

SB0905



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0905

Introduced 2/8/2007, by Sen. Susan Garrett - Emil Jones, Jr.

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-1

from Ch. 23, par. 10-1

Amends the Illinois Public Aid Code. Makes technical changes in a Section concerning public policy with respect to the determination and enforcement of the support responsibility of relatives.

LRB095 05679 DRJ 25769 b

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 10-1 as follows:

6 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

7 Sec. 10-1. Declaration of Public Policy - Persons Eligible
8 for Child Support Enforcement Services - Fees for
9 Non-Applicants and ~~and~~ Non-Recipients.) It is the intent of
10 this Code that the financial aid and social welfare services
11 herein provided supplement rather than supplant the primary and
12 continuing obligation of the family unit for self-support to
13 the fullest extent permitted by the resources available to it.
14 This primary and continuing obligation applies whether the
15 family unit of parents and children or of husband and wife
16 remains intact and resides in a common household or whether the
17 unit has been broken by absence of one or more members of the
18 unit. The obligation of the family unit is particularly
19 applicable when a member is in necessitous circumstances and
20 lacks the means of a livelihood compatible with health and
21 well-being.

22 It is the purpose of this Article to provide for locating
23 an absent parent or spouse, for determining his financial

1 circumstances, and for enforcing his legal obligation of
2 support, if he is able to furnish support, in whole or in part.
3 The ~~Illinois~~ Department of Healthcare and Family Services
4 ~~Public Aid~~ shall give priority to establishing, enforcing and
5 collecting the current support obligation, and then to past due
6 support owed to the family unit, except with respect to
7 collections effected through the intercept programs provided
8 for in this Article.

9 The child support enforcement services provided hereunder
10 shall be furnished dependents of an absent parent or spouse who
11 are applicants for or recipients of financial aid under this
12 Code. It is not, however, a condition of eligibility for
13 financial aid that there be no responsible relatives who are
14 reasonably able to provide support. Nor, except as provided in
15 Sections 4-1.7 and 10-8, shall the existence of such relatives
16 or their payment of support contributions disqualify a needy
17 person for financial aid.

18 By accepting financial aid under this Code, a spouse or a
19 parent or other person having custody of a child shall be
20 deemed to have made assignment to the Illinois Department for
21 aid under Articles III, IV, V and VII or to a local
22 governmental unit for aid under Article VI of any and all
23 rights, title, and interest in any support obligation,
24 including statutory interest thereon, up to the amount of
25 financial aid provided. The rights to support assigned to the
26 Department of Healthcare and Family Services (formerly

1 Illinois Department of Public Aid) or local governmental unit
2 shall constitute an obligation owed the State or local
3 governmental unit by the person who is responsible for
4 providing the support, and shall be collectible under all
5 applicable processes.

6 The ~~Illinois~~ Department of Healthcare and Family Services
7 ~~Public Aid~~ shall also furnish the child support enforcement
8 services established under this Article in behalf of persons
9 who are not applicants for or recipients of financial aid under
10 this Code in accordance with the requirements of Title IV, Part
11 D of the Social Security Act. The Department may establish a
12 schedule of reasonable fees, to be paid for the services
13 provided and may deduct a collection fee, not to exceed 10% of
14 the amount collected, from such collection. The ~~Illinois~~
15 Department of Healthcare and Family Services ~~Public Aid~~ shall
16 cause to be published and distributed publications reasonably
17 calculated to inform the public that individuals who are not
18 recipients of or applicants for public aid under this Code are
19 eligible for the child support enforcement services under this
20 Article X. Such publications shall set forth an explanation, in
21 plain language, that the child support enforcement services
22 program is independent of any public aid program under the Code
23 and that the receiving of child support enforcement services in
24 no way implies that the person receiving such services is
25 receiving public aid.

26 (Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)