**Section 160.10 Child Support Enforcement Program**

a) Under Title IV-D of the Social Security Act (42 USC 651 et seq.) the Department undertakes to establish, modify, enforce and collect child and spouse support obligations from responsible relatives as defined in 89 Ill. Adm. Code 103.10. "IV-D cases" consist of:

1) children receiving Temporary Assistance for Needy Families (TANF);

2) children receiving AFDC MANG;

3) children receiving foster care maintenance payments under Title IV-E of the Social Security Act (42 USC 670 et seq.);

4) children of applicants for TANF, where the caretaker or specified relative is the putative father or relative of the putative father;

5) children of applicants for TANF, where the mother and putative father of the children born out of wedlock are living together;

6) children of applicants for TANF, where the caretaker relative is reapplying for cash or medical assistance and was in sanctioned status for noncooperation at the time the case was previously canceled;

7) a spouse or former spouse when the former spouse/spouse lives with the child;

8) former AFDC and TANF recipients following AFDC and TANF cancellation pursuant to subsection (g) of this Section;

9) persons not receiving TANF, AFDC MANG, or Foster Care Services under Title IV-E upon application to the Department for IV-D services; and

10) persons receiving AFDC MANG that previously received AFDC or TANF cash assistance.

b) "IV-D cases" also include intergovernmental IV-D cases and interstate IV-D cases as those terms are defined in Section 160.5.

c) Title IV-D is implemented by the Department through its Division of Child Support Enforcement.

d) The Division of Child Support Enforcement has sole responsibility for:

1) identifying and locating the absent parent;

2) establishing the parentage of a child born out of wedlock;

3) establishing support obligations;

4) enforcing and collecting support;

5) receiving and distributing support payments;

6) maintaining accurate records of location and support activities; and

7) advising the local office of circumstances which may affect the family's eligibility for TANF or AFDC MANG (for example, the father is living in the home, or a child no longer lives in the home, etc.).

e) For Title IV-D children, the Department determines financial ability and establishes the support obligation of the absent parent through order of the court or through administrative process in accordance with Section 160.60.

f) The Department shall explain to each TANF applicant or recipient his or her responsibility to cooperate with the Department in obtaining support from absent parents and enforcing support obligations and the consequence of non‑cooperation.

g) Whenever a family ceases to receive TANF cash assistance, IV-E foster care or medical assistance, the Department shall notify the family that Title IV-D services will be continued unless the family advises the Department that it does not wish to receive Title IV-D services. Additionally, the notice shall advise that no application or application fee is required. Finally, the notice shall also include a description of the Title IV-D services available from the Department and information on the Department's cost recovery (for example, filing fees) and distribution policies (see 45 CFR 302.33(a) and (d) and 303.7(d)(4) and (5) (2003)).

h) Whenever a family ceases to receive AFDC MANG assistance:

1) if the family previously received TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section; or

2) if the family did not previously receive TANF cash assistance, IV-D services shall be continued without the filing of a new application as explained in subsection (f) of this Section.

i) Whenever in the course of an administrative proceeding, as provided for under the Public Aid Code [305 ILCS 5/10] and in accordance with this Part, it appears that the non-custodial parent is in the military service and the Servicemembers Civil Relief Act (SCRA) (50 App. USC 501-596) requires the appointment of counsel, the Department shall have the authority to appoint counsel for the service member non-custodial parent. The appointed attorney will perform the duties required under the SCRA that include locating members, advising them of proceedings and requesting stays if the members' military duties materially affect their ability to participate in cases.

j) The Department may provide notice at any time to the parties to a judicial action that child support enforcement services are being provided by HFS under Article X of the Public Aid Code. The notice shall be sent by regular mail to the party's last known address on file with the Clerk of the Court or the State Case Registry. After notice has been provided, HFS shall be entitled to notice of any further proceedings brought in the case. HFS will provide the clerk of the court with copies of the notices sent to the parties to file with the court file.

(Source: Amended at 36 Ill. Reg. 1531, effective January 23, 2012)