**Section 160.20 Assignment of Rights to Support**

a) *By accepting financial aid under the Public Aid Code, a spouse or a parent or other person having custody of a child shall be deemed to have made assignment to the Department of any and all rights, title, and interest in any support obligations up to the amount of assistance provided. The rights to support assigned to the Department shall constitute an obligation owed to the State by the person who is responsible for providing the support, and shall be collectible under all applicable processes*. (Section 10-1 of the Illinois Public Aid Code [305 ILCS 5/10-1])

b) Notwithstanding the authority cited in subsection (a) of this Section, the following provisions shall apply:

1) For an assignment entered into prior to October 1, 1998, the applicant assigns the Department all rights that have previously accrued and that shall accrue prior to the family leaving assistance.

2) For an assignment first entered into on or after October 1, 1998 but before October 1, 2009:

A) With respect to any support collections by federal income tax refund offsets, the applicant assigns the Department all rights that have previously accrued and that shall accrue prior to the family leaving assistance; and

B) With respect to any support collections by other than federal income tax offset:

i) The applicant assigns to the Department any support rights that accrue and will accrue while the family is receiving assistance; and

ii) The applicant temporarily assigns to the Department all rights to support that accrued prior to the family receiving assistance, such assignment to be in effect only until the family ceases to receive assistance.

3) For an assignment entered into on or after October 1, 2009:

A) With respect to any support collections by federal income tax refund offsets, the applicant assigns the Department all rights that have accrued prior to October 1, 2009 and that may accrue while the family receives assistance; and

B) With respect to any support collections by other than federal income tax offset, the applicant assigns to the Department any support rights that accrue while the family receives assistance.

c) The amount of support assigned to the Department shall not exceed the cumulative amount of unreimbursed assistance provided to the family during all periods of assistance.

d) For an explanation of assignment of medical support, see 89 Ill. Adm. Code 112.54, Assignment of Medical Support Rights and also 89 Ill. Adm. Code 120.319, Assignment of Rights to Medical Support and Collection of Payments.

(Source: Amended at 34 Ill. Reg. 15406, effective September 27, 2010)