

AN ACT concerning public aid.

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

Section 5. The Illinois Public Aid Code is amended by changing Sections 10-15.1 and 10-16.5 as follows:

(305 ILCS 5/10-15.1)

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

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

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

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

under the administrative support order.

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

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

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

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

(c-5) 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 pursuant to subsection (a).

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

(d-5) The registering party shall 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. The registering party shall serve notice on the Department in all cases by first class mail.

(1) 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.

(2) 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.

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

(1) That a registered administrative order is

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

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

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

(4) The amount of any alleged arrearages.

(f) 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. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered administrative support order, or to contest the remedies being sought or the amount of any alleged arrearages.

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

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

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

(i) 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 of the following defenses:

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

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

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

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

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

(6) Full or partial payment has been made.

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

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

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

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

(305 ILCS 5/10-16.5)

Sec. 10-16.5. Interest on support obligations. A support obligation, or any portion of a support obligation, which becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple

interest as set forth in Section 12-109 of the Code of Civil Procedure. An order for support entered or modified on or after January 1, 2006 shall contain a statement that a support obligation required under the order, or any portion of a support obligation required under the order, that becomes due and remains unpaid as of the end of each month, excluding the child support that was due for that month to the extent that it was not paid in that month, shall accrue simple interest as set forth in Section 12-109 of the Code of Civil Procedure. Failure to include the statement in the order for support does not affect the validity of the order or the accrual of interest as provided in this Section.

In cases in which IV-D services are being provided, the Department shall provide, by rule, for a one-time notice to obligees advising the obligee that he or she must notify the Department within 60 days of the notice that he or she wishes to have the Department compute any interest that accrued on a specific docket in his or her case between May 1, 1987 and December 31, 2005. If the obligee fails to notify the Department within the 60-day period: (i) the Department shall have no further duty to enforce and collect interest accrued on support obligations established under this Code or under any other law that are owed to the obligee prior to January 1, 2006; and (ii) any interest due on that docket prior to 2006 may be pursued by the obligee through a court action, but not through the Department's IV-D agency.

(Source: P.A. 94-90, eff. 1-1-06.)

Section 10. The Code of Civil Procedure is amended by changing Section 12-109 as follows:

(735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

Sec. 12-109. Interest on judgments.

(a) Every judgment except those arising by operation of law from child support orders shall bear interest thereon as provided in Section 2-1303.

(b) Every judgment arising by operation of law from a child support order shall bear interest as provided in this subsection. The interest on judgments arising by operation of law from child support orders shall be calculated by applying one-twelfth of the current statutory interest rate as provided in Section 2-1303 to the unpaid child support balance as of the end of each calendar month. The unpaid child support balance at the end of the month is the total amount of child support ordered, excluding the child support that was due for that month to the extent that it was not paid in that month and including judgments for retroactive child support, less all payments received and applied as set forth in this subsection. The accrued interest shall not be included in the unpaid child support balance when calculating interest at the end of the month. The unpaid child support balance as of the end of each month shall be determined by calculating the current monthly

child support obligation and applying all payments received for that month, except federal income tax refund intercepts, first to the current monthly child support obligation and then applying any payments in excess of the current monthly child support obligation to the unpaid child support balance owed from previous months. The current monthly child support obligation shall be determined from the document that established the support obligation. Federal income tax refund intercepts and any payments in excess of the current monthly child support obligation shall be applied to the unpaid child support balance. Any payments in excess of the current monthly child support obligation and the unpaid child support balance shall be applied to the accrued interest on the unpaid child support balance. Interest on child support obligations may be collected by any means available under State law for the collection of child support judgments ~~federal and State laws, rules, and regulations providing for the collection of child support.~~

(Source: P.A. 94-90, eff. 1-1-06.)

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