/801)

**Sec. 801. Child support orders.**

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

(b) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each

judgment to be in the amount of each payment or installment of support and each judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect, and attributes of any other judgment of this State, including the ability to be enforced. **A judgment under this Section is subject to modification or termination only in accordance with Section 510 of the Illinois Marriage and Dissolution of Marriage Act.** Notwithstanding any other state or local law to the contrary, a lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

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

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

(e) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. The periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for the enforcement and collection of child support including, but not limited to, income withholding under the Income Withholding for Support Act. Each order for support entered or modified must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for the support of a minor child or the establishment or modification of an order for the support of a non-minor child or educational

expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(f) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of the circuit court within 7 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For an obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address. (Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/802)

**Sec. 802. Judgment.**

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

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

The judgment **shall** contain or explicitly reserve provisions concerning any duty and amount of **child support** and **may** contain provisions concerning the **custody** and guardianship of the child, **parenting time privileges with the child**, and the furnishing of bond or other security for the payment of the judgment, **which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act** and any other applicable law of this State, to guide the court in a finding in the best interests of the child. In determining **custody, joint custody, removal**, [Note: these terms no longer are a part of the IMDMA] parenting time, parenting time interference, support for a non-minor disabled child, educational expenses for a non-minor child, and related post-judgment issues, the court shall apply the relevant standards of the **Illinois Marriage and Dissolution of Marriage Act**. Specifically, in determining the amount of a child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order.

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

(c) If a judgment of parentage contains no explicit award of custody, the establishment of a child support obligation or of parenting time rights in one parent shall be considered a judgment

granting custody to the other parent. If the parentage judgment contains no such provisions, custody shall be presumed to be with the mother; however, the presumption shall not apply if the father has had physical custody for at least 6 months prior to the date that the mother seeks to enforce custodial rights.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) If, upon a showing of proper service, the father fails to appear in court or otherwise appear

as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

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

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

(m) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. The periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(n) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 7 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the



new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For an obligor arrested for failure to report new employment, bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/803)

**Sec. 803. Information to State Case Registry.**

(a) In this Section:

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

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

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

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

(d) The obligee shall file the following information:

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

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

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

(4) The obligee's mailing address.

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

- (1) The obligee's telephone and the last 4 digits of the obligee's driver's license number.
- (2) The obligee's residential address, if different from the obligee's mailing address.
- (3) The name, address, and telephone number of the obligee's employer or employers.

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

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/804)

**Sec. 804. Information to locate putative fathers and noncustodial parents.**

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

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

(c) Notwithstanding the provisions of any other State or local law to the contrary, an



employer, labor union, telephone company, utility company, or cable television company shall not be liable to any person for disclosure of location information under the requirements of this Section, except for willful and wanton misconduct.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/805)

**Sec. 805. Enforcement of judgment or order.**

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

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

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

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

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

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

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

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/806)

**Sec. 806. Unemployment of person owing duty of support.**

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/807)

Sec. 807. **Order of protection; status.** Whenever relief is sought under this Act, the court, before granting relief, shall determine whether an order of protection has previously been entered in the instant proceeding or any other proceeding in which any party, or a child of any party, or both, if relevant, has been designated as either a respondent or a protected person.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/808)

Sec. 808. **Modification of judgment.** The court has continuing jurisdiction to modify an order for **support, custody, parenting time, or removal** included in a judgment entered under this Act. Any custody, parenting time, or removal judgment modification shall be in accordance with the relevant factors specified in the **Illinois Marriage and Dissolution of Marriage Act**. Any **support** judgment is subject to modification or termination only in accordance with **Section 510 of the Illinois Marriage and Dissolution of Marriage Act**.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/809)

Sec. 809. **Right to counsel.**

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/810)

Sec. 810. **Withholding of income to secure payment of support.** Orders for support entered under this Act are subject to the Income Withholding for Support Act.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/811)

Sec. 811. **Information concerning obligors.**

(a) In this Section:

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

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

(b) Whenever a court of competent jurisdiction finds that an obligor either owes an arrearage

of more than \$10,000 or is delinquent in payment of an amount equal to at least 3 months' support obligation pursuant to an order for support, the court shall direct the clerk of the circuit court to make information concerning the obligor available to consumer reporting agencies.

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/812)

**Sec. 812. Interest on support obligations.** A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/813)

**Sec. 813. Support payments; receiving and disbursing agents.**

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

(b) In an action filed in a county of 3,000,000 or more inhabitants in which an order for child support is entered, and in supplementary proceedings to enforce or vary the terms of the order arising out of an action filed in such a county, the court, except in actions or supplementary proceedings in which the pregnancy and delivery expenses of the mother or the child support payments are for a recipient of aid under the Illinois Public Aid Code, shall direct that child support payments be made either to the clerk of the circuit court or to the Court Service Division of the Department of Human Services local office or offices or its successor or to the Department of Healthcare and Family Services, unless in the discretion of the court exceptional

circumstances warrant otherwise. In cases where payment is to be made to persons other than the clerk of the circuit court, the Court Service Division of the Department of Human Services local office or offices or its successor, or the Department of Healthcare and Family Services, the judgment or order of support shall set forth the facts of the exceptional circumstances.

(c) When the action or supplementary proceeding is on behalf of a mother for pregnancy and delivery expenses or for child support, or both, and the mother, child, or both, are recipients of aid under the Illinois Public Aid Code, the court shall order that the payments be made directly to (1) the Department of Healthcare and Family Services, if the mother or child, or both, are recipients under Article IV or V of the Illinois Public Aid Code; or (2) the local governmental unit responsible for the support of the mother or child, or both, if they are recipients under Article VI of the Illinois Public Aid Code. In accordance with federal law and regulations, the Department of Healthcare and Family Services may continue to collect current maintenance payments or child support payments, or both, after those persons cease to receive public assistance and until termination of services under Article X of the Illinois Public Aid Code. The Department of Healthcare and Family Services shall pay the net amount collected to those persons after deducting any costs incurred in making the collection or any collection fee from the amount of any recovery made. The Department of Healthcare and Family Services or the local governmental unit, as the case may be, may direct that payments be made directly to the mother of the child, or to some other person or agency on the child's behalf, upon the removal of the mother and child from the public aid rolls or upon termination of services under Article X of the Illinois Public Aid Code; upon such direction, the Department of Healthcare and Family Services or the local governmental unit shall give notice of the action to the court in writing or by electronic transmission.

(d) All clerks of the circuit court and the Court Service Division of the Department of Human Services local office or offices or its successor and the Department of Healthcare and Family Services, receiving child support payments under subsection (a) or (b) shall disburse the payments to the person or persons entitled to the payments under the terms of the order. The entity disbursing the payments shall establish and maintain clear and current records of all moneys received and disbursed and of defaults and delinquencies in required payments. The court, by order or rule, shall make provision for the carrying out of these duties. Payments under this Section to the Department of Healthcare and Family Services made pursuant to the Child Support Enforcement Program established by Title IV-D of the Social Security Act shall be paid into the Child Support Enforcement Trust Fund. All payments under this Section to the Illinois Department of Human Services shall be deposited in the DHS Recoveries Trust Fund. Disbursement from these funds shall be as provided in the Illinois Public Aid Code. Payments received by a local governmental unit shall be deposited in that unit's General Assistance Fund.

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

(f) For those cases in which child support is payable to the clerk of the circuit court for



transmittal to the Department of Healthcare and Family Services by order of court or upon notification by the Department of Healthcare and Family Services, the clerk of the circuit court shall transmit all payments, within 4 working days of receipt, to insure that funds are available for immediate distribution by the Department of Healthcare and Family Services to the person or entity entitled to them in accordance with the Child Support Enforcement Program under Title IV-D of the Social Security Act. The clerk of the circuit court shall notify the Department of Healthcare and Family Services of the date of receipt and the amount of the funds at the time of transmittal. If the clerk of the circuit court has entered into an agreement of cooperation with the Department of Healthcare and Family Services to record the terms of child support orders and payments made thereunder directly into the Department's automated data processing system, the clerk of the circuit court shall account for, transmit and otherwise distribute child support payments in accordance with the agreement in lieu of the requirements contained in this Section.

(g) To the extent the provisions of this Section are inconsistent with the requirements pertaining to the State Disbursement Unit under Section 815 of this Act and Section 10-26 of the Illinois Public Aid Code, the requirements pertaining to the State Disbursement Unit shall apply. (Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/814)

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/815)

**Sec. 815. Payment of support to State Disbursement Unit.**

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/816)

**Sec. 816. Notice to the clerk of the circuit court of payment received by Department of Healthcare and Family Services.** For those cases in which support is payable to the clerk of the circuit court for transmittal to the Department of Healthcare and Family Services by order of court, and the Department of Healthcare and Family Services collects support by assignment, offset, withhold, deduction, or other process permitted by law, the Department of Healthcare and Family Services shall notify the clerk of the circuit court of the date and amount of the collection. Upon notification, the clerk of the circuit court shall record the collection on the payment record for the case.

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/Art. 9 heading)

## **ARTICLE 9. MISCELLANEOUS PROVISIONS**

(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/901)

Sec. 901. **Burden of proof.** Absent a burden of proof specifically set forth in this Act, the burden of proof shall be by a preponderance of the evidence.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/902)

Sec. 902. **Severability clause.** \*\*\*  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/903)

Sec. 903. **Transitional provision.** A proceeding to adjudicate parentage which was commenced before the effective date of this Act is governed by the law in effect at the time the proceeding was commenced.  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/904)

Sec. 904. **Savings provision.** \*\*\*  
(Source: P.A. 99-85, eff. 1-1-16.)

(750 ILCS 46/905)

Sec. 905. **Other states' establishments of parentage.** Establishments of parentage made under the laws of other states shall be given full faith and credit in this State regardless of whether parentage was established through voluntary acknowledgment or through judicial or administrative processes.  
(Source: P.A. 99-85, eff. 1-1-16.)