

1 AN ACT in relation to child support.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

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

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

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

29 "Plan" means a plan for a Unified Child Support Services
30 Program.

31 "Program" means the Unified Child Support Services

1 Program in a county or group of counties.

2 "State Disbursement Unit" means the State Disbursement
3 Unit established under Section 10-26 of the Illinois Public
4 Aid Code.

5 "State's Attorney" means the duly elected State's
6 Attorney of an Illinois county or 2 or more State's Attorneys
7 who have formed a consortium for purposes of managing a
8 Unified Child Support Services Program within a specific
9 region of the State.

10 "Temporary Assistance for Needy Families" means the
11 Temporary Assistance for Needy Families (TANF) program under
12 Article IV of the Illinois Public Aid Code.

13 Section 10. Plan for Unified Child Support Services.

14 (a) On July 1, 2004, the Department shall delegate to
15 the State's Attorney in each Illinois county with a
16 population of 900,000 or more the responsibility for managing
17 a Unified Child Support Services Program pursuant to an
18 approved Plan for Unified Child Support Services and an
19 intergovernmental agreement entered into between that
20 county's State's Attorney and the Department.

21 (b) By July 1, 2003, and by July 1 of each subsequent
22 year, each State's Attorney of a county with a population of
23 900,000 or more shall submit to the Department a Plan that
24 includes all of the components set forth in Section 15 of
25 this Act and that includes a projected budget of the
26 necessary and reasonable costs for operation of the Plan.
27 Upon approval by the State's Attorney and the Department,
28 however, the Plan may provide for phasing in the Program with
29 different implementation dates.

30 (c) The Department shall approve or reject each Plan,
31 subject to the approval of the Illinois Attorney General, by
32 December 1 of the year in which it is submitted. If the
33 Department rejects a Plan, then (i) the Department must set

1 forth specific reasons that the Plan fails to satisfy the
2 specific goals and requirements of this Act or other State or
3 federal requirements and (ii) the Department and the State's
4 Attorney must set forth specific reasons that a budget for
5 the necessary and reasonable costs for operation of the Plan
6 could not be agreed upon. The Department and the State's
7 Attorney shall enter into an intergovernmental agreement
8 incorporating the approved Plan.

9 (d) By July 1, 2006 or any July 1 thereafter, a State's
10 Attorney in any county with a population less than 900,000
11 may elect to submit a Plan to the Department to manage a
12 Program, and all of the provisions of this Act shall apply to
13 an approved Plan. The Department may approve a maximum of 3
14 such Plans per year.

15 (e) Any State's Attorney who submits a Plan pursuant to
16 this Act shall commit to manage the Program for a period of
17 no less than 3 years.

18 Section 15. Components of a Unified Child Support
19 Services Program.

20 (a) Any intergovernmental agreement incorporating an
21 approved Plan under this Act must provide that the State's
22 Attorney shall create and manage a Program offering child
23 support services in all IV-D cases pending in the county as
24 of the approval date of the Plan and all new cases in the
25 Department's IV-D Child Support Program, based upon the
26 jurisdiction of the case and in accordance with all relevant
27 laws or Department policies.

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

33 (1) Accepting applications for child support

1 services from private parties or referrals from any State
2 agency that submits information to KIDS, and providing
3 for the conducting of initial interviews with applicants
4 by telephone or other electronic means.

5 (2) Maintaining flexible office hours, including
6 evening or weekend hours for in-person or telephone
7 appointments, or any other appropriate means in order to
8 meet customer service demands.

9 (3) Providing for a staffing plan that includes
10 assigning cases to a child support specialist who is
11 responsible for coordinating child support services for
12 the case, receiving new and updated information about the
13 case and forwarding that information to all relevant
14 persons and agencies, responding to parents' inquiries
15 and requests in a timely manner, and making appropriate
16 referrals as specified in paragraph (12) of this
17 subsection.

18 (4) Assessing each case for child support services
19 by determining the status of the case and the necessary
20 steps appropriate for the case, including establishing
21 and following standards for determining whether to use
22 judicial or administrative processes for child support
23 services, and establishing and following standards for
24 seeking cooperation from the parties before invoking
25 other enforcement mechanisms.

26 (5) Taking all necessary steps identified in
27 paragraph (4) of this subsection as appropriate for the
28 case, whether by use of judicial or administrative
29 processes, and making appropriate referrals to the
30 Department to follow agency processes for which it is
31 responsible under Section 35 of this Act.

32 (6) Offering genetic testing to determine parentage
33 at the site of the unified child support services
34 operations or near the county courthouse or

1 administrative hearing office where proceedings to
2 establish parentage are conducted.

3 (7) Identifying cases that have moved into
4 non-compliance with obligations set forth in an order
5 involving a child support case and taking steps necessary
6 to bring the case into compliance, including
7 investigating sources of income and the location and type
8 of assets of child support obligors who are in arrears in
9 the payment of support.

10 (8) Providing for periodic or other review of
11 administrative and court orders for support consistent
12 with federal guidelines to determine whether a
13 modification of the order should be sought.

14 (9) Taking responsibility for using KIDS, for
15 entering data with respect to a current child support
16 case into KIDS and editing that data, and for having
17 conflicting or incorrect data reconciled with respect to
18 a current child support case, whether by staff of a
19 State's Attorney, the Department staff, the State
20 Disbursement Unit staff, or staff of a Clerk of the
21 Circuit Court.

22 (10) Reporting cooperation or the circumstances for
23 lack of cooperation with child support services by
24 recipients of public aid under Temporary Assistance for
25 Needy Families or Medicaid.

26 (11) Conducting account reviews and
27 redeterminations with respect to a current child support
28 case in accordance with Department policies and federal
29 guidelines.

30 (12) Establishing referral procedures and making
31 appropriate referrals for programs such as voluntary
32 mediation on custody and visitation, domestic violence,
33 employment and training, child care, and governmental
34 benefits such as Temporary Assistance for Needy Families

1 and Medicaid.

2 (13) Establishing and maintaining an administrative
3 process for parentage establishment, support
4 establishment, and support modification that affords due
5 process of law to alleged fathers and custodial and
6 non-custodial parents; and furnishing copies of all such
7 administrative orders to the clerk of the circuit court
8 and the Department.

9 (14) Providing all information on the Program's
10 operation needed by the Department to satisfy the
11 Department's reporting requirements to the State and
12 federal governments on a timely basis.

13 (15) Responding to requests for Administrative
14 Accountability Analyses under Article X of the Illinois
15 Public Aid Code, for State's Attorney cases as of the
16 effective date of this Act, and reporting final
17 determinations to the Department.

18 (16) Marketing the Program within the county in
19 which it is operating so that potential applicants learn
20 about child support services offered.

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

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

27 (19) Conducting all operations in accordance with
28 any applicable State or federal laws and regulations and
29 the Plan.

30 Section 20. Subcontracts. A Plan submitted by a State's
31 Attorney for approval to manage a Program must include those
32 subcontracts and intergovernmental agreements necessary for
33 the provision of any components of child support services

1 under the Plan. The Plan must also include a copy of each
2 signed subcontract or intergovernmental agreement or other
3 evidence of the proposed subcontractor or other local
4 governmental entity's intent to perform the services covered
5 by the subcontract or intergovernmental agreement. The
6 subcontract or intergovernmental agreement may be approved by
7 the Department only if the subcontractor or other
8 intergovernmental entity's services are fully integrated into
9 the Program and the subcontractor or other intergovernmental
10 entity's services enhance the efficiency, accessibility, and
11 effectiveness of child support services.

12 Section 25. Performance standards.

13 (a) In consultation with the Department's statewide
14 Child Support Advisory Committee, the Department shall
15 establish the following by rule:

16 (1) Measures of performance for all State's
17 Attorneys operating a program and contractors and local
18 governmental entities providing child support services in
19 the IV-D Child Support Program with respect to parentage
20 establishment, support order establishment, current
21 support collections, arrearage collections,
22 cost-effectiveness, or any other measures used by the
23 federal government or as set forth by the Department.

24 (2) Procedures for apportioning any projected
25 incentive funding between any eligible contractors or
26 local governmental entities.

27 (b) Once each year, the Department shall estimate the
28 total State and federal incentive funding that will be
29 available for distribution under this subsection during the
30 following year. Any State's Attorney operating a program and
31 a contractor or local governmental entity providing child
32 support services in the IV-D Child Support Program are
33 eligible to earn incentive payments, based on the score

1 received for performance standards required under this
2 Section and the amount available for that year under this
3 subsection.

4 (c) Once each year, the Department shall apply the
5 performance standards to all State's Attorneys operating a
6 program and contractors and local governmental entities
7 providing child support services in the IV-D Child Support
8 Program, and shall publish a report of such performance
9 levels and corresponding scores used in calculating the
10 incentive payment amount.

11 Section 30. Annual report to General Assembly. The
12 Department shall submit to the General Assembly an annual
13 report on the operation of Programs during the preceding
14 State fiscal year. The annual report must include, but need
15 not be limited to, the following:

16 (1) The report of performance levels and
17 corresponding scores used in calculating the incentive
18 payment amounts under Section 20.

19 (2) A narrative description of each Program
20 operating in the State, including (i) the manner in which
21 a State's Attorney complied or failed to comply with each
22 assurance included in the applicable Plan and (ii) the
23 Program's annual budget and staffing.

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

25 (a) The Department has the authority and responsibility
26 for administering the IV-D Child Support Program in
27 compliance with Title IV, Part D of the federal Social
28 Security Act.

29 (b) The Department may enter into agreements with
30 contractors or local governmental entities to manage any
31 services provided by the IV-D Child Support Program in
32 counties in which the State's Attorney is not operating a

1 Program. All contractors or local governmental entities
2 entering into agreements with the Department must meet the
3 applicable performance standards set forth in Section 25.

4 (c) In any county in which a program is operating, the
5 Department may enter into an intergovernmental agreement,
6 with the Clerk of the Circuit Court to be responsible for
7 filing, recording, and making available for retrieval all
8 administrative orders of parentage and administrative orders
9 setting, modifying, or terminating child support obligations.

10 (d) With respect to those counties in which a State's
11 Attorney is operating a Program, the Department must, at a
12 minimum, fulfill its responsibilities under Title IV, Part D
13 of the federal Social Security Act and Article X of the
14 Illinois Public Aid Code in connection with the following:

15 (1) Operation of a statewide toll free telephone
16 number that refers parties to the appropriate contact as
17 established by a Plan.

18 (2) Management and supervision of the State
19 Disbursement Unit.

20 (3) Management and supervision of KIDS and the
21 State Case Registry established under Section 10-27 of
22 the Illinois Public Aid Code. A State's Attorney
23 operating a Program, however, must be able to enter data
24 directly into KIDS with respect to any current child
25 support cases for which the State's Attorney is
26 responsible and must be able to edit that data when
27 necessary.

28 (4) Federal income tax refund intercepts.

29 (5) State income tax refund and other payment
30 intercepts.

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

33 (7) Submitting past due support information to
34 licensing agencies.

1 (8) Notifying the Illinois Department of Public
2 Health of parentage establishments and acknowledgments.

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

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

8 (11) Requests for data matches with financial
9 institutions.

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

13 (13) Reports to the federal government.

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

17 (e) To the extent that the provisions of this Act are
18 inconsistent with the responsibilities or requirements
19 imposed on the IV-D Child Support Program under Article X of
20 the Illinois Public Aid Code, the provisions of this Act
21 shall control, unless doing so violates Title IV, Part D of
22 the federal Social Security Act.