



93RD GENERAL ASSEMBLY

State of Illinois

2003 and 2004

Introduced 02/04/04, by James H. Meyer

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.

LRB093 20156 DRJ 45901 b

1 AN ACT in relation to support.

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 ~~Support~~ to State
8 Disbursement Unit.

9 (a) As used in this Section:

10 "Order for support", "obligor", "obligee", 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 the
16 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
24 through income withholding.

25 (c) Support payments shall be made to the State
26 Disbursement Unit if:

27 (1) the order for support was entered before October 1,
28 1999, and a party to the order is receiving child support
29 enforcement services under this Article X; or

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

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

6 (c-10) At any time, and notwithstanding the existence of an
7 order directing payments to be made elsewhere, the Department
8 of Public Aid may provide notice to the obligor and, where
9 applicable, to the obligor's payor:

10 (1) to make support payments to the State Disbursement
11 Unit if:

12 (A) a party to the order for support is receiving
13 child support enforcement services under this Article
14 X; or

15 (B) no party to the order for support is receiving
16 child support enforcement services under this Article
17 X, but the support payments are made through income
18 withholding; or

19 (2) to make support payments to the State Disbursement
20 Unit of another state upon request of another state's Title
21 IV-D child support enforcement agency, in accordance with
22 the requirements of Title IV, Part D of the Social Security
23 Act and regulations promulgated under that Part D.

24 (c-15) Within 15 days after the effective date of this
25 amendatory Act of the 91st General Assembly, the clerk of the
26 circuit court shall provide written notice to the obligor to
27 make payments directly to the clerk of the circuit court if no
28 party to the order is receiving child support enforcement
29 services under this Article X, the support payments are not
30 made through income withholding, and the order for support
31 requires support payments to be made directly to the clerk of
32 the circuit court.

33 (c-20) If the State Disbursement Unit receives a support
34 payment that was not appropriately made to the Unit under this
35 Section, the Unit shall immediately return the payment to the
36 sender, including, if possible, instructions detailing where

1 to send the support payments.

2 (d) The notices under subsections (c-10) and (c-15) may be
3 sent by ordinary mail, certified mail, return receipt
4 requested, facsimile transmission, or other electronic
5 process, or may be served upon the obligor or payor using any
6 method provided by law for service of a summons. A copy of the
7 notice shall be provided to the obligee and, when the order for
8 support was entered by the court, to the clerk of the court.

9 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;
10 92-590, eff. 7-1-02.)