

**SB3727**



**96TH GENERAL ASSEMBLY**

**State of Illinois**

**2009 and 2010**

**SB3727**

Introduced 2/11/2010, by Sen. Michael W. Frerichs

**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 20418 KTG 36069 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 10-1 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.)