

# HB0733



## 95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB0733

Introduced 2/7/2007, by Rep. Cynthia Soto

### SYNOPSIS AS INTRODUCED:

205 ILCS 5/48.4  
305 ILCS 5/10-25.5

Amends the Illinois Banking Act. Makes technical changes in a Section concerning the enforcement of child support. Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning administrative liens and levies on personal property for past-due child support.

LRB095 04045 MJR 24083 b

A BILL FOR

1 AN ACT concerning regulation.

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

4 Section 5. The Illinois Banking Act is amended by changing  
5 Section 48.4 as follows:

6 (205 ILCS 5/48.4)

7 Sec. 48.4. Enforcement of child support.

8 (a) Any bank governed by this Act shall encumber or  
9 surrender accounts or assets held by the ~~the~~ bank on behalf of  
10 any responsible relative who is subject to a child support  
11 lien, upon notice of the lien or levy of the Department of  
12 Healthcare and Family Services (formerly Illinois Department  
13 of Public Aid) or its successor agency pursuant to Section  
14 10-25.5 of the Illinois Public Aid Code, or upon notice of  
15 interstate lien or levy from any other state's agency  
16 responsible for implementing the child support enforcement  
17 program set forth in Title IV, Part D of the Social Security  
18 Act.

19 (b) Within 90 days after receiving notice from the  
20 Department of Healthcare and Family Services (formerly  
21 Department of Public Aid) that the Department has adopted a  
22 child support enforcement debit authorization form as required  
23 under the Illinois Public Aid Code, each bank governed by this

1 Act shall take all appropriate steps to implement the use of  
2 the form in relation to accounts held by the bank. Upon  
3 receiving from the Department of Healthcare and Family Services  
4 (formerly Department of Public Aid) a copy of a child support  
5 enforcement debit authorization form signed by an obligor, a  
6 bank holding an account on behalf of the obligor shall debit  
7 the account and transfer the debited amounts to the State  
8 Disbursement Unit according to the instructions in the child  
9 support enforcement debit authorization form.

10 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04;  
11 revised 12-15-05.)

12 Section 10. The Illinois Public Aid Code is amended by  
13 changing Section 10-25.5 as follows:

14 (305 ILCS 5/10-25.5)

15 Sec. 10-25.5. Administrative liens and levies on personal  
16 property for past-due child support.

17 (a) The State shall have a ~~a~~ lien on all legal and  
18 equitable interests of responsible relatives in their personal  
19 property, including any account in a financial institution as  
20 defined in Section 10-24, or in the case of an insurance  
21 company or benefit association only in accounts as defined in  
22 Section 10-24, in the amount of past-due child support owing  
23 pursuant to an order for child support entered under Sections  
24 10-10 and 10-11 of this Code, or under the Illinois Marriage

1 and Dissolution of Marriage Act, the Non-Support of Spouse and  
2 Children Act, the Non-Support Punishment Act, the Uniform  
3 Interstate Family Support Act, or the Illinois Parentage Act of  
4 1984.

5 (b) The Illinois Department shall provide by rule for  
6 notice to and an opportunity to be heard by each responsible  
7 relative affected, and any final administrative decision  
8 rendered by the Illinois Department shall be reviewed only  
9 under and in accordance with the Administrative Review Law.

10 (c) When enforcing a lien under subsection (a) of this  
11 Section, the Illinois Department shall have the authority to  
12 execute notices of administrative liens and levies, which shall  
13 contain the name and address of the responsible relative, a  
14 description of the property to be levied, the fact that a lien  
15 is being claimed for past-due child support, and such other  
16 information as the Illinois Department may by rule prescribe.  
17 The Illinois Department may serve the notice of lien or levy  
18 upon any financial institution where the accounts as defined in  
19 Section 10-24 of the responsible relative may be held, for  
20 encumbrance or surrender of the accounts as defined in Section  
21 10-24 by the financial institution.

22 (d) The Illinois Department shall enforce its lien against  
23 the responsible relative's personal property, other than  
24 accounts as defined in Section 10-24 in financial institutions,  
25 and levy upon such personal property in the manner provided for  
26 enforcement of judgments contained in Article XII of the Code

1 of Civil Procedure.

2 (e) The Illinois Department shall not be required to  
3 furnish bond or make a deposit for or pay any costs or fees of  
4 any court or officer thereof in any legal proceeding involving  
5 the lien.

6 (f) To protect the lien of the State for past-due child  
7 support, the Illinois Department may, from funds that are  
8 available for that purpose, pay or provide for the payment of  
9 necessary or essential repairs, purchase tax certificates, or  
10 pay or cause to be satisfied any prior liens on the property to  
11 which the lien hereunder applies.

12 (g) A lien on personal property under this Section shall be  
13 released in the manner provided under Article XII of the Code  
14 of Civil Procedure. Notwithstanding the foregoing, a lien under  
15 this Section on accounts as defined in Section 10-24 shall  
16 expire upon the passage of 120 days from the date of issuance  
17 of the Notice of Lien or Levy by the Illinois Department.  
18 However, the lien shall remain in effect during the pendency of  
19 any appeal or protest.

20 (h) A lien created under this Section is subordinate to any  
21 prior lien of the financial institution or any prior lien  
22 holder or any prior right of set-off that the financial  
23 institution may have against the assets, or in the case of an  
24 insurance company or benefit association only in the accounts  
25 as defined in Section 10-24.

26 (i) A financial institution has no obligation under this

1 Section to hold, encumber, or surrender the assets, or in the  
2 case of an insurance company or benefit association only the  
3 accounts as defined in Section 10-24, until the financial  
4 institution has been properly served with a subpoena, summons,  
5 warrant, court or administrative order, or administrative lien  
6 and levy requiring that action.

7 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99.)