



Rep. Litesa E. Wallace

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LRB099 09912 KTG 34514 a

1 AMENDMENT TO HOUSE BILL 3683

2 AMENDMENT NO. _____. Amend House Bill 3683 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Sections 10-25 and 10-25.5 as follows:

6 (305 ILCS 5/10-25)

7 Sec. 10-25. Administrative liens and levies on real
8 property for past-due child support and for fines against a
9 payor of income who wilfully fails to withhold or pay over
10 income pursuant to a properly served income withholding notice
11 or otherwise fails to comply with any duties imposed by the
12 Income Withholding for Support Act.

13 (a) Notwithstanding any other State or local law to the
14 contrary, the State shall have a lien on all legal and
15 equitable interests of responsible relatives in their real
16 property in the amount of past-due child support owing pursuant

1 to an order for child support entered under Sections 10-10 and
2 10-11 of this Code, or under the Illinois Marriage and
3 Dissolution of Marriage Act, the Non-Support of Spouse and
4 Children Act, the Non-Support Punishment Act, the Uniform
5 Interstate Family Support Act, or the Illinois Parentage Act of
6 1984.

7 (a-5) The State shall have a lien on all legal and
8 equitable interests of a payor of income, as that term is
9 described in the Income Withholding for Support Act, in the
10 payor's real property in the amount of any fine imposed by the
11 Illinois Department pursuant to the Income Withholding for
12 Support Act.

13 (b) The Illinois Department shall provide by rule for
14 notice to and an opportunity to be heard by each responsible
15 relative or payor of income affected, and any final
16 administrative decision rendered by the Illinois Department
17 shall be reviewed only under and in accordance with the
18 Administrative Review Law.

19 (c) When enforcing a lien under subsection (a) of this
20 Section, the Illinois Department shall have the authority to
21 execute notices of administrative liens and levies, which shall
22 contain the name and address of the responsible relative or
23 payor of income, a legal description of the real property to be
24 levied, the fact that a lien is being claimed for past-due
25 child support or for the fines imposed on a payor of income
26 pursuant to the Income Withholding for Support Act, and such

1 other information as the Illinois Department may by rule
2 prescribe. The Illinois Department shall record the notice of
3 lien with the recorder or registrar of titles of the county or
4 counties in which the real estate is located.

5 (d) The State's lien under subsection (a) shall be
6 enforceable upon the recording or filing of a notice of lien
7 with the recorder or registrar of titles of the county or
8 counties in which the real estate is located. The lien shall be
9 prior to any lien thereafter recorded or filed and shall be
10 notice to a subsequent purchaser, assignor, or encumbrancer of
11 the existence and nature of the lien. The lien shall be
12 inferior to the lien of general taxes, special assessment, and
13 special taxes heretofore or hereafter levied by any political
14 subdivision or municipal corporation of the State.

15 In the event that title to the land to be affected by the
16 notice of lien is registered under the Registered Titles
17 (Torrens) Act, the notice shall be filed in the office of the
18 registrar of titles as a memorial or charge upon each folium of
19 the register of titles affected by the notice; but the State
20 shall not have a preference over the rights of any bona fide
21 purchaser, mortgagee, judgment creditor, or other lien holders
22 registered prior to the registration of the notice.

23 (e) The recorder or registrar of titles of each county
24 shall procure a file labeled "Child Support Lien Notices" and
25 an index book labeled "Child Support Lien Notices". When notice
26 of any lien is presented to the recorder or registrar of titles

1 for filing, the recorder or registrar of titles shall file it
2 in numerical order in the file and shall enter it
3 alphabetically in the index. The entry shall show the name and
4 last known address of the person or payor of income named in
5 the notice, the serial number of the notice, the date and hour
6 of filing, and the amount of child support or the amount of the
7 fine imposed on the payor of income due at the time when the
8 lien is filed.

9 (f) The Illinois Department shall not be required to
10 furnish bond or make a deposit for or pay any costs or fees of
11 any court or officer thereof in any legal proceeding involving
12 the lien.

13 (g) To protect the lien of the State for past-due child
14 support and for any fine imposed against a payor of income, the
15 Illinois Department may, from funds that are available for that
16 purpose, pay or provide for the payment of necessary or
17 essential repairs, purchase tax certificates, pay balances due
18 on land contracts, or pay or cause to be satisfied any prior
19 liens on the property to which the lien hereunder applies.

20 (h) A lien on real property under this Section shall be
21 released pursuant to Section 12-101 of the Code of Civil
22 Procedure.

23 (i) The Illinois Department, acting in behalf of the State,
24 may foreclose the lien in a judicial proceeding to the same
25 extent and in the same manner as in the enforcement of other
26 liens. The process, practice, and procedure for the foreclosure

1 shall be the same as provided in the Code of Civil Procedure.

2 (Source: P.A. 97-186, eff. 7-22-11.)

3 (305 ILCS 5/10-25.5)

4 Sec. 10-25.5. Administrative liens and levies on personal
5 property for past-due child support and for fines against a
6 payor of income who wilfully fails to withhold or pay over
7 income pursuant to a properly served income withholding notice
8 or otherwise fails to comply with any duties imposed by the
9 Income Withholding for Support Act.

10 (a) Notwithstanding any other State or local law to the
11 contrary, the State shall have a lien on all legal and
12 equitable interests of responsible relatives in their personal
13 property, including any account in a financial institution as
14 defined in Section 10-24, or in the case of an insurance
15 company or benefit association only in accounts as defined in
16 Section 10-24, in the amount of past-due child support owing
17 pursuant to an order for child support entered under Sections
18 10-10 and 10-11 of this Code, or under the Illinois Marriage
19 and Dissolution of Marriage Act, the Non-Support of Spouse and
20 Children Act, the Non-Support Punishment Act, the Uniform
21 Interstate Family Support Act, or the Illinois Parentage Act of
22 1984.

23 (a-5) The State shall have a lien on all legal and
24 equitable interests of a payor of income, as that term is
25 described in the Income Withholding for Support Act, in the

1 payor's personal property in the amount of any fine imposed by
2 the Illinois Department pursuant to the Income Withholding for
3 Support Act.

4 (b) The Illinois Department shall provide by rule for
5 notice to and an opportunity to be heard by each responsible
6 relative or payor of income affected, and any final
7 administrative decision rendered by the Illinois Department
8 shall be reviewed only under and in accordance with the
9 Administrative Review Law.

10 (c) When enforcing a lien under subsection (a) of this
11 Section, the Illinois Department shall have the authority to
12 execute notices of administrative liens and levies, which shall
13 contain the name and address of the responsible relative or
14 payor of income, a description of the property to be levied,
15 the fact that a lien is being claimed for past-due child
16 support, and such other information as the Illinois Department
17 may by rule prescribe. The Illinois Department may serve the
18 notice of lien or levy upon any financial institution where the
19 accounts as defined in Section 10-24 of the responsible
20 relative may be held, for encumbrance or surrender of the
21 accounts as defined in Section 10-24 by the financial
22 institution.

23 (d) The Illinois Department shall enforce its lien against
24 the responsible relative's or payor's of income personal
25 property, other than accounts as defined in Section 10-24 in
26 financial institutions, and levy upon such personal property in

1 the manner provided for enforcement of judgments contained in
2 Article XII of the Code of Civil Procedure.

3 (e) The Illinois Department shall not be required to
4 furnish bond or make a deposit for or pay any costs or fees of
5 any court or officer thereof in any legal proceeding involving
6 the lien.

7 (f) To protect the lien of the State for past-due child
8 support and for any fine imposed on a payor of income, the
9 Illinois Department may, from funds that are available for that
10 purpose, pay or provide for the payment of necessary or
11 essential repairs, purchase tax certificates, or pay or cause
12 to be satisfied any prior liens on the property to which the
13 lien hereunder applies.

14 (g) A lien on personal property under this Section shall be
15 released in the manner provided under Article XII of the Code
16 of Civil Procedure. Notwithstanding the foregoing, a lien under
17 this Section on accounts as defined in Section 10-24 shall
18 expire upon the passage of 120 days from the date of issuance
19 of the Notice of Lien or Levy by the Illinois Department.
20 However, the lien shall remain in effect during the pendency of
21 any appeal or protest.

22 (h) A lien created under this Section is subordinate to any
23 prior lien of the financial institution or any prior lien
24 holder or any prior right of set-off that the financial
25 institution may have against the assets, or in the case of an
26 insurance company or benefit association only in the accounts

1 as defined in Section 10-24.

2 (i) A financial institution has no obligation under this
3 Section to hold, encumber, or surrender the assets, or in the
4 case of an insurance company or benefit association only the
5 accounts as defined in Section 10-24, until the financial
6 institution has been properly served with a subpoena, summons,
7 warrant, court or administrative order, or administrative lien
8 and levy requiring that action.

9 (Source: P.A. 97-186, eff. 7-22-11.)

10 Section 10. The Income Withholding for Support Act is
11 amended by adding Section 50.5 as follows:

12 (750 ILCS 28/50.5 new)

13 Sec. 50.5. Administrative fines imposed by the Department
14 of Healthcare and Family Services.

15 (a) The administrative fines provided for under this
16 Section are in addition to any existing fines or penalties
17 against a payor of income provided for in other Sections of
18 this Act and do not affect who would be entitled to receive
19 those existing fines and penalties. In addition to any fines or
20 penalties provided for in this Act, when a payor of income
21 wilfully fails, after receiving 2 reminders from the Department
22 of Healthcare and Family Services, to withhold or pay over
23 income pursuant to a properly served income withholding notice
24 or otherwise fails to comply with any duties imposed by this

1 Act, the Department may impose a fine upon the payor of income
2 not to exceed \$1,000 per payroll period. The fine shall be
3 payable to the Department of Healthcare and Family Services and
4 may be used to defray the costs incurred by the Department in
5 the collection of the past-due support and penalties provided
6 for in this Act. The Department of Healthcare and Family
7 Services shall place the fines collected into a special fund
8 created to implement the purposes of this Section and the fines
9 shall be utilized for the purposes provided for in this
10 Section. After deducting the costs incurred by the Department
11 of Healthcare and Family Services in the collection of the
12 past-due support and penalties provided for in this Act, the
13 remainder of the fines collected under this Section shall be
14 distributed proportionally to the counties based on their
15 population. The counties shall use these funds to assist low
16 income families in defraying the costs associated with seeking
17 parenting time.

18 (b) The Department of Healthcare and Family Services may
19 collect the fine through administrative liens and levies on the
20 real and personal property of the payor of income as provided
21 in Sections 10-25 and 10-25.5 of the Illinois Public Aid Code.

22 (c) The payor of income may contest the fine as provided in
23 Sections 10-25 and 10-25.5 of the Illinois Public Aid Code.

24 (d) The Department of Healthcare and Family Services may
25 adopt rules necessary for the implementation of this Section.

1 Section 99. Effective date. This Act takes effect on July
2 1, 2017.".