**Section 160.40 Proof of Good Cause For Failure to Cooperate With Support Enforcement**

a) The applicant or recipient who claims good cause must provide corroborative evidence within 20 days from the day the claim was made. In exceptional cases where the Department determines the applicant or recipient requires additional time because of the difficulty of obtaining the corroborative evidence, the Department shall allow a reasonable additional period of time. Such additional periods of time allowed shall not exceed 20 days and shall be granted only under the conditions described in Section 160.40(a).

b) A good cause claim may be corroborated with the following types of evidence:

1) Birth certificates or medical or law enforcement records which indicate that the child was conceived as the result of incest or forcible rape;

2) Court documents or other records which indicate that legal proceedings for adoption are pending before a court of competent jurisdiction;

3) Court, medical, criminal, child protective services, social services, psychological, or law enforcement records which indicate that the putative father or absent parent might inflict physical or emotional harm on the child or caretaker relative;

4) Medical records which indicate emotional health history and present emotional health status of the caretaker relative or the child for whom support would be sought; or, written statements from a mental health professional indicating a diagnosis or prognosis that cooperation would be harmful to the emotional health of the caretaker relative or the child for whom support would be sought;

5) A written statement from a public or licensed private social agency (e.g., Department of Children and Family Services or Catholic Charities) that the applicant or recipient is being assisted by the agency to resolve the issue or whether to keep the child or relinquish him or her for adoption; or

6) Sworn notarized statements from individuals other than the applicant or recipient with knowledge of the circumstances which provide the basis for the good cause claim.

c) After examining the corroborative evidence submitted by the applicant or recipient, if the Department requests additional corroborative evidence which is needed to permit a good cause determination, the Department will:

1) Promptly notify the applicant or recipient that additional corroborative evidence is needed; and

2) Specify the type of document which is needed (i.e. Section 160.40(b) through 160.40(b)(6)).

d) Upon request of the applicant or recipient, the Department will:

1) Advise the applicant or recipient how to obtain the necessary documents (e.g., instructions on obtaining a police report); and

2) Make a reasonable effort to obtain any specific documents which the applicant or recipient is not reasonably able to obtain without assistance (e.g., contacting out-of-state witnesses).

e) Where a claim is based on the applicant's or recipient's anticipation of physical harm as specified in Section 160.35(c), and corroborative evidence is not submitted in support of the claim (e.g., unreported or suspected incidents of incest):

1) The Department will investigate the good cause claim when the agency believes that:

A) The claim is credible without corroborative evidence from the client; and

B) Corroborative evidence is not available from the client.

2) Good cause will be found if the claimant's statement and the investigation which is conducted satisfies the agency that the applicant or recipient has good cause for refusing to cooperate.

3) A determination that good cause exists will be reviewed and approved or disapproved and the Department's findings will be recorded in the case record.

f) The Department will seek further verification of good cause claim if the applicant's or recipient's statement of the claim required by Section 160.35(d)(1), together with the corroborative evidence do not provide sufficient basis for making a determination. When the Department determines that it is necessary, the Department will conduct an investigation of good cause claims to determine that good cause does or does not exist.

g) If the Department conducts an investigation of a good cause claim, the Department will:

1) Contact the absent parent or putative father from whom support would be sought if such contact is determined to be necessary to establish the good cause claim; and

2) Prior to making such necessary contact, notify the applicant or recipient to enable the applicant or recipient to:

A) present additional corroborative evidence or information so that contact with the parent or putative father becomes unnecessary;

B) withdraw the application for assistance or have the case closed; or

C) have the good cause claim denied.

(Source: Recodified from 89 Ill. Adm. Code 112.82 at 10 Ill. Reg. 19990, effective November 14, 1986)