**Section 165.70 Recoupment of Overpayments from Current Temporary Assistance for Needy Families (TANF) and Aid to the Aged, Blind or Disabled (AABD) Cases**

a) When the Department determines that a TANF or AABD assistance unit has received assistance to which it is not entitled, the Department shall recoup the overpayment from:

1) the current assistance grant;

2) the assistance grant case that now contains the former grantee of the overpaid assistance case; or

3) the assistance grant case that now contains any adult member of the overpaid assistance case.

b) The entire overpayment will be recouped in as short a time as possible. For AABD cases, the amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the respective payment standard for a family or individual of that size with no income. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

c) For TANF cases, the family's or individual's total income shall include all gross earned income, less the earned income disregard and child care deduction if applicable, all unearned income, and all assistance payments. For AABD, total income shall include net earned income, all unearned income, and all assistance payments.

d) Families participating in the TANF program who have received an overpayment of AFDC or TANF, and have not repaid the money, will have the overpayment recouped from the TANF payment. The amount to be deducted for any one month shall not reduce the family's or individual's total income and assets to an amount less than 90% of the applicable assistance payment level with a $75 monthly maximum deduction. (For overpayments due to the receipt of duplicate warrants, see 89 Ill. Adm. Code 117.20.)

(Source: Amended at 37 Ill. Reg. 1893, effective February 4, 2013)