



Sen. Mattie Hunter

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10000SB3513sam001

LRB100 19859 LNS 39048 a

1 AMENDMENT TO SENATE BILL 3513

2 AMENDMENT NO. _____. Amend Senate Bill 3513 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Reference to Act. This Act may be referred to
5 as the Stay of Driver's License Suspension for Child Support
6 Arrearage Law.

7 Section 5. The Illinois Vehicle Code is amended by adding
8 Section 7-701.5 as follows:

9 (625 ILCS 5/7-701.5 new)

10 Sec. 7-701.5. Loss of driving privileges for nonpayment of
11 support; stay.

12 (a) The purposes of the Section are:

13 (1) To safeguard the best interests of children and
14 families by establishing procedures, in appropriate cases,
15 for a parent with a child support arrearage ("obligor") to

1 retain his or her driver's license for up to 12 months, to
2 enable him or her to maintain or obtain gainful employment,
3 seek self-employment, start a business, or participate in
4 job training or other programs to enable the parent to
5 obtain employment and pay child support.

6 (2) To mitigate potential financial and relationship
7 harm to children and families caused by the loss of a
8 parent's driving privileges.

9 (3) To recognize the financial cost and difficulty of
10 transporting children and families and maintaining
11 employment, seeking employment or self-employment, or
12 starting a business caused by a loss of driving privileges,
13 while balancing the obligor's financial responsibility as
14 outlined in the child support order.

15 (b) In any proceeding to enforce arrearages in child
16 support payments or orders, the obligor has the right to
17 petition the court or child support administrative body for an
18 order to stay the suspension of driver's license ("Stay Order")
19 for a period of up to 12 months after the date of the Stay
20 Order. As the child support arrearage accrued while the
21 obligor's license had yet to be suspended, the obligor must
22 prove by clear and convincing evidence that the suspension
23 should be stayed and that the child support obligation will be
24 paid.

25 (c) The court or the child support administrative body
26 shall oversee the Stay Order and shall review the Stay Order

1 every 90 days to determine if the obligor has either started to
2 pay child support if already employed or gains employment, made
3 efforts to gain employment, or participated in job training or
4 another work program towards employment, or became
5 self-employed or started a business, for a period of up to 12
6 months after the date of the Stay Order, and shall have the
7 discretion to extend the time of review upon good cause shown,
8 as indicated in subsection (h).

9 (d) The court or child support administrative body shall,
10 after issuance of a Stay Order:

11 (1) Require that evidence of employment be presented to
12 the court or child support administrative body, if the
13 obligor is employed at the time that the Stay Order is
14 entered, and order the obligor to either sign a wage
15 garnishment or wage assignment agreement or sign a request
16 to the employer for withholding of child support, in order
17 to avoid license suspension.

18 (2) Require that an obligor who is not employed seek
19 employment, job training, or a work program through the
20 Department of Employment Security and other means, and
21 report to the court, in accordance with the provisions
22 above, with a diary, listing, or other documentation of his
23 or her efforts to gain employment in accordance with such
24 order.

25 (3) Require that evidence be presented to the court or
26 child support administrative body, at the next hearing, if

1 the obligor obtains employment, and order the obligor to
2 either sign a wage garnishment or wage assignment
3 agreement, or sign a request to the employer for
4 withholding of child support, in order to avoid license
5 suspension.

6 (4) Require that evidence be presented to the court or
7 child support administrative body if the obligor starts a
8 business or obtains income by self-employment.

9 (5) Upon the receipt of proper proof by the court or
10 child support administrative body of the existence of a
11 business owned by the obligor, require the obligor to begin
12 a process of repayment in order to avoid license
13 suspension.

14 (6) Require an obligor who is self-employed, or starts
15 a business, to provide, on an annual basis until the child
16 support is completely repaid, to an administrative agency
17 designated by the court or child support administrative
18 body, financial statements showing income and expenses
19 from the business or the self-employment, which shall be
20 treated as evidence of the income available for child
21 support payments.

22 (e) The court shall require clear and convincing evidence
23 to adjudicate any additional issues raised by the obligor,
24 including temporary disability or incapacity of the obligor and
25 any reasonable efforts undertaken by the obligor to begin a
26 process of repayment, modification, or reconsideration of the

1 arrearage or child support order in determining whether to
2 issue a Stay Order.

3 (f) Any support orders entered by the court in cases
4 subject to this Section shall include the status of the
5 driver's license until the child support arrearages are paid.

6 (g) The court or child support administrative body may
7 terminate the Stay Order and order the immediate suspension of
8 the obligor's driver's license before the 12-month period is
9 over if the obligor fails to meet any or all of the provisions
10 set forth within this Section. The court may also enter
11 additional sanctions against an obligor who fails to meet any
12 or all of the provisions set forth within this Section.

13 (h) The court or child support administrative body shall
14 review the obligor's request for stay of the driver's license
15 suspension every 90 days, for a period up to 12 months, and may
16 make a determination as to the obligor's actual compliance and
17 the obligor's efforts to comply with the order. The court or
18 child support administrative body shall have the discretion to
19 extend the Stay Order after the first 12-month period, upon
20 good cause shown, including a good faith effort on the part of
21 the obligor to pay the child support obligation, and continue
22 to review the obligor's compliance with the Stay Order every 90
23 days, as provided in this Section.

24 (i) If the provisions of this Section are inconsistent with
25 the requirements pertaining to Sections 7-705 and 7-706 of this
26 Code, the provisions of this Section control."