



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB1839

Introduced 2/14/2005, by Rep. Michael J. Madigan - Barbara Flynn Currie - William Delgado

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-1

from Ch. 23, par. 10-1

Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning public policy with respect to the determination and enforcement of the support responsibility of relatives.

LRB094 02847 DRJ 32848 b

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 10-1 as follows:

6 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

7 Sec. 10-1. Declaration of Public Policy - Persons Eligible
8 for Child Support Enforcement Services - Fees for
9 Non-Applicants and ~~and~~ Non-Recipients.) It is the intent of
10 this Code that the financial aid and social welfare services
11 herein provided supplement rather than supplant the primary and
12 continuing obligation of the family unit for self-support to
13 the fullest extent permitted by the resources available to it.
14 This primary and continuing obligation applies whether the
15 family unit of parents and children or of husband and wife
16 remains intact and resides in a common household or whether the
17 unit has been broken by absence of one or more members of the
18 unit. The obligation of the family unit is particularly
19 applicable when a member is in necessitous circumstances and
20 lacks the means of a livelihood compatible with health and
21 well-being.

22 It is the purpose of this Article to provide for locating
23 an absent parent or spouse, for determining his financial
24 circumstances, and for enforcing his legal obligation of
25 support, if he is able to furnish support, in whole or in part.
26 The Illinois Department of Public Aid shall give priority to
27 establishing, enforcing and collecting the current support
28 obligation, and then to past due support owed to the family
29 unit, except with respect to collections effected through the
30 intercept programs provided for in this Article.

31 The child support enforcement services provided hereunder
32 shall be furnished dependents of an absent parent or spouse who

1 are applicants for or recipients of financial aid under this
2 Code. It is not, however, a condition of eligibility for
3 financial aid that there be no responsible relatives who are
4 reasonably able to provide support. Nor, except as provided in
5 Sections 4-1.7 and 10-8, shall the existence of such relatives
6 or their payment of support contributions disqualify a needy
7 person for financial aid.

8 By accepting financial aid under this Code, a spouse or a
9 parent or other person having custody of a child shall be
10 deemed to have made assignment to the Illinois Department for
11 aid under Articles III, IV, V and VII or to a local
12 governmental unit for aid under Article VI of any and all
13 rights, title, and interest in any support obligation up to the
14 amount of financial aid provided. The rights to support
15 assigned to the Illinois Department of Public Aid or local
16 governmental unit shall constitute an obligation owed the State
17 or local governmental unit by the person who is responsible for
18 providing the support, and shall be collectible under all
19 applicable processes.

20 The Illinois Department of Public Aid shall also furnish
21 the child support enforcement services established under this
22 Article in behalf of persons who are not applicants for or
23 recipients of financial aid under this Code in accordance with
24 the requirements of Title IV, Part D of the Social Security
25 Act. The Department may establish a schedule of reasonable
26 fees, to be paid for the services provided and may deduct a
27 collection fee, not to exceed 10% of the amount collected, from
28 such collection. The Illinois Department of Public Aid shall
29 cause to be published and distributed publications reasonably
30 calculated to inform the public that individuals who are not
31 recipients of or applicants for public aid under this Code are
32 eligible for the child support enforcement services under this
33 Article X. Such publications shall set forth an explanation, in
34 plain language, that the child support enforcement services
35 program is independent of any public aid program under the Code
36 and that the receiving of child support enforcement services in

1 no way implies that the person receiving such services is
2 receiving public aid.

3 (Source: P.A. 92-590, eff. 7-1-02.)