

1 AN ACT in relation to 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  
8 Eligible for Child Support Enforcement Services - Fees for  
9 Non-Applicants and Non-Recipients.) It is the intent of the  
10 Illinois Public Aid ~~this~~ Code that the financial aid and  
11 social welfare services herein provided supplement rather  
12 than supplant the primary and continuing obligation of the  
13 family unit for self-support to the fullest extent permitted  
14 by the resources available to it. This primary and continuing  
15 obligation applies whether the family unit of parents and  
16 children or of husband and wife remains intact and resides in  
17 a common household or whether the unit has been broken by  
18 absence of one or more members of the unit. The obligation  
19 of the family unit is particularly applicable when a member  
20 is in necessitous circumstances and lacks the means of a  
21 livelihood compatible with health and well-being.

22 It is the purpose of this Article to provide for locating  
23 an absent parent or spouse, for determining his financial  
24 circumstances, and for enforcing his legal obligation of  
25 support, if he is able to furnish support, in whole or in  
26 part. The Illinois Department of Public Aid shall give  
27 priority to establishing, enforcing and collecting the  
28 current support obligation, and then to past due support owed  
29 to the family unit, except with respect to collections  
30 effected through the intercept programs provided for in this  
31 Article.

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

10           By accepting financial aid under this Code, a spouse or a  
11 parent or other person having custody of a child shall be  
12 deemed to have made assignment to the Illinois Department for  
13 aid under Articles III, IV, V and VII or to a local  
14 governmental unit for aid under Article VI of any and all  
15 rights, title, and interest in any support obligation up to  
16 the amount of financial aid provided. The rights to support  
17 assigned to the Illinois Department of Public Aid or local  
18 governmental unit shall constitute an obligation owed the  
19 State or local governmental unit by the person who is  
20 responsible for providing the support, and shall be  
21 collectible under all applicable processes.

22           The Illinois Department of Public Aid shall also furnish  
23 the child support enforcement services established under this  
24 Article in behalf of persons who are not applicants for or  
25 recipients of financial aid under this Code in accordance  
26 with the requirements of Title IV, Part D of the Social  
27 Security Act. The Department may establish a schedule of  
28 reasonable fees, to be paid for the services provided and may  
29 deduct a collection fee, not to exceed 10% of the amount  
30 collected, from such collection. The Illinois Department of  
31 Public Aid shall cause to be published and distributed  
32 publications reasonably calculated to inform the public that  
33 individuals who are not recipients of or applicants for  
34 public aid under this Code are eligible for the child support

1 enforcement services under this Article X. Such publications  
2 shall set forth an explanation, in plain language, that the  
3 child support enforcement services program is independent of  
4 any public aid program under the Code and that the receiving  
5 of child support enforcement services in no way implies that  
6 the person receiving such services is receiving public aid.

7 (Source: P.A. 92-590, eff. 7-1-02.)