



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB1805

Introduced 2/18/2009, by Rep. Michael J. Madigan - Barbara Flynn Currie - Kathleen A. Ryg

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.

LRB096 05475 DRJ 15541 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

1 circumstances, and for enforcing his legal obligation of
2 support, if he is able to furnish support, in whole or in part.
3 The Department of Healthcare and Family Services shall give
4 priority to establishing, enforcing and collecting the current
5 support obligation, and then to past due support owed to the
6 family unit, except with respect to collections effected
7 through the intercept programs provided for in this Article.

8 The child support enforcement services provided hereunder
9 shall be furnished dependents of an absent parent or spouse who
10 are applicants for or recipients of financial aid under this
11 Code. It is not, however, a condition of eligibility for
12 financial aid that there be no responsible relatives who are
13 reasonably able to provide support. Nor, except as provided in
14 Sections 4-1.7 and 10-8, shall the existence of such relatives
15 or their payment of support contributions disqualify a needy
16 person for financial aid.

17 By accepting financial aid under this Code, a spouse or a
18 parent or other person having custody of a child shall be
19 deemed to have made assignment to the Illinois Department for
20 aid under Articles III, IV, V and VII or to a local
21 governmental unit for aid under Article VI of any and all
22 rights, title, and interest in any support obligation,
23 including statutory interest thereon, up to the amount of
24 financial aid provided. The rights to support assigned to the
25 Department of Healthcare and Family Services (formerly
26 Illinois Department of Public Aid) or local governmental unit

1 shall constitute an obligation owed the State or local
2 governmental unit by the person who is responsible for
3 providing the support, and shall be collectible under all
4 applicable processes.

5 The Department of Healthcare and Family Services shall also
6 furnish the child support enforcement services established
7 under this Article in behalf of persons who are not applicants
8 for or recipients of financial aid under this Code in
9 accordance with the requirements of Title IV, Part D of the
10 Social Security Act. The Department may establish a schedule of
11 reasonable fees, to be paid for the services provided and may
12 deduct a collection fee, not to exceed 10% of the amount
13 collected, from such collection. The Department of Healthcare
14 and Family Services shall cause to be published and distributed
15 publications reasonably calculated to inform the public that
16 individuals who are not recipients of or applicants for public
17 aid under this Code are eligible for the child support
18 enforcement services under this Article X. Such publications
19 shall set forth an explanation, in plain language, that the
20 child support enforcement services program is independent of
21 any public aid program under the Code and that the receiving of
22 child support enforcement services in no way implies that the
23 person receiving such services is receiving public aid.

24 (Source: P.A. 94-90, eff. 1-1-06; 95-331, eff. 8-21-07.)