

1 AMENDMENT TO SENATE BILL 1966

2 AMENDMENT NO. _____. Amend Senate Bill 1966 on page 1,
3 after line 3, by inserting the following:

4 "Section 1. This Act may be cited as the Unified Child
5 Support Services Act.

6 Section 5. Definitions. In this Act:

7 "Child support services" mean any services provided with
8 respect to parentage establishment, support establishment,
9 medical support establishment, support modification, or
10 support enforcement.

11 "Child support specialist" means a paralegal, attorney,
12 or other staff member with specialized training in child
13 support services.

14 "Current child support case" means a case that is pending
15 in the IV-D Child Support Program for which any action is
16 being taken by a Unified Child Support Services Program.

17 "Department" means the Illinois Department of Public Aid.

18 "IV-D Child Support Program" means the child support
19 enforcement program established pursuant to Title IV, Part D
20 of the federal Social Security Act and Article X of the
21 Illinois Public Aid Code.

22 "KIDS" means the Key Information Delivery System that

1 includes a statewide database of all cases in the IV-D Child
2 Support Program.

3 "Medicaid" means the medical assistance program under
4 Article V of the Illinois Public Aid Code.

5 "Obligor" and "obligee" mean those terms as defined in
6 the Income Withholding for Support Act.

7 "Plan" means a plan for a Unified Child Support Services
8 Program.

9 "Program" means the Unified Child Support Services
10 Program in a county or group of counties.

11 "State Disbursement Unit" means the State Disbursement
12 Unit established under Section 10-26 of the Illinois Public
13 Aid Code.

14 "State's Attorney" means the duly elected State's
15 Attorney of an Illinois county or 2 or more State's Attorneys
16 who have formed a consortium for purposes of managing a
17 Unified Child Support Services Program within a specific
18 region of the State.

19 "Temporary Assistance for Needy Families" means the
20 Temporary Assistance for Needy Families (TANF) program under
21 Article IV of the Illinois Public Aid Code.

22 Section 10. Plan for Unified Child Support Services.

23 (a) By July 1, 2003 and by July 1 of each subsequent
24 year, a State's Attorney, in cooperation with the appropriate
25 county officials, may submit to the Department a Plan for a
26 Unified Child Support Services Program that includes all of
27 the components set forth in Section 15 of this Act and that
28 includes a projected budget of the necessary and reasonable
29 direct and indirect costs for operation of the Program. The
30 Plan may provide for phasing in the Program with different
31 implementation dates.

32 (b) By December 1 of the year in which a Plan is
33 submitted, the Department shall approve or reject the Plan.

1 If the Plan is approved, the Department and the State's
2 Attorney shall enter into an intergovernmental agreement
3 incorporating the Plan, subject to the approval of the
4 Attorney General and the appropriate county board. If the
5 Plan is rejected, the Department must set forth (i) specific
6 reasons that the Plan fails to satisfy the specific goals and
7 requirements of this Act or other State or federal
8 requirements and (ii) specific reasons that the necessary and
9 reasonable costs for operation of the Plan could not be
10 agreed upon.

11 (c) Any State's Attorney who submits a Plan pursuant to
12 this Act shall commit to manage the Program for a period of
13 no less than 3 years.

14 (d) If a Plan is rejected, or if for any reason an
15 intergovernmental agreement is not signed, the prior
16 agreement under this Act shall continue in effect until a new
17 intergovernmental agreement is signed or the agreement is
18 terminated.

19 (e) The Department may impose a restriction that no more
20 than 3 State's Attorneys may begin operating a Program in a
21 given year. The Department shall develop a procedure for fair
22 and orderly consideration of Plans as they are submitted or
23 as interest by a State's Attorney is otherwise demonstrated.

24 (f) In any county in which a Unified Child Support
25 Services Program is operating, the Clerk of the Circuit Court
26 may submit to the Department a plan for filing, recording,
27 and making available for retrieval all administrative orders
28 of parentage and administrative orders setting, modifying, or
29 terminating child support obligations for all IV-D cases
30 pending in the county on the implementation date of the
31 Program and all new cases in the IV-D Child Support Program.
32 The Department shall approve or reject the plan, according to
33 the criteria set forth in subsection (b), and shall enter
34 into the appropriate intergovernmental agreement

1 incorporating the plan unless the Department can demonstrate
2 that it has an alternative approach.

3 Section 15. Components of a Unified Child Support
4 Services Program.

5 (a) Any intergovernmental agreement incorporating an
6 approved Plan under this Act must provide that the State's
7 Attorney shall create and manage a Program offering child
8 support services in all IV-D cases pending in the county as
9 of the approval date of the Plan and all new cases in the
10 Department's IV-D Child Support Program, based upon the
11 jurisdiction of the case and in accordance with all relevant
12 laws or Department policies.

13 (b) The child support services offered by each Program
14 and incorporated in the State's Attorney's Plan must comply
15 with the Department's approved Title IV, Part D State Plan
16 and, except as provided in Section 35, must include, but need
17 not be limited to, the following:

18 (1) Accepting applications for child support
19 services from private parties or referrals from any State
20 agency that submits information to KIDS, and providing
21 for the conducting of initial interviews with applicants
22 by telephone or other electronic means.

23 (2) Maintaining flexible office hours, including
24 evening or weekend hours for in-person or telephone
25 appointments, or any other appropriate means in order to
26 meet customer service demands.

27 (3) Providing for a staffing plan that includes
28 assigning cases to a child support specialist who is
29 responsible for coordinating child support services for
30 the case, receiving new and updated information about the
31 case and forwarding that information to all relevant
32 persons and agencies, responding to parents' inquiries
33 and requests in a timely manner, and making appropriate

1 referrals as specified in paragraph (12) of this
2 subsection.

3 (4) Assessing each case for child support services
4 by determining the status of the case and the necessary
5 steps appropriate for the case, including establishing
6 and following standards for determining whether to use
7 judicial or administrative processes for child support
8 services, and establishing and following standards for
9 seeking cooperation from the parties before invoking
10 other enforcement mechanisms.

11 (5) Taking all necessary steps identified in
12 paragraph (4) of this subsection as appropriate for the
13 case, whether by use of judicial or administrative
14 processes, and making appropriate referrals to the
15 Department to follow agency processes for which it is
16 responsible under Section 35 of this Act.

17 (6) Offering genetic testing to determine parentage
18 at the site of the unified child support services
19 operations or near the county courthouse or
20 administrative hearing office where proceedings to
21 establish parentage are conducted.

22 (7) Obtaining identified cases that have moved into
23 non-compliance with obligations set forth in an order
24 involving a child support case and taking steps necessary
25 to bring the case into compliance, including
26 investigating sources of income and the location and type
27 of assets of child support obligors who are in arrears in
28 the payment of support.

29 (8) Obtaining information to provide for periodic
30 or other review of administrative and court orders for
31 support consistent with federal guidelines to determine
32 whether a modification of the order should be sought.

33 (9) Taking responsibility for using KIDS, for
34 entering data with respect to a current child support

1 case into KIDS and editing that data, and for having
2 conflicting or incorrect data reconciled with respect to
3 a current child support case.

4 (10) Reporting cooperation or the circumstances for
5 lack of cooperation with child support services by
6 recipients of public aid under Temporary Assistance for
7 Needy Families or Medicaid.

8 (11) Conducting account reviews and
9 redeterminations with respect to a current child support
10 case in accordance with Department policies and federal
11 guidelines.

12 (12) Establishing referral procedures and making
13 appropriate referrals for programs such as voluntary
14 mediation on custody and visitation, domestic violence,
15 employment and training, child care, and governmental
16 benefits such as Temporary Assistance for Needy Families
17 and Medicaid.

18 (13) Establishing and maintaining a separate,
19 impartial, and independent administrative process for
20 parentage establishment, support establishment, and
21 support modification that affords due process of law to
22 alleged fathers and custodial and non-custodial parents;
23 and furnishing copies of all such administrative orders
24 to the clerk of the circuit court and the Department.

25 (14) Providing all information on the Program's
26 operation needed by the Department to satisfy the
27 Department's reporting requirements to the State and
28 federal governments on a timely basis.

29 (15) Responding to requests for Administrative
30 Accountability Analyses under Article X of the Illinois
31 Public Aid Code, for State's Attorney cases as of the
32 effective date of the approved Plan, and reporting final
33 determinations to the Department.

34 (16) Marketing the Program within the county in

1 which it is operating so that potential applicants learn
2 about child support services offered.

3 (17) Appointing a local, unpaid child support
4 advisory board, with the State's Attorney operating the
5 Program as the chair, that meets at least quarterly.

6 (18) Establishing procedures for referral to the
7 Illinois Attorney General of designated child support
8 cases brought by non-custodial parents.

9 (19) Conducting all operations in accordance with
10 any applicable State or federal laws and regulations and
11 the Plan.

12 Section 20. Subcontracts. A Plan submitted by a State's
13 Attorney for approval to manage a Program must include those
14 subcontracts and intergovernmental agreements necessary for
15 the provision of any components of child support services
16 under the Plan. The Plan must also include a copy of each
17 signed subcontract or intergovernmental agreement or other
18 evidence of the proposed subcontractor or other local
19 governmental entity's intent to perform the services covered
20 by the subcontract or intergovernmental agreement. The
21 subcontract or intergovernmental agreement may be approved by
22 the Department only if the subcontractor or other
23 intergovernmental entity's services are fully integrated into
24 the Program and the subcontractor or other intergovernmental
25 entity's services enhance the efficiency, accessibility, and
26 effectiveness of child support services.

27 Section 25. Performance standards.

28 (a) In consultation with the Department's statewide
29 Child Support Advisory Committee and a designated
30 representative of the Illinois State's Attorneys Association,
31 the Department shall establish the following by rule:

32 (1) Measures of performance for all State's

1 Attorneys operating a program and contractors and local
2 governmental entities providing child support services in
3 the IV-D Child Support Program with respect to parentage
4 establishment, support order establishment, current
5 support collections, arrearage collections,
6 cost-effectiveness, or any other measures used by the
7 federal government or as set forth by the Department.

8 (2) Procedures for apportioning any projected
9 incentive funding between any eligible contractors or
10 local governmental entities.

11 (b) Once each year, the Department shall estimate the
12 total State and federal incentive funding that will be
13 available for distribution under this subsection during the
14 following year. Any State's Attorney operating a program and
15 a contractor or local governmental entity providing child
16 support services in the IV-D Child Support Program are
17 eligible to earn incentive payments, based on the score
18 received for performance standards required under this
19 Section and the amount available for that year under this
20 subsection.

21 (c) Once each year, the Department shall apply the
22 performance standards to all State's Attorneys operating a
23 program and contractors and local governmental entities
24 providing child support services in the IV-D Child Support
25 Program, and shall publish a report of such performance
26 levels and corresponding scores used in calculating the
27 incentive payment amount.

28 Section 30. Annual report to General Assembly. The
29 Department shall submit to the General Assembly an annual
30 report on the operation of Programs during the preceding
31 State fiscal year. The annual report must include, but need
32 not be limited to, the following:

33 (1) The report of performance levels and

1 corresponding scores used in calculating the incentive
2 payment amounts under Section 20.

3 (2) A narrative description of each Program
4 operating in the State, including (i) the manner in which
5 a State's Attorney complied or failed to comply with each
6 assurance included in the applicable Plan and (ii) the
7 Program's annual budget and staffing.

8 Section 35. IV-D Child Support Program responsibilities.

9 (a) The Department has the authority and responsibility
10 for administering the IV-D Child Support Program in
11 compliance with Title IV, Part D of the federal Social
12 Security Act.

13 (b) The Department may enter into agreements with
14 contractors or local governmental entities to manage any
15 services provided by the IV-D Child Support Program in
16 counties in which the State's Attorney is not operating a
17 Program. All contractors or local governmental entities
18 entering into agreements with the Department must meet the
19 applicable performance standards set forth in Section 25.

20 (c) In all counties, whether or not the State's Attorney
21 in a county is operating a Program, the Department must, at a
22 minimum, fulfill its responsibilities under Title IV, Part D
23 of the federal Social Security Act and Article X of the
24 Illinois Public Aid Code in connection with the following:

25 (1) Operation of a statewide toll free telephone
26 number that refers parties to the appropriate contact as
27 established by a Plan.

28 (2) Management and supervision of the State
29 Disbursement Unit.

30 (3) Management and supervision of KIDS and the
31 State Case Registry established under Section 10-27 of
32 the Illinois Public Aid Code, including the
33 responsibility (i) for entering and editing data for

1 activities being conducted by the Department with respect
2 to a current child support case and (ii) for having
3 conflicting or incorrect data reconciled with respect to
4 those activities. A State's Attorney operating a Program,
5 however, must be able to enter data directly into KIDS
6 with respect to any current child support cases for which
7 the State's Attorney is responsible and must be able to
8 edit that data when necessary.

9 (4) Federal income tax refund intercepts.

10 (5) State income tax refund and other payment
11 intercepts.

12 (6) Sending notices required by law to parents,
13 except as otherwise provided in a Plan.

14 (7) Submitting past due support information to
15 licensing agencies.

16 (8) Notifying the Illinois Department of Public
17 Health of parentage establishments and acknowledgments.

18 (9) Maintaining the Central Case Registry with
19 respect to interstate cases, and taking any necessary
20 actions that are not otherwise specified in a Plan.

21 (10) Submittal of past-due support information to
22 the Illinois Department of Revenue.

23 (11) Requests for data matches with financial
24 institutions.

25 (12) Account reviews and redeterminations for any
26 child support cases in which administrative processes are
27 utilized by the Department under this Section.

28 (13) Reports to the federal government.

29 (14) All other duties required under Title IV, Part
30 D of the federal Social Security Act that are not
31 otherwise included in a Plan.

32 (d) To the extent that the provisions of this Act are
33 inconsistent with the responsibilities or requirements
34 imposed on the IV-D Child Support Program under Article X of

1 the Illinois Public Aid Code, the provisions of this Act
2 shall control, unless doing so violates Title IV, Part D of
3 the federal Social Security Act."; and

4 on page 1, line 4, by changing "Section 5" to "Section 905";
5 and

6 on page 14, line 14, by changing "Section 10" to "Section
7 910"; and

8 on page 32, line 4, by changing "Section 15" to "Section
9 915"; and

10 on page 38, line 13, by changing "Section 20" to "Section
11 920".