**Section 114.40 Relationship**

This sections refers only to family cases as defined in 89 Ill. Adm. Code 101.10.

a) The child(ren) must be living with blood relatives, step-relatives or adoptive relatives in that relative's home.

b) The required relationship does not exist between a child born-out-of-wedlock and the child's father or the father's relatives unless:

1) paternity has been adjudicated;

2) the father has acknowledged paternity in open court or by notarized written statement within the last two years; or

3) the father has contributed to the child's support within the last two years and had previously acknowledged paternity in open court or by notarized written statement.

c) A child conceived or born-in-wedlock is presumed to be the child of that marriage in the absence of a court finding to the contrary.

d) The child may be living with a non-relative who is the legal guardian of the child.

e) Children living with a non-relative who is not the legal guardian may continue to be eligible for GA if:

1) The non-related adult has continuously received GA for the child since April, 1976, and

2) The case has been referred to the Department of Children and Family Services (DCFS) and no disposition has yet been received from DCFS.

f) When the required relationship exists between the child and the relative or nonrelative, the relative, or non-relative is referred to as an adult.

(Source: Added (by codification with no substantive change) at 7 Ill. Reg. 5206)