



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB4291

by Rep. Patricia Reid Lindner

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-29 new

Amends the Illinois Public Aid Code. Provides that if (i) the State Disbursement Unit collects child support from an obligor pursuant to an order for support, (ii) the obligor complies with all of the requirements of the order for support and does not incur any arrearage in the payment of child support, (iii) the child attains 18 years of age and the obligation to pay child support under the order terminates, and (iv) the State Disbursement Unit continues to collect child support from the obligor after the child attains 18 years of age and the obligation to pay child support under the order terminates, then the State Disbursement Unit must refund to the obligor all amounts of child support collected from the obligor after the obligation to pay child support under the order terminated. Provides that the State Disbursement Unit must make the refund to the obligor within 60 days after the State Disbursement Unit learns of the wrongful collection of child support from the obligor. Provides that if the State Disbursement Unit does not make a refund to an obligor as required, then the obligor may file a petition in the Court of Claims for the amount due.

LRB095 15309 DRJ 41297 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 adding Section 10-29 as follows:

6 (305 ILCS 5/10-29 new)

7 Sec. 10-29. Child's majority; refund of support
8 overpayment.

9 (a) In this Section, "order for support" and "obligor" mean
10 those terms as defined in the Income Withholding for Support
11 Act, except that "order for support" does not mean an order
12 providing for spousal maintenance under which there is no child
13 support obligation.

14 (b) If (i) the State Disbursement Unit collects child
15 support from an obligor pursuant to an order for support, (ii)
16 the obligor complies with all of the requirements of the order
17 for support and does not incur any arrearage in the payment of
18 child support, (iii) the child attains 18 years of age and the
19 obligation to pay child support under the order terminates, and
20 (iv) the State Disbursement Unit continues to collect child
21 support from the obligor after the child attains 18 years of
22 age and the obligation to pay child support under the order
23 terminates, then the State Disbursement Unit must refund to the

1 obligor all amounts of child support collected from the obligor
2 after the obligation to pay child support under the order
3 terminated. The State Disbursement Unit must make the refund to
4 the obligor within 60 days after the State Disbursement Unit
5 learns of the wrongful collection of child support from the
6 obligor.

7 (c) If the State Disbursement Unit does not make a refund
8 to an obligor as required under subsection (b), then the
9 obligor may file a petition in the Court of Claims for the
10 amount due.