

HB0553



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB0553

Introduced 1/12/2023, by Rep. Emanuel "Chris" Welch

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-2

from Ch. 23, par. 10-2

Amends the Illinois Public Aid Code. Makes a technical change in a Section regarding the extent of a responsible relative's liability for support.

LRB103 04123 KTG 49129 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 10-2 as follows:

6 (305 ILCS 5/10-2) (from Ch. 23, par. 10-2)

7 Sec. 10-2. Extent of liability. A husband is liable for
8 the ~~the~~ support of his wife and a wife for the support of her
9 husband. Unless the child is otherwise emancipated, the
10 parents are severally liable for the support of any child
11 under age 18, and for any child aged 18 who is attending high
12 school, until that child graduates from high school, or
13 attains the age of 19, whichever is earlier. The term "child"
14 includes a child born out of wedlock, or legally adopted
15 child.

16 The liability for the support of a child provided for in
17 this Article does not require a previous court order for
18 custody and is in conjunction with the guidelines set forth in
19 Section 505 of the Illinois Marriage and Dissolution of
20 Marriage Act, as provided for in Section 10-10 of this
21 Article. The obligation to support contained in this Article
22 is concurrent to any other appropriate State law.

23 This Article does not create, enlarge, abrogate, or

1 diminish parental rights or duties under other laws of this
2 State, including the common law.

3 An action to establish or enforce a support obligation,
4 under this or any other Act providing for the support of a
5 child, may be brought subsequent to an adjudication dismissing
6 that action based on any of the following reasons: (1) no duty
7 of support exists under this Article because this Article
8 requires a previous court order for custody/allocation of
9 parental responsibilities (as no such requirement exists under
10 this Act); (2) there is no common law duty of support (as a
11 common law duty of support is recognized as a valid basis for
12 child support); or (3) there is no duty of support under the
13 Illinois Parentage Act of 2015 because a judgment of paternity
14 results in a de facto custody/allocation of parental
15 responsibilities order (as this ignores the cumulative nature
16 of the Act and the plain language of the statute permitting an
17 explicit reservation of the issue. The Illinois Parentage Act
18 of 2015 will be clarified regarding a de facto
19 custody/allocation of parental responsibilities order as it
20 relates to the Uniform Interstate Family Support Act).

21 In addition to the primary obligation of support imposed
22 upon responsible relatives, such relatives, if individually or
23 together in any combination they have sufficient income or
24 other resources to support a needy person, in whole or in part,
25 shall be liable for any financial aid extended under this Code
26 to a person for whose support they are responsible, including

1 amounts expended for funeral and burial costs.

2 (Source: P.A. 102-541, eff. 8-20-21.)