

HB3088



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB3088

by Rep. Terri Bryant

SYNOPSIS AS INTRODUCED:

305 ILCS 5/3-9

from Ch. 23, par. 3-9

Amends the Aid to the Aged, Blind, or Disabled Article of the Illinois Public Aid Code. In provisions concerning a claim against the estate of a deceased recipient, provides that, subject to federal approval, no claim of the State shall be enforced against any life insurance benefits or proceeds provided by the U.S. Department of Veterans Affairs to the surviving spouse of the deceased recipient.

LRB100 08941 KTG 19085 b

FISCAL NOTE ACT
MAY APPLY

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 3-9 as follows:

6 (305 ILCS 5/3-9) (from Ch. 23, par. 3-9)

7 Sec. 3-9. Claim against the estate of a deceased recipient.
8 On the death of a person who has been a recipient, the total
9 amount paid under this Article shall be filed and allowed as a
10 claim against that person's estate or as a claim against the
11 estate of that person's surviving spouse. No claim of the
12 State, however, shall be enforced against any real estate while
13 it is occupied as a homestead by the recipient's surviving
14 spouse, or a relative of the recipient as defined by the rules
15 and regulations of the Illinois Department, if no claims by
16 other creditors have been filed against the estate, or, if such
17 claims have been filed, they remain dormant for failure of
18 prosecution or failure of the claimant to compel administration
19 of the estate for the purpose of payment. "Homestead", as used
20 in this Section, means the dwelling house and contiguous real
21 estate occupied by a surviving spouse, or defined relative of
22 the recipient, regardless of the value of the property.

23 Subject to federal approval, no claim of the State shall be

1 enforced against any life insurance benefits or proceeds
2 provided by the U.S. Department of Veterans Affairs to the
3 surviving spouse of a deceased recipient.

4 The transfer of money, personal property or other personal
5 assets, or any interest therein, by a present or former
6 recipient into a joint tenancy account in a bank or other
7 institution or depository shall be prima facie evidence of an
8 intent to defeat the claim against his estate. The transfer may
9 be voided in an appropriate legal action, or the Illinois
10 Department may consider the recipient's interest in the joint
11 tenancy account as an asset of his estate for the purpose of
12 the claim provided by this Section.

13 The Illinois Department may, by rule, defer or waive the
14 enforcement of its claim hereunder if the deceased recipient is
15 survived by a dependent spouse and minor child or children, or
16 if rehabilitative training for employment or other means of
17 self-support for the surviving spouse or children is feasible
18 and the deferment or waiver of the claim would facilitate
19 achievement of self-support status and prevent or reduce the
20 likelihood of return to dependency upon public aid.

21 The estate claim herein provided is in addition to the lien
22 claim established in Section 3-10.

23 (Source: P.A. 88-85.)