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

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

b) Child support payments which are received for a month in which a client is a TANF recipient shall be distributed as follows:

1) Pass Through: Of any amount that is collected in a month which represents payment on the required support obligation for that month, the first $100 for one child and $200 for two or more children of that amount shall be paid to the family. One payment will be forwarded to the family within two business days after the date of initial receipt in the State (see Section 160.5) of the first $100 for one child and $200 for two or more children of support collected in a month, or, if less than $100 for one child and $200 for two or more children is collected in a month, within two business days after the end of the month in which the support is collected. This payment will be disregarded when determining eligibility for TANF and the amount of the TANF grant. However, when there is a served income withholding notice and the payor of income transmits multiple months of support in a lump sum, the family shall receive the first $100 for one child and $200 for two or more children of each month of support withheld. If the amount collected includes payment on the required support obligation for a previous month or months, the family shall only receive the first $100 for one child and $200 for two or more children of the amount that represents the required support obligation for the month in which the support was collected. If amounts are collected for a single filing unit (see 89 Ill. Adm. Code 112.300(b)) that represent support payments from two or more responsible relatives, only the first $100 for one child and $200 for two or more children of the amount collected that represents the total required support obligation for the month in which the support was collected shall be paid to the family under this subsection (b)(1). No payment shall be made to a family under this subsection for a month in which there is no child support collection.

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

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

4) Reimbursement of Past AFDC or TANF: If the amount of child support collected in a month on behalf of a TANF recipient is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (b)(3), any excess shall be retained by the Department as reimbursement for past assistance payments made to the family for which the Department has not been reimbursed. The Department will apply the amount retained to any sequence of months for which the Department has not yet been reimbursed. If past assistance payments made to the family are greater than the unpaid support obligation, the maximum amount the Department can retain as reimbursement for the assistance payments is the amount of the obligation, unless amounts are collected that represent the required support obligation for periods prior to the first month in which the family received assistance, in which case those amounts can be retained by the Department to reimburse the difference between the support obligation and assistance payments.

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

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

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

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

(Source: Amended at 44 Ill. Reg. 6277, effective April 13, 2020)