- 1 AMENDMENT TO SENATE BILL 1033
- 2 AMENDMENT NO. ____. Amend Senate Bill 1033 by replacing
- 3 everything after the enacting clause with the following:
- 4 "Section 5. The State Comptroller Act is amended by
- 5 changing Section 10.05a as follows:
- 6 (15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)
- 7 Sec. 10.05a. Deductions from Warrants and Payments for
- 8 Satisfaction of Past Due Child Support.
- 9 (a) At the direction of the Department of Public Aid,
- 10 the Comptroller shall deduct from a warrant or other payment
- 11 described in Section 10.05 of this Act, in accordance with
- 12 the procedures provided therein, and pay over to the
- 13 Department or the State Disbursement Unit established under
- 14 Section 10-26 of the Illinois Public Aid Code, at the
- 15 direction of the Department, that amount certified as
- 16 necessary to satisfy, in whole or in part, past due support
- 17 owed by a person on account of support action being taken by
- 18 the Department under Article X of the Illinois Public Aid
- 19 Code, whether or not such support is owed to the State. Such
- 20 deduction shall have priority over any garnishment except
- 21 that for payment of state or federal taxes. In the case of
- joint payees, the Comptroller shall deduct and pay over to

- 1 the Department or the State Disbursement Unit, as directed by
- 2 the Department, the entire amount certified. The Comptroller
- 3 shall provide the Department with the address to which the
- 4 warrant or other payment was to be mailed and the social
- 5 security number of each person from whom a deduction is made
- 6 pursuant to this Section.
- 7 (b) Upon a circuit clerk's certification of an arrearage
- 8 <u>under an order for support as provided in Section 12-1505 of</u>
- 9 <u>the Code of Civil Procedure</u>, the <u>Comptroller shall deduct</u>
- 10 <u>from a warrant for the payment of a refund under the Illinois</u>
- 11 Income Tax Act to the obligor under the order for support, in
- 12 <u>accordance</u> with the procedures provided in Section 10.05 of
- this Act, and pay over to the obligee under the order for
- 14 support, that amount certified as necessary to satisfy the
- 15 <u>arrearage</u>, in whole or in part. The deduction shall have
- 16 priority over any garnishment except that for payment of
- 17 State or federal taxes. In the case of a joint payee, the
- 18 <u>Comptroller shall deduct and pay over to the oblique the</u>
- 19 <u>entire amount certified. As used in this subsection,</u>
- 20 <u>"arrearage", "obligee", "obligor", and "order for support"</u>
- 21 <u>are defined as in the Income Withholding for Support Act.</u>
- 22 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)
- 23 Section 10. The Code of Civil Procedure is amended by
- 24 adding Part 15 to Article XII as follows:
- 25 (735 ILCS 5/Art. XII, Part 15 heading new)
- 26 <u>PART 15. SUPPORT</u>
- 27 (735 ILCS 5/12-1505 new)
- Sec. 12-1505. State income tax refund intercept.
- 29 (a) In this Part, "arrearage", "delinquency", "obligee",
- 30 <u>"obligor", and "order for support" are defined as in the</u>
- 31 <u>Income Withholding for Support Act.</u>

(b) Whenever an obligor accrues a delinquency, the
obligee may file a petition in the circuit court seeking
relief under this Part. The petition must include
allegations of fact showing the obligor's delinquency and
must be served on the obligor as in other civil cases. The
court shall schedule a hearing on the petition and notify the
obligor of the hearing. At the hearing, the court shall
afford the obligor an opportunity to be heard.

(c) Following the hearing on the petition, if the court finds that a delinquency exists, the court shall direct the clerk of the court to certify to the State Comptroller the amount of the arrearage as determined by the court. The purpose of the certification shall be to intercept any State income tax refund due the obligor in order to satisfy the arrearage, in whole or in part. The certification shall include sufficient information identifying the obligor and the obligee to enable the Comptroller to deduct and pay over to the obligee the amount certified.".