

1 AN ACT in relation to 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 Sections 12-10.2 and 12-10.2a as follows:

6 (305 ILCS 5/12-10.2) (from Ch. 23, par. 12-10.2)

7 Sec. 12-10.2. The Child Support Enforcement Trust Fund.

8 (a) The Child Support Enforcement Trust Fund, to be held  
9 by the State Treasurer as ex-officio custodian outside the  
10 State Treasury, pursuant to the Child Support Enforcement  
11 Program established by Title IV-D of the Social Security Act,  
12 shall consist of the following, through June 30, 2002:

13 (1) all support payments assigned to the Illinois  
14 Department under Article X of this Code and rules  
15 promulgated by the Illinois Department that are disbursed  
16 to the Illinois Department by the State Disbursement Unit  
17 established under Section 10-26,

18 (2) all support payments received by the Illinois  
19 Department as a result of the Child Support Enforcement  
20 Program established by Title IV-D of the Social Security  
21 Act that are not required or directed to be paid to the  
22 State Disbursement Unit established under Section 10-26,

23 (3) all federal grants received by the Illinois  
24 Department funded by Title IV-D of the Social Security  
25 Act, except those federal funds received under the Title  
26 IV-D program as reimbursement for expenditures from the  
27 General Revenue Fund,

28 (4) incentive payments received by the Illinois  
29 Department from other states or political subdivisions of  
30 other states for the enforcement and collection by the  
31 Department of an assigned child support obligation in

1       behalf of such other states or their political  
2       subdivisions pursuant to the provisions of Title IV-D of  
3       the Social Security Act,

4               (5) incentive payments retained by the Illinois  
5       Department from the amounts which otherwise would be paid  
6       to the federal government to reimburse the federal  
7       government's share of the support collection for the  
8       Department's enforcement and collection of an assigned  
9       support obligation on behalf of the State of Illinois  
10       pursuant to the provisions of Title IV-D of the Social  
11       Security Act,

12               (6) all fees charged by the Department for child  
13       support enforcement services, as authorized under Title  
14       IV-D of the Social Security Act and Section 10-1 of this  
15       Code, and any other fees, costs, fines, recoveries, or  
16       penalties provided for by State or federal law and  
17       received by the Department under the Child Support  
18       Enforcement Program established by Title IV-D of the  
19       Social Security Act, and

20               (7) all amounts appropriated by the General  
21       Assembly for deposit into the Fund, and

22               (8) any gifts, grants, donations, or awards from  
23       individuals, private businesses, nonprofit associations,  
24       and governmental entities.

25       (a-5) On and after July 1, 2002, the Child Support  
26       Enforcement Trust Fund shall consist of the following:

27               (1) all support payments assigned to the Illinois  
28       Department under Article X of this Code and rules adopted  
29       by the Illinois Department that are disbursed to the  
30       Illinois Department by the State Disbursement Unit  
31       established under Section 10-26, regardless of the fiscal  
32       year in which the payments were receipted;

33               (2) all support payments received by the Illinois  
34       Department as a result of the Child Support Enforcement

1 Program established by Title IV-D of the Social Security  
2 Act that are not required or directed to be paid to the  
3 State Disbursement Unit established under Section 10-26,  
4 regardless of the fiscal year in which the payments were  
5 receipted;

6 (3) all federal grants received by the Illinois  
7 Department funded by Title IV-D of the Social Security  
8 Act, except those federal funds received under the Title  
9 IV-D program as reimbursement for expenditures from the  
10 General Revenue Fund, and receipted on or before June 30,  
11 2002;

12 (4) incentive payments received by the Illinois  
13 Department from other states or political subdivisions of  
14 other states for the enforcement and collection by the  
15 Department of an assigned child support obligation in  
16 behalf of those other states or their political  
17 subdivisions pursuant to the provisions of Title IV-D of  
18 the Social Security Act, and receipted on or before June  
19 30, 2002;

20 (5) incentive payments retained by the Illinois  
21 Department from the amounts that otherwise would be paid  
22 to the federal government to reimburse the federal  
23 government's share of the support collection for the  
24 Department's enforcement and collection of an assigned  
25 support obligation on behalf of the State of Illinois  
26 pursuant to the provisions of Title IV-D of the Social  
27 Security Act, and receipted on or before June 30, 2002;

28 (6) all fees charged by the Department for child  
29 support enforcement services, as authorized under Title  
30 IV-D of the Social Security Act and Section 10-1 of this  
31 Code, and any other fees, costs, fines, recoveries, or  
32 penalties provided for by State or federal law and  
33 received by the Department under the Child Support  
34 Enforcement Program established by Title IV-D of the

1 Social Security Act, and receipted on or before June 30,  
2 2002;

3 (7) all amounts appropriated by the General  
4 Assembly for deposit into the Child Support Enforcement  
5 Trust Fund; and

6 (8) any gifts, grants, donations, or awards from  
7 individuals, private businesses, nonprofit associations,  
8 and governmental entities, receipted on or before June  
9 30, 2002.

10 (b) Disbursements from this Fund shall be only for the  
11 following purposes:

12 (1) for the reimbursement of funds received by the  
13 Illinois Department through error or mistake,

14 (2) for payments to non-recipients, current  
15 recipients, and former recipients of financial aid of  
16 support payments received on their behalf under Article X  
17 of this Code that are not required to be disbursed by the  
18 State Disbursement Unit established under Section 10.26,

19 (3) for any other payments required by law to be  
20 paid by the Illinois Department to non-recipients,  
21 current recipients, and former recipients,

22 (4) for payment of any administrative expenses  
23 incurred through fiscal year 2002 and for payment of any  
24 administrative expenses by transfer to the Child Support  
25 Administrative Fund under Section 12-10.2a, but--not  
26 thereafter, including payment to the Health Insurance  
27 Reserve Fund for group insurance costs at the rate  
28 certified by the Department of Central Management  
29 Services, except those required to be paid from the  
30 General Revenue Fund, including personal and contractual  
31 services, incurred in performing the Title IV-D  
32 activities authorized by Article X of this Code,

33 (5) for the reimbursement of the Public Assistance  
34 Emergency Revolving Fund for expenditures made from that

1 Fund for payments to former recipients of public aid for  
 2 child support made to the Illinois Department when the  
 3 former public aid recipient is legally entitled to all or  
 4 part of the child support payments, pursuant to the  
 5 provisions of Title IV-D of the Social Security Act,

6 (6) for the payment of incentive amounts owed to  
 7 other states or political subdivisions of other states  
 8 that enforce and collect an assigned support obligation  
 9 on behalf of the State of Illinois pursuant to the  
 10 provisions of Title IV-D of the Social Security Act,

11 (7) for the payment of incentive amounts owed to  
 12 political subdivisions of the State of Illinois that  
 13 enforce and collect an assigned support obligation on  
 14 behalf of the State pursuant to the provisions of Title  
 15 IV-D of the Social Security Act, and

16 (8) for payments of any amounts which are  
 17 reimbursable to the Federal government which are required  
 18 to be paid by State warrant by either the State or  
 19 Federal government.

20 Disbursements from this Fund shall be by warrants drawn  
 21 by the State Comptroller on receipt of vouchers duly executed  
 22 and certified by the Illinois Department or any other State  
 23 agency that receives an appropriation from the Fund.

24 (c) The Illinois Department's child support  
 25 administrative expenses, as defined in Section 12-10.2a, that  
 26 are incurred after fiscal year 2002 shall be paid only as  
 27 provided in that Section.

28 (Source: P.A. 91-212, eff. 7-20-99; 91-400, eff. 7-30-99;  
 29 91-712, eff. 7-1-00; 92-44, eff. 7-1-01; revised 7-24-01.)

30 (305 ILCS 5/12-10.2a)

31 Sec. 12-10.2a. Child Support Administrative Fund.

32 (a) Beginning July 1, 2002, the Child Support  
 33 Administrative Fund is created as a special fund in the State

1 treasury. Moneys in the Fund may be used, subject to  
2 appropriation, only for the Department of Public Aid's child  
3 support administrative expenses, as defined in this Section.

4 (a-5) Moneys in the Child Support Administrative Fund  
5 shall consist of the following:

6 (1) all federal grants received by the Illinois  
7 Department funded by Title IV-D of the Social Security  
8 Act, except those federal funds received under the Title  
9 IV-D program as reimbursement for expenditures from the  
10 General Revenue Fund;

11 (2) incentive payments received by the Illinois  
12 Department from other states or political subdivisions of  
13 other states for the enforcement and collection by the  
14 Department of an assigned child support obligation in  
15 behalf of those other states or their political  
16 subdivisions pursuant to the provisions of Title IV-D of  
17 the Social Security Act;

18 (3) incentive payments retained by the Illinois  
19 Department from the amounts that otherwise would be paid  
20 to the federal government to reimburse the federal  
21 government's share of the support collection for the  
22 Department's enforcement and collection of an assigned  
23 support obligation on behalf of the State of Illinois  
24 pursuant to the provisions of Title IV-D of the Social  
25 Security Act;

26 (4) all fees charged by the Department for child  
27 support enforcement services, as authorized under Title  
28 IV-D of the Social Security Act and Section 10-1 of this  
29 Code, and any other fees, costs, fines, recoveries, or  
30 penalties provided for by State or federal law and  
31 received by the Department under the Child Support  
32 Enforcement Program established by Title IV-D of the  
33 Social Security Act;

34 (5) all amounts appropriated by the General

1 Assembly for deposit into the Child Support  
2 Administrative Fund; and

3 (6) any gifts, grants, donations, or awards from  
4 individuals, private businesses, nonprofit associations,  
5 and governmental entities.

6 (a-10) The moneys identified in subsection (a-5) of this  
7 Section shall include moneys receipted on or after July 1,  
8 2002, regardless of the fiscal year in which the moneys were  
9 earned.

10 (b) As used in this Section, "child support  
11 administrative expenses" means administrative expenses,  
12 including payment to the Health Insurance Reserve Fund for  
13 group insurance costs at the rate certified by the Department  
14 of Central Management Services, except those required to be  
15 paid from the General Revenue Fund, including personal and  
16 contractual services, incurred by the Department of Public  
17 Aid, either directly or under its contracts with SDU  
18 contractors as defined in Section 10-26.2, in performing  
19 activities authorized by Article X of this Code, and  
20 including appropriations to other State agencies or offices.

21 The term includes expenses incurred by the Department of  
22 Public Aid in administering the Child Support Enforcement  
23 Trust Fund and the State Disbursement Unit Revolving Fund.

24 (c) Child support administrative expenses incurred in  
25 fiscal year 2003 or thereafter shall be paid only from moneys  
26 appropriated ~~to--the--Department~~ from the Child Support  
27 Administrative Fund.

28 (d) Before April 1, 2003 and before April 1 of each year  
29 thereafter, the Department of Public Aid shall provide  
30 notification to the General Assembly of the amount of the  
31 Department's child support administrative expenses expected  
32 to be incurred during the fiscal year beginning on the next  
33 July 1, including the estimated amount required for the  
34 operation of the State Disbursement Unit, which shall be

1 separately identified in the annual administrative  
2 appropriation.

3 (e) For the fiscal year beginning July 1, 2002 and for  
4 each fiscal year thereafter, the State Comptroller and the  
5 State Treasurer shall transfer from the Child Support  
6 Enforcement Trust Fund to the Child Support Administrative  
7 Fund amounts as determined by the Department necessary to  
8 enable the Department to meet its child support  
9 administrative expenses for the then-current fiscal year.  
10 For any fiscal year, the State Comptroller and the State  
11 Treasurer may not transfer more than the total amount  
12 appropriated ~~to--the--Department--from--the--Child--Support~~  
13 ~~Administrative---Fund~~ for the Department's child support  
14 administrative expenses for that fiscal year.

15 (f) By December 1, 2001, the Illinois Department shall  
16 provide a corrective action plan to the General Assembly  
17 regarding the establishment of accurate accounts in the Child  
18 Support Enforcement Trust Fund. The plan shall include those  
19 tasks that may be required to establish accurate accounts,  
20 the estimated time for completion of each of those tasks and  
21 the plan, and the estimated cost for completion of each of  
22 the tasks and the plan.

23 (Source: P.A. 92-44, eff. 7-1-01.)

24 Section 99. Effective date. This Act takes effect upon  
25 becoming law.