



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4384

Introduced 1/4/2006, by Rep. Patricia R. Bellock - James H. Meyer

SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-702
625 ILCS 5/7-702.2
625 ILCS 5/7-702.3 new
625 ILCS 5/7-703
625 ILCS 5/7-704
625 ILCS 5/7-705
625 ILCS 5/7-705.2 new
625 ILCS 5/7-706.1
625 ILCS 5/7-706.2 new
750 ILCS 5/505 from Ch. 40, par. 505
750 ILCS 16/50
750 ILCS 45/15 from Ch. 40, par. 2515

Amends the Illinois Vehicle Code. Provides that the driver's license of a person who is in arrears in child support in the amount of \$40,000 or more shall be suspended until the arrearage is paid; in the interim, the person may receive a restricted family financial responsibility driving permit that allows the person to drive for employment, alcohol or drug treatment, or medical care, at designated times, and on designated routes if the person shows by clear and convincing evidence that no alternative means of transportation are reasonably available. Amends the Marriage and Dissolution of Marriage Act, the Non-Support Payment Act, and the Illinois Parentage Act of 1984 to provide that, if a person has been adjudicated to be in arrears in the amount of \$40,000 or more for child support, the court shall suspend the driver's license of that person until the arrearage is paid and that the court may issue a restricted family financial responsibility driving permit to the person. Effective immediately.

LRB094 15600 AJO 50805 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by changing
5 Sections 7-702, 7-702.2, 7-703, 7-704, 7-705, and 7-706.1 and
6 by adding Sections 7-702.3, 7-705.2, and 7-706.2 as follows:

7 (625 ILCS 5/7-702)

8 Sec. 7-702. Suspension of driver's license for failure to
9 pay child support.

10 (a) The Secretary of State shall suspend the driver's
11 license issued to an obligor upon receiving an authenticated
12 report provided for in subsection (a) of Section 7-703, that
13 the person is 90 days or more delinquent in court ordered child
14 support payments or has been adjudicated in arrears in an
15 amount equal to 90 days obligation or more, and has been found
16 in contempt by the court for failure to pay the support.

17 (b) The Secretary of State shall suspend the driver's
18 license issued to an obligor upon receiving an authenticated
19 document provided for in subsection (b) of Section 7-703, that
20 the person has been adjudicated in arrears in court ordered
21 child support payments in an amount equal to 90 days obligation
22 or more, but has not been held in contempt of court, and that
23 the court has ordered that the person's driving privileges be
24 suspended. The obligor's driver's license shall be suspended
25 until such time as the Secretary of State receives
26 authenticated documentation that the obligor is in compliance
27 with the court order of support. When the obligor complies with
28 the court ordered child support payments, the circuit court
29 shall report the obligor's compliance with the court order of
30 support to the Secretary of State, on a form prescribed by the
31 Secretary of State, and shall order that the obligor's driver's
32 license be reinstated.

1 (c) The Secretary of State shall suspend the driver's
2 license issued to an obligor upon receiving an authenticated
3 document provided for in subsection (c) of Section 7-703 that
4 the person has been adjudicated in arrears in court ordered
5 child support payments in the amount of \$40,000 or more and
6 that the court has ordered that the person's driving privileges
7 be suspended. The obligor's driver's license shall be suspended
8 until such time as the Secretary of State receives
9 authenticated documentation that the obligor has paid the
10 entire amount adjudicated by the court in the court's order
11 determining that the obligor is in arrears in the amount of
12 \$40,000 or more, and is in compliance with the court order of
13 support. When the obligor pays the amount of the arrearage in
14 full and complies with the court ordered child support
15 payments, the circuit court shall report the obligor's payment
16 of the entire amount of the arrearage and the obligor's
17 compliance with the court order of support to the Secretary of
18 State, on a form prescribed by the Secretary of State, and
19 shall order that the obligor's driver's license be reinstated.

20 (Source: P.A. 91-613, eff. 7-1-00.)

21 (625 ILCS 5/7-702.2)

22 Sec. 7-702.2. Written agreement to pay past-due support.

23 (a) An obligor who is presently unable to pay all past-due
24 support and is subject to having his or her license suspended
25 pursuant to subsection (b) of Section 7-703 may come into
26 compliance with the court order for support by executing a
27 written payment agreement that is approved by the court and by
28 complying with that agreement. However, an obligor who receives
29 a mandatory suspension of his or her driver's license due to a
30 court order that adjudicated the obligor as being in arrears in
31 the amount of \$40,000 or more and who, therefore, is only
32 eligible for a restricted family financial responsibility
33 driving permit shall not be afforded an opportunity to utilize
34 a written agreement described in this Section. A condition of a
35 written payment agreement must be that the obligor pay the

1 current child support when due. Before a written payment
2 agreement is executed, the obligor shall:

3 (1) Disclose fully to the court in writing, on a form
4 prescribed by the court, the obligor's financial
5 circumstances, including income from all sources, assets,
6 liabilities, and work history for the past year; and

7 (2) Provide documentation to the court concerning the
8 obligor's financial circumstances, including copies of the
9 most recent State and federal income tax returns, both
10 personal and business; a copy of a recent pay stub
11 representative of current income; and copies of other
12 records that show the obligor's income and the present
13 level of assets held by the obligor.

14 (b) After full disclosure, the court may determine, except
15 for an obligor who is only eligible for a restricted family
16 financial responsibility driving permit, the obligor's ability
17 to pay past-due support and may approve a written payment
18 agreement consistent with the obligor's ability to pay, not to
19 exceed the court-ordered support.

20 (Source: P.A. 91-613, eff. 7-1-00.)

21 (625 ILCS 5/7-702.3 new)

22 Sec. 7-702.3. Restricted family financial responsibility
23 driving permits. Following the entry of an order that an
24 obligor has been found to be in arrears in court ordered child
25 support payments in the amount of \$40,000 or more or upon a
26 motion by the obligor who is subject to having his or her
27 driver's license suspended pursuant to subsection (c) of
28 Section 7-703, the court may enter an order directing the
29 Secretary of State to issue a restricted family financial
30 responsibility driving permit for the purpose of providing the
31 obligor the restricted privilege of operating a motor vehicle
32 between the obligor's residence and place of employment, within
33 the scope of employment related duties, or for the purpose of
34 providing transportation for the obligor to receive alcohol
35 treatment, other drug treatment, or medical care. The court may

1 enter an order directing the issuance of a restricted permit
2 only if the obligor has first proven by clear and convincing
3 evidence that no alternative means of transportation are
4 reasonably available for the above stated purposes. In
5 accordance with 49 C.F.R. Part 384, the Secretary of State may
6 not issue a restricted family financial responsibility driving
7 permit to any person for the operation of a commercial motor
8 vehicle if the person's driving privileges have been suspended
9 under any provisions of this Code.

10 Upon entry of an order granting the issuance of a
11 restricted permit to an obligor, the court shall report this
12 finding to the Secretary of State on a form prescribed by the
13 Secretary. This permit shall be valid only for employment and
14 medical purposes as set forth in this Section. The restricted
15 permit shall state the days and hours for which limited driving
16 privileges have been granted in detail, including, but not
17 limited to, the precise limits of the restricted permit by
18 purpose, day of the week, times of permitted driving on each
19 day, route to be traveled each day and for each purpose, and
20 return route, if different than the original route.

21 The restricted family financial responsibility driving
22 permit shall be subject to cancellation, invalidation,
23 suspension, and revocation by the Secretary of State in the
24 same manner and for the same reasons as a driver's license may
25 be cancelled, invalidated, suspended, or revoked.

26 The Secretary of State shall, upon receipt of a certified
27 court order from the court of jurisdiction, issue a restricted
28 financial responsibility driving permit. In order for this
29 restricted permit to be issued, an individual's driving
30 privileges must be valid except for the restricted family
31 financial responsibility suspension. This permit shall be
32 valid only for employment and medical purposes as set forth in
33 this Section.

34 Any submitted court order that contains insufficient data
35 or fails to comply with any provision of this Code shall not be
36 used for issuance of the restricted permit or entered into the

1 individual's driving record, but shall be returned to the court
2 of jurisdiction indicating why the restricted permit cannot be
3 issued at that time. The Secretary of State shall also send
4 notice of the return of the court order to the individual
5 requesting the restricted permit.

6 (625 ILCS 5/7-703)

7 Sec. 7-703. Courts to report non-payment of court ordered
8 support.

9 (a) The clerk of the circuit court, as provided in
10 subsection (b) of Section 505 of the Illinois Marriage and
11 Dissolution of Marriage Act or as provided in Section 15 of the
12 Illinois Parentage Act of 1984, shall forward to the Secretary
13 of State, on a form prescribed by the Secretary, an
14 authenticated document certifying the court's order suspending
15 the driving privileges of the obligor. For any such
16 certification, the clerk of the court shall charge the obligor
17 a fee of \$5 as provided in the Clerks of Courts Act.

18 (b) If an obligor has been adjudicated in arrears in court
19 ordered child support payments in an amount equal to 90 days
20 obligation or more but has not been held in contempt of court,
21 the circuit court may order that the obligor's driving
22 privileges be suspended. If the circuit court orders that the
23 obligor's driving privileges be suspended, it shall forward to
24 the Secretary of State, on a form prescribed by the Secretary,
25 an authenticated document certifying the court's order
26 suspending the driving privileges of the obligor. The
27 authenticated document shall be forwarded to the Secretary of
28 State by the court no later than 45 days after entry of the
29 order suspending the obligor's driving privileges.

30 (c) If an obligor has been adjudicated in arrears in court
31 ordered child support payments in the amount of \$40,000 or
32 more, the circuit court shall order that the obligor's driving
33 privileges be suspended. The obligor's driver's license shall
34 be suspended until such time as the Secretary of State receives
35 authenticated documentation that the obligor has paid the

1 entire amount adjudicated by the court and is in compliance
2 with the court order of support. The circuit court shall
3 forward to the Secretary of State, on a form prescribed by the
4 Secretary, an authenticated document certifying the court's
5 order suspending the driving privileges of the obligor. The
6 authenticated document shall be forwarded to the Secretary of
7 State by the court no later than 35 days after entry of the
8 order suspending the obligor's driving privileges.

9 (Source: P.A. 91-613, eff. 7-1-00.)

10 (625 ILCS 5/7-704)

11 Sec. 7-704. Suspension to continue until compliance with
12 court order of support.

13 (a) The suspension of a driver's license shall remain in
14 effect unless and until the Secretary of State receives
15 authenticated documentation that the obligor is in compliance
16 with a court order of support or that the order has been stayed
17 by a subsequent order of the court. Full driving privileges
18 shall not be issued by the Secretary of State until
19 notification of compliance has been received from the court.
20 The circuit clerks shall report the obligor's compliance with a
21 court order of support to the Secretary of State, on a form
22 prescribed by the Secretary.

23 (b) Whenever, after one suspension of an individual's
24 driver's license for failure to pay child support, another
25 order of non-payment is entered against the obligor and the
26 person fails to come into compliance with the court order of
27 support, then the Secretary shall again suspend the driver's
28 license of the individual and that suspension shall not be
29 removed unless the obligor is in full compliance with the court
30 order of support and has made full payment on all arrearages.

31 (c) When an obligor's driver's license is suspended due to
32 a court order that adjudicated the obligor as being in arrears
33 in the amount of \$40,000 or more, the suspension shall remain
34 in effect unless and until the Secretary of State receives
35 authenticated documentation of a court order that finds that

1 the obligor is in full compliance with the court order of
2 support and has made full payment on all arrearages. Full
3 driving privileges shall not be issued by the Secretary of
4 State until notification of compliance has been received from
5 the court in the form of authenticated documentation of a court
6 order that finds that the obligor is in full compliance with
7 the court order of support and has made full payment on all
8 arrearages. The circuit clerk shall report, when the court so
9 finds, that the obligor is in complete compliance with a court
10 order to pay the entire arrearage, and that the obligor is in
11 full compliance with the court order of support, on a form
12 prescribed by the Secretary.

13 (Source: P.A. 89-92, eff. 7-1-96.)

14 (625 ILCS 5/7-705)

15 Sec. 7-705. Notice.

16 (a) The Secretary of State, prior to suspending a driver's
17 license under this Chapter, shall serve written notice upon an
18 obligor that the individual's driver's license will be
19 suspended in 60 days from the date on the notice unless the
20 obligor satisfies the court order of support and the circuit
21 clerk notifies the Secretary of State of this compliance.

22 (b) The Secretary of State, prior to suspending a driver's
23 license due to a court order that adjudicated the obligor as
24 being in arrears in the amount of \$40,000 or more, shall serve
25 written notice upon an obligor that the individual's driver's
26 license will be suspended in 21 days from the date on the
27 notice unless the obligor completely satisfies the court order
28 of support, including full payment of all arrearages, and the
29 circuit clerk notifies the Secretary of State of this
30 compliance, on a form prescribed by the Secretary.

31 (Source: P.A. 89-92, eff. 7-1-96.)

32 (625 ILCS 5/7-705.2 new)

33 Sec. 7-705.2. Notice of noncompliance with support order
34 for payment of an arrearage of \$40,000 or more. Before

1 forwarding to the Secretary of State the authenticated document
2 under subsection (c) of Section 7-703, the circuit court must
3 serve notice upon the obligor of its intention to suspend the
4 obligor's driver's license for being adjudicated in arrears in
5 court ordered child support payments in the amount of \$40,000
6 or more. The notice must inform the obligor that:

7 (a) The obligor may contest the issue of compliance at a
8 hearing;

9 (b) A request for a hearing must be made in writing and
10 must be received by the clerk of the circuit court;

11 (c) If the obligor does not request a hearing to contest
12 the issue of compliance within 15 days after the notice of
13 noncompliance is mailed, the court may order that the obligor's
14 driver's license be suspended as provided for in subsection (c)
15 of Section 7-703;

16 (d) If the circuit court certifies the obligor to the
17 Secretary of State for noncompliance with an order of support,
18 the Secretary of State must suspend any driver's license or
19 instruction permit the obligor holds and the obligor's right to
20 apply for or obtain a driver's license or instruction permit
21 until the obligor comes into compliance with the order of
22 support;

23 (e) If the obligor files a motion to modify support with
24 the court or requests the court to modify a support obligation,
25 the circuit court may not stay the action to certify the
26 obligor to the Secretary of State for noncompliance with an
27 order of support, unless the obligor provides evidence to the
28 court that the obligor is likely to prevail on the merits of
29 motion to modify a support obligation; and

30 (f) The obligor may comply with an order of support by
31 doing all of the following:

32 (1) Paying the current support;

33 (2) Paying all past-due support and all arrearages; and

34 (3) Meeting any obligation under court order to provide
35 health insurance.

36 The notice must include the address and telephone number of

1 the clerk of the circuit court. The clerk of the circuit court
2 shall attach to the notice a copy of the obligor's order of
3 support and any order adjudicating an arrearage in the amount
4 of \$40,000 or more. The notice must be served by certified
5 mail, return receipt requested, by service in hand, or as
6 specified in the Code of Civil Procedure.

7 (625 ILCS 5/7-706.1)

8 Sec. 7-706.1. Hearing for compliance with support order.

9 (a) An obligor may request in writing to the clerk of the
10 circuit court a hearing to contest the claim of noncompliance
11 with an order of support and his or her subsequent driver's
12 license suspension under subsection (b) of Section 7-702.

13 (b) If a written request for a hearing is received by the
14 clerk of the circuit court, the clerk of the circuit court
15 shall set the hearing before the circuit court.

16 (c) Upon the obligor's written request, the court must set
17 a date for a hearing and afford the obligor an opportunity for
18 a hearing as early as practical.

19 (d) The scope of this hearing is limited to the following
20 issues:

21 (1) Whether the obligor is required to pay child
22 support under an order of support.

23 (2) Whether the obligor has been adjudicated in arrears
24 in court ordered child support payments in an amount equal
25 to 90 days obligation or more; however, if an authenticated
26 document of a court order of support indicates that the
27 obligor has been adjudicated in arrears in the amount of
28 \$40,000 or more, then the issue is limited to whether the
29 obligor has been adjudicated in arrears in the amount of
30 \$40,000 or more.

31 (3) Any additional issues raised by the obligor,
32 including the reasonableness of a payment agreement in
33 light of the obligor's current financial circumstances, to
34 be preserved for appeal. If an authenticated document of a
35 court order of support indicates that the obligor has been

1 adjudicated in arrears in the amount of \$40,000 or more,
2 any additional issues raised by the obligor may not include
3 the reasonableness of a payment agreement in light of the
4 obligor's current financial circumstances.

5 (e) All hearings and hearing procedures shall comply with
6 requirements of the Illinois Constitution and the United States
7 Constitution, so that no person is deprived of due process of
8 law nor denied equal protection of the laws. All hearings shall
9 be held before a judge of the circuit court in the county in
10 which the support order has been entered. Appropriate records
11 of the hearings shall be kept. Where a transcript of the
12 hearing is taken, the person requesting the hearing shall have
13 the opportunity to order a copy of the transcript at his or her
14 own expense.

15 (f) The action of the circuit court resulting in the
16 suspension of any driver's license shall be a final judgment
17 for purposes of appellate review.

18 (Source: P.A. 91-613, eff. 7-1-00.)

19 (625 ILCS 5/7-706.2 new)

20 Sec. 7-706.2. Administrative hearing. A driver may contest
21 a suspension under subsection (c) of Section 7-703 by
22 requesting an administrative hearing in accordance with
23 Section 2-118 of this Code. If a written request for this
24 hearing is received before the effective date of the
25 suspension, the suspension may be stayed, for good cause shown
26 by clear and convincing evidence, but the suspension may be
27 stayed only once and for a period of no more than 14 days. If a
28 stay of the suspension is granted, no other stays shall be
29 granted until a hearing decision is entered. At the conclusion
30 of this hearing, the Secretary of State may rescind or impose
31 the driver's license suspension. If the suspension is upheld,
32 it shall become effective 3 days from the date the hearing
33 decision is entered. If the decision is to rescind the
34 suspension, no suspension of driving privileges shall be
35 entered. The scope of this hearing shall be limited to the

1 following issues:

2 (a) Whether the driver is the obligor covered by the court
3 order of support.

4 (b) Whether the authenticated document of a court order of
5 support indicates that the obligor has been adjudicated in
6 arrears in the amount of \$40,000 or more.

7 (c) Whether a superseding authenticated document of any
8 court order of support or adjudicating the arrearage amount to
9 be less than \$40,000 has been entered.

10 Section 10. The Marriage and Dissolution of Marriage Act is
11 amended by changing Section 505 as follows:

12 (750 ILCS 5/505) (from Ch. 40, par. 505)

13 Sec. 505. Child support; contempt; penalties.

14 (a) In a proceeding for dissolution of marriage, legal
15 separation, declaration of invalidity of marriage, a
16 proceeding for child support following dissolution of the
17 marriage by a court which lacked personal jurisdiction over the
18 absent spouse, a proceeding for modification of a previous
19 order for child support under Section 510 of this Act, or any
20 proceeding authorized under Section 501 or 601 of this Act, the
21 court may order either or both parents owing a duty of support
22 to a child of the marriage to pay an amount reasonable and
23 necessary for his support, without regard to marital
24 misconduct. The duty of support owed to a child includes the
25 obligation to provide for the reasonable and necessary
26 physical, mental and emotional health needs of the child. For
27 purposes of this Section, the term "child" shall include any
28 child under age 18 and any child under age 19 who is still
29 attending high school.

30 (1) The Court shall determine the minimum amount of
31 support by using the following guidelines:

32	Number of Children	Percent of Supporting Party's
33		Net Income
34	1	20%

1	2	28%
2	3	32%
3	4	40%
4	5	45%
5	6 or more	50%

6 (2) The above guidelines shall be applied in each case
 7 unless the court makes a finding that application of the
 8 guidelines would be inappropriate, after considering the
 9 best interests of the child in light of evidence including
 10 but not limited to one or more of the following relevant
 11 factors:

- 12 (a) the financial resources and needs of the child;
- 13 (b) the financial resources and needs of the
 14 custodial parent;
- 15 (c) the standard of living the child would have
 16 enjoyed had the marriage not been dissolved;
- 17 (d) the physical and emotional condition of the
 18 child, and his educational needs; and
- 19 (e) the financial resources and needs of the
 20 non-custodial parent.

21 If the court deviates from the guidelines, the court's
 22 finding shall state the amount of support that would have
 23 been required under the guidelines, if determinable. The
 24 court shall include the reason or reasons for the variance
 25 from the guidelines.

26 (3) "Net income" is defined as the total of all income
 27 from all sources, minus the following deductions:

- 28 (a) Federal income tax (properly calculated
 29 withholding or estimated payments);
- 30 (b) State income tax (properly calculated
 31 withholding or estimated payments);
- 32 (c) Social Security (FICA payments);
- 33 (d) Mandatory retirement contributions required by
 34 law or as a condition of employment;
- 35 (e) Union dues;
- 36 (f) Dependent and individual

1 health/hospitalization insurance premiums;

2 (g) Prior obligations of support or maintenance
3 actually paid pursuant to a court order;

4 (h) Expenditures for repayment of debts that
5 represent reasonable and necessary expenses for the
6 production of income, medical expenditures necessary
7 to preserve life or health, reasonable expenditures
8 for the benefit of the child and the other parent,
9 exclusive of gifts. The court shall reduce net income
10 in determining the minimum amount of support to be
11 ordered only for the period that such payments are due
12 and shall enter an order containing provisions for its
13 self-executing modification upon termination of such
14 payment period.

15 (4) In cases where the court order provides for
16 health/hospitalization insurance coverage pursuant to
17 Section 505.2 of this Act, the premiums for that insurance,
18 or that portion of the premiums for which the supporting
19 party is responsible in the case of insurance provided
20 through an employer's health insurance plan where the
21 employer pays a portion of the premiums, shall be
22 subtracted from net income in determining the minimum
23 amount of support to be ordered.

24 (4.5) In a proceeding for child support following
25 dissolution of the marriage by a court that lacked personal
26 jurisdiction over the absent spouse, and in which the court
27 is requiring payment of support for the period before the
28 date an order for current support is entered, there is a
29 rebuttable presumption that the supporting party's net
30 income for the prior period was the same as his or her net
31 income at the time the order for current support is
32 entered.

33 (5) If the net income cannot be determined because of
34 default or any other reason, the court shall order support
35 in an amount considered reasonable in the particular case.
36 The final order in all cases shall state the support level

1 in dollar amounts. However, if the court finds that the
2 child support amount cannot be expressed exclusively as a
3 dollar amount because all or a portion of the payor's net
4 income is uncertain as to source, time of payment, or
5 amount, the court may order a percentage amount of support
6 in addition to a specific dollar amount and enter such
7 other orders as may be necessary to determine and enforce,
8 on a timely basis, the applicable support ordered.

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

22 (a-5) In an action to enforce an order for support based on
23 the respondent's failure to make support payments as required
24 by the order, notice of proceedings to hold the respondent in
25 contempt for that failure may be served on the respondent by
26 personal service or by regular mail addressed to the
27 respondent's last known address. The respondent's last known
28 address may be determined from records of the clerk of the
29 court, from the Federal Case Registry of Child Support Orders,
30 or by any other reasonable means.

31 (b) Failure of either parent to comply with an order to pay
32 support shall be punishable as in other cases of contempt. In
33 addition to other penalties provided by law the Court may,
34 after finding the parent guilty of contempt, order that the
35 parent be:

36 (1) placed on probation with such conditions of

1 probation as the Court deems advisable;

2 (2) sentenced to periodic imprisonment for a period not
3 to exceed 6 months; provided, however, that the Court may
4 permit the parent to be released for periods of time during
5 the day or night to:

6 (A) work; or

7 (B) conduct a business or other self-employed
8 occupation.

9 The Court may further order any part or all of the earnings
10 of a parent during a sentence of periodic imprisonment paid to
11 the Clerk of the Circuit Court or to the parent having custody
12 or to the guardian having custody of the children of the
13 sentenced parent for the support of said children until further
14 order of the Court.

15 If there is a unity of interest and ownership sufficient to
16 render no financial separation between a non-custodial parent
17 and another person or persons or business entity, the court may
18 pierce the ownership veil of the person, persons, or business
19 entity to discover assets of the non-custodial parent held in
20 the name of that person, those persons, or that business
21 entity. The following circumstances are sufficient to
22 authorize a court to order discovery of the assets of a person,
23 persons, or business entity and to compel the application of
24 any discovered assets toward payment on the judgment for
25 support:

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

28 (2) the non-custodial parent and the person, persons,
29 or business entity fail to maintain an arms length
30 relationship between themselves with regard to any assets.

31 (3) the non-custodial parent transfers assets to the
32 person, persons, or business entity with the intent to
33 perpetrate a fraud on the custodial parent.

34 With respect to assets which are real property, no order
35 entered under this paragraph shall affect the rights of bona
36 fide purchasers, mortgagees, judgment creditors, or other lien

1 holders who acquire their interests in the property prior to
2 the time a notice of lis pendens pursuant to the Code of Civil
3 Procedure or a copy of the order is placed of record in the
4 office of the recorder of deeds for the county in which the
5 real property is located.

6 The court may also order in cases where the parent is 90
7 days or more delinquent in payment of support or has been
8 adjudicated in arrears in an amount equal to 90 days obligation
9 or more, that the parent's Illinois driving privileges be
10 suspended until the court determines that the parent is in
11 compliance with the order of support. The court may also order
12 that the parent be issued a family financial responsibility
13 driving permit that would allow limited driving privileges for
14 employment and medical purposes in accordance with Section
15 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
16 court shall certify the order suspending the driving privileges
17 of the parent or granting the issuance of a family financial
18 responsibility driving permit to the Secretary of State on
19 forms prescribed by the Secretary. Upon receipt of the
20 authenticated documents, the Secretary of State shall suspend
21 the parent's driving privileges until further order of the
22 court and shall, if ordered by the court, subject to the
23 provisions of Section 7-702.1 of the Illinois Vehicle Code,
24 issue a family financial responsibility driving permit to the
25 parent.

26 If the parent has been adjudicated in arrears in the amount
27 of \$40,000 or more, the court shall order that the parent's
28 Illinois driving privileges be suspended until the court
29 determines that the parent is in compliance with the order of
30 support. The court may also order that the parent be issued a
31 restricted family financial responsibility driving permit that
32 would allow restricted driving privileges for employment and
33 medical purposes in accordance with Section 7-702.3 of the
34 Illinois Vehicle Code. However, the court may enter an order
35 directing the issuance of a restricted permit only if the
36 parent first proves by clear and convincing evidence that no

1 alternative means of transportation are reasonably available
2 for the above stated purposes. The clerk of the circuit court
3 shall certify the order suspending the driving privileges of
4 the parent or granting the issuance of a restricted family
5 financial responsibility driving permit to the Secretary of
6 State on forms prescribed by the Secretary. Upon receipt of the
7 authenticated documents, the Secretary of State shall suspend
8 the parent's driving privileges until further order of the
9 court and shall, if ordered by the court, subject to the
10 provisions of Section 7-702.3 of the Illinois Vehicle Code,
11 issue a restricted family financial responsibility driving
12 permit to the parent.

13 In addition to the penalties or punishment that may be
14 imposed under this Section, any person whose conduct
15 constitutes a violation of Section 15 of the Non-Support
16 Punishment Act may be prosecuted under that Act, and a person
17 convicted under that Act may be sentenced in accordance with
18 that Act. The sentence may include but need not be limited to a
19 requirement that the person perform community service under
20 Section 50 of that Act or participate in a work alternative
21 program under Section 50 of that Act. A person may not be
22 required to participate in a work alternative program under
23 Section 50 of that Act if the person is currently participating
24 in a work program pursuant to Section 505.1 of this Act.

25 A support obligation, or any portion of a support
26 obligation, which becomes due and remains unpaid as of the end
27 of each month, excluding the child support that was due for
28 that month to the extent that it was not paid in that month,
29 shall accrue simple interest as set forth in Section 12-109 of
30 the Code of Civil Procedure. An order for support entered or
31 modified on or after January 1, 2006 shall contain a statement
32 that a support obligation required under the order, or any
33 portion of a support obligation required under the order, that
34 becomes due and remains unpaid as of the end of each month,
35 excluding the child support that was due for that month to the
36 extent that it was not paid in that month, shall accrue simple

1 interest as set forth in Section 12-109 of the Code of Civil
2 Procedure. Failure to include the statement in the order for
3 support does not affect the validity of the order or the
4 accrual of interest as provided in this Section.

5 (c) A one-time charge of 20% is imposable upon the amount
6 of past-due child support owed on July 1, 1988 which has
7 accrued under a support order entered by the court. The charge
8 shall be imposed in accordance with the provisions of Section
9 10-21 of the Illinois Public Aid Code and shall be enforced by
10 the court upon petition.

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

23 (e) When child support is to be paid through the clerk of
24 the court in a county of 1,000,000 inhabitants or less, the
25 order shall direct the obligor to pay to the clerk, in addition
26 to the child support payments, all fees imposed by the county
27 board under paragraph (3) of subsection (u) of Section 27.1 of
28 the Clerks of Courts Act. Unless paid in cash or pursuant to an
29 order for withholding, the payment of the fee shall be by a
30 separate instrument from the support payment and shall be made
31 to the order of the Clerk.

32 (f) All orders for support, when entered or modified, shall
33 include a provision requiring the obligor to notify the court
34 and, in cases in which a party is receiving child and spouse
35 services under Article X of the Illinois Public Aid Code, the
36 Illinois Department of Public Aid, within 7 days, (i) of the

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

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

27 (g-5) If there is an unpaid arrearage or delinquency (as
28 those terms are defined in the Income Withholding for Support
29 Act) equal to at least one month's support obligation on the
30 termination date stated in the order for support or, if there
31 is no termination date stated in the order, on the date the
32 child attains the age of majority or is otherwise emancipated,
33 the periodic amount required to be paid for current support of
34 that child immediately prior to that date shall automatically
35 continue to be an obligation, not as current support but as
36 periodic payment toward satisfaction of the unpaid arrearage or

1 delinquency. That periodic payment shall be in addition to any
2 periodic payment previously required for satisfaction of the
3 arrearage or delinquency. The total periodic amount to be paid
4 toward satisfaction of the arrearage or delinquency may be
5 enforced and collected by any method provided by law for
6 enforcement and collection of child support, including but not
7 limited to income withholding under the Income Withholding for
8 Support Act. Each order for support entered or modified on or
9 after the effective date of this amendatory Act of the 93rd
10 General Assembly must contain a statement notifying the parties
11 of the requirements of this subsection. Failure to include the
12 statement in the order for support does not affect the validity
13 of the order or the operation of the provisions of this
14 subsection with regard to the order. This subsection shall not
15 be construed to prevent or affect the establishment or
16 modification of an order for support of a minor child or the
17 establishment or modification of an order for support of a
18 non-minor child or educational expenses under Section 513 of
19 this Act.

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

1 or that of a child, or both, would be seriously endangered by
2 disclosure of the party's address.

3 (i) The court does not lose the powers of contempt,
4 driver's license suspension, or other child support
5 enforcement mechanisms, including, but not limited to,
6 criminal prosecution as set forth in this Act, upon the
7 emancipation of the minor child or children.

8 (Source: P.A. 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05;
9 94-90, eff. 1-1-06.)

10 Section 15. The Non Support Punishment Act is amended by
11 changing Section 50 as follows:

12 (750 ILCS 16/50)

13 Sec. 50. Community service; work alternative program;
14 driving privileges.

15 (a) In addition to any other penalties imposed against an
16 offender under this Act, the court may order the offender to
17 perform community service for not less than 30 and not more
18 than 120 hours per month, if community service is available in
19 the jurisdiction and is funded and approved by the county board
20 of the county where the offense was committed. In addition,
21 whenever any person is placed on supervision for committing an
22 offense under this Act, the supervision shall be conditioned on
23 the performance of the community service.

24 (b) In addition to any other penalties imposed against an
25 offender under this Act, the court may sentence the offender to
26 service in a work alternative program administered by the
27 sheriff. The conditions of the program are that the offender
28 obtain or retain employment and participate in a work
29 alternative program administered by the sheriff during
30 non-working hours. A person may not be required to participate
31 in a work alternative program under this subsection if the
32 person is currently participating in a work program pursuant to
33 another provision of this Act, Section 10-11.1 of the Illinois
34 Public Aid Code, Section 505.1 of the Illinois Marriage and

1 Dissolution of Marriage Act, or Section 15.1 of the Illinois
2 Parentage Act of 1984.

3 (c) In addition to any other penalties imposed against an
4 offender under this Act, the court may order, in cases where
5 the offender has been in violation of this Act for 90 days or
6 more, that the offender's Illinois driving privileges be
7 suspended until the court determines that the offender is in
8 compliance with this Act.

9 The court may determine that the offender is in compliance
10 with this Act if the offender has agreed (i) to pay all
11 required amounts of support and maintenance as determined by
12 the court or (ii) to the garnishment of his or her income for
13 the purpose of paying those amounts.

14 The court may also order that the offender be issued a
15 family financial responsibility driving permit that would
16 allow limited driving privileges for employment and medical
17 purposes in accordance with Section 7-702.1 of the Illinois
18 Vehicle Code. The clerk of the circuit court shall certify the
19 order suspending the driving privileges of the offender or
20 granting the issuance of a family financial responsibility
21 driving permit to the Secretary of State on forms prescribed by
22 the Secretary. Upon receipt of the authenticated documents, the
23 Secretary of State shall suspend the offender's driving
24 privileges until further order of the court and shall, if
25 ordered by the court, subject to the provisions of Section
26 7-702.1 of the Illinois Vehicle Code, issue a family financial
27 responsibility driving permit to the offender.

28 (c-1) In addition to any other penalties imposed against an
29 offender under this Act, the court shall order, in cases where
30 the offender has been adjudicated in arrears in the amount of
31 \$40,000 or more, that the offender's Illinois driving
32 privileges be suspended until the court determines that the
33 offender is in compliance with the order of support. The court
34 may also order that the offender be issued a family financial
35 responsibility driving permit that would allow limited driving
36 privileges for employment and medical purposes in accordance

1 with Section 7-702.3 of the Illinois Vehicle Code. The clerk of
2 the circuit court shall certify the order suspending the
3 driving privileges of the offender or granting the issuance of
4 a family financial responsibility driving permit to the
5 Secretary of State on forms prescribed by the Secretary. Upon
6 receipt of the authenticated documents, the Secretary of State
7 shall suspend the offender's driving privileges until further
8 order of the court and shall, if ordered by the court, subject
9 to the provisions of Section 7-702.3 of the Illinois Vehicle
10 Code, issue a family financial responsibility driving permit to
11 the offender.

12 (d) If the court determines that the offender has been in
13 violation of this Act for more than 60 days, the court may
14 determine whether the offender has applied for or been issued a
15 professional license by the Department of Professional
16 Regulation or another licensing agency. If the court determines
17 that the offender has applied for or been issued such a
18 license, the court may certify to the Department of
19 Professional Regulation or other licensing agency that the
20 offender has been in violation of this Act for more than 60
21 days so that the Department or other agency may take
22 appropriate steps with respect to the license or application as
23 provided in Section 10-65 of the Illinois Administrative
24 Procedure Act and Section 2105-15 of the Department of
25 Professional Regulation Law of the Civil Administrative Code of
26 Illinois. The court may take the actions required under this
27 subsection in addition to imposing any other penalty authorized
28 under this Act.

29 (Source: P.A. 91-613, eff. 10-1-99; 92-651, eff. 7-11-02.)

30 Section 20. The Illinois Parentage Act of 1984 is amended
31 by changing Section 15 as follows:

32 (750 ILCS 45/15) (from Ch. 40, par. 2515)

33 Sec. 15. Enforcement of Judgment or Order.

34 (a) If existence of the parent and child relationship is

1 declared, or paternity or duty of support has been established
2 under this Act or under prior law or under the law of any other
3 jurisdiction, the judgment rendered thereunder may be enforced
4 in the same or other proceedings by any party or any person or
5 agency that has furnished or may furnish financial assistance
6 or services to the child. The Income Withholding for Support
7 Act and Sections 14 and 16 of this Act shall also be applicable
8 with respect to entry, modification and enforcement of any
9 support judgment entered under provisions of the "Paternity
10 Act", approved July 5, 1957, as amended, repealed July 1, 1985.

11 (b) Failure to comply with any order of the court shall be
12 punishable as contempt as in other cases of failure to comply
13 under the "Illinois Marriage and Dissolution of Marriage Act",
14 as now or hereafter amended. In addition to other penalties
15 provided by law, the court may, after finding the party guilty
16 of contempt, order that the party be:

17 (1) Placed on probation with such conditions of
18 probation as the court deems advisable;

19 (2) Sentenced to periodic imprisonment for a period not
20 to exceed 6 months. However, the court may permit the party
21 to be released for periods of time during the day or night
22 to work or conduct business or other self-employed
23 occupation. The court may further order any part of all the
24 earnings of a party during a sentence of periodic
25 imprisonment to be paid to the Clerk of the Circuit Court
26 or to the person or parent having custody of the minor
27 child for the support of said child until further order of
28 the court.

29 (2.5) The court may also pierce the ownership veil of a
30 person, persons, or business entity to discover assets of a
31 non-custodial parent held in the name of that person, those
32 persons, or that business entity if there is a unity of
33 interest and ownership sufficient to render no financial
34 separation between the non-custodial parent and that
35 person, those persons, or the business entity. The
36 following circumstances are sufficient for a court to order

1 discovery of the assets of a person, persons, or business
2 entity and to compel the application of any discovered
3 assets toward payment on the judgment for support:

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

6 (B) the non-custodial parent and the person,
7 persons, or business entity fail to maintain an arms
8 length relationship between themselves with regard to
9 any assets.

10 (C) the non-custodial parent transfers assets to
11 the person, persons, or business entity with the intent
12 to perpetrate a fraud on the custodial parent.

13 With respect to assets which are real property, no
14 order entered under this subdivision (2.5) shall affect the
15 rights of bona fide purchasers, mortgagees, judgment
16 creditors, or other lien holders who acquire their
17 interests in the property prior to the time a notice of lis
18 pendens pursuant to the Code of Civil Procedure or a copy
19 of the order is placed of record in the office of the
20 recorder of deeds for the county in which the real property
21 is located.

22 (3) The court may also order that in cases where the
23 party is 90 days or more delinquent in payment of support
24 or has been adjudicated in arrears in an amount equal to 90
25 days obligation or more, that the party's Illinois driving
26 privileges be suspended until the court determines that the
27 party is in compliance with the judgement or duty of
28 support. The court may also order that the parent be issued
29 a family financial responsibility driving permit that
30 would allow limited driving privileges for employment and
31 medical purposes in accordance with Section 7-702.1 of the
32 Illinois Vehicle Code. The clerk of the circuit court shall
33 certify the order suspending the driving privileges of the
34 parent or granting the issuance of a family financial
35 responsibility driving permit to the Secretary of State on
36 forms prescribed by the Secretary. Upon receipt of the

1 authenticated documents, the Secretary of State shall
2 suspend the party's driving privileges until further order
3 of the court and shall, if ordered by the court, subject to
4 the provisions of Section 7-702.1 of the Illinois Vehicle
5 Code, issue a family financial responsibility driving
6 permit to the parent.

7 (4) If the parent has been adjudicated in arrears in
8 the amount of \$40,000 or more, the court shall order that
9 the parent's Illinois driving privileges be suspended
10 until the court determines that the parent is in compliance
11 with the order of support. The court may also order that
12 the parent be issued a restricted family financial
13 responsibility driving permit that would allow restricted
14 driving privileges for employment and medical purposes in
15 accordance with Section 7-702.3 of the Illinois Vehicle
16 Code. However, the court may enter an order directing the
17 issuance of a restricted permit only if the parent first
18 proves by clear and convincing evidence that no alternative
19 means of transportation are reasonably available for the
20 above stated purposes. The clerk of the circuit court shall
21 certify the order suspending the driving privileges of the
22 parent or granting the issuance of a restricted family
23 financial responsibility driving permit to the Secretary
24 of State on forms prescribed by the Secretary. Upon receipt
25 of the authenticated documents, the Secretary of State
26 shall suspend the parent's driving privileges until
27 further order of the court and shall, if ordered by the
28 court, subject to the provisions of Section 7-702.3 of the
29 Illinois Vehicle Code, issue a restricted family financial
30 responsibility driving permit to the parent.

31 In addition to the penalties or punishment that may be
32 imposed under this Section, any person whose conduct
33 constitutes a violation of Section 15 of the Non-Support
34 Punishment Act may be prosecuted under that Act, and a person
35 convicted under that Act may be sentenced in accordance with
36 that Act. The sentence may include but need not be limited to a

1 requirement that the person perform community service under
2 Section 50 of that Act or participate in a work alternative
3 program under Section 50 of that Act. A person may not be
4 required to participate in a work alternative program under
5 Section 50 of that Act if the person is currently participating
6 in a work program pursuant to Section 15.1 of this Act.

7 (c) In any post-judgment proceeding to enforce or modify
8 the judgment the parties shall continue to be designated as in
9 the original proceeding.

10 (Source: P.A. 91-357, eff. 7-29-99; 92-16, eff. 6-28-01.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.