

HB0557



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB0557

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

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-10.4

Amends the Illinois Public Aid Code. Makes a technical change in a Section concerning the payment of support to the State Disbursement Unit.

LRB103 04127 KTG 49133 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 10-10.4 as follows:

6 (305 ILCS 5/10-10.4)

7 Sec. 10-10.4. Payment of Support to State Disbursement
8 Unit.

9 (a) As used in this Section:

10 "Order for support", "obligor", "obligee", and ~~and~~ "payor"
11 mean those terms as defined in the Income Withholding for
12 Support Act, except that "order for support" shall not mean
13 orders providing for spousal maintenance under which there is
14 no child support obligation.

15 (b) Notwithstanding any other provision of this Code to
16 the contrary, each court or administrative order for support
17 entered or modified on or after October 1, 1999 shall require
18 that support payments be made to the State Disbursement Unit
19 established under Section 10-26 if:

20 (1) a party to the order is receiving child support
21 enforcement services under this Article X; or

22 (2) no party to the order is receiving child support
23 enforcement services, but the support payments are made

1 through income withholding.

2 (c) Support payments shall be made to the State
3 Disbursement Unit if:

4 (1) the order for support was entered before October
5 1, 1999, and a party to the order is receiving child
6 support enforcement services under this Article X; or

7 (2) no party to the order is receiving child support
8 enforcement services, and the support payments are being
9 made through income withholding.

10 (c-5) If no party to the order is receiving child support
11 enforcement services under this Article X, and the support
12 payments are not being made through income withholding, then
13 support payments shall be made as directed in the order for
14 support.

15 (c-10) At any time, and notwithstanding the existence of
16 an order directing payments to be made elsewhere, the
17 Department of Healthcare and Family Services may provide
18 notice to the obligor and, where applicable, to the obligor's
19 payor:

20 (1) to make support payments to the State Disbursement
21 Unit if:

22 (A) a party to the order for support is receiving
23 child support enforcement services under this Article
24 X; or

25 (B) no party to the order for support is receiving
26 child support enforcement services under this Article

1 X, but the support payments are made through income
2 withholding; or

3 (2) to make support payments to the State Disbursement
4 Unit of another state upon request of another state's
5 Title IV-D child support enforcement agency, in accordance
6 with the requirements of Title IV, Part D of the Social
7 Security Act and regulations promulgated under that Part
8 D.

9 (c-15) Within 15 days after the effective date of this
10 amendatory Act of the 91st General Assembly, the clerk of the
11 circuit court shall provide written notice to the obligor to
12 make payments directly to the clerk of the circuit court if no
13 party to the order is receiving child support enforcement
14 services under this Article X, the support payments are not
15 made through income withholding, and the order for support
16 requires support payments to be made directly to the clerk of
17 the circuit court.

18 (c-20) If the State Disbursement Unit receives a support
19 payment that was not appropriately made to the Unit under this
20 Section, the Unit shall immediately return the payment to the
21 sender, including, if possible, instructions detailing where
22 to send the support payments.

23 (d) The notices under subsections (c-10) and (c-15) may be
24 sent by ordinary mail, certified mail, return receipt
25 requested, facsimile transmission, or other electronic
26 process, or may be served upon the obligor or payor using any

1 method provided by law for service of a summons. A copy of the
2 notice shall be provided to the obligee and, when the order for
3 support was entered by the court, to the clerk of the court.

4 (Source: P.A. 95-331, eff. 8-21-07.)