**Section 352.4 Notification of and Determination of Responsibility**

a) Parents or guardians of the estates of children shall be notified of their rights and responsibilities concerning parental liability for charges when the child has been placed in substitute care and the Parental Determinations Unit has received the required information, reviewed all appropriate documents (submitted pursuant to subsection (e) below) and made an assessment of liability.

b) When parents are legally separated or divorced, both are liable for care and training charges based upon their individual income and family size but the amount of liability cannot exceed the child's cost of care. Child support payments which are received by custodial parent are considered income to the recipient in determining the proper assessment upon the custodial parent. A noncustodial parent who is paying child support pursuant to a court decree will be liable for the difference, if any, between the Department's monthly assessment upon the noncustodial parent and the amount of the monthly court ordered child support payment.

c) When parents are living apart, legally separated or divorced, and child support was not ordered, both parents shall be liable for the assessed amount. When the assessment exceeds the cost of care, both parents shall be liable for a share of the cost of care by determining the amount of assessment for each parent (in accordance with Appendix B), then dividing each amount by the total of both assessments and multiplying each of those calculations by the cost of care paid by the Department.

d) At the time of the Juvenile Court dispositional hearing the court is required to order the parent or guardian of the child's estate to make payment to the Department in accordance with Appendix B when substitute care services are to be provided.

e) Any financial information which is requested from parents or guardians shall be submitted on forms and questionnaires prescribed by the Department and shall contain a written declaration under penalties of perjury, signed by the parent or guardian and provided to Department staff. *False, incorrect or incomplete information in respect to any material statement or representation bearing upon one's status as a parent or guardian or upon income, resources, or other matters concerning liability to provide parental payment, shall be subject to the penalties for perjury in accordance with* 720 ILCS 5/32-2. [20 ILCS 505/9.3]

f) Gross annual income and family size shall be keyed to the appropriate fee schedule to determine liability for substitute care. The parent or guardian of the child's estate shall be notified in writing of the monthly liability.

g) Upon the request of the Department, the parent or guardian of the child's estate shall provide information concerning gross annual income. The Department shall subpoena income information when it is not provided after three written requests, and shall impose liability for the full cost of substitute care until the parent(s) or guardian(s) provides the requested information.

h) The Department shall request updated financial information from the parent or guardian of the child's estate on a semiannual basis. Redeterminations of the parent's or guardian's financial liability will then be made. *Any redeterminations shall have the effect of modifying previous determinations.* [20 ILCS 505/9.4]

i) When substitute care services are provided (as described in Section 352.3 (a)) and the child is Title IV-E eligible (Title IV-E of the Social Security Act), and the Department is unable, after exhausting every reasonable effort, to assess and/or collect liability against the parent(s), the Department shall refer such cases to the Department of Public Aid for Title IV-D (Social Security Act) support services. Cases shall not be referred, however, when the Department has evidence that there are circumstances of good cause for non-referral, as specified in 45 CFR Section 232.42 (1997). This incorporation contains no later amendments or editions. To the extent that there is no conflict with 45 CFR Section 232.42 (1997), referrals shall not be made when harm to the child, custodial parent or caretaker is reasonably anticipated.

(Source: Amended at 22 Ill. Reg. 6939, effective April 15, 1998)