

1 AN ACT in relation to child support.

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
5 changing Sections 7-702, 7-702.1, 7-702.2, 7-703, 7-705.1,
6 and 7-706.1 as follows:

7 (625 ILCS 5/7-702)

8 Sec. 7-702. Suspension of driver's license for failure
9 to 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
14 child support payments or has been adjudicated in arrears in
15 an amount equal to 90 days obligation or more, and has been
16 found in contempt by the court for failure to pay the
17 support.

18 (b) The circuit court shall certify in an authenticated
19 report to the Secretary of State, as provided in subsection
20 (b) of Section 7-703, when an obligor is 90 days or more
21 delinquent in court ordered child support payments or has
22 been adjudicated in arrears in an amount equal to 90 days
23 obligation or more but has not been found in contempt of
24 court. Upon receiving a certification from the circuit court
25 under this subsection (b), the Secretary of State shall
26 suspend the obligor's driver's license until such time as the
27 obligor becomes current in the support obligation. The
28 ~~Secretary--of-State-shall-suspend-the-driver's-license-issued~~
29 ~~to--an--obligor--upon--receiving--an--authenticated--document~~
30 ~~provided-for-in-subsection-(b)-of--Section--7-703,--that--the~~
31 ~~person-has-been-adjudicated-in-arrears-in-court-ordered-child~~

1 support--payments-in-an-amount-equal-to-90-days-obligation-or
2 more, but has not been held in contempt of--court,--and--that
3 the court has ordered that the person's driving privileges be
4 suspended.--The obligor's driver's license shall be suspended
5 until---such---time---as--the--Secretary--of--State--receives
6 authenticated documentation that the obligor is in compliance
7 with the court order of support.--When the--obligor--complies
8 with--the--court--ordered child support payments, the circuit
9 court shall report the obligor's compliance--with--the--court
10 order--of--support--to--the--Secretary--of--State,--on a form
11 prescribed by the Secretary of State, and--shall--order--that
12 the obligor's driver's license be reinstated.

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

14 (625 ILCS 5/7-702.1)

15 Sec. 7-702.1. Family financial responsibility driving
16 permits. Following the entry of an order that an obligor has
17 been found in contempt by the court for failure to pay court
18 ordered child support payments or upon a motion by the
19 obligor who has had is-subject-to-having his or her driver's
20 license suspended pursuant to subsection (b) of Section 7-702
21 7-703, the court may enter an order directing the Secretary
22 of State to issue a family financial responsibility driving
23 permit for the purpose of providing the obligor the privilege
24 of operating a motor vehicle between the obligor's residence
25 and place of employment, or within the scope of employment
26 related duties; or for the purpose of providing
27 transportation for the obligor or a household member to
28 receive alcohol treatment, other drug treatment, or medical
29 care. The court may enter an order directing the issuance of
30 a permit only if the obligor has proven to the satisfaction
31 of the court that no alternative means of transportation are
32 reasonably available for the above stated purposes. No
33 permit shall be issued to a person under the age of 16 years

1 who possesses an instruction permit.

2 Upon entry of an order granting the issuance of a permit
3 to an obligor, the court shall report this finding to the
4 Secretary of State on a form prescribed by the Secretary.
5 This form shall state whether the permit has been granted for
6 employment or medical purposes and the specific days and
7 hours for which limited driving privileges have been granted.

8 The family financial responsibility driving permit shall
9 be subject to cancellation, invalidation, suspension, and
10 revocation by the Secretary of State in the same manner and
11 for the same reasons as a driver's license may be cancelled,
12 invalidated, suspended, or revoked.

13 The Secretary of State shall, upon receipt of a certified
14 court order from the court of jurisdiction, issue a family
15 financial responsibility driving permit. In order for this
16 permit to be issued, an individual's driving privileges must
17 be valid except for the family financial responsibility
18 suspension. This permit shall be valid only for employment
19 and medical purposes as set forth above. The permit shall
20 state the days and hours for which limited driving privileges
21 have been granted.

22 Any submitted court order that contains insufficient data
23 or fails to comply with any provision of this Code shall not
24 be used for issuance of the permit or entered to the
25 individual's driving record but shall be returned to the
26 court of jurisdiction indicating why the permit cannot be
27 issued at that time. The Secretary of State shall also send
28 notice of the return of the court order to the individual
29 requesting the permit.

30 (Source: P.A. 90-369, eff. 1-1-98; 91-613, eff. 7-1-00.)

31 (625 ILCS 5/7-702.2)

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

33 (a) An obligor who is presently unable to pay all

1 past-due support and is subject to having his or her license
2 suspended pursuant to subsection (b) of Section 7-703 may
3 come into compliance with the court order for support by
4 executing a written payment agreement that is approved by the
5 court and by complying with that agreement. A condition of a
6 written payment agreement must be that the obligor pay the
7 current child support when due. Before a written payment
8 agreement is executed, the obligor shall:

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

13 (2) Provide documentation to the court concerning
14 the obligor's financial circumstances, including copies
15 of the most recent State and federal income tax returns,
16 both personal and business; a copy of a recent pay stub
17 representative of a current income; and copies of other
18 records that show the obligor's income and the present
19 level of assets held by the obligor.

20 (b) After full disclosure, the court may determine the
21 obligor's ability to pay past-due support and may approve a
22 written payment agreement consistent with the obligor's
23 ability to pay, not to exceed the court-ordered support.

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

25 (625 ILCS 5/7-703)

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

28 (a) The clerk of the circuit court, as provided in
29 subsection (b) of Section 7-702 of this Act and subsection
30 (b) of Section 505 of the Illinois Marriage and Dissolution
31 of Marriage Act or as provided in Section 15 of the Illinois
32 Parentage Act of 1984, shall forward to the Secretary of
33 State, on a form prescribed by the Secretary, an

1 authenticated document certifying the court's order
2 suspending the driving privileges of the obligor. For any
3 such certification, the clerk of the court shall charge the
4 obligor a fee of \$5 as provided in the Clerks of Courts Act.

5 (b) If an obligor is 90 days or more delinquent in court
6 ordered child support payments or has been adjudicated in
7 arrears in an amount equal to 90 days obligation or more but
8 has not been held in contempt of court, the circuit court
9 shall forward to the Secretary of State an authenticated
10 document certifying that an obligor is 90 days or more
11 delinquent in court ordered child support payments or has
12 been adjudicated in arrears in an amount equal to 90 days
13 obligation or more. If-an-obligor-has-been--adjudicated--in
14 arrears--in-court-ordered-child-support-payments-in-an-amount
15 equal-to-90-days-obligation-or-more-but-has-not-been-held--in
16 contempt--of--court,--the--circuit--court--may-order-that-the
17 obligor's-driving-privileges-be-suspended,---If--the--circuit
18 court---orders--that--the--obligor's--driving--privileges--be
19 suspended,--it--shall--forward--to--the--Secretary--of--State,--on--a
20 form--prescribed--by--the--Secretary,--an-authenticated-document
21 certifying--the--court's---order---suspending---the---driving
22 privileges--of--the--obligor,--The-authenticated-document-shall
23 be-forwarded-to-the-Secretary-of-State-by-the-court-no--later
24 than--45--days--after--entry--of--the--order--suspending--the
25 obligor's-driving-privileges.

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

27 (625 ILCS 5/7-705.1)

28 Sec. 7-705.1. Notice of noncompliance with support
29 order. Before forwarding to the Secretary of State the
30 authenticated report document under subsection (b) of Section
31 7-703, the circuit court must serve notice upon the obligor
32 of its intention to certify the obligor to the Secretary of
33 State as an individual who is not in compliance with an order

1 of support suspend-the-obligor's-driver's-license--for--being
2 adjudicated---in--arrears--in--court--ordered--child--support
3 payments-in-an-amount--equal--to--90--days--obligation. The
4 notice must inform the obligor that:

5 (a) If the obligor is presently unable to pay all
6 past-due support, the obligor may come into compliance
7 with the support order by executing a written payment
8 agreement with the court, as provided in Section 7-702.2,
9 and by complying with that agreement;

10 (b) The obligor may contest the issue of compliance
11 at a hearing;

12 (c) A request for a hearing must be made in writing
13 and must be received by the clerk of the circuit court;

14 (d) If the obligor does not request a hearing to
15 contest the issue of compliance, the obligor's driver's
16 license shall be suspended on the 45th day following the
17 date of mailing of the notice of noncompliance within 45
18 days after the notice of noncompliance is mailed, the
19 court may order that the obligor's driver's license be
20 suspended as provided for in subsection (b) of Section
21 7-703;

22 (e) If the circuit court certifies the obligor to
23 the Secretary of State for noncompliance with an order of
24 support, the Secretary of State must suspend any driver's
25 license or instruction permit the obligor holds and the
26 obligor's right to apply for or obtain a driver's license
27 or instruction permit until the obligor comes into
28 compliance with the order of support;

29 (f) If the obligor files a motion to modify support
30 with the court or requests the court to modify a support
31 obligation, the circuit court shall stay action to
32 certify the obligor to the Secretary of State for
33 noncompliance with an order of support; and

34 (g) The obligor may comply with an order of support

1 by doing all of the following:

2 (1) Paying the current support;

3 (2) Paying all past-due support or, if unable
4 to pay all past-due support and a periodic payment
5 for past-due support has not been ordered by the
6 court, by making periodic payments in accordance
7 with a written payment agreement approved by the
8 court; and

9 (3) Meeting the obligor's health insurance
10 obligation.

11 The notice must include the address and telephone number
12 of the clerk of the circuit court. The clerk of the circuit
13 court shall attach a copy of the obligor's order of support
14 to the notice. The notice must be served by certified mail,
15 return receipt requested, by service in hand, or as specified
16 in the Code of Civil Procedure.

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

18 (625 ILCS 5/7-706.1)

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

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

25 (b) If a written request for a hearing is received by
26 the clerk of the circuit court, the clerk of the circuit
27 court shall set the hearing before the circuit court.

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

31 (d) The scope of this hearing is limited to the
32 following issues:

33 (1) Whether the obligor is required to pay child

1 support under an order of support.

2 (2) Whether the obligor is 90 days or more
3 delinquent in court ordered child support payments or has
4 been adjudicated in arrears ~~in--court--ordered--child~~
5 ~~support-payments~~ in an amount equal to 90 days obligation
6 or more.

7 (3) Any additional issues raised by the obligor,
8 including the reasonableness of a payment agreement in
9 light of the obligor's current financial circumstances,
10 to be preserved for appeal.

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

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

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