

1                  AMENDMENT TO HOUSE BILL 5140

2          AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5140 by replacing  
3 everything after the enacting clause with 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) On July 1, 2004, the Department shall delegate to  
24 the State's Attorney in each Illinois county with a  
25 population of 900,000 or more the responsibility for managing  
26 a Unified Child Support Services Program pursuant to an  
27 approved Plan for Unified Child Support Services and an  
28 intergovernmental agreement entered into between that  
29 county's State's Attorney and the Department.

30 (b) By July 1, 2003, and by July 1 of each subsequent  
31 year, each State's Attorney of a county with a population of  
32 900,000 or more shall submit to the Department a Plan that  
33 includes all of the components set forth in Section 15 of

1 this Act and that includes a projected budget of the  
2 necessary and reasonable costs for operation of the Plan.  
3 Upon approval by the State's Attorney and the Department,  
4 however, the Plan may provide for phasing in the Program with  
5 different implementation dates.

6 (c) The Department shall approve or reject each Plan,  
7 subject to the approval of the Illinois Attorney General, by  
8 December 1 of the year in which it is submitted. If the  
9 Department rejects a Plan, then (i) the Department must set  
10 forth specific reasons that the Plan fails to satisfy the  
11 specific goals and requirements of this Act or other State or  
12 federal requirements and (ii) the Department and the State's  
13 Attorney must set forth specific reasons that a budget for  
14 the necessary and reasonable costs for operation of the Plan  
15 could not be agreed upon. The Department and the State's  
16 Attorney shall enter into an intergovernmental agreement  
17 incorporating the approved Plan.

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

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

27 Section 15. Components of a Unified Child Support  
28 Services Program.

29 (a) Any intergovernmental agreement incorporating an  
30 approved Plan under this Act must provide that the State's  
31 Attorney shall create and manage a Program offering child  
32 support services in all IV-D cases pending in the county as  
33 of the approval date of the Plan and all new cases in the

1 Department's IV-D Child Support Program, based upon the  
2 jurisdiction of the case and in accordance with all relevant  
3 laws or Department policies.

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

9 (1) Accepting applications for child support  
10 services from private parties or referrals from any State  
11 agency that submits information to KIDS, and providing  
12 for the conducting of initial interviews with applicants  
13 by telephone or other electronic means.

14 (2) Maintaining flexible office hours, including  
15 evening or weekend hours for in-person or telephone  
16 appointments, or any other appropriate means in order to  
17 meet customer service demands.

18 (3) Providing for a staffing plan that includes  
19 assigning cases to a child support specialist who is  
20 responsible for coordinating child support services for  
21 the case, receiving new and updated information about the  
22 case and forwarding that information to all relevant  
23 persons and agencies, responding to parents' inquiries  
24 and requests in a timely manner, and making appropriate  
25 referrals as specified in paragraph (12) of this  
26 subsection.

27 (4) Assessing each case for child support services  
28 by determining the status of the case and the necessary  
29 steps appropriate for the case, including establishing  
30 and following standards for determining whether to use  
31 judicial or administrative processes for child support  
32 services, and establishing and following standards for  
33 seeking cooperation from the parties before invoking  
34 other enforcement mechanisms.

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

7           (6) Offering genetic testing to determine parentage  
8 at the site of the unified child support services  
9 operations or near the county courthouse or  
10 administrative hearing office where proceedings to  
11 establish parentage are conducted.

12           (7) Identifying cases that have moved into  
13 non-compliance with obligations set forth in an order  
14 involving a child support case and taking steps necessary  
15 to bring the case into compliance, including  
16 investigating sources of income and the location and type  
17 of assets of child support obligors who are in arrears in  
18 the payment of support.

19           (8) Providing for periodic or other review of  
20 administrative and court orders for support consistent  
21 with federal guidelines to determine whether a  
22 modification of the order should be sought.

23           (9) Taking responsibility for using KIDS, for  
24 entering data with respect to a current child support  
25 case into KIDS and editing that data, and for having  
26 conflicting or incorrect data reconciled with respect to  
27 a current child support case, whether by staff of a  
28 State's Attorney, the Department staff, the State  
29 Disbursement Unit staff, or staff of a Clerk of the  
30 Circuit Court.

31           (10) Reporting cooperation or the circumstances for  
32 lack of cooperation with child support services by  
33 recipients of public aid under Temporary Assistance for  
34 Needy Families or Medicaid.

1           (11) Conducting account reviews and  
2 redeterminations with respect to a current child support  
3 case in accordance with Department policies and federal  
4 guidelines.

5           (12) Establishing referral procedures and making  
6 appropriate referrals for programs such as voluntary  
7 mediation on custody and visitation, domestic violence,  
8 employment and training, child care, and governmental  
9 benefits such as Temporary Assistance for Needy Families  
10 and Medicaid.

11           (13) Establishing and maintaining an administrative  
12 process for parentage establishment, support  
13 establishment, and support modification that affords due  
14 process of law to alleged fathers and custodial and  
15 non-custodial parents; and furnishing copies of all such  
16 administrative orders to the clerk of the circuit court  
17 and the Department.

18           (14) Providing all information on the Program's  
19 operation needed by the Department to satisfy the  
20 Department's reporting requirements to the State and  
21 federal governments on a timely basis.

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

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

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

33           (18) Establishing procedures for referral to the  
34 Illinois Attorney General of designated child support

1 cases brought by non-custodial parents.

2 (19) Conducting all operations in accordance with  
3 any applicable State or federal laws and regulations and  
4 the Plan.

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

20 Section 25. Performance standards.

21 (a) In consultation with the Department's statewide  
22 Child Support Advisory Committee, the Department shall  
23 establish the following by rule:

24 (1) Measures of performance for all State's  
25 Attorneys operating a program and contractors and local  
26 governmental entities providing child support services in  
27 the IV-D Child Support Program with respect to parentage  
28 establishment, support order establishment, current  
29 support collections, arrearage collections,  
30 cost-effectiveness, or any other measures used by the  
31 federal government or as set forth by the Department.

32 (2) Procedures for apportioning any projected

1 incentive funding between any eligible contractors or  
2 local governmental entities.

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

13 (c) Once each year, the Department shall apply the  
14 performance standards to all State's Attorneys operating a  
15 program and contractors and local governmental entities  
16 providing child support services in the IV-D Child Support  
17 Program, and shall publish a report of such performance  
18 levels and corresponding scores used in calculating the  
19 incentive payment amount.

20 Section 30. Annual report to General Assembly. The  
21 Department shall submit to the General Assembly an annual  
22 report on the operation of Programs during the preceding  
23 State fiscal year. The annual report must include, but need  
24 not be limited to, the following:

25 (1) The report of performance levels and  
26 corresponding scores used in calculating the incentive  
27 payment amounts under Section 20.

28 (2) A narrative description of each Program  
29 operating in the State, including (i) the manner in which  
30 a State's Attorney complied or failed to comply with each  
31 assurance included in the applicable Plan and (ii) the  
32 Program's annual budget and staffing.



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

2 (a) The Department has the authority and responsibility  
3 for administering the IV-D Child Support Program in  
4 compliance with Title IV, Part D of the federal Social  
5 Security Act.

6 (b) The Department may enter into agreements with  
7 contractors or local governmental entities to manage any  
8 services provided by the IV-D Child Support Program in  
9 counties in which the State's Attorney is not operating a  
10 Program. All contractors or local governmental entities  
11 entering into agreements with the Department must meet the  
12 applicable performance standards set forth in Section 25.

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

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

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

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

29 (3) Management and supervision of KIDS and the  
30 State Case Registry established under Section 10-27 of  
31 the Illinois Public Aid Code. A State's Attorney  
32 operating a Program, however, must be able to enter data  
33 directly into KIDS with respect to any current child  
34 support cases for which the State's Attorney is

1 responsible and must be able to edit that data when  
2 necessary.

3 (4) Federal income tax refund intercepts.

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

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

8 (7) Submitting past due support information to  
9 licensing agencies.

10 (8) Notifying the Illinois Department of Public  
11 Health of parentage establishments and acknowledgments.

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

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

17 (11) Requests for data matches with financial  
18 institutions.

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

22 (13) Reports to the federal government.

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

26 (e) To the extent that the provisions of this Act are  
27 inconsistent with the responsibilities or requirements  
28 imposed on the IV-D Child Support Program under Article X of  
29 the Illinois Public Aid Code, the provisions of this Act  
30 shall control, unless doing so violates Title IV, Part D of  
31 the federal Social Security Act."