**Section 160.25 Recoupment**

a) The Department shall seek written agreements from individuals applying for or receiving IV-D non-TANF support enforcement services authorizing recoupment, through retention of up to ten percent of future child support collections, in the event the individual receives funds through the Department's child support enforcement program to which he or she was not entitled. Recoupment shall apply only to such funds received by the individual after the date of the agreement.

b) In those cases in which the client has signed an agreement authorizing recoupment from child support collections, the Department shall provide the client with a notice at least 45 days prior to commencing recoupment which shall inform the client of the following:

1) the IV-D non-TANF identification number of the case in which the client received funds to which the client was not entitled;

2) the responsible relative's name;

3) the amount to be recouped;

4) the reason the client was not entitled to the funds;

5) that up to ten percent of each child support payment collected in the IV-D non-TANF case will be retained by the Department until the full amount stated in the notice is recouped, commencing with the next payment of child support received from the responsible relative 45 days after the date of mailing of the notice;

6) the opportunity, within 30 days after the date of mailing of the notice, to prevent recoupment by payment of the full amount stated in the advance notice; and

7) the opportunity to contest the determination that the client received funds to which the client was not entitled or the amount of such funds by requesting a redetermination by the Department.

c) The Department shall be stayed from commencing recoupment when a request for redetermination is received within 30 days after the date of mailing of the advance notice. For purposes of computing whether a request for redetermination was made within the 30 day period, the day immediately after the mailing of the advance notice shall be considered as the first day and the day the request for redetermination was received by the Department shall be considered as the last day.

d) The Department shall provide the client with notice of the results of the redetermination.

e) The Department shall reimburse the client for any amount due that was previously recouped, based on the results of the redetermination.

f) The Department shall inform individuals applying for or receiving IV-D non-TANF support enforcement services that they will be liable for repayment of any amount received if the Department determines they were not entitled to that amount.

(Source: Amended at 21 Ill. Reg. 16050, effective November 26, 1997)