

1 AN ACT in relation to child support.

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 10-26.2 as follows:

6 (305 ILCS 5/10-26.2)

7 Sec. 10-26.2. Contracts concerning the operation of the
8 State Disbursement Unit.

9 (a) In this Section:

10 "Contract" has the same meaning as in the Illinois
11 Procurement Code.

12 "SDU contractor" means any public or private entity or
13 individual with whom the Illinois Department of Public Aid
14 enters into a contract in connection with the operation of
15 the State Disbursement Unit.

16 (b) The contract entered into by the Illinois Department
17 of Public Aid with a public or private entity or an
18 individual in connection with the operation of the State
19 Disbursement Unit must contain, at a minimum, the provisions
20 set forth in this Section.

21 (c) The contract must include standards and procedures
22 to ensure that the data relied on by the State Disbursement
23 Unit in performing its functions is accurate so that the
24 State Disbursement Unit will be able to effectively
25 administer the collection and disbursement of support
26 payments.

27 (d) The contract must contain provisions to ensure that
28 all clerks of the circuit court have access to non-custodial
29 parents' support payment information in the possession of the
30 State Disbursement Unit.

31 (e) The contract must contain provisions to ensure that

1 notices to employers in connection with the collection of
2 support are clear and consistent and that the SDU contractor
3 will promptly inform an employer about any problems and any
4 necessary changes in connection with the collection of
5 support.

6 (f) The contract must contain appropriate management
7 controls to ensure that (i) all of the SDU contractor's
8 actions in performing the functions of the State Disbursement
9 Unit are reasonably planned, timely implemented, and
10 adequately controlled and (ii) all reports that are necessary
11 to provide the Illinois Department with the information
12 necessary to effectively monitor the quality and accuracy of
13 the SDU contractor's actions in performing the functions of
14 the State Disbursement Unit are timely filed.

15 (g) The contract must contain provisions specifying
16 standards with respect to the level of performance expected
17 of the SDU contractor. The contract may include provisions
18 for incentives and penalties in connection with the SDU
19 contractor's performance.

20 (h) The contract must contain provisions projecting the
21 number of active support collection and disbursement cases to
22 be handled by the State Disbursement Unit and estimating the
23 number of support disbursement transactions to be handled
24 each year.

25 (i) The contract must contain provisions requiring
26 compliance with all applicable federal requirements
27 concerning disbursement of support. The contract must also
28 contain provisions for the Illinois Department's regular,
29 periodic review of reports on disbursement performance.

30 (j) The contract must contain provisions requiring the
31 SDU contractor to submit to the Illinois Department, within
32 45 days after the end of each State fiscal year, a completed
33 American Institute of Certified Public Accountants Statement
34 on Auditing Standards Number 88 (SAS 88) or its successor for

1 the purpose of enabling the Illinois Department to
2 appropriately monitor the State Disbursement Unit's
3 performance as a service organization and to enable the
4 Auditor General, as the external auditor of the State
5 Disbursement Unit, to ensure that appropriate controls are
6 present.

7 (k) The contract must contain provisions requiring the
8 Illinois Department and the SDU contractor to examine the
9 causes of untimely disbursement of support payments and
10 inappropriate cost recovery and to take prompt action to
11 ensure the timely and accurate disbursement of support
12 payments. The contract must also contain provisions for the
13 final disposition of support payments that cannot be
14 processed by the State Disbursement Unit within 2 business
15 days.

16 (l) The contract must contain provisions to ensure that
17 neither the Illinois Department nor the SDU contractor uses
18 moneys collected and held in trust for the payment of support
19 for any purpose other than that for which the moneys were
20 collected.

21 (m) The contract must contain provisions requiring the
22 Illinois Department to audit the disbursement of all
23 emergency support payments and report to the General Assembly
24 the results of the audit, including, without limitation, the
25 number of emergency support payment checks issued by the
26 State Disbursement Unit, the amount of repayments received
27 from recipients of those checks, and amounts for which the
28 Illinois Department did not seek repayment.

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