



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB4129

Introduced 1/30/2012, by Rep. Jerry F. Costello, II

#### SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-15.1 new

Amends the Illinois Public Aid Code. Adds a provision concerning the judicial registration of administrative support orders. Sets forth filing and notification requirements. Provides that a nonregistering party seeking to contest enforcement of a registered administrative support order shall request a hearing within 30 days after the date of service of notice of the registration and that a party contesting the enforcement of a registered administrative support order or seeking to vacate the registration has the burden of proving one or more specified defenses. Effective immediately.

LRB097 14478 KTG 61935 b

1 AN ACT concerning public aid.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Public Aid Code is amended by  
5 adding Section 10-15.1 as follows:

6 (305 ILCS 5/10-15.1 new)

7 Sec. 10-15.1. Judicial registration of administrative  
8 support orders.

9 (a) A final administrative support order established by the  
10 Illinois Department under this Article X may be registered in  
11 the appropriate circuit court of this State by the Department  
12 or by a party to the order by filing:

13 (1) Two copies, including one certified copy of the  
14 order to be registered, any modification of the  
15 administrative support order, any voluntary acknowledgment  
16 of paternity pertaining to the child covered by the order,  
17 and the documents showing service of the notice of support  
18 obligation that commenced the procedure for establishment  
19 of the administrative support order pursuant to Section  
20 10-4 of this Code.

21 (2) A sworn statement by the person requesting  
22 registration or a certified copy of the Department payment  
23 record showing the amount of any past due support accrued

1 under the administrative support order.

2 (3) The name of the obligor and, if known, the  
3 obligor's address and social security number.

4 (4) The name of the obligee and the obligee's address,  
5 unless the obligee alleges in an affidavit or pleading  
6 under oath that the health, safety, or liberty of the  
7 obligee or child would be jeopardized by disclosure of  
8 specific identifying information, in which case that  
9 information must be sealed and may not be disclosed to the  
10 other party or public. After a hearing in which the court  
11 takes into consideration the health, safety, or liberty of  
12 the party or child, the court may order disclosure of  
13 information that the court determines to be in the interest  
14 of justice.

15 (b) The filing of an administrative support order under  
16 subsection (a) constitutes registration with the circuit  
17 court.

18 (c) A petition or comparable pleading seeking a remedy that  
19 must be affirmatively sought under other law of this State may  
20 be filed at the same time as the request for registration or  
21 later. The pleading must specify the grounds for the remedy  
22 sought.

23 (d) When an administrative support order is registered, the  
24 court shall notify the nonregistering party and the Illinois  
25 Department, unless the Department is requesting registration  
26 of its order. The notice, which shall be served on the

1 nonregistering party by any method provided by law for service  
2 of a summons, must be accompanied by a copy of the registered  
3 administrative support order and the documents and relevant  
4 information accompanying the order.

5 (e) A notice of registration of an administrative support  
6 order must provide the following information:

7 (1) That a registered administrative order is  
8 enforceable in the same manner as an order for support  
9 issued by the circuit court.

10 (2) That a hearing to contest enforcement of the  
11 registered administrative support order must be requested  
12 within 30 days after the date of service of the notice.

13 (3) That failure to contest, in a timely manner, the  
14 enforcement of the registered administrative support order  
15 shall result in confirmation of the order and enforcement  
16 of the order and the alleged arrearages and precludes  
17 further contest of that order with respect to any matter  
18 that could have been asserted.

19 (4) The amount of any alleged arrearages.

20 (f) A nonregistering party seeking to contest enforcement  
21 of a registered administrative support order shall request a  
22 hearing within 30 days after the date of service of notice of  
23 the registration. The nonregistering party may seek to vacate  
24 the registration, to assert any defense to an allegation of  
25 noncompliance with the registered administrative support  
26 order, or to contest the remedies being sought or the amount of

1 any alleged arrearages.

2 (g) If the nonregistering party fails to contest the  
3 enforcement of the registered administrative support order in a  
4 timely manner, the order shall be confirmed by operation of  
5 law.

6 (h) If a nonregistering party requests a hearing to contest  
7 the enforcement of the registered administrative support  
8 order, the circuit court shall schedule the matter for hearing  
9 and give notice to the parties and the Illinois Department of  
10 the date, time, and place of the hearing.

11 (i) A party contesting the enforcement of a registered  
12 administrative support order or seeking to vacate the  
13 registration has the burden of proving one or more of the  
14 following defenses:

15 (1) The Illinois Department lacked personal  
16 jurisdiction over the contesting party.

17 (2) The administrative support order was obtained by  
18 fraud.

19 (3) The administrative support order has been vacated,  
20 suspended, or modified by a later order.

21 (4) The Illinois Department has stayed the  
22 administrative support order pending appeal.

23 (5) There is a defense under the law to the remedy  
24 sought.

25 (6) Full or partial payment has been made.

26 (j) If a party presents evidence establishing a full or

1 partial payment defense under subsection (i), the court may  
2 stay enforcement of the registered order, continue the  
3 proceeding to permit production of additional relevant  
4 evidence, and issue other appropriate orders. An uncontested  
5 portion of the registered administrative support order may be  
6 enforced by all remedies available under State law.

7 (k) If a contesting party does not establish a defense  
8 under subsection (i) to the enforcement of the administrative  
9 support order, the court shall issue an order confirming the  
10 administrative support order. Confirmation of the registered  
11 administrative support order, whether by operation of law or  
12 after notice and hearing, precludes further contest of the  
13 order with respect to any matter that could have been asserted  
14 at the time of registration. Upon confirmation, the registered  
15 administrative support order shall be treated in the same  
16 manner as a support order entered by the circuit court,  
17 including the ability of the court to entertain a petition to  
18 modify the administrative support order due to a substantial  
19 change in circumstances, or petitions for visitation or custody  
20 of the child or children covered by the administrative support  
21 order. Nothing in this Section shall be construed to alter the  
22 effect of a final administrative support order, or the  
23 restriction of judicial review of such a final order to the  
24 provisions of the Administrative Review Law, as provided in  
25 Section 10-11 of this Code.

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.