

HB3465



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB3465

Introduced 2/17/2023, by Rep. Tim Ozinga

SYNOPSIS AS INTRODUCED:

750 ILCS 16/25

Amends the Non-Support Punishment Act. Beginning July 1, 2028, allows payments for support to the State Disbursement Unit to be made via an electronic funds transfer. Requires the State Disbursement Unit to establish a system to accept payments via an electronic funds transfer by July 1, 2028.

LRB103 30477 LNS 56910 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The Non-Support Punishment Act is amended by
5 changing Section 25 as follows:

6 (750 ILCS 16/25)

7 Sec. 25. Payment of support to State Disbursement Unit;
8 clerk of the court.

9 (a) As used in this Section, "order for support",
10 "obligor", "obligee", and "payor" mean those terms as defined
11 in the Income Withholding for Support Act.

12 (b) Each order for support entered or modified under
13 Section 20 of this Act shall require that support payments be
14 made to the State Disbursement Unit established under the
15 Illinois Public Aid Code, under the following circumstances:

16 (1) when a party to the order is receiving child
17 support enforcement services under Article X of the
18 Illinois Public Aid Code; or

19 (2) when no party to the order is receiving child
20 support enforcement services, but the support payments are
21 made through income withholding.

22 (b-5) Beginning July 1, 2028, payments made under
23 subsection (b) to the State Disbursement Unit may be made via

1 an electronic funds transfer. The State Disbursement Unit
2 shall establish a system to accept payments via an electronic
3 funds transfer by July 1, 2028.

4 (c) When no party to the order is receiving child support
5 enforcement services, and payments are not being made through
6 income withholding, the court shall order the obligor to make
7 support payments to the clerk of the court.

8 (d) At any time, and notwithstanding the existence of an
9 order directing payments to be made elsewhere, the Department
10 of Healthcare and Family Services may provide notice to the
11 obligor and, where applicable, to the obligor's payor:

12 (1) to make support payments to the State Disbursement
13 Unit if:

14 (A) a party to the order for support is receiving
15 child support enforcement services under Article X of
16 the Illinois Public Aid Code; or

17 (B) no party to the order for support is receiving
18 child support enforcement services under Article X of
19 the Illinois Public Aid Code, but the support payments
20 are made through income withholding; or

21 (2) to make support payments to the State Disbursement
22 Unit of another state upon request of another state's
23 Title IV-D child support enforcement agency, in accordance
24 with the requirements of Title IV, Part D of the Social
25 Security Act and regulations promulgated under that Part
26 D.

1 The Department of Healthcare and Family Services shall
2 provide a copy of the notice to the obligee and to the clerk of
3 the circuit court.

4 (e) If a State Disbursement Unit as specified by federal
5 law has not been created in Illinois upon the effective date of
6 this Act, then, until the creation of a State Disbursement
7 Unit as specified by federal law, the following provisions
8 regarding payment and disbursement of support payments shall
9 control and the provisions in subsections (a), (b), (c), and
10 (d) shall be inoperative. Upon the creation of a State
11 Disbursement Unit as specified by federal law, the payment and
12 disbursement provisions of subsections (a), (b), (c), and (d)
13 shall control, and this subsection (e) shall be inoperative to
14 the extent that it conflicts with those subsections.

15 (1) In cases in which an order for support is entered
16 under Section 20 of this Act, the court shall order that
17 maintenance and support payments be made to the clerk of
18 the court for remittance to the person or agency entitled
19 to receive the payments. However, the court in its
20 discretion may direct otherwise where exceptional
21 circumstances so warrant.

22 (2) The court shall direct that support payments be
23 sent by the clerk to (i) the Department of Healthcare and
24 Family Services if the person in whose behalf payments are
25 made is receiving aid under Articles III, IV, or V of the
26 Illinois Public Aid Code, or child support enforcement

1 services under Article X of the Code, or (ii) to the local
2 governmental unit responsible for the support of the
3 person if he or she is a recipient under Article VI of the
4 Code. In accordance with federal law and regulations, the
5 Department of Healthcare and Family Services may continue
6 to collect current maintenance payments or child support
7 payments, or both, after those persons cease to receive
8 public assistance and until termination of services under
9 Article X of the Illinois Public Aid Code. The Department
10 shall pay the net amount collected to those persons after
11 deducting any costs incurred in making the collection or
12 any collection fee from the amount of any recovery made.
13 The order shall permit the Department of Healthcare and
14 Family Services or the local governmental unit, as the
15 case may be, to direct that support payments be made
16 directly to the spouse, children, or both, or to some
17 person or agency in their behalf, upon removal of the
18 spouse or children from the public aid rolls or upon
19 termination of services under Article X of the Illinois
20 Public Aid Code; and upon such direction, the Department
21 or the local governmental unit, as the case requires,
22 shall give notice of such action to the court in writing or
23 by electronic transmission.

24 (3) The clerk of the court shall establish and
25 maintain current records of all moneys received and
26 disbursed and of delinquencies and defaults in required

1 payments. The court, by order or rule, shall make
2 provision for the carrying out of these duties.

3 (4) (Blank).

4 (5) Payments under this Section to the Department of
5 Healthcare and Family Services pursuant to the Child
6 Support Enforcement Program established by Title IV-D of
7 the Social Security Act shall be paid into the Child
8 Support Enforcement Trust Fund. All other payments under
9 this Section to the Department of Healthcare and Family
10 Services shall be deposited in the Public Assistance
11 Recoveries Trust Fund. Disbursements from these funds
12 shall be as provided in the Illinois Public Aid Code.
13 Payments received by a local governmental unit shall be
14 deposited in that unit's General Assistance Fund.

15 (6) For those cases in which child support is payable
16 to the clerk of the circuit court for transmittal to the
17 Department of Healthcare and Family Services (formerly
18 Illinois Department of Public Aid) by order of court or
19 upon notification by the Department of Healthcare and
20 Family Services (formerly Illinois Department of Public
21 Aid), the clerk shall transmit all such payments, within 4
22 working days of receipt, to insure that funds are
23 available for immediate distribution by the Department to
24 the person or entity entitled thereto in accordance with
25 standards of the Child Support Enforcement Program
26 established under Title IV-D of the Social Security Act.

1 The clerk shall notify the Department of the date of
2 receipt and amount thereof at the time of transmittal.
3 Where the clerk has entered into an agreement of
4 cooperation with the Department to record the terms of
5 child support orders and payments made thereunder directly
6 into the Department's automated data processing system,
7 the clerk shall account for, transmit and otherwise
8 distribute child support payments in accordance with such
9 agreement in lieu of the requirements contained herein.

10 (Source: P.A. 94-88, eff. 1-1-06; 95-331, eff. 8-21-07.)