

1 AN ACT concerning civil law.

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 and administrative paternity orders.

9 (a) A final administrative support order or a final
10 administrative paternity order, excluding a voluntary
11 acknowledgement or denial of paternity that is governed by
12 other provisions of this Code, the Illinois Parentage Act of
13 1984, and the Vital Records Act, established by the Illinois
14 Department under this Article X may be registered in the
15 appropriate circuit court of this State by the Department or by
16 a party to the order by filing:

17 (1) Two copies, including one certified copy of the
18 order to be registered, any modification of the
19 administrative support order, any voluntary acknowledgment
20 of paternity pertaining to the child covered by the order,
21 and the documents showing service of the notice of support
22 obligation or the notice of paternity and support
23 obligation that commenced the procedure for establishment

1 of the administrative support order or the administrative
2 paternity order pursuant to Section 10-4 of this Code.

3 (2) A sworn statement by the person requesting
4 registration or a certified copy of the Department payment
5 record showing the amount of any past due support accrued
6 under the administrative support order.

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

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

20 (b) The filing of an administrative support order or an
21 administrative paternity order under subsection (a)
22 constitutes registration with the circuit court.

23 (c) (Blank).

24 (c-5) Every notice of registration must be accompanied by a
25 copy of the registered administrative support order or the
26 registered administrative paternity order and the documents

1 and relevant information accompanying the order pursuant to
2 subsection (a).

3 (d) (Blank).

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

11 (1) If the administrative support order or the
12 administrative paternity order was entered by default
13 against the obligor, the obligor must be served with the
14 registration by any method provided by law for service of
15 summons.

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

21 (e) A notice of registration of an administrative support
22 order or an administrative paternity order must provide the
23 following information:

24 (1) That a registered administrative order is
25 enforceable in the same manner as an order for support or
26 an order for paternity issued by the circuit court.

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

5 (3) That failure to contest, in a timely manner, the
6 enforcement of the registered administrative support order
7 or the registered administrative paternity order shall
8 result in confirmation of the order and enforcement of the
9 order and the alleged arrearages and precludes further
10 contest of that order with respect to any matter that could
11 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 or a registered
15 administrative paternity order shall request a hearing within
16 30 days after the date of service of notice of the
17 registration. The nonregistering party may seek to vacate the
18 registration, to assert any defense to an allegation of
19 noncompliance with the registered administrative support order
20 or the registered administrative paternity order, or to contest
21 the remedies being sought or the amount of any alleged
22 arrearages.

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

1 (h) If a nonregistering party requests a hearing to contest
2 the enforcement of the registered administrative support order
3 or the registered administrative paternity order, the circuit
4 court shall schedule the matter for hearing and give notice to
5 the parties and the Illinois Department of the date, time, and
6 place of the hearing.

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

11 (1) The Illinois Department lacked personal
12 jurisdiction over the contesting party.

13 (2) The administrative support order or the
14 administrative paternity order was obtained by fraud.

15 (3) The administrative support order or the
16 administrative paternity order has been vacated,
17 suspended, or modified by a later order.

18 (4) The Illinois Department has stayed the
19 administrative support order or the administrative
20 paternity order pending appeal.

21 (5) There is a defense under the law to the remedy
22 sought.

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

24 (j) If a party presents evidence establishing a full or
25 partial payment defense under subsection (i), the court may
26 stay enforcement of the registered order, continue the

1 proceeding to permit production of additional relevant
2 evidence, and issue other appropriate orders. An uncontested
3 portion of the registered administrative support order or the
4 registered administrative paternity order may be enforced by
5 all remedies available under State law.

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

1 administrative support order or a final administrative
2 paternity order, or the restriction of judicial review of such
3 a final order to the provisions of the Administrative Review
4 Law, as provided in Sections ~~Section~~ 10-11 and 10-17.7 of this
5 Code.

6 (1) Notwithstanding the limitations of relief provided for
7 under this Section regarding an administrative paternity order
8 and the administrative relief available from an administrative
9 paternity order under Sections 10-12 through 10-14.1 of this
10 Code, a party may petition for relief from a registered final
11 administrative paternity order entered by consent of the
12 parties, excluding a voluntary acknowledgement or denial of
13 paternity as well as an administrative paternity order entered
14 pursuant to genetic testing. The petition shall be filed
15 pursuant to Section 2-1401 of the Code of Civil Procedure based
16 upon a showing of due diligence and a meritorious defense. The
17 court, after reviewing the evidence regarding this specific
18 type of administrative paternity order entered by consent of
19 the parties, shall issue an order regarding the petition.
20 Nothing in this Section shall be construed to alter the effect
21 of a final administrative paternity order, or the restriction
22 of judicial review of such a final order to the provisions of
23 the Administrative Review Law, as provided in Section 10-17.7
24 of this Code.

25 (Source: P.A. 97-926, eff. 8-10-12; 98-563, eff. 8-27-13.)

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

1 becoming law.