



## 94TH GENERAL ASSEMBLY

### State of Illinois

2005 and 2006

**HB4432**

Introduced 1/6/2006, by Rep. Chapin Rose

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-16.8 new  
305 ILCS 5/10-26.2

Amends the Illinois Public Aid Code. Provides that the Department of Healthcare and Family Services shall take appropriate steps to ensure that an obligee's address or telephone number is not disclosed to the obligor in any case in which the Department is collecting child support from the obligor by means of income withholding, garnishment, or other process to enforce an order for support. Provides that the contract entered into by the Department of Healthcare and Family Services with a public or private entity or an individual in connection with the operation of the State Disbursement Unit must contain provisions to ensure that the State Disbursement Unit does not disclose an obligee's address or telephone number to the obligor in any case in which the Department or the State Disbursement Unit is collecting child support from the obligor by means of income withholding, garnishment, or other process to enforce an order for support. Effective immediately.

LRB094 16145 DRJ 51385 b

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 10-26.2 and by adding Section 10-16.8 as  
6 follows:

7 (305 ILCS 5/10-16.8 new)

8 Sec. 10-16.8. Enforcement of order for support;  
9 nondisclosure of obligee's address and telephone number. The  
10 Department of Healthcare and Family Services shall take  
11 appropriate steps to ensure that an obligee's address or  
12 telephone number is not disclosed to the obligor in any case in  
13 which the Department is collecting child support from the  
14 obligor by means of income withholding, garnishment, or other  
15 process to enforce an order for support.

16 (305 ILCS 5/10-26.2)

17 Sec. 10-26.2. Contracts concerning the operation of the  
18 State Disbursement Unit.

19 (a) In this Section:

20 "Contract" has the same meaning as in the Illinois  
21 Procurement Code.

22 "SDU contractor" means any public or private entity or  
23 individual with whom the Illinois Department enters into a  
24 contract in connection with the operation of the State  
25 Disbursement Unit.

26 (b) The contract entered into by the Illinois Department  
27 with a public or private entity or an individual in connection  
28 with the operation of the State Disbursement Unit must contain,  
29 at a minimum, the provisions set forth in this Section.

30 (c) The contract must include standards and procedures to  
31 ensure that the data relied on by the State Disbursement Unit

1 in performing its functions is accurate so that the State  
2 Disbursement Unit will be able to effectively administer the  
3 collection and disbursement of support payments.

4 (d) The contract must contain provisions to ensure that all  
5 clerks of the circuit court have access to non-custodial  
6 parents' support payment information in the possession of the  
7 State Disbursement Unit.

8 (e) The contract must contain provisions to ensure that  
9 notices to employers in connection with the collection of  
10 support are clear and consistent and that the SDU contractor  
11 will promptly inform an employer about any problems and any  
12 necessary changes in connection with the collection of support.

13 (f) The contract must contain appropriate management  
14 controls to ensure that (i) all of the SDU contractor's actions  
15 in performing the functions of the State Disbursement Unit are  
16 reasonably planned, timely implemented, and adequately  
17 controlled and (ii) all reports that are necessary to provide  
18 the Illinois Department with the information necessary to  
19 effectively monitor the quality and accuracy of the SDU  
20 contractor's actions in performing the functions of the State  
21 Disbursement Unit are timely filed.

22 (g) The contract must contain provisions specifying  
23 standards with respect to the level of performance expected of  
24 the SDU contractor. The contract may include provisions for  
25 incentives and penalties in connection with the SDU  
26 contractor's performance.

27 (h) The contract must contain provisions projecting the  
28 number of active support collection and disbursement cases to  
29 be handled by the State Disbursement Unit and estimating the  
30 number of support disbursement transactions to be handled each  
31 year.

32 (i) The contract must contain provisions requiring  
33 compliance with all applicable federal requirements concerning  
34 disbursement of support. The contract must also contain  
35 provisions for the Illinois Department's regular, periodic  
36 review of reports on disbursement performance.

1 (j) The contract must contain provisions requiring the SDU  
2 contractor to submit to the Illinois Department, within 45 days  
3 after the end of each State fiscal year, a completed American  
4 Institute of Certified Public Accountants Statement on  
5 Auditing Standards Number 88 (SAS 88) or its successor for the  
6 purpose of enabling the Illinois Department to appropriately  
7 monitor the State Disbursement Unit's performance as a service  
8 organization and to enable the Auditor General, as the external  
9 auditor of the State Disbursement Unit, to ensure that  
10 appropriate controls are present.

11 (k) The contract must contain provisions requiring the  
12 Illinois Department and the SDU contractor to examine the  
13 causes of untimely disbursement of support payments and  
14 inappropriate cost recovery and to take prompt action to ensure  
15 the timely and accurate disbursement of support payments. The  
16 contract must also contain provisions for the final disposition  
17 of support payments that cannot be processed by the State  
18 Disbursement Unit within 2 business days.

19 (l) The contract must contain provisions to ensure that  
20 neither the Illinois Department nor the SDU contractor uses  
21 moneys collected and held in trust for the payment of support  
22 for any purpose other than that for which the moneys were  
23 collected.

24 (m) The contract must contain provisions requiring the  
25 Illinois Department to audit the disbursement of all emergency  
26 support payments and report to the General Assembly the results  
27 of the audit, including, without limitation, the number of  
28 emergency support payment checks issued by the State  
29 Disbursement Unit, the amount of repayments received from  
30 recipients of those checks, and amounts for which the Illinois  
31 Department did not seek repayment.

32 (n) The contract must contain provisions to ensure that the  
33 State Disbursement Unit does not disclose an obligee's address  
34 or telephone number to the obligor in any case in which the  
35 Illinois Department or the State Disbursement Unit is  
36 collecting child support from the obligor by means of income

1 withholding, garnishment, or other process to enforce an order  
2 for support.

3 (Source: P.A. 92-44, eff. 7-1-01.)

4 Section 99. Effective date. This Act takes effect upon  
5 becoming law.