



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB4905

Introduced 2/18/2020, by Rep. Barbara Hernandez

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-17.10 new  
305 ILCS 5/12-10.2

from Ch. 23, par. 12-10.2

Amends the Illinois Public Aid Code. In provisions concerning child support enforcement, provides that if in any case an error is made in a court, administrative, or reimbursement order that results in an overpayment of support by a responsible relative, the Department of Healthcare and Family Services shall identify the error and refund the overpaid amount out of the Child Support Enforcement Trust Fund in a timely manner.

LRB101 17732 KTG 67160 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning public aid.

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 12-10.2 and by adding Section 10-17.10 as  
6 follows:

7 (305 ILCS 5/10-17.10 new)

8 Sec. 10-17.10. Refund of overpayment in support. If in any  
9 case an error is made in a court, administrative, or  
10 reimbursement order issued under this Article that results in  
11 an overpayment of support by a responsible relative, the  
12 Department shall identify the error and refund the overpaid  
13 amount out of the Child Support Enforcement Trust Fund in a  
14 timely manner.

15 (305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)

16 Sec. 12-10.2. The Child Support Enforcement Trust Fund.

17 (a) The Child Support Enforcement Trust Fund, to be held by  
18 the State Treasurer as ex-officio custodian outside the State  
19 Treasury, pursuant to the Child Support Enforcement Program  
20 established by Title IV-D of the Social Security Act, shall  
21 consist of the following, through June 30, 2002:

22 (1) all support payments assigned to the Illinois

1 Department under Article X of this Code and rules  
2 promulgated by the Illinois Department that are disbursed  
3 to the Illinois Department by the State Disbursement Unit  
4 established under Section 10-26,

5 (2) all support payments received by the Illinois  
6 Department as a result of the Child Support Enforcement  
7 Program established by Title IV-D of the Social Security  
8 Act that are not required or directed to be paid to the  
9 State Disbursement Unit established under Section 10-26,

10 (3) all federal grants received by the Illinois  
11 Department funded by Title IV-D of the Social Security Act,  
12 except those federal funds received under the Title IV-D  
13 program as reimbursement for expenditures from the General  
14 Revenue Fund,

15 (4) incentive payments received by the Illinois  
16 Department from other states or political subdivisions of  
17 other states for the enforcement and collection by the  
18 Department of an assigned child support obligation in  
19 behalf of such other states or their political subdivisions  
20 pursuant to the provisions of Title IV-D of the Social  
21 Security Act,

22 (5) incentive payments retained by the Illinois  
23 Department from the amounts which otherwise would be paid  
24 to the federal government to reimburse the federal  
25 government's share of the support collection for the  
26 Department's enforcement and collection of an assigned

1 support obligation on behalf of the State of Illinois  
2 pursuant to the provisions of Title IV-D of the Social  
3 Security Act,

4 (6) all fees charged by the Department for child  
5 support enforcement services, as authorized under Title  
6 IV-D of the Social Security Act and Section 10-1 of this  
7 Code, and any other fees, costs, fines, recoveries, or  
8 penalties provided for by State or federal law and received  
9 by the Department under the Child Support Enforcement  
10 Program established by Title IV-D of the Social Security  
11 Act,

12 (7) all amounts appropriated by the General Assembly  
13 for deposit into the Fund, and

14 (8) any gifts, grants, donations, or awards from  
15 individuals, private businesses, nonprofit associations,  
16 and governmental entities.

17 (a-5) On and after July 1, 2002, the Child Support  
18 Enforcement Trust Fund shall consist of the following:

19 (1) all support payments assigned to the Illinois  
20 Department under Article X of this Code and rules adopted  
21 by the Illinois Department that are disbursed to the  
22 Illinois Department by the State Disbursement Unit  
23 established under Section 10-26, regardless of the fiscal  
24 year in which the payments were receipted;

25 (2) all support payments received by the Illinois  
26 Department as a result of the Child Support Enforcement

1 Program established by Title IV-D of the Social Security  
2 Act that are not required or directed to be paid to the  
3 State Disbursement Unit established under Section 10-26,  
4 regardless of the fiscal year in which the payments were  
5 received;

6 (3) all federal grants received by the Illinois  
7 Department funded by Title IV-D of the Social Security Act,  
8 except those federal funds received under the Title IV-D  
9 program as reimbursement for expenditures from the General  
10 Revenue Fund, and received on or before June 30, 2002;

11 (4) incentive payments received by the Illinois  
12 Department from other states or political subdivisions of  
13 other states for the enforcement and collection by the  
14 Department of an assigned child support obligation in  
15 behalf of those other states or their political  
16 subdivisions pursuant to the provisions of Title IV-D of  
17 the Social Security Act, and received on or before June  
18 30, 2002;

19 (5) incentive payments retained by the Illinois  
20 Department from the amounts that otherwise would be paid to  
21 the federal government to reimburse the federal  
22 government's share of the support collection for the  
23 Department's enforcement and collection of an assigned  
24 support obligation on behalf of the State of Illinois  
25 pursuant to the provisions of Title IV-D of the Social  
26 Security Act, and received on or before June 30, 2002;

1           (6) all fees charged by the Department for child  
2 support enforcement services, as authorized under Title  
3 IV-D of the Social Security Act and Section 10-1 of this  
4 Code, and any other fees, costs, fines, recoveries, or  
5 penalties provided for by State or federal law and received  
6 by the Department under the Child Support Enforcement  
7 Program established by Title IV-D of the Social Security  
8 Act, and receipted on or before June 30, 2002;

9           (7) all amounts appropriated by the General Assembly  
10 for deposit into the Child Support Enforcement Trust Fund;  
11 and

12           (8) any gifts, grants, donations, or awards from  
13 individuals, private businesses, nonprofit associations,  
14 and governmental entities, receipted on or before June 30,  
15 2002.

16           (b) Disbursements from this Fund shall be only for the  
17 following purposes:

18           (1) for the reimbursement of funds received by the  
19 Illinois Department through error or mistake, including  
20 the reimbursement of overpaid support payments as required  
21 in Section 10-17.10 of this Code,

22           (2) for payments to non-recipients, current  
23 recipients, and former recipients of financial aid of  
24 support payments received on their behalf under Article X  
25 of this Code that are not required to be disbursed by the  
26 State Disbursement Unit established under Section 10.26,

1           (3) for any other payments required by law to be paid  
2 by the Illinois Department to non-recipients, current  
3 recipients, and former recipients,

4           (4) for payment of any administrative expenses  
5 incurred through fiscal year 2002 and for payment of any  
6 administrative expenses by transfer to the Child Support  
7 Administrative Fund under Section 12-10.2a, including  
8 payment to the Health Insurance Reserve Fund for group  
9 insurance costs at the rate certified by the Department of  
10 Central Management Services, except those required to be  
11 paid from the General Revenue Fund, including personal and  
12 contractual services, incurred in performing the Title  
13 IV-D activities authorized by Article X of this Code,

14           (5) for the reimbursement of the Public Assistance  
15 Emergency Revolving Fund for expenditures made from that  
16 Fund for payments to former recipients of public aid for  
17 child support made to the Illinois Department when the  
18 former public aid recipient is legally entitled to all or  
19 part of the child support payments, pursuant to the  
20 provisions of Title IV-D of the Social Security Act,

21           (6) for the payment of incentive amounts owed to other  
22 states or political subdivisions of other states that  
23 enforce and collect an assigned support obligation on  
24 behalf of the State of Illinois pursuant to the provisions  
25 of Title IV-D of the Social Security Act,

26           (7) for the payment of incentive amounts owed to

1 political subdivisions of the State of Illinois that  
2 enforce and collect an assigned support obligation on  
3 behalf of the State pursuant to the provisions of Title  
4 IV-D of the Social Security Act, and

5 (8) for payments of any amounts which are reimbursable  
6 to the Federal government which are required to be paid by  
7 State warrant by either the State or Federal government.

8 Disbursements from this Fund shall be by warrants drawn by  
9 the State Comptroller on receipt of vouchers duly executed and  
10 certified by the Illinois Department or any other State agency  
11 that receives an appropriation from the Fund.

12 (c) The Illinois Department's child support administrative  
13 expenses, as defined in Section 12-10.2a, that are incurred  
14 after fiscal year 2002 shall be paid only as provided in that  
15 Section.

16 (Source: P.A. 91-212, eff. 7-20-99; 91-400, eff. 7-30-99;  
17 91-712, eff. 7-1-00; 92-44, eff. 7-1-01; 92-570, eff. 6-26-02;  
18 92-651, eff. 7-11-02.)