



**93RD GENERAL ASSEMBLY**  
**State of Illinois**  
**2003 and 2004**  
**HB4310**

Introduced 02/02/04, by Cynthia Soto

**SYNOPSIS AS INTRODUCED:**

- 205 ILCS 5/48.4
- 205 ILCS 105/1-6d
- 205 ILCS 205/7007
- 205 ILCS 305/43.1
- 205 ILCS 645/20
- 305 ILCS 5/10-16.7 new
- 750 ILCS 5/706.4 new
- 750 ILCS 16/22.5 new
- 750 ILCS 45/20.10 new

Amends the Illinois Banking Act, the Illinois Savings and Loan Act of 1985, the Savings Bank Act, the Illinois Credit Union Act, the Foreign Banking Office Act, the Illinois Public Aid Code, the Illinois Marriage and Dissolution of Marriage Act, the Non-Support Punishment Act, and the Illinois Parentage Act of 1984. Directs the Department of Public Aid to adopt a child support enforcement debit authorization form and notify banks and other financial institutions that it has done so. Provides that banks and other financial institutions must implement use of the child support enforcement debit authorization form within 30 days after the Department of Public Aid gives notice that it has adopted the form. Provides that if an obligor does not have an employer and has been ordered to make periodic payments of child support to the State Disbursement Unit, the obligor must authorize a bank or other financial institution at which the obligor maintains an account to debit his or her account periodically in an amount equal to the amount of child support required to be paid, using the form adopted by the Department of Public Aid. Effective immediately.

LRB093 18967 DRJ 44702 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning child support.

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

4 Section 5. The Illinois Banking Act is amended by changing  
5 Section 48.4 as follows:

6 (205 ILCS 5/48.4)

7 Sec. 48.4. Enforcement of ~~Administrative liens for~~  
8 ~~past due~~ child support.

9 (a) Any bank governed by this Act shall encumber or  
10 surrender accounts or assets held by the bank on behalf of any  
11 responsible relative who is subject to a child support lien,  
12 upon notice of the lien or levy of the Illinois Department of  
13 Public Aid or its successor agency pursuant to Section 10-25.5  
14 of the Illinois Public Aid Code, or upon notice of interstate  
15 lien or levy from any other state's agency responsible for  
16 implementing the child support enforcement program set forth in  
17 Title IV, Part D of the Social Security Act.

18 (b) Within 30 days after receiving notice from the  
19 Department of Public Aid that the Department has adopted a  
20 child support enforcement debit authorization form as required  
21 under the Illinois Public Aid Code, each bank governed by this  
22 Act shall take all appropriate steps to implement the use of  
23 the form in relation to accounts held by the bank. Upon  
24 receiving from the Department of Public Aid a copy of a child  
25 support enforcement debit authorization form signed by an  
26 obligor, a bank holding an account on behalf of the obligor  
27 shall debit the account and transfer the debited amounts to the  
28 State Disbursement Unit according to the instructions in the  
29 child support enforcement debit authorization form.

30 (Source: P.A. 92-811, eff. 8-21-02.)

31 Section 10. The Illinois Savings and Loan Act of 1985 is

1 amended by changing Section 1-6d as follows:

2 (205 ILCS 105/1-6d)

3 Sec. 1-6d. Enforcement of ~~Administrative liens for~~  
4 ~~past due~~ child support.

5 (a) Any association governed by this Act shall encumber or  
6 surrender accounts or assets held by the association on behalf  
7 of any responsible relative who is subject to a child support  
8 lien, upon notice of the lien or levy of the Illinois  
9 Department of Public Aid or its successor agency pursuant to  
10 Section 10-25.5 of the Illinois Public Aid Code, or upon notice  
11 of interstate lien or levy from any other state's agency  
12 responsible for implementing the child support enforcement  
13 program set forth in Title IV, Part D of the Social Security  
14 Act.

15 (b) Within 30 days after receiving notice from the  
16 Department of Public Aid that the Department has adopted a  
17 child support enforcement debit authorization form as required  
18 under the Illinois Public Aid Code, each association governed  
19 by this Act shall take all appropriate steps to implement the  
20 use of the form in relation to accounts held by the  
21 association. Upon receiving from the Department of Public Aid a  
22 copy of a child support enforcement debit authorization form  
23 signed by an obligor, an association holding an account on  
24 behalf of the obligor shall debit the account and transfer the  
25 debited amounts to the State Disbursement Unit according to the  
26 instructions in the child support enforcement debit  
27 authorization form.

28 (Source: P.A. 92-811, eff. 8-21-02.)

29 Section 15. The Savings Bank Act is amended by changing  
30 Section 7007 as follows:

31 (205 ILCS 205/7007)

32 Sec. 7007. Enforcement of ~~Administrative liens for~~  
33 ~~past due~~ child support.

1       (a) Any savings bank governed by this Act shall encumber or  
2 surrender accounts or assets held by the savings bank on behalf  
3 of any responsible relative who is subject to a child support  
4 lien, upon notice of the lien or levy of the Illinois  
5 Department of Public Aid or its successor agency pursuant to  
6 Section 10-25.5 of the Illinois Public Aid Code, or upon notice  
7 of interstate lien or levy from any other state's agency  
8 responsible for implementing the child support enforcement  
9 program set forth in Title IV, Part D of the Social Security  
10 Act.

11       (b) Within 30 days after receiving notice from the  
12 Department of Public Aid that the Department has adopted a  
13 child support enforcement debit authorization form as required  
14 under the Illinois Public Aid Code, each savings bank governed  
15 by this Act shall take all appropriate steps to implement the  
16 use of the form in relation to accounts held by the savings  
17 bank. Upon receiving from the Department of Public Aid a copy  
18 of a child support enforcement debit authorization form signed  
19 by an obligor, a savings bank holding an account on behalf of  
20 the obligor shall debit the account and transfer the debited  
21 amounts to the State Disbursement Unit according to the  
22 instructions in the child support enforcement debit  
23 authorization form.

24 (Source: P.A. 92-811, eff. 8-21-02.)

25       Section 20. The Illinois Credit Union Act is amended by  
26 changing Section 43.1 as follows:

27       (205 ILCS 305/43.1)

28       Sec. 43.1. Enforcement of ~~Administrative liens for~~  
29 ~~past due~~ child support.

30       (a) Any credit union governed by this Act shall encumber or  
31 surrender accounts or assets held by the credit union on behalf  
32 of any responsible relative who is subject to a child support  
33 lien, upon notice of the lien or levy of the Illinois  
34 Department of Public Aid or its successor agency pursuant to

1 Section 10-25.5 of the Illinois Public Aid Code, or upon notice  
2 of interstate lien from any other state's agency responsible  
3 for implementing the child support enforcement program set  
4 forth in Title IV, Part D of the Social Security Act.

5 (b) Within 30 days after receiving notice from the  
6 Department of Public Aid that the Department has adopted a  
7 child support enforcement debit authorization form as required  
8 under the Illinois Public Aid Code, each credit union governed  
9 by this Act shall take all appropriate steps to implement the  
10 use of the form in relation to accounts held by the credit  
11 union. Upon receiving from the Department of Public Aid a copy  
12 of a child support enforcement debit authorization form signed  
13 by an obligor, a credit union holding an account on behalf of  
14 the obligor shall debit the account and transfer the debited  
15 amounts to the State Disbursement Unit according to the  
16 instructions in the child support enforcement debit  
17 authorization form.

18 (Source: P.A. 90-18, eff. 7-1-97.)

19 Section 25. The Foreign Banking Office Act is amended by  
20 changing Section 20 as follows:

21 (205 ILCS 645/20)

22 Sec. 20. Enforcement of ~~Administrative liens for past-due~~  
23 child support.

24 (a) Any foreign banking corporation governed by this Act  
25 shall encumber or surrender accounts or assets held by the  
26 foreign banking corporation on behalf of any responsible  
27 relative who is subject to a child support lien, upon notice of  
28 the lien or levy of the Illinois Department of Public Aid or  
29 its successor agency pursuant to Section 10-25.5 of the  
30 Illinois Public Aid Code, or upon notice of interstate lien  
31 from any other state's agency responsible for implementing the  
32 child support enforcement program set forth in Title IV, Part D  
33 of the Social Security Act.

34 (b) Within 30 days after receiving notice from the

1 Department of Public Aid that the Department has adopted a  
2 child support enforcement debit authorization form as required  
3 under the Illinois Public Aid Code, each foreign banking  
4 corporation governed by this Act shall take all appropriate  
5 steps to implement the use of the form in relation to accounts  
6 held by the corporation. Upon receiving from the Department of  
7 Public Aid a copy of a child support enforcement debit  
8 authorization form signed by an obligor, a foreign banking  
9 corporation holding an account on behalf of the obligor shall  
10 debit the account and transfer the debited amounts to the State  
11 Disbursement Unit according to the instructions in the child  
12 support enforcement debit authorization form.

13 (Source: P.A. 90-18, eff. 7-1-97; 90-655, eff. 7-30-98.)

14 Section 30. The Illinois Public Aid Code is amended by  
15 adding Section 10-16.7 as follows:

16 (305 ILCS 5/10-16.7 new)

17 Sec. 10-16.7. Child support enforcement debit  
18 authorization.

19 (a) In this Section, "financial institution" means any of  
20 the following:

21 (1) A bank governed by the Illinois Banking Act.

22 (2) A savings and loan association governed by the  
23 Illinois Savings and Loan Act of 1985.

24 (3) A savings bank governed by the Savings Bank Act.

25 (4) A credit union governed by the Illinois Credit  
26 Union Act.

27 (5) A foreign banking corporation governed by the  
28 Foreign Banking Office Act.

29 (b) The Department of Public Aid shall adopt a child  
30 support enforcement debit authorization form that, upon being  
31 signed by an obligor, authorizes a financial institution  
32 holding an account on the obligor's behalf to debit the  
33 obligor's account periodically in an amount equal to the amount  
34 of child support that the obligor is required to pay

1 periodically and transfer that amount to the State Disbursement  
2 Unit. The form shall include instructions to the financial  
3 institution concerning the debiting of accounts held on behalf  
4 of obligors and the transfer of the debited amounts to the  
5 State Disbursement Unit. In adopting the form, the Department  
6 may consult with the Office of Banks and Real Estate and the  
7 Department of Financial Institutions. The Department must  
8 adopt the form within 6 months after the effective date of this  
9 amendatory Act of the 93rd General Assembly. Promptly after  
10 adopting the form, the Department must notify each financial  
11 institution conducting business in this State that the form has  
12 been adopted and is ready for use.

13 (c) If (i) an obligor has been ordered to make periodic  
14 payments of child support to the State Disbursement Unit  
15 pursuant to an administrative order issued by the Department of  
16 Public Aid under this Code or pursuant to an order issued by a  
17 court of competent jurisdiction and (ii) the obligor does not  
18 have an employer, as that term is defined in the Income  
19 Withholding for Support Act, then the Department or the court  
20 shall also order the obligor to sign a child support  
21 enforcement debit authorization form adopted by the Department  
22 under this Section. The obligor shall sign a form in relation  
23 to each financial institution holding an account on the  
24 obligor's behalf. Promptly after an obligor signs a child  
25 support enforcement debit authorization form, the Department  
26 shall send a copy of the signed form to the appropriate  
27 financial institution. Upon receiving the copy, the financial  
28 institution shall debit the account and transfer the debited  
29 amounts to the State Disbursement Unit according to the  
30 instructions in the form.

31 Section 35. The Illinois Marriage and Dissolution of  
32 Marriage Act is amended by adding Section 706.4 as follows:

33 (750 ILCS 5/706.4 new)

34 Sec. 706.4. Child support enforcement debit authorization.

1 (a) In this Section:

2 "Financial institution" means any of the following:

3 (1) A bank governed by the Illinois Banking Act.

4 (2) A savings and loan association governed by the  
5 Illinois Savings and Loan Act of 1985.

6 (3) A savings bank governed by the Savings Bank Act.

7 (4) A credit union governed by the Illinois Credit  
8 Union Act.

9 (5) A foreign banking corporation governed by the  
10 Foreign Banking Office Act.

11 "State Disbursement Unit" means the State Disbursement  
12 Unit established under the Illinois Public Aid Code.

13 (b) If (i) an obligor has been ordered to make periodic  
14 payments of child support to the State Disbursement Unit  
15 pursuant to an order issued by a court of competent  
16 jurisdiction and (ii) the obligor does not have an employer, as  
17 that term is defined in the Income Withholding for Support Act,  
18 then the court shall also order the obligor to sign a child  
19 support enforcement debit authorization form adopted by the  
20 Department of Public Aid under the Illinois Public Aid Code.  
21 The obligor shall sign a form in relation to each financial  
22 institution holding an account on the obligor's behalf.  
23 Promptly after an obligor signs a child support enforcement  
24 debit authorization form, the Department of Public Aid shall  
25 send a copy of the signed form to the appropriate financial  
26 institution. Upon receiving the copy, the financial  
27 institution shall debit the account and transfer the debited  
28 amounts to the State Disbursement Unit according to the  
29 instructions in the form.

30 Section 40. The Non-Support Punishment Act is amended by  
31 adding Section 22.5 as follows:

32 (750 ILCS 16/22.5 new)

33 Sec. 22.5. Child support enforcement debit authorization.

34 (a) In this Section:



1 "Financial institution" means any of the following:

2 (1) A bank governed by the Illinois Banking Act.

3 (2) A savings and loan association governed by the  
4 Illinois Savings and Loan Act of 1985.

5 (3) A savings bank governed by the Savings Bank Act.

6 (4) A credit union governed by the Illinois Credit  
7 Union Act.

8 (5) A foreign banking corporation governed by the  
9 Foreign Banking Office Act.

10 "State Disbursement Unit" means the State Disbursement  
11 Unit established under the Illinois Public Aid Code.

12 (b) If (i) an obligor has been ordered to make periodic  
13 payments of child support to the State Disbursement Unit  
14 pursuant to an order issued by a court of competent  
15 jurisdiction and (ii) the obligor does not have an employer, as  
16 that term is defined in the Income Withholding for Support Act,  
17 then the court shall also order the obligor to sign a child  
18 support enforcement debit authorization form adopted by the  
19 Department of Public Aid under the Illinois Public Aid Code.  
20 The obligor shall sign a form in relation to each financial  
21 institution holding an account on the obligor's behalf.  
22 Promptly after an obligor signs a child support enforcement  
23 debit authorization form, the Department of Public Aid shall  
24 send a copy of the signed form to the appropriate financial  
25 institution. Upon receiving the copy, the financial  
26 institution shall debit the account and transfer the debited  
27 amounts to the State Disbursement Unit according to the  
28 instructions in the form.

29 Section 45. The Illinois Parentage Act of 1984 is amended  
30 by adding Section 20.10 as follows:

31 (750 ILCS 45/20.10 new)

32 Sec. 20.10. Child support enforcement debit authorization.

33 (a) In this Section:

34 "Financial institution" means any of the following:

1 (1) A bank governed by the Illinois Banking Act.

2 (2) A savings and loan association governed by the  
3 Illinois Savings and Loan Act of 1985.

4 (3) A savings bank governed by the Savings Bank Act.

5 (4) A credit union governed by the Illinois Credit  
6 Union Act.

7 (5) A foreign banking corporation governed by the  
8 Foreign Banking Office Act.

9 "State Disbursement Unit" means the State Disbursement  
10 Unit established under the Illinois Public Aid Code.

11 (b) If (i) an obligor has been ordered to make periodic  
12 payments of child support to the State Disbursement Unit  
13 pursuant to an order issued by a court of competent  
14 jurisdiction and (ii) the obligor does not have an employer, as  
15 that term is defined in the Income Withholding for Support Act,  
16 then the court shall also order the obligor to sign a child  
17 support enforcement debit authorization form adopted by the  
18 Department of Public Aid under the Illinois Public Aid Code.  
19 The obligor shall sign a form in relation to each financial  
20 institution holding an account on the obligor's behalf.  
21 Promptly after an obligor signs a child support enforcement  
22 debit authorization form, the Department of Public Aid shall  
23 send a copy of the signed form to the appropriate financial  
24 institution. Upon receiving the copy, the financial  
25 institution shall debit the account and transfer the debited  
26 amounts to the State Disbursement Unit according to the  
27 instructions in the form.

28 Section 99. Effective date. This Act takes effect upon  
29 becoming law.