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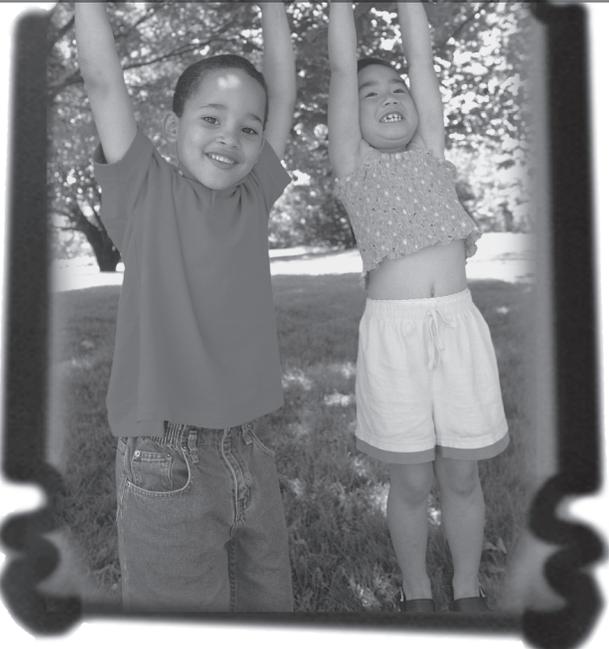
IOC118-0618 



State of Illinois  
Department of Healthcare and Family Services



# Child Support Services





## NOTES

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## **Illinois State Disbursement Unit Addresses, Telephone Number and Website**

### **Illinois State Disbursement Unit Addresses**

#### **Send child support payments to:**

Illinois State Disbursement Unit  
P.O. Box 5400  
Carol Stream, IL 60197

#### **Send letters to:**

Illinois State Disbursement Unit  
P.O. Box 5920  
Carol Stream, IL 60197

#### **Illinois State Disbursement Unit Hotline phone number:**

1-877-225-7077

#### **Illinois State Disbursement Unit website for payment information:**

[www.ilsdu.com](http://www.ilsdu.com)

### **JOLIET REGIONAL OFFICE**

Division of Child Support Services  
16 West Cass St., 4th Fl.  
Joliet, IL 60432

**Counties in Joliet Region:** Bureau, Grundy, Iroquois, Kankakee, Kendall, LaSalle, Livingston, Will

### **MARION REGIONAL OFFICE**

Division of Child Support Services  
3419 Professional Park Drive  
Marion, IL 62959

**Counties in Marion Region:** Alexander, Bond, Clay, Clinton, Crawford, Edwards, Fayette, Franklin, Gallatin, Hamilton, Hardin, Jackson, Jasper, Jefferson, Johnson, Lawrence, Marion, Massac, Monroe, Perry, Pope, Pulaski, Randolph, Richland, Saline, Union, Wabash, Washington, Wayne, White, Williamson

### **PEORIA REGIONAL OFFICE**

Division of Child Support Services  
401 Main Street, Suite 680  
Peoria, IL 61602

**Counties in Peoria Region:** Fulton, Henderson, Henry, Knox, Marshall, McLean, Mercer, Peoria, Putnam, Rock Island, Stark, Tazewell, Warren, Woodford

### **ROCKFORD REGIONAL OFFICE**

Division of Child Support Services  
175 Executive Parkway, Suite 107  
Rockford, IL 61107

**Counties in Rockford Region:** Boone, Carroll, DeKalb, JoDaviess, Lee, McHenry, Ogle, Stephenson, Whiteside, Winnebago

### **SPRINGFIELD REGIONAL OFFICE**

Division of Child Support Services  
509 South Sixth Street  
Springfield, IL 62701

**Counties in Springfield Region:** Adams, Brown, Calhoun, Cass, Christian, DeWitt, Greene, Hancock, Jersey, Logan, Macoupin, Mason, McDonough, Menard, Montgomery, Morgan, Pike, Sangamon, Schuyler, Scott

## **What is the Division of Child Support Services?**

Federal law requires that states offer and provide child support services (IV-D services) to all families, not just those who receive public assistance. In Illinois, child support services are administered by the Department of Healthcare and Family Services' (HFS) Division of Child Support Services (DCSS).

DCSS helps parents:

- Locate the parent who does not live with the child(ren);
- Legally establish paternity (the child's father) if the parents are not married or in a civil union;
- Get an order for child support and address health insurance;
- Collect payments on an already established child support order;
- Change the amount of a child support order (also known as a modification); and
- Collect past due child support payments.

DCSS **cannot** provide legal advice and **cannot** help parents:

- Get a divorce or property settlement;
- Get or modify (change) a custody or parenting time (visitation) order; or
- Get an order to provide college expenses.

## **Who can get help from DCSS?**

DCSS will help **any** parent get support for a child or children.

Custodial parents/obligees who receive Temporary Assistance for Needy Families (TANF) are automatically provided with child support services; CPs/obligees who receive Medical assistance from the Department of Human Services (DHS) are automatically offered child support services but must complete and return the client questionnaire to establish a child support case. TANF clients must cooperate with DCSS in order to keep receiving those benefits. If public and/or medical assistance benefits stop, DCSS will continue to provide services unless asked to stop. Cases for custodial parents/caretakers/obligees that do not receive public assistance are called "non-assistance cases".

Parents under the age of 18 can apply for and receive services. However, if they are not emancipated (have their own household without a parent or guardian), they will be required to bring a parent or guardian to the interview.

If the NCP/obligor lives outside the state of Illinois, including some other countries, DCSS may still be able to help the CP/obligee get child support.



### **How much do these services cost?**

**Illinois child support services are free.**

### **What needs to be done to sign up for child support services?**

Custodial parents/obligees who receive TANF are automatically provided child support services; CPs who receive medical assistance benefits are automatically offered child support services, but must complete and return the client questionnaire to establish a child support case.

Persons who do not receive public assistance can get an Application for Child Support Services (Title IV-D) by:

- Using the online application found at:  
**<https://www.illinois.gov/hfs/ChildSupport/parents/Pages/Applications.aspx>**
- Calling the Child Support Customer Service Call Center at 1-800-447-4278 (persons using a teletypewriter or TTY device may call 1-800-526-5812); or
- Visiting any DCSS office

## **Division of Child Support Services Regional Office Locations**

Information and an application can be provided at any DCSS office. Persons who have questions may write the DCSS Regional Office listed below for their county or may call the Child Support Customer Service Call Center at 1-800-447-4278. Persons using a teletypewriter (TTY) may call toll free at 1-800-526-5812 (TTY only).

### **COOK COUNTY CENTRAL FIELD OPERATIONS**

Division of Child Support Services  
P.O. BOX 64629  
Chicago, IL 60664-0629

### **COOK COUNTY SOUTHERN FIELD OPERATIONS**

Division of Child Support Services  
PO Box 64720  
Chicago, IL 60664-0720

### **AURORA REGIONAL OFFICE**

Division of Child Support Services  
280 East Indian Trail  
Aurora, IL 60605

**Counties in Aurora Region:** DuPage, Kane, Lake

### **BELLEVILLE REGIONAL OFFICE**

Division of Child Support Services  
1803 Ramada Boulevard, Suite B204  
Collinsville, IL 62234

**Counties in Belleville Region:** Madison, St. Clair

### **CHAMPAIGN REGIONAL OFFICE**

Division of Child Support Services  
313 North Mattis, Suite 218  
Champaign, IL 61821

**Counties in Champaign Region:** Champaign, Clark, Coles, Cumberland, Douglas, Edgar, Effingham, Ford, Macon, Moultrie, Piatt, Shelby, Vermilion

- DCSS is not able to contact the CP/obligee over a 30 calendar day period. DCSS will attempt to contact the CP/obligee by letter 60 calendar days before discontinuing child support services. The case will be left open if the CP/obligee notifies DCSS.

*\*Note: Although child support services may stop, all future child support payments will be issued by the State Disbursement Unit if the support is paid through income withholding.*

## Who is the contact for address and/or telephone number changes?

To make sure child support payments are received, it is important to report any change of address within seven (7) days to DCSS and the State Disbursement Unit (SDU). It is also very helpful to report changes in telephone numbers. To report these changes, call the Child Support Customer Service Call Center at 1-800-447-4278 or SDU at 1-877-225-7077. Persons using a teletypewriter (TTY) device may call toll-free at 1-800-526-5812 (TTY only).



Address change information may also be reported in writing to:

Address Change  
 Illinois Department of Healthcare and Family Services  
 Division of Child Support Services  
 P.O. Box 19405  
 Springfield, IL 62794-9405

Applicants are asked to provide as much of the information requested on the application as possible. For individuals who already have a paternity, child support, parenting time (visitation), or divorce order, it is very important to send a copy of the documents with the completed and signed application to HFS/Division of Child Support Services, NA Application Unit, PO Box 19405, Springfield, IL 62794-9405. The more information provided with an application, the faster a case will proceed.

## When an application for child support services has been received or a custodial parent/obligee starts receiving Medical Assistance and returns the client questionnaire, or a custodial parent/obligee starts receiving TANF, what's next?

Once DCSS has received an application or received a case referral from the Department of Human Services, the CP/obligee will receive a Child Support Appointment Notice or a Client Return Notice packet.

The Child Support Appointment Notice will provide the date, time and location for an interview and the information/documents the CP/obligee needs to bring to the interview.

The Client Return Notice will list the information/documents the CP/obligee needs to either mail or bring to the DCSS Regional Office.

The information and documents needed to process a case may include but are not limited to:

- Both parents' full name, date of birth, address, telephone number(s), social security number, photo identification, and employer's name and address;
- The child(ren)'s full name(s), date(s) of birth, social security number(s) and birth certificate(s);
- Marriage license and divorce decree, existing paternity, child support, and parenting time (visitation) order.



## What does “establish paternity” mean?

The definition of “paternity” is: “The quality or state of being a father.”

If the mother was married or in a civil union, when the child was born or within 300 days before the child was born, that person is automatically and legally presumed to be the child’s father.

If the mother was not married when the child was born or within 300 days before the child was born, the man she names as the child’s biological father is referred to as the “alleged father”. For the alleged father to be the legal father of the child:

- Both parents complete, sign and have witnessed a Voluntary Acknowledgment of Paternity form; or
- An Administrative Paternity Order has been entered by a state child support agency; or
- An Order of Paternity has been entered in court by a judge.

An Administrative Paternity Order or a judicial Order of Paternity may be entered after genetic testing authorized by the Department has been conducted and the alleged father has been concluded to be the child’s biological father. Fathers may be required to pay for genetic testing.

If the parents are not married or in a civil union when their child is born, hospital staff will give them a Voluntary Acknowledgment of Paternity (VAP) form. Both parents can complete, sign and have the VAP witnessed at the hospital and give it to the hospital staff. The hospital can only place the father’s name on the birth record if the VAP is completed, signed and witnessed before the parents and the child leave the hospital.



## Who is the contact for other questions regarding a child support case?

For general inquiries, visit the DCSS website at [www.childsupport.illinois.gov](http://www.childsupport.illinois.gov), or call the Child Support Customer Service Call Center at 1-800-447-4278 or write to one of the following addresses:

### In Cook County:

**Illinois Department of Healthcare and Family Services**  
**Division of Child Support Services**  
P.O. Box 64629  
Chicago, IL 60664-0629

### In All Other Counties:

**Illinois Department of Healthcare and Family Services**  
**Division of Child Support Services**  
Client Services Unit  
P.O. Box 19405  
Springfield, IL 62794-9405

Persons who have questions and use a teletypewriter (TTY), call toll-free at 1-800-526-5812 (TTY only).

## How long will child support services continue?

### Child Support services will continue until:

- The order states it should end;
- The youngest (or only) child in the order turns 18 years of age. If the child is in high school when she/he turns 18, child support could continue until the child graduates high school or turns 19, whichever comes first;
- The CP/obligee fails or refuses to cooperate when DCSS needs help in proceeding to the next step in providing services;
- The CP/obligee fails to advise DCSS of her/his mailing address;
- DCSS is notified in writing that child support services are no longer wanted\*;
- DCSS learns that further action is inadvisable or legally impossible;

Copies of documents possessed by DCSS except as prohibited by law (i.e., Internal Revenue Service and State Comptroller information), are provided at the request of the CP/obligee and/or an authorized representative.

If the request contains sufficient information to identify the account, such documents will be furnished no later than 30 calendar days after the date of the Department's receipt of the request for documents.

**Account Review Inquiries from Non-Assistance and Intergovernmental Cases** – If the CP/obligee disagrees with how the Department has distributed her/his child support and has never received TANF cash assistance, she/he may contact DCSS and ask for a review of the account. DCSS will review the account and advise the CP/obligee of the results.

Parents can call the Child Support Customer Service Call Center at 1-800-447-4278 or write the DCSS Regional Office in their area to request the account review.



The VAP can be taken home from the hospital and completed at a later date. There are instructions on the VAP for completion and mailing to DCSS.

A VAP can be completed, signed, witnessed, and filed at any time for any child.

A VAP form can be obtained at:

- Any DCSS Regional office;
- The Department's website – [www.childsupport.illinois.gov](http://www.childsupport.illinois.gov);
- Any Department of Human Services office;
- Any County Clerk's office;
- Any state or local Registrar's office; or
- Some community organizations such as WIC Food Centers (in Chicago) and Head Start.

### **Why is it important to establish paternity?**

There are a number of reasons to legally establish paternity for a child. They include, but are not limited to:

- Helping to ensure a child's right to have a relationship with his/her father and his family;
- Adding the father's name to a child's birth certificate;
- Having a legal document proving the identity of a child's father;
- Protecting the father's rights if something should happen to a child's mother and she is no longer able to care for the child;
- Being able to have a child added to his/her father's health insurance plan;
- Making sure a child will have access to family medical records that contain information that could possibly save his or her life;
- Making it possible for a child to receive financial and emotional support from both parents; and
- Making sure that a child is eligible to receive his/her father's Social Security benefits, veteran's benefits, pension and/or inheritance in the event of his/her father's death.

## What is genetic testing and how is it done?

Genetic tests are commonly called DNA tests or blood tests. In most instances, however, it is no longer necessary to draw blood for these tests. A simple swab of the inside of a person's mouth is all that is needed. The mother, the child and the alleged father must all be tested.

Just like all people have a unique set of fingerprints, they also have a unique set of genes. DNA is found in those genes. A child receives half of his/her genes from each parent. Therefore, a child's DNA will also be found in each of his/her biological parents' genes. If none of the child's genes match those of the man alleged to be his/her father, that man is ruled out (excluded) as being the child's biological father. If the child's genes match those of the man tested, he is ruled to be the child's biological father.



Genetic testing is very accurate. If the man tested is **not** the biological father, the genetic testing results will prove that with 100% certainty. Under Illinois law, an alleged father is presumed to be the father of the child if genetic test results show the alleged father is at least 1,000 times more likely to be the child's father than a random, unrelated man in the population and the probability of paternity is at least 99.9 %. This presumption can be overcome only by evidence showing that it is highly probable that the alleged father is not the father of the child.

Genetic testing can be ordered by DCSS only if both the mother and alleged father sign an Agreement to Be Bound By the Results of Genetic Testing. If a case goes to court, however, a judge can order the mother, child and alleged father to submit to genetic testing. In both instances, DCSS will schedule the testing.

Persons scheduled for genetic testing should bring:

- A copy of the Administrative Order for Genetic Testing (issued by DCSS) or the court Order for Paternity Testing (ordered by the judge); and
- A photo I.D. plus one other form of identification.

Staff at the testing facility may ask that a consent form be signed giving them permission to perform the test and send the results to DCSS.

The CP/obligee is asked to provide copies of documentation to be considered to complete the reconsideration account review.

A decision on the reconsideration request will be issued no later than 15 calendar days after the date the written reconsideration request was received by the Department. The reconsideration decision will include the following:

- The CP/obligee's name;
- The child(ren)'s name(s);
- The NCP/obligor's name;
- A statement that the account review worker has reviewed the prior documents and decision and has considered any new documentation or statements that have been provided;
- The Department's calculations;
- The appropriate policy citation(s);
- A statement as to whether the original account review decision was correct or incorrect;
- The amount of funds, if any, to which the CP/obligee is entitled and the date by which such funds will be issued;
- The name and work location of the account review worker;
- A statement that the reconsideration decision is the Department's final decision and is reviewable in state court; and
- A reference to an attached copy of the original account review decision which is enclosed with the reconsideration decision.



If, as a result of the reconsideration, the CP/obligee is entitled to child support received by the Department, such support will be issued no later than 30 calendar days after the date of the reconsideration decision.

The CP/obligee may file an action in state court if she/he disagrees with the account review decision or the reconsideration decision. It is not necessary to request a reconsideration before an action is filed in state court.

An account review decision will contain the following required information:

- The CP/obligee's name;
- The child(ren)'s name(s);
- The NCP/obligor's name;
- The Department's calculations;
- The appropriate policy citation(s);
- The amount of funds, if any, to which the CP/obligee is entitled;
- The date by which such funds will be issued to the CP/obligee;
- The name and work location of the account review worker;
- A statement that the account review decision is the Department's final decision which is reviewable in state court unless reconsideration of the account review decision is requested in writing within 30 calendar days of the date of the decision; and
- A statement that the CP/obligee may request an explanation of the decision by telephone inquiry to a toll-free number or in person at a Department local office arranged by appointment through the toll-free number.

If, as a result of the account review decision, the CP/obligee is entitled to child support received by the Department, such support will be issued to the CP/obligee no later than 30 days after the date of the account review decision.



The CP/obligee may get an explanation of an account review decision by calling a toll-free number. A request for explanation is not a request for reconsideration.

The CP/obligee may request a reconsideration even if a request for an explanation has been requested. The request for reconsideration must be in writing and received by the Department within 30 calendar days of the date of the account review decision. The written request for reconsideration must include:

- The CP/obligee's name;
- The CP/obligee's TANF case number;
- The date of the account review decision; and
- The reason for disagreement with the decision.

## What happens after the genetic test results are received?

When results are received, the mother and the alleged father will be notified.

If the alleged father has been determined **not** to be the father of the child, DCSS will issue an Administrative Order of Non-Paternity or the court will issue an Exclusion Order.

If the alleged father has been determined to be the father of the child, an Administrative Paternity Order will be issued by DCSS or a judicial Paternity Order will be issued by the judge.

## What happens after paternity is established?

The next step in the process is establishment of a child support order either administratively in a DCSS office or judicially by a circuit court judge. If done administratively by DCSS, the NCP will be scheduled for an interview with a Child Support Specialist.



## What can be expected at an interview?

The Child Support Specialist will:

- Ask for photo ID;
- Ask for the documents and information that were listed on the Child Support Appointment Notice and the forms that were sent with the notice;
- Review the child(ren)'s information and verify the parents' information including employment;
- Ask questions that will help determine if paternity has been legally established for the child(ren); and
- Ask the parents to complete paternity related forms if paternity has not been established for the child(ren).

## What if the custodial parent/obligee misses an appointment, does not provide information or does not sign forms when requested?

Custodial parents/obligees who receive TANF and miss an appointment or do not cooperate during the child support interview or any other time during the process may lose those benefits for themselves. They may lose cash assistance for their child(ren) also, but the child(ren)'s medical benefits will continue. This is called a "sanction". If sanctioned, the CP/obligee has the right to ask for a hearing (appeal) and may be able to keep the benefits while waiting for the appeal decision. The Department of Human Services (DHS) caseworker must be contacted for more details about this process.

If the CP/obligee has a nonassistance case and misses an appointment and/or does not cooperate during the process, the case may be closed.

If the CP/obligee has a good reason for missing an appointment she/he must contact the DHS caseworker or the DCSS Regional Office before the appointment or as soon as possible afterward. If the custodial parent/obligee does this, benefits will not change.

Good reasons for missing an appointment include, but are not limited to:

- The CP/obligee or child is disabled or homebound;
- The CP/obligee does not have child care or transportation;
- The CP/obligee or child is sick (need a letter from a doctor);
- The CP/obligee is hospitalized or in an institution;
- The CP/obligee is temporarily in jail; or
- The CP/obligee has a sudden emergency or family crisis.



Mail the account review request to:

Illinois Department of Healthcare and Family Services  
Division of Child Support Services  
Data Gathering Unit  
P.O. Box 19152  
Springfield, IL 62794-9152

To complete an account review, DCSS may request the following information:

- Support Order number (court docket number, Administrative Support Order number or other identifying number);
- TANF case number if the CP/obligee received TANF or Medical Assistance; and
- One or both parents' Social Security number

If a former TANF recipient requests an account review for current support due and not received during the month of the request and/or the prior month, an account review decision will be issued no later than 30 calendar days after the date the Department received the request.

If a former TANF recipient requests an account review for support due and not received for a period of more than one month prior to the request, an account review decision will be issued no later than 75 calendar days after the date the Department received the request.



## **If the custodial parent/obligee has never received TANF or Medical Assistance, will she/he receive all of the child support payments?**

Yes, the CP/obligee will receive all of the child support and/or medical support payments made by the NCP/obligor.

Since there is no fee for child support services, nothing will be retained by the Department.

## **What if the non-custodial parent/obligor still owes the custodial parent/obligee past due child support when the child support order has ended?**

DCSS will continue to collect past due support until it is paid in full or until the CP/obligee asks that her/his case be cancelled. A state law that went into effect January 1, 2005 gives the Department the legal authority to continue to collect the amount that was previously ordered as current support through income withholding to satisfy all unpaid support after the end date of the order.

## **What can the custodial parent/obligee do if she/he doesn't agree with how DCSS distributed the child support payments?**

If the CP/obligee currently receives TANF and Medical Assistance or has received them in the past and disagrees with how DCSS distributed child support payments, she/he may contact DCSS and ask for a review of the account. DCSS will review the account and advise the CP/obligee of the results. If the CP/obligee still disagrees, she/he may appeal the decision.

The account review request must be in writing and must contain the following information:

- The CP/obligee's name and address;
- The child(ren)'s name(s);
- The name of the NCP/obligor ordered to pay support; and
- The period of time for which the review is requested.

## **Are there reasons for not cooperating that are acceptable?**

Yes. Custodial parents/obligee who receive TANF should contact their Department of Human Services (DHS) caseworker if:

- The mother got pregnant because of rape or incest;
- Someone is working with them to decide if they should continue to be the caretaker for their child(ren);
- Their child is being adopted; or
- They are afraid because they and/or their child(ren) have been or may become victims of domestic violence involving the NCP/obligor.

It may be necessary to present proof to support a reason for not cooperating or a "good cause claim" such as birth certificates, court, medical, criminal, child psychology or law enforcement records. The DHS caseworker or the DCSS Regional Office may be able to help locate these records.

## **What if the custodial parent/obligee is afraid that the non-custodial parent/obligor may cause harm?**

The safety of the CP/obligee and that of the child(ren) is the Department's main concern. Domestic violence occurs when a person uses physical or psychological abuse, threats, intimidation or harassment to control another person in a family, household, or caretaker relationship. If there is cause for concern of family violence, contact the Department of Human Services caseworker or the DCSS Regional Office for help. Custodial parents/obligees who have non-assistance cases, should contact the DCSS Regional Office to report the situation.

If the CP/obligee wishes to continue child support services, DCSS staff will code the case with a Family Violence Indicator (FVI) so that all staff will be aware of the situation and take extra precautions to protect personal information.

The only time any of a CP's/obligee's confidential information, such as address and the child's Social Security Number, is given out by DCSS is on the National Medical Support Notice. This Notice is sent only to the NCP's/obligor's employer or the health insurance plan administrator. If a FVI is placed on the case, the DCSS' Medical Support Unit's address will be shown on the Notice as the CP's/caretaker's/obligee's address. Taking this precaution may slow down the receipt of dependent healthcare paper work, but the family is protected.

## **If the custodial parent/obligee does not know where the non-custodial parent/obligor lives and/or works, how is DCSS going to find him/her?**

If you don't know where your child's other parent is the DCSS will assist you in locating him/her. Any information you can provide will assist us and speed up the search. DCSS has a number of resources to help locate NCPs/obligors including data matches with:

- The U.S. Postal Service;
- The National New Hire Reporting Service;
- The Federal Parent Locator Service;
- The State Parent Locator Service;
- The Illinois Department of Employment Security; and
- The Illinois Secretary of State.



## **How is the amount of child support a parent has to pay determined?**

In Illinois, the method used to set the amount of child support is income shares based on both parents' net income and the number of children included in the child support order using the Illinois child support guidelines.

The Illinois mandatory child support guidelines require both parents' financial information to calculate the child support obligation. Either parent may be ordered to provide child support and/or medical coverage. However, only one parent will be ordered to pay child support to the other parent.

The incomes of both parents are combined and the number of children the parents share are identified. The Basic Support Obligation is calculated using an independent, statistically valid table of expenditures, and the amount a family of that size and income would spend on the child or children.

This support amount will be payable on a monthly, semi-monthly, bi-weekly or weekly basis, depending on the NCP's/obligor's pay schedule.

If the CP previously received TANF cash assistance but now receives Medical Assistance only, DCSS will send child support payments to the CP as stated in the next section.

## **When custodial parent/obligee stops receiving TANF, will they get their child support payments?**

DCSS will continue to provide services until the CP/obligee tells the Department that these services are no longer needed or fails to cooperate with DCSS.

Upon cancellation of TANF cash assistance, the CP/obligee's current child support and the balance of any past due support that had been temporarily assigned during the TANF period will no longer be assigned to the Department.

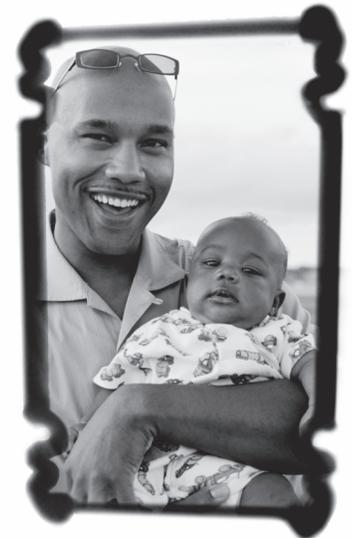
Child support and/or medical support payments collected that are more than the current support obligation will be sent to the CP/obligee for past due support owed.

If the Department receives the NCP/obligor's federal tax refund and past due support had been temporarily assigned to the Department while the CP/obligee received TANF, it will be retained by the Department to pay back the state for TANF cash assistance already paid to the CP/obligee.

If there is any federal tax money left after all cash assistance has been paid back to the state, it will be sent to the CP/obligee for any past due support owed.

When the NCP/obligor pays more than the current monthly support and past due support owed to the CP/obligee, the remainder will be retained by the Department to pay back the state for unpaid support that the NCP/obligor owed while the CP/obligee received TANF.

**Refund** – If more child support is collected in a month than is due to the CP/obligee and there is no past due support owed to the state, the difference will be refunded to the NCP/obligor.





**Allocation Earmarking** is for a child who is not eligible to be in a TANF case for reasons other than sanctions or receipt of SSI but at least one of the other children included in the child support order is receiving TANF. This includes children in the child support order who are not living in the TANF household. The CP/obligee or that child may be entitled to that child's support money. If the child lives with another adult, that other adult can receive the child support for that child.

If the child support order also includes other children in the household who are on TANF, DCSS will send the share of the child support that belongs to the child who is not in the TANF case.

If the child support order does not say how much of the child support is for the child who is not in the TANF case, the child support will be divided equally among the children and an equal share for that child will be sent to the CP/obligee.

If the CP/obligee thinks that the child is entitled to more than an equal share, the CP/obligee has the right to get a lawyer and ask the judge for a larger share of the child support payment. If the CP/obligee gets a new child support order, her/his DHS caseworker and DCSS worker must be contacted and each given a copy of the order.

### **If the custodial parent/obligee is receiving Medical Assistance only, will she/he receive child support payments?**

If the CP/obligee receives Medical Assistance only and never received TANF cash assistance, the Department will only retain the amount designated as medical support to reimburse the state for Medical Assistance payments made for the child(ren). The CP/obligee will receive all of the child support payments.

## **Who issues the child support order?**

A child support order will be established by DCSS through its administrative process or through the circuit court. DCSS will choose the best and quickest method for the case. Sometimes the judicial process is necessary such as when the family may be at risk of domestic violence. Child support orders are not established if the parents of the child(ren) live together.

When the judicial process is used, the Department is represented by the county State's Attorney's Office or the Illinois Attorney General's Office. These legal representatives handle DCSS cases in circuit court as the attorneys for the Department and do not legally represent parents, in court or out of court, as clients. Any discussions between parents and the Department's attorneys are not considered confidential or privileged under Illinois law. Parents may be asked to read and sign a Disclosure Statement Regarding Legal Representation.

## **What is the administrative process and when is it used?**

According to state law, DCSS may establish legal paternity and/or child support rather than going through the court process. DCSS may also change existing administrative support orders. The advantages of the administrative process are:

- A court hearing is not required.
- Parents will be interviewed in a confidential, private setting.
- Parents may establish paternity by completing the VAP.
- If genetic testing is needed to establish paternity, the testing is free for the CP/obligee and child.
- Paternity and child support may be established in a single appointment/interview with the alleged father.
- If the parents provide enough information over the phone and/or by mail, an appointment/interview may not be necessary.



- Establishment of administrative paternity and/or child support orders may take 90 days or less.
- As in court, paternity and child support may be established by default if DCSS has proof that the alleged father received proper notification to appear for an appointment or genetic testing, but failed to appear.
- Changes to existing orders are processed quickly.
- Administrative orders may be enforced by DCSS or through the courts.

Child support may be established through the administrative process when:

- The mother and father are not married or in a civil union and paternity has already been established; or
- The mother and father are separated but not divorced; or
- No prior court order has been established for the parties.

If the NCP/obligor does not live in Illinois, the administrative process may still be used if:

- The child was conceived and/or born in Illinois and presently lives in Illinois with the CP/obligee; or
- The parents already have an existing administrative or judicial order from another state or most countries, and the CP/obligee wants Illinois to enforce the order.

## Do the parents have to carry health insurance for the child(ren)?

DCSS may obtain, as part of the child support order, health insurance coverage for the child(ren). When health insurance is available through a parent's employer or trade union, DCSS enters an order requiring the child(ren) to be enrolled in that health insurance plan. If health insurance coverage is not available through a parent's employer or trade union, the parent may be ordered to pay the insurance premium, add the child(ren) to any other available group plan, obtain private health insurance coverage or be ordered to pay a monetary amount to cover health care needs.



Once the CP/obligee starts receiving the child support money, the Social Security office should be notified. They may reduce the child's SSI check, but they cannot reduce it by all of the child support payment. The CP/obligee will still come out ahead because part of the child support payment will be protected and not counted as income or taken out of the child's SSI check.

Note: If a CP/obligee has any problems with the way the Social Security Administration budgets the child's support payments, the CP/obligee may contact the nearest legal assistance office.

**Optional Earmarking** is for a child who is not a brother, sister, half-brother or half-sister to another child in the TANF case, such as a niece or nephew. This option may allow the CP/obligee to take the child(ren) out of the TANF case and receive child support if "yes" is answered to all of the following questions:

- Is the NCP/obligor paying at least \$100 per month in child support?
- Is the NCP/obligor paying the child support every time it is due without missing payments or paying late?
- Does the CP/obligee expect that the NCP/obligor will continue to pay child support regularly?

The CP/obligee must keep the following in mind when making this decision:

- The child(ren) cannot be removed from the TANF case if they are brothers, sisters, half-brothers or half-sisters to any other child(ren) in the case.
- If the child(ren) has/have been removed from the TANF case and the NCP/obligor stops paying, it will take 45 days for the child(ren) to be added back into the case.
- If the child(ren) has/have been removed from the TANF case and then added back to the case, they cannot be removed again for one year.

A CP/obligee who is interested in optional earmarking, must contact the DHS caseworker who can further explain and help to determine the money potentially received under this option.

The following is an example of how Current Excess Child Support is paid to the CP/obligee:

TANF Cash Assistance	\$100
Child Support Obligation	\$275
Child Support Payment Made	\$275
Pass Through Payment Made to Custodial Parent	\$100
Current Excess Child Support Sent to Custodial Parent	\$ 75

If DCSS collects more in total child support payments than the total of TANF cash assistance plus pass through payments paid to the CP/obligee, the difference up to the total child support obligation due at that time will be sent to the CP/obligee. This is called "Past Excess Child Support".

The following is an example of how Past Excess Child Support is paid to the CP/obligee:

Total TANF Cash Assistance Paid to Custodial Parent	\$2,000
Total Child Support Obligations	\$4,000
Total Child Support Payments Made	\$2,500
Past Excess Child Support Sent to Custodial Parent	\$ 500

**Child Support Payments for Child(ren) Not Included in TANF Cash Grant -** State and federal regulations provide for a procedure called "earmarking" that allows a CP/obligee to receive the child support payments for one or more of the children who do not receive TANF cash assistance.

**SSI Earmarking** is for a child who has a disability and receives Supplemental Security Income (SSI). If the child support order for the child receiving SSI includes other children, DCSS will send the CP/obligee the share of the child support payment that belongs to the child receiving SSI.

If the child support order does not say how much of the child support is for the child receiving SSI, DCSS will divide the child support equally among the children and send the CP/obligee the equal share for the child receiving SSI. If the CP/obligee thinks the child receiving SSI is entitled to more than an equal share, the CP/obligee has the right to get a lawyer and ask the judge for a larger share of the child support payment. If the CP/obligee gets a new child support order, she/he must contact her/his Department of Human Services (DHS) caseworker and DCSS worker and give each a copy of the order.

The National Medical Support Notice (HFS 3554) is sent to the NCP/obligor's employer when health care coverage is ordered through employment. The CP/obligee will receive a copy of the Notice when it is sent to the employer. Insurance plan information is sent to the CP/obligee and the Department by the employer's insurance plan administrator.

The Department of Healthcare and Family Services has a health insurance program, called All Kids, offered to all Illinois' children at a reduced rate or at no cost to the parent. This does not affect a parent's obligation to provide health coverage. For more information on this program, call the All Kids Hotline at 1-866-ALL-KIDS (1-866-255-5437).

## How long will a parent be required to pay child support?

Child support is ordered until the youngest (or only) child reaches the state's legal age of emancipation. In Illinois, a child is legally emancipated at the age of 18 years. Unless otherwise agreed in writing or provided in the judicial order, current support of a child is terminated upon emancipation. However, as of June 1, 2003, Illinois law allows the Department to extend current child support until the child graduates from high school or attains the age of 19, **whichever comes first**. This high school extension is available to administrative and judicial cases. Also, if past due support is owed at emancipation, the amount that had been paid for current support may be extended until the past due amount is paid off.



## How will child support payments be collected?

Illinois law requires that child support payments be withheld from the wages of the parent/obligor that is ordered to pay support. After the child support order has been established, an Income Withholding for Support will be served on the NCP/obligor's employer. The employer must begin taking the ordered amount out of the NCP/obligor's pay check the first pay period occurring within 14 business days of the date the Income Withholding for Support was mailed, faxed or personally served on the employer.

The employer then sends the child support payment to the State Disbursement Unit.

Self-employed NCP/obligors will receive a billing statement for their child support obligation and may choose to utilize the following payment options:

➤ **[www.e-childspay.com](http://www.e-childspay.com)**

An easy and secure way for child support obligors to make their required child support payments online using a credit card. Obligor will have to register to use this service. Visa, MasterCard and Discover are accepted. A processing fee will be charged. The fee schedule is: Payments of \$0 - \$500 – a Flat Rate fee of \$14.95. Payments of \$500.01 or more – a Percentage Rate of 2.95%. It can take up to 7 business days before your payment is posted to your child support account.

➤ **[www.expertpay.com](http://www.expertpay.com)**

An easy and secure way for child support obligors to establish automated payments (weekly, bi-weekly etc). Obligor will have to register to use this service and pay a one-time registration fee of \$2.50. There is a validation period to verify the checking or savings account. It can take up to 5 business days before your payment is posted to your child support account.

➤ **Pay by Phone – 1-866-645-6348**

There is a registration process for first time users. Once registered, obligors can make payments on-line using Visa, MasterCard or Discover. A processing fee will be charged. The fee schedule is: Payments of \$0 - \$500 – a Flat Rate fee of \$14.95. Payments of \$500.01 or more – a Percentage Rate of 2.95%. It can take up to 7 business days before your payment is posted to your child support account.

## What does the State Disbursement Unit do when they receive child support payments?

How the State Disbursement Unit (SDU) disburses child support payments depends on the type of case the custodial parent/caretaker/obligee has with DCSS.

support payments are automatically assigned to the Department. This means the Department will retain child support (except the amount paid as pass through) and/or medical support payments to reimburse the state for the benefits received.

In addition, if a CP/obligee receives cash assistance with the child(ren) and also receives spousal support or maintenance through a divorce decree, those payments are also automatically assigned to the Department.

**Pass Through Payment** – In a month you receive cash assistance, when a child support payment is made by the non-custodial parent during that month of assistance, you may receive up to the first \$100 in pass-through payments for one child in the family household receiving cash assistance, or up to \$200 in pass-through payments for two or more children in the family household receiving cash assistance. Only one pass through payment is issued per month even if the CP/obligee has more than one NCP/obligee paying child support.

The following are examples of how pass through is paid to the custodial parent/obligee.

### **EXAMPLE 1**

#### **One Child on TANF**

Support Obligation	\$175
Support Payment Made	\$125
Pass Through Payment to Custodial Parent/Obligee	\$100

### **EXAMPLE 2**

#### **Two or More Children on TANF**

Support obligation	\$275
Support Payment Made	\$275
Pass Through Payment to Custodial Parent/Obligee	\$200

Pass through payments do not change the amount of the CP/obligee's TANF cash assistance, but are counted to determine the amount of their food stamp benefits.

#### **Current and Past Excess Support** –

If DCSS collects more in child support in a month than the CP/obligee was paid in TANF cash assistance plus a pass through payment, the CP/obligee will be sent the difference up to the total ordered current child support obligation for that month. This is called "Current Excess Child Support".



## What if the non-custodial parent/obligor gets behind and/or stops paying child support?

If a NCP/obligor gets behind in paying child support, a delinquency exists on the child support account. The DCSS computer system automatically calculates the delinquent amount and serves the NCP/obligor's employer with an Income Withholding for Support to deduct an additional amount from the NCP/obligor's wages until the delinquency amount is paid in full.

To try to collect past due child support from the NCP/obligor, DCSS may automatically use one or more special collection tools including:

- Intercepting federal and state income tax refunds (if the case is TANF or Foster Care and the NCP/obligor owes \$150 or more or \$500 or more if the case is non-assistance);
- Intercepting other state payments, such as lottery winnings;
- Intercepting casino or racetrack winnings;
- Placing liens on property;
- Seizing bank accounts;
- Submittal to private collection agencies;
- Denial or revocation of U.S. passports;
- Submittal to credit reporting agencies;
- Submittal to state licensing agencies for denial or revocation of professional, occupational or recreational licenses;
- Submittal to the Illinois Secretary of State for suspension of driver's licenses; and/or
- Publication of the NCP/obligor's name (and photo, if available) and amount of past due child support owed on the Department's **Delinquent Parents** Website.

Before the Department takes any of the actions above, a letter must be sent to the NCP/obligor to notify him/her of DCSS' intentions. The NCP/obligor may then ask DCSS to review the account to determine if the amount of past due child support is correct. This may result in a delay in the disbursement to the CP/obligee of any money collected for past due child support.

## If the custodial parent/obligee is receiving TANF cash assistance, will child support payments be received?

In accordance with state and federal law, if a CP/obligee receives TANF cash and Medical Assistance for the child(ren), the child support and/or medical

If a CP/obligee does not receive public assistance, child support payments are disbursed directly to her/him. In some cases, there may be past due support owed to the state for a period of public assistance, and payments on the past due amount will be disbursed to the Department. This is explained in more detail in the section titled "When a CP/caretaker/obligee stops receiving TANF, will she/he get the child support payments?"



If the CP/obligee receives TANF cash assistance, child support payments are disbursed to the Department. This is explained in more detail in the section titled "If the custodial parent/obligee is receiving TANF cash assistance, will child support payments be received?"

If the CP/obligee receives Medical Assistance only, the SDU will disburse only the amount for medical support to the Department. Current support and any past due amount owed to the CP/obligee will be disbursed directly by the SDU.

For information concerning payments received and disbursed by the SDU, call SDU's customer service line toll-free at 1-877-225-7077.

## What if the non-custodial parent/obligor lives in another state or country?

Illinois has the Uniform Interstate Family Support Act (UIFSA) which makes it easier to establish, enforce and collect child support across state lines. It reduces the paperwork involved with intergovernmental child support issues, expands administrative options and speeds the process of income withholding. Intergovernmental cases may involve more than one state, tribe or country.

UIFSA enables other states to directly serve their orders on the NCP/obligor's employer in Illinois as well as enables Illinois to serve an Illinois order to employers directly in other states that have adopted UIFSA.

The Department collects child support faster when it serves employers directly rather than having to ask other states to serve the income withholding. This may occur if Illinois has authority over an NCP/obligor who does not live in Illinois if:

- The NCP/obligor is personally served a court order in Illinois
- The NCP/obligor voluntarily accepts Illinois' authority;
- The NCP/obligor previously lived with the child in Illinois;
- The NCP/obligor lived in Illinois and supported the mother before the child was born;

- The child lives in Illinois because of the actions/directives of the NCP/obligor; or
- The child was conceived in Illinois.

Illinois must, however, ask another state or country to enforce the child support order under its own laws on behalf of Illinois if:

- Illinois does not have authority over the parties;
- Illinois cannot collect child support through direct income withholding; or
- The NCP/obligor lives in a state that has not adopted UIFSA or in a foreign country.

DCSS does have agreements with all of the states, some countries and some tribal child support programs in order to help each other. Any money collected out-of-state is sent back to Illinois to be forwarded to the appropriate person or state agency.

Illinois can ask another country to establish paternity, to establish a child support order, or to modify or enforce an existing order if that country has child support laws similar to ours. The U.S. Attorney General's Office may establish a cooperative agreement with a foreign country if one does not currently exist.

## **If a parent's income changes will the amount of the child support payments change too?**

The amount of the child support payments will not change automatically. However, DCSS reviews child support orders every 3 years or when requested by either parent. If it is appropriate, steps will be taken to change (modify) the order. Both parents will be notified of the review results.

Either parent may request modification of a child support order at anytime but proof of a substantial change in circumstances must be provided.

## **What if the non-custodial parent/obligor changes jobs?**

A law passed in 1997 requires employers to report every new person they hire within 20 days. In Illinois, this information must be provided to the Illinois Department of Employment Security (IDES). IDES shares this information via data match with DCSS. When there is a match with the NCP/obligor



in the DCSS computer system, an Income Withholding for Support will automatically be sent to the NCP/obligor's new employer.

In addition, all child support orders instruct NCP/obligors to contact DCSS when their employment and/or address changes.

It is, however, very important that CP/obligees contact DCSS personally when new information concerning the NCP/obligor's employment status and/or address becomes known.

To report this information, visit the DCSS website at [www.childsupport.illinois.gov](http://www.childsupport.illinois.gov), or call the Child Support Customer Service Call Center at 1-800-447-4278. Persons using a teletypewriter (TTY) may call 1-800-526-5812.

## **What if the non-custodial parent/obligor loses his/her job?**

If the NCP/obligor loses his/her job and cannot pay child support, the NCP/obligor should contact DCSS as soon as possible to report this change in circumstances by visiting the DCSS website at [www.childsupport.illinois.gov](http://www.childsupport.illinois.gov) or by calling the Child Support Customer Service Call Center at 1-800-447-4278. Persons using a teletypewriter (TTY) may call 1-800-526-5812.

If the NCP/obligor files for unemployment insurance benefits (UIB) in Illinois, the Department can have child support payments deducted from those benefits. Child support payments can be deducted from UIB only by the Department for CP/obligees who have a child support case.

If the NCP/obligor files for unemployment insurance benefits in another state, some states allow other states to serve an Income Withholding for Support directly on the agencies that administer those benefits. For those states that do not allow direct service, DCSS must send a request to that state's child support agency to serve an Income Withholding for Support.

