**Section 160.160 Department Review of Distribution of Child Support for Former AFDC or TANF Recipients**

a) A former AFDC or TANF recipient may request an account review at any time and a prior account review decision or reconsidered account review decision shall not act as a bar to review.

b) A written request for account review shall be filed with the Department. For mailed requests, the date of filing is the date the request is received by the Department, not the postmark date.

c) The Department shall require former AFDC or TANF recipients to provide the following information to request an account review:

1) the name and address of the former AFDC or TANF recipient,

2) the name(s) of her child(ren),

3) the name(s) of the responsible relative(s) obligated to pay support, and

4) the period for which review is sought.

d) Request for Additional Information

1) The Department may request former AFDC or TANF recipients to provide the following additional information to request an account review, but may not require such information:

A) support order number,

B) the responsible relative's Social Security number,

C) the former recipient's Social Security number, and

D) the AFDC or TANF case number.

2) If the Department is unable to identify the former AFDC or TANF recipient's IV-D account because the former AFDC or TANF recipient has not provided sufficient information, the Department shall be relieved of having to complete the account review within the timeframes specified in subsections (e) and (f) below.

e) In the event the request for account review seeks review as to current support due and not received during the month of the request and/or the prior month, the Department shall issue an account review decision no later than 30 calendar days after the date of the Department's receipt of the request.

f) If the request for account review seeks review as to support due and not received for a period more than one month prior to the request, the Department shall issue an account review decision no later than 75 calendar days after the date of the Department's receipt of the request.

g) Request for documents

1) At any time after requesting an account review, a former AFDC or TANF recipient may request any document possessed by the Department's Division of Child Support Enforcement (DCSE). Such documents include but are not limited to:

A) support orders,

B) all FSIS screens, or

C) other computer records.

2) DCSE shall furnish such documents, except as prohibited by federal law and regulation, within 30 calendar days after its receipt of the request.

h) The Department shall afford former AFDC or TANF recipients who request account reviews the opportunity to submit additional documentary evidence prior to the issuance of the account review decision.

i) An account review decision shall contain the following:

1) the names of the person requesting review, the children, and the responsible relative(s);

2) calculations made by the Department;

3) appropriate citations to Department policy regarding collection and/or distribution of support;

4) a statement as to whether the former AFDC or TANF recipient is entitled to support funds received by the Department, and if so, the amount of such funds and the date by which funds will be issued to the former AFDC or TANF recipient;

5) the name and office address of the account reviewer;

6) a statement advising that the account review decision is the Department's final decision which is reviewable in state court pursuant to writ of certiorari, unless reconsideration of the account review decision is requested in writing within 30 calendar days by the former AFDC or TANF recipient; and

7) a statement that the former AFDC or TANF recipient may request an explanation of the decision by telephonic inquiry to a toll-free telephone number or in-person at a local office arranged by appointment through the toll-free number.

j) After a former AFDC or TANF recipient receives an account review decision, the former AFDC or TANF recipient may request an explanation of the decision by telephonic inquiry to a toll-free telephone number so that the former AFDC or TANF recipient may receive an explanation of her account review decision by her account reviewer. If the former AFDC or TANF recipient's account reviewer is unavailable, a former AFDC or TANF recipient will be offered assistance by another account reviewer.

k) After a former AFDC or TANF recipient receives an account review decision, she may request an explanation of the decision by an in-person meeting at her local office with a designated staff member who will be available to explain the account review decision.

l) A former AFDC or TANF recipient has a right to reconsideration of the account review decision. Reconsideration must be requested by the former AFDC or TANF recipient within 30 calendar days after the date of the account review decision. Former AFDC or TANF recipients will be advised by the account review decision that they have a right to reconsideration of the account review decision and that they must file a written request for reconsideration.

m) A request for reconsideration must include the former AFDC or TANF recipient's name, case number, date of account review decision, and the reason why the former AFDC or TANF recipient believes that the account review decision is incorrect. The former AFDC or TANF recipient shall also provide copies of any documentation that she believes that the account reviewer failed to consider in reaching the account review decision.

n) The Department shall issue a reconsideration decision no later than 15 calendar days after the date of the Department's receipt of the request.

o) The reconsideration decision shall include the following:

1) the names of the person requesting the reconsideration, the children, and the responsible relative(s);

2) a statement that the account reviewer has reviewed the prior documents and decision and has considered any new documentation or statements that have been submitted by the former AFDC or TANF recipient;

3) calculations made by the Department in making the reconsideration and citations to appropriate Department policy if different than policy cited in the original decision;

4) a statement as to whether the original account review decision was correct or incorrect and whether the former AFDC or TANF recipient is entitled to support funds received by the Department, and if so, the amount of such funds and the date by which funds will be issued to the former AFDC or TANF recipient;

5) the name and office address of the account reviewer;

6) a statement advising that the reconsideration decision is the Department's final decision which is reviewable in state court pursuant to writ of certiorari; and

7) a reference to an attached copy of the original account review decision which will be enclosed with the reconsideration decision.

p) Any funds to which a former AFDC or TANF recipient is determined to be entitled as the result of an account review decision or reconsideration of that decision shall be issued within 30 calendar days of the date of the account review decision or reconsideration of that decision.

q) A former AFDC or TANF recipient is entitled to seek review by writ of certiorari of any account review decision and is not required to request reconsideration of such decision prior to filing an action in state court.

(Source: Amended at 21 Ill. Reg. 16050, effective November 26, 1997)