



Sen. Chapin Rose

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09900HB1485sam001

LRB099 06089 KTG 35367 a

1 AMENDMENT TO HOUSE BILL 1485

2 AMENDMENT NO. _____. Amend House Bill 1485 by replacing
3 everything after the enacting clause with the following:

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:

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

10 (2) A sworn statement by the person requesting
11 registration or a certified copy of the Department payment
12 record showing the amount of any past due support accrued
13 under the administrative support order.

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

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

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

4 (c) (Blank).

5 (c-5) Every notice of registration must be accompanied by a
6 copy of the registered administrative support order or the
7 registered administrative paternity order and the documents
8 and relevant information accompanying the order pursuant to
9 subsection (a).

10 (d) (Blank).

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

18 (1) If the administrative support order or the
19 administrative paternity order was entered by default
20 against the obligor, the obligor must be served with the
21 registration by any method provided by law for service of
22 summons.

23 (2) If a petition or comparable pleading seeking an
24 affirmative remedy is filed with the registration, the
25 non-moving party must be served with the registration and
26 the affirmative pleading by any method provided by law for

1 service of summons.

2 (e) A notice of registration of an administrative support
3 order or an administrative paternity order must provide the
4 following information:

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

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

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

19 (4) The amount of any alleged arrearages.

20 (f) A nonregistering party seeking to contest enforcement
21 of a registered administrative support order or a registered
22 administrative paternity order shall request a hearing within
23 30 days after the date of service of notice of the
24 registration. The nonregistering party may seek to vacate the
25 registration, to assert any defense to an allegation of
26 noncompliance with the registered administrative support order

1 or the registered administrative paternity order, or to contest
2 the remedies being sought or the amount of any alleged
3 arrearages.

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

8 (h) If a nonregistering party requests a hearing to contest
9 the enforcement of the registered administrative support order
10 or the registered administrative paternity order, the circuit
11 court shall schedule the matter for hearing and give notice to
12 the parties and the Illinois Department of the date, time, and
13 place of the hearing.

14 (i) A party contesting the enforcement of a registered
15 administrative support order or a registered administrative
16 paternity order or seeking to vacate the registration has the
17 burden of proving one or more of the following defenses:

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

20 (2) The administrative support order or the
21 administrative paternity order was obtained by fraud.

22 (3) The administrative support order or the
23 administrative paternity order has been vacated,
24 suspended, or modified by a later order.

25 (4) The Illinois Department has stayed the
26 administrative support order or the administrative

1 paternity order pending appeal.

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

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

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

13 (k) If a contesting party does not establish a defense
14 under subsection (i) to the enforcement of the administrative
15 support order or the administrative paternity order, the court
16 shall issue an order confirming the administrative support
17 order or the administrative paternity order. Confirmation of
18 the registered administrative support order or the registered
19 administrative paternity order, whether by operation of law or
20 after notice and hearing, precludes further contest of the
21 order with respect to any matter that could have been asserted
22 at the time of registration. Upon confirmation, the registered
23 administrative support order or the registered administrative
24 paternity order shall be treated in the same manner as a
25 support order or a paternity order entered by the circuit
26 court, including the ability of the court to entertain a

1 petition to modify the administrative support order due to a
2 substantial change in circumstances or a petition to modify the
3 administrative paternity order due to clear and convincing
4 evidence regarding paternity, or petitions for visitation or
5 custody of the child or children covered by the administrative
6 support order or the administrative paternity order. Nothing in
7 this Section shall be construed to alter the effect of a final
8 administrative support order or a final administrative
9 paternity order, or the restriction of judicial review of such
10 a final order to the provisions of the Administrative Review
11 Law, as provided in Sections ~~Section~~ 10-11 and 10-17.7 of this
12 Code.

13 (1) Notwithstanding the limitations of relief provided for
14 under this Section regarding an administrative paternity order
15 and the administrative relief available from an administrative
16 paternity order under Sections 10-12 through 10-14.1 of this
17 Code, a party may petition for relief from a registered final
18 administrative paternity order entered by consent of the
19 parties, excluding a voluntary acknowledgement or denial of
20 paternity as well as an administrative paternity order entered
21 pursuant to genetic testing. The petition shall be filed
22 pursuant to Section 2-1401 of the Code of Civil Procedure based
23 upon a showing of due diligence and a meritorious defense. The
24 court, after reviewing the evidence regarding this specific
25 type of administrative paternity order entered by consent of
26 the parties, shall issue an order regarding the petition.

1 Nothing in this Section shall be construed to alter the effect
2 of a final administrative paternity order, or the restriction
3 of judicial review of such a final order to the provisions of
4 the Administrative Review Law, as provided in Section 10-17.7
5 of this Code.

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

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