

1 AN ACT in relation to 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 Sections 12-10.2 and 12-10.2a as follows:

6 (305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)

7 Sec. 12-10.2. The Child Support Enforcement Trust Fund.

8 (a) The Child Support Enforcement Trust Fund, to be held
9 by the State Treasurer as ex-officio custodian outside the
10 State Treasury, pursuant to the Child Support Enforcement
11 Program established by Title IV-D of the Social Security Act,
12 shall consist of the following, through June 30, 2002:

13 (1) all support payments assigned to the Illinois
14 Department under Article X of this Code and rules
15 promulgated by the Illinois Department that are disbursed
16 to the Illinois Department by the State Disbursement Unit
17 established under Section 10-26,

18 (2) all support payments received by the Illinois
19 Department as a result of the Child Support Enforcement
20 Program established by Title IV-D of the Social Security
21 Act that are not required or directed to be paid to the
22 State Disbursement Unit established under Section 10-26,

23 (3) all federal grants received by the Illinois
24 Department funded by Title IV-D of the Social Security
25 Act, except those federal funds received under the Title
26 IV-D program as reimbursement for expenditures from the
27 General Revenue Fund,

28 (4) incentive payments received by the Illinois
29 Department from other states or political subdivisions of
30 other states for the enforcement and collection by the
31 Department of an assigned child support obligation in

1 behalf of such other states or their political
2 subdivisions pursuant to the provisions of Title IV-D of
3 the Social Security Act,

4 (5) incentive payments retained by the Illinois
5 Department from the amounts which otherwise would be paid
6 to the federal government to reimburse the federal
7 government's share of the support collection for the
8 Department's enforcement and collection of an assigned
9 support obligation on behalf of the State of Illinois
10 pursuant to the provisions of Title IV-D of the Social
11 Security Act,

12 (6) all fees charged by the Department for child
13 support enforcement services, as authorized under Title
14 IV-D of the Social Security Act and Section 10-1 of this
15 Code, and any other fees, costs, fines, recoveries, or
16 penalties provided for by State or federal law and
17 received by the Department under the Child Support
18 Enforcement Program established by Title IV-D of the
19 Social Security Act, and

20 (7) all amounts appropriated by the General
21 Assembly for deposit into the Fund, and

22 (8) any gifts, grants, donations, or awards from
23 individuals, private businesses, nonprofit associations,
24 and governmental entities.

25 (a-5) On and after July 1, 2002, the Child Support
26 Enforcement Trust Fund shall consist of the following:

27 (1) all support payments assigned to the Illinois
28 Department under Article X of this Code and rules adopted
29 by the Illinois Department that are disbursed to the
30 Illinois Department by the State Disbursement Unit
31 established under Section 10-26, regardless of the fiscal
32 year in which the payments were receipted;

33 (2) all support payments received by the Illinois
34 Department as a result of the Child Support Enforcement

1 Program established by Title IV-D of the Social Security
 2 Act that are not required or directed to be paid to the
 3 State Disbursement Unit established under Section 10-26,
 4 regardless of the fiscal year in which the payments were
 5 receipted;

6 (3) all federal grants received by the Illinois
 7 Department funded by Title IV-D of the Social Security
 8 Act, except those federal funds received under the Title
 9 IV-D program as reimbursement for expenditures from the
 10 General Revenue Fund, and receipted on or before June 30,
 11 2002;

12 (4) incentive payments received by the Illinois
 13 Department from other states or political subdivisions of
 14 other states for the enforcement and collection by the
 15 Department of an assigned child support obligation in
 16 behalf of those other states or their political
 17 subdivisions pursuant to the provisions of Title IV-D of
 18 the Social Security Act, and receipted on or before June
 19 30, 2002;

20 (5) incentive payments retained by the Illinois
 21 Department from the amounts that otherwise would be paid
 22 to the federal government to reimburse the federal
 23 government's share of the support collection for the
 24 Department's enforcement and collection of an assigned
 25 support obligation on behalf of the State of Illinois
 26 pursuant to the provisions of Title IV-D of the Social
 27 Security Act, and receipted on or before June 30, 2002;

28 (6) all fees charged by the Department for child
 29 support enforcement services, as authorized under Title
 30 IV-D of the Social Security Act and Section 10-1 of this
 31 Code, and any other fees, costs, fines, recoveries, or
 32 penalties provided for by State or federal law and
 33 received by the Department under the Child Support
 34 Enforcement Program established by Title IV-D of the

1 Social Security Act, and receipted on or before June 30,
2 2002;

3 (7) all amounts appropriated by the General
4 Assembly for deposit into the Child Support Enforcement
5 Trust Fund; and

6 (8) any gifts, grants, donations, or awards from
7 individuals, private businesses, nonprofit associations,
8 and governmental entities, receipted on or before June
9 30, 2002.

10 (b) Disbursements from this Fund shall be only for the
11 following purposes:

12 (1) for the reimbursement of funds received by the
13 Illinois Department through error or mistake,

14 (2) for payments to non-recipients, current
15 recipients, and former recipients of financial aid of
16 support payments received on their behalf under Article X
17 of this Code that are not required to be disbursed by the
18 State Disbursement Unit established under Section 10.26,

19 (3) for any other payments required by law to be
20 paid by the Illinois Department to non-recipients,
21 current recipients, and former recipients,

22 (4) for payment of any administrative expenses
23 incurred through fiscal year 2002 and for payment of any
24 administrative expenses by transfer to the Child Support
25 Administrative Fund under Section 12-10.2a, but--not
26 thereafter, including payment to the Health Insurance
27 Reserve Fund for group insurance costs at the rate
28 certified by the Department of Central Management
29 Services, except those required to be paid from the
30 General Revenue Fund, including personal and contractual
31 services, incurred in performing the Title IV-D
32 activities authorized by Article X of this Code,

33 (5) for the reimbursement of the Public Assistance
34 Emergency Revolving Fund for expenditures made from that

1 Fund for payments to former recipients of public aid for
 2 child support made to the Illinois Department when the
 3 former public aid recipient is legally entitled to all or
 4 part of the child support payments, pursuant to the
 5 provisions of Title IV-D of the Social Security Act,

6 (6) for the payment of incentive amounts owed to
 7 other states or political subdivisions of other states
 8 that enforce and collect an assigned support obligation
 9 on behalf of the State of Illinois pursuant to the
 10 provisions of Title IV-D of the Social Security Act,

11 (7) for the payment of incentive amounts owed to
 12 political subdivisions of the State of Illinois that
 13 enforce and collect an assigned support obligation on
 14 behalf of the State pursuant to the provisions of Title
 15 IV-D of the Social Security Act, and

16 (8) for payments of any amounts which are
 17 reimbursable to the Federal government which are required
 18 to be paid by State warrant by either the State or
 19 Federal government.

20 Disbursements from this Fund shall be by warrants drawn
 21 by the State Comptroller on receipt of vouchers duly executed
 22 and certified by the Illinois Department or any other State
 23 agency that receives an appropriation from the Fund.

24 (c) The Illinois Department's child support
 25 administrative expenses, as defined in Section 12-10.2a, that
 26 are incurred after fiscal year 2002 shall be paid only as
 27 provided in that Section.

28 (Source: P.A. 91-212, eff. 7-20-99; 91-400, eff. 7-30-99;
 29 91-712, eff. 7-1-00; 92-44, eff. 7-1-01; revised 7-24-01.)

30 (305 ILCS 5/12-10.2a)

31 Sec. 12-10.2a. Child Support Administrative Fund.

32 (a) Beginning July 1, 2002, the Child Support
 33 Administrative Fund is created as a special fund in the State

1 treasury. Moneys in the Fund may be used, subject to
2 appropriation, only for the Department of Public Aid's child
3 support administrative expenses, as defined in this Section.

4 (a-5) Moneys in the Child Support Administrative Fund
5 shall consist of the following:

6 (1) all federal grants received by the Illinois
7 Department funded by Title IV-D of the Social Security
8 Act, except those federal funds received under the Title
9 IV-D program as reimbursement for expenditures from the
10 General Revenue Fund;

11 (2) incentive payments received by the Illinois
12 Department from other states or political subdivisions of
13 other states for the enforcement and collection by the
14 Department of an assigned child support obligation in
15 behalf of those other states or their political
16 subdivisions pursuant to the provisions of Title IV-D of
17 the Social Security Act;

18 (3) incentive payments retained by the Illinois
19 Department from the amounts that otherwise would be paid
20 to the federal government to reimburse the federal
21 government's share of the support collection for the
22 Department's enforcement and collection of an assigned
23 support obligation on behalf of the State of Illinois
24 pursuant to the provisions of Title IV-D of the Social
25 Security Act;

26 (4) all fees charged by the Department for child
27 support enforcement services, as authorized under Title
28 IV-D of the Social Security Act and Section 10-1 of this
29 Code, and any other fees, costs, fines, recoveries, or
30 penalties provided for by State or federal law and
31 received by the Department under the Child Support
32 Enforcement Program established by Title IV-D of the
33 Social Security Act;

34 (5) all amounts appropriated by the General

1 Assembly for deposit into the Child Support
2 Administrative Fund; and

3 (6) any gifts, grants, donations, or awards from
4 individuals, private businesses, nonprofit associations,
5 and governmental entities.

6 (a-10) The moneys identified in subsection (a-5) of this
7 Section shall include moneys receipted on or after July 1,
8 2002, regardless of the fiscal year in which the moneys were
9 earned.

10 (b) As used in this Section, "child support
11 administrative expenses" means administrative expenses,
12 including payment to the Health Insurance Reserve Fund for
13 group insurance costs at the rate certified by the Department
14 of Central Management Services, except those required to be
15 paid from the General Revenue Fund, including personal and
16 contractual services, incurred by the Department of Public
17 Aid, either directly or under its contracts with SDU
18 contractors as defined in Section 10-26.2, in performing
19 activities authorized by Article X of this Code, and
20 including appropriations to other State agencies or offices.

21 The term includes expenses incurred by the Department of
22 Public Aid in administering the Child Support Enforcement
23 Trust Fund and the State Disbursement Unit Revolving Fund.

24 (c) Child support administrative expenses incurred in
25 fiscal year 2003 or thereafter shall be paid only from moneys
26 appropriated ~~to--the--Department~~ from the Child Support
27 Administrative Fund.

28 (d) Before April 1, 2003 and before April 1 of each year
29 thereafter, the Department of Public Aid shall provide
30 notification to the General Assembly of the amount of the
31 Department's child support administrative expenses expected
32 to be incurred during the fiscal year beginning on the next
33 July 1, including the estimated amount required for the
34 operation of the State Disbursement Unit, which shall be

1 separately identified in the annual administrative
2 appropriation.

3 (e) For the fiscal year beginning July 1, 2002 and for
4 each fiscal year thereafter, the State Comptroller and the
5 State Treasurer shall transfer from the Child Support
6 Enforcement Trust Fund to the Child Support Administrative
7 Fund amounts as determined by the Department necessary to
8 enable the Department to meet its child support
9 administrative expenses for the then-current fiscal year.
10 For any fiscal year, the State Comptroller and the State
11 Treasurer may not transfer more than the total amount
12 appropriated to--the--Department--from--the--Child--Support
13 Administrative--Fund for the Department's child support
14 administrative expenses for that fiscal year.

15 (f) By December 1, 2001, the Illinois Department shall
16 provide a corrective action plan to the General Assembly
17 regarding the establishment of accurate accounts in the Child
18 Support Enforcement Trust Fund. The plan shall include those
19 tasks that may be required to establish accurate accounts,
20 the estimated time for completion of each of those tasks and
21 the plan, and the estimated cost for completion of each of
22 the tasks and the plan.

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

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.