

1    AMENDMENT TO SENATE BILL 1033

2            AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1033 by replacing  
3 everything after the enacting clause with the following:

4            "Section 5. The State Comptroller Act is amended by  
5 changing Section 10.05a as follows:

6            (15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)  
7            Sec. 10.05a. Deductions from Warrants and Payments for  
8 Satisfaction of Past Due Child Support.

9            (a) At the direction of the Department of Public Aid,  
10 the Comptroller shall deduct from a warrant or other payment  
11 described in Section 10.05 of this Act, in accordance with  
12 the procedures provided therein, and pay over to the  
13 Department or the State Disbursement Unit established under  
14 Section 10-26 of the Illinois Public Aid Code, at the  
15 direction of the Department, that amount certified as  
16 necessary to satisfy, in whole or in part, past due support  
17 owed by a person on account of support action being taken by  
18 the Department under Article X of the Illinois Public Aid  
19 Code, whether or not such support is owed to the State. Such  
20 deduction shall have priority over any garnishment except  
21 that for payment of state or federal taxes. In the case of  
22 joint payees, the Comptroller shall deduct and pay over to

1 the Department or the State Disbursement Unit, as directed by  
 2 the Department, the entire amount certified. The Comptroller  
 3 shall provide the Department with the address to which the  
 4 warrant or other payment was to be mailed and the social  
 5 security number of each person from whom a deduction is made  
 6 pursuant to this Section.

7 (b) Upon a court's certification of an arrearage under  
 8 an order for support as provided in Section 12-1505 of the  
 9 Code of Civil Procedure, the Comptroller shall deduct from a  
 10 warrant for the payment of a refund under the Illinois Income  
 11 Tax Act to the obligor under the order for support, in  
 12 accordance with the procedures provided in Section 10.05 of  
 13 this Act, and pay over to the obligee under the order for  
 14 support, that amount certified as necessary to satisfy the  
 15 arrearage, in whole or in part. The deduction shall have  
 16 priority over any garnishment except that for payment of  
 17 State or federal taxes. In the case of a joint payee, the  
 18 Comptroller shall deduct and pay over to the obligee the  
 19 entire amount certified. As used in this subsection,  
 20 "arrearage", "obligee", "obligor", and "order for support"  
 21 are defined as in the Income Withholding for Support Act.

22 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00.)

23 Section 10. The Code of Civil Procedure is amended by  
 24 adding Part 15 to Article XII as follows:

25 (735 ILCS 5/Art. XII, Part 15 heading new)

26 PART 15. SUPPORT

27 (735 ILCS 5/12-1505 new)

28 Sec. 12-1505. State income tax refund intercept.

29 (a) In this Part, "arrearage", "delinquency", "obligee",  
 30 "obligor", and "order for support" are defined as in the  
 31 Income Withholding for Support Act.

1       (b) Whenever an obligor accrues a delinquency, the  
2       obligee may file a petition in the circuit court seeking  
3       relief under this Part. The petition must include  
4       allegations of fact showing the obligor's delinquency and  
5       must be served on the obligor as in other civil cases. The  
6       court shall schedule a hearing on the petition and notify the  
7       obligor of the hearing. At the hearing, the court shall  
8       afford the obligor an opportunity to be heard.

9       (c) Following the hearing on the petition, if the court  
10       finds that a delinquency exists, the court shall certify to  
11       the State Comptroller the amount of the arrearage as  
12       determined by the court. The purpose of the certification  
13       shall be to intercept any State income tax refund due the  
14       obligor in order to satisfy the arrearage, in whole or in  
15       part. The certification shall include sufficient information  
16       identifying the obligor and the obligee to enable the  
17       Comptroller to deduct and pay over to the obligee the amount  
18       certified."