



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB5735

Introduced 2/16/2012, by Rep. Joe Sosnowski

#### SYNOPSIS AS INTRODUCED:

820 ILCS 405/401

from Ch. 48, par. 401

Amends the Unemployment Insurance Act. Provides that when custody of a dependent child has been determined by adjudication, the benefits available with respect to that dependent child shall be allocated according to the terms of the adjudication. Requires the Department of Employment Security to adopt rules to implement the allocation.

LRB097 17795 JLS 63011 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning employment.

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

4 Section 5. The Unemployment Insurance Act is amended by  
5 changing Section 401 as follows:

6 (820 ILCS 405/401) (from Ch. 48, par. 401)

7 Sec. 401. Weekly Benefit Amount - Dependents' Allowances.

8 A. With respect to any week beginning prior to April 24,  
9 1983, an individual's weekly benefit amount shall be an amount  
10 equal to the weekly benefit amount as defined in this Act as in  
11 effect on November 30, 1982.

12 B. 1. With respect to any week beginning on or after April  
13 24, 1983 and before January 3, 1988, an individual's weekly  
14 benefit amount shall be 48% of his prior average weekly wage,  
15 rounded (if not already a multiple of one dollar) to the next  
16 higher dollar; provided, however, that the weekly benefit  
17 amount cannot exceed the maximum weekly benefit amount, and  
18 cannot be less than 15% of the statewide average weekly wage,  
19 rounded (if not already a multiple of one dollar) to the next  
20 higher dollar. However, the weekly benefit amount for an  
21 individual who has established a benefit year beginning before  
22 April 24, 1983, shall be determined, for weeks beginning on or  
23 after April 24, 1983 claimed with respect to that benefit year,

1 as provided under this Act as in effect on November 30, 1982.  
2 With respect to any week beginning on or after January 3, 1988  
3 and before January 1, 1993, an individual's weekly benefit  
4 amount shall be 49% of his prior average weekly wage, rounded  
5 (if not already a multiple of one dollar) to the next higher  
6 dollar; provided, however, that the weekly benefit amount  
7 cannot exceed the maximum weekly benefit amount, and cannot be  
8 less than \$51. With respect to any week beginning on or after  
9 January 3, 1993 and during a benefit year beginning before  
10 January 4, 2004, an individual's weekly benefit amount shall be  
11 49.5% of his prior average weekly wage, rounded (if not already  
12 a multiple of one dollar) to the next higher dollar; provided,  
13 however, that the weekly benefit amount cannot exceed the  
14 maximum weekly benefit amount and cannot be less than \$51. With  
15 respect to any benefit year beginning on or after January 4,  
16 2004 and before January 6, 2008, an individual's weekly benefit  
17 amount shall be 48% of his or her prior average weekly wage,  
18 rounded (if not already a multiple of one dollar) to the next  
19 higher dollar; provided, however, that the weekly benefit  
20 amount cannot exceed the maximum weekly benefit amount and  
21 cannot be less than \$51. Except as otherwise provided in this  
22 Section, with respect to any benefit year beginning on or after  
23 January 6, 2008, an individual's weekly benefit amount shall be  
24 47% of his or her prior average weekly wage, rounded (if not  
25 already a multiple of one dollar) to the next higher dollar;  
26 provided, however, that the weekly benefit amount cannot exceed

1 the maximum weekly benefit amount and cannot be less than \$51.  
2 With respect to any benefit year beginning in calendar year  
3 2016, an individual's weekly benefit amount shall be 42.8% of  
4 his or her prior average weekly wage, rounded (if not already a  
5 multiple of one dollar) to the next higher dollar; provided,  
6 however, that the weekly benefit amount cannot exceed the  
7 maximum weekly benefit amount and cannot be less than \$51. With  
8 respect to any benefit year beginning in calendar year 2018, an  
9 individual's weekly benefit amount shall be 42.9% of his or her  
10 prior average weekly wage, rounded (if not already a multiple  
11 of one dollar) to the next higher dollar; provided, however,  
12 that the weekly benefit amount cannot exceed the maximum weekly  
13 benefit amount and cannot be less than \$51.

14 2. For the purposes of this subsection:

15 With respect to any week beginning on or after April 24,  
16 1983, an individual's "prior average weekly wage" means the  
17 total wages for insured work paid to that individual during the  
18 2 calendar quarters of his base period in which such total  
19 wages were highest, divided by 26. If the quotient is not  
20 already a multiple of one dollar, it shall be rounded to the  
21 nearest dollar; however if the quotient is equally near 2  
22 multiples of one dollar, it shall be rounded to the higher  
23 multiple of one dollar.

24 "Determination date" means June 1, 1982, December 1, 1982  
25 and December 1 of each succeeding calendar year thereafter.  
26 However, if as of June 30, 1982, or any June 30 thereafter, the

1 net amount standing to the credit of this State's account in  
2 the unemployment trust fund (less all outstanding advances to  
3 that account, including advances pursuant to Title XII of the  
4 federal Social Security Act) is greater than \$100,000,000,  
5 "determination date" shall mean December 1 of that year and  
6 June 1 of the succeeding year. Notwithstanding the preceding  
7 sentence, for the purposes of this Act only, there shall be no  
8 June 1 determination date in any year after 1986.

9 "Determination period" means, with respect to each June 1  
10 determination date, the 12 consecutive calendar months ending  
11 on the immediately preceding December 31 and, with respect to  
12 each December 1 determination date, the 12 consecutive calendar  
13 months ending on the immediately preceding June 30.

14 "Benefit period" means the 12 consecutive calendar month  
15 period beginning on the first day of the first calendar month  
16 immediately following a determination date, except that, with  
17 respect to any calendar year in which there is a June 1  
18 determination date, "benefit period" shall mean the 6  
19 consecutive calendar month period beginning on the first day of  
20 the first calendar month immediately following the preceding  
21 December 1 determination date and the 6 consecutive calendar  
22 month period beginning on the first day of the first calendar  
23 month immediately following the June 1 determination date.  
24 Notwithstanding the foregoing sentence, the 6 calendar months  
25 beginning January 1, 1982 and ending June 30, 1982 shall be  
26 deemed a benefit period with respect to which the determination

1 date shall be June 1, 1981.

2 "Gross wages" means all the wages paid to individuals  
3 during the determination period immediately preceding a  
4 determination date for insured work, and reported to the  
5 Director by employers prior to the first day of the third  
6 calendar month preceding that date.

7 "Covered employment" for any calendar month means the total  
8 number of individuals, as determined by the Director, engaged  
9 in insured work at mid-month.

10 "Average monthly covered employment" means one-twelfth of  
11 the sum of the covered employment for the 12 months of a  
12 determination period.

13 "Statewide average annual wage" means the quotient,  
14 obtained by dividing gross wages by average monthly covered  
15 employment for the same determination period, rounded (if not  
16 already a multiple of one cent) to the nearest cent.

17 "Statewide average weekly wage" means the quotient,  
18 obtained by dividing the statewide average annual wage by 52,  
19 rounded (if not already a multiple of one cent) to the nearest  
20 cent. Notwithstanding any provisions of this Section to the  
21 contrary, the statewide average weekly wage for the benefit  
22 period beginning July 1, 1982 and ending December 31, 1982  
23 shall be the statewide average weekly wage in effect for the  
24 immediately preceding benefit period plus one-half of the  
25 result obtained by subtracting the statewide average weekly  
26 wage for the immediately preceding benefit period from the

1 statewide average weekly wage for the benefit period beginning  
2 July 1, 1982 and ending December 31, 1982 as such statewide  
3 average weekly wage would have been determined but for the  
4 provisions of this paragraph. Notwithstanding any provisions  
5 of this Section to the contrary, the statewide average weekly  
6 wage for the benefit period beginning April 24, 1983 and ending  
7 January 31, 1984 shall be \$321 and for the benefit period  
8 beginning February 1, 1984 and ending December 31, 1986 shall  
9 be \$335, and for the benefit period beginning January 1, 1987,  
10 and ending December 31, 1987, shall be \$350, except that for an  
11 individual who has established a benefit year beginning before  
12 April 24, 1983, the statewide average weekly wage used in  
13 determining benefits, for any week beginning on or after April  
14 24, 1983, claimed with respect to that benefit year, shall be  
15 \$334.80, except that, for the purpose of determining the  
16 minimum weekly benefit amount under subsection B(1) for the  
17 benefit period beginning January 1, 1987, and ending December  
18 31, 1987, the statewide average weekly wage shall be \$335; for  
19 the benefit periods January 1, 1988 through December 31, 1988,  
20 January 1, 1989 through December 31, 1989, and January 1, 1990  
21 through December 31, 1990, the statewide average weekly wage  
22 shall be \$359, \$381, and \$406, respectively. Notwithstanding  
23 the preceding sentences of this paragraph, for the benefit  
24 period of calendar year 1991, the statewide average weekly wage  
25 shall be \$406 plus (or minus) an amount equal to the percentage  
26 change in the statewide average weekly wage, as computed in

1 accordance with the preceding sentences of this paragraph,  
2 between the benefit periods of calendar years 1989 and 1990,  
3 multiplied by \$406; and, for the benefit periods of calendar  
4 years 1992 through 2003 and calendar year 2005 and each  
5 calendar year thereafter, the statewide average weekly wage,  
6 shall be the statewide average weekly wage, as determined in  
7 accordance with this sentence, for the immediately preceding  
8 benefit period plus (or minus) an amount equal to the  
9 percentage change in the statewide average weekly wage, as  
10 computed in accordance with the preceding sentences of this  
11 paragraph, between the 2 immediately preceding benefit  
12 periods, multiplied by the statewide average weekly wage, as  
13 determined in accordance with this sentence, for the  
14 immediately preceding benefit period. However, for purposes of  
15 the Workers' Compensation Act, the statewide average weekly  
16 wage will be computed using June 1 and December 1 determination  
17 dates of each calendar year and such determination shall not be  
18 subject to the limitation of \$321, \$335, \$350, \$359, \$381, \$406  
19 or the statewide average weekly wage as computed in accordance  
20 with the preceding sentence of this paragraph.

21 With respect to any week beginning on or after April 24,  
22 1983 and before January 3, 1988, "maximum weekly benefit  
23 amount" means 48% of the statewide average weekly wage, rounded  
24 (if not already a multiple of one dollar) to the nearest  
25 dollar, provided however, that the maximum weekly benefit  
26 amount for an individual who has established a benefit year

1 beginning before April 24, 1983, shall be determined, for weeks  
2 beginning on or after April 24, 1983 claimed with respect to  
3 that benefit year, as provided under this Act as amended and in  
4 effect on November 30, 1982, except that the statewide average  
5 weekly wage used in such determination shall be \$334.80.

6 With respect to any week beginning after January 2, 1988  
7 and before January 1, 1993, "maximum weekly benefit amount"  
8 with respect to each week beginning within a benefit period  
9 means 49% of the statewide average weekly wage, rounded (if not  
10 already a multiple of one dollar) to the next higher dollar.

11 With respect to any week beginning on or after January 3,  
12 1993 and during a benefit year beginning before January 4,  
13 2004, "maximum weekly benefit amount" with respect to each week  
14 beginning within a benefit period means 49.5% of the statewide  
15 average weekly wage, rounded (if not already a multiple of one  
16 dollar) to the next higher dollar.

17 With respect to any benefit year beginning on or after  
18 January 4, 2004 and before January 6, 2008, "maximum weekly  
19 benefit amount" with respect to each week beginning within a  
20 benefit period means 48% of the statewide average weekly wage,  
21 rounded (if not already a multiple of one dollar) to the next  
22 higher dollar.

23 Except as otherwise provided in this Section, with respect  
24 to any benefit year beginning on or after January 6, 2008,  
25 "maximum weekly benefit amount" with respect to each week  
26 beginning within a benefit period means 47% of the statewide

1 average weekly wage, rounded (if not already a multiple of one  
2 dollar) to the next higher dollar.

3 With respect to any benefit year beginning in calendar year  
4 2016, "maximum weekly benefit amount" with respect to each week  
5 beginning within a benefit period means 42.8% of the statewide  
6 average weekly wage, rounded (if not already a multiple of one  
7 dollar) to the next higher dollar.

8 With respect to any benefit year beginning in calendar year  
9 2018, "maximum weekly benefit amount" with respect to each week  
10 beginning within a benefit period means 42.9% of the statewide  
11 average weekly wage, rounded (if not already a multiple of one  
12 dollar) to the next higher dollar.

13 C. With respect to any week beginning on or after April 24,  
14 1983 and before January 3, 1988, an individual to whom benefits  
15 are payable with respect to any week shall, in addition to such  
16 benefits, be paid, with respect to such week, as follows: in  
17 the case of an individual with a nonworking spouse, 7% of his  
18 prior average weekly wage, rounded (if not already a multiple  
19 of one dollar) to the higher dollar; provided, that the total  
20 amount payable to the individual with respect to a week shall  
21 not exceed 55% of the statewide average weekly wage, rounded  
22 (if not already a multiple of one dollar) to the nearest  
23 dollar; and in the case of an individual with a dependent child  
24 or dependent children, 14.4% of his prior average weekly wage,  
25 rounded (if not already a multiple of one dollar) to the higher  
26 dollar; provided, that the total amount payable to the

1 individual with respect to a week shall not exceed 62.4% of the  
2 statewide average weekly wage, rounded (if not already a  
3 multiple of one dollar) to the next higher dollar with respect  
4 to the benefit period beginning January 1, 1987 and ending  
5 December 31, 1987, and otherwise to the nearest dollar.  
6 However, for an individual with a nonworking spouse or with a  
7 dependent child or children who has established a benefit year  
8 beginning before April 24, 1983, the amount of additional  
9 benefits payable on account of the nonworking spouse or  
10 dependent child or children shall be determined, for weeks  
11 beginning on or after April 24, 1983 claimed with respect to  
12 that benefit year, as provided under this Act as in effect on  
13 November 30, 1982, except that the statewide average weekly  
14 wage used in such determination shall be \$334.80.

15 With respect to any week beginning on or after January 2,  
16 1988 and before January 1, 1991 and any week beginning on or  
17 after January 1, 1992, and before January 1, 1993, an  
18 individual to whom benefits are payable with respect to any  
19 week shall, in addition to those benefits, be paid, with  
20 respect to such week, as follows: in the case of an individual  
21 with a nonworking spouse, 8% of his prior average weekly wage,  
22 rounded (if not already a multiple of one dollar) to the next  
23 higher dollar, provided, that the total amount payable to the  
24 individual with respect to a week shall not exceed 57% of the  
25 statewide average weekly wage, rounded (if not already a  
26 multiple of one dollar) to the next higher dollar; and in the

1 case of an individual with a dependent child or dependent  
2 children, 15% of his prior average weekly wage, rounded (if not  
3 already a multiple of one dollar) to the next higher dollar,  
4 provided that the total amount payable to the individual with  
5 respect to a week shall not exceed 64% of the statewide average  
6 weekly wage, rounded (if not already a multiple of one dollar)  
7 to the next higher dollar.

8 With respect to any week beginning on or after January 1,  
9 1991 and before January 1, 1992, an individual to whom benefits  
10 are payable with respect to any week shall, in addition to the  
11 benefits, be paid, with respect to such week, as follows: in  
12 the case of an individual with a nonworking spouse, 8.3% of his  
13 prior average weekly wage, rounded (if not already a multiple  
14 of one dollar) to the next higher dollar, provided, that the  
15 total amount payable to the individual with respect to a week  
16 shall not exceed 57.3% of the statewide average weekly wage,  
17 rounded (if not already a multiple of one dollar) to the next  
18 higher dollar; and in the case of an individual with a  
19 dependent child or dependent children, 15.3% of his prior  
20 average weekly wage, rounded (if not already a multiple of one  
21 dollar) to the next higher dollar, provided that the total  
22 amount payable to the individual with respect to a week shall  
23 not exceed 64.3% of the statewide average weekly wage, rounded  
24 (if not already a multiple of one dollar) to the next higher  
25 dollar.

26 With respect to any week beginning on or after January 3,

1 1993, during a benefit year beginning before January 4, 2004,  
2 an individual to whom benefits are payable with respect to any  
3 week shall, in addition to those benefits, be paid, with  
4 respect to such week, as follows: in the case of an individual  
5 with a nonworking spouse, 9% of his prior average weekly wage,  
6 rounded (if not already a multiple of one dollar) to the next  
7 higher dollar, provided, that the total amount payable to the  
8 individual with respect to a week shall not exceed 58.5% of the  
9 statewide average weekly wage, rounded (if not already a  
10 multiple of one dollar) to the next higher dollar; and in the  
11 case of an individual with a dependent child or dependent  
12 children, 16% of his prior average weekly wage, rounded (if not  
13 already a multiple of one dollar) to the next higher dollar,  
14 provided that the total amount payable to the individual with  
15 respect to a week shall not exceed 65.5% of the statewide  
16 average weekly wage, rounded (if not already a multiple of one  
17 dollar) to the next higher dollar.

18 With respect to any benefit year beginning on or after  
19 January 4, 2004 and before January 6, 2008, an individual to  
20 whom benefits are payable with respect to any week shall, in  
21 addition to those benefits, be paid, with respect to such week,  
22 as follows: in the case of an individual with a nonworking  
23 spouse, 9% of his or her prior average weekly wage, rounded (if  
24 not already a multiple of one dollar) to the next higher  
25 dollar, provided, that the total amount payable to the  
26 individual with respect to a week shall not exceed 57% of the

1 statewide average weekly wage, rounded (if not already a  
2 multiple of one dollar) to the next higher dollar; and in the  
3 case of an individual with a dependent child or dependent  
4 children, 17.2% of his or her prior average weekly wage,  
5 rounded (if not already a multiple of one dollar) to the next  
6 higher dollar, provided that the total amount payable to the  
7 individual with respect to a week shall not exceed 65.2% of the  
8 statewide average weekly wage, rounded (if not already a  
9 multiple of one dollar) to the next higher dollar.

10 With respect to any benefit year beginning on or after  
11 January 6, 2008 and before January 1, 2010, an individual to  
12 whom benefits are payable with respect to any week shall, in  
13 addition to those benefits, be paid, with respect to such week,  
14 as follows: in the case of an individual with a nonworking  
15 spouse, 9% of his or her prior average weekly wage, rounded (if  
16 not already a multiple of one dollar) to the next higher  
17 dollar, provided, that the total amount payable to the  
18 individual with respect to a week shall not exceed 56% of the  
19 statewide average weekly wage, rounded (if not already a  
20 multiple of one dollar) to the next higher dollar; and in the  
21 case of an individual with a dependent child or dependent  
22 children, 18.2% of his or her prior average weekly wage,  
23 rounded (if not already a multiple of one dollar) to the next  
24 higher dollar, provided that the total amount payable to the  
25 individual with respect to a week shall not exceed 65.2% of the  
26 statewide average weekly wage, rounded (if not already a

1 multiple of one dollar) to the next higher dollar.

2 The additional amount paid pursuant to this subsection in  
3 the case of an individual with a dependent child or dependent  
4 children shall be referred to as the "dependent child  
5 allowance", and the percentage rate by which an individual's  
6 prior average weekly wage is multiplied pursuant to this  
7 subsection to calculate the dependent child allowance shall be  
8 referred to as the "dependent child allowance rate".

9 Except as otherwise provided in this Section, with respect  
10 to any benefit year beginning on or after January 1, 2010, an  
11 individual to whom benefits are payable with respect to any  
12 week shall, in addition to those benefits, be paid, with  
13 respect to such week, as follows: in the case of an individual  
14 with a nonworking spouse, the greater of (i) 9% of his or her  
15 prior average weekly wage, rounded (if not already a multiple  
16 of one dollar) to the next higher dollar, or (ii) \$15, provided  
17 that the total amount payable to the individual with respect to  
18 a week shall not exceed 56% of the statewide average weekly  
19 wage, rounded (if not already a multiple of one dollar) to the  
20 next higher dollar; and in the case of an individual with a  
21 dependent child or dependent children, the greater of (i) the  
22 product of the dependent child allowance rate multiplied by his  
23 or her prior average weekly wage, rounded (if not already a  
24 multiple of one dollar) to the next higher dollar, or (ii) the  
25 lesser of \$50 or 50% of his or her weekly benefit amount,  
26 rounded (if not already a multiple of one dollar) to the next

1 higher dollar, provided that the total amount payable to the  
2 individual with respect to a week shall not exceed the product  
3 of the statewide average weekly wage multiplied by the sum of  
4 47% plus the dependent child allowance rate, rounded (if not  
5 already a multiple of one dollar) to the next higher dollar.

6 With respect to any benefit year beginning in calendar year  
7 2016, an individual to whom benefits are payable with respect  
8 to any week shall, in addition to those benefits, be paid, with  
9 respect to such week, as follows: in the case of an individual  
10 with a nonworking spouse, the greater of (i) 9% of his or her  
11 prior average weekly wage, rounded (if not already a multiple  
12 of one dollar) to the next higher dollar, or (ii) \$15, provided  
13 that the total amount payable to the individual with respect to  
14 a week shall not exceed 51.8% of the statewide average weekly  
15 wage, rounded (if not already a multiple of one dollar) to the  
16 next higher dollar; and in the case of an individual with a  
17 dependent child or dependent children, the greater of (i) the  
18 product of the dependent child allowance rate multiplied by his  
19 or her prior average weekly wage, rounded (if not already a  
20 multiple of one dollar) to the next higher dollar, or (ii) the  
21 lesser of \$50 or 50% of his or her weekly benefit amount,  
22 rounded (if not already a multiple of one dollar) to the next  
23 higher dollar, provided that the total amount payable to the  
24 individual with respect to a week shall not exceed the product  
25 of the statewide average weekly wage multiplied by the sum of  
26 42.8% plus the dependent child allowance rate, rounded (if not

1 already a multiple of one dollar) to the next higher dollar.

2 With respect to any benefit year beginning in calendar year  
3 2018, an individual to whom benefits are payable with respect  
4 to any week shall, in addition to those benefits, be paid, with  
5 respect to such week, as follows: in the case of an individual  
6 with a nonworking spouse, the greater of (i) 9% of his or her  
7 prior average weekly wage, rounded (if not already a multiple  
8 of one dollar) to the next higher dollar, or (ii) \$15, provided  
9 that the total amount payable to the individual with respect to  
10 a week shall not exceed 51.9% of the statewide average weekly  
11 wage, rounded (if not already a multiple of one dollar) to the  
12 next higher dollar; and in the case of an individual with a  
13 dependent child or dependent children, the greater of (i) the  
14 product of the dependent child allowance rate multiplied by his  
15 or her prior average weekly wage, rounded (if not already a  
16 multiple of one dollar) to the next higher dollar, or (ii) the  
17 lesser of \$50 or 50% of his or her weekly benefit amount,  
18 rounded (if not already a multiple of one dollar) to the next  
19 higher dollar, provided that the total amount payable to the  
20 individual with respect to a week shall not exceed the product  
21 of the statewide average weekly wage multiplied by the sum of  
22 42.9% plus the dependent child allowance rate, rounded (if not  
23 already a multiple of one dollar) to the next higher dollar.

24 With respect to each benefit year beginning after calendar  
25 year 2009, the dependent child allowance rate shall be the sum  
26 of the allowance adjustment applicable pursuant to Section

1 1400.1 to the calendar year in which the benefit year begins,  
2 plus the dependent child allowance rate with respect to each  
3 benefit year beginning in the immediately preceding calendar  
4 year, except as otherwise provided in this subsection. The  
5 dependent child allowance rate with respect to each benefit  
6 year beginning in calendar year 2010 shall not be greater than  
7 18.2%. The dependent child allowance rate with respect to each  
8 benefit year beginning in calendar year 2011 shall be reduced  
9 by 0.2% absolute below the rate it would otherwise have been  
10 pursuant to this subsection and, with respect to each benefit  
11 year beginning after calendar year 2010, except as otherwise  
12 provided, shall not be less than 17.1% or greater than 18.0%.  
13 Unless, as a result of this sentence, the agreement between the  
14 Federal Government and State regarding the Federal Additional  
15 Compensation program established under Section 2002 of the  
16 American Recovery and Reinvestment Act, or a successor program,  
17 would not apply or would cease to apply, the dependent child  
18 allowance rate with respect to each benefit year beginning in  
19 calendar year 2012 shall be reduced by 0.1% absolute below the  
20 rate it would otherwise have been pursuant to this subsection  
21 and, with respect to each benefit year beginning after calendar  
22 year 2011, shall not be less than 17.0% or greater than 17.9%.

23 For the purposes of this subsection:

24 "Dependent" means a child or a nonworking spouse.

25 "Child" means a natural child, stepchild, or adopted child  
26 of an individual claiming benefits under this Act or a child

1 who is in the custody of any such individual by court order,  
2 for whom the individual is supplying and, for at least 90  
3 consecutive days (or for the duration of the parental  
4 relationship if it has existed for less than 90 days)  
5 immediately preceding any week with respect to which the  
6 individual has filed a claim, has supplied more than one-half  
7 the cost of support, or has supplied at least 1/4 of the cost  
8 of support if the individual and the other parent, together,  
9 are supplying and, during the aforesaid period, have supplied  
10 more than one-half the cost of support, and are, and were  
11 during the aforesaid period, members of the same household; and  
12 who, on the first day of such week (a) is under 18 years of age,  
13 or (b) is, and has been during the immediately preceding 90  
14 days, unable to work because of illness or other disability:  
15 provided, that no person who has been determined to be a child  
16 of an individual who has been allowed benefits with respect to  
17 a week in the individual's benefit year shall be deemed to be a  
18 child of the other parent, and no other person shall be  
19 determined to be a child of such other parent, during the  
20 remainder of that benefit year.

21 "Nonworking spouse" means the lawful husband or wife of an  
22 individual claiming benefits under this Act, for whom more than  
23 one-half the cost of support has been supplied by the  
24 individual for at least 90 consecutive days (or for the  
25 duration of the marital relationship if it has existed for less  
26 than 90 days) immediately preceding any week with respect to

1 which the individual has filed a claim, but only if the  
2 nonworking spouse is currently ineligible to receive benefits  
3 under this Act by reason of the provisions of Section 500E.

4 An individual who was obligated by law to provide for the  
5 support of a child or of a nonworking spouse for the aforesaid  
6 period of 90 consecutive days, but was prevented by illness or  
7 injury from doing so, shall be deemed to have provided more  
8 than one-half the cost of supporting the child or nonworking  
9 spouse for that period.

10 When the custody of a dependent child, claimed by an  
11 individual who has provided or claimed to have provided the  
12 statutorily required amount of support for the purpose of  
13 obtaining benefits, has been determined by adjudication and the  
14 individual having custody under the adjudication subsequently  
15 becomes eligible for benefits under this Act, the benefits  
16 available with respect to the dependent child shall be  
17 allocated in accordance with the terms of the adjudication. The  
18 Department shall adopt rules for the determination of benefits  
19 when custody of a dependent child has been determined by  
20 adjudication.

21 (Source: P.A. 96-30, eff. 6-30-09; 97-621, eff. 11-18-11.)