



Sen. Chapin Rose

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1 AMENDMENT TO SENATE BILL 1867

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1867, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

5 "Section 5. The Illinois Public Aid Code is amended by  
6 changing Section 10-14.1 as follows:

7 (305 ILCS 5/10-14.1)

8 Sec. 10-14.1. Relief from administrative orders.

9 (a) Subject to subsection (b), notwithstanding  
10 ~~Notwithstanding~~ the 30-day appeal period provided in Sections  
11 10-12 and 10-12.1 and the limitation on review of final  
12 administrative decisions contained in Section 10-14, a  
13 responsible relative or a person receiving child support  
14 enforcement services under this Article who is aggrieved by an  
15 administrative order entered under Section 10-11 or 10-11.1 or  
16 an administrative determination of paternity entered under

1 Section 10-17.7 and who did not petition within the 30-day  
2 appeal period may petition the Illinois Department for relief  
3 from the administrative order or determination on the same  
4 grounds as are provided for relief from judgments under Section  
5 2-1401 of the Code of Civil Procedure. The petition must be  
6 filed not later than 2 years after the entry of the order or  
7 determination by the Illinois Department. The day immediately  
8 subsequent to the mailing of the order or determination shall  
9 be considered as the first day and the day the petition is  
10 received by the Illinois Department shall be considered as the  
11 last day in computing the 2-year period. Any period during  
12 which the person seeking relief is under a legal disability or  
13 duress or during which the grounds for relief are fraudulently  
14 concealed shall be excluded in computing the period of 2 years.

15 Upon receiving a petition within the 2-year period, the  
16 Illinois Department shall provide for a hearing to be held on  
17 the petition.

18 (b) Nothing in this Section shall be construed to prohibit  
19 an action under subsection (b) of Section 4.1 of the Illinois  
20 Parentage Act of 1984 to challenge an administrative  
21 determination of paternity entered under Section 10-17.7.

22 (Source: P.A. 92-590, eff. 7-1-02.)

23 Section 10. The Illinois Parentage Act of 1984 is amended  
24 by changing Sections 4.1 and 8 as follows:

1 (750 ILCS 45/4.1)

2 Sec. 4.1. Administrative paternity determinations.

3 (a) Notwithstanding any other provision of this Act, the  
4 Department of Healthcare and Family Services may make  
5 administrative determinations of paternity and nonpaternity in  
6 accordance with Section 10-17.7 of the Illinois Public Aid  
7 Code. These determinations of paternity or nonpaternity shall  
8 have the full force and effect of judgments entered under this  
9 Act.

10 (b) An administrative determination of paternity that is  
11 not based on a voluntary acknowledgment of paternity made in  
12 accordance with Section 10-17.7 of the Illinois Public Aid Code  
13 may be challenged in court on the basis of fraud, duress, or  
14 material mistake of fact, with the burden of proof upon the  
15 challenging party. Pending outcome of the challenge to the  
16 administrative determination of paternity, the legal  
17 responsibilities of the parties shall remain in full force and  
18 effect, except upon order of the court upon a showing of good  
19 cause. A party challenging an administrative determination of  
20 paternity made in accordance with Section 10-17.7 of the  
21 Illinois Public Aid Code must consent to and submit to  
22 deoxyribonucleic acid (DNA) testing, in accordance with  
23 Department of Healthcare and Family Services rules, in order to  
24 challenge paternity.

25 (c) For purposes of subsection (b), evidence that, based on  
26 deoxyribonucleic acid (DNA) testing, the man who has been found

1 to be the father of a child under an administrative  
2 determination of paternity is not the natural father of the  
3 child constitutes a material mistake of fact.

4 (Source: P.A. 95-331, eff. 8-21-07.)

5 (750 ILCS 45/8) (from Ch. 40, par. 2508)

6 Sec. 8. Statute of limitations.

7 (a) (1) An action brought by or on behalf of a child, an  
8 action brought by a party alleging that he or she is the  
9 child's natural parent, or an action brought by the  
10 Department of Healthcare and Family Services (formerly  
11 Illinois Department of Public Aid), if it is providing or  
12 has provided financial support to the child or if it is  
13 assisting with child support collection services, shall be  
14 barred if brought later than 2 years after the child  
15 reaches the age of majority; however, if the action on  
16 behalf of the child is brought by a public agency, other  
17 than the Department of Healthcare and Family Services  
18 (formerly Illinois Department of Public Aid) if it is  
19 providing or has provided financial support to the child or  
20 if it is assisting with child support collection services,  
21 it shall be barred 2 years after the agency has ceased to  
22 provide assistance to the child.

23 (2) Failure to bring an action within 2 years shall not  
24 bar any party from asserting a defense in any action to  
25 declare the non-existence of the parent and child

1 relationship.

2 (3) An action to declare the non-existence of the  
3 parent and child relationship brought under subsection (b)  
4 of Section 7 of this Act shall be barred if brought later  
5 than 2 years after the petitioner obtains knowledge of  
6 relevant facts. The 2-year period for bringing an action to  
7 declare the nonexistence of the parent and child  
8 relationship shall not extend beyond the date on which the  
9 child reaches the age of 18 years. Failure to bring an  
10 action within 2 years shall not bar any party from  
11 asserting a defense in any action to declare the existence  
12 of the parent and child relationship.

13 (4) An action to declare the non-existence of the  
14 parent and child relationship brought under subsection  
15 (b-5) of Section 7 of this Act shall be barred if brought  
16 more than 6 months after the effective date of this  
17 amendatory Act of 1998 or more than 2 years after the  
18 petitioner obtains actual knowledge of relevant facts,  
19 whichever is later. The 2-year period shall not apply to  
20 periods of time where the natural mother or the child  
21 refuses to submit to deoxyribonucleic acid (DNA) tests. The  
22 2-year period for bringing an action to declare the  
23 nonexistence of the parent and child relationship shall not  
24 extend beyond the date on which the child reaches the age  
25 of 18 years. Failure to bring an action within 2 years  
26 shall not bar any party from asserting a defense in any

1 action to declare the existence of the parent and child  
2 relationship.

3 (5) An action under subsection (b) of Section 4.1 of  
4 this Act to challenge an administrative determination of  
5 paternity shall be barred if brought more than 6 months  
6 after the effective date of this amendatory Act of the 98th  
7 General Assembly or more than 2 years after the petitioner  
8 obtains actual knowledge of relevant facts, whichever is  
9 later. The 2-year period shall not apply to periods of time  
10 where the natural mother or the child refuses to submit to  
11 deoxyribonucleic acid (DNA) tests. The 2-year period for  
12 bringing an action under subsection (b) of Section 4.1 of  
13 this Act to challenge an administrative determination of  
14 paternity shall not extend beyond the date on which the  
15 child reaches the age of 18 years. Failure to bring an  
16 action within 2 years shall not bar any party from  
17 asserting a defense in any action to declare the existence  
18 of the parent and child relationship.

19 (b) The time during which any party is not subject to  
20 service of process or is otherwise not subject to the  
21 jurisdiction of the courts of this State shall toll the  
22 aforementioned periods.

23 (c) This Act does not affect the time within which any  
24 rights under the Probate Act of 1975 may be asserted beyond the  
25 time provided by law relating to distribution and closing of  
26 decedent's estates or to the determination of heirship, or

1 otherwise.

2 (Source: P.A. 95-331, eff. 8-21-07.)

3 Section 99. Effective date. This Act takes effect upon  
4 becoming law.".