



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

SB3823

Introduced 2/10/2012, by Sen. John M. Sullivan

SYNOPSIS AS INTRODUCED:

625 ILCS 5/7-701
625 ILCS 5/7-702
625 ILCS 5/7-702.1
625 ILCS 5/7-703
625 ILCS 5/7-704
625 ILCS 5/7-705
625 ILCS 5/7-705.2 new
625 ILCS 5/7-706
625 ILCS 5/7-708
750 ILCS 5/607.1

from Ch. 40, par. 607.1

Amends the Illinois Vehicle Code and the Illinois Marriage and Dissolution of Marriage Act. Provides that the Secretary of State shall suspend, pursuant to court order, the driver's license of a person adjudicated by a court to have engaged in visitation abuse. Provides procedures for that suspension process. Provides that the court, upon finding that a party engaged in visitation abuse, may order: the suspension of the offending party's Illinois driving privileges pursuant to the Illinois Vehicle Code, until the court has determined that there has been sufficient compliance with the court's visitation order and that full driving privileges shall be reinstated; the issuance of a family responsibility driving permit to the offending party to allow limited driving privileges for employment, for medical purposes, and to transport a child pursuant to a visitation order; the placement of the offending party on probation; or the sentencing of the offending party to periodic imprisonment for up to 6 months, provided that the court may allow periods of release for work. Effective immediately.

LRB097 16472 AJO 61637 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 the person who violated a
9 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 party 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, for medical purposes,

1 and to transport a child to or from scheduled visitation in
2 order to comply with a visitation order in accordance with
3 subsection (a-1) of Section 7-702.1 of the Illinois Vehicle
4 Code.

5 (2) Placement of a party on probation with such
6 conditions of probation as the Court deems advisable.

7 (3) Sentencing of a party to periodic imprisonment for
8 a period not to exceed 6 months; provided, that the Court
9 may permit the party to be released for periods of time
10 during the day or night to:

11 (A) work; or

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

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

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.