**Section 104.110 Conduct of Hearings on Joint Owner's Contest of Levy of Jointly-Owned Personal Property**

a) Hearings on joint owner's petition to contest the lien or levy of jointly-owned personal property, including accounts held in financial institutions, shall be governed by Sections 104.10 through 104.70, except that "appellant" as used within this Part shall refer to the joint owner who petitions, and except as set forth in this Section.

b) A joint owner's petition to contest lien or levy of jointly-owned personal property must be filed with the regional or central office of the Division of Child Support Enforcement at the address shown in the notice of lien or levy.

c) For purposes of notice and of presenting evidence, the Title IV-D client and the responsible relative shall be considered interested parties.

d) Hearings shall be conducted by a hearing officer authorized by the Director of the Department to consider issues involving joint owner petitions to contest lien or levy of jointly-owned personal property.

e) If the joint owner is an Illinois resident, the hearing shall be conducted in the joint owner's county of residence. If the joint owner is not an Illinois resident, but the client is an Illinois resident, the hearing shall be conducted in the client's county of residence. If neither the joint owner nor the client is an Illinois resident, the hearing shall be conducted in the responsible relative's county of residence. If the joint owner, the client and the responsible relative are not residents of Illinois, the hearing shall be conducted in the appropriate regional office of the Division of Child Support Enforcement. In any event, the hearing may be conducted in a county acceptable to the joint owner, the client, the responsible relative and the Division of Child Support Enforcement. If a party is outside the State, he or she may, in a manner consistent with Section 11-8.2 of the Public Aid Code, present his or her case through depositions and witnesses. In addition, a party may request to participate in a hearing by telephone, at his or her own expense.

f) Documents certified by a clerk of court or a Title IV-D agency shall be admitted into evidence without further proof. (Refer to Section 104.23 for admission of other evidence.)

g) In addition to the joint owner, the Division of Child Support Enforcement, the client or the responsible relative may request and receive a continuance for good cause shown (for example, illness or other circumstance that prevents a party from continuing in the normal course of the hearing).

h) The burden is on the joint owner to prove his or her share of the personal property or account through production of documentary evidence. Documentary evidence of the joint owner's share may include, but shall not be limited to, the following:

1) bank statements;

2) bank signature cards;

3) canceled checks or facsimiles of checks deposited into or drawn on the account;

4) account numbers of accounts being held in financial institutions;

5) title to the personal property;

6) loan repayment coupons or other loan documents;

7) receipt from purchase of the personal property; and

8) payroll records.

i) A hearing decision shall be given to the joint owner, the IV-D client and the responsible relative within 60 days after the Department's receipt of the request for hearing unless additional time is required for a proper decision due to the complexity or unavailability of relevant evidence, and the joint owner, the IV-D client and the responsible relative will be notified of the length of the extension.

(Source: Amended at 24 Ill. Reg. 2418, effective January 27, 2000)