**Section 353.4 Restricted Accounts**

a) When a child receives an inheritance, insurance settlement, settlement as a result of a lawsuit, mineral rights payment or gift of less than $10,000, the Department shall establish a restricted account for the child.

1) Monies from a restricted account shall be invested according to sound investment principles. Funds being held as the result of a court award or out-of-court settlement related to an accident or incident shall not be used for the child's board and care. These funds may, however, be used for medical or hospital care or other expenses related to the accident or incident.

2) The balance of a restricted account shall be paid to the child at age 18, or to another person or entity who is legally entitled to act as the guardian of the estate for the child when the child is discharged from the Department's legal responsibility before the age of 18. When a child 18 years of age or over is incapable of managing such funds, the Department shall petition the court of jurisdiction to have a guardian appointed to manage the child's estate.

3) When a child is under the age of 18 and an inheritance, insurance settlement, mineral rights payment or gift that exceeds $10,000 is awarded in the child's name, the Department shall petition the court of jurisdiction to have a guardian appointed to manage the child's estate.

b) Dedicated Account

1) The federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 requires that retroactive benefit payments of more than 6 times the current federal benefit rate must be deposited into a special "dedicated" account. This dedicated account must be segregated from other funds and shall be invested according to sound investment principles.

2) Use of funds deposited in the dedicated accounts is limited to allowable expenses as approved by the Social Security Administration. Routine care and maintenance is not an allowable expense.

(Source: Amended at 25 Ill. Reg. 2709, effective February 1, 2001)