

SB3891



102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

SB3891

Introduced 1/21/2022, by Sen. Dale Fowler

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-16.5

Amends the Illinois Public Aid Code. In a provision concerning interest on support obligations, provides that, notwithstanding any cessation by the Department of Healthcare and Family Services of enforcement of interest on support obligations as the result of Public Act 101-336 and the rules adopted under it, the Department shall enforce interest on support obligations that become due and remain unpaid on and after the effective date of the amendatory Act. Provides that the Department shall adopt rules to carry out the amendatory Act.

LRB102 23064 KTG 32220 b

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 10-16.5 as follows:

6 (305 ILCS 5/10-16.5)

7 Sec. 10-16.5. Interest on support obligations. A support
8 obligation, or any portion of a support obligation, which
9 becomes due and remains unpaid as of the end of each month,
10 excluding the child support that was due for that month to the
11 extent that it was not paid in that month, shall accrue simple
12 interest as set forth in Section 12-109 of the Code of Civil
13 Procedure. An order for support entered or modified on or
14 after January 1, 2006 shall contain a statement that a support
15 obligation required under the order, or any portion of a
16 support obligation required under the order, that becomes due
17 and remains unpaid as of the end of each month, excluding the
18 child support that was due for that month to the extent that it
19 was not paid in that month, shall accrue simple interest as set
20 forth in Section 12-109 of the Code of Civil Procedure.
21 Failure to include the statement in the order for support does
22 not affect the validity of the order or the accrual of interest
23 as provided in this Section. Notwithstanding any cessation by

1 the Department of enforcement of interest on support
2 obligations as the result of the amendment of this Section by
3 Public Act 101-336 and the rules adopted in accordance with
4 that amendment, the Department shall enforce interest on
5 support obligations that become due and remain unpaid on and
6 after the effective date of this amendatory Act of the 102nd
7 General Assembly. The Department shall adopt rules to carry
8 out this amendatory Act of the 102nd General Assembly. The
9 ~~Department may provide, by rule, if, or how, the Department~~
10 ~~will enforce interest in cases in which IV D services are~~
11 ~~being provided.~~

12 (Source: P.A. 101-336, eff. 8-9-19.)