

1 AN ACT concerning child support.

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 ~~Administrative liens for~~  
8 ~~past due~~ child support.

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

18 (b) Within 90 days after receiving notice from the  
19 Department of Public Aid that the Department has adopted a  
20 child support enforcement debit authorization form as required  
21 under the Illinois Public Aid Code, each bank governed by this  
22 Act shall take all appropriate steps to implement the use of  
23 the form in relation to accounts held by the bank. Upon  
24 receiving from the Department of Public Aid a copy of a child  
25 support enforcement debit authorization form signed by an  
26 obligor, a bank holding an account on behalf of the obligor  
27 shall debit the account and transfer the debited amounts to the  
28 State Disbursement Unit according to the instructions in the  
29 child support enforcement debit authorization form.

30 (Source: P.A. 92-811, eff. 8-21-02.)

31 Section 10. The Illinois Savings and Loan Act of 1985 is

1 amended by changing Section 1-6d as follows:

2 (205 ILCS 105/1-6d)

3 Sec. 1-6d. Enforcement of ~~Administrative liens for~~  
4 ~~past due~~ child support.

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

15 (b) Within 90 days after receiving notice from the  
16 Department of Public Aid that the Department has adopted a  
17 child support enforcement debit authorization form as required  
18 under the Illinois Public Aid Code, each association governed  
19 by this Act shall take all appropriate steps to implement the  
20 use of the form in relation to accounts held by the  
21 association. Upon receiving from the Department of Public Aid a  
22 copy of a child support enforcement debit authorization form  
23 signed by an obligor, an association holding an account on  
24 behalf of the obligor shall debit the account and transfer the  
25 debited amounts to the State Disbursement Unit according to the  
26 instructions in the child support enforcement debit  
27 authorization form.

28 (Source: P.A. 92-811, eff. 8-21-02.)

29 Section 15. The Savings Bank Act is amended by changing  
30 Section 7007 as follows:

31 (205 ILCS 205/7007)

32 Sec. 7007. Enforcement of ~~Administrative liens for~~  
33 ~~past due~~ child support.

1       (a) Any savings bank governed by this Act shall encumber or  
2 surrender accounts or assets held by the savings bank on behalf  
3 of any responsible relative who is subject to a child support  
4 lien, upon notice of the lien or levy of the Illinois  
5 Department of Public Aid or its successor agency pursuant to  
6 Section 10-25.5 of the Illinois Public Aid Code, or upon notice  
7 of interstate lien or levy from any other state's agency  
8 responsible for implementing the child support enforcement  
9 program set forth in Title IV, Part D of the Social Security  
10 Act.

11       (b) Within 90 days after receiving notice from the  
12 Department of Public Aid that the Department has adopted a  
13 child support enforcement debit authorization form as required  
14 under the Illinois Public Aid Code, each savings bank governed  
15 by this Act shall take all appropriate steps to implement the  
16 use of the form in relation to accounts held by the savings  
17 bank. Upon receiving from the Department of Public Aid a copy  
18 of a child support enforcement debit authorization form signed  
19 by an obligor, a savings bank holding an account on behalf of  
20 the obligor shall debit the account and transfer the debited  
21 amounts to the State Disbursement Unit according to the  
22 instructions in the child support enforcement debit  
23 authorization form.

24 (Source: P.A. 92-811, eff. 8-21-02.)

25       Section 20. The Illinois Credit Union Act is amended by  
26 changing Section 43.1 as follows:

27       (205 ILCS 305/43.1)

28       Sec. 43.1. Enforcement of ~~Administrative liens for~~  
29 ~~past-due~~ child support.

30       (a) Any credit union governed by this Act shall encumber or  
31 surrender accounts or assets held by the credit union on behalf  
32 of any responsible relative who is subject to a child support  
33 lien, upon notice of the lien or levy of the Illinois  
34 Department of Public Aid or its successor agency pursuant to

1 Section 10-25.5 of the Illinois Public Aid Code, or upon notice  
2 of interstate lien from any other state's agency responsible  
3 for implementing the child support enforcement program set  
4 forth in Title IV, Part D of the Social Security Act.

5 (b) Within 90 days after receiving notice from the  
6 Department of Public Aid that the Department has adopted a  
7 child support enforcement debit authorization form as required  
8 under the Illinois Public Aid Code, each credit union governed  
9 by this Act shall take all appropriate steps to implement the  
10 use of the form in relation to accounts held by the credit  
11 union. Upon receiving from the Department of Public Aid a copy  
12 of a child support enforcement debit authorization form signed  
13 by an obligor, a credit union holding an account on behalf of  
14 the obligor shall debit the account and transfer the debited  
15 amounts to the State Disbursement Unit according to the  
16 instructions in the child support enforcement debit  
17 authorization form.

18 (Source: P.A. 90-18, eff. 7-1-97.)

19 Section 25. The Foreign Banking Office Act is amended by  
20 changing Section 20 as follows:

21 (205 ILCS 645/20)

22 Sec. 20. Enforcement of ~~Administrative liens for past-due~~  
23 child support.

24 (a) Any foreign banking corporation governed by this Act  
25 shall encumber or surrender accounts or assets held by the  
26 foreign banking corporation on behalf of any responsible  
27 relative who is subject to a child support lien, upon notice of  
28 the lien or levy of the Illinois Department of Public Aid or  
29 its successor agency pursuant to Section 10-25.5 of the  
30 Illinois Public Aid Code, or upon notice of interstate lien  
31 from any other state's agency responsible for implementing the  
32 child support enforcement program set forth in Title IV, Part D  
33 of the Social Security Act.

34 (b) Within 90 days after receiving notice from the

1 Department of Public Aid that the Department has adopted a  
2 child support enforcement debit authorization form as required  
3 under the Illinois Public Aid Code, each foreign banking  
4 corporation governed by this Act shall take all appropriate  
5 steps to implement the use of the form in relation to accounts  
6 held by the corporation. Upon receiving from the Department of  
7 Public Aid a copy of a child support enforcement debit  
8 authorization form signed by an obligor, a foreign banking  
9 corporation holding an account on behalf of the obligor shall  
10 debit the account and transfer the debited amounts to the State  
11 Disbursement Unit according to the instructions in the child  
12 support enforcement debit authorization form.

13 (Source: P.A. 90-18, eff. 7-1-97; 90-655, eff. 7-30-98.)

14 Section 30. The Illinois Public Aid Code is amended by  
15 adding Section 10-16.7 as follows:

16 (305 ILCS 5/10-16.7 new)

17 Sec. 10-16.7. Child support enforcement debit  
18 authorization.

19 (a) For purposes of this Section:

20 "Financial institution" and "account" are defined as set  
21 forth in Section 10-24.

22 "Payor" is defined as set forth in Section 15 of the Income  
23 Withholding for Support Act.

24 "Order for support" means any order for periodic payment of  
25 funds to the State Disbursement Unit for the support of a child  
26 or, where applicable, for support of a child and a parent with  
27 whom the child resides, that is entered or modified under this  
28 Code or under the Illinois Marriage and Dissolution of Marriage  
29 Act, the Non-Support of Spouse and Children Act, the  
30 Non-Support Punishment Act, or the Illinois Parentage Act of  
31 1984, or that is entered or registered for modification or  
32 enforcement under the Uniform Interstate Family Support Act.

33 "Obligor" means an individual who owes a duty to make  
34 payments under an order for support in a case in which child

1 support enforcement services are being provided under this  
2 Article X.

3 (b) The Department of Public Aid shall adopt a child  
4 support enforcement debit authorization form that, upon being  
5 signed by an obligor, authorizes a financial institution  
6 holding an account on the obligor's behalf to debit the  
7 obligor's account periodically in an amount equal to the amount  
8 of child support that the obligor is required to pay  
9 periodically and transfer that amount to the State Disbursement  
10 Unit. The form shall include instructions to the financial  
11 institution concerning the debiting of accounts held on behalf  
12 of obligors and the transfer of the debited amounts to the  
13 State Disbursement Unit. In adopting the form, the Department  
14 may consult with the Office of Banks and Real Estate and the  
15 Department of Financial Institutions. The Department must  
16 adopt the form within 6 months after the effective date of this  
17 amendatory Act of the 93rd General Assembly. Promptly after  
18 adopting the form, the Department must notify each financial  
19 institution conducting business in this State that the form has  
20 been adopted and is ready for use.

21 (c) An obligor who does not have a payor may sign a child  
22 support debit authorization form adopted by the Department  
23 under this Section. The obligor may sign a form in relation to  
24 any or all of the financial institutions holding an account on  
25 the obligor's behalf. Promptly after an obligor signs a child  
26 support debit authorization form, the Department shall send the  
27 original signed form to the appropriate financial institution.  
28 Subject to subsection (e), upon receiving the form, the  
29 financial institution shall debit the account and transfer the  
30 debited amounts to the State Disbursement Unit according to the  
31 instructions in the form. A financial institution that complies  
32 with a child support debit authorization form signed by an  
33 obligor and issued under this Section shall not be subject to  
34 civil liability with respect to any individual or any agency.

35 (d) The signing and issuance of a child support debit  
36 authorization form under this Section does not relieve the

1 obligor from responsibility for compliance with any  
2 requirement under the order for support.

3 (e) A financial institution is obligated to debit the  
4 account of an obligor pursuant to this Section only if or to  
5 the extent:

6 (1) the financial institution reasonably believes the  
7 debit authorization form is a true and authentic original  
8 document;

9 (2) there are finally collected funds in the account;  
10 and

11 (3) the account is not subject to offsetting claims of  
12 the financial institution, whether due at the time of  
13 receipt of the debit authorization form or thereafter to  
14 become due and whether liquidated or unliquidated.

15 To the extent the account of the obligor is pledged or held  
16 by the financial institution as security for a loan or other  
17 obligation, or that the financial institution has any other  
18 claim or lien against the account, the financial institution is  
19 entitled to retain the account.

20 Section 99. Effective date. This Act takes effect upon  
21 becoming law.