



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB2494

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

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

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

LRB101 08785 TAE 53872 b

1 AN ACT concerning transportation.

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

4 Section 5. The Illinois Public Aid Code is amended by
5 changing Section 10-17.6 as follows:

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

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

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

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

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

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

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

12 (625 ILCS 5/6-118)

13 Sec. 6-118. Fees.

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

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

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

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

10 SPECIAL FEES FOR COMMERCIAL DRIVER'S LICENSE

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

13 Commercial driver's license:

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

22 Renewal commercial driver's license:

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

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

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

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

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

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

1 has been lost or stolen.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 permit; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 (Source: P.A. 99-127, eff. 1-1-16; 99-438, eff. 1-1-16; 99-642,
14 eff. 7-28-16; 99-933, eff. 1-27-17; 100-590, eff. 6-8-18;
15 100-803, eff. 1-1-19; revised 10-24-18.)

16 (625 ILCS 5/6-201)

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

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

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

21 or

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

24 3. failed to pay any fees, civil penalties owed to the
25 Illinois Commerce Commission, or taxes due under this Act

1 and upon reasonable notice and demand; or

2 4. committed any fraud in the making of such

3 application; or

4 5. is ineligible therefor under the provisions of

5 Section 6-103 of this Act, as amended; or

6 6. has refused or neglected to submit an alcohol, drug,

7 and intoxicating compound evaluation or to submit to

8 examination or re-examination as required under this Act;

9 or

10 7. has been convicted of violating the Cannabis Control

11 Act, the Illinois Controlled Substances Act, the

12 Methamphetamine Control and Community Protection Act, or

13 the Use of Intoxicating Compounds Act while that individual

14 was in actual physical control of a motor vehicle. For

15 purposes of this Section, any person placed on probation

16 under Section 10 of the Cannabis Control Act, Section 410

17 of the Illinois Controlled Substances Act, or Section 70 of

18 the Methamphetamine Control and Community Protection Act

19 shall not be considered convicted. Any person found guilty

20 of this offense, while in actual physical control of a

21 motor vehicle, shall have an entry made in the court record

22 by the judge that this offense did occur while the person

23 was in actual physical control of a motor vehicle and order

24 the clerk of the court to report the violation to the

25 Secretary of State as such. After the cancellation, the

26 Secretary of State shall not issue a new license or permit

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

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

16 8. failed to submit a report as required by Section
17 6-116.5 of this Code; or

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

25 10. is ineligible for a license or permit under Section
26 6-107, 6-107.1, or 6-108 of this Code; or

1 11. refused or neglected to appear at a Driver Services
2 facility to have the license or permit corrected and a new
3 license or permit issued or to present documentation for
4 verification of identity; or

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

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

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

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

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

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

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

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

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

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

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

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

23 (625 ILCS 5/6-303) (from Ch. 95 1/2, par. 6-303)

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

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

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

25 (a-5) Any person who violates this Section as provided in
26 subsection (a) while his or her driver's license, permit, or

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

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

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

1 negate, invalidate, cancel, postpone, or in any way lessen the
2 effect of any other revocation or suspension entered prior or
3 subsequent to any other revocation or suspension.

4 (b) (Blank).

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

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

1 for an additional period of one year from the date of such
2 conviction indicating such person was operating a vehicle
3 during such period of revocation.

4 (b-3) (Blank).

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

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

1 determined by court services.

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

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

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

26 (2) a violation of paragraph (b) of Section 11-401 of

1 this Code or a similar provision of a local ordinance
2 relating to the offense of leaving the scene of a motor
3 vehicle accident involving personal injury or death; or

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

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

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

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

17 (1) Seizure of the license plates of the person's
18 vehicle.

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

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

26 (c-4) Any person who has been issued a monitoring device

1 driving permit ~~MDDP~~ or a restricted driving permit which
2 requires the person to operate only motor vehicles equipped
3 with an ignition interlock device and who is convicted of a
4 violation of this Section as a result of operating or being in
5 actual physical control of a motor vehicle not equipped with an
6 ignition interlock device at the time of the offense shall be
7 guilty of a Class 4 felony and shall serve a minimum term of
8 imprisonment of 30 days.

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

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

24 (2) the prior conviction under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 9-3 of the Criminal Code

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

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

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

24 (2) the prior conviction under this Section occurred
25 while the person's driver's license was suspended or
26 revoked for a violation of Section 11-401 or 11-501 of this

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

13 ~~(3)~~ The court may give credit toward the fulfillment of
14 community service hours for participation in activities and
15 treatment as determined by court services.

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

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

26 (1) the current violation occurred when the person's

1 driver's license was suspended or revoked for a violation
2 of Section 11-401 or 11-501 of this Code, or a similar
3 out-of-state offense, or a similar provision of a local
4 ordinance, or a statutory summary suspension or revocation
5 under Section 11-501.1 of this Code; and

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

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

25 (1) the current violation occurred while the person's
26 driver's license was suspended or revoked for a violation

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

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

1 (d-3) Any person convicted of a fourth, fifth, sixth,
2 seventh, eighth, or ninth violation of this Section is guilty
3 of a Class 4 felony and must serve a minimum term of
4 imprisonment of 180 days, if:

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

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

26 (d-3.5) Any person convicted of a fourth or subsequent

1 violation of this Section is guilty of a Class 1 felony, is not
2 eligible for probation or conditional discharge, ~~and~~ must serve
3 a mandatory term of imprisonment, and is eligible for an
4 extended term, if:

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

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

1 suspended or revoked for a violation of Section 11-401 or
2 11-501 of this Code, a similar out-of-state offense, a
3 similar provision of a local ordinance, or a statutory
4 summary suspension or revocation under Section 11-501.1 of
5 this Code.

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

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

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

1 the influence of alcohol, other drug or drugs, or
2 intoxicating compound or compounds, or any combination
3 thereof when the violation was a proximate cause of a
4 death, or a similar out-of-state offense.

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

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

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

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

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

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

15 (g) The motor vehicle used in a violation of this Section
16 is subject to seizure and forfeiture as provided in Sections
17 36-1 and 36-2 of the Criminal Code of 2012 if the person's
18 driving privilege was revoked or suspended as a result of:

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

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

25 (3) a statutory summary suspension or revocation under
26 Section 11-501.1 of this Code or a similar provision of a

1 law of another state; or

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

11 (Source: P.A. 99-290, eff. 1-1-16; 100-149, eff. 1-1-18;
12 100-575, eff. 1-8-18; 100-1004, eff. 1-1-19; revised
13 10-22-18.)

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

16 (705 ILCS 105/27.1b)

17 (This Section may contain text from a Public Act with a
18 delayed effective date)

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

20 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
21 other provision of law, all fees charged by the clerks of the
22 circuit court for the services described in this Section shall
23 be established, collected, and disbursed in accordance with
24 this Section. Except as otherwise specified in this Section,

1 all fees under this Section shall be paid in advance and
2 disbursed by each clerk on a monthly basis. In a county with a
3 population of over 3,000,000, units of local government and
4 school districts shall not be required to pay fees under this
5 Section in advance and the clerk shall instead send an itemized
6 bill to the unit of local government or school district, within
7 30 days of the fee being incurred, and the unit of local
8 government or school district shall be allowed at least 30 days
9 from the date of the itemized bill to pay; these payments shall
10 be disbursed by each clerk on a monthly basis. Unless otherwise
11 specified in this Section, the amount of a fee shall be
12 determined by ordinance or resolution of the county board and
13 remitted to the county treasurer to be used for purposes
14 related to the operation of the court system in the county. In
15 a county with population of over 3,000,000, any amount retained
16 by the clerk of the circuit court or remitted to the county
17 treasurer shall be subject to appropriation by the county
18 board.

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

24 (1) SCHEDULE 1: not to exceed a total of \$366 in a
25 county with a population of 3,000,000 or more and not to
26 exceed \$316 in any other county, except as applied to units

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

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

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

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

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

22 (iii) \$9 into the Supreme Court Special
23 Purposes Fund.

24 (C) The clerk shall remit a sum to the County
25 Treasurer, in an amount not to exceed \$290 in a county
26 with a population of 3,000,000 or more and in an amount

1 not to exceed \$250 in any other county, as specified by
2 ordinance or resolution passed by the county board, for
3 purposes related to the operation of the court system
4 in the county.

5 (2) SCHEDULE 2: not to exceed a total of \$357 in a
6 county with a population of 3,000,000 or more and not to
7 exceed \$266 in any other county, except as applied to units
8 of local government and school districts in counties with
9 more than 3,000,000 inhabitants an amount not to exceed
10 \$190 through December 31, 2021 and \$184 on and after
11 January 1, 2022. The fees collected under this schedule
12 shall be disbursed as follows:

13 (A) The clerk shall retain a sum, in an amount not
14 to exceed \$55 in a county with a population of
15 3,000,000 or more and in an amount not to exceed \$45 in
16 any other county determined by the clerk with the
17 approval of the Supreme Court, to be used for court
18 automation, court document storage, and administrative
19 purposes.

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

24 (i) up to \$10, as specified by the Supreme
25 Court in accordance with Part 10A of Article II of
26 the Code of Civil Procedure, into the Mandatory

1 Arbitration Fund;

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

3 (iii) \$9 into the Supreme Court Special
4 Purposes Fund.

5 (C) The clerk shall remit a sum to the County
6 Treasurer, in an amount not to exceed \$281 in a county
7 with a population of 3,000,000 or more and in an amount
8 not to exceed \$200 in any other county, as specified by
9 ordinance or resolution passed by the county board, for
10 purposes related to the operation of the court system
11 in the county.

12 (3) SCHEDULE 3: not to exceed a total of \$265 in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$89 in any other county, except as applied to units
15 of local government and school districts in counties with
16 more than 3,000,000 inhabitants an amount not to exceed
17 \$190 through December 31, 2021 and \$184 on and after
18 January 1, 2022. The fees collected under this schedule
19 shall be disbursed as follows:

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

1 (B) The clerk shall remit \$11 to the State
2 Treasurer. The State Treasurer shall deposit the
3 appropriate amounts in accordance with the clerk's
4 instructions, as follows:

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

6 (ii) \$9 into the Supreme Court Special
7 Purposes Fund.

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

15 (4) SCHEDULE 4: \$0.

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

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

1 disbursed as follows:

2 (A) The clerk shall retain a sum, in an amount not
3 to exceed \$50 in a county with a population of
4 3,000,000 or more and in an amount not to exceed \$45 in
5 any other county determined by the clerk with the
6 approval of the Supreme Court, to be used for court
7 automation, court document storage, and administrative
8 purposes.

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

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

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

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

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

1 (2) SCHEDULE 2: not to exceed a total of \$130 in a
2 county with a population of 3,000,000 or more and not to
3 exceed \$109 in any other county, except as applied to units
4 of local government and school districts in counties with
5 more than 3,000,000 inhabitants an amount not to exceed
6 \$75. The fees collected under this schedule shall be
7 disbursed as follows:

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

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

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

25 (3) SCHEDULE 3: \$0.

26 (b-5) Kane County and Will County. In Kane County and Will

1 County civil cases, there is an additional fee of up to \$30 as
2 set by the county board under Section 5-1101.3 of the Counties
3 Code to be paid by each party at the time of filing the first
4 pleading, paper, or other appearance; provided that no
5 additional fee shall be required if more than one party is
6 represented in a single pleading, paper, or other appearance.
7 Distribution of fees collected under this subsection (b-5)
8 shall be as provided in Section 5-1101.3 of the Counties Code.

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

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

26 (e) Jury services. The clerk shall collect, in addition to

1 other fees allowed by law, a sum not to exceed \$212.50, as a
2 fee for the services of a jury in every civil action not
3 quasi-criminal in its nature and not a proceeding for the
4 exercise of the right of eminent domain and in every other
5 action wherein the right of trial by jury is or may be given by
6 law. The jury fee shall be paid by the party demanding a jury
7 at the time of filing the jury demand. If the fee is not paid by
8 either party, no jury shall be called in the action or
9 proceeding, and the action or proceeding shall be tried by the
10 court without a jury.

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

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

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

18 (g) Petition to vacate or modify.

19 (1) In a proceeding involving a petition to vacate or
20 modify any final judgment or order filed within 30 days
21 after the judgment or order was entered, except for an
22 eviction case, small claims case, petition to reopen an
23 estate, petition to modify, terminate, or enforce a
24 judgment or order for child or spousal support, or petition
25 to modify, suspend, or terminate an order for withholding,
26 the fee shall not exceed \$60 in a county with a population

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

5 (2) In a proceeding involving a petition to vacate or
6 modify any final judgment or order filed more than 30 days
7 after the judgment or order was entered, except for a
8 petition to modify, terminate, or enforce a judgment or
9 order for child or spousal support, or petition to modify,
10 suspend, or terminate an order for withholding, the fee
11 shall not exceed \$75.

12 (3) In a proceeding involving a motion to vacate or
13 amend a final order, motion to vacate an ex parte judgment,
14 judgment of forfeiture, or "failure to appear" or "failure
15 to comply" notices sent to the Secretary of State, the fee
16 shall equal \$40.

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

20 (1) if the record contains no more than 100 pages, the
21 fee shall not exceed \$70 in a county with a population of
22 3,000,000 or more and shall not exceed \$50 in any other
23 county;

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

26 (3) if the record contains 200 or more pages, the clerk

1 may collect an additional fee not to exceed 25 cents per
2 page.

3 (i) Remands. In any cases remanded to the circuit court
4 from the Supreme Court or the appellate court for a new trial,
5 the clerk shall reinstate the case with either its original
6 number or a new number. The clerk shall not charge any new or
7 additional fee for the reinstatement. Upon reinstatement, the
8 clerk shall advise the parties of the reinstatement. Parties
9 shall have the same right to a jury trial on remand and
10 reinstatement that they had before the appeal, and no
11 additional or new fee or charge shall be made for a jury trial
12 after remand.

13 (j) Garnishment, wage deduction, and citation. In
14 garnishment affidavit, wage deduction affidavit, and citation
15 petition proceedings:

16 (1) if the amount in controversy in the proceeding is
17 not more than \$1,000, the fee may not exceed \$35 in a
18 county with a population of 3,000,000 or more and may not
19 exceed \$15 in any other county, except as applied to units
20 of local government and school districts in counties with
21 more than 3,000,000 inhabitants an amount not to exceed
22 \$15;

23 (2) if the amount in controversy in the proceeding is
24 greater than \$1,000 and not more than \$5,000, the fee may
25 not exceed \$45 in a county with a population of 3,000,000
26 or more and may not exceed \$30 in any other county, except

1 as applied to units of local government and school
2 districts in counties with more than 3,000,000 inhabitants
3 an amount not to exceed \$30; and

4 (3) if the amount in controversy in the proceeding is
5 greater than \$5,000, the fee may not exceed \$65 in a county
6 with a population of 3,000,000 or more and may not exceed
7 \$50 in any other county, except as applied to units of
8 local government and school districts in counties with more
9 than 3,000,000 inhabitants an amount not to exceed \$50.

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

15 (1) \$35 if the amount in controversy in the proceeding
16 is not more than \$1,000;

17 (2) \$45 if the amount in controversy in the proceeding
18 is greater than \$1,000 and not more than \$5,000; and

19 (3) \$65 if the amount in controversy in the proceeding
20 is greater than \$5,000.

21 (k) Collections.

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

26 (2) In child support and maintenance cases, the clerk

1 may collect an annual fee of up to \$36 from the person
2 making payment for maintaining child support records and
3 the processing of support orders to the State of Illinois
4 KIDS system and the recording of payments issued by the
5 State Disbursement Unit for the official record of the
6 Court. This fee is in addition to and separate from amounts
7 ordered to be paid as maintenance or child support and
8 shall be deposited into a Separate Maintenance and Child
9 Support Collection Fund, of which the clerk shall be the
10 custodian, ex officio, to be used by the clerk to maintain
11 child support orders and record all payments issued by the
12 State Disbursement Unit for the official record of the
13 Court. The clerk may recover from the person making the
14 maintenance or child support payment any additional cost
15 incurred in the collection of this annual fee.

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

21 (4) In proceedings to foreclose the lien of delinquent
22 real estate taxes, State's Attorneys shall receive a fee of
23 10% of the total amount realized from the sale of real
24 estate sold in the proceedings. The clerk shall collect the
25 fee from the total amount realized from the sale of the
26 real estate sold in the proceedings and remit to the County

1 Treasurer to be credited to the earnings of the Office of
2 the State's Attorney.

3 (1) Mailing. The fee for the clerk mailing documents shall
4 not exceed \$10 plus the cost of postage.

5 (m) Certified copies. The fee for each certified copy of a
6 judgment, after the first copy, shall not exceed \$10.

7 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

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

26 (q) Index inquiry and other records. No fee shall be

1 charged for a single plaintiff and defendant index inquiry or
2 single case record inquiry when this request is made in person
3 and the records are maintained in a current automated medium,
4 and when no hard copy print output is requested. The fees to be
5 charged for management records, multiple case records, and
6 multiple journal records may be specified by the Chief Judge
7 pursuant to the guidelines for access and dissemination of
8 information approved by the Supreme Court.

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

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

24 (t) Expungement petition. The clerk may collect a fee not
25 to exceed \$60 for each expungement petition filed and an
26 additional fee not to exceed \$4 for each certified copy of an

1 order to expunge arrest records.

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

5 (v) Probate filings.

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

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

22 (3) For filing in an estate a claim, petition, or
23 supplemental proceeding based upon an action seeking
24 equitable relief including the construction or contest of a
25 will, enforcement of a contract to make a will, and
26 proceedings involving testamentary trusts or the

1 appointment of testamentary trustees, the fee shall not
2 exceed \$60.

3 (4) There shall be no fee for filing in an estate: (i)
4 the appearance of any person for the purpose of consent; or
5 (ii) the appearance of an executor, administrator,
6 administrator to collect, guardian, guardian ad litem, or
7 special administrator.

8 (5) For each jury demand, the fee shall not exceed
9 \$137.50.

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

13 (7) For each exemplification, the fee shall not exceed
14 \$2, plus the fee for certification.

15 (8) The executor, administrator, guardian, petitioner,
16 or other interested person or his or her attorney shall pay
17 the cost of publication by the clerk directly to the
18 newspaper.

19 (9) The person on whose behalf a charge is incurred for
20 witness, court reporter, appraiser, or other miscellaneous
21 fees shall pay the same directly to the person entitled
22 thereto.

23 (10) The executor, administrator, guardian,
24 petitioner, or other interested person or his or her
25 attorney shall pay to the clerk all postage charges
26 incurred by the clerk in mailing petitions, orders,

1 notices, or other documents pursuant to the provisions of
2 the Probate Act of 1975.

3 (w) Corrections of numbers. For correction of the case
4 number, case title, or attorney computer identification
5 number, if required by rule of court, on any document filed in
6 the clerk's office, to be charged against the party that filed
7 the document, the fee shall not exceed \$25.

8 (x) Miscellaneous.

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

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

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

1 not otherwise required by law.

2 (y-5) Unpaid fees. Unless a court ordered payment schedule
3 is implemented or the fee requirements of this Section are
4 waived under a court order, the clerk of the circuit court may
5 add to any unpaid fees and costs under this Section a
6 delinquency amount equal to 5% of the unpaid fees that remain
7 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
8 after 60 days, and 15% of the unpaid fees that remain unpaid
9 after 90 days. Notice to those parties may be made by signage
10 posting or publication. The additional delinquency amounts
11 collected under this Section shall be deposited into the
12 Circuit Court Clerk Operations and Administration Fund and used
13 to defray additional administrative costs incurred by the clerk
14 of the circuit court in collecting unpaid fees and costs.

15 (z) Exceptions.

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

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

24 (A-5) any unit of local government or school
25 district, except in counties having a population of
26 500,000 or more the county board may by resolution set

1 fees for units of local government or school districts
2 no greater than the minimum fees applicable in counties
3 with a population less than 3,000,000; provided
4 however, no fee may be charged to any unit of local
5 government or school district in connection with any
6 action which, in whole or in part, is: (i) to enforce
7 an ordinance; (ii) to collect a debt; or (iii) under
8 the Administrative Review Law;

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

19 (C) any commitment petition or petition for an
20 order authorizing the administration of psychotropic
21 medication or electroconvulsive therapy under the
22 Mental Health and Developmental Disabilities Code;

23 (D) a petitioner in any order of protection
24 proceeding, including, but not limited to, fees for
25 filing, modifying, withdrawing, certifying, or
26 photocopying petitions for orders of protection,

1 issuing alias summons, any related filing service, or
2 certifying, modifying, vacating, or photocopying any
3 orders of protection; or

4 (E) proceedings for the appointment of a
5 confidential intermediary under the Adoption Act.

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

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

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

14 (Source: P.A. 100-987, eff. 7-1-19; 100-994, eff. 7-1-19;
15 100-1161, eff. 7-1-19.)

16 Section 20. The Illinois Marriage and Dissolution of
17 Marriage Act is amended by changing Sections 505 and 607.5 as
18 follows:

19 (750 ILCS 5/505) (from Ch. 40, par. 505)

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

21 (a) In a proceeding for dissolution of marriage, legal
22 separation, declaration of invalidity of marriage, or
23 dissolution of a civil union, a proceeding for child support
24 following a legal separation or dissolution of the marriage or

1 civil union by a court that lacked personal jurisdiction over
2 the absent spouse, a proceeding for modification of a previous
3 order for child support under Section 510 of this Act, or any
4 proceeding authorized under Section 501 or 601 of this Act, the
5 court may order either or both parents owing a duty of support
6 to a child of the marriage or civil union to pay an amount
7 reasonable and necessary for support. The duty of support owed
8 to a child includes the obligation to provide for the
9 reasonable and necessary physical, mental and emotional health
10 needs of the child. For purposes of this Section, the term
11 "child" shall include any child under age 18 and any child age
12 19 or younger who is still attending high school. For purposes
13 of this Section, the term "obligor" means the parent obligated
14 to pay support to the other parent.

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

24 (A) to establish as State policy an adequate
25 standard of support for a child, subject to the ability
26 of parents to pay;

1 (B) to make child support obligations more
2 equitable by ensuring more consistent treatment of
3 parents in similar circumstances;

4 (C) to improve the efficiency of the court process
5 by promoting settlements and giving courts and the
6 parties guidance in establishing levels of child
7 support;

8 (D) to calculate child support based upon the
9 parents' combined net income estimated to have been
10 allocated for the support of the child if the parents
11 and child were living in an intact household;

12 (E) to adjust child support based upon the needs of
13 the child; and

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

17 (1.5) Computation of basic child support obligation.
18 The court shall compute the basic child support obligation
19 by taking the following steps:

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

21 (B) add the parents' monthly net incomes together
22 to determine the combined monthly net income of the
23 parents;

24 (C) select the corresponding appropriate amount
25 from the schedule of basic child support obligations
26 based on the parties' combined monthly net income and

1 number of children of the parties; and

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

4 Although a monetary obligation is computed for each
5 parent as child support, the receiving parent's share is
6 not payable to the other parent and is presumed to be spent
7 directly on the child.

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

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

16 (B) the financial resources and needs of the
17 parents;

18 (C) the standard of living the child would have
19 enjoyed had the marriage or civil union not been
20 dissolved; and

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

23 (3) Income.

24 (A) As used in this Section, "gross income" means
25 the total of all income from all sources, except "gross
26 income" does not include (i) benefits received by the

1 parent from means-tested public assistance programs,
2 including, but not limited to, Temporary Assistance
3 for Needy Families, Supplemental Security Income, and
4 the Supplemental Nutrition Assistance Program or (ii)
5 benefits and income received by the parent for other
6 children in the household, including, but not limited
7 to, child support, survivor benefits, and foster care
8 payments. Social security disability and retirement
9 benefits paid for the benefit of the subject child must
10 be included in the disabled or retired parent's gross
11 income for purposes of calculating the parent's child
12 support obligation, but the parent is entitled to a
13 child support credit for the amount of benefits paid to
14 the other party for the child. "Gross income" includes
15 maintenance treated as taxable income for federal
16 income tax purposes to the payee and received pursuant
17 to a court order in the pending proceedings or any
18 other proceedings and shall be included in the payee's
19 gross income for purposes of calculating the parent's
20 child support obligation.

21 (B) As used in this Section, "net income" means
22 gross income minus either the standardized tax amount
23 calculated pursuant to subparagraph (C) of this
24 paragraph (3) or the individualized tax amount
25 calculated pursuant to subparagraph (D) of this
26 paragraph (3), and minus any adjustments pursuant to

1 subparagraph (F) of this paragraph (3). The
2 standardized tax amount shall be used unless the
3 requirements for an individualized tax amount set
4 forth in subparagraph (E) of this paragraph (3) are
5 met. "Net income" includes maintenance not includable
6 in the gross taxable income of the payee for federal
7 income tax purposes under a court order in the pending
8 proceedings or any other proceedings and shall be
9 included in the payee's net income for purposes of
10 calculating the parent's child support obligation.

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

19 (I) Unless a court has determined otherwise or
20 the parties otherwise agree, the party with the
21 majority of parenting time shall be deemed
22 entitled to claim the dependency exemption for the
23 parties' minor child.

24 (II) The Illinois Department of Healthcare and
25 Family Services shall promulgate a standardized
26 net income conversion table that computes net

1 income by deducting the standardized tax amount
2 from gross income.

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

5 (I) federal income tax (properly calculated
6 withholding or estimated payments);

7 (II) State income tax (properly calculated
8 withholding or estimated payments); and

9 (III) Social Security or self-employment tax,
10 if applicable (or, if none, mandatory retirement
11 contributions required by law or as a condition of
12 employment) and Medicare tax calculated at the
13 Federal Insurance Contributions Act rate.

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

1 (I) Agreement. Irrespective of whether the
2 parties agree on any other issue before the court,
3 if they jointly stipulate for the record their
4 concurrence on a computation method for the
5 individualized tax amount that is different from
6 the method set forth under subparagraph (D), the
7 stipulated method shall be used by the court unless
8 the court rejects the proposed stipulated method
9 for good cause.

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

26 (III) Evidentiary hearing. If the court

1 determines child support in an evidentiary
2 hearing, whether for purposes of a temporary order
3 or at the conclusion of a proceeding, item (II) of
4 this subparagraph (E) does not apply. In each such
5 case (unless item (I) governs), the individualized
6 tax amount shall be as determined by the court on
7 the basis of the record established.

8 (F) Adjustments to income.

9 (I) Multi-family adjustment. If a parent is
10 also legally responsible for support of a child not
11 shared with the other parent and not subject to the
12 present proceeding, there shall be an adjustment
13 to net income as follows:

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

20 (ii) Multi-family adjustment without court
21 order. Upon the request or application of a
22 parent actually supporting a presumed,
23 acknowledged, or adjudicated child living in
24 or outside of that parent's household, there
25 shall be an adjustment to child support. The
26 court shall deduct from the parent's net income

1 the amount of financial support actually paid
2 by the parent for the child or 75% of the
3 support the parent should pay under the child
4 support guidelines (before this adjustment),
5 whichever is less, unless the court makes a
6 finding that it would cause economic hardship
7 to the child. The adjustment shall be
8 calculated using that parent's income alone.

9 (II) Spousal Maintenance adjustment.

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

21 (3.1) Business income. For purposes of calculating
22 child support, net business income from the operation of a
23 business means gross receipts minus ordinary and necessary
24 expenses required to carry on the trade or business. As
25 used in this paragraph, "business" includes, but is not
26 limited to, sole proprietorships, closely held

1 corporations, partnerships, other flow-through business
2 entities, and self-employment. The court shall apply the
3 following:

4 (A) The accelerated component of depreciation and
5 any business expenses determined either judicially or
6 administratively to be inappropriate or excessive
7 shall be excluded from the total of ordinary and
8 necessary business expenses to be deducted in the
9 determination of net business income from gross
10 business income.

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

18 (3.2) Unemployment or underemployment. If a parent is
19 voluntarily unemployed or underemployed, child support
20 shall be calculated based on a determination of potential
21 income. A determination of potential income shall be made
22 by determining employment potential and probable earnings
23 level based on the obligor's work history, occupational
24 qualifications, prevailing job opportunities, the
25 ownership by a parent of a substantial non-income producing
26 asset, and earnings levels in the community. If there is

1 insufficient work history to determine employment
2 potential and probable earnings level, there shall be a
3 rebuttable presumption that the parent's potential income
4 is 75% of the most recent United States Department of
5 Health and Human Services Federal Poverty Guidelines for a
6 family of one person.

7 (3.3) Rebuttable presumption in favor of guidelines.
8 There is a rebuttable presumption in any judicial or
9 administrative proceeding for child support that the
10 amount of the child support obligation that would result
11 from the application of the child support guidelines is the
12 correct amount of child support.

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

22 (3.3b) Zero dollar child support order. For parents
23 with no gross income, who receive only means-tested
24 assistance, or who cannot work due to a medically proven
25 disability, incarceration, or institutionalization, there
26 is a rebuttable presumption that the \$40 per month minimum

1 support order is inapplicable and a zero dollar order shall
2 be entered.

3 (3.4) Deviation factors. In any action to establish or
4 modify child support, whether pursuant to a temporary or
5 final administrative or court order, the child support
6 guidelines shall be used as a rebuttable presumption for
7 the establishment or modification of the amount of child
8 support. The court may deviate from the child support
9 guidelines if the application would be inequitable,
10 unjust, or inappropriate. Any deviation from the
11 guidelines shall be accompanied by written findings by the
12 court specifying the reasons for the deviation and the
13 presumed amount under the child support guidelines without
14 a deviation. These reasons may include:

15 (A) extraordinary medical expenditures necessary
16 to preserve the life or health of a party or a child of
17 either or both of the parties;

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

21 (C) any other factor the court determines should be
22 applied upon a finding that the application of the
23 child support guidelines would be inappropriate, after
24 considering the best interest of the child.

25 (3.5) Income in excess of the schedule of basic child
26 support obligation. A court may use its discretion to

1 determine child support if the combined adjusted net income
2 of the parties exceeds the highest level of the schedule of
3 basic child support obligation, except that the basic child
4 support obligation shall not be less than the highest level
5 of combined net income set forth in the schedule of basic
6 child support obligation.

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

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

21 (A) "Child care expenses" means actual expenses
22 reasonably necessary to enable a parent or non-parent
23 custodian to be employed, to attend educational or
24 vocational training programs to improve employment
25 opportunities, or to search for employment. "Child
26 care expenses" also includes deposits for securing

1 placement in a child care program, the cost of before
2 and after school care, and camps when school is not in
3 session. A child's special needs shall be a
4 consideration in determining reasonable child care
5 expenses.

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

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

1 training programs.

2 (D) An order for child care expenses may be
3 modified upon a showing of a substantial change in
4 circumstances. The party incurring child care expenses
5 shall notify the other party within 14 days of any
6 change in the amount of child care expenses that would
7 affect the annualized child care amount as determined
8 in the support order.

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

26 (3.9) Split physical care. When there is more than one

1 child and each parent has physical care of at least one but
2 not all of the children, the support is calculated by using
3 2 child support worksheets to determine the support each
4 parent owes the other. The support shall be calculated as
5 follows:

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

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

12 (C) subtract the lesser support obligation from
13 the greater.

14 The parent who owes the greater obligation shall be
15 ordered to pay the difference in support to the other
16 parent, unless the court determines, pursuant to other
17 provisions of this Section, that it should deviate from the
18 guidelines.

19 (4) Health care.

20 (A) A portion of the basic child support obligation
21 is intended to cover basic ordinary out-of-pocket
22 medical expenses. The court, in its discretion, in
23 addition to the basic child support obligation, shall
24 also provide for the child's current and future medical
25 needs by ordering either or both parents to initiate
26 health insurance coverage for the child through

1 currently effective health insurance policies held by
2 the parent or parents, purchase one or more or all
3 health, dental, or vision insurance policies for the
4 child, or provide for the child's current and future
5 medical needs through some other manner.

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

13 (C) If neither parent has access to appropriate
14 private health insurance coverage, the court may
15 order:

16 (I) one or both parents to provide health
17 insurance coverage at any time it becomes
18 available at a reasonable cost; or

19 (II) the parent or non-parent custodian with
20 primary physical responsibility for the child to
21 apply for public health insurance coverage for the
22 child and require either or both parents to pay a
23 reasonable amount of the cost of health insurance
24 for the child.

25 The order may also provide that any time private
26 health insurance coverage is available at a reasonable

1 cost to that party it will be provided instead of cash
2 medical support. As used in this Section, "cash medical
3 support" means an amount ordered to be paid toward the
4 cost of health insurance provided by a public entity or
5 by another person through employment or otherwise or
6 for other medical costs not covered by insurance.

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

21 (E) After the health insurance premium for the
22 child is added to the basic child support obligation
23 and allocated between the parents in proportion to
24 their respective incomes for child support purposes,
25 if the obligor is paying the premium, the amount
26 calculated for the obligee's share of the health

1 insurance premium for the child shall be deducted from
2 the obligor's share of the total child support
3 obligation. If the obligee is paying for private health
4 insurance for the child, the child support obligation
5 shall be increased by the obligor's share of the
6 premium payment. The obligor's and obligee's portion
7 of health insurance costs shall appear in the support
8 order.

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

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

1 (H) If dental or vision insurance is included as
2 part of the employer's medical plan, the coverage shall
3 be maintained for the child. If not included in the
4 employer's medical plan, adding the dental or vision
5 insurance for the child is at the discretion of the
6 court.

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

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

23 (5) If the net income cannot be determined because of
24 default or any other reason, the court shall order support
25 in an amount considered reasonable in the particular case.
26 The final order in all cases shall state the support level

1 in dollar amounts. However, if the court finds that the
2 child support amount cannot be expressed exclusively as a
3 dollar amount because all or a portion of the obligor's net
4 income is uncertain as to source, time of payment, or
5 amount, the court may order a percentage amount of support
6 in addition to a specific dollar amount and enter such
7 other orders as may be necessary to determine and enforce,
8 on a timely basis, the applicable support ordered.

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

20 (a-5) In an action to enforce an order for child support
21 based on the obligor's failure to make support payments as
22 required by the order, notice of proceedings to hold the
23 obligor in contempt for that failure may be served on the
24 obligor by personal service or by regular mail addressed to the
25 last known address of the obligor. The last known address of
26 the obligor may be determined from records of the clerk of the

1 court, from the Federal Case Registry of Child Support Orders,
2 or by any other reasonable means.

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

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

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

14 (A) work; or

15 (B) conduct a business or other self-employed
16 occupation.

17 The court may further order any part or all of the earnings
18 of a parent during a sentence of periodic imprisonment paid to
19 the Clerk of the Circuit Court or to the parent having physical
20 possession of the child or to the non-parent custodian having
21 custody of the child of the sentenced parent for the support of
22 the child until further order of the court.

23 If a parent who is found guilty of contempt for failure to
24 comply with an order to pay support is a person who conducts a
25 business or who is self-employed, the court in addition to
26 other penalties provided by law may order that the parent do

1 one or more of the following: (i) provide to the court monthly
2 financial statements showing income and expenses from the
3 business or the self-employment; (ii) seek employment and
4 report periodically to the court with a diary, listing, or
5 other memorandum of his or her employment search efforts; or
6 (iii) report to the Department of Employment Security for job
7 search services to find employment that will be subject to
8 withholding for child support.

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

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

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

24 (3) the obligor transfers assets to the person,
25 persons, or business entity with the intent to perpetrate a
26 fraud on the obligee.

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

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

1 ~~issue a family financial responsibility driving permit to the~~
2 ~~parent.~~

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

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

1 interest as set forth in Section 12-109 of the Code of Civil
2 Procedure. Failure to include the statement in the order for
3 support does not affect the validity of the order or the
4 accrual of interest as provided in this Section.

5 (c) A one-time charge of 20% is imposable upon the amount
6 of past-due child support owed on July 1, 1988 which has
7 accrued under a support order entered by the court. The charge
8 shall be imposed in accordance with the provisions of Section
9 10-21 of the Illinois Public Aid Code and shall be enforced by
10 the court upon petition.

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

24 (e) When child support is to be paid through the Clerk of
25 the Court in a county of 500,000 inhabitants or less, the order
26 shall direct the obligor to pay to the Clerk, in addition to

1 the child support payments, all fees imposed by the county
2 board under paragraph (4) of subsection (bb) of Section 27.1a
3 of the Clerks of Courts Act. When child support is to be paid
4 through the clerk of the court in a county of more than 500,000
5 but less than 3,000,000 inhabitants, the order shall direct the
6 obligor to pay to the clerk, in addition to the child support
7 payments, all fees imposed by the county board under paragraph
8 (4) of subsection (bb) of Section 27.2 of the Clerks of Courts
9 Act. Unless paid pursuant to an Income Withholding Order/Notice
10 for Support, the payment of the fee shall be by payment
11 acceptable to the clerk and shall be made to the order of the
12 Clerk.

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

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

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

19 (g-5) If there is an unpaid arrearage or delinquency (as
20 those terms are defined in the Income Withholding for Support
21 Act) equal to at least one month's support obligation on the
22 termination date stated in the order for support or, if there
23 is no termination date stated in the order, on the date the
24 child attains the age of majority or is otherwise emancipated,
25 the periodic amount required to be paid for current support of
26 that child immediately prior to that date shall automatically

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

22 (h) An order entered under this Section shall include a
23 provision requiring either parent to report to the other parent
24 and to the Clerk of Court within 10 days each time either
25 parent obtains new employment, and each time either parent's
26 employment is terminated for any reason. The report shall be in

1 writing and shall, in the case of new employment, include the
2 name and address of the new employer. Failure to report new
3 employment or the termination of current employment, if coupled
4 with nonpayment of support for a period in excess of 60 days,
5 is indirect criminal contempt. For either parent arrested for
6 failure to report new employment bond shall be set in the
7 amount of the child support that should have been paid during
8 the period of unreported employment. An order entered under
9 this Section shall also include a provision requiring either
10 obligor and obligee to advise the other of a change in
11 residence within 5 days of the change except when the court
12 finds that the physical, mental, or emotional health of a party
13 or that of a child, or both, would be seriously endangered by
14 disclosure of the party's address.

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

20 (Source: P.A. 99-90, eff. 1-1-16; 99-763, eff. 1-1-17; 99-764,
21 eff. 7-1-17; 100-15, eff. 7-1-17; 100-863, eff. 8-14-18;
22 100-923, eff. 1-1-19.)

23 (750 ILCS 5/607.5)

24 Sec. 607.5. Abuse of allocated parenting time.

25 (a) The court shall provide an expedited procedure for the

1 enforcement of allocated parenting time.

2 (b) An action for the enforcement of allocated parenting
3 time may be commenced by a parent or a person appointed under
4 Section 506 by filing a petition setting forth: (i) the
5 petitioner's name and residence address or mailing address,
6 except that if the petition states that disclosure of
7 petitioner's address would risk abuse of petitioner or any
8 member of petitioner's family or household or reveal the
9 confidential address of a shelter for domestic violence
10 victims, that address may be omitted from the petition; (ii)
11 the respondent's name and place of residence, place of
12 employment, or mailing address; (iii) the terms of the
13 parenting plan or allocation judgment then in effect; (iv) the
14 nature of the violation of the allocation of parenting time,
15 giving dates and other relevant information; and (v) that a
16 reasonable attempt was made to resolve the dispute.

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

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

25 (2) a requirement that either or both of the parties
26 attend a parental education program at the expense of the

1 non-complying parent;

2 (3) upon consideration of all relevant factors,
3 particularly a history or possibility of domestic
4 violence, a requirement that the parties participate in
5 family or individual counseling, the expense of which shall
6 be allocated by the court; if counseling is ordered, all
7 counseling sessions shall be confidential, and the
8 communications in counseling shall not be used in any
9 manner in litigation nor relied upon by an expert appointed
10 by the court or retained by any party;

11 (4) a requirement that the non-complying parent post a
12 cash bond or other security to ensure future compliance,
13 including a provision that the bond or other security may
14 be forfeited to the other parent for payment of expenses on
15 behalf of the child as the court shall direct;

16 (5) a requirement that makeup parenting time be
17 provided for the aggrieved parent or child under the
18 following conditions:

19 (A) that the parenting time is of the same type and
20 duration as the parenting time that was denied,
21 including but not limited to parenting time during
22 weekends, on holidays, and on weekdays and during times
23 when the child is not in school;

24 (B) that the parenting time is made up within 6
25 months after the noncompliance occurs, unless the
26 period of time or holiday cannot be made up within 6

1 months, in which case the parenting time shall be made
2 up within one year after the noncompliance occurs;

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

5 (7) an imposition on the non-complying parent of an
6 appropriate civil fine per incident of denied parenting
7 time;

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

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

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

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

1 (f) When the court issues an order holding a party in
2 contempt for violation of a parenting time order and finds that
3 the party engaged in parenting time abuse, the court may order
4 one or more of the following:

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

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

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

22 (A) work; or

23 (B) conduct a business or other self-employed
24 occupation.

25 (4) Find that a party in engaging in parenting time
26 abuse is guilty of a petty offense and should be fined an

1 amount of no more than \$500 for each finding of parenting
2 time abuse.

3 (g) When the court issues an order holding a party in
4 contempt of court for violation of a parenting order, the clerk
5 shall transmit a copy of the contempt order to the sheriff of
6 the county. The sheriff shall furnish a copy of each contempt
7 order to the Department of State Police on a daily basis in the
8 form and manner required by the Department. The Department
9 shall maintain a complete record and index of the contempt
10 orders and make this data available to all local law
11 enforcement agencies.

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

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

15 Section 25. The Non-Support Punishment Act is amended by
16 changing Section 50 as follows:

17 (750 ILCS 16/50)

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

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

1 whenever any person is placed on supervision for committing an
2 offense under this Act, the supervision shall be conditioned on
3 the performance of the community service.

4 (b) In addition to any other penalties imposed against an
5 offender under this Act, the court may sentence the offender to
6 service in a work alternative program administered by the
7 sheriff. The conditions of the program are that the offender
8 obtain or retain employment and participate in a work
9 alternative program administered by the sheriff during
10 non-working hours. A person may not be required to participate
11 in a work alternative program under this subsection if the
12 person is currently participating in a work program pursuant to
13 another provision of this Act, Section 10-11.1 of the Illinois
14 Public Aid Code, Section 505.1 of the Illinois Marriage and
15 Dissolution of Marriage Act, or Section 806 of the Illinois
16 Parentage Act of 2015.

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

23 The court may determine that the offender is in compliance
24 with this Act if the offender has agreed (i) to pay all
25 required amounts of support and maintenance as determined by
26 the court or (ii) to the garnishment of his or her income for

1 the purpose of paying those amounts.

2 ~~The court may also order that the offender be issued a~~
3 ~~family financial responsibility driving permit that would~~
4 ~~allow limited driving privileges for employment and medical~~
5 ~~purposes in accordance with Section 7-702.1 of the Illinois~~
6 ~~Vehicle Code. The clerk of the circuit court shall certify the~~
7 ~~order suspending the driving privileges of the offender or~~
8 ~~granting the issuance of a family financial responsibility~~
9 ~~driving permit to the Secretary of State on forms prescribed by~~
10 ~~the Secretary. Upon receipt of the authenticated documents, the~~
11 ~~Secretary of State shall suspend the offender's driving~~
12 ~~privileges until further order of the court and shall, if~~
13 ~~ordered by the court, subject to the provisions of Section~~
14 ~~7-702.1 of the Illinois Vehicle Code, issue a family financial~~
15 ~~responsibility driving permit to the offender.~~

16 (d) If the court determines that the offender has been in
17 violation of this Act for more than 60 days, the court may
18 determine whether the offender has applied for or been issued a
19 professional license by the Department of Professional
20 Regulation or another licensing agency. If the court determines
21 that the offender has applied for or been issued such a
22 license, the court may certify to the Department of
23 Professional Regulation or other licensing agency that the
24 offender has been in violation of this Act for more than 60
25 days so that the Department or other agency may take
26 appropriate steps with respect to the license or application as

1 provided in Section 10-65 of the Illinois Administrative
2 Procedure Act and Section 2105-15 of the Department of
3 Professional Regulation Law of the Civil Administrative Code of
4 Illinois. The court may take the actions required under this
5 subsection in addition to imposing any other penalty authorized
6 under this Act.

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

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

10 (750 ILCS 46/805)

11 Sec. 805. Enforcement of judgment or order.

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

24 (b) Failure to comply with an order of the court shall be

1 punishable as contempt as in other cases of failure to comply
2 under the Illinois Marriage and Dissolution of Marriage Act. In
3 addition to other penalties provided by law, the court may,
4 after finding the party guilty of contempt, take the following
5 action:

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

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

19 (3) Pierce the ownership veil of a person, persons, or
20 business entity to discover assets of a non-custodial
21 parent held in the name of that person, those persons, or
22 that business entity, if there is a unity of interest and
23 ownership sufficient to render no financial separation
24 between the non-custodial parent and that person, those
25 persons, or the business entity. The following
26 circumstances are sufficient for a court to order discovery

1 of the assets of a person, persons, or business entity and
2 to compel the application of any discovered assets toward
3 payment of the judgment for support:

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

6 (B) the non-custodial parent and the person,
7 persons, or business entity fail to maintain an
8 arm's-length relationship between themselves with
9 regard to any assets.

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

22 (4) (Blank). ~~Order that, in cases where the party is 90~~
23 ~~days or more delinquent in payment of support or has been~~
24 ~~adjudicated in arrears in an amount equal to 90 days~~
25 ~~obligation or more, the party's Illinois driving~~
26 ~~privileges be suspended until the court determines that the~~

1 ~~party is in compliance with the judgment or duty of~~
2 ~~support. The court may also order that the parent be issued~~
3 ~~a family financial responsibility driving permit that~~
4 ~~would allow limited driving privileges for employment and~~
5 ~~medical purposes in accordance with Section 7-702.1 of the~~
6 ~~Illinois Vehicle Code. The clerk of the circuit court shall~~
7 ~~certify the order suspending the driving privileges of the~~
8 ~~parent or granting the issuance of a family financial~~
9 ~~responsibility driving permit to the Secretary of State on~~
10 ~~forms prescribed by the Secretary. Upon receipt of the~~
11 ~~authenticated documents, the Secretary of State shall~~
12 ~~suspend the party's driving privileges until further order~~
13 ~~of the court and shall, if ordered by the court and subject~~
14 ~~to the provisions of Section 7-702.1 of the Illinois~~
15 ~~Vehicle Code, issue a family financial responsibility~~
16 ~~driving permit to the parent.~~

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

1 Punishment Act if the person is currently participating in a
2 work program under Section 806 of this Act.

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

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

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

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