**Section 103.20 Determination Of Ability To Support**

a) Responsible relatives living apart from the recipient/assistance unit.

1) For responsible relatives living apart from the recipient/assistance unit:

A responsible relative is liable for all assistance provided to or in behalf of the recipient, unless the relative establishes a lesser ability to support by providing the Department with income and asset information from which it can determine the relative's ability to support. However, the monthly support obligation assessed a responsible relative determined able to pay shall not exceed the average monthly amount of assistance provided by the Department to or in behalf of the recipient.

2) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

b) Responsible relatives living apart or with the recipient/assistant unit.

1) For responsible relatives living with the recipient/assistance unit: The Department shall determine a responsible relative's ability to support dependents according to the standards and asset limitation indicated below:

A) Aid to the Aged, Blind or Disabled (AABD)

The Department shall use AABD financial assistance standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 113.140, to determine the relative's ability to support.

B) Medical Assistance – No Grant (AABD) – (MANG-AABD)

The Department shall use the MANG (AABD) assistance standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 120.7 and 120.362, to determine the relative's ability to support.

C) Aid to Families with Dependent Children (AFDC)

Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A to the gross income of the parents of persons receiving AFDC age 18 through 20. The gross income figure is that contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

D) MANG(C)

The Department shall use the MANG standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 120.8, to determine the relative's ability to support.

E) General Assistance (GA) (City of Chicago Only)

The Department shall use the family or adult payment level, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 114.250, to determine the relative's ability to support.

F) Aid to the Medically Indigent (AMI)

The Department shall use the AMI standard, as set out in 89 Ill. Adm. Code 111.10 through 111.110 and 120.10, to determine the relative's ability to support.

2) Responsible relative living apart from the recipient/assistance unit:

The Department shall apply Table A to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his/her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income which is attributable to the responsible relative will be considered.

c) Determine if a hospitalized/institutionalized individual is "living with" a responsible relative.

1) Aid to the Aged, Blind or Disabled (MANG and MAG) consider the client as living apart from a responsible relative for any month the client is hospitalized or institutionalized the first day of the calendar month through the last day of the calendar month. If an infant is hospitalized from birth through the end of the calendar month the client is considered hospitalized for the entire month. If a client is in a hospital/institution on the first day of the calendar month but dies prior to the end of the calendar month consider the individual living apart from the responsible relative(s).

2) Aid to the Aged, Blind or Disabled (MANG) considers hospitalized or institutionalized spouses as living together as a couple if treating them as a couple is to their advantage in determining eligibility.

3) Aid to Families with Dependent Children (MAG) and MANG consider a hospitalized individual as living with the responsible relative if under the relative's control and supervision regardless of the length of hospitalization.

(Source: Amended at 26 Ill. Reg. \_\_\_\_\_\_, effective \_\_\_\_\_\_\_\_\_\_\_\_)