



## 98TH GENERAL ASSEMBLY

### State of Illinois

2013 and 2014

HB5515

by Rep. John D. Cavaletto

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.855 new  
30 ILCS 105/6z-100 new  
705 ILCS 105/27.5  
750 ILCS 5/612 new

from Ch. 25, par. 27.5

Amends the State Finance Act. Creates the Grandparents Custody Assistance Fund as a special fund in the State treasury. Provides that moneys in the Fund shall be paid as grants to public or private non-profit agencies that provide pro bono legal assistance to a grandparent or other first-degree relative seeking (i) custody of a child or (ii) to intervene in a custody dispute involving that child. Authorizes the Attorney General to manage the Fund. Defines "first-degree relative". Amends the Illinois Marriage and Dissolution of Marriage Act and the Clerks of Courts Act to provide for fines to be imposed when parties violate court orders relating to custody, visitation, or joint parenting, with certain exceptions. Provides for disposition of the fines.

LRB098 17491 HEP 52598 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning family law.

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

4 Section 5. The State Finance Act is amended by adding  
5 Sections 5.855 and 6z-100 as follows:

6 (30 ILCS 105/5.855 new)

7 Sec. 5.855. The Grandparents Custody Assistance Fund.

8 (30 ILCS 105/6z-100 new)

9 Sec. 6z-100. The Grandparents Custody Assistance Fund. The  
10 Grandparents Custody Assistance Fund is created as a special  
11 fund in the State treasury. The Fund may accept fees, gifts,  
12 grants, donations, and federal or State appropriations, for  
13 use, subject to appropriation, by the Attorney General in  
14 making grants to public or private non-profit agencies that  
15 provide pro bono legal assistance to a grandparent or other  
16 first-degree relative who is seeking (i) custody of a child or  
17 (ii) to intervene in a custody dispute involving that child.  
18 The Attorney General may seek private and public funds for  
19 deposit into the Grandparents Custody Assistance Fund. Moneys  
20 in the Fund may be appropriated only for the use of the  
21 Attorney General in the performance of his or her powers and  
22 duties under this Section. The Attorney General shall adopt

1 rules concerning application for and disbursement of moneys in  
2 the Fund. For the purposes of this Section, "first-degree  
3 relative" means a sibling, grandparent, aunt, or uncle of an  
4 individual.

5 Section 10. The Clerks of Courts Act is amended by changing  
6 Section 27.5 as follows:

7 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

8 Sec. 27.5. (a) All fees, fines, costs, additional  
9 penalties, bail balances assessed or forfeited, and any other  
10 amount paid by a person to the circuit clerk that equals an  
11 amount less than \$55, except restitution under Section 5-5-6 of  
12 the Unified Code of Corrections, reimbursement for the costs of  
13 an emergency response as provided under Section 11-501 of the  
14 Illinois Vehicle Code, any fees collected for attending a  
15 traffic safety program under paragraph (c) of Supreme Court  
16 Rule 529, any fee collected on behalf of a State's Attorney  
17 under Section 4-2002 of the Counties Code or a sheriff under  
18 Section 4-5001 of the Counties Code, or any cost imposed under  
19 Section 124A-5 of the Code of Criminal Procedure of 1963, for  
20 convictions, orders of supervision, or any other disposition  
21 for a violation of Chapters 3, 4, 6, 11, and 12 of the Illinois  
22 Vehicle Code, or a similar provision of a local ordinance, and  
23 any violation of the Child Passenger Protection Act, or a  
24 similar provision of a local ordinance, and except as otherwise

1 provided in this Section, shall be disbursed within 60 days  
2 after receipt by the circuit clerk as follows: 47% shall be  
3 disbursed to the entity authorized by law to receive the fine  
4 imposed in the case; 12% shall be disbursed to the State  
5 Treasurer; and 41% shall be disbursed to the county's general  
6 corporate fund. Of the 12% disbursed to the State Treasurer,  
7 1/6 shall be deposited by the State Treasurer into the Violent  
8 Crime Victims Assistance Fund, 1/2 shall be deposited into the  
9 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall  
10 be deposited into the Drivers Education Fund. For fiscal years  
11 1992 and 1993, amounts deposited into the Violent Crime Victims  
12 Assistance Fund, the Traffic and Criminal Conviction Surcharge  
13 Fund, or the Drivers Education Fund shall not exceed 110% of  
14 the amounts deposited into those funds in fiscal year 1991. Any  
15 amount that exceeds the 110% limit shall be distributed as  
16 follows: 50% shall be disbursed to the county's general  
17 corporate fund and 50% shall be disbursed to the entity  
18 authorized by law to receive the fine imposed in the case. Not  
19 later than March 1 of each year the circuit clerk shall submit  
20 a report of the amount of funds remitted to the State Treasurer  
21 under this Section during the preceding year based upon  
22 independent verification of fines and fees. All counties shall  
23 be subject to this Section, except that counties with a  
24 population under 2,000,000 may, by ordinance, elect not to be  
25 subject to this Section. For offenses subject to this Section,  
26 judges shall impose one total sum of money payable for

1 violations. The circuit clerk may add on no additional amounts  
2 except for amounts that are required by Sections 27.3a and  
3 27.3c of this Act, Section 16-104c of the Illinois Vehicle  
4 Code, and subsection (a) of Section 5-1101 of the Counties  
5 Code, unless those amounts are specifically waived by the  
6 judge. With respect to money collected by the circuit clerk as  
7 a result of forfeiture of bail, ex parte judgment or guilty  
8 plea pursuant to Supreme Court Rule 529, the circuit clerk  
9 shall first deduct and pay amounts required by Sections 27.3a  
10 and 27.3c of this Act. Unless a court ordered payment schedule  
11 is implemented or fee requirements are waived pursuant to a  
12 court order, the circuit clerk may add to any unpaid fees and  
13 costs a delinquency amount equal to 5% of the unpaid fees that  
14 remain unpaid after 30 days, 10% of the unpaid fees that remain  
15 unpaid after 60 days, and 15% of the unpaid fees that remain  
16 unpaid after 90 days. Notice to those parties may be made by  
17 signage posting or publication. The additional delinquency  
18 amounts collected under this Section shall be deposited in the  
19 Circuit Court Clerk Operation and Administrative Fund to be  
20 used to defray administrative costs incurred by the circuit  
21 clerk in performing the duties required to collect and disburse  
22 funds. This Section is a denial and limitation of home rule  
23 powers and functions under subsection (h) of Section 6 of  
24 Article VII of the Illinois Constitution.

25 (b) The following amounts must be remitted to the State  
26 Treasurer for deposit into the Illinois Animal Abuse Fund:

1           (1) 50% of the amounts collected for felony offenses  
2           under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,  
3           5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for  
4           Animals Act and Section 26-5 or 48-1 of the Criminal Code  
5           of 1961 or the Criminal Code of 2012;

6           (2) 20% of the amounts collected for Class A and Class  
7           B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,  
8           5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care  
9           for Animals Act and Section 26-5 or 48-1 of the Criminal  
10          Code of 1961 or the Criminal Code of 2012; and

11          (3) 50% of the amounts collected for Class C  
12          misdemeanors under Sections 4.01 and 7.1 of the Humane Care  
13          for Animals Act and Section 26-5 or 48-1 of the Criminal  
14          Code of 1961 or the Criminal Code of 2012.

15          (c) Any person who receives a disposition of court  
16          supervision for a violation of the Illinois Vehicle Code or a  
17          similar provision of a local ordinance shall, in addition to  
18          any other fines, fees, and court costs, pay an additional fee  
19          of \$29, to be disbursed as provided in Section 16-104c of the  
20          Illinois Vehicle Code. In addition to the fee of \$29, the  
21          person shall also pay a fee of \$6, if not waived by the court.  
22          If this \$6 fee is collected, \$5.50 of the fee shall be  
23          deposited into the Circuit Court Clerk Operation and  
24          Administrative Fund created by the Clerk of the Circuit Court  
25          and 50 cents of the fee shall be deposited into the Prisoner  
26          Review Board Vehicle and Equipment Fund in the State treasury.

1 (d) Any person convicted of, pleading guilty to, or placed  
2 on supervision for a serious traffic violation, as defined in  
3 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
4 Section 11-501 of the Illinois Vehicle Code, or a violation of  
5 a similar provision of a local ordinance shall pay an  
6 additional fee of \$35, to be disbursed as provided in Section  
7 16-104d of that Code.

8 This subsection (d) becomes inoperative 7 years after the  
9 effective date of Public Act 95-154.

10 (e) In all counties having a population of 3,000,000 or  
11 more inhabitants:

12 (1) A person who is found guilty of or pleads guilty to  
13 violating subsection (a) of Section 11-501 of the Illinois  
14 Vehicle Code, including any person placed on court  
15 supervision for violating subsection (a), shall be fined  
16 \$750 as provided for by subsection (f) of Section 11-501.01  
17 of the Illinois Vehicle Code, payable to the circuit clerk,  
18 who shall distribute the money pursuant to subsection (f)  
19 of Section 11-501.01 of the Illinois Vehicle Code.

20 (2) When a crime laboratory DUI analysis fee of \$150,  
21 provided for by Section 5-9-1.9 of the Unified Code of  
22 Corrections is assessed, it shall be disbursed by the  
23 circuit clerk as provided by subsection (f) of Section  
24 5-9-1.9 of the Unified Code of Corrections.

25 (3) When a fine for a violation of subsection (a) of  
26 Section 11-605 of the Illinois Vehicle Code is \$150 or

1 greater, the additional \$50 which is charged as provided  
2 for by subsection (f) of Section 11-605 of the Illinois  
3 Vehicle Code shall be disbursed by the circuit clerk to a  
4 school district or districts for school safety purposes as  
5 provided by subsection (f) of Section 11-605.

6 (4) When a fine for a violation of subsection (a) of  
7 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or  
8 greater, the additional \$50 which is charged as provided  
9 for by subsection (c) of Section 11-1002.5 of the Illinois  
10 Vehicle Code shall be disbursed by the circuit clerk to a  
11 school district or districts for school safety purposes as  
12 provided by subsection (c) of Section 11-1002.5 of the  
13 Illinois Vehicle Code.

14 (5) When a mandatory drug court fee of up to \$5 is  
15 assessed as provided in subsection (f) of Section 5-1101 of  
16 the Counties Code, it shall be disbursed by the circuit  
17 clerk as provided in subsection (f) of Section 5-1101 of  
18 the Counties Code.

19 (6) When a mandatory teen court, peer jury, youth  
20 court, or other youth diversion program fee is assessed as  
21 provided in subsection (e) of Section 5-1101 of the  
22 Counties Code, it shall be disbursed by the circuit clerk  
23 as provided in subsection (e) of Section 5-1101 of the  
24 Counties Code.

25 (7) When a Children's Advocacy Center fee is assessed  
26 pursuant to subsection (f-5) of Section 5-1101 of the



1 Counties Code, it shall be disbursed by the circuit clerk  
2 as provided in subsection (f-5) of Section 5-1101 of the  
3 Counties Code.

4 (8) When a victim impact panel fee is assessed pursuant  
5 to subsection (b) of Section 11-501.01 of the Illinois  
6 Vehicle Code, it shall be disbursed by the circuit clerk to  
7 the victim impact panel to be attended by the defendant.

8 (9) When a new fee collected in traffic cases is  
9 enacted after January 1, 2010 (the effective date of Public  
10 Act 96-735), it shall be excluded from the percentage  
11 disbursement provisions of this Section unless otherwise  
12 indicated by law.

13 (f) Any person who receives a disposition of court  
14 supervision for a violation of Section 11-501 of the Illinois  
15 Vehicle Code shall, in addition to any other fines, fees, and  
16 court costs, pay an additional fee of \$50, which shall be  
17 collected by the circuit clerk and then remitted to the State  
18 Treasurer for deposit into the Roadside Memorial Fund, a  
19 special fund in the State treasury. However, the court may  
20 waive the fee if full restitution is complied with. Subject to  
21 appropriation, all moneys in the Roadside Memorial Fund shall  
22 be used by the Department of Transportation to pay fees imposed  
23 under subsection (f) of Section 20 of the Roadside Memorial  
24 Act. The fee shall be remitted by the circuit clerk within one  
25 month after receipt to the State Treasurer for deposit into the  
26 Roadside Memorial Fund.

1 (g) For any conviction or disposition of court supervision  
2 for a violation of Section 11-1429 of the Illinois Vehicle  
3 Code, the circuit clerk shall distribute the fines paid by the  
4 person as specified by subsection (h) of Section 11-1429 of the  
5 Illinois Vehicle Code.

6 (h) A fine imposed under Section 612 of the Illinois  
7 Marriage and Dissolution of Marriage Act for a violation of an  
8 order concerning custody, visitation, or joint parenting, less  
9 10%, shall be remitted by the clerk to the Treasurer within 30  
10 days after receipt for deposit into the Grandparents Custody  
11 Assistance Fund. The 10% retained by the clerk shall be used to  
12 defray administrative costs that the clerk incurs.

13 (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;  
14 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;  
15 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.  
16 1-1-11; 97-333, eff. 8-12-11; 97-1108, eff. 1-1-13; 97-1150,  
17 eff. 1-25-13.)

18 Section 15. The Illinois Marriage and Dissolution of  
19 Marriage Act is amended by adding Section 612 as follows:

20 (750 ILCS 5/612 new)

21 Sec. 612. Fines; Grandparents Custody Assistance Fund. If  
22 the court finds that one or more of the parties has violated an  
23 order of the court concerning custody, visitation, or joint  
24 parenting, the court shall assess a \$50 fine against the party

1 in addition to any other penalty imposed, unless the court  
2 determines to waive the fine because the court finds that the  
3 imposition of it would place an undue burden on another party  
4 who is not in violation of the court's order. The fine shall be  
5 distributed in accordance with subsection (h) of Section 27.5  
6 of the Clerks of Courts Act.