

1 TITLE 89: SOCIAL SERVICES
2 CHAPTER I: DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES
3 SUBCHAPTER f: COLLECTIONS
4

5 PART 160
6 CHILD SUPPORT SERVICES
7

8 SUBPART A: GENERAL PROVISIONS
9

10 Section

- 11 160.1 Incorporation by Reference
12 160.5 Definitions
13 160.10 Child Support Enforcement Program
14 160.12 Administrative Accountability Process
15 160.15 Fees for IV-D Non-TANF Cases
16 160.20 Assignment of Rights to Support
17 160.25 Recoupment
18

19 SUBPART B: COOPERATION WITH CHILD SUPPORT ENFORCEMENT
20

21 Section

- 22 160.30 Cooperation With Support Enforcement Program
23 160.35 Good Cause for Failure to Cooperate with Support Enforcement
24 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement
25 160.45 Suspension of Child Support Enforcement Upon a Claim of Good Cause
26

27 SUBPART C: ESTABLISHMENT AND MODIFICATION OF
28 CHILD SUPPORT ORDERS
29

30 Section

- 31 160.60 Establishment of Support Obligations
32 160.61 Uncontested and Contested Administrative Paternity and Support Establishment
33 160.62 Cooperation with Paternity Establishment and Continued Eligibility
34 Demonstration Program (Repealed)
35 160.64 Compromise of Assigned Obligations
36 160.65 Modification of Support Obligations
37

38 SUBPART D: ENFORCEMENT OF CHILD SUPPORT ORDERS
39

40 Section

- 41 160.70 Enforcement of Support Orders
42 160.71 Credit for Payments Made Directly to the Title IV-D Client
43 160.75 Withholding of Income to Secure Payment of Support

- 44 160.77 Certifying Past-Due Support Information or Failure to Comply with a Subpoena
- 45 or Warrant to State Licensing Agencies (Repealed)
- 46 160.80 Amnesty – 20% Charge (Repealed)
- 47 160.85 Diligent Efforts to Serve Process
- 48 160.88 State Case Registry
- 49 160.89 Interest

50

51 SUBPART E: EARMARKING CHILD SUPPORT PAYMENTS

52

53 Section

- 54 160.90 Earmarking Child Support Payments

55

56 SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

57

58 Section

- 59 160.95 State Disbursement Unit
- 60 160.100 Distribution of Child Support for TANF Recipients
- 61 160.110 Distribution of Child Support for Former AFDC or TANF Recipients Who
- 62 Continue to Receive Child Support Services
- 63 160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF
- 64 Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is
- 65 Cancelled
- 66 160.130 Distribution of Intercepted Federal Income Tax Refunds
- 67 160.132 Distribution of Child Support for Non-TANF Clients
- 68 160.134 Distribution of Child Support for Intergovernmental Cases
- 69 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases
- 70 160.138 Distribution of Child Support for Medical Assistance No Grant Cases

71

72 SUBPART G: STATEMENT OF CHILD SUPPORT ACCOUNT ACTIVITY

73

74 Section

- 75 160.140 Quarterly Notice of Child Support Account Activity

76

77 SUBPART H: DEPARTMENT REVIEW OF DISTRIBUTION OF CHILD SUPPORT

78

79 Section

- 80 160.150 Department Review of Distribution of Child Support for TANF Recipients
- 81 160.160 Department Review of Distribution of Child Support for Former AFDC or TANF
- 82 Recipients

83

84 SUBPART I: INTERGOVERNMENTAL IV-D CASES

85

86 Section

87 160.200 Provision of Services in Intergovernmental IV-D Cases
 88

89 AUTHORITY: Implementing and authorized by Sections 4-1.7, Art. X, 12-4.3, and 12-13 of the
 90 Illinois Public Aid Code [305 ILCS 5].
 91

92 SOURCE: Recodified from 89 Ill. Adm. Code 112.78 through 112.86 and 112.88 at 10 Ill. Reg.
 93 11928; amended at 10 Ill. Reg. 19990, effective November 14, 1986; emergency amendment at
 94 11 Ill. Reg. 4800, effective March 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg.
 95 9129, effective April 30, 1987; amended at 11 Ill. Reg. 15208, effective August 31, 1987;
 96 emergency amendment at 11 Ill. Reg. 1563, effective December 31, 1987, for a maximum of 150
 97 days; amended at 12 Ill. Reg. 9065, effective May 16, 1988; amended at 12 Ill. Reg. 18185,
 98 effective November 4, 1988; emergency amendment at 12 Ill. Reg. 20835, effective December 2,
 99 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 22278, effective January 1, 1989;
 100 amended at 13 Ill. Reg. 4268, effective March 21, 1989; amended at 13 Ill. Reg. 7761, effective
 101 May 22, 1989; amended at 13 Ill. Reg. 14385, effective September 1, 1989; amended at 13 Ill.
 102 Reg. 16768, effective October 12, 1989; amended at 14 Ill. Reg. 18759, effective November 9,
 103 1990; amended at 15 Ill. Reg. 1034, effective January 21, 1991; amended at 16 Ill. Reg. 1852,
 104 effective January 20, 1992; amended at 16 Ill. Reg. 9997, effective June 15, 1992; amended at 17
 105 Ill. Reg. 2272, effective February 11, 1993; amended at 17 Ill. Reg. 18844, effective October 18,
 106 1993; amended at 18 Ill. Reg. 697, effective January 10, 1994; amended at 18 Ill. Reg. 12052,
 107 effective July 25, 1994; amended at 18 Ill. Reg. 15083, effective September 23, 1994; amended
 108 at 18 Ill. Reg. 17886, effective November 30, 1994; amended at 19 Ill. Reg. 1314, effective
 109 January 30, 1995; amended at 19 Ill. Reg. 8298, effective June 15, 1995; amended at 19 Ill. Reg.
 110 12675, effective August 31, 1995; emergency amendment at 19 Ill. Reg. 15492, effective
 111 October 30, 1995, for a maximum of 150 days; amended at 20 Ill. Reg. 1195, effective January
 112 5, 1996; amended at 20 Ill. Reg. 5659, effective March 28, 1996; emergency amendment at 20
 113 Ill. Reg. 14002, effective October 15, 1996, for a maximum of 150 days; amended at 21 Ill. Reg.
 114 1189, effective January 10, 1997; amended at 21 Ill. Reg. 3922, effective March 13, 1997;
 115 emergency amendment at 21 Ill. Reg. 8594, effective July 1, 1997, for a maximum of 150 days;
 116 emergency amendment at 21 Ill. Reg. 9220, effective July 1, 1997, for a maximum of 150 days;
 117 amended at 21 Ill. Reg. 12197, effective August 22, 1997; amended at 21 Ill. Reg. 16050,
 118 effective November 26, 1997; amended at 22 Ill. Reg. 14895, effective August 1, 1998;
 119 emergency amendment at 22 Ill. Reg. 17046, effective September 10, 1998, for a maximum of
 120 150 days; amended at 23 Ill. Reg. 2313, effective January 22, 1999; emergency amendment at 23
 121 Ill. Reg. 11715, effective September 1, 1999, for a maximum of 150 days; emergency
 122 amendment at 23 Ill. Reg. 12737, effective October 1, 1999, for a maximum of 150 days;
 123 amended at 23 Ill. Reg. 14560, effective December 1, 1999; amended at 24 Ill. Reg. 2380,
 124 effective January 27, 2000; amended at 24 Ill. Reg. 3808, effective February 25, 2000;
 125 emergency amendment at 26 Ill. Reg. 11092, effective July 1, 2002, for a maximum of 150 days;
 126 amended at 26 Ill. Reg. 17822, effective November 27, 2002; amended at 27 Ill. Reg. 4732,
 127 effective February 25, 2003; amended at 27 Ill. Reg. 7842, effective May 1, 2003; emergency
 128 amendment at 27 Ill. Reg. 12139, effective July 11, 2003, for a maximum of 150 days; amended
 129 at 27 Ill. Reg. 18891, effective November 26, 2003; amended at 28 Ill. Reg. 4712, effective

130 March 1, 2004; emergency amendment at 28 Ill. Reg. 10225, effective July 1, 2004, for a
 131 maximum of 150 days; amended at 28 Ill. Reg. 15591, effective November 24, 2004; emergency
 132 amendment at 29 Ill. Reg. 2743, effective February 7, 2005, for a maximum of 150 days;
 133 amended at 29 Ill. Reg. 10211, effective June 30, 2005; amended at 29 Ill. Reg. 14995, effective
 134 September 30, 2005; emergency amendment at 30 Ill. Reg. 5426, effective March 1, 2006, for a
 135 maximum of 150 days; amended at 30 Ill. Reg. 8897, effective May 1, 2006; amended at 30 Ill.
 136 Reg. 13393, effective July 28, 2006; amended at 31 Ill. Reg. 12771, effective August 27, 2007;
 137 emergency amendment at 32 Ill. Reg. 543, effective January 1, 2008, for a maximum of 150
 138 days; amended at 32 Ill. Reg. 6511, effective March 31, 2008; amended at 32 Ill. Reg. 16805,
 139 effective October 6, 2008; amended at 33 Ill. Reg. 591, effective January 5, 2009; amended at 33
 140 Ill. Reg. 9077, effective June 15, 2009; amended at 33 Ill. Reg. 12732, effective September 7,
 141 2009; amended at 34 Ill. Reg. 6809, effective May 1, 2010; amended at 34 Ill. Reg. 15406,
 142 effective September 27, 2010; amended at 35 Ill. Reg. 2043, effective January 21, 2011;
 143 amended at 35 Ill. Reg. 4513, effective March 1, 2011; amended at 36 Ill. Reg. 1531, effective
 144 January 23, 2012; amended at 36 Ill. Reg. 9140, effective June 11, 2012; amended at 37 Ill. Reg.
 145 8017, effective May 28, 2013; amended at 38 Ill. Reg. 4392, effective January 29, 2014;
 146 amended at 38 Ill. Reg. 6028, effective February 26, 2014; amended at 41 Ill. Reg. 3338,
 147 effective March 7, 2017; amended at 44 Ill. Reg. 6277, effective April 13, 2020; amended at 44
 148 Ill. Reg. 17400, effective October 14, 2020; amended at 46 Ill. Reg. 5268, effective March 11,
 149 2022; amended at 48 Ill. Reg. _____, effective _____.

151 SUBPART F: DISTRIBUTION OF SUPPORT COLLECTIONS

152
 153 **Section 160.100 Distribution of Child Support for TANF Recipients**

154
 155 a) For the purposes of distribution under this Section, amounts collected shall be
 156 treated first as payment on the required support obligation for the month in which
 157 the child support was collected and if any amounts are collected which are in
 158 excess of such amount, these excess amounts shall be treated as amounts which
 159 represent payment on the required support obligation for previous months. Date
 160 of collection" shall be as defined in Section 160.5.

161
 162 b) In accordance with 305 ILCS 5/4-1.6, all child support collected on behalf of a
 163 family shall be passed through to the family and disregarded in determining the
 164 amount of the assistance grant provided to the family. ~~Child support payments~~
 165 ~~which are received for a month in which a client is a TANF recipient shall be~~
 166 ~~distributed as follows:~~

167
 168 1) ~~Pass Through: Of any amount that is collected in a month which~~
 169 ~~represents payment on the required support obligation for that month, the~~
 170 ~~first \$100 for one child and \$200 for two or more children of that amount~~
 171 ~~shall be paid to the family. One payment will be forwarded to the family~~
 172 ~~within two business days after the date of initial receipt in the State (see~~

173 ~~Section 160.5) of the first \$100 for one child and \$200 for two or more~~
174 ~~children of support collected in a month, or, if less than \$100 for one child~~
175 ~~and \$200 for two or more children is collected in a month, within two~~
176 ~~business days after the end of the month in which the support is collected.~~
177 ~~This payment will be disregarded when determining eligibility for TANF~~
178 ~~and the amount of the TANF grant. However, when there is a served~~
179 ~~income withholding notice and the payor of income transmits multiple~~
180 ~~months of support in a lump sum, the family shall receive the first \$100~~
181 ~~for one child and \$200 for two or more children of each month of support~~
182 ~~withheld. If the amount collected includes payment on the required~~
183 ~~support obligation for a previous month or months, the family shall only~~
184 ~~receive the first \$100 for one child and \$200 for two or more children of~~
185 ~~the amount that represents the required support obligation for the month in~~
186 ~~which the support was collected. If amounts are collected for a single~~
187 ~~filing unit (see 89 Ill. Adm. Code 112.300(b)) that represent support~~
188 ~~payments from two or more responsible relatives, only the first \$100 for~~
189 ~~one child and \$200 for two or more children of the amount collected that~~
190 ~~represents the total required support obligation for the month in which the~~
191 ~~support was collected shall be paid to the family under this subsection~~
192 ~~(b)(1). No payment shall be made to a family under this subsection for a~~
193 ~~month in which there is no child support collection.~~

194
195 2) ~~Reimbursement of Current TANF: If the amount of child support~~
196 ~~collected in a month on behalf of a TANF recipient exceeds the amount to~~
197 ~~be paid to the family pursuant to subsection (b)(1), the excess shall be~~
198 ~~retained by the Department to reimburse the Department for the assistanee~~
199 ~~payment for the month in which the support was collected or the next~~
200 ~~month.~~

201
202 3) ~~Current Excess: If the amount of child support collected in a month on~~
203 ~~behalf of a TANF recipient exceeds the amount to be distributed pursuant~~
204 ~~to subsections (b)(1) and (b)(2), the family shall be paid the excess up to~~
205 ~~the difference between the TANF grant for the month in which the amount~~
206 ~~of the collection was used to redetermine eligibility for TANF and the~~
207 ~~amount ordered for that month. If the court ordered amount is less than~~
208 ~~the TANF grant, no amount shall be paid to the family under this~~
209 ~~subsection. In those cases where there is no court order, the family shall~~
210 ~~not be paid any amount under this subsection (b)(3).~~

211
212 4) ~~Reimbursement of Past AFDC or TANF: If the amount of child support~~
213 ~~collected in a month on behalf of a TANF recipient is in excess of the~~
214 ~~amount required to be distributed pursuant to subsections (b)(1) through~~
215 ~~(b)(3), any excess shall be retained by the Department as reimbursement~~

216 ~~for past assistance payments made to the family for which the Department~~
217 ~~has not been reimbursed. The Department will apply the amount retained~~
218 ~~to any sequence of months for which the Department has not yet been~~
219 ~~reimbursed. If past assistance payments made to the family are greater~~
220 ~~than the unpaid support obligation, the maximum amount the Department~~
221 ~~can retain as reimbursement for the assistance payments is the amount of~~
222 ~~the obligation, unless amounts are collected that represent the required~~
223 ~~support obligation for periods prior to the first month in which the family~~
224 ~~received assistance, in which case those amounts can be retained by the~~
225 ~~Department to reimburse the difference between the support obligation~~
226 ~~and assistance payments.~~

227
228 5) ~~Past Excess: If the amount of child support collected in a month on behalf~~
229 ~~of a TANF recipient is in excess of the amount required to be distributed~~
230 ~~pursuant to subsections (b)(1) through (b)(4), the excess shall be paid to~~
231 ~~the family.~~

232
233 e) ~~If an amount collected as support represents payment on behalf of a TANF~~
234 ~~recipient that is in excess of the amount required to be distributed pursuant to~~
235 ~~subsection (b), and an amount of past due support exists that is not assigned to the~~
236 ~~Department after October 1, 2009 pursuant to Section 160.20(b)(3), such amount~~
237 ~~shall be paid to the family.~~

238
239 cd) If an amount collected as support represents payment on the required support
240 obligation for future months, the amount collected shall be applied to future
241 months. However, no such amounts shall be applied to future months unless
242 amounts have been collected that fully satisfy the support obligation assigned for
243 the current month and all past months.

244
245 e) ~~Identification of Child Support Payment: Any support payment issued to the~~
246 ~~family under subsection (b)(3) or (b)(5) shall be identified on its face as being for~~
247 ~~child support.~~

248
249 (Source: Amended at 48 Ill. Reg. _____, effective _____)

250
251 **Section 160.110 Distribution of Child Support for Former AFDC or TANF Recipients**
252 **Who Continue to Receive Child Support Services**

253
254 Upon cancellation of TANF or AFDC, a client's assignment of support ceases (see Section
255 160.20). Any unpaid support that accrued during the period of assignment shall be due the client,
256 and child support payments received shall be distributed as follows:

257

258 ~~Child support payments that are received on behalf of a former AFDC or TANF recipient who~~
 259 ~~continues to receive child support services shall be distributed in accordance with the provisions~~
 260 ~~of subsections (a) through (h).~~

261
 262 a) ~~Current Support: The client is entitled to receive an amount of money equal to~~
 263 ~~the monthly support obligation amount that is collected for current support. Upon~~
 264 ~~cancellation of TANF or AFDC, a client's assignment of support ceases (see~~
 265 ~~Section 160.20), except with respect to the amount of any unpaid support~~
 266 ~~obligation that has accrued under the assignment. For any month in which a client~~
 267 ~~is not a TANF recipient, regardless of whether the client continues to receive~~
 268 ~~child support services, the client is entitled to the amount of current support paid~~
 269 ~~for that month, up to the amount of the monthly support obligation for that month.~~
 270 ~~Current support payments to former AFDC or TANF recipients who do receive~~
 271 ~~child support services from the Department shall be issued within two business~~
 272 ~~days after the payment is initially received in the State.~~

273
 274 b) ~~Past Support: Any amount in excess of the current support obligation is applied~~
 275 ~~to past support owed the client. Unpaid Current Support Accrued Following~~
 276 ~~Cancellation: If the amount of child support collected in a month on behalf of a~~
 277 ~~former AFDC or TANF recipient who receives child support services exceeds the~~
 278 ~~amount of current support distributed pursuant to subsection (a), the client shall~~
 279 ~~be paid any such amount, up to the unpaid current support obligation that has~~
 280 ~~accrued for any month following cancellation of the client's AFDC or TANF case~~
 281 ~~in which the client received child support services. The payments to former~~
 282 ~~AFDC or TANF recipients shall be issued within two business days after initial~~
 283 ~~receipt in the State.~~

284
 285 c) ~~Future Support: If an amount collected as support represents payment on the~~
 286 ~~required support obligation for future months, the amount collected shall be~~
 287 ~~applied to future months and sent to the client. Unpaid Current Support Accrued~~
 288 ~~Prior to the Family Receiving Assistance (only in cases where the assignment of~~
 289 ~~support rights under Section 160.20 of this Part was entered into on or after~~
 290 ~~October 1, 1998 but before October 1, 2009): If the amount of child support~~
 291 ~~collected in a month on behalf of a former AFDC or TANF recipient who receives~~
 292 ~~child support services exceeds the amount of support distributed pursuant to~~
 293 ~~subsections (a) and (b), the client shall be paid any such amount, up to the unpaid~~
 294 ~~current support obligation that has accrued for any month prior to the family~~
 295 ~~having first received assistance, but only if the first month commenced on or after~~
 296 ~~October 1, 1998 and before October 1, 2009, and only if that amount was not~~
 297 ~~collected by use of federal income tax refund offset. Payments to former TANF~~
 298 ~~recipients shall be issued within two business days after initial receipt in the State.~~

299

- 300 d) ~~Unpaid Current Support Accrued Prior to the Family Receiving Assistance (only~~
301 ~~in cases in which the assignment of support rights under Section 160.20(b)(3) was~~
302 ~~entered into on or after October 1, 2009: If the amount of child support collected~~
303 ~~in a month on behalf of a former AFDC or TANF recipient who receives child~~
304 ~~support services exceeds the amount of support distributed pursuant to~~
305 ~~subsections (a) and (b), the client shall be paid any such amount, up to the unpaid~~
306 ~~current support obligation that has accrued for any month prior to the family~~
307 ~~having first received assistance. Payments to former TANF recipients shall be~~
308 ~~issued within two business days after initial receipt in this State.~~
- 309
- 310 e) ~~Unreimbursed AFDC or TANF: If the amount of child support collected in a~~
311 ~~month on behalf of a former AFDC or TANF recipient exceeds the amount to be~~
312 ~~distributed pursuant to subsections (a) and (b) and, when applicable, subsection~~
313 ~~(c), the excess shall be retained by the Department to reimburse it for past~~
314 ~~unreimbursed AFDC or TANF. If the unpaid support obligation is greater than~~
315 ~~the past unreimbursed AFDC or TANF, then the maximum reimbursement~~
316 ~~amount is the amount of unreimbursed AFDC or TANF the Department has~~
317 ~~provided. If the past unreimbursed AFDC or TANF is greater than the unpaid~~
318 ~~support obligation, then the maximum reimbursement amount is the amount of the~~
319 ~~unpaid support obligation, unless amounts are collected that represent the required~~
320 ~~support obligation for periods prior to the first month in which the former AFDC~~
321 ~~or TANF recipient received AFDC or TANF, and that first month of receipt of~~
322 ~~AFDC or TANF occurred prior to October 1, 1998, or the amounts are collected~~
323 ~~by use of offset of federal income tax refunds, in which case those amounts will~~
324 ~~be retained by the Department to reimburse the difference between the support~~
325 ~~obligation and the past unreimbursed AFDC or TANF.~~
- 326
- 327 f) ~~Past Excess: If the amount of child support collected in a month on behalf of a~~
328 ~~former AFDC or TANF recipient exceeds the amount to be distributed pursuant to~~
329 ~~subsections (a), (b), (c), (d) and (e), the excess, up to the amount of the unpaid~~
330 ~~support obligation, including the unpaid obligation for months prior to the first~~
331 ~~month in which the former AFDC or TANF recipient received AFDC or TANF,~~
332 ~~shall be paid to the client. Payments to former AFDC or TANF recipients shall be~~
333 ~~issued within two business days after initial receipt in the State.~~
- 334
- 335 g) ~~Amounts In Excess of the Child Support Obligation: If the amount of child~~
336 ~~support collected in a month on behalf of a former AFDC or TANF recipient who~~
337 ~~continues to receive child support services exceeds the amount to be distributed~~
338 ~~pursuant to subsections (a), (b), (c), (d), (e) and (f), and a support obligation exists~~
339 ~~for future months, the amount shall be applied to the future months and paid to the~~
340 ~~client, except when the collection was the result of a federal income tax refund~~
341 ~~intercept. In any collection resulting from a federal income tax refund intercept,~~
342 ~~distribution will be applied in accordance with Section 160.130. If no future~~

~~support is due, the excess shall be refunded to the responsible relative.~~

- ~~h) Identification of Child Support Payment: Any support payment issued to a former AFDC or TANF recipient under this Section shall be identified on its face as being a child support payment.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 160.120 Distribution of Child Support Collected While the Client Was an AFDC or TANF Recipient, But Not Yet Distributed at the Time the AFDC or TANF Case Is Cancelled

Child support payments ~~which are~~ received in a month in which a client is a current AFDC or TANF recipient, but which have not been distributed when the client's AFDC or TANF case is cancelled shall be distributed in accordance with Section 160.100. ~~Any amounts owed to former AFDC or TANF recipients pursuant to such distribution shall be disbursed by the State Disbursement Unit in accordance with the following timeframes:~~

- ~~a) Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(1) ("Pass Through") shall be issued in accordance with that Section.~~
- ~~b) Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(3) ("current excess") shall be issued within two business days after the date of initial receipt in the State of a collection for the first month of ineligibility.~~
- ~~c) Child support to which a former AFDC or TANF recipient is entitled pursuant to Section 160.100(b)(5) ("past excess") shall be issued within two business days after the date of the initial receipt in the State of a collection for the first month of ineligibility.~~

(Source: Amended at 48 Ill. Reg. _____, effective _____)

Section 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases

- a) For purposes of distribution under this Section, amounts collected in IV-E foster care maintenance cases shall be treated in accordance with the provision of Section 160.100(a).
- b) The amounts collected as support on behalf of children for whom the State is making IV-E foster care maintenance payments and for whom an assignment is effective shall be distributed as follows:

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- 1) Reimbursement of current IV-E foster care maintenance: The amount of child support that is collected in a month which represents payment on the required support obligation for that month shall be forwarded to DCFS and retained by DCFS to reimburse itself for IV-E foster care maintenance payments.

- 2) Current excess: If the amount of child support collected in a month on behalf of a foster care dependent is in excess of the monthly amount of the IV-E foster care maintenance payment but not more than the monthly support obligation, the State Disbursement Unit shall pay within 15 business days after the end of the month in which the support was initially received in the State the excess to DCFS which will use the money in the best interests of the child.

- 3) Reimbursement of past IV-E foster care maintenance: If the amount of child support collected in a month on behalf of a foster care dependent exceeds the amount required to be distributed under subsections (b)(1) and (2) ~~above~~, but not the total unreimbursed IV-E foster care maintenance payments ~~or unreimbursed AFDC or TANF provided, the Department and DCFS shall retain any such excess as reimbursement for these payments. If past assistance or IV-E foster care maintenance payments are greater than the total support obligation owed, the maximum amount the Department or DCFS may retain as reimbursement for such payments is the amount of such obligation. If amounts are collected which represent the required support obligation for periods prior to the first month in which the family received AFDC, TANF or IV-E foster care maintenance payments, such amounts may be retained by the Department and DCFS to reimburse the difference between such support obligation and such payments.~~

- 4) Past excess: If the amount of child support collected in a month on behalf of a foster care dependent is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (3), such excess shall be paid by the State Disbursement Unit within 15 business days after the end of the month in which the support was initially received in the State to DCFS and used in the best interests of the child.

- 5) Future support: If an amount collected as support represents payment on the required support obligation for future months, the amount shall be applied to those future months. However no amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned for the current and all past months.

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- c) When DCFS ceases making IV-E foster care maintenance payments, the assignment of support rights terminates except for the amount of any unpaid support that has accrued under the assignment. The Department shall attempt to collect such unpaid support. Any collection made by the Department under this subsection shall be distributed in accordance with subsection (b)(3) ~~of this~~ **Section.**

(Source: Amended at 48 Ill. Reg. _____, effective _____)