

1 AN ACT concerning State government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title; references to Act.

5 (a) Short title. This Act may be cited as the Murdered
6 Children Funeral and Burial Assistance Act.

7 (b) References to Act. This Act may be referred to as the
8 Mychal Moultry, Jr. Funeral and Burial Assistance Act.

9 Section 5. Purpose; findings.

10 (a) Gun violence is the leading cause of death for
11 children and teenagers in Illinois.

12 (b) Parents and guardians who experience the death of a
13 child by gun violence face the painful process of bereavement
14 while also bearing the responsibilities of planning a funeral
15 and paying for funeral and burial expenses, usually through
16 some form of debt.

17 (c) While the State assists the families of murdered
18 children with funeral and burial expenses, assistance is
19 primarily in the form of a reimbursement to the family after a
20 formal application is submitted. After submission, the
21 application undergoes a lengthy evaluation process by a review
22 committee and a subsequent hearing before an administrative
23 court. The process takes months, even years, before a final

1 decision is rendered, during which time the victim's family
2 can incur an overwhelming amount of debt.

3 (d) This debt is particularly burdensome for low-income
4 families, who struggle to repay the debt while continuing to
5 provide for the family's basic needs. Many families rely on
6 in-kind donations to support their basic needs while they work
7 to pay off funeral and burial expenses.

8 (e) It is the intent of this Act to assist the families of
9 children murdered in Illinois with funeral and burial expenses
10 by having the State issue direct payments to funeral
11 establishments and cemetery authorities instead of having the
12 victim's family struggle to pay the cost and wait for
13 reimbursement. Direct payments will enable families to secure
14 burial rights and funeral and burial services and merchandise
15 without enduring significant financial hardship and debt.

16 (f) This Act provides for expedited processing and payment
17 of all disbursement requests for child victim funeral and
18 burial expenses.

19 Section 10. Definitions. In this Act:

20 "Burial rights" means rights of internment, inurnment, or
21 entombment.

22 "Cemetery authority" means any individual or legal entity
23 that owns or controls cemetery lands or property that provides
24 burial rights and burial services and merchandise to a child
25 victim consistent with the Cemetery Oversight Act.

1 "Child victim" means a person under 17 years of age killed
2 in this State by a firearm as a result of first degree murder,
3 second degree murder, voluntary manslaughter of an unborn
4 child, involuntary manslaughter, and involuntary manslaughter
5 of an unborn child.

6 "Department" means the Department of Human Services.

7 "Eligible survivor" means the parent or guardian of a
8 child victim, or anyone living in the household of a child
9 victim in a relationship with the victim that is substantially
10 similar to that of a parent, who has a household income of less
11 than 150% of the federal poverty level, qualifies for payment
12 of funeral and burial expenses under this Act, and has or
13 shares the authority to direct the disposition of the remains
14 of the victim pursuant to the Disposition of Remains Act.

15 "Funeral and burial expenses" means expenses that include,
16 but are not limited to, the transport of deceased human
17 remains to a funeral establishment; the preparation of
18 deceased human remains for burial, including cleaning,
19 disinfecting, and embalming; the preparation, direction, and
20 supervision of the burial, cremation, or other disposition of
21 deceased human remains, including furnishing a casket, vault,
22 mausoleum, columbarium, or urn; the administration of funeral
23 arrangements, including providing printed materials, providing
24 transportation of the deceased human remains to the burial
25 site, and furnishing necessary facilities and equipment; and
26 any other service related to the carrying out of funeral or

1 burial services that the Department may allow, if consistent
2 with the law, up to the total allowable amount of disbursement
3 under Section 40.

4 "Funeral establishment" means a State-licensed funeral
5 home, funeral chapel, funeral parlor, or other business that
6 provides funeral and burial services to a child victim.

7 Section 15. Felon as victim or survivor. An eligible
8 survivor's or child victim's criminal history or felony status
9 shall not automatically prevent an award for payment of the
10 child victim's funeral and burial expenses.

11 Section 20. Additional powers; Department of Human
12 Services. In addition to other powers and duties set forth in
13 this Act and other powers exercised by the Department, the
14 Department shall conduct a review of disbursement requests
15 submitted by a funeral establishment or cemetery authority,
16 which includes verification of the eligible survivor's
17 household income, verification of the child victim's death
18 certificate, and a review of the statement of goods and
19 services provided by the funeral establishment or cemetery
20 authority. Upon conclusion of the review, the Department shall
21 provide the funeral establishment or cemetery authority with a
22 payment determination letter. The Department shall disburse
23 payment to a funeral establishment or cemetery authority.

1 Section 25. Right to disbursement.

2 (a) With respect to the provision of burial rights and
3 funeral and burial services and merchandise within the
4 applicable scope of practice, a funeral establishment or
5 cemetery authority is entitled to a disbursement under this
6 Act if within one year of the occurrence of the crime upon
7 which a disbursement request is made, the funeral
8 establishment or cemetery authority submits the request to the
9 Department on a form prescribed in accordance with Section 30
10 as furnished by the Department.

11 (b) The Department may accept a request presented after
12 the period provided in subsection (a) if it determines that
13 the funeral establishment or cemetery authority had a good
14 cause for a delay.

15 Section 30. Disbursement request requirements.

16 (a) A disbursement request shall include:

17 (1) the name and address of the eligible survivor and
18 his or her relationship to the child victim;

19 (2) the date and nature of the crime on which the
20 disbursement request is based;

21 (3) the nature and extent of the injuries sustained by
22 the child victim, and the names and addresses of those
23 giving any medical and hospitalization treatment to the
24 child victim;

25 (4) a copy of the child victim's death certificate;

- 1 (5) an affidavit of facts of death;
- 2 (6) documentation verifying an eligible survivor's
3 household income;
- 4 (7) a copy of the invoice detailing funeral and burial
5 expenses, including any applicable taxes, surcharges, and
6 fees;
- 7 (8) releases authorizing the surrender to the
8 Department of reports, documents and other information
9 relating to matters specified under this Act and rules
10 adopted in accordance with this Act; and
- 11 (9) such other information as the Department
12 reasonably requires.

13 (b) The Department may require that materials
14 substantiating the facts stated in the disbursement request be
15 submitted with that request.

16 (c) A funeral establishment or cemetery authority, on its
17 own volition, may file an amended request or additional
18 substantiating materials to correct inadvertent errors or
19 omissions at any time before the original request has been
20 disposed of by the Department. In either case, the filing of
21 additional information or of an amended request shall be
22 considered for the purpose of this Act to have been filed at
23 the same time as the original request.

24 Section 35. Additional materials requested. If a funeral
25 establishment or cemetery authority does not submit all

1 materials substantiating its disbursement request as requested
2 by the Department, the Department shall notify the
3 establishment in writing of the specific additional items of
4 information or materials required and that it has 30 days in
5 which to furnish those items to the Department. No
6 disbursement shall be made for any portion of the request from
7 a funeral establishment or cemetery authority that is not
8 substantiated by the establishment or authority. An
9 establishment or authority may request an extension of time
10 from the Department prior to the expiration of the 30-day
11 period.

12 Section 40. Amount of disbursement.

13 (a) The total amount of disbursement for funeral and
14 burial expenses for a child victim shall be no more than
15 \$10,000, to be apportioned between the funeral establishment
16 and cemetery authority by those eligible survivors authorized
17 to direct the disposition of remains pursuant to the
18 Disposition of Remains Act.

19 (b) Upon submitting a disbursement request to the
20 Department, and upon the Department's review of such request
21 verifying that a survivor is an eligible survivor, a funeral
22 establishment and cemetery authority shall each receive
23 disbursement from the Department in the amount of the total
24 cost of burial rights and funeral services and merchandise
25 provided, up to the allocation amount. The Department shall

1 process all payment vouchers within 30 days of submission of a
2 complete disbursement request, and shall pay all such vouchers
3 within 30 days of receipt. All disbursement requests that are
4 not paid within 60 days shall thereafter accrue interest at
5 the rate set by the Prompt Payment Act.

6 (c) Beginning on July 1, 2024, the maximum allowable
7 disbursement amount shall be increased each year by an amount
8 equal to any increase in the general inflation, as determined
9 by the index published by the Bureau of Labor Statistics of the
10 United States Department of Labor that measures the average
11 change in prices of goods and services purchased by all urban
12 consumers, United States city average, all items, 1982-84 =
13 100.

14 Section 45. Prohibition against double payment;
15 recordkeeping; payment recapture.

16 (a) If any funeral and burial expenses are paid under this
17 Act, no award for such assistance shall be granted to any party
18 in relation to funeral and burial expenses for the same child
19 victim under the Crime Victims Compensation Act or the
20 Department of Human Services Funeral and Burial Benefits
21 Program.

22 (b) No person or entity receiving assistance under this
23 Act shall receive or retain a duplicate award for funeral and
24 burial expenses for a child victim from any State agency or
25 agencies. For the purposes of this Section, a duplicate award

1 is one that results in a total award from the State for the
2 cost of funeral and burial expenses for a child victim in
3 excess of that authorized by the Department. To prevent such
4 duplicate awards, the Department shall maintain an electronic
5 record of each disbursement to a funeral establishment or
6 cemetery authority and provide access to such records to any
7 State agency providing funeral or burial assistance to
8 Illinois residents.

9 (c) The Department is authorized to contract with
10 third-party entities to conduct payment recapture audits to
11 detect and recapture payments made in error or as a result of
12 fraud or abuse. A payment recapture audit shall include the
13 process of identifying improper payments paid to a funeral
14 establishment or cemetery authority or to an eligible survivor
15 whereby accounting specialists examine payment records and
16 uncover duplicate payments, payments for services not
17 rendered, overpayments, payments for unauthorized services,
18 and fictitious vendors. This audit may include the use of
19 professional and specialized auditors on a contingency basis,
20 with compensation tied to the identification of misspent
21 funds.

22 Section 50. Notice to public of available assistance.

23 (a) The Department shall develop a brochure informing the
24 public of the existence of funeral and burial assistance for
25 the families of murdered children under this Act and make the

1 brochure available on its website.

2 (b) Any law enforcement agency that investigates an
3 offense committed in this State shall inform the parent or
4 guardian of the child victim concerning the availability of
5 assistance for funeral and burial expenses under this Act and
6 advise such persons that any information concerning this Act
7 may be obtained from the Department.

8 Section 900. The Illinois Public Aid Code is amended by
9 adding Section 12-4.11-5 as follows:

10 (305 ILCS 5/12-4.11-5 new)

11 Sec. 12-4.11-5. Murdered Children Funeral and Burial
12 Assistance Program. The Department of Human Services shall by
13 rule administer the Murdered Children Funeral and Burial
14 Assistance Program. Eligibility for the Murdered Children
15 Funeral and Burial Assistance Program shall be limited to
16 those individuals as described in the Murdered Children
17 Funeral and Burial Assistance Act.

18 Beginning July 1, 2023, the Department of Human Services
19 shall make eligibility determinations for the Murdered
20 Children Funeral and Burial Assistance Program and, subject to
21 appropriation, shall make disbursements for eligible cases to
22 a funeral establishment or cemetery authority as provided
23 under the Murdered Children Funeral and Burial Assistance Act.

24 Section 999. Effective date. This Act takes effect upon

1 becoming law.