**Section 104.103 Conduct of Hearings to Contest the Determination of Past-Due Support or of a Failure of a Licensee to Comply with a Subpoena or Warrant in a Paternity or Child Support Proceeding or of Share of Jointly-Owned Federal or State Income Tax Refunds or Other Joint Federal or State Payments**

a) Hearings on petitions to contest the determination of the amount of past-due support or of the share of jointly-owned federal or State income tax refunds or other joint federal or State payments shall be governed by Section 104.102, except that subsections (a) and (c) shall not apply, and the following terms as used in Section 104.102 are redefined:

1) "administrative support order" shall mean determinations of past-due support or of failure of a licensee to comply with a subpoena or warrant in a paternity or child support proceeding or of share of jointly-owned federal or State income tax refunds or other joint federal or State payments.

2) "responsible relative" shall also mean joint payee.

b) Upon receipt of a hearing request from a responsible relative or joint payee concerning:

1) an advance notice of intercept, the Department shall, if the request concerns a joint federal or State income tax refund or other joint federal or State payment, inform the responsible relative or joint payee of the steps necessary for the joint payee to secure his or her proper share of the refund or payment, as stated in the advance notice.

2) an amount already intercepted, the Department shall refer the responsible relative or joint payee to the Internal Revenue Service, if the request concerns a joint federal income tax refund.

c) Within 45 days after the receipt of a notification from a state intercepting a federal income tax refund for which the responsible relative has requested an administrative review in this State, the Department shall complete the procedures set forth in subsection (a). The Department shall notify the submitting state promptly of the decision and notify the Department of Health and Human Services of the deletion of the amount referred for intercept.

(Source: Amended at 35 Ill. Reg. 2030, effective January 21, 2011)