92_HB4477 LRB9211949DJgc

- 1 AN ACT in relation to 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 10-1 as follows:
- 6 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)
- 7 Sec. 10-1. Declaration of Public Policy Persons
- 8 Eligible for Child and Spouse Support Services Fees for
- 9 Non-Applicants and Non-Recipients.) It is the intent of the
- 10 <u>Illinois Public Aid</u> this Code that the financial aid and
- 11 social welfare services herein provided supplement rather
- 12 than supplant the primary and continuing obligation of the
- 13 family unit for self-support to the fullest extent permitted
- 14 by the resources available to it. This primary and continuing
- 15 obligation applies whether the family unit of parents and
- 16 children or of husband and wife remains intact and resides in
- 17 a common household or whether the unit has been broken by
- 18 absence of one or more members of the unit. The obligation
- of the family unit is particularly applicable when a member
- 20 is in necessitous circumstances and lacks the means of a
- 21 livelihood compatible with health and well-being.
- It is the purpose of this Article to provide for locating
- 23 an absent parent or spouse, for determining his financial
- 24 circumstances, and for enforcing his legal obligation of
- 25 support, if he is able to furnish support, in whole or in
- 26 part. The Illinois Department of Public Aid shall give
- 27 priority to establishing, enforcing and collecting the
- 28 current support obligation, and then to past due support owed
- 29 to the family unit, except with respect to collections
- 30 effected through the intercept programs provided for in this
- 31 Article.

The child and spouse support services provided hereunder shall be furnished dependents of an absent parent or spouse who are applicants for or recipients of financial aid under this Code. It is not, however, a condition of eligibility for financial aid that there be no responsible relatives who are reasonably able to provide support. Nor, except as provided in Sections 4-1.7 and 10-8, shall the existence of such relatives or their payment of support contributions disqualify a needy person for financial aid.

By accepting financial aid under this Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Illinois Department for aid under Articles III, IV, V and VII or to a local governmental unit for aid under Article VI of any and all rights, title, and interest in any support obligation up to the amount of financial aid provided. The rights to support assigned to the Illinois Department of Public Aid or local governmental unit shall constitute an obligation owed the State or local governmental unit by the person who is responsible for providing the support, and shall be collectible under all applicable processes.

The Illinois Department of Public Aid shall also furnish the child and spouse support services established under this Article in behalf of persons who are not applicants for or recipients of financial aid under this Code in accordance with the requirements of Title IV, Part D of the Social Security Act. The Department may establish a schedule of reasonable fees, to be paid for the services provided and may deduct a collection fee, not to exceed 10% of the amount collected, from such collection. The Illinois Department of Public Aid shall cause to be published and distributed publications reasonably calculated to inform the public that individuals who are not recipients of or applicants for public aid under this Code are eligible for the child and

- 1 spouse support services under this Article X. Such
- 2 publications shall set forth an explanation, in plain
- 3 language, that the child and spouse support services program
- 4 is independent of any public aid program under the Code and
- 5 that the receiving of child and spouse support service in no
- 6 way implies that the person receiving such service is
- 7 receiving public aid.
- 8 (Source: P.A. 90-18, eff. 7-1-97.)