

ILLINOIS PARENTAGE ACT OF 2015: What is New; What is Borrowed

PROVISIONS

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NOTE: Reference to the Illinois Parentage Act of 1984, 750 ILCS 45/, is included below where the new Act adopts its statutory language verbatim or nearly verbatim. Text from the Illinois Parentage Act of 2015 is included below where new statutory language exists.

Article 1:

General Provisions

Section 101: Short Title

Section 102. Public Policy. 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.

Section 103. Definitions. Sets forth 22 definitions. Section 103 reserves definitions for “assisted reproduction” and “donor” pending the passage of Article VII.

Section 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.

Section 105: Authority to establish parentage. 750 ILCS 45/4.1

<p><i>Article 1:</i></p> <p><i>General Provisions</i></p>	<p>Section 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.</p> <p>Section 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.</p>
<p><i>Article 2:</i></p> <p><i>Parent-Child Relationship</i></p>	<p>Section 201. Establishment of parent-child relationship.</p> <p>(a) The parent-child relationship is established between a woman and a child by:</p> <ol style="list-style-type: none"> (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 unrebutted presumption of the woman's parentage of the child under Section 204 of this Act. <p>(b) The parent-child relationship is established between a man and a child by:</p> <ol style="list-style-type: none"> (1) an unrebutted 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 HB1531 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. <p>(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.</p> <p>Section 202. Parent's legal relationship. Every child has equal rights under the law regardless of the parents' legal relationship.</p> <p>Section 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.</p>

Article 2:
**Parent-Child
Relationship**

Section 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, 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 the marriage, judgment of dissolution of marriage, civil union or substantially similar legal relationship, or after a judgment of 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 the 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, judgment of dissolution of marriage, civil union or substantially similar legal relationship, or after a judgment of legal separation, except as provided by a valid gestational surrogacy contract, or other law;
- (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 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 promoting the child's best interests, controls.

Section 205. Proceedings to declare the non-existence of 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

<p>Article 2:</p> <p>Parent-Child Relationship</p>	<p>asserting a defense in any action to declare the existence of the parent-child relationship.</p> <p>(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.</p> <p>(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.</p> <p>Section 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.</p> <p>NOTE: GESTATIONAL SURROGACY PROVISIONS from the Illinois Parentage Act of 1984 are omitted as those provisions are superseded by the Gestational Surrogacy Act. 750 ILCS 47/.</p>
<p>Article 3:</p> <p>Voluntary Acknowledgment</p>	<p>Article 3 provides that the mother of a child and a man alleging to be the biological father of the child may sign a voluntary acknowledgment with the intent to establish the man’s parentage.</p> <p>Section 301. Voluntary Acknowledgement. 750 ILSC 45/6(a)</p> <p>Section 302. Execution of acknowledgement.</p> <p>(a) A voluntary acknowledgment described in Section 301 of this Act must:</p> <ol style="list-style-type: none"> (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: <ol style="list-style-type: none"> (A) does not have a presumed parent, or has a presumed parent whose full name is stated; and

Article 3:
**Voluntary
Acknowledgment**

(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 of paternity 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.

NOTE: Authenticated voluntary acknowledgment, now being the equivalent to judicial adjudication of parentage, replaces the conclusive presumption of paternity under 750 ILCS 45/5(b).

Section 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.

Section 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.

Article 3:

*Voluntary
Acknowledgment*

Section 305. Effect of acknowledgment or 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.

Section 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.

Section 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.

Section 308. Challenge after expiration period for rescission. 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.

Section 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

Article 3:

**Voluntary
Acknowledgment**

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.

Section 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.

Section 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.

Section 312. Forms of 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.

Section 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.

Section 314. Adoption of the rules. The Department of Public Health and the Department of Healthcare and Family Services may adopt rules to implement this Article.

Article 4:

Genetic Testing

Article 4 governs individual voluntary and court-ordered genetic testing to determine parentage. 750 ILCS 45/11 was re-codified as sections 401 through 407 and became effective January 1, 2011.

Section 401. Proceeding Authorized. 750 ILCS 45/11(a)

Section 402. Requirements for genetic testing. 750 ILCS 45/11(b)

Section 403. Genetic Test Results. 750 ILCS 45/11(c)

Section 404. Effect of genetic testing. 750 ILCS 45/11(f)(1-5)

Section 405. Cost for testing. 750 ILCS 45/11(h)

Section 406. Compensation of expert. 750 ILCS 45/11(i)

Section 407. Independent genetic testing. 750 ILCS 45/11(j)

Section 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 such an order be issued until the individual is joined as a party and given notice as required under the Code of Civil Procedure.

NOTE: See also Section 610: Authority to deny motion for genetic testing and Section 614: Admissibility of results of genetic testing; expenses.

<p>Article 5:</p> <p>Temporary Relief</p>	<p>Section 501. Temporary Orders.</p> <p>(a) On 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:</p> <ol style="list-style-type: none"> (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. <p>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.</p> <p>(b) A temporary order may include provisions for custody/allocation of parental responsibilities and parenting time as provided by the Illinois Marriage and Dissolution of Marriage Act.</p> <p>(c) Temporary orders issued under this Section shall not have prejudicial effect with respect to final support, custody/allocation of parental responsibilities, or parenting time orders.</p> <p>Section 502. Injunctive relief. 750 ILCS 45/13.5</p>
<p>Article 6:</p> <p>Proceeding to Adjudicate Parentage</p>	<p>Section 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.</p> <p>Section 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:</p> <ol style="list-style-type: none"> (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;

<p>Article 6:</p> <p><i>Proceeding to Adjudicate Parentage</i></p>	<p>(f) the support-enforcement agency or other governmental agency authorized by other law;</p> <p>(g) any person or public agency that has custody of, is providing financial support to, or has provided financial support to the child;</p> <p>(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;</p> <p>(i) an authorized adoption agency or licensed child-placing agency;</p> <p>(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</p> <p>(k) an intended parent pursuant to the terms of a valid gestational surrogacy contract.</p> <p>Section 603. Subject matter and personal jurisdiction.</p> <p>(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.</p> <p>(b) An individual may not be adjudicated to be a parent unless the court has personal jurisdiction over the individual.</p> <p>(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.</p> <p>(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.</p> <p>Section 604. Venue.</p> <p>(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.</p> <p>(b) A child custody proceeding is commenced in the county where the child resides.</p> <p>Section 605. Notice to presumed parent. 750 ILCS 45/9.1 adopted with gender neutral language as stated.</p> <p>Section 606. Summons. 750 ILCS 45/9 adopted with reference to respondent rather than defendant.</p> <p>Section 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</p>
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<p>Article 6:</p> <p><i>Proceeding to Adjudicate Parentage</i></p>	<p>time, even after:</p> <p>(a) the child becomes an adult, but only if the child initiates the proceeding; or</p> <p>(b) an earlier proceeding to adjudicate parentage has been dismissed based on the application of a statute of limitations then in effect.</p> <p>Section 608. Limitation; child having presumed parent.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Section 609. Limitation; child having acknowledged or adjudicated parent.</p> <p>(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.</p> <p>(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.</p> <p>(c) A proceeding under this Section is subject to the application of the principles of estoppel established in Section 610 of this Act.</p> <p>Section 610. Authority to deny motion for genetic testing.</p> <p>(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:</p> <p>(1) the conduct of the parent, acknowledged parent, adjudicated parent, or the presumed parent estops that party from denying parentage;</p>
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Article 6:
Proceeding to
Adjudicate
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
 - (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.

Section 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.

Section 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

<p>Article 6:</p> <p><i>Proceeding to Adjudicate Parentage</i></p>	<p>child:</p> <p>(a) service of process;</p> <p>(b) the taking of depositions to perpetuate testimony; and</p> <p>(c) except as prohibited by Article 4 of this Act, collection of specimens for genetic testing.</p> <p>Section 613. Child as party; representation.</p> <p>(a) A minor child is a permissible party, but is not a necessary party to a proceeding under this Article.</p> <p>(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.</p> <p>Section 614. Admissibility of results of genetic testing; expenses.</p> <p>(a) If a child has a presumed, acknowledged, or adjudicated parent, the results of genetic testing are inadmissible to adjudicate parentage unless performed:</p> <p>(1) with the consent of both the mother and the presumed, acknowledged, or adjudicated parent; or</p> <p>(2) pursuant to an order of the court under Section 402 of this Act.</p> <p>(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:</p> <p>(1) the amount of the charges billed; and</p> <p>(2) that the charges were reasonable, necessary, and customary.</p> <p>(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.</p> <p>Section 615. Consequences of declining genetic testing.</p> <p>(a) An order for genetic testing is enforceable through a proceeding for adjudication of contempt.</p> <p>(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.</p> <p>(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.</p> <p>Section 616. Admission of parentage authorized.</p> <p>(a) A respondent in a proceeding to adjudicate parentage may admit to the parentage of a child by filing a pleading to that</p>
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<p>Article 6:</p> <p><i>Proceeding to Adjudicate Parentage</i></p>	<p>effect or by admitting parentage under penalty of perjury when making an appearance or during a hearing.</p> <p>(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.</p> <p>Section 617. Rules for adjudication of parentage. The court shall apply the following rules to adjudicate the parentage of a child:</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Section 618. Pre-trial proceedings. 750 ILCS 45/10</p> <p>Section 619. Jury prohibited. 750 ILCS 45/13(b)</p> <p>Section 620. Order on default. The court may issue an order adjudicating the parentage of a person who is in default after service of process.</p> <p>Section 621. Binding effect of determination of parentage.</p> <p>(a) Except as otherwise provided in subsection (b) of this Section, a determination of parentage is binding on:</p> <ol style="list-style-type: none"> (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. <p>(b) A child is not bound by a determination of parentage under this Act unless:</p> <ol style="list-style-type: none"> (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;
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<p>Article 6:</p> <p><i>Proceeding to Adjudicate Parentage</i></p>	<p>(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;</p> <p>(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</p> <p>(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.</p> <p>(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:</p> <p>(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</p> <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>Section 622. Custody or visitation prohibited to men who father through sexual assault or sexual abuse. 750ILCS 45/6.5</p> <p>SETTLEMENT ORDERS: Repealed</p>
<p>Article 7:</p> <p><i>Reserved</i></p>	<p>CHILD OF ASSISTED REPRODUCTION: Reserved</p>

<p><i>Article 8:</i></p> <p><i>Support and Judgment</i></p>	<p>Section 801. Child support orders. 750 ILCS 45/13.1</p> <p>Section 802. Judgment. 750 ILCS 45/14 adopted with the exception of :</p> <p>(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.</p> <p>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.</p> <p>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, 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.</p> <p>Section 803. Information to State Case Registry. 750 ILCS 45/14.1</p> <p>Section 804. Information to locate putative fathers and noncustodial parents. 750 ILCS 45/14.5 adopted with reference to parentage rather than paternity.</p> <p>Section 805. Enforcement of judgment or order. 750 ILCS 45/15</p> <p>Section 806. Unemployment of person owing duty of support. 750 ILCS 45/15.1</p> <p>Section 807. Order of protection; status. 750 ILCS 45/15.2</p>
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<p><i>Article 8:</i></p> <p><i>Support and Judgment</i></p>	<p>Section 808. Modification of judgment. 750 ILCS 45/16</p> <p>Section 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.</p> <p>Section 810. Withholding of income to secure payment of support. 750 ILCS 45/20</p> <p>Section 811. Information concerning obligors. 750 ILCS 45/20.5</p> <p>Section 812. Interest on support obligations. 750 ILCS 45/20.7</p> <p>Section 813. Support payments; receiving and disbursing agents. 750 ILCS 45/21</p> <p>Section 814. Notice of child support enforcement services. 750 ILCS 45/28</p> <p>Section 815. Payment of support to State Disbursement Unit. 750 ILCS 45/21.1</p> <p>Section 816. Notice to the clerk of the circuit court of payment received by Department of Healthcare and Family Services. 750 ILCS 45/23</p>
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<p><i>Article 9:</i></p> <p><i>Miscellaneous Provisions</i></p>	<p>Section 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.</p> <p>Section 902. Severability clause. 750 ILCS 45/26</p> <p>Section 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.</p> <p>Section 904. Savings provision. The repeal of the Illinois Parentage Act of 1984 and the Illinois Parentage Act shall not affect rights or liabilities under those Acts which have been determined, settled, or adjudicated prior to the effective date of this Act or which are the subject of proceedings pending on the effective date of this Act. This Act shall not be construed to bar an action which would have been barred because the action had not been filed within a time limitation under the Illinois Parentage Act of 1984 and the Illinois Parentage Act, or which could not have been maintained under those Acts, as long as the action is not barred by a limitations period set forth in this Act. Section 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.</p> <p>Section 905. Other states' establishments of parentage. 750 ILCS 45/27</p> <p>NOTE: Although a version of Section 904 references the repeal of the Illinois Parentage Act, there is no repealer provision in PA 99-0085 for the Illinois Parentage Act and its 3 paragraphs addressing artificial insemination.</p>
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