

HB0552



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB0552

Introduced 1/12/2023, by Rep. Emanuel "Chris" Welch

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-1

from Ch. 23, par. 10-1

Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning public policy with respect to the determination and enforcement of the support responsibility of relatives.

LRB103 04122 KTG 49128 b

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 ~~the~~ intent of
10 this Code that the financial aid and social welfare services
11 herein provided supplement rather than supplant the primary
12 and continuing obligation of the family unit for self-support
13 to the fullest extent permitted by the resources available to
14 it. 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
17 the unit has been broken by absence of one or more members of
18 the 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
5 current support obligation, and then to past due support owed
6 to the family unit, except with respect to collections
7 effected through the intercept programs provided for in this
8 Article. The establishment or enforcement actions provided in
9 this Article do not require a previous court order for
10 custody/allocation of parental responsibilities.

11 The child support enforcement services provided hereunder
12 shall be furnished dependents of an absent parent or spouse
13 who are applicants for or recipients of financial aid under
14 this Code. It is not, however, a condition of eligibility for
15 financial aid that there be no responsible relatives who are
16 reasonably able to provide support. Nor, except as provided in
17 Sections 4-1.7 and 10-8, shall the existence of such relatives
18 or their payment of support contributions disqualify a needy
19 person for financial aid.

20 By accepting financial aid under this Code, a spouse or a
21 parent or other person having physical or legal custody of a
22 child shall be deemed to have made assignment to the Illinois
23 Department for aid under Articles III, IV, V, and VII or to a
24 local governmental unit for aid under Article VI of any and all
25 rights, title, and interest in any support obligation,
26 including statutory interest thereon, up to the amount of

1 financial aid provided. The rights to support assigned to the
2 Department of Healthcare and Family Services (formerly
3 Illinois Department of Public Aid) or local governmental unit
4 shall constitute an obligation owed the State or local
5 governmental unit by the person who is responsible for
6 providing the support, and shall be collectible under all
7 applicable processes.

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

1 receiving public aid.

2 (Source: P.A. 102-541, eff. 8-20-21; 102-813, eff. 5-13-22.)