

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 adding Section 10-29 as follows:

6 (305 ILCS 5/10-29 new)

7 Sec. 10-29. Child's majority; refund of support
8 overpayment.

9 (a) In this Section, "order for support" and "obligor" mean
10 those terms as defined in the Income Withholding for Support
11 Act, except that "order for support" does not mean an order
12 providing for spousal maintenance under which there is no child
13 support obligation.

14 (b) If (i) the Department of Healthcare and Family Services
15 collects child support from an obligor pursuant to an order for
16 support, (ii) the obligor complies with all of the requirements
17 of the order for support and does not incur any arrearage in
18 the payment of child support, (iii) the child attains 18 years
19 of age or graduates from high school and the obligation to pay
20 child support under the order terminates, (iv) the Department
21 of Healthcare and Family Services continues to collect child
22 support from the obligor after the child attains 18 years of
23 age or graduates from high school and the obligation to pay

1 child support under the order has terminated and no arrearage
2 exists, and (v) the Department of Healthcare and Family
3 Services learns of the possible wrongful collection of child
4 support, then the Department shall conduct an investigation to
5 determine whether such a wrongful collection occurred and, if
6 it determines that such a wrongful collection occurred and was
7 the fault of the Department, then the Department must refund to
8 the obligor all amounts of child support collected from the
9 obligor after the obligation to pay child support under the
10 order terminated. The Department must make the refund to the
11 obligor within 60 days after the Department determines that the
12 wrongful collection of child support occurred.

13 (c) Notwithstanding any other rulemaking authority that
14 may exist, neither the Governor nor any agency or agency head
15 under the jurisdiction of the Governor has any authority to
16 make or promulgate rules to implement or enforce the provisions
17 of this amendatory Act of the 95th General Assembly. If,
18 however, the Governor believes that rules are necessary to
19 implement or enforce the provisions of this amendatory Act of
20 the 95th General Assembly, the Governor may suggest rules to
21 the General Assembly by filing them with the Clerk of the House
22 and Secretary of the Senate and by requesting that the General
23 Assembly authorize such rulemaking by law, enact those
24 suggested rules into law, or take any other appropriate action
25 in the General Assembly's discretion. Nothing contained in this
26 amendatory Act of the 95th General Assembly shall be

1 interpreted to grant rulemaking authority under any other
2 Illinois statute where such authority is not otherwise
3 explicitly given. For the purposes of this amendatory Act of
4 the 95th General Assembly, "rules" is given the meaning
5 contained in Section 1-70 of the Illinois Administrative
6 Procedure Act, and "agency" and "agency head" are given the
7 meanings contained in Sections 1-20 and 1-25 of the Illinois
8 Administrative Procedure Act to the extent that such
9 definitions apply to agencies or agency heads under the
10 jurisdiction of the Governor.