

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 under an order for support as provided in Section 12-1505 of
 9 the Code of Civil Procedure, the Comptroller shall deduct
 10 from a warrant for the payment of a refund under the Illinois
 11 Income Tax Act to the obligor under the order for support, in
 12 accordance with the procedures provided in Section 10.05 of
 13 this Act, and pay over to the obligee under the order for
 14 support, that amount certified as necessary to satisfy the
 15 arrearage, 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 Comptroller shall deduct and pay over to the obligee the
 19 entire amount certified. As used in this subsection,
 20 "arrearage", "obligee", "obligor", and "order for support"
 21 are defined as in the Income Withholding for Support Act.

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 PART 15. SUPPORT

27 (735 ILCS 5/12-1505 new)

28 Sec. 12-1505. State income tax refund intercept.

29 (a) In this Part, "arrearage", "delinquency", "obligee",
 30 "obligor", and "order for support" are defined as in the
 31 Income Withholding for Support Act.

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

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