

CHILD SUPPORT IN ILLINOIS

*Information for Custodial and
Non-Custodial Parents*



Public Aid Bureau
Office of the Illinois Attorney General



A Message from
Illinois Attorney General
Lisa Madigan

As Attorney General, I am committed to protecting families throughout Illinois. One important part of this commitment is ensuring children receive the financial support they need to lead happy and healthy lives. Studies show that children who receive the child support to which they are entitled are more likely to finish high school and go on to college, creating better opportunities for success in life.

As part of our representation of the Illinois Department of Healthcare and Family Services, my office is responsible for establishing paternity and establishing, enforcing, and modifying both child support and medical orders. This booklet explains the services my office provides in conjunction with the Illinois Department of Healthcare and Family Services, and also answers many questions that both custodial and non-custodial parents may have about child support. This information should assist all parties in making informed decisions.

In these often complex cases, it is my priority to protect the well-being of the children while also respecting the legal rights of all parties involved. This booklet provides information to help each involved party better understand and exercise their rights and responsibilities under the law.

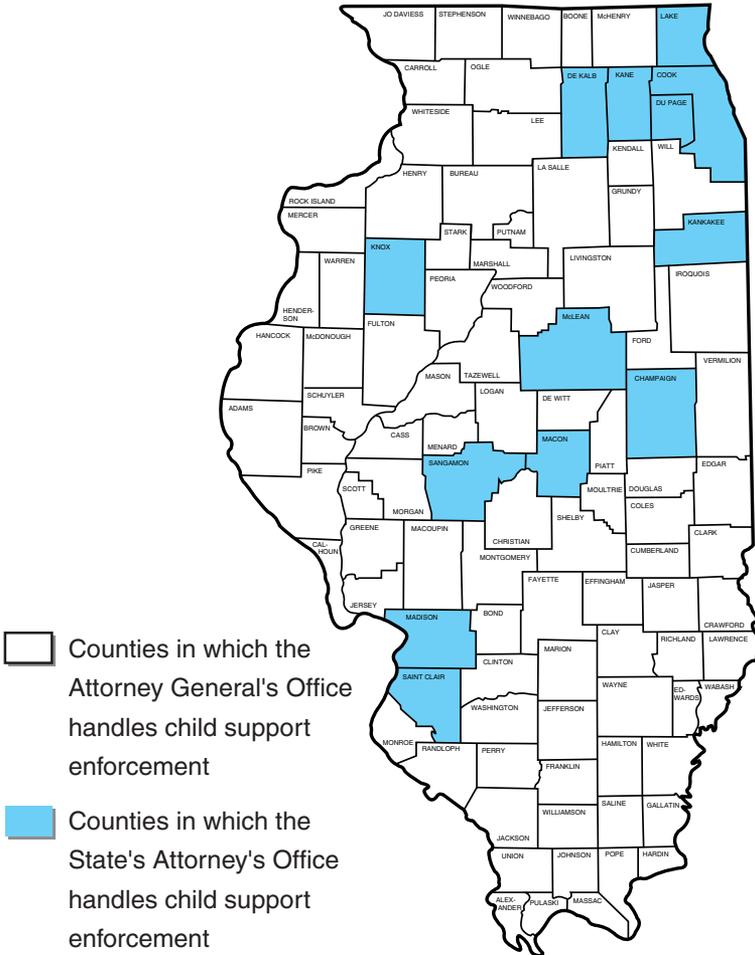
A handwritten signature in black ink that reads "Lisa Madigan". The signature is written in a cursive, flowing style.

Lisa Madigan
Illinois Attorney General

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Illinois Child Support Enforcement by County



I. INTRODUCTION

Why does the Illinois Attorney General’s Office handle child support cases?

The Child Support Enforcement Program (CSEP) is a federal, state, and local partnership formed to collect child support. The CSEP was established in 1975 as Title IV-D of the Social Security Act. Each state has a Title IV-D agency that operates a child support program. In Illinois, the IV-D agency is the Illinois Department of Healthcare and Family Services (HFS)/Division of Child Support Enforcement (DCSE).

The Attorney General’s Office has the primary responsibility for representing HFS/DCSE. However, HFS/DCSE has the authority to contract with other entities for child support services. HFS/DCSE contracts with the State’s Attorney’s Office in 13 counties throughout the state, while the Attorney General’s Office handles child support enforcement in 89 counties through its Public Aid Bureau.

What services does the Attorney General’s Office provide for the child support enforcement program?

The Attorney General’s Office is responsible for establishing paternity as well as establishing, enforcing, and modifying both child support and medical orders. The Attorney General’s Office represents HFS/DCSE – not the individual – in these matters. The Attorney General’s Office is not allowed to handle matters involving custody, visitation, or any other non-child support or non-medical issues.

Where do I apply for help with obtaining child support?

The Illinois Department of Healthcare and Family Services has regional offices throughout the state. You should contact the office near you to apply for help. The addresses of the HFS offices are listed on the next page, and the phone numbers are listed at the end of this booklet. It is important to note that this program serves parents whether or not they receive public assistance.

What does the child support enforcement agency need to know to assist me?

The child support enforcement agency will ask you for certain information about the non-custodial parent, including the following:

- Name, address, and social security number
- Name and address of current, recent, and/or previous employer
- Names of friends and relatives, names of organizations to which he or she might belong
- Information about his or her income and assets (e.g., pay slips, tax returns, bank accounts, investments, or property holdings)
- Physical description
- Date of birth

What documents should I bring to the enforcement agency?

Please bring the following documents to the enforcement agency:

- Any voluntary acknowledgements of paternity
- If paternity is an issue, written statements (letters and/or notes) in which the alleged father has said or implied that the child is his
- Your child support order
- Your divorce decree or separation agreement
- Records of any child support received in the past
- Information about your income and assets
- Child(ren)'s birth certificate(s)

Why is this information needed?

In order to obtain an order for support to establish the paternity of a child, and in most cases, to enforce that order, the child support enforcement agency must know where the other parent lives or works. When a legal claim is made against a person, notice of the legal action must be provided with time to allow him or her to protect his or her rights (this is often called “serving” the person with notice of the lawsuit).

How long will it take to get child support?

There is no predetermined time period for requesting and/or receiving child support. The length of time is contingent upon locating the non-

custodial parent and his or her level of cooperation with the process. After the non-custodial parent is served, the Attorney General's Office works hard to ensure that paternity is established, and child support and health insurance coverage orders are entered as expeditiously as possible. In some instances though, the process is delayed because the non-custodial parent avoids service or fails to pursue employment.

II. PATERNITY

Why establish paternity?

Once paternity is established legally, a child gains legal rights and privileges. Even if the non-custodial parent initially agrees to support the child, he may later change his mind, become disabled, or die. As a result, it is important to establish paternity to make sure that the child's rights are clear. Additionally, the child can also develop a relationship with the other parent. It may be important to the health of the child to have knowledge of the other parent's medical history.

Is there a way to establish paternity without going to court?

Yes. The child's father can acknowledge paternity by signing a voluntary acknowledgment of paternity. An acknowledgment becomes a conclusive presumption of paternity unless a rescission is signed and filed within 60 days. Acknowledgment forms are available at the hospital where the child is born, and at all Illinois Healthcare and Family Service regional offices.

If the father denies paternity or isn't sure, what will happen?

Paternity can be determined by administrative or judicial procedures that take into account highly accurate genetic tests conducted on blood or tissue samples of the man, mother, and child. Genetic tests indicate the probability of paternity and can establish a legal presumption of paternity. Each party in a contested paternity case must submit to tests at the request of either party or the child support enforcement agency.

If genetic tests are necessary, who pays for them?

If the IV-D agency orders the tests, the State may pay for the cost of the testing. If the father requests the test, then he must pay the cost of the test. In many cases, the court will require the father to reimburse the State after paternity is established.

What happens if I am not sure who the father is?

If the father could be one of several men, each may be required to take a genetic test. The tests will exclude a man who is not the biological father of the child and can also show the likelihood of paternity if he is not excluded.

III. CHILD SUPPORT

When is the amount of child support determined for my child(ren)?

The non-custodial parent must be notified of the proceedings to declare paternity and/or determine child support. He or she will be served with notice of the administrative or judicial hearing. After the finding of paternity, child support is established by reviewing the non-custodial parent's income, other obligations, and assets.

How much child support will I receive for my child?

There are guidelines listed in the law that serve as a benchmark to determine an appropriate amount of child support. An amount may be set at more or less than the guidelines based on the particular circumstances of the child, custodial, or non-custodial parent. Additional factors such as split or joint custody and multiple children in different households will affect the amount of child support that a child will receive from the non-custodial parent. The current statutory guidelines are listed in the table below.

**Current Statutory Guidelines to Determine
Amount of Child Support**

Number of children	Percent of supporting party's net income
1	20%
2	28%
3	32%
4	40%
5	45%
6 or more	50%

What about medical coverage for my child(ren)?

Non-custodial parents may be able to obtain health insurance for their children through their employment. In these instances, the medical coverage should be ordered at the same time as child support. If the non-custodial parent does not have health insurance, the court or administrative tribunal may determine an alternative method of coverage.

How will I receive child support payments for my child(ren)?

The child support is withheld from the non-custodial parent's wages. An employer will deduct the child support payments pursuant to the order which it receives from HFS/DCSE. The employer will forward the payments to the State Disbursement Unit (SDU). The SDU will distribute the payments to you. If you receive financial assistance from HFS, you will receive a predetermined pass-through amount instead of the total amount of the child support. Payments may also be received from the Comptroller of the State of Illinois, HFS/DCSE, or direct deposit. This will depend upon the decision of the court or administrative tribunal.

How long will my child support enforcement services continue?

Your child support enforcement services will continue until:

- The youngest or only child turns 18, graduates from high school, or turns 19 when still attending high school, whichever occurs first, or until all the arrearage is paid;
- The non-custodial parent no longer has a legal duty to support the child; or
- You decide that you no longer want the services and are not receiving public assistance.

I am separated but not divorced. What can I do about child support?

If you are separated but not divorced, HFS/DCSE may enter an Administrative Order or refer the matter for court action. This will help you get child support from the non-custodial parent.

IV. ENFORCEMENT

What if the non-custodial parent refuses to pay child support?

Each child support matter is entered in a database with the Illinois Department of Healthcare and Family Services/Division of Child Support Enforcement. This database maintains a record of payments on the various matters. This allows HFS/DCSE to send notices and direct the appropriate administrative or judicial referrals for past due child support. When past due support is owed, there are various options that can be pursued. There are specific requirements for each option.

HFS/DCSE has the authority to pursue the following options to enforce child support orders through administrative or judicial proceedings:

- Request that child support debt be included in the non-custodial parent's credit report;
- Collect the past due amounts owed through contractual agreements with private collection agencies;

- Place a lien against any real estate or personal property owned by the non-custodial parent in certain circumstances;
- Place a lien on an account in a financial institution in certain circumstances;
- Request suspension or revocation of an Illinois professional license, occupational certificate, or hunting or fishing license;
- Request suspension or revocation of the non-custodial parent's Illinois driver's license;
- Request a denial or suspension of the non-custodial parent's U.S. passport;
- Require the non-custodial parent to post a bond, security, or other guarantee of payment when the non-custodial parent is not subject to income withholding;
- Intercept state and federal tax refund payments;
- Request state or federal criminal prosecution for non-payment in certain circumstances;
- List the name and photograph of the non-custodial parent on the HFS/DCSE Web site.

The non-custodial parent owns a good deal of property in the county. Can a lien be issued on the property?

Yes. But a lien does not result in the immediate collection of the past due child support. The lien may prevent the non-custodial parent from selling, transferring, or borrowing against the property until the child support debt is paid. However, the presence of a lien may encourage the non-custodial parent to pay the past due child support in order to retain clear title to the property.

The non-custodial parent's employer is not deducting child support from his or her paycheck. Is the employer required by law to deduct the child support?

Yes. Federal law requires employers to deduct the child support if they are ordered to do so and, in Illinois, there are monetary penalties for willfully disobeying a withholding order.

Can I obtain child support from a non-custodial parent who is self-employed?

Yes. After the non-custodial parent is given notice of the proceedings, he or she is generally required to submit documentation concerning income and expenses. During this process, information can be gathered and assessed to determine an appropriate amount of child support. The frequency and amount of child support may be dependent upon the type of business which the non-custodial parent is operating. Safeguards are generally put in place to ensure that the child support is consistently paid by the non-custodial parent.

What happens if the non-custodial parent is unemployed or underemployed?

Unemployment compensation and other state and federal benefits can be tapped for child support. In instances where the non-custodial parent is underemployed, the Illinois Department of Healthcare and Family Services has a non-custodial parent unit which may be of service to the non-custodial parent.

What if my children are adults and the non-custodial parent owes me past due child support?

Each child support payment which is not paid becomes a judgment owed to the custodial parent or the Illinois Department of Healthcare and Family Services. An accounting of the past due child support can be periodically determined and the amount can be pursued by the Illinois Department of Healthcare and Family Services.

If my ex-spouse is in the military, what can I do to get child support and medical coverage for my child?

Members of the military are subject to the same wage withholding requirements as other public or private employees. Federal garnishment procedures should be used in most instances, although the use of military involuntary allotments is sometimes more appropriate.

Can a military retirement check be garnished for back child support?

Yes. You can pursue those funds as you would any other income.

V. MODIFICATION

Is there a procedure for reviewing the amount of child support that I should receive from the non-custodial parent?

The Illinois Department of Healthcare and Family Services/Division of Child Support Enforcement reviews child support orders in the Child Support Enforcement Program every thirty-six months to determine if the amount of the order should be changed. Additionally, if either the custodial or non-custodial parent requests a review, the HFS/DCSE will review the amount. If a modification is warranted, a referral will be submitted to the appropriate agency.

What can I do to get my child support increased if it is too low?

If you go to the Child Support Enforcement office for modification of your order, the income and assets of the non-custodial parent will need to be reviewed. The standard for a modification of child support is a substantial change in circumstances. The documentation and testimony to support the change in circumstances would be presented to a judge or administrative hearing officer for a determination concerning the modification.

VI. INTERSTATE AND INTERNATIONAL COOPERATION

It may be difficult to establish parentage and child support when the custodial parent and child(ren) live in one state and the non-custodial parent lives in another state. These types of cases are referred to the interstate units. All states are required to pursue interstate child support enforcement, and interstate wage withholding can be used to enforce a support order in another state if the non-

custodial parent's employer is known. State laws may vary as to the terms which are needed in a particular order, but the initiating state must provide sufficient information for the responding state to establish paternity, establish a support order, or enforce an order.

Due to varying caseloads and number of personnel, response time from or to any jurisdiction will vary. Therefore, you must continue to maintain contact with your local office to ensure that they have all the information that they need for your case.

Can I establish paternity if the father lives in another state?

Yes. If the non-custodial parent lived in your state or the child was conceived in your state, then your state – as the initiating state – may claim jurisdiction over the non-custodial parent. Otherwise, the responding state can pursue paternity under its laws. In most instances, genetic testing will be necessary to prove paternity. You should speak with your local IV-D office to determine the necessary steps to establish paternity.

How will I collect child support if the non-custodial parent moves from state to state?

It is difficult to enforce child support payments when the non-custodial parent moves to avoid paying. You can help with the case by immediately providing new information about the non-custodial parent when you receive it. All states are required to have a State Directory for New Hires, and employers are required to report new employees within a certain time frame. In Illinois, this directory is maintained by the Department of Employment Security, and the information is provided to the National Directory of New Hires. This directory helps in locating non-custodial parents who move to a new job in another state.

Is there a law that makes it a federal crime when a non-custodial parent fails to pay child support?

The Child Support Recovery Act of 1992 made it a federal crime to willfully fail to pay support for a child living in another state. The U.S.

Attorney's Office prosecutes those types of cases. Specific requirements must be met for their office to initiate a case. Your local IV-D agency has the appropriate information to determine which cases are submitted for federal prosecution.

If the father of my child leaves the United States, how will I get child support enforced?

Many state IV-D agencies have agreements with foreign countries to recognize child support judgments made in other countries or help establish orders when one does not exist. The local IV-D office will have a list of countries whose orders are recognized in the jurisdiction. Although requirements for enforcement may vary depending upon the nation involved, the same type of information which is used in a local case will be needed for the international process.

If the non-custodial parent works for an American company or foreign company with an office in the United States, a wage withholding order may work even if the country does not have an agreement to enforce American orders.

VII. NON-CUSTODIAL PARENTS

What is a non-custodial parent?

A non-custodial parent is the parent (mother or father) who does not live with the child(ren).

Are there any services for the non-custodial parents involved in child support matters?

The Illinois Department of Healthcare and Family Services has a Non-Custodial Parent Services Unit. This unit offers participants a variety of program options designed to address the wide range of issues facing the non-custodial parent.

How do I get to participate in the services of the Non-Custodial Parent Services Unit?

There are three ways to access the services of the Non-Custodial Parent Services Unit: a court referral, an administrative referral, and self-referral. There are units in Champaign, Cook, St. Clair, and Winnebago counties.

What if I am unemployed?

Even if you are unemployed, there is an obligation to pay child support. If you lose your job and are receiving unemployment compensation, there may be a dependents' allotment available to satisfy child support payments. You may also request a temporary modification of your child support obligation and/or ask the Illinois Department of Healthcare and Family Services to review your child support order. If your support order is not modified, however, your child support obligation will continue to accrue while you are unemployed.

What if I am incarcerated?

Your child(ren)'s needs don't change or stop while you are incarcerated. However, unless other assets exist or income from work release is obtained, it is unlikely that child support will be collected while you are in prison. You may request a temporary modification of your child support obligation and/or ask the Illinois Department of Healthcare and Family Services to review the child support order. If your support order is not modified, however, your child support obligation will continue to accrue during your incarceration.

What if I am in the military?

If your income has been reduced while you are in the military you may be able to reduce your child support payments, even if you are on active duty and unable to appear in court. If you are overseas or in another state you can request a review of your child support order by contacting the Illinois Department of Healthcare and Family Services via e-mail by going to www.ilchildsupport.com.

I did not go to court or sign any child support papers. Can I be held responsible?

Yes. You cannot avoid your obligation to support your child(ren) by not showing up at court. Even if you don't attend a court hearing or sign any documents, child support and/or paternity can be established in your absence by default. Therefore, you should not ignore any notice concerning these issues that you receive.

What if I am in school and have no income?

Even if the non-custodial parent is a minor or is a full-time student, he or she has an obligation to support his or her child. The judge or administrative hearing officer can review the current circumstances of the non-custodial parent to determine an appropriate order. The non-custodial parent's income can be reviewed again at a later time when he or she has a job and/or reaches the age of majority.

What if I have reason to believe I am not the father after I signed the voluntary acknowledgment of paternity?

If there have been no court proceedings, you have 60 days after signing to rescind the acknowledgment by signing and filing certain forms at the Illinois Department of Healthcare and Family Services regional offices. After that time frame has elapsed, it is extremely difficult to disestablish your parentage. You should contact a private attorney to advise you of your rights.

What if the mother says that I am the father and I do not believe that she is correct?

If you do not believe that you are the child's father, when you receive notice that you are scheduled to appear for court or an administrative proceeding, you must appear and respond to the allegations to establish the parentage. Should you fail to appear, and it is established that you received notice of the proceedings, a default judgment can be entered against you. If you are married to the mother, there is a presumption that you are the father of the child.

What if I pay for things that my child needs instead of paying money?

It is unlikely that the court or administrative agency will recognize those expenditures. Those expenditures will likely be considered gifts to your child, which are also important to their well-being, and will not be viewed as a substitute for full payment of child support.

Can I be put in jail for failing to pay child support?

Yes. The law sets forth specific circumstances in which a court may find you in contempt and order that you be arrested for your failure to pay child support.

Are there organizations that can help me with my parenting skills?

Yes. There are several. You may go to the federal government Web site to acquire additional information at <http://fatherhood.hhs.gov>.

VIII. CHILD SUPPORT ENFORCEMENT FOR NATIVE AMERICAN CHILDREN

The Native American Child Support Program in the Federal Office of Child Support Enforcement has been consulting with tribes and Native American organizations to ensure that Native American children receive the child support to which they are entitled. New provisions of the Personal Responsibility and Work Opportunities Reconciliation Act (PRWORA) provide more options to achieve this goal.

Native American reservations are governed by tribal laws which may differ from those of the states, just as laws differ from state to state. However, some states and tribes have entered into cooperative agreements to facilitate obtaining child support for Native American children.

IX. CONCLUSION

Knowledge is important. The more you know about child support enforcement procedures, the better you will be able to exercise your rights and responsibilities under the law. The information contained in this booklet is for educational purposes. Any legal advice must be requested directly from a professional. Of course, it is appropriate to ask questions of the IV-D agency if you do not understand what is happening in your child support case.

**Office of the Attorney General
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217-524-0637 (fax)

**Illinois Department of Healthcare and
Family Services (HFS)**

Automated Voice Response System (AVRS)
24 hours a day, 7 days a week
1-800-447-4278

State Disbursement Unit (SDU)
P.O. Box 5400
Carol Stream, Illinois 60197-5400
1-877-225-7077

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690 Centennial Drive
Ottawa, IL 61350
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16 West Cass Street, 4th Floor
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309-836-2951

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2301 NE Adams Street,
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Effingham, IL 62401
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Springfield, IL 62706
(217) 782-1090
TTY: (877) 844-5461

Carbondale

1001 E. Main Street
Carbondale, IL 62901
(618) 529-6400/6401
TTY: (877) 675-9339

REGIONAL OFFICES

Chicago West Regional Office
3333 West Arthington, Ste. 449
Chicago, IL 60624
(773) 265-8808

Chicago South Regional Office
7906 South Cottage Grove
Chicago, IL 60619
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Northern Illinois Regional Office
Zeke Giorgi Center
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Rockford, IL 61101
(815) 967-3883
TTY: (815) 967-3891

West Central Illinois Regional Office
628 Maine Street
Quincy, IL 62301
(217) 223-2221
TTY: (217) 223-2254

East Central Illinois Regional Office
1776 East Washington
Urbana, IL 61802
(217) 278-3366
TTY: (217) 278-3371

Metro East Illinois Regional Office
201 West Pointe Drive, Ste. 7
Belleville, IL 62226
(618) 236-8616
TTY: (618) 236-8619

Consumer Fraud Hotlines

Chicago: (800) 386-5438
TTY: (800) 964-3013
Springfield: (800) 243-0618
TTY: (877) 844-5461
Carbondale: (800) 243-0607
TTY: (877) 675-9339

Crime Victims Assistance Line

(800) 228-3368 (Voice/TTY)

Health Care Helpline

(877) 305-5145

Veterans Helpline

(800) 382-3000

Senior Citizens

Consumer Fraud Helpline

(800) 243-5377

Environmental Crimes Hotline

(888) 288-9436

www.IllinoisAttorneyGeneral.gov