**Section 20.20 Determination of Ability to Support**

a) Responsible relatives living apart from the recipient/assistance unit.

1) For responsible relatives living apart from the recipient/assistance unit, a responsible relative is liable for all assistance provided to or in behalf of the recipient, unless the relative establishes a lesser ability to support by providing the Department with income and asset information from which it can determine the relative's ability to support. However, the monthly support obligation assessed a responsible relative determined able to pay shall not exceed the average monthly amount of assistance provided by the Department to or in behalf of the recipient.

2) Except in Title IV-D cases where the guidelines set out in 89 Ill. Adm. Code 160.60(c) shall apply, the Department shall apply Table A of this Part to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his or her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint tax return with a non-responsible relative, only such income that is attributable to the responsible relative will be considered.

b) Responsible relatives living apart or with the recipient/assistance unit.

1) For responsible relatives living with the recipient/assistance unit, the Department shall determine a responsible relative's ability to support dependents according to the standards and asset limitation indicated below:

A) Aid to the Aged, Blind or Disabled (AABD)

 The Department shall use the AABD financial assistance standard and the appropriate asset limitations, as set out in 89 Ill. Adm. Code 113.245 through 113.262 and 113.140, to determine the relative's ability to support.

B) General Assistance (GA) (City of Chicago Only)

 The Department shall use the family or adult payment level, as set out in 89 Ill. Adm. Code 114.250, to determine the relative's ability to support.

C) TANF

 The Department shall use the family or adult payment level, as set out in 89 Ill. Adm. Code 112.250, to determine the relative's ability to support.

2) For responsible relatives living apart from the recipient/assistance unit, the Department shall apply Table A of this Part to the gross income figure contained on the relative's most recent Federal Income Tax return to determine the relative's ability to support. The relative must submit a copy of his or her most recent Federal Income Tax return for this determination or remain liable for all assistance provided to or in behalf of the recipient. If the responsible relative has filed a joint return with a non-responsible relative, only such income that is attributable to the responsible relative will be considered.

c) Hospitalized or institutionalized individual living with a responsible relative.

1) Aid to the Aged, Blind or Disabled (AABD)

 The client is considered as living apart from a responsible relative for any month the client is hospitalized or institutionalized the first day of the calendar month through the last day of the calendar month. If an infant is hospitalized from birth through the end of the calendar month, the client is considered hospitalized for the entire month. If a client is in a hospital or institution on the first day of the calendar month but dies prior to the end of the calendar month, the individual is considered living apart from the responsible relatives.

2) Temporary Assistance for Needy Families (TANF)

 A hospitalized individual is considered as living with the responsible relative if the individual is under the relative's control and supervision regardless of the length of hospitalization.

(Source: Amended at 29 Ill. Reg. 8156, effective May 18, 2005)