



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

SB1358

Introduced 2/5/2013, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

305 ILCS 5/10-15.1

Amends the Illinois Public Aid Code. In a provision concerning judicial registration of administrative support orders, provides that every notice of registration must be accompanied by a copy of the registered administrative support order and the documents and relevant information accompanying the order. Requires the registering party to serve notice of the registration on the other party by first class mail, unless the administrative support order was entered by default or the registering party is also seeking an affirmative remedy. Provides that the registering party shall serve notice on the Department of Healthcare and Family Services in all cases by first class mail. Provides that (i) if the administrative support order was entered by default against the obligor, the obligor must be served with the registration by any method provided by law for service of summons and (ii) if a petition or comparable pleading seeking an affirmative remedy is filed with the registration, the non-moving party must be served with the registration and the affirmative pleading by any method provided by law for service of summons. Removes language permitting a petition or comparable pleading seeking a remedy that must be affirmatively sought under other law of this State to be filed at the same time as the request for registration or later. Removes language that requires the clerk of the circuit court to notify the nonregistering party and the Department when an administrative support order is registered, unless the Department is requesting registration of its order. Effective immediately.

LRB098 07897 KTG 37982 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 changing Section 10-15.1 as follows:

6 (305 ILCS 5/10-15.1)

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

23 (c-5) Every notice of registration must be accompanied by a
24 copy of the registered administrative support order and the
25 documents and relevant information accompanying the order
26 pursuant to subsection (a).

1 (d) (Blank). ~~When an administrative support order is~~
2 ~~registered, the clerk of the circuit court shall notify the~~
3 ~~nonregistering party and the Illinois Department, unless the~~
4 ~~Department is requesting registration of its order. The notice,~~
5 ~~which shall be served on the nonregistering party by any method~~
6 ~~provided by law for service of a summons, must be accompanied~~
7 ~~by a copy of the registered administrative support order and~~
8 ~~the documents and relevant information accompanying the order.~~

9 (d-5) The registering party shall serve notice of the
10 registration on the other party by first class mail, unless the
11 administrative support order was entered by default or the
12 registering party is also seeking an affirmative remedy. The
13 registering party shall serve notice on the Department in all
14 cases by first class mail.

15 (1) If the administrative support order was entered by
16 default against the obligor, the obligor must be served
17 with the registration by any method provided by law for
18 service of summons.

19 (2) If a petition or comparable pleading seeking an
20 affirmative remedy is filed with the registration, the
21 non-moving party must be served with the registration and
22 the affirmative pleading by any method provided by law for
23 service of summons.

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

26 (1) That a registered administrative order is

1 enforceable in the same manner as an order for support
2 issued by the circuit court.

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

6 (3) That failure to contest, in a timely manner, the
7 enforcement of the registered administrative support order
8 shall result in confirmation of the order and enforcement
9 of the order and the alleged arrearages and precludes
10 further contest of that order with respect to any matter
11 that could have been asserted.

12 (4) The amount of any alleged arrearages.

13 (f) A nonregistering party seeking to contest enforcement
14 of a registered administrative support order shall request a
15 hearing within 30 days after the date of service of notice of
16 the registration. The nonregistering party may seek to vacate
17 the registration, to assert any defense to an allegation of
18 noncompliance with the registered administrative support
19 order, or to contest the remedies being sought or the amount of
20 any alleged arrearages.

21 (g) If the nonregistering party fails to contest the
22 enforcement of the registered administrative support order in a
23 timely manner, the order shall be confirmed by operation of
24 law.

25 (h) If a nonregistering party requests a hearing to contest
26 the enforcement of the registered administrative support

1 order, the circuit court shall schedule the matter for hearing
2 and give notice to the parties and the Illinois Department of
3 the date, time, and place of the hearing.

4 (i) A party contesting the enforcement of a registered
5 administrative support order or seeking to vacate the
6 registration has the burden of proving one or more of the
7 following defenses:

8 (1) The Illinois Department lacked personal
9 jurisdiction over the contesting party.

10 (2) The administrative support order was obtained by
11 fraud.

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

14 (4) The Illinois Department has stayed the
15 administrative support order pending appeal.

16 (5) There is a defense under the law to the remedy
17 sought.

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

19 (j) If a party presents evidence establishing a full or
20 partial payment defense under subsection (i), the court may
21 stay enforcement of the registered order, continue the
22 proceeding to permit production of additional relevant
23 evidence, and issue other appropriate orders. An uncontested
24 portion of the registered administrative support order may be
25 enforced by all remedies available under State law.

26 (k) If a contesting party does not establish a defense

1 under subsection (i) to the enforcement of the administrative
2 support order, the court shall issue an order confirming the
3 administrative support order. Confirmation of the registered
4 administrative support order, whether by operation of law or
5 after notice and hearing, precludes further contest of the
6 order with respect to any matter that could have been asserted
7 at the time of registration. Upon confirmation, the registered
8 administrative support order shall be treated in the same
9 manner as a support order entered by the circuit court,
10 including the ability of the court to entertain a petition to
11 modify the administrative support order due to a substantial
12 change in circumstances, or petitions for visitation or custody
13 of the child or children covered by the administrative support
14 order. Nothing in this Section shall be construed to alter the
15 effect of a final administrative support order, or the
16 restriction of judicial review of such a final order to the
17 provisions of the Administrative Review Law, as provided in
18 Section 10-11 of this Code.

19 (Source: P.A. 97-926, eff. 8-10-12.)

20 Section 99. Effective date. This Act takes effect upon
21 becoming law.