**Section 104.105 Conduct of Hearings on Petitions for Release from Administrative Paternity Orders**

a) Hearings on petitions filed under authority of 89 Ill. Adm. Code 160.61(e) for release from an administrative paternity order entered under 89 Ill. Adm. Code 160.61(b) or (c) shall be governed by Section 104.102, except that subsections (a) and (c) shall not apply, and the hearing shall consider only the issues of whether there is a prima facie showing that the petition is timely filed, whether the Department's policies and procedures were followed in entering the administrative paternity order, whether the petitioner has a meritorious defense to entry of the order and whether the petitioner exercised due diligence in presenting that defense to the Department.

b) In order to prevail on a timely filed petition for release from entry of an administrative paternity order, the petitioner must prove a meritorious defense and exercise of due diligence by clear and convincing evidence.

c) Relief under this Section shall be available only to the extent allowed under Section 2-1401 of the Civil Practice Law [735 ILCS 5/2-1401].

(Source: Amended at 22 Ill. Reg. 2393, effective January 22, 1999)