

PART 12.00 ENFORCEMENT OF CHILD SUPPORT

12.01 Payments Ordered Through the Clerk of the Court

12.01 PAYMENTS ORDERED THROUGH THE CLERK OF THE COURT

(a) Definitions:

1. **"Obligor"** means the individual who owes a duty to make payments under an order for support.
2. **"Obligee"** means the individual to whom a duty of support is owed or the individual's legal representative.
3. **"Public office"** means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an order for support, including, but not limited to: the Attorney General, the Illinois Department of Public Aid, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

(b) When Applicable - Procedure.

Except in those cases in which payments of child support are required to be sent to the State Disbursement Unit, child support shall be paid through the Clerk of the Circuit Court unless otherwise ordered by court. The clerk shall maintain a record of payment and pay over to the obligee the amount received.

(c) Notice of Order.

At the time a child support order is entered by the Court, a written copy of the order shall be given to the obligor. If the obligor is not provided with a copy of the support order at the time of its entry, the Court shall direct the obligee to mail by regular U.S. Mail a copy of the support order to the obligor's last known address within seven (7) days of its entry. The certificate of mailing shall be made of record. If the obligee or the child(ren) is a recipient of Aid to Dependent Children, the obligee or representative of the public office shall mail a copy of the support order to the Department of Public Aid.

(d) **Payment.** When support payments are to be made through the Clerk of the Court, then payments shall be delivered personally or transmitted by mail so that such payment arrives in the office of the Clerk of the Court no later than the day designated for such payment. Payments may be made by cash, cashier's check, certified check or money-order. Payments by cashier's check, certified check or money order shall be made payable to the Clerk of the Court.

(e) Procedure upon Default of Payment

If the obligor is in default of payment, counsel representing the interest of the obligee or the public office, or a pro se obligee, may file a Petition for Adjudication of Contempt against such obligor. Upon the petition being filed, the Court shall set a date for-hearing and order counsel representing the

obligee, or a pro se obligee, to give notice to the obligor and provide proof thereof. Notice of the hearing and a copy of the petition shall be served and returned in the manner provided in Supreme Court Rule 105(b)(1) or by regular U.S. Mail addressed to the obligor's last known address. Proof of mailing notice shall be made a part of the record. Notice by personal service shall be served not less than seven (7) days prior to hearing, and notice by U.S. Mail shall be mailed not less than ten (10) days prior to hearing. Upon hearing on the petition, if good cause is not shown, the obligor may be found in civil contempt and sanctioned according to law. The obligor may be found in indirect criminal contempt for the same act and sanctioned accordingly if a Petition for Adjudication of Indirect Criminal Contempt has been filed and the obligor was properly advised of his rights prior to the commencement of the proceedings. If the obligor fails to appear at the hearing after receiving due notice or if the Court has reason to believe the obligor will not appear in response to the notice, the Court may issue a body attachment directed to the obligor. When an attachment issues, the Court shall set bail as authorized in criminal cases. The amount of bail shall be indicated on the order of attachment.