**Section 160.136 Distribution of Support Collected in IV-E Foster Care Maintenance Cases**

a) For purposes of distribution under this Section, amounts collected in IV-E foster care maintenance cases shall be treated in accordance with the provision of Section 160.100(a).

b) The amounts collected as support on behalf of children for whom the State is making IV-E foster care maintenance payments and for whom an assignment is effective shall be distributed as follows:

1) Reimbursement of current IV-E foster care maintenance: The amount of child support that is collected in a month which represents payment on the required support obligation for that month shall be forwarded to DCFS and retained by DCFS to reimburse itself for IV-E foster care maintenance payments.

2) Current excess: If the amount of child support collected in a month on behalf of a foster care dependent is in excess of the monthly amount of the IV-E foster care maintenance payment but not more than the monthly support obligation, the State Disbursement Unit shall pay within 15 business days after the end of the month in which the support was initially received in the State the excess to DCFS which will use the money in the best interests of the child.

3) Reimbursement of past IV-E foster care maintenance: If the amount of child support collected in a month on behalf of a foster care dependent exceeds the amount required to be distributed under subsections (b)(1) and (2) above, but not the total unreimbursed IV-E foster care maintenance payments or unreimbursed AFDC or TANF provided, the Department and DCFS shall retain any such excess as reimbursement for these payments. If past assistance or IV-E foster care maintenance payments are greater than the total support obligation owed, the maximum amount the Department or DCFS may retain as reimbursement for such payments is the amount of such obligation. If amounts are collected which represent the required support obligation for periods prior to the first month in which the family received AFDC, TANF or IV-E foster care maintenance payments, such amounts may be retained by the Department and DCFS to reimburse the difference between such support obligation and such payments.

4) Past excess: If the amount of child support collected in a month on behalf of a foster care dependent is in excess of the amount required to be distributed pursuant to subsections (b)(1) through (3), such excess shall be paid by the State Disbursement Unit within 15 business days after the end of the month in which the support was initially received in the State to DCFS and used in the best interests of the child.

5) Future support: If an amount collected as support represents payment on the required support obligation for future months, the amount shall be applied to those future months. However no amounts shall be applied to future months unless amounts have been collected which fully satisfy the support obligation assigned for the current and all past months.

c) When DCFS ceases making IV-E foster care maintenance payments, the assignment of support rights terminates except for the amount of any unpaid support that has accrued under the assignment. The Department shall attempt to collect such unpaid support. Any collection made by the Department under this subsection shall be distributed in accordance with subsection (b)(3) of this Section.

(Source: Amended at 24 Ill. Reg. 3808, effective February 25, 2000)