**Section 160.200 Provision of Services in Intergovernmental IV-D Cases**

a) The Department's Central Registry for Intergovernmental IV-D Cases shall receive, transmit, and respond to inquiries on all incoming intergovernmental IV-D cases.

b) Within 10 working days after receipt of an intergovernmental IV-D case, the Central Registry shall:

1) Ensure that the documentation submitted with the case has been reviewed to determine completeness;

2) Forward the case for necessary action either to the State Parent Locator Service for location services or to the appropriate office for processing;

3) Acknowledge receipt of the case and request any missing documentation; and

4) Inform the initiating agency where the case was sent for action.

c) If the documentation received with an incoming case is incomplete and cannot be remedied by the Central Registry without the assistance of the initiating agency, the Central Registry shall forward the case for any action that can be taken pending necessary action by the initiating agency.

d) The Central Registry shall respond to inquiries from initiating agencies within 5 working days after receipt of the request for a case status review.

e) As the responding State IV-D agency, the Department shall:

1) Accept and process an intergovernmental request for services, regardless of whether the initiating agency elected not to use remedies that may be available under the law of that jurisdiction;

2) Within 75 calendar days after receipt of an intergovernmental form and documentation from the Central Registry:

A) Provide location services if the request is for location services or the form or documentation does not include adequate location information on the noncustodial parent;

B) If unable to proceed with the case because of inadequate documentation, notify the initiating agency of the necessary additions or corrections to the form or documentation;

C) If the documentation received with a case is incomplete and cannot be remedied without the assistance of the initiating agency, process the case to the extent possible pending necessary action by the initiating agency;

3) Within 10 working days after locating the noncustodial parent in a different state, the Department shall return the forms and documentation, including the new location, to the initiating agency or, if directed by the initiating agency, forward or transmit the forms and documentation to the Central Registry in the state where the noncustodial parent has been located and notify the Department's Central Registry where the case has been sent;

4) Within 10 working days after locating the noncustodial parent in a different county within the State, forward or transmit the forms and documentation to the appropriate county and notify the initiating agency and the Department's Central Registry of its action;

5) If the initiating agency's request is for a determination of controlling order:

A) Cause a controlling order determination to be made within 30 calendar days after receipt of the request or location of the noncustodial parent, whichever occurs later; and

B) Notify the initiating state agency, the controlling order state and any state where a support order in the case was issued or registered of the controlling order determination and any reconciled arrearages within 30 calendar days after receipt of the determination;

6) Provide any necessary services that it would provide in intrastate IV-D cases, including:

A) Establishing paternity;

B) Establishing a child support obligation;

C) Reporting past-due support to consumer reporting agencies;

D) Processing and enforcing orders referred by an initiating agency, whether pursuant to UIFSA or other legal processes, using appropriate remedies applied in intrastate cases, and submit the case for federal enforcement techniques as the Department determines to be appropriate, such as administrative offset under 31 CFR 285.1 and passport denial;

E) Collecting and monitoring any support payments from the noncustodial parent and forwarding payments to the location specified by the initiating agency. The Department shall include sufficient information to identify the case, indicate the date of collection, and include the Department's case identifier and locator code, as defined in accordance with instructions issued by the federal Office of Child Support Enforcement; and

F) Reviewing and adjusting child support orders;

7) Provide timely notice to the initiating agency in advance of any court or administrative hearing that may result in establishment or modification of an order;

8) Identify any fees or costs deducted from support payments when forwarding payments to the initiating agency;

9) Within 10 working days after receipt after instructions for case closure from an initiating state agency, stop the Department's income withholding notice and close the intergovernmental IV-D case, unless the Department and the initiating state reach an alternative agreement on how to proceed;

10) Notify the initiating agency when a case is closed; and

11) Pay the costs it incurs in processing intergovernmental IV-D cases as the responding IV-D agency, including the costs of genetic testing.

f) As the initiating Illinois IV-D agency, the Department shall:

1) Determine whether there is a support order or orders in effect in a case using the Federal and State Case Registries, State records, information provided by the recipient of services, and other relevant information available to the Department;

2) Determine in which state a determination of controlling order and reconciliation of arrearages may be made when multiple orders exist;

3) Determine whether the noncustodial parent is in another jurisdiction and whether it is appropriate to use the Department's one-state remedies to establish paternity and establish, modify and enforce a support order, including medical support and income withholding;

4) Within 20 calendar days after completing the actions required in subsections (f)(1) through (3) and, if appropriate, receipt of any necessary information needed to process the case:

A) Seek through intrastate judicial or administrative action, or refer the case to the appropriate responding state IV-D agency, determination of the controlling order and a reconciliation of arrearages if such a determination is necessary; and

B) Refer any intergovernmental IV-D case to the appropriate State Central Registry, Tribal IV-D program, or Central Authority of a country for action, if one-state remedies are not appropriate;

5) Provide the responding agency sufficient, accurate information to act on the case by submitting with each case any necessary documentation and intergovernmental forms required by the responding agency;

6) Within 30 calendar days after receipt of the request for information, provide the responding agency with an updated intergovernmental form and any necessary additional documentation, or notify the responding agency when the information will be provided;

7) Notify the responding agency at least annually, and upon request in an individual case, of interest charges, if any, owed on past-due support under an initiating state order being enforced in the responding jurisdiction;

8) Submit all past-due support amounts owed in IV-D cases that meet the certification requirements under Section 160.70(b) for federal tax refund intercept;

9) Send a request for review of a child support order to another state in accordance with the provisions of Section 160.65(j);

10) Distribute and disburse any support collections received in accordance with the provisions of Subpart F;

11) Notify the responding agency within 10 working days after case closure that the Department has closed its case pursuant to the provisions of 45 CFR 303.11 and the basis for case closure;

12) Instruct the responding agency to close its interstate case and to stop any withholding order or notice the responding agency has sent to an employer before the Department transmits a withholding notice, with respect to the same case, to the same or another employer unless the Department and the responding agency reach an alternative agreement on how to proceed; and

13) If the Department has closed its case pursuant to at 45 CFR 303.11 and has not notified the responding agency to close its corresponding case, make a diligent effort to locate the obligee, including use of the Federal Parent Locator Service and the State Parent Locator Service, and accept, distribute and disburse any payment received from a responding agency.

g) General responsibilities. The Department shall:

1) Periodically review program performance or intergovernmental IV-D cases to evaluate effectiveness of procedures established under this Section;

2) Use federally-approved forms in intergovernmental IV-D cases, unless a country has provided alternative forms as part of its chapter in the federal publication titled A Caseworker's Guide to Processing Cases with Foreign Reciprocating Countries. The Department shall provide the number of complete sets of required documents needed by the responding agency, if one is not sufficient under the responding agency's law;

3) Transmit requests for information and provide requested information electronically to the greatest extent possible;

4) Within 30 working days after receiving a request, provide any order and payment record information requested by a state IV-D agency for a controlling order determination and reconciliation of arrearages, or notify the state IV-D agency when the information will be provided;

5) Notify the other agency within 10 working days after receipt of new information on an intergovernmental case;

6) Cooperate with requests for the following limited services:

A) Quick locate;

B) Service of process;

C) Assistance with genetic testing;

D) Teleconferenced hearings;

E) Administrative reviews;

F) High-volume automated administrative enforcement in interstate cases under Section 160.70(i); and

G) Providing copies of court and administrative orders and payment records;

7) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of notice in a record from an initiating, responding or registering tribunal, send a copy of the notice to the petitioner; and

8) Within 5 days, exclusive of Saturdays, Sundays and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner.

h) The provisions for Registration and Modification of Foreign Child-Support Order contained in Section 616 of the Uniform Interstate Family Support Act (UIFSA) [750 ILCS 22/616] shall apply to this Section.

i) Support Proceeding Under Convention

1) The definitions contained in UIFSA Section 701 shall apply to this Section.

2) This subsection (i) applies only to a support proceeding under the Convention. In such a proceeding, if a provision of this subsection (i) is inconsistent with subsections (a) through (h) of this Section, this subsection (i) controls.

3) The Department is recognized as the agency designated by the United States central authority (i.e., the U.S. Department of State) to perform specific functions under the Convention.

4) Initiation by the Department of a support proceeding under the Convention

A) In a support proceeding, the Department shall:

i) transmit and receive applications; and

ii) initiate or facilitate the institution of a proceeding regarding an application in a tribunal of this State.

B) The following support proceedings are available to an obligee under the Convention:

i) recognition or recognition and enforcement of a foreign support order;

ii) enforcement of a support order issued or recognized in this State;

iii) establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child;

iv) establishment of a support order if recognition of a foreign support order is refused under the provisions of subsection (i)(7);

v) modification of a support order of a tribunal of this State; and

vi) modification of a support order of a tribunal of another state or a foreign country.

C) The following support proceedings are available under the Convention to an obligor against which there is an existing support order:

i) recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this State;

ii) modification of a support order of a tribunal of this State; and

iii) modification of a support order of a tribunal of another state or foreign country.

D) A tribunal of this State may not require security, bond or deposit, however described, to guarantee the payment of costs and expenses in a proceeding under the Convention.

5) Direct Request. The provisions contained in UIFSA Section 705 shall apply to this subsection (i).

A) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this State applies.

B) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement.

6) The provisions for registration of a Convention support order contained in UIFSA Section 706 shall apply to this subsection (i).

7) The provisions for the contest of a registered Convention support order contained in UIFSA Section 707 shall apply to this subsection (i).

A) Except as otherwise provided in UIFSA Article 7, UIFSA Sections 605 through 608 apply to a contest of a registered Convention support order.

B) A party contesting a registered Convention support order shall file a contest not later than 30 days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed no later than 60 days after notice of the registration.

C) A contesting party must file in the appropriate tribunal.

D) If the nonregistering party fails to contest the registered Convention support order by the time specified in subsection (i)(7)(B), the order is enforceable.

E) The contesting party bears the burden of proof.

F) In a contest of a registered Convention support order, a tribunal of this State:

i) is bound by the findings of fact on which the foreign tribunal based its jurisdiction; and

ii) may not review the merits of the order.

G) A tribunal of this State deciding a contest of a registered Convention support order shall promptly notify the parties of its decision.

H) A challenge or appeal, if any, does not stay the enforcement of a Convention support order unless there are exceptional circumstances.

8) The provisions for recognition and enforcement of registered Convention support orders contained in UIFSA Sections 708 through 710 shall apply to this subsection (i).

9) The provisions for modification of a Convention child-support order contained in UIFSA Section 711 shall apply to this subsection (i).

(Source: Amended at 41 Ill. Reg. 3338, effective March 7, 2017)