

1 AN ACT in relation to driving privileges.

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

4 Section 5. The Illinois Vehicle Code is amended by
5 changing Sections 7-702.1, 7-703, and 7-705.1 as follows:

6 (625 ILCS 5/7-702.1)

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

28 Upon entry of an order granting the issuance of a permit
29 to an obligor, the court shall report this finding to the
30 Secretary of State on a form prescribed by the Secretary.
31 This form shall state whether the permit has been granted for

1 employment, school, or medical purposes and the specific days
2 and hours for which limited driving privileges have been
3 granted.

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

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

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

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

27 (625 ILCS 5/7-703)

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

30 (a) The clerk of the circuit court, as provided in
31 subsection (b) of Section 505 of the Illinois Marriage and
32 Dissolution of Marriage Act or as provided in Section 15 of
33 the Illinois Parentage Act of 1984, shall forward to the

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

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

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

20 (625 ILCS 5/7-705.1)

21 Sec. 7-705.1. Notice of noncompliance with support
22 order. Before forwarding to the Secretary of State the
23 authenticated document under subsection (b) of Section 7-703,
24 the circuit court must serve notice upon the obligor of its
25 intention to suspend the obligor's driver's license for being
26 adjudicated in arrears in court ordered child support
27 payments in an amount equal to 90 days obligation. The
28 notice must inform the obligor that:

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

1 (b) The obligor may contest the issue of compliance
2 at a hearing;

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

5 (d) If the obligor does not request a hearing to
6 contest the issue of compliance within 45 days after the
7 notice of noncompliance is mailed, the court shall may
8 order that the obligor's driver's license be suspended as
9 provided for in subsection (b) of Section 7-703;

10 (e) If the circuit court certifies the obligor to
11 the Secretary of State for noncompliance with an order of
12 support, the Secretary of State must suspend any driver's
13 license or instruction permit the obligor holds and the
14 obligor's right to apply for or obtain a driver's license
15 or instruction permit until the obligor comes into
16 compliance with the order of support;

17 (f) If the obligor files a motion to modify support
18 with the court or requests the court to modify a support
19 obligation, the circuit court shall stay action to
20 certify the obligor to the Secretary of State for
21 noncompliance with an order of support; and

22 (g) The obligor may comply with an order of support
23 by doing all of the following:

24 (1) Paying the current support;

25 (2) Paying all past-due support or, if unable
26 to pay all past-due support and a periodic payment
27 for past-due support has not been ordered by the
28 court, by making periodic payments in accordance
29 with a written payment agreement approved by the
30 court; and

31 (3) Meeting the obligor's health insurance
32 obligation.

33 The notice must include the address and telephone number
34 of the clerk of the circuit court. The clerk of the circuit

1 court shall attach a copy of the obligor's order of support
 2 to the notice. The notice must be served by certified mail,
 3 return receipt requested, by service in hand, or as specified
 4 in the Code of Civil Procedure.

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

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

8 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

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

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

Number of Children	Percent of Supporting Party's Net Income
1	20%
2	28%
3	32%

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

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

(a) the financial resources and needs of the child;

(b) the financial resources and needs of the custodial parent;

(c) the standard of living the child would have enjoyed had the marriage not been dissolved;

(d) the physical and emotional condition of the child, and his educational needs; and

(e) the financial resources and needs of the non-custodial parent.

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

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

(a) Federal income tax (properly calculated withholding or estimated payments);

(b) State income tax (properly calculated withholding or estimated payments);

(c) Social Security (FICA payments);

(d) Mandatory retirement contributions required by law or as a condition of employment;

(e) Union dues;

1 (f) Dependent and individual
2 health/hospitalization insurance premiums;

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

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

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

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

34 (5) If the net income cannot be determined because

1 of default or any other reason, the court shall order
2 support in an amount considered reasonable in the
3 particular case. The final order in all cases shall
4 state the support level in dollar amounts. However, if
5 the court finds that the child support amount cannot be
6 expressed exclusively as a dollar amount because all or a
7 portion of the payor's net income is uncertain as to
8 source, time of payment, or amount, the court may order a
9 percentage amount of support in addition to a specific
10 dollar amount and enter such other orders as may be
11 necessary to determine and enforce, on a timely basis,
12 the applicable support ordered.

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

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

1 (b) Failure of either parent to comply with an order to
2 pay support shall be punishable as in other cases of
3 contempt. In addition to other penalties provided by law the
4 Court may, after finding the parent guilty of contempt, order
5 that the parent be:

6 (1) placed on probation with such conditions of
7 probation as the Court deems advisable;

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

12 (A) work; or

13 (B) conduct a business or other self-employed
14 occupation.

15 The Court may further order any part or all of the
16 earnings of a parent during a sentence of periodic
17 imprisonment paid to the Clerk of the Circuit Court or to the
18 parent having custody or to the guardian having custody of
19 the children of the sentenced parent for the support of said
20 children until further order of the Court.

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

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

34 (2) the non-custodial parent and the person,

1 persons, or business entity fail to maintain an arms
2 length relationship between themselves with regard to any
3 assets.

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

7 With respect to assets which are real property, no order
8 entered under this paragraph shall affect the rights of bona
9 fide purchasers, mortgagees, judgment creditors, or other
10 lien holders who acquire their interests in the property
11 prior to the time a notice of lis pendens pursuant to the
12 Code of Civil Procedure or a copy of the order is placed of
13 record in the office of the recorder of deeds for the county
14 in which the real property is located.

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

1 parent.

2 In addition to the penalties or punishment that may be
3 imposed under this Section, any person whose conduct
4 constitutes a violation of Section 15 of the Non-Support
5 Punishment Act may be prosecuted under that Act, and a person
6 convicted under that Act may be sentenced in accordance with
7 that Act. The sentence may include but need not be limited
8 to a requirement that the person perform community service
9 under Section 50 of that Act or participate in a work
10 alternative program under Section 50 of that Act. A person
11 may not be required to participate in a work alternative
12 program under Section 50 of that Act if the person is
13 currently participating in a work program pursuant to Section
14 505.1 of this Act.

15 A support obligation, or any portion of a support
16 obligation, which becomes due and remains unpaid for 30 days
17 or more shall accrue simple interest at the rate of 9% per
18 annum. An order for support entered or modified on or after
19 January 1, 2002 shall contain a statement that a support
20 obligation required under the order, or any portion of a
21 support obligation required under the order, that becomes due
22 and remains unpaid for 30 days or more shall accrue simple
23 interest at the rate of 9% per annum. Failure to include the
24 statement in the order for support does not affect the
25 validity of the order or the accrual of interest as provided
26 in this Section.

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

33 (d) Any new or existing support order entered by the
34 court under this Section shall be deemed to be a series of

1 judgments against the person obligated to pay support
2 thereunder, each such judgment to be in the amount of each
3 payment or installment of support and each such judgment to
4 be deemed entered as of the date the corresponding payment or
5 installment becomes due under the terms of the support order.
6 Each such judgment shall have the full force, effect and
7 attributes of any other judgment of this State, including the
8 ability to be enforced. A lien arises by operation of law
9 against the real and personal property of the noncustodial
10 parent for each installment of overdue support owed by the
11 noncustodial parent.

12 (e) When child support is to be paid through the clerk
13 of the court in a county of 1,000,000 inhabitants or less,
14 the order shall direct the obligor to pay to the clerk, in
15 addition to the child support payments, all fees imposed by
16 the county board under paragraph (3) of subsection (u) of
17 Section 27.1 of the Clerks of Courts Act. Unless paid in
18 cash or pursuant to an order for withholding, the payment of
19 the fee shall be by a separate instrument from the support
20 payment and shall be made to the order of the Clerk.

21 (f) All orders for support, when entered or modified,
22 shall include a provision requiring the obligor to notify the
23 court and, in cases in which a party is receiving child and
24 spouse services under Article X of the Illinois Public Aid
25 Code, the Illinois Department of Public Aid, within 7 days,
26 (i) of the name and address of any new employer of the
27 obligor, (ii) whether the obligor has access to health
28 insurance coverage through the employer or other group
29 coverage and, if so, the policy name and number and the names
30 of persons covered under the policy, and (iii) of any new
31 residential or mailing address or telephone number of the
32 non-custodial parent. In any subsequent action to enforce a
33 support order, upon a sufficient showing that a diligent
34 effort has been made to ascertain the location of the

1 non-custodial parent, service of process or provision of
2 notice necessary in the case may be made at the last known
3 address of the non-custodial parent in any manner expressly
4 provided by the Code of Civil Procedure or this Act, which
5 service shall be sufficient for purposes of due process.

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

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

1 other of a change in residence within 5 days of the change
2 except when the court finds that the physical, mental, or
3 emotional health of a party or that of a child, or both,
4 would be seriously endangered by disclosure of the party's
5 address.

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

11 (Source: P.A. 92-16, eff. 6-28-01; 92-203, eff. 8-1-01;
12 92-374, eff. 8-15-01; 92-651, eff. 7-11-02; 92-876, eff.
13 6-1-03; 93-148, eff. 7-10-03.)

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

16 (750 ILCS 16/50)

17 Sec. 50. Community service; work alternative program.

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

28 (b) In addition to any other penalties imposed against
29 an offender under this Act, the court may sentence the
30 offender to service in a work alternative program
31 administered by the sheriff. The conditions of the program
32 are that the offender obtain or retain employment and

1 participate in a work alternative program administered by the
2 sheriff during non-working hours. A person may not be
3 required to participate in a work alternative program under
4 this subsection if the person is currently participating in a
5 work program pursuant to another provision of this Act,
6 Section 10-11.1 of the Illinois Public Aid Code, Section
7 505.1 of the Illinois Marriage and Dissolution of Marriage
8 Act, or Section 15.1 of the Illinois Parentage Act of 1984.

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

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

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

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

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

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

21 (750 ILCS 45/15) (from Ch. 40, par. 2515)

22 Sec. 15. Enforcement of Judgment or Order.

23 (a) If existence of the parent and child relationship is
24 declared, or paternity or duty of support has been
25 established under this Act or under prior law or under the
26 law of any other jurisdiction, the judgment rendered
27 thereunder may be enforced in the same or other proceedings
28 by any party or any person or agency that has furnished or
29 may furnish financial assistance or services to the child.
30 The Income Withholding for Support Act and Sections 14 and 16
31 of this Act shall also be applicable with respect to entry,
32 modification and enforcement of any support judgment entered

1 under provisions of the "Paternity Act", approved July 5,
2 1957, as amended, repealed July 1, 1985.

3 (b) Failure to comply with any order of the court shall
4 be punishable as contempt as in other cases of failure to
5 comply under the "Illinois Marriage and Dissolution of
6 Marriage Act", as now or hereafter amended. In addition to
7 other penalties provided by law, the court may, after finding
8 the party guilty of contempt, order that the party be:

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

11 (2) Sentenced to periodic imprisonment for a period
12 not to exceed 6 months. However, the court may permit
13 the party to be released for periods of time during the
14 day or night to work or conduct business or other
15 self-employed occupation. The court may further order
16 any part of all the earnings of a party during a sentence
17 of periodic imprisonment to be paid to the Clerk of the
18 Circuit Court or to the person or parent having custody
19 of the minor child for the support of said child until
20 further order of the court.

21 (2.5) The court may also pierce the ownership veil
22 of a person, persons, or business entity to discover
23 assets of a non-custodial parent held in the name of that
24 person, those persons, or that business entity if there
25 is a unity of interest and ownership sufficient to render
26 no financial separation between the non-custodial parent
27 and that person, those persons, or the business entity.
28 The following circumstances are sufficient for a court to
29 order discovery of the assets of a person, persons, or
30 business entity and to compel the application of any
31 discovered assets toward payment on the judgment for
32 support:

33 (A) the non-custodial parent and the person,
34 persons, or business entity maintain records

1 together.

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

6 (C) the non-custodial parent transfers assets
7 to the person, persons, or business entity with the
8 intent to perpetrate a fraud on the custodial
9 parent.

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

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

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

7 In addition to the penalties or punishment that may be
8 imposed under this Section, any person whose conduct
9 constitutes a violation of Section 15 of the Non-Support
10 Punishment Act may be prosecuted under that Act, and a person
11 convicted under that Act may be sentenced in accordance with
12 that Act. The sentence may include but need not be limited
13 to a requirement that the person perform community service
14 under Section 50 of that Act or participate in a work
15 alternative program under Section 50 of that Act. A person
16 may not be required to participate in a work alternative
17 program under Section 50 of that Act if the person is
18 currently participating in a work program pursuant to Section
19 15.1 of this Act.

20 (c) In any post-judgment proceeding to enforce or modify
21 the judgment the parties shall continue to be designated as
22 in the original proceeding.

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