



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/04/04, by Eileen Lyons, Patricia R. Bellock

SYNOPSIS AS INTRODUCED:

New Act

Creates the Unified Child Support Services Act. Provides that, on July 1, 2006, the Department of Public Aid shall delegate to the State's Attorney in each Illinois county with a population of 900,000 or more the responsibility for managing a Unified Child Support Services Program pursuant to an approved Plan for Unified Child Support Services and an intergovernmental agreement entered into between that county's State's Attorney and the Department. Requires the State's Attorney of each such county to submit a plan for a program by July 1, 2005 and each July 1 thereafter. Provides that, by July 1, 2007 or any July 1 thereafter, a State's Attorney in a county with a population of less than 900,000 may elect to submit a plan to the Department to manage a program. Provides that any State's Attorney who submits a plan must commit to manage a unified child support services program for at least 3 years. Sets out components that a unified child support services program must contain. Requires the Department to establish performance standards for State's Attorneys operating a program. Requires the Department to submit an annual report on the operations of the programs to the General Assembly.

LRB093 19011 LCB 44746 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT in relation to child support.

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

4 Section 1. This Act may be cited as the Unified Child
5 Support Services Act.

6 Section 5. Definitions. In this Act:

7 "Child support services" mean any services provided with
8 respect to parentage establishment, support establishment,
9 medical support establishment, support modification, or
10 support enforcement.

11 "Child support specialist" means a paralegal, attorney, or
12 other staff member with specialized training in child support
13 services.

14 "Current child support case" means a case that is pending
15 in the IV-D Child Support Program for which any action is being
16 taken by a Unified Child Support Services Program.

17 "Department" means the Illinois Department of Public Aid.

18 "IV-D Child Support Program" means the child support
19 enforcement program established pursuant to Title IV, Part D of
20 the federal Social Security Act and Article X of the Illinois
21 Public Aid Code.

22 "KIDS" means the Key Information Delivery System that
23 includes a statewide database of all cases in the IV-D Child
24 Support Program.

25 "Medicaid" means the medical assistance program under
26 Article V of the Illinois Public Aid Code.

27 "Obligor" and "obligee" mean those terms as defined in the
28 Income Withholding for Support Act.

29 "Plan" means a plan for a Unified Child Support Services
30 Program.

31 "Program" means the Unified Child Support Services Program
32 in a county or group of counties.

1 "State Disbursement Unit" means the State Disbursement
2 Unit established under Section 10-26 of the Illinois Public Aid
3 Code.

4 "State's Attorney" means the duly elected State's Attorney
5 of an Illinois county or 2 or more State's Attorneys who have
6 formed a consortium for purposes of managing a Unified Child
7 Support Services Program within a specific region of the State.

8 "Temporary Assistance for Needy Families" means the
9 Temporary Assistance for Needy Families (TANF) program under
10 Article IV of the Illinois Public Aid Code.

11 Section 10. Plan for Unified Child Support Services.

12 (a) On July 1, 2006, the Department shall delegate to the
13 State's Attorney in each Illinois county with a population of
14 900,000 or more the responsibility for managing a Unified Child
15 Support Services Program pursuant to an approved Plan for
16 Unified Child Support Services and an intergovernmental
17 agreement entered into between that county's State's Attorney
18 and the Department.

19 (b) By July 1, 2005, and by July 1 of each subsequent year,
20 each State's Attorney of a county with a population of 900,000
21 or more shall submit to the Department a Plan that includes all
22 of the components set forth in Section 15 of this Act and that
23 includes a projected budget of the necessary and reasonable
24 costs for operation of the Plan. Upon approval by the State's
25 Attorney and the Department, however, the Plan may provide for
26 phasing in the Program with different implementation dates.

27 (c) The Department shall approve or reject each Plan,
28 subject to the approval of the Illinois Attorney General, by
29 December 1 of the year in which it is submitted. If the
30 Department rejects a Plan, then (i) the Department must set
31 forth specific reasons that the Plan fails to satisfy the
32 specific goals and requirements of this Act or other State or
33 federal requirements; (ii) the Department and the State's
34 Attorney must set forth specific reasons that a budget for the
35 necessary and reasonable costs for operation of the Plan could

1 not be agreed upon; and (iii) the Department must present a
2 report to the General Assembly setting forth the specific
3 reasons specified in items (i) and (ii). If the Department
4 rejects the Plan, the Chairperson or the minority spokesperson
5 of the House or Senate committees that deal with child support
6 issues may require the Department to appear before the
7 committee to explain the reasons for the rejection.

8 (d) By July 1, 2007 or any July 1 thereafter, a State's
9 Attorney in any county with a population less than 900,000 may
10 elect to submit a Plan to the Department to manage a Program,
11 and all of the provisions of this Act shall apply to an
12 approved Plan. The Department may approve a maximum of 3 such
13 Plans per year.

14 (e) Any State's Attorney who submits a Plan pursuant to
15 this Act shall commit to manage the Program for a period of no
16 less than 3 years.

17 Section 15. Components of a Unified Child Support Services
18 Program.

19 (a) Any intergovernmental agreement incorporating an
20 approved Plan under this Act must provide that the State's
21 Attorney shall create and manage a Program offering child
22 support services in all IV-D cases pending in the county as of
23 the approval date of the Plan and all new cases in the
24 Department's IV-D Child Support Program, based upon the
25 jurisdiction of the case and in accordance with all relevant
26 laws or Department policies.

27 (b) The child support services offered by each Program and
28 incorporated in the State's Attorney's Plan must comply with
29 the Department's approved Title IV, Part D State Plan and,
30 except as provided in Section 35, must include, but need not be
31 limited to, the following:

32 (1) Accepting applications for child support services
33 from private parties or referrals from any State agency
34 that submits information to KIDS, and providing for the
35 conducting of initial interviews with applicants by

1 telephone or other electronic means.

2 (2) Maintaining flexible office hours, including
3 evening or weekend hours for in-person or telephone
4 appointments, or any other appropriate means in order to
5 meet customer service demands.

6 (3) Providing for a staffing plan that includes
7 assigning cases to a child support specialist who is
8 responsible for coordinating child support services for
9 the case, receiving new and updated information about the
10 case and forwarding that information to all relevant
11 persons and agencies, responding to parents' inquiries and
12 requests in a timely manner, and making appropriate
13 referrals as specified in paragraph (12) of this
14 subsection.

15 (4) Assessing each case for child support services by
16 determining the status of the case and the necessary steps
17 appropriate for the case, including establishing and
18 following standards for determining whether to use
19 judicial or administrative processes for child support
20 services, and establishing and following standards for
21 seeking cooperation from the parties before invoking other
22 enforcement mechanisms.

23 (5) Taking all necessary steps identified in paragraph
24 (4) of this subsection as appropriate for the case, whether
25 by use of judicial or administrative processes, and making
26 appropriate referrals to the Department to follow agency
27 processes for which it is responsible under Section 35 of
28 this Act.

29 (6) Offering genetic testing to determine parentage at
30 the site of the unified child support services operations
31 or near the county courthouse or administrative hearing
32 office where proceedings to establish parentage are
33 conducted.

34 (7) Identifying cases that have moved into
35 non-compliance with obligations set forth in an order
36 involving a child support case and taking steps necessary

1 to bring the case into compliance, including investigating
2 sources of income and the location and type of assets of
3 child support obligors who are in arrears in the payment of
4 support.

5 (8) Providing for periodic or other review of
6 administrative and court orders for support consistent
7 with federal guidelines to determine whether a
8 modification of the order should be sought.

9 (9) Taking responsibility for using KIDS, for entering
10 data with respect to a current child support case into KIDS
11 and editing that data, and for having conflicting or
12 incorrect data reconciled with respect to a current child
13 support case, whether by staff of a State's Attorney, the
14 Department staff, the State Disbursement Unit staff, or
15 staff of a Clerk of the Circuit Court.

16 (10) Reporting cooperation or the circumstances for
17 lack of cooperation with child support services by
18 recipients of public aid under Temporary Assistance for
19 Needy Families or Medicaid.

20 (11) Conducting account reviews and redeterminations
21 with respect to a current child support case in accordance
22 with Department policies and federal guidelines.

23 (12) Establishing referral procedures and making
24 appropriate referrals for programs such as voluntary
25 mediation on custody and visitation, domestic violence,
26 employment and training, child care, and governmental
27 benefits such as Temporary Assistance for Needy Families
28 and Medicaid.

29 (13) Establishing and maintaining an administrative
30 process for parentage establishment, support
31 establishment, and support modification that affords due
32 process of law to alleged fathers and custodial and
33 non-custodial parents; and furnishing copies of all such
34 administrative orders to the clerk of the circuit court and
35 the Department.

36 (14) Providing all information on the Program's

1 operation needed by the Department to satisfy the
2 Department's reporting requirements to the State and
3 federal governments on a timely basis.

4 (15) Responding to requests for Administrative
5 Accountability Analyses under Article X of the Illinois
6 Public Aid Code, for State's Attorney cases as of the
7 effective date of this Act, and reporting final
8 determinations to the Department.

9 (16) Marketing the Program within the county in which
10 it is operating so that potential applicants learn about
11 child support services offered.

12 (17) Appointing a local, unpaid child support advisory
13 board, with the State's Attorney operating the Program as
14 the chair, that meets at least quarterly.

15 (18) Establishing procedures for referral to the
16 Illinois Attorney General of designated child support
17 cases brought by non-custodial parents.

18 (19) Conducting all operations in accordance with any
19 applicable State or federal laws and regulations and the
20 Plan.

21 Section 20. Subcontracts. A Plan submitted by a State's
22 Attorney for approval to manage a Program must include those
23 subcontracts and intergovernmental agreements necessary for
24 the provision of any components of child support services under
25 the Plan. The Plan must also include a copy of each signed
26 subcontract or intergovernmental agreement or other evidence
27 of the proposed subcontractor or other local governmental
28 entity's intent to perform the services covered by the
29 subcontract or intergovernmental agreement. The subcontract or
30 intergovernmental agreement may be approved by the Department
31 only if the subcontractor or other intergovernmental entity's
32 services are fully integrated into the Program and the
33 subcontractor or other intergovernmental entity's services
34 enhance the efficiency, accessibility, and effectiveness of
35 child support services.

1 Section 25. Performance standards.

2 (a) In consultation with the Department's statewide Child
3 Support Advisory Committee, the Department shall establish the
4 following by rule:

5 (1) Measures of performance for all State's Attorneys
6 operating a program and contractors and local governmental
7 entities providing child support services in the IV-D Child
8 Support Program with respect to parentage establishment,
9 support order establishment, current support collections,
10 arrearage collections, cost-effectiveness, or any other
11 measures used by the federal government or as set forth by
12 the Department.

13 (2) Procedures for apportioning any projected
14 incentive funding between any eligible contractors or
15 local governmental entities.

16 (b) Once each year, the Department shall estimate the total
17 State and federal incentive funding that will be available for
18 distribution under this subsection during the following year.
19 Any State's Attorney operating a program and a contractor or
20 local governmental entity providing child support services in
21 the IV-D Child Support Program are eligible to earn incentive
22 payments, based on the score received for performance standards
23 required under this Section and the amount available for that
24 year under this subsection.

25 (c) Once each year, the Department shall apply the
26 performance standards to all State's Attorneys operating a
27 program and contractors and local governmental entities
28 providing child support services in the IV-D Child Support
29 Program, and shall publish a report of such performance levels
30 and corresponding scores used in calculating the incentive
31 payment amount.

32 Section 30. Annual report to General Assembly. The
33 Department shall submit to the General Assembly an annual
34 report on the operation of Programs during the preceding State

1 fiscal year. The annual report must include, but need not be
2 limited to, the following:

3 (1) The report of performance levels and corresponding
4 scores used in calculating the incentive payment amounts
5 under Section 20.

6 (2) A narrative description of each Program operating
7 in the State, including (i) the manner in which a State's
8 Attorney complied or failed to comply with each assurance
9 included in the applicable Plan and (ii) the Program's
10 annual budget and staffing.

11 Section 35. IV-D Child Support Program responsibilities.

12 (a) The Department has the authority and responsibility for
13 administering the IV-D Child Support Program in compliance with
14 Title IV, Part D of the federal Social Security Act.

15 (b) The Department may enter into agreements with
16 contractors or local governmental entities to manage any
17 services provided by the IV-D Child Support Program in counties
18 in which the State's Attorney is not operating a Program. All
19 contractors or local governmental entities entering into
20 agreements with the Department must meet the applicable
21 performance standards set forth in Section 25.

22 (c) In any county in which a program is operating, the
23 Department may enter into an intergovernmental agreement, with
24 the Clerk of the Circuit Court to be responsible for filing,
25 recording, and making available for retrieval all
26 administrative orders of parentage and administrative orders
27 setting, modifying, or terminating child support obligations.

28 (d) With respect to those counties in which a State's
29 Attorney is operating a Program, the Department must, at a
30 minimum, fulfill its responsibilities under Title IV, Part D of
31 the federal Social Security Act and Article X of the Illinois
32 Public Aid Code in connection with the following:

33 (1) Operation of a statewide toll free telephone number
34 that refers parties to the appropriate contact as
35 established by a Plan.

1 (2) Management and supervision of the State
2 Disbursement Unit.

3 (3) Management and supervision of KIDS and the State
4 Case Registry established under Section 10-27 of the
5 Illinois Public Aid Code. A State's Attorney operating a
6 Program, however, must be able to enter data directly into
7 KIDS with respect to any current child support cases for
8 which the State's Attorney is responsible and must be able
9 to edit that data when necessary.

10 (4) Federal income tax refund intercepts.

11 (5) State income tax refund and other payment
12 intercepts.

13 (6) Sending notices required by law to parents, except
14 as otherwise provided in a Plan.

15 (7) Submitting past due support information to
16 licensing agencies.

17 (8) Notifying the Illinois Department of Public Health
18 of parentage establishments and acknowledgments.

19 (9) Maintaining the Central Case Registry with respect
20 to interstate cases, and taking any necessary actions that
21 are not otherwise specified in a Plan.

22 (10) Submittal of past-due support information to the
23 Illinois Department of Revenue.

24 (11) Requests for data matches with financial
25 institutions.

26 (12) Account reviews and redeterminations for any
27 child support cases in which administrative processes are
28 utilized by the Department under this Section.

29 (13) Reports to the federal government.

30 (14) All other duties required under Title IV, Part D
31 of the federal Social Security Act that are not otherwise
32 included in a Plan.

33 (e) To the extent that the provisions of this Act are
34 inconsistent with the responsibilities or requirements imposed
35 on the IV-D Child Support Program under Article X of the
36 Illinois Public Aid Code, the provisions of this Act shall

1 control, unless doing so violates Title IV, Part D of the
2 federal Social Security Act.