

# SB0742



## 98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB0742

Introduced 1/24/2013, by Sen. John J. Cullerton

### SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-10.4

Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning the payment of support to the State Disbursement Unit.

LRB098 04976 KTG 35006 b

A BILL FOR

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 10-10.4 as follows:

6 (305 ILCS 5/10-10.4)

7 Sec. 10-10.4. Payment of Support to State Disbursement  
8 Unit.

9 (a) As used in this Section:

10 "Order for support", "obligor", "obligee", and ~~and~~ "payor"  
11 mean those terms as defined in the Income Withholding for  
12 Support Act, except that "order for support" shall not mean  
13 orders providing for spousal maintenance under which there is  
14 no child support obligation.

15 (b) Notwithstanding any other provision of this Code to the  
16 contrary, each court or administrative order for support  
17 entered or modified on or after October 1, 1999 shall require  
18 that support payments be made to the State Disbursement Unit  
19 established under Section 10-26 if:

20 (1) a party to the order is receiving child support  
21 enforcement services under this Article X; or

22 (2) no party to the order is receiving child support  
23 enforcement services, but the support payments are made

1 through income withholding.

2 (c) Support payments shall be made to the State  
3 Disbursement Unit if:

4 (1) the order for support was entered before October 1,  
5 1999, and a party to the order is receiving child support  
6 enforcement services under this Article X; or

7 (2) no party to the order is receiving child support  
8 enforcement services, and the support payments are being  
9 made through income withholding.

10 (c-5) If no party to the order is receiving child support  
11 enforcement services under this Article X, and the support  
12 payments are not being made through income withholding, then  
13 support payments shall be made as directed in the order for  
14 support.

15 (c-10) At any time, and notwithstanding the existence of an  
16 order directing payments to be made elsewhere, the Department  
17 of Healthcare and Family Services may provide notice to the  
18 obligor and, where applicable, to the obligor's payor:

19 (1) to make support payments to the State Disbursement  
20 Unit if:

21 (A) a party to the order for support is receiving  
22 child support enforcement services under this Article  
23 X; or

24 (B) no party to the order for support is receiving  
25 child support enforcement services under this Article  
26 X, but the support payments are made through income

1           withholding; or

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

7           (c-15) Within 15 days after the effective date of this  
8           amendatory Act of the 91st General Assembly, the clerk of the  
9           circuit court shall provide written notice to the obligor to  
10          make payments directly to the clerk of the circuit court if no  
11          party to the order is receiving child support enforcement  
12          services under this Article X, the support payments are not  
13          made through income withholding, and the order for support  
14          requires support payments to be made directly to the clerk of  
15          the circuit court.

16          (c-20) If the State Disbursement Unit receives a support  
17          payment that was not appropriately made to the Unit under this  
18          Section, the Unit shall immediately return the payment to the  
19          sender, including, if possible, instructions detailing where  
20          to send the support payments.

21          (d) The notices under subsections (c-10) and (c-15) may be  
22          sent by ordinary mail, certified mail, return receipt  
23          requested, facsimile transmission, or other electronic  
24          process, or may be served upon the obligor or payor using any  
25          method provided by law for service of a summons. A copy of the  
26          notice shall be provided to the obligee and, when the order for

1 support was entered by the court, to the clerk of the court.

2 (Source: P.A. 95-331, eff. 8-21-07.)