

HB0237



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0237

by Rep. La Shawn K. Ford

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-1

from Ch. 23, par. 10-1

735 ILCS 5/12-109

from Ch. 110, par. 12-109

Amends the Illinois Public Aid Code and the Code of Civil Procedure. Provides that upon the assignment to the Department of Healthcare and Family Services of the right to collect a child support obligation, additional interest on the amount of the obligation owed to the State ceases to accrue.

LRB100 04143 HEP 14148 b

FISCAL NOTE ACT
MAY APPLY

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 Non-Recipients.) It is the intent of this
10 Code that the financial aid and social welfare services herein
11 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. Upon the assignment to the Department of
5 Healthcare and Family Services of rights to support, additional
6 interest on the amount of the obligation owed to the State
7 ceases to accrue.

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

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

2 Section 10. The Code of Civil Procedure is amended by
3 changing Section 12-109 as follows:

4 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

5 Sec. 12-109. Interest on judgments.

6 (a) Every judgment except those arising by operation of law
7 from child support orders shall bear interest thereon as
8 provided in Section 2-1303.

9 (b) Except as provided in subsection (c) of this Section,
10 every ~~Every~~ judgment arising by operation of law from a child
11 support order shall bear interest as provided in this
12 subsection. The interest on judgments arising by operation of
13 law from child support orders shall be calculated by applying
14 one-twelfth of the current statutory interest rate as provided
15 in Section 2-1303 to the unpaid child support balance as of the
16 end of each calendar month. The unpaid child support balance at
17 the end of the month is the total amount of child support
18 ordered, excluding the child support that was due for that
19 month to the extent that it was not paid in that month and
20 including judgments for retroactive child support, less all
21 payments received and applied as set forth in this subsection.
22 The accrued interest shall not be included in the unpaid child
23 support balance when calculating interest at the end of the
24 month. The unpaid child support balance as of the end of each

1 month shall be determined by calculating the current monthly
2 child support obligation and applying all payments received for
3 that month, except federal income tax refund intercepts, first
4 to the current monthly child support obligation and then
5 applying any payments in excess of the current monthly child
6 support obligation to the unpaid child support balance owed
7 from previous months. The current monthly child support
8 obligation shall be determined from the document that
9 established the support obligation. Federal income tax refund
10 intercepts and any payments in excess of the current monthly
11 child support obligation shall be applied to the unpaid child
12 support balance. Any payments in excess of the current monthly
13 child support obligation and the unpaid child support balance
14 shall be applied to the accrued interest on the unpaid child
15 support balance. Interest on child support obligations may be
16 collected by any means available under State law for the
17 collection of child support judgments.

18 (c) Upon the assignment to the Department of Healthcare and
19 Family Services, under Section 10-1 of the Illinois Public Aid
20 Code, of the right to collect a child support obligation,
21 additional interest on the amount of the obligation owed to the
22 State ceases to accrue.

23 (Source: P.A. 98-563, eff. 8-27-13.)