



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB2342

Introduced 1/12/2006, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-16.8 new
305 ILCS 5/10-26.2

Amends the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services shall take appropriate steps to ensure that an obligee's address or telephone number is not disclosed to the obligor in any case in which the Department is collecting child support from the obligor by means of income withholding, garnishment, or other process to enforce an order for support. Provides that the contract entered into by the Department of Healthcare and Family Services with a public or private entity or an individual in connection with the operation of the State Disbursement Unit must contain provisions to ensure that the State Disbursement Unit does not disclose an obligee's address or telephone number to the obligor in any case in which the Department or the State Disbursement Unit is collecting child support from the obligor by means of income withholding, garnishment, or other process to enforce an order for support. Effective immediately.

LRB094 18579 DRJ 53918 b

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 10-26.2 and by adding Section 10-16.8 as
6 follows:

7 (305 ILCS 5/10-16.8 new)

8 Sec. 10-16.8. Enforcement of order for support;
9 nondisclosure of obligee's address and telephone number. The
10 Department of Healthcare and Family Services shall take
11 appropriate steps to ensure that an obligee's address or
12 telephone number is not disclosed to the obligor in any case in
13 which the Department is collecting child support from the
14 obligor by means of income withholding, garnishment, or other
15 process to enforce an order for support.

16 (305 ILCS 5/10-26.2)

17 Sec. 10-26.2. Contracts concerning the operation of the
18 State Disbursement Unit.

19 (a) In this Section:

20 "Contract" has the same meaning as in the Illinois
21 Procurement Code.

22 "SDU contractor" means any public or private entity or
23 individual with whom the Illinois Department enters into a
24 contract in connection with the operation of the State
25 Disbursement Unit.

26 (b) The contract entered into by the Illinois Department
27 with a public or private entity or an individual in connection
28 with the operation of the State Disbursement Unit must contain,
29 at a minimum, the provisions set forth in this Section.

30 (c) The contract must include standards and procedures to
31 ensure that the data relied on by the State Disbursement Unit

1 in performing its functions is accurate so that the State
2 Disbursement Unit will be able to effectively administer the
3 collection and disbursement of support payments.

4 (d) The contract must contain provisions to ensure that all
5 clerks of the circuit court have access to non-custodial
6 parents' support payment information in the possession of the
7 State Disbursement Unit.

8 (e) The contract must contain provisions to ensure that
9 notices to employers in connection with the collection of
10 support are clear and consistent and that the SDU contractor
11 will promptly inform an employer about any problems and any
12 necessary changes in connection with the collection of support.

13 (f) The contract must contain appropriate management
14 controls to ensure that (i) all of the SDU contractor's actions
15 in performing the functions of the State Disbursement Unit are
16 reasonably planned, timely implemented, and adequately
17 controlled and (ii) all reports that are necessary to provide
18 the Illinois Department with the information necessary to
19 effectively monitor the quality and accuracy of the SDU
20 contractor's actions in performing the functions of the State
21 Disbursement Unit are timely filed.

22 (g) The contract must contain provisions specifying
23 standards with respect to the level of performance expected of
24 the SDU contractor. The contract may include provisions for
25 incentives and penalties in connection with the SDU
26 contractor's performance.

27 (h) The contract must contain provisions projecting the
28 number of active support collection and disbursement cases to
29 be handled by the State Disbursement Unit and estimating the
30 number of support disbursement transactions to be handled each
31 year.

32 (i) The contract must contain provisions requiring
33 compliance with all applicable federal requirements concerning
34 disbursement of support. The contract must also contain
35 provisions for the Illinois Department's regular, periodic
36 review of reports on disbursement performance.

1 (j) The contract must contain provisions requiring the SDU
2 contractor to submit to the Illinois Department, within 45 days
3 after the end of each State fiscal year, a completed American
4 Institute of Certified Public Accountants Statement on
5 Auditing Standards Number 88 (SAS 88) or its successor for the
6 purpose of enabling the Illinois Department to appropriately
7 monitor the State Disbursement Unit's performance as a service
8 organization and to enable the Auditor General, as the external
9 auditor of the State Disbursement Unit, to ensure that
10 appropriate controls are present.

11 (k) The contract must contain provisions requiring the
12 Illinois Department and the SDU contractor to examine the
13 causes of untimely disbursement of support payments and
14 inappropriate cost recovery and to take prompt action to ensure
15 the timely and accurate disbursement of support payments. The
16 contract must also contain provisions for the final disposition
17 of support payments that cannot be processed by the State
18 Disbursement Unit within 2 business days.

19 (l) The contract must contain provisions to ensure that
20 neither the Illinois Department nor the SDU contractor uses
21 moneys collected and held in trust for the payment of support
22 for any purpose other than that for which the moneys were
23 collected.

24 (m) The contract must contain provisions requiring the
25 Illinois Department to audit the disbursement of all emergency
26 support payments and report to the General Assembly the results
27 of the audit, including, without limitation, the number of
28 emergency support payment checks issued by the State
29 Disbursement Unit, the amount of repayments received from
30 recipients of those checks, and amounts for which the Illinois
31 Department did not seek repayment.

32 (n) The contract must contain provisions to ensure that the
33 State Disbursement Unit does not disclose an obligee's address
34 or telephone number to the obligor in any case in which the
35 Illinois Department or the State Disbursement Unit is
36 collecting child support from the obligor by means of income

1 withholding, garnishment, or other process to enforce an order
2 for support.

3 (Source: P.A. 92-44, eff. 7-1-01.)

4 Section 99. Effective date. This Act takes effect upon
5 becoming law.