



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB1604

Introduced 2/15/2011, by Rep. Constance A. Howard

#### SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Vehicle Code and the Illinois Marriage and Dissolution of Marriage Act. Provides that the court, upon finding that a party engaged in visitation abuse, may: suspend the offending party's Illinois driving privileges pursuant to the Illinois Vehicle Code until the court has determined that there has been sufficient compliance for a sufficient period of time with the court's order concerning visitation and that full driving privileges shall be reinstated; order that the offending party be issued a family responsibility driving permit to allow limited driving privileges for employment and medical purposes; order that an entity that issued a professional license to the offending party suspend or revoke the party's professional license for a period of no more than 6 months; and fine the party not more than \$500 for each finding of visitation abuse. Provides that a finding of visitation abuse constitutes a change in circumstances for purposes of a modification of a custody judgment. Provides that if a parent has been previously found in contempt by the court for visitation abuse, the court may further: incarcerate the offending parent one day for each day of denied visitation; or require the offending party to post a \$5,000 bond subject to forfeiture for the purpose of assuring compliance with future visitation. Effective immediately.

LRB097 06383 AJO 46465 b

1 AN ACT concerning child visitation, which may be referred  
2 to as the Steven Watkins Memorial Act.

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

5 Section 5. The Illinois Vehicle Code is amended by changing  
6 Sections 7-701, 7-702, 7-702.1, 7-703, 7-704, 7-705, 7-706, and  
7 7-708 and by adding Section 7-705.2 as follows:

8 (625 ILCS 5/7-701)

9 Sec. 7-701. Findings and purpose. The General Assembly  
10 finds that the timely receipt of adequate financial support has  
11 the effect of reducing poverty and State expenditures for  
12 welfare dependency among children, and that the timely payment  
13 of adequate child support demonstrates financial  
14 responsibility. Further, the General Assembly finds that the  
15 State has a compelling interest in ensuring that drivers within  
16 the State demonstrate financial responsibility, including  
17 family financial responsibility, in order to safely own and  
18 operate a motor vehicle. Further, the General Assembly finds  
19 that the State has a compelling interest in ensuring that those  
20 individuals with responsibilities involving minor children  
21 pursuant to visitation orders demonstrate responsibility,  
22 including family responsibility, in order to safely own and  
23 operate a motor vehicle, especially when transporting a minor

1 child who is the subject of a visitation order. To this end,  
2 the Secretary of State is authorized to establish systems to  
3 suspend driver's licenses for failure to comply with court and  
4 administrative orders of support.

5 (Source: P.A. 95-685, eff. 10-23-07.)

6 (625 ILCS 5/7-702)

7 Sec. 7-702. Suspension of driver's license for failure to  
8 comply with order to pay support or to comply with a visitation  
9 order.

10 (a) The Secretary of State shall suspend the driver's  
11 license issued to an obligor upon receiving an authenticated  
12 report provided for in subsection (a) of Section 7-703, that  
13 the person is 90 days or more delinquent in court ordered child  
14 support payments or has been adjudicated in arrears in an  
15 amount equal to 90 days obligation or more, and has been found  
16 in contempt by the court for failure to pay the support.

17 (b) The Secretary of State shall suspend the driver's  
18 license issued to an obligor upon receiving an authenticated  
19 document provided for in subsection (b) of Section 7-703, that  
20 the person has been adjudicated in arrears in court ordered  
21 child support payments in an amount equal to 90 days obligation  
22 or more, but has not been held in contempt of court, and that  
23 the court has ordered that the person's driving privileges be  
24 suspended. The obligor's driver's license shall be suspended  
25 until such time as the Secretary of State receives

1 authenticated documentation that the obligor is in compliance  
2 with the court order of support. When the obligor complies with  
3 the court ordered child support payments, the circuit court  
4 shall report the obligor's compliance with the court order of  
5 support to the Secretary of State, on a form prescribed by the  
6 Secretary of State, and shall order that the obligor's driver's  
7 license be reinstated.

8 (c) The Secretary of State shall suspend a driver's license  
9 upon certification by the Illinois Department of Healthcare and  
10 Family Services, in a manner and form prescribed by the  
11 Illinois Secretary of State, that the person licensed is 90  
12 days or more delinquent in payment of support under an order of  
13 support issued by a court or administrative body of this or any  
14 other State. The Secretary of State may reinstate the person's  
15 driver's license if notified by the Department of Healthcare  
16 and Family Services that the person has paid the support  
17 delinquency in full or has arranged for payment of the  
18 delinquency and current support obligation in a manner  
19 satisfactory to the Department of Healthcare and Family  
20 Services.

21 (d) The Secretary of State shall suspend the driver's  
22 license issued to a person upon receiving an authenticated  
23 document provided for in Section 7-703, that the person has  
24 been adjudicated as having engaged in visitation abuse and that  
25 the court has ordered that the person's driving privileges be  
26 suspended. The person's driver's license shall be suspended

1 until such time as the Secretary of State receives  
2 authenticated documentation that the court has determined that  
3 there has been sufficient compliance for a sufficient period of  
4 time with the court's order concerning visitation and that full  
5 driving privileges shall be reinstated. When the court order in  
6 which the court has determined that there has been sufficient  
7 compliance for a sufficient period of time with the court's  
8 order concerning visitation and that full driving privileges  
9 shall be reinstated, the circuit court shall report that order  
10 concerning visitation to the Secretary of State, on a form  
11 prescribed by the Secretary of State, and shall order that the  
12 person's driver's license be reinstated.

13 (Source: P.A. 95-685, eff. 10-23-07.)

14 (625 ILCS 5/7-702.1)

15 Sec. 7-702.1. Family financial responsibility driving  
16 permits.

17 (a) Following the entry of an order that an obligor has  
18 been found in contempt by the court for failure to pay court  
19 ordered child support payments or upon a motion by the obligor  
20 who is subject to having his or her driver's license suspended  
21 pursuant to subsection (b) of Section 7-703, the court may  
22 enter an order directing the Secretary of State to issue a  
23 family financial responsibility driving permit for the purpose  
24 of providing the obligor the privilege of operating a motor  
25 vehicle between the obligor's residence and place of

1 employment, or within the scope of employment related duties;  
2 or for the purpose of providing transportation for the obligor  
3 or a household member to receive alcohol treatment, other drug  
4 treatment, or medical care. If the obligor is unemployed, the  
5 court may issue the order for the purpose of seeking  
6 employment, which may be subject to the requirements set forth  
7 in subsection (a) of Section 505.1 of the Illinois Marriage and  
8 Dissolution of Marriage Act. Except upon a showing of good  
9 cause, any permit issued for the purpose of seeking employment  
10 shall be limited to Monday through Friday between the hours of  
11 8 a.m. and 12 p.m. The court may enter an order directing the  
12 issuance of a permit only if the obligor has proven to the  
13 satisfaction of the court that no alternative means of  
14 transportation are reasonably available for the above stated  
15 purposes. No permit shall be issued to a person under the age  
16 of 16 years who possesses an instruction permit.

17 Upon entry of an order granting the issuance of a permit to  
18 an obligor, the court shall report this finding to the  
19 Secretary of State on a form prescribed by the Secretary. This  
20 form shall state whether the permit has been granted for  
21 employment or medical purposes and the specific days and hours  
22 for which limited driving privileges have been granted.

23 (a-1) Following the entry of an order that a person has  
24 been found in contempt by the court for failure to follow a  
25 visitation order, the court may enter an order directing the  
26 Secretary of State to issue a family responsibility driving

1 permit for the purpose of providing the person the privilege of  
2 operating a motor vehicle between the person's residence and  
3 place of employment, or within the scope of employment related  
4 duties; or for the purpose of providing transportation for the  
5 person or a household member to receive alcohol treatment,  
6 other drug treatment, or medical care. If the person is  
7 unemployed, the court may issue the order for the purpose of  
8 seeking employment, which may be subject to the requirements  
9 set forth in subsection (a) of Section 505.1 of the Illinois  
10 Marriage and Dissolution of Marriage Act. Except upon a showing  
11 of good cause, any permit issued for the purpose of seeking  
12 employment shall be limited to Monday through Friday between  
13 the hours of 8 a.m. and 12 p.m. The court may enter an order  
14 directing the issuance of a permit only if the person has  
15 proven to the satisfaction of the court that no alternative  
16 means of transportation are reasonably available for the above  
17 stated purposes. No permit shall be issued to a person under  
18 the age of 16 years who possesses an instruction permit. Upon  
19 entry of an order granting the issuance of a permit to a  
20 person, the court shall report this finding to the Secretary of  
21 State on a form prescribed by the Secretary. This form shall  
22 state whether the permit has been granted for employment or  
23 medical purposes and the specific days and hours for which  
24 limited driving privileges have been granted.

25 (a-2) The family financial responsibility driving permit  
26 shall be subject to cancellation, invalidation, suspension,

1 and revocation by the Secretary of State in the same manner and  
2 for the same reasons as a driver's license may be cancelled,  
3 invalidated, suspended, or revoked.

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

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

21 (b) Following certification of delinquency pursuant to  
22 subsection (c) of Section 7-702 of this Code, and upon petition  
23 by the obligor whose driver's license has been suspended under  
24 that subsection, the Department of Healthcare and Family  
25 Services may direct the Secretary of State to issue a family  
26 financial responsibility driving permit for the purpose of



1 providing the obligor the privilege of operating a motor  
2 vehicle between the obligor's residence and place of  
3 employment, or within the scope of employment related duties,  
4 or for the purpose of providing transportation for the obligor  
5 or a household member to receive alcohol treatment, other drug  
6 treatment, or medical care. If the obligor is unemployed, the  
7 Department of Healthcare and Family Services may direct the  
8 issuance of the permit for the purpose of seeking employment,  
9 which may be subject to the requirements set forth in  
10 subsection (a) of Section 505.1 of the Illinois Marriage and  
11 Dissolution of Marriage Act. Except upon a showing of good  
12 cause, any permit issued for the purpose of seeking employment  
13 shall be limited to Monday through Friday between the hours of  
14 8 a.m. and 12 p.m. The Department of Healthcare and Family  
15 Services may direct the issuance of a permit only if the  
16 obligor has proven to the Department's satisfaction that no  
17 alternative means of transportation is reasonably available  
18 for the above stated purposes.

19 The Department of Healthcare and Family Services shall  
20 report to the Secretary of State the finding granting a permit  
21 on a form prescribed by the Secretary of State. The form shall  
22 state the purpose for which the permit has been granted, the  
23 specific days and hours for which limited driving privileges  
24 are allowed, and the duration of the permit.

25 The family financial responsibility driving permit shall  
26 be subject to cancellation, invalidation, suspension, and

1 revocation by the Secretary of State in the same manner and for  
2 the same reasons as a driver's license may be cancelled,  
3 invalidated, suspended, or revoked.

4 As directed by the Department of Healthcare and Family  
5 Services, the Secretary of State shall issue a family financial  
6 responsibility driving permit, but only if the obligor's  
7 driving privileges are valid except for the family financial  
8 responsibility suspension. The permit shall state the purpose  
9 or purposes for which it was granted under this subsection, the  
10 specific days and hours for which limited driving privileges  
11 are allowed, and the duration of the permit.

12 If the Department of Healthcare and Family Services  
13 directive to issue a family financial responsibility driving  
14 permit contains insufficient data or fails to comply with any  
15 provision of this Code, a permit shall not be issued and the  
16 directive shall be returned to the Department of Healthcare and  
17 Family Services. The Secretary of State shall also send notice  
18 of the return of the Department's directive to the obligor  
19 requesting the permit.

20 (c) In accordance with 49 C.F.R. Part 384, the Secretary of  
21 State may not issue a family financial responsibility driving  
22 permit to any person for the operation of a commercial motor  
23 vehicle if the person's driving privileges have been suspended  
24 under any provisions of this Code.

25 (Source: P.A. 96-1284, eff. 1-1-11.)

1 (625 ILCS 5/7-703)

2 Sec. 7-703. Courts to report non-payment of court ordered  
3 support or orders concerning driving privileges.

4 (a) The clerk of the circuit court, as provided in  
5 subsection (b) of Section 505 of the Illinois Marriage and  
6 Dissolution of Marriage Act or as provided in Section 15 of the  
7 Illinois Parentage Act of 1984, shall forward to the Secretary  
8 of State, on a form prescribed by the Secretary, an  
9 authenticated document certifying the court's order suspending  
10 the driving privileges of the obligor. For any such  
11 certification, the clerk of the court shall charge the obligor  
12 a fee of \$5 as provided in the Clerks of Courts Act.

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

25 (c) The clerk of the circuit court, as provided in  
26 subsection (c-1) of Section 607.1 of the Illinois Marriage and

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

7 (d) If a party has been adjudicated to have engaged in  
8 visitation abuse, the circuit court may order that the party's  
9 driving privileges be suspended. If the circuit court orders  
10 that the party's driving privileges be suspended, it shall  
11 forward to the Secretary of State, on a form prescribed by the  
12 Secretary, an authenticated document certifying the court's  
13 order suspending the driving privileges of the party. The  
14 authenticated document shall be forwarded to the Secretary of  
15 State by the court no later than 45 days after entry of the  
16 order suspending the party's driving privileges.

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

18 (625 ILCS 5/7-704)

19 Sec. 7-704. Suspension to continue until compliance with  
20 court order of support.

21 (a) The suspension of a driver's license shall remain in  
22 effect unless and until the Secretary of State receives  
23 authenticated documentation that the obligor is in compliance  
24 with a court order of support or that the order has been stayed  
25 by a subsequent order of the court. Full driving privileges

1 shall not be issued by the Secretary of State until  
2 notification of compliance has been received from the court.  
3 The circuit clerks shall report the obligor's compliance with a  
4 court order of support to the Secretary of State, on a form  
5 prescribed by the Secretary.

6 (a-1) The suspension of a driver's license shall remain in  
7 effect unless and until the Secretary of State receives  
8 authenticated documentation as to that the person who violated  
9 a visitation order that the court has determined that there has  
10 been sufficient compliance for a sufficient period of time with  
11 the court's order concerning visitation and that full driving  
12 privileges shall be reinstated or that the order has been  
13 stayed by a subsequent order of the court. Full driving  
14 privileges shall not be issued by the Secretary of State until  
15 notification has been received from the court. The circuit  
16 clerk shall report any court order, in which the court  
17 determined that there has been sufficient compliance for a  
18 sufficient period of time with the court's order concerning  
19 visitation and that full driving privileges shall be  
20 reinstated, to the Secretary of State, on a form prescribed by  
21 the Secretary.

22 (b) Whenever, after one suspension of an individual's  
23 driver's license for failure to pay child support, another  
24 order of non-payment is entered against the obligor and the  
25 person fails to come into compliance with the court order of  
26 support, then the Secretary shall again suspend the driver's

1 license of the individual and that suspension shall not be  
2 removed unless the obligor is in full compliance with the court  
3 order of support and has made full payment on all arrearages.

4 (b-1) Whenever, after one suspension of an individual's  
5 driver's license for failure to abide by a visitation order,  
6 another order finding visitation abuse is entered against the  
7 person and the court orders the suspension of the person's  
8 driver's license, then the Secretary shall again suspend the  
9 driver's license of the individual and that suspension shall  
10 not be removed until the court has determined that there has  
11 been sufficient compliance for a sufficient period of time with  
12 the court's order concerning visitation and that full driving  
13 privileges shall be reinstated.

14 (c) Section 7-704.1, and not this Section, governs the  
15 duration of a driver's license suspension if the suspension  
16 occurs as the result of a certification by the Illinois  
17 Department of Healthcare and Family Services under subsection  
18 (c) of Section 7-702.

19 (Source: P.A. 95-685, eff. 10-23-07.)

20 (625 ILCS 5/7-705)

21 Sec. 7-705. Notice. The Secretary of State, prior to  
22 suspending a driver's license under this Chapter, shall serve  
23 written notice upon a person ~~an obligor~~ that the individual's  
24 driver's license will be suspended in 60 days from the date on  
25 the notice unless (i) the person ~~obligor~~ satisfies the court

1 order of support or the court ordered visitation and the  
2 circuit clerk notifies the Secretary of State of this  
3 compliance or (ii) if the Illinois Department of Healthcare and  
4 Family Services has made a certification to the Secretary of  
5 State under subsection (c) of Section 7-702, the Department  
6 notifies the Secretary of State that the person licensed has  
7 paid the support delinquency in full or has arranged for  
8 payment of the delinquency and current support obligation in a  
9 manner satisfactory to the Department.

10 (Source: P.A. 95-685, eff. 10-23-07.)

11 (625 ILCS 5/7-705.2 new)

12 Sec. 7-705.2. Notice of noncompliance with visitation  
13 order. Before forwarding to the Secretary of State the  
14 authenticated document under Section 7-703, the circuit court  
15 must serve notice upon the person of its intention to suspend  
16 the person's driver's license for being adjudicated as having  
17 violated a visitation order in a manner deemed to be visitation  
18 abuse. The notice must inform the person that:

19 (1) The person may contest the issue of compliance at a  
20 hearing;

21 (2) A request for a hearing must be made in writing and  
22 must be received by the clerk of the circuit court;

23 (3) If the person does not request a hearing to contest  
24 the issue of compliance within 45 days after the notice of  
25 noncompliance is mailed, the court may order that the

1 person's driver's license be suspended as provided for in  
2 Section 7-703;

3 (4) If the circuit court certifies the person to the  
4 Secretary of State for noncompliance with a visitation  
5 order, the Secretary of State must suspend any driver's  
6 license or instruction permit the person holds and the  
7 person's right to apply for or obtain a driver's license or  
8 instruction permit until the court has determined that  
9 there has been sufficient compliance for a sufficient  
10 period of time with the court's order concerning visitation  
11 and that full driving privileges shall be reinstated;

12 (5) If the person files a motion to modify visitation  
13 with the court or requests that the court modify a  
14 visitation obligation, the circuit court shall stay action  
15 to certify the person to the Secretary of State concerning  
16 court ordered visitation; and

17 (6) The notice must include the address and telephone  
18 number of the clerk of the circuit court. The clerk of the  
19 circuit court shall attach a copy of the person's  
20 visitation order to the notice. The notice must be served  
21 by certified mail, return receipt requested, by service in  
22 hand, or as specified in the Code of Civil Procedure.

23 (625 ILCS 5/7-706)

24 Sec. 7-706. Administrative hearing. A driver may contest  
25 this driver's license sanction by requesting an administrative



1 hearing in accordance with Section 2-118 of this Code. If a  
2 written request for this hearing is received prior to the  
3 effective date of the suspension, the suspension shall be  
4 stayed. If a stay of the suspension is granted, it shall remain  
5 in effect until a hearing decision is entered. At the  
6 conclusion of this hearing, the Secretary of State may rescind  
7 or impose the driver's license suspension. If the suspension is  
8 upheld, it shall become effective 10 days from the date the  
9 hearing decision is entered. If the decision is to rescind the  
10 suspension, no suspension of driving privileges shall be  
11 entered. The scope of this hearing shall be limited to the  
12 following issues:

13 (a) Whether the driver is the person who owes a duty to  
14 make payments under the court or administrative order of  
15 support or is the person with obligations under a visitation  
16 order.

17 (b) Whether (i) the authenticated document of a court order  
18 of support or visitation order indicates that the obligor is 90  
19 days or more delinquent or has been adjudicated in arrears in  
20 an amount equal to 90 days obligation or more and has been  
21 found in contempt of court for failure to pay child support or  
22 (ii) the certification of the Illinois Department of Healthcare  
23 and Family Services under subsection (c) of Section 7-702  
24 indicates that the person is 90 days or more delinquent in  
25 payment of support under an order of support issued by a court  
26 or administrative body of this or any other State.

1       (b-1) Whether the authenticated document of a visitation  
2 order indicates that the person has violated a visitation order  
3 and has been found to have engaged in visitation abuse and has  
4 been found in contempt of court for failure to abide by a  
5 visitation order.

6       (c) Whether (i) a superseding authenticated document of any  
7 court order of support has been entered or (ii) the Illinois  
8 Department of Healthcare and Family Services, in a superseding  
9 notification, has informed the Secretary of State that the  
10 person certified under subsection (c) of Section 7-702 has paid  
11 the support delinquency in full or has arranged for payment of  
12 the delinquency and current support obligation in a manner  
13 satisfactory to the Department.

14       (c-1) Whether a superseding authenticated document of any  
15 court order concerning visitation has been entered, in a  
16 superseding notification, has informed the Secretary of State  
17 that as to the person the court has determined that there has  
18 been sufficient compliance for a sufficient period of time with  
19 the court's order concerning visitation and that full driving  
20 privileges shall be reinstated.

21       (Source: P.A. 95-685, eff. 10-23-07.)

22       (625 ILCS 5/7-708)

23       Sec. 7-708. Rules. The Secretary of State, using the  
24 authority to license motor vehicle operators, may adopt such  
25 rules as may be necessary to establish standards, policies, and

1 procedures for the suspension of driver's licenses for  
2 non-compliance with a court or administrative order of support  
3 or with a visitation order.

4 (Source: P.A. 95-685, eff. 10-23-07.)

5 Section 10. The Illinois Marriage and Dissolution of  
6 Marriage Act is amended by changing Section 607.1 as follows:

7 (750 ILCS 5/607.1) (from Ch. 40, par. 607.1)

8 Sec. 607.1. Enforcement of visitation orders; visitation  
9 abuse.

10 (a) The circuit court shall provide an expedited procedure  
11 for enforcement of court ordered visitation in cases of  
12 visitation abuse. Visitation abuse occurs when a party has  
13 willfully and without justification: (1) denied another party  
14 visitation as set forth by the court; or (2) exercised his or  
15 her visitation rights in a manner that is harmful to the child  
16 or child's custodian.

17 (b) An Action may be commenced by filing a petition setting  
18 forth: (i) the petitioner's name, residence address or mailing  
19 address, and telephone number; (ii) respondent's name and place  
20 of residence, place of employment, or mailing address; (iii)  
21 the nature of the visitation abuse, giving dates and other  
22 relevant information; (iv) that a reasonable attempt was made  
23 to resolve the dispute; and (v) the relief sought.

24 Notice of the filing of the petitions shall be given as

1 provided in Section 511.

2 (c) After hearing all of the evidence, the court may order  
3 one or more of the following:

4 (1) Modification of the visitation order to  
5 specifically outline periods of visitation or restrict  
6 visitation as provided by law.

7 (2) Supervised visitation with a third party or public  
8 agency.

9 (3) Make up visitation of the same time period, such as  
10 weekend for weekend, holiday for holiday.

11 (4) Counseling or mediation, except in cases where  
12 there is evidence of domestic violence, as defined in  
13 Section 1 of the Domestic Violence Shelters Act, occurring  
14 between the parties.

15 (5) Other appropriate relief deemed equitable.

16 (c-1) When the court issues an order holding a party in  
17 contempt for violation of a visitation order and finds that the  
18 party engaged in visitation abuse, the court may order one or  
19 more of the following:

20 (1) Suspension of a party's Illinois driving  
21 privileges pursuant to Section 7-703 of the Illinois  
22 Vehicle Code until the court determines that the parent is  
23 in compliance with the visitation order. The court may also  
24 order that a party be issued a family financial  
25 responsibility driving permit that would allow limited  
26 driving privileges for employment and medical purposes in

1 accordance with subsection (a-1) of Section 7-702.1 of the  
2 Illinois Vehicle Code.

3 (2) Order an entity issuing a professional license of  
4 the offending party to suspend or revoke the party's  
5 professional license for a period of no more than 6 months.

6 (3) Find that a party in engaging in visitation abuse  
7 is guilty of a petty offense and should be fined an amount  
8 of no more that \$500 for each finding of visitation abuse.

9 A court order that holds a party in contempt for a  
10 violation of a visitation order and that finds that the party  
11 engaged in visitation abuse constitutes "a change" that "has  
12 occurred in the circumstances of the child or his custodian"  
13 under subsection (b) of Section 610.

14 (d) Nothing contained in this Section shall be construed to  
15 limit the court's contempt power, except as provided in  
16 subsection (g) of this Section.

17 (e) When the court issues an order holding a party in  
18 contempt of court for violation of a visitation order, the  
19 clerk shall transmit a copy of the contempt order to the  
20 sheriff of the county. The sheriff shall furnish a copy of each  
21 contempt order to the Department of State Police on a daily  
22 basis in the form and manner required by the Department. The  
23 Department shall maintain a complete record and index of the  
24 contempt orders and make this data available to all local law  
25 enforcement agencies.

26 (f) Attorney fees and costs shall be assessed against a

1 party if the court finds that the enforcement action is  
2 vexatious and constitutes harassment.

3 (g) A person convicted of unlawful visitation or parenting  
4 time interference under Section 10-5.5 of the Criminal Code of  
5 1961 shall not be subject to the provisions of this Section and  
6 the court may not enter a contempt order for visitation abuse  
7 against any person for the same conduct for which the person  
8 was convicted of unlawful visitation interference or subject  
9 that person to the sanctions provided for in this Section.

10 (h) If a parent has been previously found in contempt by  
11 the court and found to have engaged in visitation abuse, the  
12 court may further:

13 (1) incarcerate the offending parent one day for each  
14 day of denied visitation; and

15 (2) require the offending party to post a \$5,000 bond  
16 subject to forfeiture for the purpose of assuring  
17 compliance with future visitation.

18 (Source: P.A. 96-333, eff. 8-11-09; 96-675, eff. 8-25-09.)

19 Section 99. Effective date. This Act takes effect upon  
20 becoming law.

1 INDEX

2 Statutes amended in order of appearance

3 625 ILCS 5/7-701

4 625 ILCS 5/7-702

5 625 ILCS 5/7-702.1

6 625 ILCS 5/7-703

7 625 ILCS 5/7-704

8 625 ILCS 5/7-705

9 625 ILCS 5/7-705.2 new

10 625 ILCS 5/7-706

11 625 ILCS 5/7-708

12 750 ILCS 5/607.1 from Ch. 40, par. 607.1