



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1473

Introduced 2/13/2019, by Sen. Mattie Hunter

SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-701.5 new

Provides that the Act may be referred to the Stay of Driver's License Suspension for Child Support Arrearage Law. Amends the Illinois Vehicle Code. Includes a statement of legislative purpose. Provides that in any proceeding to enforce arrearages in child support payments or orders, the obligor shall have the right to petition the court or child support administrative body for an order to stay the suspension of driver's license ("stay order") lasting up to 12 months after the date of the stay order. Provides that the court or the child support administrative body shall oversee the stay order and shall review the stay order every 90 days to determine if the obligor has started to pay child support if already employed, gains employment, or has made specified efforts to gain employment. Provides that the court shall impose specified requirements. Adds other provisions governing: employment, business, or self-employment income; additional issues, temporary disability or incapacity; support order requirements; termination of stay order for noncompliance; stay order extensions; and other matters. Provides that if the new provisions are inconsistent with Sections of the Code pertaining to notice and hearing requirements currently in place for the suspension of a driver's license for nonpayment, the new provisions control.

LRB101 08905 TAE 53995 b

1 AN ACT concerning transportation.

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

4 Section 1. Reference to Act. This Act may be referred to as
5 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
16 retain his or her driver's license for up to 12 months, to
17 enable him or her to maintain or obtain gainful employment,
18 seek self-employment, start a business, or participate in
19 job training or other programs to enable the parent to
20 obtain employment and pay child support.

21 (2) To mitigate potential financial and relationship
22 harm to children and families caused by the loss of a

1 parent's driving privileges.

2 (3) To recognize the financial cost and difficulty of
3 transporting children and families and maintaining
4 employment, seeking employment or self-employment, or
5 starting a business caused by a loss of driving privileges,
6 while balancing the obligor's financial responsibility as
7 outlined in the child support order.

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

18 (c) The court or the child support administrative body
19 shall oversee the Stay Order and shall review the Stay Order
20 every 90 days to determine if the obligor has either started to
21 pay child support if already employed or gains employment, made
22 efforts to gain employment, or participated in job training or
23 another work program towards employment, or became
24 self-employed or started a business, for a period of up to 12
25 months after the date of the Stay Order, and shall have the
26 discretion to extend the time of review upon good cause shown,

1 as indicated in subsection (h).

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

4 (1) Require that evidence of employment be presented to
5 the court or child support administrative body, if the
6 obligor is employed at the time that the Stay Order is
7 entered, and order the obligor to either sign a wage
8 garnishment or wage assignment agreement or sign a request
9 to the employer for withholding of child support, in order
10 to avoid license suspension.

11 (2) Require that an obligor who is not employed seek
12 employment, job training, or a work program through the
13 Department of Employment Security and other means, and
14 report to the court, in accordance with the provisions
15 above, with a diary, listing, or other documentation of his
16 or her efforts to gain employment in accordance with such
17 order.

18 (3) Require that evidence be presented to the court or
19 child support administrative body, at the next hearing, if
20 the obligor obtains employment, and order the obligor to
21 either sign a wage garnishment or wage assignment
22 agreement, or sign a request to the employer for
23 withholding of child support, in order to avoid license
24 suspension.

25 (4) Require that evidence be presented to the court or
26 child support administrative body if the obligor starts a

1 business or obtains income by self-employment.

2 (5) Upon the receipt of proper proof by the court or
3 child support administrative body of the existence of a
4 business owned by the obligor, require the obligor to begin
5 a process of repayment in order to avoid license
6 suspension.

7 (6) Require an obligor who is self-employed, or starts
8 a business, to provide, on an annual basis until the child
9 support is completely repaid, to an administrative agency
10 designated by the court or child support administrative
11 body, financial statements showing income and expenses
12 from the business or the self-employment, which shall be
13 treated as evidence of the income available for child
14 support payments.

15 (e) The court shall require clear and convincing evidence
16 to adjudicate any additional issues raised by the obligor,
17 including temporary disability or incapacity of the obligor and
18 any reasonable efforts undertaken by the obligor to begin a
19 process of repayment, modification, or reconsideration of the
20 arrearage or child support order in determining whether to
21 issue a Stay Order.

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

25 (g) The court or child support administrative body may
26 terminate the Stay Order and order the immediate suspension of

1 the obligor's driver's license before the 12-month period is
2 over if the obligor fails to meet any or all of the provisions
3 set forth within this Section. The court may also enter
4 additional sanctions against an obligor who fails to meet any
5 or all of the provisions set forth within this Section.

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

17 (i) If the provisions of this Section are inconsistent with
18 the requirements pertaining to Sections 7-705 and 7-706 of this
19 Code, the provisions of this Section control.