



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB2556

Introduced 1/29/2020, by Sen. Napoleon Harris, III

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-17.6	from Ch. 23, par. 10-17.6
625 ILCS 5/6-118	
625 ILCS 5/6-201	
625 ILCS 5/6-303	from Ch. 95 1/2, par. 6-303
705 ILCS 105/27.1b	
750 ILCS 5/505	from Ch. 40, par. 505
750 ILCS 5/607.5	
750 ILCS 16/50	
750 ILCS 46/805	
625 ILCS 5/Ch. 7 Art. VII rep.	

Amends the Illinois Vehicle Code. Repeals an Article governing the suspension of a person's driver's license for nonpayment of child support or failure to comply with a visitation order. Makes corresponding changes in the Non-Support Punishment Act, Illinois Parentage Act of 2015, Illinois Public Aid Code, Supreme Court Act, Illinois Marriage and Dissolution of Marriage Act, and Clerks of Courts Act. Effective immediately.

LRB101 15204 TAE 64367 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 5. The Illinois Public Aid Code is amended by
5 changing Section 10-17.6 as follows:

6 (305 ILCS 5/10-17.6) (from Ch. 23, par. 10-17.6)

7 Sec. 10-17.6. Certification of Information to Licensing
8 Agencies.

9 ~~(a)~~ The Illinois Department may provide by rule for
10 certification to any State licensing agency to suspend, revoke,
11 or deny issuance or renewal of licenses because of (i) the
12 failure of responsible relatives to comply with subpoenas or
13 warrants relating to paternity or child support proceedings and
14 (ii) past due support owed by responsible relatives under a
15 support order entered by a court or administrative body of this
16 or any other State on behalf of resident or non-resident
17 persons receiving child support enforcement services under
18 Title IV, Part D of the Social Security Act. The rule shall
19 provide for notice to and an opportunity to be heard by each
20 responsible relative affected and any final administrative
21 decision rendered by the Department shall be reviewed only
22 under and in accordance with the Administrative Review Law.

23 ~~(b) The Illinois Department may provide by rule for~~

1 ~~directing the Secretary of State to issue family financial~~
 2 ~~responsibility driving permits upon petition of responsible~~
 3 ~~relatives whose driver's licenses have been suspended in~~
 4 ~~accordance with subsection (b) of Section 7-702.1 of the~~
 5 ~~Illinois Vehicle Code. Any final administrative decisions~~
 6 ~~rendered by the Department upon such petitions shall be~~
 7 ~~reviewable only under and in accordance with the Administrative~~
 8 ~~Review Law.~~

9 (Source: P.A. 95-685, eff. 10-23-07; 96-1284, eff. 1-1-11.)

10 Section 10. The Illinois Vehicle Code is amended by
 11 changing Sections 6-118, 6-201, and 6-303 as follows:

12 (625 ILCS 5/6-118)

13 Sec. 6-118. Fees.

14 (a) The fees for licenses and permits under this Article
 15 are as follows:

16	Original driver's license	\$30
17	Original or renewal driver's license	
18	issued to 18, 19 and 20 year olds	5
19	All driver's licenses for persons	
20	age 69 through age 80	5
21	All driver's licenses for persons	
22	age 81 through age 86	2
23	All driver's licenses for persons	
24	age 87 or older	0

1 Renewal driver's license (except for
2 applicants ages 18, 19 and 20 or
3 age 69 and older) 30
4 Original instruction permit issued to
5 persons (except those age 69 and older)
6 who do not hold or have not previously
7 held an Illinois instruction permit or
8 driver's license 20
9 Instruction permit issued to any person
10 holding an Illinois driver's license
11 who wishes a change in classifications,
12 other than at the time of renewal 5
13 Any instruction permit issued to a person
14 age 69 and older 5
15 Instruction permit issued to any person,
16 under age 69, not currently holding a
17 valid Illinois driver's license or
18 instruction permit but who has
19 previously been issued either document
20 in Illinois 10
21 Restricted driving permit 8
22 Monitoring device driving permit 8
23 Duplicate or corrected driver's license
24 or permit 5
25 Duplicate or corrected restricted
26 driving permit 5

1 Duplicate or corrected monitoring
2 device driving permit 5
3 Duplicate driver's license or permit issued to
4 an active-duty member of the
5 United States Armed Forces,
6 the member's spouse, or
7 the dependent children living
8 with the member 0
9 Original or renewal M or L endorsement..... 5

10 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

11 The fees for commercial driver licenses and permits
12 under Article V shall be as follows:

13 Commercial driver's license:

- 14 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund
- 15 (Commercial Driver's License Information
- 16 System/American Association of Motor Vehicle
- 17 Administrators network/National Motor Vehicle
- 18 Title Information Service Trust Fund);
- 19 \$20 for the Motor Carrier Safety Inspection Fund;
- 20 \$10 for the driver's license;
- 21 and \$24 for the CDL: \$60

22 Renewal commercial driver's license:

- 23 \$6 for the CDLIS/AAMVAnet/NMVTIS Trust Fund;
- 24 \$20 for the Motor Carrier Safety Inspection Fund;
- 25 \$10 for the driver's license; and
- 26 \$24 for the CDL: \$60

1 Commercial learner's permit
 2 issued to any person holding a valid
 3 Illinois driver's license for the
 4 purpose of changing to a
 5 CDL classification: \$6 for the
 6 CDLIS/AAMVAnet/NMVTIS Trust Fund;
 7 \$20 for the Motor Carrier
 8 Safety Inspection Fund; and
 9 \$24 for the CDL classification \$50

10 Commercial learner's permit
 11 issued to any person holding a valid
 12 Illinois CDL for the purpose of
 13 making a change in a classification,
 14 endorsement or restriction \$5
 15 CDL duplicate or corrected license \$5

16 In order to ensure the proper implementation of the Uniform
 17 Commercial Driver License Act, Article V of this Chapter, the
 18 Secretary of State is empowered to prorate the \$24 fee for the
 19 commercial driver's license proportionate to the expiration
 20 date of the applicant's Illinois driver's license.

21 The fee for any duplicate license or permit shall be waived
 22 for any person who presents the Secretary of State's office
 23 with a police report showing that his license or permit was
 24 stolen.

25 The fee for any duplicate license or permit shall be waived
 26 for any person age 60 or older whose driver's license or permit

1 has been lost or stolen.

2 No additional fee shall be charged for a driver's license,
3 or for a commercial driver's license, when issued to the holder
4 of an instruction permit for the same classification or type of
5 license who becomes eligible for such license.

6 The fee for a restricted driving permit under this
7 subsection (a) shall be imposed annually until the expiration
8 of the permit.

9 (a-5) The fee for a driver's record or data contained
10 therein is \$12.

11 (b) Any person whose license or privilege to operate a
12 motor vehicle in this State has been suspended or revoked under
13 Section 3-707, ~~any provision of~~ Chapter 6, Chapter 11, or
14 Section 7-205 or 7-303, ~~or 7-702~~ of the Family Financial
15 Responsibility Law of this Code, shall in addition to any other
16 fees required by this Code, pay a reinstatement fee as follows:

17	Suspension under Section 3-707	\$100
18	Suspension under Section 11-1431	\$100
19	Summary suspension under Section 11-501.1	\$250
20	Suspension under Section 11-501.9	\$250
21	Summary revocation under Section 11-501.1	\$500
22	Other suspension	\$70
23	Revocation	\$500

24 Any ~~However, any~~ person whose license or privilege to
25 operate a motor vehicle in this State has been suspended or
26 revoked for a second or subsequent time for a violation of

1 Section 11-501, 11-501.1, or 11-501.9 of this Code or a similar
 2 provision of a local ordinance or a similar out-of-state
 3 offense or Section 9-3 of the Criminal Code of 1961 or the
 4 Criminal Code of 2012 and each suspension or revocation was for
 5 a violation of Section 11-501, 11-501.1, or 11-501.9 of this
 6 Code or a similar provision of a local ordinance or a similar
 7 out-of-state offense or Section 9-3 of the Criminal Code of
 8 1961 or the Criminal Code of 2012 shall pay, in addition to any
 9 other fees required by this Code, a reinstatement fee as
 10 follows:

11	Summary suspension under Section 11-501.1	\$500
12	Suspension under Section 11-501.9	\$500
13	Summary revocation under Section 11-501.1	\$500
14	Revocation	\$500

15 (c) All fees collected under the provisions of this Chapter
 16 shall be disbursed under subsection (g) of Section 2-119 of
 17 this Code, except as follows:

18 1. The following amounts shall be paid into the Drivers
 19 Education Fund:

20 (A) \$16 of the \$20 fee for an original driver's
 21 instruction permit;

22 (B) \$5 of the \$30 fee for an original driver's
 23 license;

24 (C) \$5 of the \$30 fee for a 4 year renewal driver's
 25 license;

26 (D) \$4 of the \$8 fee for a restricted driving

1 permit; and

2 (E) \$4 of the \$8 fee for a monitoring device
3 driving permit.

4 2. \$30 of the \$250 fee for reinstatement of a license
5 summarily suspended under Section 11-501.1 or suspended
6 under Section 11-501.9 shall be deposited into the Drunk
7 and Drugged Driving Prevention Fund. However, for a person
8 whose license or privilege to operate a motor vehicle in
9 this State has been suspended or revoked for a second or
10 subsequent time for a violation of Section 11-501,
11 11-501.1, or 11-501.9 of this Code or Section 9-3 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, \$190 of
13 the \$500 fee for reinstatement of a license summarily
14 suspended under Section 11-501.1 or suspended under
15 Section 11-501.9, and \$190 of the \$500 fee for
16 reinstatement of a revoked license shall be deposited into
17 the Drunk and Drugged Driving Prevention Fund. \$190 of the
18 \$500 fee for reinstatement of a license summarily revoked
19 pursuant to Section 11-501.1 shall be deposited into the
20 Drunk and Drugged Driving Prevention Fund.

21 3. \$6 of the original or renewal fee for a commercial
22 driver's license and \$6 of the commercial learner's permit
23 fee when the permit is issued to any person holding a valid
24 Illinois driver's license, shall be paid into the
25 CDLIS/AAMVAnet/NMVTIS Trust Fund.

26 4. \$30 of the \$70 fee for reinstatement of a license

1 suspended under the Family Financial Responsibility Law
2 shall be paid into the Family Responsibility Fund.

3 5. The \$5 fee for each original or renewal M or L
4 endorsement shall be deposited into the Cycle Rider Safety
5 Training Fund.

6 6. \$20 of any original or renewal fee for a commercial
7 driver's license or commercial learner's permit shall be
8 paid into the Motor Carrier Safety Inspection Fund.

9 7. The following amounts shall be paid into the General
10 Revenue Fund:

11 (A) \$190 of the \$250 reinstatement fee for a
12 summary suspension under Section 11-501.1 or a
13 suspension under Section 11-501.9;

14 (B) \$40 of the \$70 reinstatement fee for any other
15 suspension provided in subsection (b) of this Section;
16 and

17 (C) \$440 of the \$500 reinstatement fee for a first
18 offense revocation and \$310 of the \$500 reinstatement
19 fee for a second or subsequent revocation.

20 8. Fees collected under paragraph (4) of subsection (d)
21 and subsection (h) of Section 6-205 of this Code;
22 subparagraph (C) of paragraph 3 of subsection (c) of
23 Section 6-206 of this Code; and paragraph (4) of subsection
24 (a) of Section 6-206.1 of this Code, shall be paid into the
25 funds set forth in those Sections.

26 (d) All of the proceeds of the additional fees imposed by

1 this amendatory Act of the 96th General Assembly shall be
2 deposited into the Capital Projects Fund.

3 (e) The additional fees imposed by this amendatory Act of
4 the 96th General Assembly shall become effective 90 days after
5 becoming law.

6 (f) As used in this Section, "active-duty member of the
7 United States Armed Forces" means a member of the Armed
8 Services or Reserve Forces of the United States or a member of
9 the Illinois National Guard who is called to active duty
10 pursuant to an executive order of the President of the United
11 States, an act of the Congress of the United States, or an
12 order of the Governor.

13 (Source: P.A. 100-590, eff. 6-8-18; 100-803, eff. 1-1-19;
14 101-81, eff. 7-12-19.)

15 (625 ILCS 5/6-201)

16 Sec. 6-201. Authority to cancel licenses and permits.

17 (a) The Secretary of State is authorized to cancel any
18 license or permit upon determining that the holder thereof:

19 1. was not entitled to the issuance thereof hereunder;

20 or

21 2. failed to give the required or correct information
22 in his application; or

23 3. failed to pay any fees, civil penalties owed to the
24 Illinois Commerce Commission, or taxes due under this Act
25 and upon reasonable notice and demand; or

1 4. committed any fraud in the making of such
2 application; or

3 5. is ineligible therefor under the provisions of
4 Section 6-103 of this Act, as amended; or

5 6. has refused or neglected to submit an alcohol, drug,
6 and intoxicating compound evaluation or to submit to
7 examination or re-examination as required under this Act;
8 or

9 7. has been convicted of violating the Cannabis Control
10 Act, the Illinois Controlled Substances Act, the
11 Methamphetamine Control and Community Protection Act, or
12 the Use of Intoxicating Compounds Act while that individual
13 was in actual physical control of a motor vehicle. For
14 purposes of this Section, any person placed on probation
15 under Section 10 of the Cannabis Control Act, Section 410
16 of the Illinois Controlled Substances Act, or Section 70 of
17 the Methamphetamine Control and Community Protection Act
18 shall not be considered convicted. Any person found guilty
19 of this offense, while in actual physical control of a
20 motor vehicle, shall have an entry made in the court record
21 by the judge that this offense did occur while the person
22 was in actual physical control of a motor vehicle and order
23 the clerk of the court to report the violation to the
24 Secretary of State as such. After the cancellation, the
25 Secretary of State shall not issue a new license or permit
26 for a period of one year after the date of cancellation.

1 However, upon application, the Secretary of State may, if
2 satisfied that the person applying will not endanger the
3 public safety, or welfare, issue a restricted driving
4 permit granting the privilege of driving a motor vehicle
5 between the petitioner's residence and petitioner's place
6 of employment or within the scope of the petitioner's
7 employment related duties, or to allow transportation for
8 the petitioner or a household member of the petitioner's
9 family for the receipt of necessary medical care, or
10 provide transportation for the petitioner to and from
11 alcohol or drug remedial or rehabilitative activity
12 recommended by a licensed service provider, or for the
13 petitioner to attend classes, as a student, in an
14 accredited educational institution. The petitioner must
15 demonstrate that no alternative means of transportation is
16 reasonably available; provided that the Secretary's
17 discretion shall be limited to cases where undue hardship,
18 as defined by the rules of the Secretary of State, would
19 result from a failure to issue such restricted driving
20 permit. In each case the Secretary of State may issue such
21 restricted driving permit for such period as he deems
22 appropriate, except that such permit shall expire no later
23 than 2 years from the date of issuance. A restricted
24 driving permit issued hereunder shall be subject to
25 cancellation, revocation and suspension by the Secretary
26 of State in like manner and for like cause as a driver's

1 license issued hereunder may be cancelled, revoked or
2 suspended; except that a conviction upon one or more
3 offenses against laws or ordinances regulating the
4 movement of traffic shall be deemed sufficient cause for
5 the revocation, suspension or cancellation of a restricted
6 driving permit. The Secretary of State may, as a condition
7 to the issuance of a restricted driving permit, require the
8 applicant to participate in a driver remedial or
9 rehabilitative program. In accordance with 49 C.F.R. 384,
10 the Secretary of State may not issue a restricted driving
11 permit for the operation of a commercial motor vehicle to a
12 person holding a CDL whose driving privileges have been
13 revoked, suspended, cancelled, or disqualified under this
14 Code; or

15 8. failed to submit a report as required by Section
16 6-116.5 of this Code; or

17 9. has been convicted of a sex offense as defined in
18 the Sex Offender Registration Act. The driver's license
19 shall remain cancelled until the driver registers as a sex
20 offender as required by the Sex Offender Registration Act,
21 proof of the registration is furnished to the Secretary of
22 State and the sex offender provides proof of current
23 address to the Secretary; or

24 10. is ineligible for a license or permit under Section
25 6-107, 6-107.1, or 6-108 of this Code; or

26 11. refused or neglected to appear at a Driver Services

1 facility to have the license or permit corrected and a new
2 license or permit issued or to present documentation for
3 verification of identity; or

4 12. failed to submit a medical examiner's certificate
5 or medical variance as required by 49 C.F.R. 383.71 or
6 submitted a fraudulent medical examiner's certificate or
7 medical variance; or

8 13. has had his or her medical examiner's certificate,
9 medical variance, or both removed or rescinded by the
10 Federal Motor Carrier Safety Administration; or

11 14. failed to self-certify as to the type of driving in
12 which the CDL driver engages or expects to engage; or

13 15. has submitted acceptable documentation indicating
14 out-of-state residency to the Secretary of State to be
15 released from the requirement of showing proof of financial
16 responsibility in this State; or

17 16. was convicted of fraud relating to the testing or
18 issuance of a CDL or CLP, in which case only the CDL or CLP
19 shall be cancelled. After cancellation, the Secretary
20 shall not issue a CLP or CDL for a period of one year from
21 the date of cancellation; or

22 17. has a special restricted license under subsection
23 (g) of Section 6-113 of this Code and failed to submit the
24 required annual vision specialist report that the special
25 restricted license holder's vision has not changed; or

26 18. has a special restricted license under subsection

1 (g) of Section 6-113 of this Code and was convicted or
2 received court supervision for a violation of this Code
3 that occurred during nighttime hours or was involved in a
4 motor vehicle accident during nighttime hours in which the
5 restricted license holder was at fault; or

6 19. has assisted an out-of-state resident in acquiring
7 an Illinois driver's license or identification card by
8 providing or allowing the out-of-state resident to use his
9 or her Illinois address of residence and is complicit in
10 distributing and forwarding the Illinois driver's license
11 or identification card to the out-of-state resident.

12 (b) Upon such cancellation the licensee or permittee must
13 surrender the license or permit so cancelled to the Secretary
14 of State.

15 (c) Except as provided in Section ~~Sections~~ 6-206.1, ~~and~~
16 ~~7-702.1~~, the Secretary of State shall have exclusive authority
17 to grant, issue, deny, cancel, suspend and revoke driving
18 privileges, drivers' licenses and restricted driving permits.

19 (d) The Secretary of State may adopt rules to implement
20 this Section.

21 (Source: P.A. 100-409, eff. 8-25-17; 100-803, eff. 1-1-19.)

22 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

23 Sec. 6-303. Driving while driver's license, permit, or
24 privilege to operate a motor vehicle is suspended or revoked.

25 (a) Except as otherwise provided in subsection (a-5) or

1 (a-7), any person who drives or is in actual physical control
2 of a motor vehicle on any highway of this State at a time when
3 such person's driver's license, permit, or privilege to do so
4 or the privilege to obtain a driver's license or permit is
5 revoked or suspended as provided by this Code or the law of
6 another state, except as may be specifically allowed by a
7 judicial driving permit issued prior to January 1, 2009,
8 monitoring device driving permit, family financial
9 responsibility driving permit, probationary license to drive,
10 or a restricted driving permit issued pursuant to this Code or
11 under the law of another state, shall be guilty of a Class A
12 misdemeanor.

13 (a-3) A second or subsequent violation of subsection (a) of
14 this Section is a Class 4 felony if committed by a person whose
15 driving or operation of a motor vehicle is the proximate cause
16 of a motor vehicle accident that causes personal injury or
17 death to another. For purposes of this subsection, a personal
18 injury includes any Type A injury as indicated on the traffic
19 accident report completed by a law enforcement officer that
20 requires immediate professional attention in either a doctor's
21 office or a medical facility. A Type A injury includes severe
22 bleeding wounds, distorted extremities, and injuries that
23 require the injured party to be carried from the scene.

24 (a-5) Any person who violates this Section as provided in
25 subsection (a) while his or her driver's license, permit, or
26 privilege is revoked because of a violation of Section 9-3 of

1 the Criminal Code of 1961 or the Criminal Code of 2012,
2 relating to the offense of reckless homicide, or a violation of
3 subparagraph (F) of paragraph (1) of subsection (d) of Section
4 11-501 of this Code, relating to the offense of aggravated
5 driving under the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination thereof
7 when the violation was a proximate cause of a death, or a
8 similar provision of a law of another state, is guilty of a
9 Class 4 felony. The person shall be required to undergo a
10 professional evaluation, as provided in Section 11-501 of this
11 Code, to determine if an alcohol, drug, or intoxicating
12 compound problem exists and the extent of the problem, and to
13 undergo the imposition of treatment as appropriate.

14 (a-7) Any person who violates this Section as provided in
15 subsection (a) while his or her driver's license or privilege
16 to drive is suspended under Section 6-306.5 ~~or 7-702~~ of this
17 Code shall receive a Uniform Traffic Citation from the law
18 enforcement officer. A person who receives 3 or more Uniform
19 Traffic Citations under this subsection (a-7) without paying
20 any fees associated with the citations shall be guilty of a
21 Class A misdemeanor.

22 (a-10) A person's driver's license, permit, or privilege to
23 obtain a driver's license or permit may be subject to multiple
24 revocations, multiple suspensions, or any combination of both
25 simultaneously. No revocation or suspension shall serve to
26 negate, invalidate, cancel, postpone, or in any way lessen the

1 effect of any other revocation or suspension entered prior or
2 subsequent to any other revocation or suspension.

3 (b) (Blank).

4 (b-1) Except for a person under subsection (a-7) of this
5 Section, upon receiving a report of the conviction of any
6 violation indicating a person was operating a motor vehicle
7 during the time when the person's driver's license, permit, or
8 privilege was suspended by the Secretary of State or the
9 driver's licensing administrator of another state, except as
10 specifically allowed by a probationary license, judicial
11 driving permit, restricted driving permit, or monitoring
12 device driving permit, the Secretary shall extend the
13 suspension for the same period of time as the originally
14 imposed suspension unless the suspension has already expired,
15 in which case the Secretary shall be authorized to suspend the
16 person's driving privileges for the same period of time as the
17 originally imposed suspension.

18 (b-2) Except as provided in subsection (b-6) or (a-7), upon
19 receiving a report of the conviction of any violation
20 indicating a person was operating a motor vehicle when the
21 person's driver's license, permit, or privilege was revoked by
22 the Secretary of State or the driver's license administrator of
23 any other state, except as specifically allowed by a restricted
24 driving permit issued pursuant to this Code or the law of
25 another state, the Secretary shall not issue a driver's license
26 for an additional period of one year from the date of such

1 conviction indicating such person was operating a vehicle
2 during such period of revocation.

3 (b-3) (Blank).

4 (b-4) When the Secretary of State receives a report of a
5 conviction of any violation indicating a person was operating a
6 motor vehicle that was not equipped with an ignition interlock
7 device during a time when the person was prohibited from
8 operating a motor vehicle not equipped with such a device, the
9 Secretary shall not issue a driver's license to that person for
10 an additional period of one year from the date of the
11 conviction.

12 (b-5) Any person convicted of violating this Section shall
13 serve a minimum term of imprisonment of 30 consecutive days or
14 300 hours of community service when the person's driving
15 privilege was revoked or suspended as a result of a violation
16 of Section 9-3 of the Criminal Code of 1961 or the Criminal
17 Code of 2012, relating to the offense of reckless homicide, or
18 a violation of subparagraph (F) of paragraph (1) of subsection
19 (d) of Section 11-501 of this Code, relating to the offense of
20 aggravated driving under the influence of alcohol, other drug
21 or drugs, or intoxicating compound or compounds, or any
22 combination thereof when the violation was a proximate cause of
23 a death, or a similar provision of a law of another state. The
24 court may give credit toward the fulfillment of community
25 service hours for participation in activities and treatment as
26 determined by court services.

1 (b-6) Upon receiving a report of a first conviction of
2 operating a motor vehicle while the person's driver's license,
3 permit, or privilege was revoked where the revocation was for a
4 violation of Section 9-3 of the Criminal Code of 1961 or the
5 Criminal Code of 2012 relating to the offense of reckless
6 homicide, or a violation of subparagraph (F) of paragraph (1)
7 of subsection (d) of Section 11-501 of this Code, relating to
8 the offense of aggravated driving under the influence of
9 alcohol, other drug or drugs, or intoxicating compound or
10 compounds, or any combination thereof when the violation was a
11 proximate cause of a death, or a similar out-of-state offense,
12 the Secretary shall not issue a driver's license for an
13 additional period of 3 years from the date of such conviction.

14 (c) Except as provided in subsections (c-3) and (c-4), any
15 person convicted of violating this Section shall serve a
16 minimum term of imprisonment of 10 consecutive days or 30 days
17 of community service when the person's driving privilege was
18 revoked or suspended as a result of:

19 (1) a violation of Section 11-501 of this Code or a
20 similar provision of a local ordinance relating to the
21 offense of operating or being in physical control of a
22 vehicle while under the influence of alcohol, any other
23 drug or any combination thereof; or

24 (2) a violation of paragraph (b) of Section 11-401 of
25 this Code or a similar provision of a local ordinance
26 relating to the offense of leaving the scene of a motor

1 vehicle accident involving personal injury or death; or

2 (3) a statutory summary suspension or revocation under
3 Section 11-501.1 of this Code.

4 Such sentence of imprisonment or community service shall
5 not be subject to suspension in order to reduce such sentence.

6 (c-1) Except as provided in subsections (a-7), (c-5), and
7 (d), any person convicted of a second violation of this Section
8 shall be ordered by the court to serve a minimum of 100 hours
9 of community service. The court may give credit toward the
10 fulfillment of community service hours for participation in
11 activities and treatment as determined by court services.

12 (c-2) In addition to other penalties imposed under this
13 Section, the court may impose on any person convicted a fourth
14 time of violating this Section any of the following:

15 (1) Seizure of the license plates of the person's
16 vehicle.

17 (2) Immobilization of the person's vehicle for a period
18 of time to be determined by the court.

19 (c-3) Any person convicted of a violation of this Section
20 during a period of summary suspension imposed pursuant to
21 Section 11-501.1 when the person was eligible for a monitoring
22 device driving permit shall be guilty of a Class 4 felony and
23 shall serve a minimum term of imprisonment of 30 days.

24 (c-4) Any person who has been issued a monitoring device
25 driving permit or a restricted driving permit which requires
26 the person to operate only motor vehicles equipped with an

1 ignition interlock device and who is convicted of a violation
2 of this Section as a result of operating or being in actual
3 physical control of a motor vehicle not equipped with an
4 ignition interlock device at the time of the offense shall be
5 guilty of a Class 4 felony and shall serve a minimum term of
6 imprisonment of 30 days.

7 (c-5) Any person convicted of a second violation of this
8 Section is guilty of a Class 2 felony, is not eligible for
9 probation or conditional discharge, and shall serve a mandatory
10 term of imprisonment, if:

11 (1) the current violation occurred when the person's
12 driver's license was suspended or revoked for a violation
13 of Section 9-3 of the Criminal Code of 1961 or the Criminal
14 Code of 2012, relating to the offense of reckless homicide,
15 or a violation of subparagraph (F) of paragraph (1) of
16 subsection (d) of Section 11-501 of this Code, relating to
17 the offense of aggravated driving under the influence of
18 alcohol, other drug or drugs, or intoxicating compound or
19 compounds, or any combination thereof when the violation
20 was a proximate cause of a death, or a similar out-of-state
21 offense; and

22 (2) the prior conviction under this Section occurred
23 while the person's driver's license was suspended or
24 revoked for a violation of Section 9-3 of the Criminal Code
25 of 1961 or the Criminal Code of 2012 relating to the
26 offense of reckless homicide, or a violation of

1 subparagraph (F) of paragraph (1) of subsection (d) of
2 Section 11-501 of this Code, relating to the offense of
3 aggravated driving under the influence of alcohol, other
4 drug or drugs, or intoxicating compound or compounds, or
5 any combination thereof when the violation was a proximate
6 cause of a death, or a similar out-of-state offense, or was
7 suspended or revoked for a violation of Section 11-401 or
8 11-501 of this Code, a similar out-of-state offense, a
9 similar provision of a local ordinance, or a statutory
10 summary suspension or revocation under Section 11-501.1 of
11 this Code.

12 (d) Any person convicted of a second violation of this
13 Section shall be guilty of a Class 4 felony and shall serve a
14 minimum term of imprisonment of 30 days or 300 hours of
15 community service, as determined by the court, if:

16 (1) the current violation occurred when the person's
17 driver's license was suspended or revoked for a violation
18 of Section 11-401 or 11-501 of this Code, a similar
19 out-of-state offense, a similar provision of a local
20 ordinance, or a statutory summary suspension or revocation
21 under Section 11-501.1 of this Code; and

22 (2) the prior conviction under this Section occurred
23 while the person's driver's license was suspended or
24 revoked for a violation of Section 11-401 or 11-501 of this
25 Code, a similar out-of-state offense, a similar provision
26 of a local ordinance, or a statutory summary suspension or

1 revocation under Section 11-501.1 of this Code, or for a
2 violation of Section 9-3 of the Criminal Code of 1961 or
3 the Criminal Code of 2012, relating to the offense of
4 reckless homicide, or a violation of subparagraph (F) of
5 paragraph (1) of subsection (d) of Section 11-501 of this
6 Code, relating to the offense of aggravated driving under
7 the influence of alcohol, other drug or drugs, or
8 intoxicating compound or compounds, or any combination
9 thereof when the violation was a proximate cause of a
10 death, or a similar out-of-state offense.

11 The court may give credit toward the fulfillment of
12 community service hours for participation in activities and
13 treatment as determined by court services.

14 (d-1) Except as provided in subsections (a-7), (d-2),
15 (d-2.5), and (d-3), any person convicted of a third or
16 subsequent violation of this Section shall serve a minimum term
17 of imprisonment of 30 days or 300 hours of community service,
18 as determined by the court. The court may give credit toward
19 the fulfillment of community service hours for participation in
20 activities and treatment as determined by court services.

21 (d-2) Any person convicted of a third violation of this
22 Section is guilty of a Class 4 felony and must serve a minimum
23 term of imprisonment of 30 days, if:

24 (1) the current violation occurred when the person's
25 driver's license was suspended or revoked for a violation
26 of Section 11-401 or 11-501 of this Code, or a similar

1 out-of-state offense, or a similar provision of a local
2 ordinance, or a statutory summary suspension or revocation
3 under Section 11-501.1 of this Code; and

4 (2) the prior convictions under this Section occurred
5 while the person's driver's license was suspended or
6 revoked for a violation of Section 11-401 or 11-501 of this
7 Code, a similar out-of-state offense, a similar provision
8 of a local ordinance, or a statutory summary suspension or
9 revocation under Section 11-501.1 of this Code, or for a
10 violation of Section 9-3 of the Criminal Code of 1961 or
11 the Criminal Code of 2012, relating to the offense of
12 reckless homicide, or a violation of subparagraph (F) of
13 paragraph (1) of subsection (d) of Section 11-501 of this
14 Code, relating to the offense of aggravated driving under
15 the influence of alcohol, other drug or drugs, or
16 intoxicating compound or compounds, or any combination
17 thereof when the violation was a proximate cause of a
18 death, or a similar out-of-state offense.

19 (d-2.5) Any person convicted of a third violation of this
20 Section is guilty of a Class 1 felony, is not eligible for
21 probation or conditional discharge, and must serve a mandatory
22 term of imprisonment, if:

23 (1) the current violation occurred while the person's
24 driver's license was suspended or revoked for a violation
25 of Section 9-3 of the Criminal Code of 1961 or the Criminal
26 Code of 2012, relating to the offense of reckless homicide,

1 or a violation of subparagraph (F) of paragraph (1) of
2 subsection (d) of Section 11-501 of this Code, relating to
3 the offense of aggravated driving under the influence of
4 alcohol, other drug or drugs, or intoxicating compound or
5 compounds, or any combination thereof when the violation
6 was a proximate cause of a death, or a similar out-of-state
7 offense. The person's driving privileges shall be revoked
8 for the remainder of the person's life; and

9 (2) the prior convictions under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 9-3 of the Criminal Code
12 of 1961 or the Criminal Code of 2012, relating to the
13 offense of reckless homicide, or a violation of
14 subparagraph (F) of paragraph (1) of subsection (d) of
15 Section 11-501 of this Code, relating to the offense of
16 aggravated driving under the influence of alcohol, other
17 drug or drugs, or intoxicating compound or compounds, or
18 any combination thereof when the violation was a proximate
19 cause of a death, or a similar out-of-state offense, or was
20 suspended or revoked for a violation of Section 11-401 or
21 11-501 of this Code, a similar out-of-state offense, a
22 similar provision of a local ordinance, or a statutory
23 summary suspension or revocation under Section 11-501.1 of
24 this Code.

25 (d-3) Any person convicted of a fourth, fifth, sixth,
26 seventh, eighth, or ninth violation of this Section is guilty

1 of a Class 4 felony and must serve a minimum term of
2 imprisonment of 180 days, if:

3 (1) the current violation occurred when the person's
4 driver's license was suspended or revoked for a violation
5 of Section 11-401 or 11-501 of this Code, a similar
6 out-of-state offense, a similar provision of a local
7 ordinance, or a statutory summary suspension or revocation
8 under Section 11-501.1 of this Code; and

9 (2) the prior convictions under this Section occurred
10 while the person's driver's license was suspended or
11 revoked for a violation of Section 11-401 or 11-501 of this
12 Code, a similar out-of-state offense, a similar provision
13 of a local ordinance, or a statutory summary suspension or
14 revocation under Section 11-501.1 of this Code, or for a
15 violation of Section 9-3 of the Criminal Code of 1961 or
16 the Criminal Code of 2012, relating to the offense of
17 reckless homicide, or a violation of subparagraph (F) of
18 paragraph (1) of subsection (d) of Section 11-501 of this
19 Code, relating to the offense of aggravated driving under
20 the influence of alcohol, other drug or drugs, or
21 intoxicating compound or compounds, or any combination
22 thereof when the violation was a proximate cause of a
23 death, or a similar out-of-state offense.

24 (d-3.5) Any person convicted of a fourth or subsequent
25 violation of this Section is guilty of a Class 1 felony, is not
26 eligible for probation or conditional discharge, must serve a

1 mandatory term of imprisonment, and is eligible for an extended
2 term, if:

3 (1) the current violation occurred when the person's
4 driver's license was suspended or revoked for a violation
5 of Section 9-3 of the Criminal Code of 1961 or the Criminal
6 Code of 2012, relating to the offense of reckless homicide,
7 or a violation of subparagraph (F) of paragraph (1) of
8 subsection (d) of Section 11-501 of this Code, relating to
9 the offense of aggravated driving under the influence of
10 alcohol, other drug or drugs, or intoxicating compound or
11 compounds, or any combination thereof when the violation
12 was a proximate cause of a death, or a similar out-of-state
13 offense; and

14 (2) the prior convictions under this Section occurred
15 while the person's driver's license was suspended or
16 revoked for a violation of Section 9-3 of the Criminal Code
17 of 1961 or the Criminal Code of 2012, relating to the
18 offense of reckless homicide, or a violation of
19 subparagraph (F) of paragraph (1) of subsection (d) of
20 Section 11-501 of this Code, relating to the offense of
21 aggravated driving under the influence of alcohol, other
22 drug or drugs, or intoxicating compound or compounds, or
23 any combination thereof when the violation was a proximate
24 cause of a death, or a similar out-of-state offense, or was
25 suspended or revoked for a violation of Section 11-401 or
26 11-501 of this Code, a similar out-of-state offense, a

1 similar provision of a local ordinance, or a statutory
2 summary suspension or revocation under Section 11-501.1 of
3 this Code.

4 (d-4) Any person convicted of a tenth, eleventh, twelfth,
5 thirteenth, or fourteenth violation of this Section is guilty
6 of a Class 3 felony, and is not eligible for probation or
7 conditional discharge, if:

8 (1) the current violation occurred when the person's
9 driver's license was suspended or revoked for a violation
10 of Section 11-401 or 11-501 of this Code, or a similar
11 out-of-state offense, or a similar provision of a local
12 ordinance, or a statutory summary suspension or revocation
13 under Section 11-501.1 of this Code; and

14 (2) the prior convictions under this Section occurred
15 while the person's driver's license was suspended or
16 revoked for a violation of Section 11-401 or 11-501 of this
17 Code, a similar out-of-state offense, a similar provision
18 of a local ordinance, or a statutory suspension or
19 revocation under Section 11-501.1 of this Code, or for a
20 violation of Section 9-3 of the Criminal Code of 1961 or
21 the Criminal Code of 2012, relating to the offense of
22 reckless homicide, or a violation of subparagraph (F) of
23 paragraph (1) of subsection (d) of Section 11-501 of this
24 Code, relating to the offense of aggravated driving under
25 the influence of alcohol, other drug or drugs, or
26 intoxicating compound or compounds, or any combination

1 thereof when the violation was a proximate cause of a
2 death, or a similar out-of-state offense.

3 (d-5) Any person convicted of a fifteenth or subsequent
4 violation of this Section is guilty of a Class 2 felony, and is
5 not eligible for probation or conditional discharge, if:

6 (1) the current violation occurred when the person's
7 driver's license was suspended or revoked for a violation
8 of Section 11-401 or 11-501 of this Code, or a similar
9 out-of-state offense, or a similar provision of a local
10 ordinance, or a statutory summary suspension or revocation
11 under Section 11-501.1 of this Code; and

12 (2) the prior convictions under this Section occurred
13 while the person's driver's license was suspended or
14 revoked for a violation of Section 11-401 or 11-501 of this
15 Code, a similar out-of-state offense, a similar provision
16 of a local ordinance, or a statutory summary suspension or
17 revocation under Section 11-501.1 of this Code, or for a
18 violation of Section 9-3 of the Criminal Code of 1961 or
19 the Criminal Code of 2012, relating to the offense of
20 reckless homicide, or a violation of subparagraph (F) of
21 paragraph (1) of subsection (d) of Section 11-501 of this
22 Code, relating to the offense of aggravated driving under
23 the influence of alcohol, other drug or drugs, or
24 intoxicating compound or compounds, or any combination
25 thereof when the violation was a proximate cause of a
26 death, or a similar out-of-state offense.

1 (e) Any person in violation of this Section who is also in
2 violation of Section 7-601 of this Code relating to mandatory
3 insurance requirements, in addition to other penalties imposed
4 under this Section, shall have his or her motor vehicle
5 immediately impounded by the arresting law enforcement
6 officer. The motor vehicle may be released to any licensed
7 driver upon a showing of proof of insurance for the vehicle
8 that was impounded and the notarized written consent for the
9 release by the vehicle owner.

10 (f) For any prosecution under this Section, a certified
11 copy of the driving abstract of the defendant shall be admitted
12 as proof of any prior conviction.

13 (g) The motor vehicle used in a violation of this Section
14 is subject to seizure and forfeiture as provided in Sections
15 36-1 and 36-2 of the Criminal Code of 2012 if the person's
16 driving privilege was revoked or suspended as a result of:

17 (1) a violation of Section 11-501 of this Code, a
18 similar provision of a local ordinance, or a similar
19 provision of a law of another state;

20 (2) a violation of paragraph (b) of Section 11-401 of
21 this Code, a similar provision of a local ordinance, or a
22 similar provision of a law of another state;

23 (3) a statutory summary suspension or revocation under
24 Section 11-501.1 of this Code or a similar provision of a
25 law of another state; or

26 (4) a violation of Section 9-3 of the Criminal Code of

1 1961 or the Criminal Code of 2012 relating to the offense
2 of reckless homicide, or a violation of subparagraph (F) of
3 paragraph (1) of subsection (d) of Section 11-501 of this
4 Code, relating to the offense of aggravated driving under
5 the influence of alcohol, other drug or drugs, or
6 intoxicating compound or compounds, or any combination
7 thereof when the violation was a proximate cause of a
8 death, or a similar provision of a law of another state.

9 (Source: P.A. 100-149, eff. 1-1-18; 100-575, eff. 1-8-18;
10 100-1004, eff. 1-1-19; 101-81, eff. 7-12-19.)

11 Section 15. The Clerks of Courts Act is amended by changing
12 Section 27.1b as follows:

13 (705 ILCS 105/27.1b)

14 (Section scheduled to be repealed on January 1, 2021)

15 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
16 other provision of law, all fees charged by the clerks of the
17 circuit court for the services described in this Section shall
18 be established, collected, and disbursed in accordance with
19 this Section. Except as otherwise specified in this Section,
20 all fees under this Section shall be paid in advance and
21 disbursed by each clerk on a monthly basis. In a county with a
22 population of over 3,000,000, units of local government and
23 school districts shall not be required to pay fees under this
24 Section in advance and the clerk shall instead send an itemized

1 bill to the unit of local government or school district, within
2 30 days of the fee being incurred, and the unit of local
3 government or school district shall be allowed at least 30 days
4 from the date of the itemized bill to pay; these payments shall
5 be disbursed by each clerk on a monthly basis. Unless otherwise
6 specified in this Section, the amount of a fee shall be
7 determined by ordinance or resolution of the county board and
8 remitted to the county treasurer to be used for purposes
9 related to the operation of the court system in the county. In
10 a county with population of over 3,000,000, any amount retained
11 by the clerk of the circuit court or remitted to the county
12 treasurer shall be subject to appropriation by the county
13 board.

14 (a) Civil cases. The fee for filing a complaint, petition,
15 or other pleading initiating a civil action shall be as set
16 forth in the applicable schedule under this subsection in
17 accordance with case categories established by the Supreme
18 Court in schedules.

19 (1) SCHEDULE 1: not to exceed a total of \$366 in a
20 county with a population of 3,000,000 or more and not to
21 exceed \$316 in any other county, except as applied to units
22 of local government and school districts in counties with
23 more than 3,000,000 inhabitants an amount not to exceed
24 \$190 through December 31, 2021 and \$184 on and after
25 January 1, 2022. The fees collected under this schedule
26 shall be disbursed as follows:

1 (A) The clerk shall retain a sum, in an amount not
2 to exceed \$55 in a county with a population of
3 3,000,000 or more and in an amount not to exceed \$45 in
4 any other county determined by the clerk with the
5 approval of the Supreme Court, to be used for court
6 automation, court document storage, and administrative
7 purposes.

8 (B) The clerk shall remit up to \$21 to the State
9 Treasurer. The State Treasurer shall deposit the
10 appropriate amounts, in accordance with the clerk's
11 instructions, as follows:

12 (i) up to \$10, as specified by the Supreme
13 Court in accordance with Part 10A of Article II of
14 the Code of Civil Procedure, into the Mandatory
15 Arbitration Fund;

16 (ii) \$2 into the Access to Justice Fund; and

17 (iii) \$9 into the Supreme Court Special
18 Purposes Fund.

19 (C) The clerk shall remit a sum to the County
20 Treasurer, in an amount not to exceed \$290 in a county
21 with a population of 3,000,000 or more and in an amount
22 not to exceed \$250 in any other county, as specified by
23 ordinance or resolution passed by the county board, for
24 purposes related to the operation of the court system
25 in the county.

26 (2) SCHEDULE 2: not to exceed a total of \$357 in a

1 county with a population of 3,000,000 or more and not to
2 exceed \$266 in any other county, except as applied to units
3 of local government and school districts in counties with
4 more than 3,000,000 inhabitants an amount not to exceed
5 \$190 through December 31, 2021 and \$184 on and after
6 January 1, 2022. The fees collected under this schedule
7 shall be disbursed as follows:

8 (A) The clerk shall retain a sum, in an amount not
9 to exceed \$55 in a county with a population of
10 3,000,000 or more and in an amount not to exceed \$45 in
11 any other county determined by the clerk with the
12 approval of the Supreme Court, to be used for court
13 automation, court document storage, and administrative
14 purposes.

15 (B) The clerk shall remit up to \$21 to the State
16 Treasurer. The State Treasurer shall deposit the
17 appropriate amounts, in accordance with the clerk's
18 instructions, as follows:

19 (i) up to \$10, as specified by the Supreme
20 Court in accordance with Part 10A of Article II of
21 the Code of Civil Procedure, into the Mandatory
22 Arbitration Fund;

23 (ii) \$2 into the Access to Justice Fund: and

24 (iii) \$9 into the Supreme Court Special
25 Purposes Fund.

26 (C) The clerk shall remit a sum to the County

1 Treasurer, in an amount not to exceed \$281 in a county
2 with a population of 3,000,000 or more and in an amount
3 not to exceed \$200 in any other county, as specified by
4 ordinance or resolution passed by the county board, for
5 purposes related to the operation of the court system
6 in the county.

7 (3) SCHEDULE 3: not to exceed a total of \$265 in a
8 county with a population of 3,000,000 or more and not to
9 exceed \$89 in any other county, except as applied to units
10 of local government and school districts in counties with
11 more than 3,000,000 inhabitants an amount not to exceed
12 \$190 through December 31, 2021 and \$184 on and after
13 January 1, 2022. The fees collected under this schedule
14 shall be disbursed as follows:

15 (A) The clerk shall retain a sum, in an amount not
16 to exceed \$55 in a county with a population of
17 3,000,000 or more and in an amount not to exceed \$22 in
18 any other county determined by the clerk with the
19 approval of the Supreme Court, to be used for court
20 automation, court document storage, and administrative
21 purposes.

22 (B) The clerk shall remit \$11 to the State
23 Treasurer. The State Treasurer shall deposit the
24 appropriate amounts in accordance with the clerk's
25 instructions, as follows:

26 (i) \$2 into the Access to Justice Fund; and

1 (ii) \$9 into the Supreme Court Special
2 Purposes Fund.

3 (C) The clerk shall remit a sum to the County
4 Treasurer, in an amount not to exceed \$199 in a county
5 with a population of 3,000,000 or more and in an amount
6 not to exceed \$56 in any other county, as specified by
7 ordinance or resolution passed by the county board, for
8 purposes related to the operation of the court system
9 in the county.

10 (4) SCHEDULE 4: \$0.

11 (b) Appearance. The fee for filing an appearance in a civil
12 action, including a cannabis civil law action under the
13 Cannabis Control Act, shall be as set forth in the applicable
14 schedule under this subsection in accordance with case
15 categories established by the Supreme Court in schedules.

16 (1) SCHEDULE 1: not to exceed a total of \$230 in a
17 county with a population of 3,000,000 or more and not to
18 exceed \$191 in any other county, except as applied to units
19 of local government and school districts in counties with
20 more than 3,000,000 inhabitants an amount not to exceed
21 \$75. The fees collected under this schedule shall be
22 disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$50 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$45 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit up to \$21 to the State
5 Treasurer. The State Treasurer shall deposit the
6 appropriate amounts, in accordance with the clerk's
7 instructions, as follows:

8 (i) up to \$10, as specified by the Supreme
9 Court in accordance with Part 10A of Article II of
10 the Code of Civil Procedure, into the Mandatory
11 Arbitration Fund;

12 (ii) \$2 into the Access to Justice Fund; and

13 (iii) \$9 into the Supreme Court Special
14 Purposes Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$159 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$125 in any other county, as specified by
19 ordinance or resolution passed by the county board, for
20 purposes related to the operation of the court system
21 in the county.

22 (2) SCHEDULE 2: not to exceed a total of \$130 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$109 in any other county, except as applied to units
25 of local government and school districts in counties with
26 more than 3,000,000 inhabitants an amount not to exceed

1 \$75. The fees collected under this schedule shall be
2 disbursed as follows:

3 (A) The clerk shall retain a sum, in an amount not
4 to exceed \$50 in a county with a population of
5 3,000,000 or more and in an amount not to exceed \$10 in
6 any other county determined by the clerk with the
7 approval of the Supreme Court, to be used for court
8 automation, court document storage, and administrative
9 purposes.

10 (B) The clerk shall remit \$9 to the State
11 Treasurer, which the State Treasurer shall deposit
12 into the Supreme Court Special Purpose Fund.

13 (C) The clerk shall remit a sum to the County
14 Treasurer, in an amount not to exceed \$71 in a county
15 with a population of 3,000,000 or more and in an amount
16 not to exceed \$90 in any other county, as specified by
17 ordinance or resolution passed by the county board, for
18 purposes related to the operation of the court system
19 in the county.

20 (3) SCHEDULE 3: \$0.

21 (b-5) Kane County and Will County. In Kane County and Will
22 County civil cases, there is an additional fee of up to \$30 as
23 set by the county board under Section 5-1101.3 of the Counties
24 Code to be paid by each party at the time of filing the first
25 pleading, paper, or other appearance; provided that no
26 additional fee shall be required if more than one party is

1 represented in a single pleading, paper, or other appearance.
2 Distribution of fees collected under this subsection (b-5)
3 shall be as provided in Section 5-1101.3 of the Counties Code.

4 (c) Counterclaim or third party complaint. When any
5 defendant files a counterclaim or third party complaint, as
6 part of the defendant's answer or otherwise, the defendant
7 shall pay a filing fee for each counterclaim or third party
8 complaint in an amount equal to the filing fee the defendant
9 would have had to pay had the defendant brought a separate
10 action for the relief sought in the counterclaim or third party
11 complaint, less the amount of the appearance fee, if any, that
12 the defendant has already paid in the action in which the
13 counterclaim or third party complaint is filed.

14 (d) Alias summons. The clerk shall collect a fee not to
15 exceed \$6 in a county with a population of 3,000,000 or more
16 and not to exceed \$5 in any other county for each alias summons
17 or citation issued by the clerk, except as applied to units of
18 local government and school districts in counties with more
19 than 3,000,000 inhabitants an amount not to exceed \$5 for each
20 alias summons or citation issued by the clerk.

21 (e) Jury services. The clerk shall collect, in addition to
22 other fees allowed by law, a sum not to exceed \$212.50, as a
23 fee for the services of a jury in every civil action not
24 quasi-criminal in its nature and not a proceeding for the
25 exercise of the right of eminent domain and in every other
26 action wherein the right of trial by jury is or may be given by

1 law. The jury fee shall be paid by the party demanding a jury
2 at the time of filing the jury demand. If the fee is not paid by
3 either party, no jury shall be called in the action or
4 proceeding, and the action or proceeding shall be tried by the
5 court without a jury.

6 (f) Change of venue. In connection with a change of venue:

7 (1) The clerk of the jurisdiction from which the case
8 is transferred may charge a fee, not to exceed \$40, for the
9 preparation and certification of the record; and

10 (2) The clerk of the jurisdiction to which the case is
11 transferred may charge the same filing fee as if it were
12 the commencement of a new suit.

13 (g) Petition to vacate or modify.

14 (1) In a proceeding involving a petition to vacate or
15 modify any final judgment or order filed within 30 days
16 after the judgment or order was entered, except for an
17 eviction case, small claims case, petition to reopen an
18 estate, petition to modify, terminate, or enforce a
19 judgment or order for child or spousal support, or petition
20 to modify, suspend, or terminate an order for withholding,
21 the fee shall not exceed \$60 in a county with a population
22 of 3,000,000 or more and shall not exceed \$50 in any other
23 county, except as applied to units of local government and
24 school districts in counties with more than 3,000,000
25 inhabitants an amount not to exceed \$50.

26 (2) In a proceeding involving a petition to vacate or

1 modify any final judgment or order filed more than 30 days
2 after the judgment or order was entered, except for a
3 petition to modify, terminate, or enforce a judgment or
4 order for child or spousal support, or petition to modify,
5 suspend, or terminate an order for withholding, the fee
6 shall not exceed \$75.

7 (3) In a proceeding involving a motion to vacate or
8 amend a final order, motion to vacate an ex parte judgment,
9 judgment of forfeiture, or "failure to appear" or "failure
10 to comply" notices sent to the Secretary of State, the fee
11 shall equal \$40.

12 (h) Appeals preparation. The fee for preparation of a
13 record on appeal shall be based on the number of pages, as
14 follows:

15 (1) if the record contains no more than 100 pages, the
16 fee shall not exceed \$70 in a county with a population of
17 3,000,000 or more and shall not exceed \$50 in any other
18 county;

19 (2) if the record contains between 100 and 200 pages,
20 the fee shall not exceed \$100; and

21 (3) if the record contains 200 or more pages, the clerk
22 may collect an additional fee not to exceed 25 cents per
23 page.

24 (i) Remands. In any cases remanded to the circuit court
25 from the Supreme Court or the appellate court for a new trial,
26 the clerk shall reinstate the case with either its original

1 number or a new number. The clerk shall not charge any new or
2 additional fee for the reinstatement. Upon reinstatement, the
3 clerk shall advise the parties of the reinstatement. Parties
4 shall have the same right to a jury trial on remand and
5 reinstatement that they had before the appeal, and no
6 additional or new fee or charge shall be made for a jury trial
7 after remand.

8 (j) Garnishment, wage deduction, and citation. In
9 garnishment affidavit, wage deduction affidavit, and citation
10 petition proceedings:

11 (1) if the amount in controversy in the proceeding is
12 not more than \$1,000, the fee may not exceed \$35 in a
13 county with a population of 3,000,000 or more and may not
14 exceed \$15 in any other county, except as applied to units
15 of local government and school districts in counties with
16 more than 3,000,000 inhabitants an amount not to exceed
17 \$15;

18 (2) if the amount in controversy in the proceeding is
19 greater than \$1,000 and not more than \$5,000, the fee may
20 not exceed \$45 in a county with a population of 3,000,000
21 or more and may not exceed \$30 in any other county, except
22 as applied to units of local government and school
23 districts in counties with more than 3,000,000 inhabitants
24 an amount not to exceed \$30; and

25 (3) if the amount in controversy in the proceeding is
26 greater than \$5,000, the fee may not exceed \$65 in a county

1 with a population of 3,000,000 or more and may not exceed
2 \$50 in any other county, except as applied to units of
3 local government and school districts in counties with more
4 than 3,000,000 inhabitants an amount not to exceed \$50.

5 (j-5) Debt collection. In any proceeding to collect a debt
6 subject to the exception in item (ii) of subparagraph (A-5) of
7 paragraph (1) of subsection (z) of this Section, the circuit
8 court shall order and the clerk shall collect from each
9 judgment debtor a fee of:

10 (1) \$35 if the amount in controversy in the proceeding
11 is not more than \$1,000;

12 (2) \$45 if the amount in controversy in the proceeding
13 is greater than \$1,000 and not more than \$5,000; and

14 (3) \$65 if the amount in controversy in the proceeding
15 is greater than \$5,000.

16 (k) Collections.

17 (1) For all collections made of others, except the
18 State and county and except in maintenance or child support
19 cases, the clerk may collect a fee of up to 2.5% of the
20 amount collected and turned over.

21 (2) In child support and maintenance cases, the clerk
22 may collect an annual fee of up to \$36 from the person
23 making payment for maintaining child support records and
24 the processing of support orders to the State of Illinois
25 KIDS system and the recording of payments issued by the
26 State Disbursement Unit for the official record of the

1 Court. This fee is in addition to and separate from amounts
2 ordered to be paid as maintenance or child support and
3 shall be deposited into a Separate Maintenance and Child
4 Support Collection Fund, of which the clerk shall be the
5 custodian, ex officio, to be used by the clerk to maintain
6 child support orders and record all payments issued by the
7 State Disbursement Unit for the official record of the
8 Court. The clerk may recover from the person making the
9 maintenance or child support payment any additional cost
10 incurred in the collection of this annual fee.

11 (3) (Blank). ~~The clerk may collect a fee of \$5 for~~
12 ~~certifications made to the Secretary of State as provided~~
13 ~~in Section 7-703 of the Illinois Vehicle Code, and this fee~~
14 ~~shall be deposited into the Separate Maintenance and Child~~
15 ~~Support Collection Fund.~~

16 (4) In proceedings to foreclose the lien of delinquent
17 real estate taxes, State's Attorneys shall receive a fee of
18 10% of the total amount realized from the sale of real
19 estate sold in the proceedings. The clerk shall collect the
20 fee from the total amount realized from the sale of the
21 real estate sold in the proceedings and remit to the County
22 Treasurer to be credited to the earnings of the Office of
23 the State's Attorney.

24 (l) Mailing. The fee for the clerk mailing documents shall
25 not exceed \$10 plus the cost of postage.

26 (m) Certified copies. The fee for each certified copy of a

1 judgment, after the first copy, shall not exceed \$10.

2 (n) Certification, authentication, and reproduction.

3 (1) The fee for each certification or authentication
4 for taking the acknowledgment of a deed or other instrument
5 in writing with the seal of office shall not exceed \$6.

6 (2) The fee for reproduction of any document contained
7 in the clerk's files shall not exceed:

8 (A) \$2 for the first page;

9 (B) 50 cents per page for the next 19 pages; and

10 (C) 25 cents per page for all additional pages.

11 (o) Record search. For each record search, within a
12 division or municipal district, the clerk may collect a search
13 fee not to exceed \$6 for each year searched.

14 (p) Hard copy. For each page of hard copy print output,
15 when case records are maintained on an automated medium, the
16 clerk may collect a fee not to exceed \$10 in a county with a
17 population of 3,000,000 or more and not to exceed \$6 in any
18 other county, except as applied to units of local government
19 and school districts in counties with more than 3,000,000
20 inhabitants an amount not to exceed \$6.

21 (q) Index inquiry and other records. No fee shall be
22 charged for a single plaintiff and defendant index inquiry or
23 single case record inquiry when this request is made in person
24 and the records are maintained in a current automated medium,
25 and when no hard copy print output is requested. The fees to be
26 charged for management records, multiple case records, and

1 multiple journal records may be specified by the Chief Judge
2 pursuant to the guidelines for access and dissemination of
3 information approved by the Supreme Court.

4 (r) Performing a marriage. There shall be a \$10 fee for
5 performing a marriage in court.

6 (s) Voluntary assignment. For filing each deed of voluntary
7 assignment, the clerk shall collect a fee not to exceed \$20.
8 For recording a deed of voluntary assignment, the clerk shall
9 collect a fee not to exceed 50 cents for each 100 words.
10 Exceptions filed to claims presented to an assignee of a debtor
11 who has made a voluntary assignment for the benefit of
12 creditors shall be considered and treated, for the purpose of
13 taxing costs therein, as actions in which the party or parties
14 filing the exceptions shall be considered as party or parties
15 plaintiff, and the claimant or claimants as party or parties
16 defendant, and those parties respectively shall pay to the
17 clerk the same fees as provided by this Section to be paid in
18 other actions.

19 (t) Expungement petition. The clerk may collect a fee not
20 to exceed \$60 for each expungement petition filed and an
21 additional fee not to exceed \$4 for each certified copy of an
22 order to expunge arrest records.

23 (u) Transcripts of judgment. For the filing of a transcript
24 of judgment, the clerk may collect the same fee as if it were
25 the commencement of a new suit.

26 (v) Probate filings.

1 (1) For each account (other than one final account)
2 filed in the estate of a decedent, or ward, the fee shall
3 not exceed \$25.

4 (2) For filing a claim in an estate when the amount
5 claimed is greater than \$150 and not more than \$500, the
6 fee shall not exceed \$40 in a county with a population of
7 3,000,000 or more and shall not exceed \$25 in any other
8 county; when the amount claimed is greater than \$500 and
9 not more than \$10,000, the fee shall not exceed \$55 in a
10 county with a population of 3,000,000 or more and shall not
11 exceed \$40 in any other county; and when the amount claimed
12 is more than \$10,000, the fee shall not exceed \$75 in a
13 county with a population of 3,000,000 or more and shall not
14 exceed \$60 in any other county; except the court in
15 allowing a claim may add to the amount allowed the filing
16 fee paid by the claimant.

17 (3) For filing in an estate a claim, petition, or
18 supplemental proceeding based upon an action seeking
19 equitable relief including the construction or contest of a
20 will, enforcement of a contract to make a will, and
21 proceedings involving testamentary trusts or the
22 appointment of testamentary trustees, the fee shall not
23 exceed \$60.

24 (4) There shall be no fee for filing in an estate: (i)
25 the appearance of any person for the purpose of consent; or
26 (ii) the appearance of an executor, administrator,

1 administrator to collect, guardian, guardian ad litem, or
2 special administrator.

3 (5) For each jury demand, the fee shall not exceed
4 \$137.50.

5 (6) For each certified copy of letters of office, of
6 court order, or other certification, the fee shall not
7 exceed \$2 per page.

8 (7) For each exemplification, the fee shall not exceed
9 \$2, plus the fee for certification.

10 (8) The executor, administrator, guardian, petitioner,
11 or other interested person or his or her attorney shall pay
12 the cost of publication by the clerk directly to the
13 newspaper.

14 (9) The person on whose behalf a charge is incurred for
15 witness, court reporter, appraiser, or other miscellaneous
16 fees shall pay the same directly to the person entitled
17 thereto.

18 (10) The executor, administrator, guardian,
19 petitioner, or other interested person or his or her
20 attorney shall pay to the clerk all postage charges
21 incurred by the clerk in mailing petitions, orders,
22 notices, or other documents pursuant to the provisions of
23 the Probate Act of 1975.

24 (w) Corrections of numbers. For correction of the case
25 number, case title, or attorney computer identification
26 number, if required by rule of court, on any document filed in

1 the clerk's office, to be charged against the party that filed
2 the document, the fee shall not exceed \$25.

3 (x) Miscellaneous.

4 (1) Interest earned on any fees collected by the clerk
5 shall be turned over to the county general fund as an
6 earning of the office.

7 (2) For any check, draft, or other bank instrument
8 returned to the clerk for non-sufficient funds, account
9 closed, or payment stopped, the clerk shall collect a fee
10 of \$25.

11 (y) Other fees. Any fees not covered in this Section shall
12 be set by rule or administrative order of the circuit court
13 with the approval of the Administrative Office of the Illinois
14 Courts. The clerk of the circuit court may provide services in
15 connection with the operation of the clerk's office, other than
16 those services mentioned in this Section, as may be requested
17 by the public and agreed to by the clerk and approved by the
18 Chief Judge. Any charges for additional services shall be as
19 agreed to between the clerk and the party making the request
20 and approved by the Chief Judge. Nothing in this subsection
21 shall be construed to require any clerk to provide any service
22 not otherwise required by law.

23 (y-5) Unpaid fees. Unless a court ordered payment schedule
24 is implemented or the fee requirements of this Section are
25 waived under a court order, the clerk of the circuit court may
26 add to any unpaid fees and costs under this Section a

1 delinquency amount equal to 5% of the unpaid fees that remain
2 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
3 after 60 days, and 15% of the unpaid fees that remain unpaid
4 after 90 days. Notice to those parties may be made by signage
5 posting or publication. The additional delinquency amounts
6 collected under this Section shall be deposited into the
7 Circuit Court Clerk Operations and Administration Fund and used
8 to defray additional administrative costs incurred by the clerk
9 of the circuit court in collecting unpaid fees and costs.

10 (z) Exceptions.

11 (1) No fee authorized by this Section shall apply to:

12 (A) police departments or other law enforcement
13 agencies. In this Section, "law enforcement agency"
14 means: an agency of the State or agency of a unit of
15 local government which is vested by law or ordinance
16 with the duty to maintain public order and to enforce
17 criminal laws or ordinances; the Attorney General; or
18 any State's Attorney;

19 (A-5) any unit of local government or school
20 district, except in counties having a population of
21 500,000 or more the county board may by resolution set
22 fees for units of local government or school districts
23 no greater than the minimum fees applicable in counties
24 with a population less than 3,000,000; provided
25 however, no fee may be charged to any unit of local
26 government or school district in connection with any

1 action which, in whole or in part, is: (i) to enforce
2 an ordinance; (ii) to collect a debt; or (iii) under
3 the Administrative Review Law;

4 (B) any action instituted by the corporate
5 authority of a municipality with more than 1,000,000
6 inhabitants under Section 11-31-1 of the Illinois
7 Municipal Code and any action instituted under
8 subsection (b) of Section 11-31-1 of the Illinois
9 Municipal Code by a private owner or tenant of real
10 property within 1,200 feet of a dangerous or unsafe
11 building seeking an order compelling the owner or
12 owners of the building to take any of the actions
13 authorized under that subsection;

14 (C) any commitment petition or petition for an
15 order authorizing the administration of psychotropic
16 medication or electroconvulsive therapy under the
17 Mental Health and Developmental Disabilities Code;

18 (D) a petitioner in any order of protection
19 proceeding, including, but not limited to, fees for
20 filing, modifying, withdrawing, certifying, or
21 photocopying petitions for orders of protection,
22 issuing alias summons, any related filing service, or
23 certifying, modifying, vacating, or photocopying any
24 orders of protection; or

25 (E) proceedings for the appointment of a
26 confidential intermediary under the Adoption Act.

1 (2) No fee other than the filing fee contained in the
2 applicable schedule in subsection (a) shall be charged to
3 any person in connection with an adoption proceeding.

4 (3) Upon good cause shown, the court may waive any fees
5 associated with a special needs adoption. The term "special
6 needs adoption" has the meaning provided by the Illinois
7 Department of Children and Family Services.

8 (aa) This Section is repealed on January 1, 2021.

9 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
10 100-1161, eff. 7-1-19.)

11 Section 20. The Illinois Marriage and Dissolution of
12 Marriage Act is amended by changing Sections 505 and 607.5 as
13 follows:

14 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

16 (a) In a proceeding for dissolution of marriage, legal
17 separation, declaration of invalidity of marriage, or
18 dissolution of a civil union, a proceeding for child support
19 following a legal separation or dissolution of the marriage or
20 civil union by a court that lacked personal jurisdiction over
21 the absent spouse, a proceeding for modification of a previous
22 order for child support under Section 510 of this Act, or any
23 proceeding authorized under Section 501 or 601 of this Act, the
24 court may order either or both parents owing a duty of support

1 to a child of the marriage or civil union to pay an amount
2 reasonable and necessary for support. The duty of support owed
3 to a child includes the obligation to provide for the
4 reasonable and necessary physical, mental and emotional health
5 needs of the child. For purposes of this Section, the term
6 "child" shall include any child under age 18 and any child age
7 19 or younger who is still attending high school. For purposes
8 of this Section, the term "obligor" means the parent obligated
9 to pay support to the other parent.

10 (1) Child support guidelines. The Illinois Department
11 of Healthcare and Family Services shall adopt rules
12 establishing child support guidelines which include
13 worksheets to aid in the calculation of the child support
14 obligations and a schedule of basic child support
15 obligations that reflects the percentage of combined net
16 income that parents living in the same household in this
17 State ordinarily spend on their child. The child support
18 guidelines have the following purposes:

19 (A) to establish as State policy an adequate
20 standard of support for a child, subject to the ability
21 of parents to pay;

22 (B) to make child support obligations more
23 equitable by ensuring more consistent treatment of
24 parents in similar circumstances;

25 (C) to improve the efficiency of the court process
26 by promoting settlements and giving courts and the

1 parties guidance in establishing levels of child
2 support;

3 (D) to calculate child support based upon the
4 parents' combined net income estimated to have been
5 allocated for the support of the child if the parents
6 and child were living in an intact household;

7 (E) to adjust child support based upon the needs of
8 the child; and

9 (F) to allocate the amount of child support to be
10 paid by each parent based upon a parent's net income
11 and the child's physical care arrangements.

12 (1.5) Computation of basic child support obligation.
13 The court shall compute the basic child support obligation
14 by taking the following steps:

15 (A) determine each parent's monthly net income;

16 (B) add the parents' monthly net incomes together
17 to determine the combined monthly net income of the
18 parents;

19 (C) select the corresponding appropriate amount
20 from the schedule of basic child support obligations
21 based on the parties' combined monthly net income and
22 number of children of the parties; and

23 (D) calculate each parent's percentage share of
24 the basic child support obligation.

25 Although a monetary obligation is computed for each
26 parent as child support, the receiving parent's share is

1 not payable to the other parent and is presumed to be spent
2 directly on the child.

3 (2) Duty of support. The court shall determine child
4 support in each case by applying the child support
5 guidelines unless the court makes a finding that
6 application of the guidelines would be inappropriate,
7 after considering the best interests of the child and
8 evidence which shows relevant factors including, but not
9 limited to, one or more of the following:

10 (A) the financial resources and needs of the child;

11 (B) the financial resources and needs of the
12 parents;

13 (C) the standard of living the child would have
14 enjoyed had the marriage or civil union not been
15 dissolved; and

16 (D) the physical and emotional condition of the
17 child and his or her educational needs.

18 (3) Income.

19 (A) As used in this Section, "gross income" means
20 the total of all income from all sources, except "gross
21 income" does not include (i) benefits received by the
22 parent from means-tested public assistance programs,
23 including, but not limited to, Temporary Assistance
24 for Needy Families, Supplemental Security Income, and
25 the Supplemental Nutrition Assistance Program or (ii)
26 benefits and income received by the parent for other

1 children in the household, including, but not limited
2 to, child support, survivor benefits, and foster care
3 payments. Social security disability and retirement
4 benefits paid for the benefit of the subject child must
5 be included in the disabled or retired parent's gross
6 income for purposes of calculating the parent's child
7 support obligation, but the parent is entitled to a
8 child support credit for the amount of benefits paid to
9 the other party for the child. "Gross income" includes
10 maintenance treated as taxable income for federal
11 income tax purposes to the payee and received pursuant
12 to a court order in the pending proceedings or any
13 other proceedings and shall be included in the payee's
14 gross income for purposes of calculating the parent's
15 child support obligation.

16 (B) As used in this Section, "net income" means
17 gross income minus either the standardized tax amount
18 calculated pursuant to subparagraph (C) of this
19 paragraph (3) or the individualized tax amount
20 calculated pursuant to subparagraph (D) of this
21 paragraph (3), and minus any adjustments pursuant to
22 subparagraph (F) of this paragraph (3). The
23 standardized tax amount shall be used unless the
24 requirements for an individualized tax amount set
25 forth in subparagraph (E) of this paragraph (3) are
26 met. "Net income" includes maintenance not includable

1 in the gross taxable income of the payee for federal
2 income tax purposes under a court order in the pending
3 proceedings or any other proceedings and shall be
4 included in the payee's net income for purposes of
5 calculating the parent's child support obligation.

6 (C) As used in this Section, "standardized tax
7 amount" means the total of federal and state income
8 taxes for a single person claiming the standard tax
9 deduction, one personal exemption, and the applicable
10 number of dependency exemptions for the minor child or
11 children of the parties, and Social Security and
12 Medicare tax calculated at the Federal Insurance
13 Contributions Act rate.

14 (I) Unless a court has determined otherwise or
15 the parties otherwise agree, the party with the
16 majority of parenting time shall be deemed
17 entitled to claim the dependency exemption for the
18 parties' minor child.

19 (II) The Illinois Department of Healthcare and
20 Family Services shall promulgate a standardized
21 net income conversion table that computes net
22 income by deducting the standardized tax amount
23 from gross income.

24 (D) As used in this Section, "individualized tax
25 amount" means the aggregate of the following taxes:

26 (I) federal income tax (properly calculated

1 withholding or estimated payments);

2 (II) State income tax (properly calculated
3 withholding or estimated payments); and

4 (III) Social Security or self-employment tax,
5 if applicable (or, if none, mandatory retirement
6 contributions required by law or as a condition of
7 employment) and Medicare tax calculated at the
8 Federal Insurance Contributions Act rate.

9 (E) In lieu of a standardized tax amount, a
10 determination of an individualized tax amount may be
11 made under items (I), (II), or (III) below. If an
12 individualized tax amount determination is made under
13 this subparagraph (E), all relevant tax attributes
14 (including filing status, allocation of dependency
15 exemptions, and whether a party is to claim the use of
16 the standard deduction or itemized deductions for
17 federal income tax purposes) shall be as the parties
18 agree or as the court determines. To determine a
19 party's reported income, the court may order the party
20 to complete an Internal Revenue Service Form 4506-T,
21 Request for Tax Transcript.

22 (I) Agreement. Irrespective of whether the
23 parties agree on any other issue before the court,
24 if they jointly stipulate for the record their
25 concurrence on a computation method for the
26 individualized tax amount that is different from

1 the method set forth under subparagraph (D), the
2 stipulated method shall be used by the court unless
3 the court rejects the proposed stipulated method
4 for good cause.

5 (II) Summary hearing. If the court determines
6 child support in a summary hearing under Section
7 501 and an eligible party opts in to the
8 individualized tax amount method under this item
9 (II), the individualized tax amount shall be
10 determined by the court on the basis of information
11 contained in one or both parties' Supreme Court
12 approved Financial Affidavit (Family & Divorce
13 Cases) and relevant supporting documents under
14 applicable court rules. No party, however, is
15 eligible to opt in unless the party, under
16 applicable court rules, has served the other party
17 with the required Supreme Court approved Financial
18 Affidavit (Family & Divorce Cases) and has
19 substantially produced supporting documents
20 required by the applicable court rules.

21 (III) Evidentiary hearing. If the court
22 determines child support in an evidentiary
23 hearing, whether for purposes of a temporary order
24 or at the conclusion of a proceeding, item (II) of
25 this subparagraph (E) does not apply. In each such
26 case (unless item (I) governs), the individualized

1 tax amount shall be as determined by the court on
2 the basis of the record established.

3 (F) Adjustments to income.

4 (I) Multi-family adjustment. If a parent is
5 also legally responsible for support of a child not
6 shared with the other parent and not subject to the
7 present proceeding, there shall be an adjustment
8 to net income as follows:

9 (i) Multi-family adjustment with court
10 order. The court shall deduct from the parent's
11 net income the amount of child support actually
12 paid by the parent pursuant to a support order
13 unless the court makes a finding that it would
14 cause economic hardship to the child.

15 (ii) Multi-family adjustment without court
16 order. Upon the request or application of a
17 parent actually supporting a presumed,
18 acknowledged, or adjudicated child living in
19 or outside of that parent's household, there
20 shall be an adjustment to child support. The
21 court shall deduct from the parent's net income
22 the amount of financial support actually paid
23 by the parent for the child or 75% of the
24 support the parent should pay under the child
25 support guidelines (before this adjustment),
26 whichever is less, unless the court makes a

1 finding that it would cause economic hardship
2 to the child. The adjustment shall be
3 calculated using that parent's income alone.

4 (II) Spousal Maintenance adjustment.

5 Obligations pursuant to a court order for spousal
6 maintenance in the pending proceeding actually
7 paid or payable to the same party to whom child
8 support is to be payable or actually paid to a
9 former spouse pursuant to a court order shall be
10 deducted from the parent's after-tax income,
11 unless the maintenance obligation is tax
12 deductible to the payor for federal income tax
13 purposes, in which case it shall be deducted from
14 the payor's gross income for purposes of
15 calculating the parent's child support obligation.

16 (3.1) Business income. For purposes of calculating
17 child support, net business income from the operation of a
18 business means gross receipts minus ordinary and necessary
19 expenses required to carry on the trade or business. As
20 used in this paragraph, "business" includes, but is not
21 limited to, sole proprietorships, closely held
22 corporations, partnerships, other flow-through business
23 entities, and self-employment. The court shall apply the
24 following:

25 (A) The accelerated component of depreciation and
26 any business expenses determined either judicially or

1 administratively to be inappropriate or excessive
2 shall be excluded from the total of ordinary and
3 necessary business expenses to be deducted in the
4 determination of net business income from gross
5 business income.

6 (B) Any item of reimbursement or in-kind payment
7 received by a parent from a business, including, but
8 not limited to, a company car, reimbursed meals, free
9 housing, or a housing allowance, shall be counted as
10 income if not otherwise included in the recipient's
11 gross income, if the item is significant in amount and
12 reduces personal expenses.

13 (3.2) Unemployment or underemployment. If a parent is
14 voluntarily unemployed or underemployed, child support
15 shall be calculated based on a determination of potential
16 income. A determination of potential income shall be made
17 by determining employment potential and probable earnings
18 level based on the obligor's work history, occupational
19 qualifications, prevailing job opportunities, the
20 ownership by a parent of a substantial non-income producing
21 asset, and earnings levels in the community. If there is
22 insufficient work history to determine employment
23 potential and probable earnings level, there shall be a
24 rebuttable presumption that the parent's potential income
25 is 75% of the most recent United States Department of
26 Health and Human Services Federal Poverty Guidelines for a

1 family of one person.

2 (3.3) Rebuttable presumption in favor of guidelines.
3 There is a rebuttable presumption in any judicial or
4 administrative proceeding for child support that the
5 amount of the child support obligation that would result
6 from the application of the child support guidelines is the
7 correct amount of child support.

8 (3.3a) Minimum child support obligation. There is a
9 rebuttable presumption that a minimum child support
10 obligation of \$40 per month, per child, will be entered for
11 an obligor who has actual or imputed gross income at or
12 less than 75% of the most recent United States Department
13 of Health and Human Services Federal Poverty Guidelines for
14 a family of one person, with a maximum total child support
15 obligation for that obligor of \$120 per month to be divided
16 equally among all of the obligor's children.

17 (3.3b) Zero dollar child support order. For parents
18 with no gross income, who receive only means-tested
19 assistance, or who cannot work due to a medically proven
20 disability, incarceration, or institutionalization, there
21 is a rebuttable presumption that the \$40 per month minimum
22 support order is inapplicable and a zero dollar order shall
23 be entered.

24 (3.4) Deviation factors. In any action to establish or
25 modify child support, whether pursuant to a temporary or
26 final administrative or court order, the child support

1 guidelines shall be used as a rebuttable presumption for
2 the establishment or modification of the amount of child
3 support. The court may deviate from the child support
4 guidelines if the application would be inequitable,
5 unjust, or inappropriate. Any deviation from the
6 guidelines shall be accompanied by written findings by the
7 court specifying the reasons for the deviation and the
8 presumed amount under the child support guidelines without
9 a deviation. These reasons may include:

10 (A) extraordinary medical expenditures necessary
11 to preserve the life or health of a party or a child of
12 either or both of the parties;

13 (B) additional expenses incurred for a child
14 subject to the child support order who has special
15 medical, physical, or developmental needs; and

16 (C) any other factor the court determines should be
17 applied upon a finding that the application of the
18 child support guidelines would be inappropriate, after
19 considering the best interest of the child.

20 (3.5) Income in excess of the schedule of basic child
21 support obligation. A court may use its discretion to
22 determine child support if the combined adjusted net income
23 of the parties exceeds the highest level of the schedule of
24 basic child support obligation, except that the basic child
25 support obligation shall not be less than the highest level
26 of combined net income set forth in the schedule of basic

1 child support obligation.

2 (3.6) Extracurricular activities and school expenses.
3 The court, in its discretion, in addition to the basic
4 child support obligation, may order either or both parents
5 owing a duty of support to the child to contribute to the
6 reasonable school and extracurricular activity expenses
7 incurred which are intended to enhance the educational,
8 athletic, social, or cultural development of the child.

9 (3.7) Child care expenses. The court, in its
10 discretion, in addition to the basic child support
11 obligation, may order either or both parents owing a duty
12 of support to the child to contribute to the reasonable
13 child care expenses of the child. The child care expenses
14 shall be made payable directly to a party or directly to
15 the child care provider at the time of child care services.

16 (A) "Child care expenses" means actual expenses
17 reasonably necessary to enable a parent or non-parent
18 custodian to be employed, to attend educational or
19 vocational training programs to improve employment
20 opportunities, or to search for employment. "Child
21 care expenses" also includes deposits for securing
22 placement in a child care program, the cost of before
23 and after school care, and camps when school is not in
24 session. A child's special needs shall be a
25 consideration in determining reasonable child care
26 expenses.

1 (B) Child care expenses shall be prorated in
2 proportion to each parent's percentage share of
3 combined net income, and may be added to the basic
4 child support obligation if not paid directly by each
5 parent to the provider of child care services. The
6 obligor's and obligee's portion of actual child care
7 expenses shall appear in the support order. If allowed,
8 the value of the federal income tax credit for child
9 care shall be subtracted from the actual cost to
10 determine the net child care costs.

11 (C) The amount of child care expenses shall be
12 adequate to obtain reasonable and necessary child
13 care. The actual child care expenses shall be used to
14 calculate the child care expenses, if available. When
15 actual child care expenses vary, the actual child care
16 expenses may be averaged over the most recent 12-month
17 period. When a parent is temporarily unemployed or
18 temporarily not attending educational or vocational
19 training programs, future child care expenses shall be
20 based upon prospective expenses to be incurred upon
21 return to employment or educational or vocational
22 training programs.

23 (D) An order for child care expenses may be
24 modified upon a showing of a substantial change in
25 circumstances. The party incurring child care expenses
26 shall notify the other party within 14 days of any

1 change in the amount of child care expenses that would
2 affect the annualized child care amount as determined
3 in the support order.

4 (3.8) Shared physical care. If each parent exercises
5 146 or more overnights per year with the child, the basic
6 child support obligation is multiplied by 1.5 to calculate
7 the shared care child support obligation. The court shall
8 determine each parent's share of the shared care child
9 support obligation based on the parent's percentage share
10 of combined net income. The child support obligation is
11 then computed for each parent by multiplying that parent's
12 portion of the shared care support obligation by the
13 percentage of time the child spends with the other parent.
14 The respective child support obligations are then offset,
15 with the parent owing more child support paying the
16 difference between the child support amounts. The Illinois
17 Department of Healthcare and Family Services shall
18 promulgate a worksheet to calculate child support in cases
19 in which the parents have shared physical care and use the
20 standardized tax amount to determine net income.

21 (3.9) Split physical care. When there is more than one
22 child and each parent has physical care of at least one but
23 not all of the children, the support is calculated by using
24 2 child support worksheets to determine the support each
25 parent owes the other. The support shall be calculated as
26 follows:

1 (A) compute the support the first parent would owe
2 to other parent as if the child in his or her care was
3 the only child of the parties; then

4 (B) compute the support the other parent would owe
5 to the first parent as if the child in his or her care
6 were the only child of the parties; then

7 (C) subtract the lesser support obligation from
8 the greater.

9 The parent who owes the greater obligation shall be
10 ordered to pay the difference in support to the other
11 parent, unless the court determines, pursuant to other
12 provisions of this Section, that it should deviate from the
13 guidelines.

14 (4) Health care.

15 (A) A portion of the basic child support obligation
16 is intended to cover basic ordinary out-of-pocket
17 medical expenses. The court, in its discretion, in
18 addition to the basic child support obligation, shall
19 also provide for the child's current and future medical
20 needs by ordering either or both parents to initiate
21 health insurance coverage for the child through
22 currently effective health insurance policies held by
23 the parent or parents, purchase one or more or all
24 health, dental, or vision insurance policies for the
25 child, or provide for the child's current and future
26 medical needs through some other manner.

1 (B) The court, in its discretion, may order either
2 or both parents to contribute to the reasonable health
3 care needs of the child not covered by insurance,
4 including, but not limited to, unreimbursed medical,
5 dental, orthodontic, or vision expenses and any
6 prescription medication for the child not covered
7 under the child's health insurance.

8 (C) If neither parent has access to appropriate
9 private health insurance coverage, the court may
10 order:

11 (I) one or both parents to provide health
12 insurance coverage at any time it becomes
13 available at a reasonable cost; or

14 (II) the parent or non-parent custodian with
15 primary physical responsibility for the child to
16 apply for public health insurance coverage for the
17 child and require either or both parents to pay a
18 reasonable amount of the cost of health insurance
19 for the child.

20 The order may also provide that any time private
21 health insurance coverage is available at a reasonable
22 cost to that party it will be provided instead of cash
23 medical support. As used in this Section, "cash medical
24 support" means an amount ordered to be paid toward the
25 cost of health insurance provided by a public entity or
26 by another person through employment or otherwise or

1 for other medical costs not covered by insurance.

2 (D) The amount to be added to the basic child
3 support obligation shall be the actual amount of the
4 total health insurance premium that is attributable to
5 the child who is the subject of the order. If this
6 amount is not available or cannot be verified, the
7 total cost of the health insurance premium shall be
8 divided by the total number of persons covered by the
9 policy. The cost per person derived from this
10 calculation shall be multiplied by the number of
11 children who are the subject of the order and who are
12 covered under the health insurance policy. This amount
13 shall be added to the basic child support obligation
14 and shall be allocated between the parents in
15 proportion to their respective net incomes.

16 (E) After the health insurance premium for the
17 child is added to the basic child support obligation
18 and allocated between the parents in proportion to
19 their respective incomes for child support purposes,
20 if the obligor is paying the premium, the amount
21 calculated for the obligee's share of the health
22 insurance premium for the child shall be deducted from
23 the obligor's share of the total child support
24 obligation. If the obligee is paying for private health
25 insurance for the child, the child support obligation
26 shall be increased by the obligor's share of the

1 premium payment. The obligor's and obligee's portion
2 of health insurance costs shall appear in the support
3 order.

4 (F) Prior to allowing the health insurance
5 adjustment, the parent requesting the adjustment must
6 submit proof that the child has been enrolled in a
7 health insurance plan and must submit proof of the cost
8 of the premium. The court shall require the parent
9 receiving the adjustment to annually submit proof of
10 continued coverage of the child to the other parent, or
11 as designated by the court.

12 (G) A reasonable cost for providing health
13 insurance coverage for the child may not exceed 5% of
14 the providing parent's gross income. Parents with a net
15 income below 133% of the most recent United States
16 Department of Health and Human Services Federal
17 Poverty Guidelines or whose child is covered by
18 Medicaid based on that parent's income may not be
19 ordered to contribute toward or provide private
20 coverage, unless private coverage is obtainable
21 without any financial contribution by that parent.

22 (H) If dental or vision insurance is included as
23 part of the employer's medical plan, the coverage shall
24 be maintained for the child. If not included in the
25 employer's medical plan, adding the dental or vision
26 insurance for the child is at the discretion of the

1 court.

2 (I) If a parent has been directed to provide health
3 insurance pursuant to this paragraph and that parent's
4 spouse or legally recognized partner provides the
5 insurance for the benefit of the child either directly
6 or through employment, a credit on the child support
7 worksheet shall be given to that parent in the same
8 manner as if the premium were paid by that parent.

9 (4.5) In a proceeding for child support following
10 dissolution of the marriage or civil union by a court that
11 lacked personal jurisdiction over the absent spouse, and in
12 which the court is requiring payment of support for the
13 period before the date an order for current support is
14 entered, there is a rebuttable presumption that the
15 obligor's net income for the prior period was the same as
16 his or her net income at the time the order for current
17 support is entered.

18 (5) If the net income cannot be determined because of
19 default or any other reason, the court shall order support
20 in an amount considered reasonable in the particular case.
21 The final order in all cases shall state the support level
22 in dollar amounts. However, if the court finds that the
23 child support amount cannot be expressed exclusively as a
24 dollar amount because all or a portion of the obligor's net
25 income is uncertain as to source, time of payment, or
26 amount, the court may order a percentage amount of support

1 in addition to a specific dollar amount and enter such
2 other orders as may be necessary to determine and enforce,
3 on a timely basis, the applicable support ordered.

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

15 (a-5) In an action to enforce an order for child support
16 based on the obligor's failure to make support payments as
17 required by the order, notice of proceedings to hold the
18 obligor in contempt for that failure may be served on the
19 obligor by personal service or by regular mail addressed to the
20 last known address of the obligor. The last known address of
21 the obligor may be determined from records of the clerk of the
22 court, from the Federal Case Registry of Child Support Orders,
23 or by any other reasonable means.

24 (b) Failure of either parent to comply with an order to pay
25 support shall be punishable as in other cases of contempt. In
26 addition to other penalties provided by law the court may,

1 after finding the parent guilty of contempt, order that the
2 parent be:

3 (1) placed on probation with such conditions of
4 probation as the court deems advisable;

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

9 (A) work; or

10 (B) conduct a business or other self-employed
11 occupation.

12 The court may further order any part or all of the earnings
13 of a parent during a sentence of periodic imprisonment paid to
14 the Clerk of the Circuit Court or to the parent having physical
15 possession of the child or to the non-parent custodian having
16 custody of the child of the sentenced parent for the support of
17 the child until further order of the court.

18 If a parent who is found guilty of contempt for failure to
19 comply with an order to pay support is a person who conducts a
20 business or who is self-employed, the court in addition to
21 other penalties provided by law may order that the parent do
22 one or more of the following: (i) provide to the court monthly
23 financial statements showing income and expenses from the
24 business or the self-employment; (ii) seek employment and
25 report periodically to the court with a diary, listing, or
26 other memorandum of his or her employment search efforts; or

1 (iii) report to the Department of Employment Security for job
2 search services to find employment that will be subject to
3 withholding for child support.

4 If there is a unity of interest and ownership sufficient to
5 render no financial separation between an obligor and another
6 person or persons or business entity, the court may pierce the
7 ownership veil of the person, persons, or business entity to
8 discover assets of the obligor held in the name of that person,
9 those persons, or that business entity. The following
10 circumstances are sufficient to authorize a court to order
11 discovery of the assets of a person, persons, or business
12 entity and to compel the application of any discovered assets
13 toward payment on the judgment for support:

14 (1) the obligor and the person, persons, or business
15 entity maintain records together.

16 (2) the obligor and the person, persons, or business
17 entity fail to maintain an arm's length relationship
18 between themselves with regard to any assets.

19 (3) the obligor transfers assets to the person,
20 persons, or business entity with the intent to perpetrate a
21 fraud on the obligee.

22 With respect to assets which are real property, no order
23 entered under this paragraph shall affect the rights of bona
24 fide purchasers, mortgagees, judgment creditors, or other lien
25 holders who acquire their interests in the property prior to
26 the time a notice of lis pendens pursuant to the Code of Civil

1 Procedure or a copy of the order is placed of record in the
2 office of the recorder of deeds for the county in which the
3 real property is located.

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

24 In addition to the penalties or punishment that may be
25 imposed under this Section, any person whose conduct
26 constitutes a violation of Section 15 of the Non-Support

1 Punishment Act may be prosecuted under that Act, and a person
2 convicted under that Act may be sentenced in accordance with
3 that Act. The sentence may include but need not be limited to a
4 requirement that the person perform community service under
5 Section 50 of that Act or participate in a work alternative
6 program under Section 50 of that Act. A person may not be
7 required to participate in a work alternative program under
8 Section 50 of that Act if the person is currently participating
9 in a work program pursuant to Section 505.1 of this Act.

10 A support obligation, or any portion of a support
11 obligation, which becomes due and remains unpaid as of the end
12 of each month, excluding the child support that was due for
13 that month to the extent that it was not paid in that month,
14 shall accrue simple interest as set forth in Section 12-109 of
15 the Code of Civil Procedure. An order for support entered or
16 modified on or after January 1, 2006 shall contain a statement
17 that a support obligation required under the order, or any
18 portion of a support obligation required under the order, that
19 becomes due and remains unpaid as of the end of each month,
20 excluding the child support that was due for that month to the
21 extent that it was not paid in that month, shall accrue simple
22 interest as set forth in Section 12-109 of the Code of Civil
23 Procedure. Failure to include the statement in the order for
24 support does not affect the validity of the order or the
25 accrual of interest as provided in this Section.

26 (c) A one-time charge of 20% is imposable upon the amount

1 of past-due child support owed on July 1, 1988 which has
2 accrued under a support order entered by the court. The charge
3 shall be imposed in accordance with the provisions of Section
4 10-21 of the Illinois Public Aid Code and shall be enforced by
5 the court upon petition.

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

19 (e) When child support is to be paid through the Clerk of
20 the Court in a county of 500,000 inhabitants or less, the order
21 shall direct the obligor to pay to the Clerk, in addition to
22 the child support payments, all fees imposed by the county
23 board under paragraph (4) of subsection (bb) of Section 27.1a
24 of the Clerks of Courts Act. When child support is to be paid
25 through the clerk of the court in a county of more than 500,000
26 but less than 3,000,000 inhabitants, the order shall direct the

1 obligor to pay to the clerk, in addition to the child support
2 payments, all fees imposed by the county board under paragraph
3 (4) of subsection (bb) of Section 27.2 of the Clerks of Courts
4 Act. Unless paid pursuant to an Income Withholding Order/Notice
5 for Support, the payment of the fee shall be by payment
6 acceptable to the clerk and shall be made to the order of the
7 Clerk.

8 (f) All orders for support, when entered or modified, shall
9 include a provision requiring the obligor to notify the court
10 and, in cases in which a party is receiving child and spouse
11 services under Article X of the Illinois Public Aid Code, the
12 Department of Healthcare and Family Services, within 7 days,
13 (i) of the name and address of any new employer of the obligor,
14 (ii) whether the obligor has access to health insurance
15 coverage through the employer or other group coverage and, if
16 so, the policy name and number and the names of persons covered
17 under the policy, except only the initials of any covered
18 minors shall be included, and (iii) of any new residential or
19 mailing address or telephone number of the obligor. In any
20 subsequent action to enforce a support order, upon a sufficient
21 showing that a diligent effort has been made to ascertain the
22 location of the obligor, service of process or provision of
23 notice necessary in the case may be made at the last known
24 address of the obligor in any manner expressly provided by the
25 Code of Civil Procedure or this Act, which service shall be
26 sufficient for purposes of due process.

1 (g) An order for support shall include a date on which the
2 current support obligation terminates. The termination date
3 shall be no earlier than the date on which the child covered by
4 the order will attain the age of 18. However, if the child will
5 not graduate from high school until after attaining the age of
6 18, then the termination date shall be no earlier than the
7 earlier of the date on which the child's high school graduation
8 will occur or the date on which the child will attain the age
9 of 19. The order for support shall state that the termination
10 date does not apply to any arrearage that may remain unpaid on
11 that date. Nothing in this subsection shall be construed to
12 prevent the court from modifying the order or terminating the
13 order in the event the child is otherwise emancipated.

14 (g-5) If there is an unpaid arrearage or delinquency (as
15 those terms are defined in the Income Withholding for Support
16 Act) equal to at least one month's support obligation on the
17 termination date stated in the order for support or, if there
18 is no termination date stated in the order, on the date the
19 child attains the age of majority or is otherwise emancipated,
20 the periodic amount required to be paid for current support of
21 that child immediately prior to that date shall automatically
22 continue to be an obligation, not as current support but as
23 periodic payment toward satisfaction of the unpaid arrearage or
24 delinquency. That periodic payment shall be in addition to any
25 periodic payment previously required for satisfaction of the
26 arrearage or delinquency. The total periodic amount to be paid

1 toward satisfaction of the arrearage or delinquency may be
2 enforced and collected by any method provided by law for
3 enforcement and collection of child support, including but not
4 limited to income withholding under the Income Withholding for
5 Support Act. Each order for support entered or modified on or
6 after January 1, 2005 (the effective date of Public Act
7 93-1061) must contain a statement notifying the parties of the
8 requirements of this subsection. Failure to include the
9 statement in the order for support does not affect the validity
10 of the order or the operation of the provisions of this
11 subsection with regard to the order. This subsection shall not
12 be construed to prevent or affect the establishment or
13 modification of an order for support of a minor child or the
14 establishment or modification of an order for support of a
15 non-minor child or educational expenses under Section 513 of
16 this Act.

17 (h) An order entered under this Section shall include a
18 provision requiring either parent to report to the other parent
19 and to the Clerk of Court within 10 days each time either
20 parent obtains new employment, and each time either parent's
21 employment is terminated for any reason. The report shall be in
22 writing and shall, in the case of new employment, include the
23 name and address of the new employer. Failure to report new
24 employment or the termination of current employment, if coupled
25 with nonpayment of support for a period in excess of 60 days,
26 is indirect criminal contempt. For either parent arrested for

1 failure to report new employment bond shall be set in the
2 amount of the child support that should have been paid during
3 the period of unreported employment. An order entered under
4 this Section shall also include a provision requiring either
5 obligor and obligee to advise the other of a change in
6 residence within 5 days of the change except when the court
7 finds that the physical, mental, or emotional health of a party
8 or that of a child, or both, would be seriously endangered by
9 disclosure of the party's address.

10 (i) The court does not lose the powers of contempt,
11 driver's license suspension, or other child support
12 enforcement mechanisms, including, but not limited to,
13 criminal prosecution as set forth in this Act, upon the
14 emancipation of the minor child.

15 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 99-764,
16 eff. 7-1-17; 100-15, eff. 7-1-17; 100-863, eff. 8-14-18;
17 100-923, eff. 1-1-19.)

18 (750 ILCS 5/607.5)

19 Sec. 607.5. Abuse of allocated parenting time.

20 (a) The court shall provide an expedited procedure for the
21 enforcement of allocated parenting time.

22 (b) An action for the enforcement of allocated parenting
23 time may be commenced by a parent or a person appointed under
24 Section 506 by filing a petition setting forth: (i) the
25 petitioner's name and residence address or mailing address,

1 except that if the petition states that disclosure of
2 petitioner's address would risk abuse of petitioner or any
3 member of petitioner's family or household or reveal the
4 confidential address of a shelter for domestic violence
5 victims, that address may be omitted from the petition; (ii)
6 the respondent's name and place of residence, place of
7 employment, or mailing address; (iii) the terms of the
8 parenting plan or allocation judgment then in effect; (iv) the
9 nature of the violation of the allocation of parenting time,
10 giving dates and other relevant information; and (v) that a
11 reasonable attempt was made to resolve the dispute.

12 (c) If the court finds by a preponderance of the evidence
13 that a parent has not complied with allocated parenting time
14 according to an approved parenting plan or a court order, the
15 court, in the child's best interests, shall issue an order that
16 may include one or more of the following:

17 (1) an imposition of additional terms and conditions
18 consistent with the court's previous allocation of
19 parenting time or other order;

20 (2) a requirement that either or both of the parties
21 attend a parental education program at the expense of the
22 non-complying parent;

23 (3) upon consideration of all relevant factors,
24 particularly a history or possibility of domestic
25 violence, a requirement that the parties participate in
26 family or individual counseling, the expense of which shall

1 be allocated by the court; if counseling is ordered, all
2 counseling sessions shall be confidential, and the
3 communications in counseling shall not be used in any
4 manner in litigation nor relied upon by an expert appointed
5 by the court or retained by any party;

6 (4) a requirement that the non-complying parent post a
7 cash bond or other security to ensure future compliance,
8 including a provision that the bond or other security may
9 be forfeited to the other parent for payment of expenses on
10 behalf of the child as the court shall direct;

11 (5) a requirement that makeup parenting time be
12 provided for the aggrieved parent or child under the
13 following conditions:

14 (A) that the parenting time is of the same type and
15 duration as the parenting time that was denied,
16 including but not limited to parenting time during
17 weekends, on holidays, and on weekdays and during times
18 when the child is not in school;

19 (B) that the parenting time is made up within 6
20 months after the noncompliance occurs, unless the
21 period of time or holiday cannot be made up within 6
22 months, in which case the parenting time shall be made
23 up within one year after the noncompliance occurs;

24 (6) a finding that the non-complying parent is in
25 contempt of court;

26 (7) an imposition on the non-complying parent of an

1 appropriate civil fine per incident of denied parenting
2 time;

3 (8) a requirement that the non-complying parent
4 reimburse the other parent for all reasonable expenses
5 incurred as a result of the violation of the parenting plan
6 or court order; and

7 (9) any other provision that may promote the child's
8 best interests.

9 (d) In addition to any other order entered under subsection
10 (c), except for good cause shown, the court shall order a
11 parent who has failed to provide allocated parenting time or to
12 exercise allocated parenting time to pay the aggrieved party
13 his or her reasonable attorney's fees, court costs, and
14 expenses associated with an action brought under this Section.
15 If the court finds that the respondent in an action brought
16 under this Section has not violated the allocated parenting
17 time, the court may order the petitioner to pay the
18 respondent's reasonable attorney's fees, court costs, and
19 expenses incurred in the action.

20 (e) Nothing in this Section precludes a party from
21 maintaining any other action as provided by law.

22 (f) When the court issues an order holding a party in
23 contempt for violation of a parenting time order and finds that
24 the party engaged in parenting time abuse, the court may order
25 one or more of the following:

26 (1) (Blank). ~~Suspension of a party's Illinois driving~~

1 ~~privileges pursuant to Section 7-703 of the Illinois~~
2 ~~Vehicle Code until the court determines that the party is~~
3 ~~in compliance with the parenting time order. The court may~~
4 ~~also order that a party be issued a family financial~~
5 ~~responsibility driving permit that would allow limited~~
6 ~~driving privileges for employment, for medical purposes,~~
7 ~~and to transport a child to or from scheduled parenting~~
8 ~~time in order to comply with a parenting time order in~~
9 ~~accordance with subsection (a 1) of Section 7-702.1 of the~~
10 ~~Illinois Vehicle Code.~~

11 (2) Placement of a party on probation with such
12 conditions of probation as the court deems advisable.

13 (3) Sentencing of a party to periodic imprisonment for
14 a period not to exceed 6 months; provided, that the court
15 may permit the party to be released for periods of time
16 during the day or night to:

17 (A) work; or

18 (B) conduct a business or other self-employed
19 occupation.

20 (4) Find that a party in engaging in parenting time
21 abuse is guilty of a petty offense and should be fined an
22 amount of no more than \$500 for each finding of parenting
23 time abuse.

24 (g) When the court issues an order holding a party in
25 contempt of court for violation of a parenting order, the clerk
26 shall transmit a copy of the contempt order to the sheriff of

1 the county. The sheriff shall furnish a copy of each contempt
2 order to the Department of State Police on a daily basis in the
3 form and manner required by the Department. The Department
4 shall maintain a complete record and index of the contempt
5 orders and make this data available to all local law
6 enforcement agencies.

7 (h) Nothing contained in this Section shall be construed to
8 limit the court's contempt power.

9 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17.)

10 Section 25. 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 (a) In addition to any other penalties imposed against an
15 offender under this Act, the court may order the offender to
16 perform community service for not less than 30 and not more
17 than 120 hours per month, if community service is available in
18 the jurisdiction and is funded and approved by the county board
19 of the county where the offense was committed. In addition,
20 whenever any person is placed on supervision for committing an
21 offense under this Act, the supervision shall be conditioned on
22 the performance of the community service.

23 (b) In addition to any other penalties imposed against an
24 offender under this Act, the court may sentence the offender to

1 service in a work alternative program administered by the
2 sheriff. The conditions of the program are that the offender
3 obtain or retain employment and participate in a work
4 alternative program administered by the sheriff during
5 non-working hours. A person may not be required to participate
6 in a work alternative program under this subsection if the
7 person is currently participating in a work program pursuant to
8 another provision of this Act, Section 10-11.1 of the Illinois
9 Public Aid Code, Section 505.1 of the Illinois Marriage and
10 Dissolution of Marriage Act, or Section 806 of the Illinois
11 Parentage Act of 2015.

12 (c) In addition to any other penalties imposed against an
13 offender under this Act, the court may order, in cases where
14 the offender has been in violation of this Act for 90 days or
15 more, that the offender's Illinois driving privileges be
16 suspended until the court determines that the offender is in
17 compliance with this Act.

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

23 ~~The court may also order that the offender be issued a~~
24 ~~family financial responsibility driving permit that would~~
25 ~~allow limited driving privileges for employment and medical~~
26 ~~purposes in accordance with Section 7-702.1 of the Illinois~~

1 ~~Vehicle Code. The clerk of the circuit court shall certify the~~
2 ~~order suspending the driving privileges of the offender or~~
3 ~~granting the issuance of a family financial responsibility~~
4 ~~driving permit to the Secretary of State on forms prescribed by~~
5 ~~the Secretary. Upon receipt of the authenticated documents, the~~
6 ~~Secretary of State shall suspend the offender's driving~~
7 ~~privileges until further order of the court and shall, if~~
8 ~~ordered by the court, subject to the provisions of Section~~
9 ~~7-702.1 of the Illinois Vehicle Code, issue a family financial~~
10 ~~responsibility driving permit to the offender.~~

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

1 under this Act.

2 (Source: P.A. 99-85, eff. 1-1-16.)

3 Section 30. The Illinois Parentage Act of 2015 is amended
4 by changing Section 805 as follows:

5 (750 ILCS 46/805)

6 Sec. 805. Enforcement of judgment or order.

7 (a) If the existence of the parent-child relationship is
8 declared, or if parentage or a duty of support has been
9 established under this Act or under prior law or under the law
10 of any other jurisdiction, the judgment rendered thereunder may
11 be enforced in the same or in other proceedings by any party or
12 any person or agency that has furnished or may furnish
13 financial assistance or services to the child. The Income
14 Withholding for Support Act and Sections 802 and 808 of this
15 Act shall also be applicable with respect to the entry,
16 modification, and enforcement of a support judgment entered
17 under the Paternity Act, approved July 5, 1957 and repealed
18 July 1, 1985.

19 (b) Failure to comply with an order of the court shall be
20 punishable as contempt as in other cases of failure to comply
21 under the Illinois Marriage and Dissolution of Marriage Act. In
22 addition to other penalties provided by law, the court may,
23 after finding the party guilty of contempt, take the following
24 action:

1 (1) Order that the party be placed on probation with
2 such conditions of probation as the court deems advisable.

3 (2) Order that the party be sentenced to periodic
4 imprisonment for a period not to exceed 6 months. However,
5 the court may permit the party to be released for periods
6 of time during the day or night to work, conduct business,
7 or engage in other self-employed occupation. The court may
8 further order any part of all the earnings of a party
9 during a sentence of periodic imprisonment to be paid to
10 the clerk of the circuit court or to the person or parent
11 having custody of or having been allocated parental
12 responsibilities for the minor child for the support of the
13 child until further order of the court.

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

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

1 (B) the non-custodial parent and the person,
2 persons, or business entity fail to maintain an
3 arm's-length relationship between themselves with
4 regard to any assets.

5 (C) the non-custodial parent transfers assets to
6 the person, persons, or business entity with the intent
7 to perpetrate a fraud on the custodial parent. With
8 respect to assets which are real property, no order
9 entered under this subdivision (3) shall affect the
10 rights of bona fide purchasers, mortgagees, judgment
11 creditors, or other lien holders who acquire their
12 interests in the property prior to the time a notice of
13 lis pendens under the Code of Civil Procedure or a copy
14 of the order is placed of record in the office of the
15 recorder of deeds for the county in which the real
16 property is located.

17 (4) (Blank). ~~Order that, in cases where the party is 90~~
18 ~~days or more delinquent in payment of support or has been~~
19 ~~adjudicated in arrears in an amount equal to 90 days~~
20 ~~obligation or more, the party's Illinois driving~~
21 ~~privileges be suspended until the court determines that the~~
22 ~~party is in compliance with the judgment or duty of~~
23 ~~support. The court may also order that the parent be issued~~
24 ~~a family financial responsibility driving permit that~~
25 ~~would allow limited driving privileges for employment and~~
26 ~~medical purposes in accordance with Section 7-702.1 of the~~

1 ~~Illinois Vehicle Code. The clerk of the circuit court shall~~
2 ~~certify the order suspending the driving privileges of the~~
3 ~~parent or granting the issuance of a family financial~~
4 ~~responsibility driving permit to the Secretary of State on~~
5 ~~forms prescribed by the Secretary. Upon receipt of the~~
6 ~~authenticated documents, the Secretary of State shall~~
7 ~~suspend the party's driving privileges until further order~~
8 ~~of the court and shall, if ordered by the court and subject~~
9 ~~to the provisions of Section 7-702.1 of the Illinois~~
10 ~~Vehicle Code, issue a family financial responsibility~~
11 ~~driving permit to the parent.~~

12 In addition to the penalties or punishment that may be
13 imposed under this Section, a person whose conduct constitutes
14 a violation of Section 15 of the Non-Support Punishment Act may
15 be prosecuted under that Act, and a person convicted under that
16 Act may be sentenced in accordance with that Act. The sentence
17 may include, but need not be limited to, a requirement that the
18 person perform community service under Section 50 of that Act
19 or participate in a work alternative program under Section 50
20 of that Act. A person may not be required to participate in a
21 work alternative program under Section 50 of the Non-Support
22 Punishment Act if the person is currently participating in a
23 work program under Section 806 of this Act.

24 (c) In a post-judgment proceeding to enforce or modify the
25 judgment, the parties shall continue to be designated as in the
26 original proceeding.

1 (Source: P.A. 99-85, eff. 1-1-16; 99-769, eff. 1-1-17.)

2 (625 ILCS 5/Ch. 7 Art. VII rep.)

3 Section 35. The Illinois Vehicle Code is amended by
4 repealing Article VII of Chapter 7.

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.