



HR1542

LRB099 24222 MST 51954 r

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HOUSE RESOLUTION

2 WHEREAS, House Resolution 1101 (5/19/08), House Resolution  
3 1428 (7/15/08), House Resolution 1517 (9/10/08), House  
4 Resolution 11 (2/11/90), and House Resolution 870 (2/11/10)  
5 formed the Illinois Family Law Study Committee; and

6 WHEREAS, The Illinois Family Law Study Committee  
7 subcommittee on custody, aka POD 1, produced a report on April  
8 10, 2010, which stated in the pertinent section that  
9 "Secondarily, the effect of the present system, in practice,  
10 has created "cottage industries" of GALs/child  
11 representatives, custody evaluators, and others, who have  
12 increased litigation costs and are not necessarily helpful in  
13 reducing conflicts between the parents"; and

14 WHEREAS, The House of Representatives, Judiciary I Civil  
15 Law Committee issued a May 15, 2012 letter signed by all 11  
16 committee members to members of the Illinois Supreme Court  
17 Attorney Registration and Disciplinary Commission, voicing  
18 concern about the lack of attorney discipline "occurring in the  
19 area of child representatives and guardian ad litem appointed  
20 under the Marriage and Dissolution of Marriage Act (750 ILCS  
21 5/506) in various court systems throughout the State; and

22 WHEREAS, The Illinois family court system participates in,

1 and is otherwise subsidized by, a Federal Program involving  
2 child support enforcement State and federal funding under,  
3 inter alia, Social Security Act, Title IV-D (42 U.S.C. § 651 et  
4 seq), Title 45 Code of Federal Regulations Illinois Public Aid  
5 Code (305 ILCS 5/10-1 et seq), Title 89 Illinois Administrative  
6 Code; and

7 WHEREAS, Illinois' participation in the aforesaid Title  
8 IV-D Federal Program requires strict adherence to the State and  
9 federal laws and rules and regulations governing said program;  
10 and

11 WHEREAS, The Illinois budget impasse resulted in the March  
12 2016 resurrection of a 1992 federal lawsuit involving the  
13 aforesaid Title IV-D Federal Program, the executive agency of  
14 the Governor responsible for the administration of said Federal  
15 Program, namely, the Illinois Department of Healthcare and  
16 Family Services (HFS), and a certified class of Cook County  
17 parents; 2016 court proceedings disclosed costly  
18 intergovernmental agreements between HFS and circuit courts in  
19 11 of the 102 counties of Illinois, among other issues of  
20 fiscal and legal concern involving the administration of the  
21 Title IV-D Federal Program and Illinois family court  
22 proceedings statewide; and

23 WHEREAS, The April 10, 2010 report of the Illinois Family

1 Law Study Committee, subcommittee on custody, among other  
2 authorities, indicate an unaddressed systemic problem in the  
3 Illinois family court system which calls into question  
4 Illinois' adherence to the State and federal laws and rules and  
5 regulations governing Illinois' participation in the aforesaid  
6 Title IV-D Federal Program; and

7 WHEREAS, A majority of members of the Senate and House of  
8 Representative of the Illinois General Assembly are committed  
9 to the lawful participation of Illinois in the Title IV-D  
10 Federal Program; and

11 WHEREAS, The Illinois Legislature has not passed an annual  
12 state budget since May of 2014; and

13 WHEREAS, A majority of members of the Senate and House of  
14 Representatives of the Illinois General Assembly are committed  
15 to the passing of a balanced budget funding lawful proceedings  
16 of the judicial branch of Illinois government; therefore, be it

17 RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE  
18 NINETY-NINTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we  
19 urge Governor Rauner to formally request the assistance of the  
20 United States Department of Justice, Office of the United  
21 States Attorneys, Civil Division Federal Programs Branch to  
22 address identified private and public fiscal and legal issues

1 pertinent to Illinois' family court proceedings subsidized by  
2 the federal Title IV-D child support program; and be it further

3       RESOLVED, That a suitable copy of this resolution be  
4 delivered to Governor Rauner.