



## 95TH GENERAL ASSEMBLY

### State of Illinois

2007 and 2008

HB1745

Introduced 2/23/2007, by Rep. Cynthia Soto

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-3.4  
820 ILCS 405/1900

from Ch. 48, par. 640

Amends the Illinois Public Aid Code and the Unemployment Insurance Act. Provides that, for the purpose of establishing paternity and establishing, modifying, and enforcing child support obligations, the Department of Healthcare and Family Services shall enter into an agreement with the Director of Employment Security to obtain information reported to the Department of Employment Security and contained in that Department's Illinois Directory of New Hires maintained under the Unemployment Insurance Act. Provides that the Director of Employment Security shall (instead of may) provide, to any State or local child support agency, including the Attorney General and any State's Attorney, upon request and on a reimbursable basis, information that might be useful in locating an absent parent or that parent's employer, establishing paternity, or establishing, modifying, or enforcing child support orders. Effective immediately.

LRB095 07294 DRJ 27433 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 Public Aid Code is amended by  
5 changing Section 10-3.4 as follows:

6 (305 ILCS 5/10-3.4)

7 Sec. 10-3.4. Obtaining location information.

8 (a) The Illinois Department shall enter into agreements  
9 with the Department of State Police and the Secretary of State  
10 to obtain location information on persons for the purpose of  
11 establishing paternity, and establishing, modifying, and  
12 enforcing child support obligations. In addition, and also for  
13 the purpose of establishing paternity and establishing,  
14 modifying, and enforcing child support obligations, the  
15 Illinois Department shall enter into an agreement with the  
16 Director of Employment Security to obtain information reported  
17 to the Department of Employment Security and contained in that  
18 Department's Illinois Directory of New Hires maintained under  
19 Section 1801.1 of the Unemployment Insurance Act.

20 (b) Upon request, the Illinois Department shall provide  
21 information obtained pursuant to this Section to federal  
22 agencies and other states' agencies conducting child support  
23 enforcement activities under Title IV, Part D of the Social

1 Security Act.

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

3 Section 10. The Unemployment Insurance Act is amended by  
4 changing Section 1900 as follows:

5 (820 ILCS 405/1900) (from Ch. 48, par. 640)

6 Sec. 1900. Disclosure of information.

7 A. Except as provided in this Section, information obtained  
8 from any individual or employing unit during the administration  
9 of this Act shall:

10 1. be confidential,

11 2. not be published or open to public inspection,

12 3. not be used in any court in any pending action or  
13 proceeding,

14 4. not be admissible in evidence in any action or  
15 proceeding other than one arising out of this Act.

16 B. No finding, determination, decision, ruling or order  
17 (including any finding of fact, statement or conclusion made  
18 therein) issued pursuant to this Act shall be admissible or  
19 used in evidence in any action other than one arising out of  
20 this Act, nor shall it be binding or conclusive except as  
21 provided in this Act, nor shall it constitute res judicata,  
22 regardless of whether the actions were between the same or  
23 related parties or involved the same facts.

24 C. Any officer or employee of this State, any officer or

1 employee of any entity authorized to obtain information  
2 pursuant to this Section, and any agent of this State or of  
3 such entity who, except with authority of the Director under  
4 this Section, shall disclose information shall be guilty of a  
5 Class B misdemeanor and shall be disqualified from holding any  
6 appointment or employment by the State.

7 D. An individual or his duly authorized agent may be  
8 supplied with information from records only to the extent  
9 necessary for the proper presentation of his claim for benefits  
10 or with his existing or prospective rights to benefits.  
11 Discretion to disclose this information belongs solely to the  
12 Director and is not subject to a release or waiver by the  
13 individual. Notwithstanding any other provision to the  
14 contrary, an individual or his or her duly authorized agent may  
15 be supplied with a statement of the amount of benefits paid to  
16 the individual during the 18 months preceding the date of his  
17 or her request.

18 E. An employing unit may be furnished with information,  
19 only if deemed by the Director as necessary to enable it to  
20 fully discharge its obligations or safeguard its rights under  
21 the Act. Discretion to disclose this information belongs solely  
22 to the Director and is not subject to a release or waiver by  
23 the employing unit.

24 F. The Director may furnish any information that he may  
25 deem proper to any public officer or public agency of this or  
26 any other State or of the federal government dealing with:

- 1 1. the administration of relief,
- 2 2. public assistance,
- 3 3. unemployment compensation,
- 4 4. a system of public employment offices,
- 5 5. wages and hours of employment, or
- 6 6. a public works program.

7 The Director may make available to the Illinois Workers'  
8 Compensation Commission information regarding employers for  
9 the purpose of verifying the insurance coverage required under  
10 the Workers' Compensation Act and Workers' Occupational  
11 Diseases Act.

12 G. The Director may disclose information submitted by the  
13 State or any of its political subdivisions, municipal  
14 corporations, instrumentalities, or school or community  
15 college districts, except for information which specifically  
16 identifies an individual claimant.

17 H. The Director shall disclose only that information  
18 required to be disclosed under Section 303 of the Social  
19 Security Act, as amended, including:

20 1. any information required to be given the United  
21 States Department of Labor under Section 303(a)(6); and

22 2. the making available upon request to any agency of  
23 the United States charged with the administration of public  
24 works or assistance through public employment, the name,  
25 address, ordinary occupation and employment status of each  
26 recipient of unemployment compensation, and a statement of

1 such recipient's right to further compensation under such  
2 law as required by Section 303(a) (7); and

3 3. records to make available to the Railroad Retirement  
4 Board as required by Section 303(c) (1); and

5 4. information that will assure reasonable cooperation  
6 with every agency of the United States charged with the  
7 administration of any unemployment compensation law as  
8 required by Section 303(c) (2); and

9 5. information upon request and on a reimbursable basis  
10 to the United States Department of Agriculture and to any  
11 State food stamp agency concerning any information  
12 required to be furnished by Section 303(d); and

13 6. any wage information upon request and on a  
14 reimbursable basis to any State or local child support  
15 enforcement agency required by Section 303(e); and

16 7. any information required under the income  
17 eligibility and verification system as required by Section  
18 303(f); and

19 8. information that might be useful in locating an  
20 absent parent or that parent's employer, establishing  
21 paternity or establishing, modifying, or enforcing child  
22 support orders for the purpose of a child support  
23 enforcement program under Title IV of the Social Security  
24 Act upon the request of and on a reimbursable basis to the  
25 public agency administering the Federal Parent Locator  
26 Service as required by Section 303(h); and

1           9. information, upon request, to representatives of  
2           any federal, State or local governmental public housing  
3           agency with respect to individuals who have signed the  
4           appropriate consent form approved by the Secretary of  
5           Housing and Urban Development and who are applying for or  
6           participating in any housing assistance program  
7           administered by the United States Department of Housing and  
8           Urban Development as required by Section 303(i).

9           I. The Director, upon the request of a public agency of  
10          Illinois, of the federal government or of any other state  
11          charged with the investigation or enforcement of Section 10-5  
12          of the Criminal Code of 1961 (or a similar federal law or  
13          similar law of another State), may furnish the public agency  
14          information regarding the individual specified in the request  
15          as to:

- 16                1. the current or most recent home address of the  
17                individual, and  
18                2. the names and addresses of the individual's  
19                employers.

20          J. Nothing in this Section shall be deemed to interfere  
21          with the disclosure of certain records as provided for in  
22          Section 1706 or with the right to make available to the  
23          Internal Revenue Service of the United States Department of the  
24          Treasury, or the Department of Revenue of the State of  
25          Illinois, information obtained under this Act.

26          K. The Department shall make available to the Illinois

1 Student Assistance Commission, upon request, information in  
2 the possession of the Department that may be necessary or  
3 useful to the Commission in the collection of defaulted or  
4 delinquent student loans which the Commission administers.

5 L. The Department shall make available to the State  
6 Employees' Retirement System, the State Universities  
7 Retirement System, and the Teachers' Retirement System of the  
8 State of Illinois, upon request, information in the possession  
9 of the Department that may be necessary or useful to the System  
10 for the purpose of determining whether any recipient of a  
11 disability benefit from the System is gainfully employed.

12 M. This Section shall be applicable to the information  
13 obtained in the administration of the State employment service,  
14 except that the Director may publish or release general labor  
15 market information and may furnish information that he may deem  
16 proper to an individual, public officer or public agency of  
17 this or any other State or the federal government (in addition  
18 to those public officers or public agencies specified in this  
19 Section) as he prescribes by Rule.

20 N. The Director may require such safeguards as he deems  
21 proper to insure that information disclosed pursuant to this  
22 Section is used only for the purposes set forth in this  
23 Section.

24 O. (Blank).

25 P. Within 30 days after the effective date of this  
26 amendatory Act of 1993 and annually thereafter, the Department



1 shall provide to the Department of Financial Institutions a  
2 list of individuals or entities that, for the most recently  
3 completed calendar year, report to the Department as paying  
4 wages to workers. The lists shall be deemed confidential and  
5 may not be disclosed to any other person.

6 Q. The Director shall make available to an elected federal  
7 official the name and address of an individual or entity that  
8 is located within the jurisdiction from which the official was  
9 elected and that, for the most recently completed calendar  
10 year, has reported to the Department as paying wages to  
11 workers, where the information will be used in connection with  
12 the official duties of the official and the official requests  
13 the information in writing, specifying the purposes for which  
14 it will be used. For purposes of this subsection, the use of  
15 information in connection with the official duties of an  
16 official does not include use of the information in connection  
17 with the solicitation of contributions or expenditures, in  
18 money or in kind, to or on behalf of a candidate for public or  
19 political office or a political party or with respect to a  
20 public question, as defined in Section 1-3 of the Election  
21 Code, or in connection with any commercial solicitation. Any  
22 elected federal official who, in submitting a request for  
23 information covered by this subsection, knowingly makes a false  
24 statement or fails to disclose a material fact, with the intent  
25 to obtain the information for a purpose not authorized by this  
26 subsection, shall be guilty of a Class B misdemeanor.

1 R. The Director shall ~~may~~ provide to any State or local  
2 child support agency, including the Attorney General and any  
3 State's Attorney, upon request and on a reimbursable basis,  
4 information that might be useful in locating an absent parent  
5 or that parent's employer, establishing paternity, or  
6 establishing, modifying, or enforcing child support orders.

7 S. The Department shall make available to a State's  
8 Attorney of this State or a State's Attorney's investigator,  
9 upon request, the current address or, if the current address is  
10 unavailable, current employer information, if available, of a  
11 victim of a felony or a witness to a felony or a person against  
12 whom an arrest warrant is outstanding.

13 T. The Director shall make available to the Department of  
14 State Police, upon request, any information concerning the  
15 place of employment or former places of employment of a person  
16 who is required to register as a sex offender under the Sex  
17 Offender Registration Act that may be useful in enforcing the  
18 registration provisions requiring a sex offender to disclose  
19 his or her place of employment to the law enforcement agency of  
20 the jurisdiction in which the sex offender is employed.

21 (Source: P.A. 93-311, eff. 1-1-04; 93-721, eff. 1-1-05; 94-911,  
22 eff. 6-23-06.)

23 Section 99. Effective date. This Act takes effect upon  
24 becoming law.