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LRB096 08683 AJ0 22913 a

1 AMENDMENT TO HOUSE BILL 2236

2 AMENDMENT NO. _____. Amend House Bill 2236, by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Public Aid Code is amended by
5 changing Section 10-3.1 as follows:

6 (305 ILCS 5/10-3.1) (from Ch. 23, par. 10-3.1)

7 Sec. 10-3.1. Child and Spouse Support Unit. The Illinois
8 Department shall establish within its administrative staff a
9 Child and Spouse Support Unit to search for and locate absent
10 parents and spouses liable for the support of persons resident
11 in this State and to exercise the support enforcement powers
12 and responsibilities assigned the Department by this Article.
13 The unit shall cooperate with all law enforcement officials in
14 this State and with the authorities of other States in locating
15 persons responsible for the support of persons resident in
16 other States and shall invite the cooperation of these

1 authorities in the performance of its duties.

2 In addition to other duties assigned the Child and Spouse
3 Support Unit by this Article, the Unit may refer to the
4 Attorney General or units of local government with the approval
5 of the Attorney General, any actions under Sections 10-10 and
6 10-15 for judicial enforcement of the support liability. The
7 Child and Spouse Support Unit shall act for the Department in
8 referring to the Attorney General support matters requiring
9 judicial enforcement under other laws. If requested by the
10 Attorney General to so act, as provided in Section 12-16,
11 attorneys of the Unit may assist the Attorney General or
12 themselves institute actions in behalf of the Illinois
13 Department under the Revised Uniform Reciprocal Enforcement of
14 Support Act; under the Illinois Parentage Act of 1984; under
15 the Non-Support of Spouse and Children Act; under the
16 Non-Support Punishment Act; or under any other law, State or
17 Federal, providing for support of a spouse or dependent child.

18 The Illinois Department shall also have the authority to
19 enter into agreements with local governmental units or
20 individuals, with the approval of the Attorney General, for the
21 collection of moneys owing because of the failure of a parent
22 to make child support payments for any child receiving services
23 under this Article. Such agreements may be on a contingent fee
24 basis, but such contingent fee shall not exceed 25% of the
25 total amount collected.

26 An attorney who provides representation pursuant to this

1 Section shall represent the Illinois Department exclusively.
2 Regardless of the designation of the plaintiff in an action
3 brought pursuant to this Section, an attorney-client
4 relationship does not exist for purposes of that action between
5 that attorney and (i) an applicant for or recipient of child
6 support enforcement services or (ii) any other party to the
7 action other than the Illinois Department. Nothing in this
8 Section shall be construed to modify any power or duty
9 (including a duty to maintain confidentiality) of the Child and
10 Spouse Support Unit or the Illinois Department otherwise
11 provided by law.

12 The Illinois Department may also enter into agreements with
13 local governmental units for the Child and Spouse Support Unit
14 to exercise the investigative and enforcement powers
15 designated in this Article, including the issuance of
16 administrative orders under Section 10-11, in locating
17 responsible relatives and obtaining support for persons
18 applying for or receiving aid under Article VI. Payments for
19 defrayment of administrative costs and support payments
20 obtained shall be deposited into the DHS Recoveries Trust Fund.
21 Support payments shall be paid over to the General Assistance
22 Fund of the local governmental unit at such time or times as
23 the agreement may specify.

24 With respect to those cases in which it has support
25 enforcement powers and responsibilities under this Article,
26 the Illinois Department may provide by rule for periodic or

1 other review of each administrative and court order for support
2 to determine whether a modification of the order should be
3 sought. The Illinois Department shall provide for and conduct
4 such review in accordance with any applicable federal law and
5 regulation. The Illinois Department's program for review and
6 modification of orders for support in cases in which support
7 enforcement services are being provided under this Article X
8 shall include, but not be limited to, cases in which a
9 responsible relative who is committed to the custody of the
10 Department of Corrections requests review and modification of
11 the order for support. The Illinois Department shall enter into
12 a cooperative agreement with the Department of Corrections to
13 facilitate receipt of such requests from committed persons.

14 As part of its process for review of orders for support,
15 the Illinois Department, through written notice, may require
16 the responsible relative to disclose his or her Social Security
17 Number and past and present information concerning the
18 relative's address, employment, gross wages, deductions from
19 gross wages, net wages, bonuses, commissions, number of
20 dependent exemptions claimed, individual and dependent health
21 insurance coverage, and any other information necessary to
22 determine the relative's ability to provide support in a case
23 receiving child support enforcement services under this
24 Article X.

25 The Illinois Department may send a written request for the
26 same information to the relative's employer. The employer shall

1 respond to the request for information within 15 days after the
2 date the employer receives the request. If the employer
3 willfully fails to fully respond within the 15-day period, the
4 employer shall pay a penalty of \$100 for each day that the
5 response is not provided to the Illinois Department after the
6 15-day period has expired. The penalty may be collected in a
7 civil action which may be brought against the employer in favor
8 of the Illinois Department.

9 A written request for information sent to an employer
10 pursuant to this Section shall consist of (i) a citation of
11 this Section as the statutory authority for the request and for
12 the employer's obligation to provide the requested
13 information, (ii) a returnable form setting forth the
14 employer's name and address and listing the name of the
15 employee with respect to whom information is requested, and
16 (iii) a citation of this Section as the statutory authority
17 authorizing the employer to withhold a fee of up to \$20 from
18 the wages or income to be paid to each responsible relative for
19 providing the information to the Illinois Department within the
20 15-day period. If the employer is withholding support payments
21 from the responsible relative's income pursuant to an order for
22 withholding, the employer may withhold the fee provided for in
23 this Section only after withholding support as required under
24 the order. Any amounts withheld from the responsible relative's
25 income for payment of support and the fee provided for in this
26 Section shall not be in excess of the amounts permitted under

1 the federal Consumer Credit Protection Act.

2 In a case receiving child support enforcement services, the
3 Illinois Department may request and obtain information from a
4 particular employer under this Section no more than once in any
5 12-month period, unless the information is necessary to conduct
6 a review of a court or administrative order for support at the
7 request of the person receiving child support enforcement
8 services.

9 The Illinois Department shall establish and maintain an
10 administrative unit to receive and transmit to the Child and
11 Spouse Support Unit information supplied by persons applying
12 for or receiving child support enforcement services under
13 Section 10-1. In addition, the Illinois Department shall
14 address and respond to any alleged deficiencies that persons
15 receiving or applying for services from the Child and Spouse
16 Support Unit may identify concerning the Child and Spouse
17 Support Unit's provision of child support enforcement
18 services. Within 60 days after an action or failure to act by
19 the Child and Spouse Support Unit that affects his or her case,
20 a recipient of or applicant for child support enforcement
21 services under Article X of this Code may request an
22 explanation of the Unit's handling of the case. At the
23 requestor's option, the explanation may be provided either
24 orally in an interview, in writing, or both. If the Illinois
25 Department fails to respond to the request for an explanation
26 or fails to respond in a manner satisfactory to the applicant

1 or recipient within 30 days from the date of the request for an
2 explanation, the applicant or recipient may request a
3 conference for further review of the matter by the Office of
4 the Administrator of the Child and Spouse Support Unit. A
5 request for a conference may be submitted at any time within 60
6 days after the explanation has been provided by the Child and
7 Spouse Support Unit or within 60 days after the time for
8 providing the explanation has expired.

9 The applicant or recipient may request a conference
10 concerning any decision denying or terminating child support
11 enforcement services under Article X of this Code, and the
12 applicant or recipient may also request a conference concerning
13 the Unit's failure to provide services or the provision of
14 services in an amount or manner that is considered inadequate.
15 For purposes of this Section, the Child and Spouse Support Unit
16 includes all local governmental units or individuals with whom
17 the Illinois Department has contracted under Section 10-3.1.

18 Upon receipt of a timely request for a conference, the
19 Office of the Administrator shall review the case. The
20 applicant or recipient requesting the conference shall be
21 entitled, at his or her option, to appear in person or to
22 participate in the conference by telephone. The applicant or
23 recipient requesting the conference shall be entitled to be
24 represented and to be afforded a reasonable opportunity to
25 review the Illinois Department's file before or at the
26 conference. At the conference, the applicant or recipient

1 requesting the conference shall be afforded an opportunity to
2 present all relevant matters in support of his or her claim.
3 Conferences shall be without cost to the applicant or recipient
4 requesting the conference and shall be conducted by a
5 representative of the Child or Spouse Support Unit who did not
6 participate in the action or inaction being reviewed.

7 The Office of the Administrator shall conduct a conference
8 and inform all interested parties, in writing, of the results
9 of the conference within 60 days from the date of filing of the
10 request for a conference.

11 In addition to its other powers and responsibilities
12 established by this Article, the Child and Spouse Support Unit
13 shall conduct an annual assessment of each institution's
14 program for institution based paternity establishment under
15 Section 12 of the Vital Records Act.

16 (Source: P.A. 91-24, eff. 7-1-99; 91-613, eff. 10-1-99; 92-16,
17 eff. 6-28-01; 92-590, eff. 7-1-02.)

18 Section 10. The Unified Code of Corrections is amended by
19 adding Section 3-6-9 as follows:

20 (730 ILCS 5/3-6-9 new)

21 Sec. 3-6-9. Assistance in requesting review and
22 modification of support orders. The Department shall develop
23 and establish a program to assist committed persons who are
24 obligors under support orders in cases in which child support

1 enforcement services are being provided by the Department of
2 Healthcare and Family Services under Article X of the Illinois
3 Public Aid Code in requesting review and modification of such
4 support orders as provided for under that Code. The Department
5 shall enter into a cooperative agreement with the Department of
6 Healthcare and Family Services to facilitate transmittal of
7 such requests from committed persons."