

**USERS' GUIDE TO THE ILLINOIS  
ADMINISTRATIVE ORDER ESTABLISHMENT  
AND ENFORCEMENT REMEDIES PROCESSES**

*A Guide to the Administrative Process  
of Child Support Adjudication in Illinois  
for Custodial and Non-Custodial Parents*

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## **SCOPE OF THE ADMINISTRATIVE SYSTEM**

*For both Custodial Parents (“CPs”), who have physical custody of a child, and Non-Custodial Parents (“NCPs”), who do not have physical custody of a child.*

### **1. The Administrative System versus the Judicial System**

- (a) There are certain situations where seeking child support by way of the **Judicial System** or the **Administrative System** may or may not be best:
  - (i) It is best to seek support from the **Administrative System** in the following situations:
    - (1) The Administrative System is free and moves very quickly, which is not always the case in the Judicial System. If you do not need the specialized help of the Judicial System, you may be able to save time and money by seeking child support through the Administrative System.
    - (2) The Administrative System is best if you need the following: **genetic paternity testing, medical insurance, help locating NCPs, or enforcement of an existing Administrative Child Support Order.**
  - (ii) It is best to seek support from the **Judicial System** in the following situations:
    - (1) You need a **divorce** or **property** (such as a house, car, bank account, or similar) **settlement**;
    - (2) You need to obtain, change, or enforce a **Custody** or **Visitation Order**;
    - (3) You need to obtain, change, or enforce an **Order for Child Care Expenses**; or
    - (4) You need to obtain **college expenses** or **uninsured medical expenses**.
- (b) Once an Order is entered in the **Administrative System**, you can always go to a judge and receive help in the **Judicial System**

- (c) If you receive an Administrative Child Support Order and later use the **Judicial System** for other child support issues (i.e. custody, visitation, expenses, medical coverage, etc.), the court MUST accept the facts that the **Administrative System** determined were true for your case.

This may negatively affect any results you seek from the **Judicial System**. *For example, facts concerning paternity, necessary medical expenses, or the number of children shared between CP and NCP will be accepted by the Court, since they were established during the Administrative proceedings.*

- (d) For other questions or resources, please find a list of legal aid organizations for the Greater Chicagoland area in the Appendix.

## 2. **Scope of the Administrative System**

- (a) **This Users' Guide encompasses the Administrative, and not the Judicial, child support system.**
- (b) How the two systems differ:
- (i) The **Judicial Child Support System** is part of the Illinois court system. Cases are heard before a judge in either a Divorce Court or Parentage Court.
  - (ii) The **Administrative Child Support System** is administered by the Illinois Department of Healthcare and Family Services ("HFS"). This system is separate from the Illinois court system. Cases are handled by a Child Support Specialist, not a judge.

**NOTE:** When your child support case was initiated, the case worker decided that your case should be in the Administrative System. See "*Obtaining an Administrative Order,*" below for a discussion of how this decision was made.

It is important that you review the limits of the Administrative System. ***If you seek one of the actions that is outside the scope of the Administrative System, you should request to move to the Judicial System.***

- (c) Tasks that are within the scope of the **Administrative System**:
- (i) Locating the non-custodial parent (“NCP”);
  - (ii) Establishing paternity if the child's parents are not married;
  - (iii) Establishing a Child Support Order;
  - (iv) Establishing an Order for health insurance as part of the Child Support Order;
  - (v) Modifying the amount of an Administrative Child Support Order (*but not a Child Support Order issued by a court*);
  - (vi) Collecting payments (including past-due payments) on a Child Support Order;
  - (vii) Conducting an account review, which is an analysis of full child support history and a determination of the amounts past due (“arrearage”); or
  - (viii) Otherwise enforcing Child Support Orders. See “*Enforcing an Administrative Order,*” below.
- (d) Tasks that are outside the scope of the **Administrative System**:
- (i) Providing a divorce or property settlement;
  - (ii) Creating, modifying, or enforcing a Custody or Visitation Order;
  - (iii) Creating, modifying, or enforcing an Order for childcare expenses; or
  - (iv) Providing college expenses or uninsured medical expenses.
- (e) You should tell HFS that you want to be a part of the **Judicial System**, and not the **Administrative System**, if you seek any of the tasks listed in (d), above. An HFS Child Support Specialist may also decide for other reasons that your case should proceed within the Judicial System.

## **OBTAINING AN ADMINISTRATIVE ORDER**

Numbers 1 through 7 below apply to Custodial Parents ("CPs") and Numbers 4 through 6 apply to Non-Custodial Parents ("NCPs").

### **1. Eligibility**

- (a) A custodial parent ("CP") with children living in Illinois can receive child support services from the state of Illinois. The non-custodial parent ("NCP") need not live in Illinois.
- (b) A child may receive support at least until age 18, or, a child may receive support until they either graduate from high school or turn 19.

### **2. The CP Enrolls in the Program (*the "IV-D program"*) run by HFS**

- (a) You are automatically enrolled in the **Administrative System** if you, the CP, are receiving Temporary Assistance for Needy Families ("TANF") benefits or medical assistance ("Medicaid") from Illinois Department of Human Services ("DHS").
  - (i) If you only receive benefits from the Supplemental Nutrition Assistance Program (SNAP), you are not automatically enrolled.
  - (ii) You will continue to receive child support services and any entered Orders will stay valid even after you are no longer eligible for or receiving TANF.
- (b) If you, the CP, do not receive TANF or Medicaid, you must complete the Illinois Department of Healthcare and Family Services (HFS) Application for Child Support Services (HFS 1283) to be enrolled in the **Administrative System**.

**NOTE:** This Application asks for information about the NCP. You should fill out all the information you can. You should fill out the form as fully as possible and mail it to (or bring it in person to) your child support regional office.

The form is available online at  
[www.childsupportillinois.com/customers/application](http://www.childsupportillinois.com/customers/application)

and is also available at your child support regional office.

- (i) To the Application, you should attach any existing Paternity Order, Child Support Order, or Divorce Order, even if it was issued in the Judicial System or in another state.
- (ii) If you are not the biological or legal parent, a different form is required, but it asks for very similar information about the child and their parents.

This form is also available online at [www.childsupportillinois.com/customers/application](http://www.childsupportillinois.com/customers/application)

- (c) The program is free, regardless of income.

### 3. The CP Meets with a Child Support Specialist

- (a) Once your Application is received or you are automatically enrolled in the program, you will receive a response in the mail.
  - (i) The response might include a **Notice of the time, date, and location of your interview**. *For a list of the questions that you should be prepared to answer in your interview, see the Child Support Questionnaire (HFS 2589).*
  - (ii) The response might instead include **additional forms**, such as the Child Support Questionnaire (HFS 2589).
- (b) If you, the CP, are under the age of 18, you must bring your parent or guardian to the meeting unless you are **legally emancipated** (legally able to act on your own behalf).
- (c) **The CP should bring all of the following to the meeting:**
  - (i) Identification (driver's license or another photo ID);
  - (ii) Birth certificates for all of your children;
  - (iii) Information about your employment and income; and
  - (iv) All information you have about the NCP(s).

- (d) **It is very important that during this meeting you tell the Child Support Specialist about all previous child support orders between you and the NCP, whether they were entered in the Judicial System or the Administrative System.**
- (e) At this meeting, the Child Support Specialist will determine if your case should proceed in the Judicial System or the Administrative System.
  - (i) In general, **a case is referred to the Judicial System if it raises complicated questions or issues of family violence.** A case might be referred to the courts if it includes:
    - (1) Difficult questions regarding income (such as when income is not reflected solely on an IRS Form W-2 or in the amount of state benefits the parents are receiving);
    - (2) Facts calling for an increase or decrease from the standard amount of child support (such as for a child with special needs);
    - (3) Cases in which the parents already have court-ordered child support for one of their children;
    - (4) The CP checked the family violence indicator box on the application or questionnaire; or
    - (5) The NCP resides outside of Illinois.
  - (ii) You should request that your case be sent to the **Judicial System** if any of the following apply:
    - (1) A divorce or property settlement is needed;
    - (2) Need to obtain, change, or enforce a Custody or Visitation Order;
    - (3) Need to obtain, change, or enforce an Order for childcare expenses; or
    - (4) Need to obtain college expenses or uninsured medical expenses.

- (f) **If you are concerned about violence as a result of obtaining a Child Support Order, you should notify your caseworker or your regional office. The program can make sure that your address is not released to the NCP.**
- (g) If you miss your appointment or otherwise fail to cooperate with HFS, it is very important to explain what happened or why you hesitated to provide information right away.
  - (i) Contact your caseworker or child support regional office immediately.
  - (ii) You and you children could lose TANF benefits for not cooperating. ***If this happens, you may appeal and ask to keep your benefits while waiting for a decision.***

#### **4. Notification of the NCP**

- (a) Once an application is received or a case is referred to the **Administrative System**, HFS notifies the NCP (if the NCP did not participate in the application process).
- (b) HFS schedules an interview with the NCP. Sometimes the initial CP interview is a joint one with both the NCP and the CP present; Sometimes the parents are interviewed separately.
- (c) **The NCP should bring the following to the interview:**
  - (i) Photo identification;
  - (ii) Any documents or forms requested in the Notice of the meeting;
  - (iii) Information about employment and income; and
  - (iv) Information about all property the NCP owns and its location.
- (d) HFS may refer the case to the **Judicial System** after the interview with the NCP. *Like the CP, the NCP also can ask for the case to be placed in the court system.*

#### **5. Establishing Paternity**

- (a) If the mother of a child was married when a child was conceived or born, **her husband at the time is presumed to be the child's father.** If she was not married when the child was conceived or born, **the man named as the biological father is only legally considered the "alleged father" and is not the "legal father" until paternity is established through HFS.**
- (b) Under the Illinois Parentage Act of 2015, §§ 607-609, a mother generally has until two years after the child turns 18 to establish who the biological father is. *However, if there is any time period during which the CP or NCP is not subject to service of process or a court proceeding regarding paternity, the deadline to establish the biological father is extended by such amount of time.*
- (c) The **alleged father's paternity** can be established in three ways:
- (i) **Voluntary Acknowledgement of Paternity ("VAP"):** After the child is born and before he or she turns 20, the mother and father complete and sign a VAP in front of a witness who also signs. *The witness must be 18 or older and cannot be the child.* **Parents who sign this form give up their right to a genetic paternity test in the future.**
- (1) The VAP gives the father the right to ask a court for custody and/or visitation.
- (2) Either parent can withdraw the VAP by signing a document called a "Rescission of VAP," before the earlier of:
- (A) within 60 days of signing; or
- (B) the date of any Judicial or Administrative proceeding relating to the child (including a proceeding to establish a Support Order) in which either the mother or father is a party.
- (ii) **Administrative Paternity Order** entered by a state child support agency.
- (iii) **Order of Paternity** entered by a judge.
- (d) If paternity has not been established, HFS will enter an **Administrative Order for Genetic Testing** after the first meeting with

the Child Support Specialist. The alleged father will receive this order in person or by certified mail.

- (i) HFS will ask alleged fathers who are NCPs to sign an "Agreement to be Bound" before genetic testing. This binds the alleged father to the results of the genetic test. If the alleged father asks to *contest paternity* in court, a court also will order genetic testing.
- (ii) The genetic test is simply a swab of the inside of the mouth.
- (iii) At the testing appointment, the alleged father may ask for the case to be placed in the Judicial System instead of the Administrative System.
- (iv) If an alleged father fails to appear, HFS can declare him to be the legal father by Default.

## 6. Child Support Program establishes a Child Support Order

- (a) The amount of child support is determined based on an "**Income Shares**" calculation. This calculation looks at each parent's monthly income and the number of children shared. Using this information and other factors (such as time spent with the child(ren) by each parent and medical expenses), **the calculation determines each parent's share of the total amount of child support.**
- (b) The Order is signed by both parents. *At any time before an Administrative Order is signed by both parents, either parent can opt out and proceed to the Judicial System.*
- (c) If the CP **is not on TANF**, payment will be issued to the CP when and if a collection is made, usually via electronic payment (either to an account owned by the CP or by an e-card).

If the CP **is on TANF** and has one child with the person paying child support, the first \$100 of the support is paid to the CP *before* any amount of TANF benefits is reimbursed to the state. If the CP has two or more children with the person paying child support, the first \$200 of current support is paid to the CP *before* any amount of TANF benefits is reimbursed to the state.

- 7. If you need a certified copy of a past administrative order, contact the child support regional office that established the order by phone, email, or fax.**
  
- 8. The Child Support Program can often locate a missing NCP using state and federal resources. This is true even if the NCP lives out of state or out of the country.**

## **ENFORCEMENT REMEDIES FOR ADMINISTRATIVE & JUDICIAL ORDERS**

### **1. Overview of the Enforcement Process**

- (a) The HFS Division of Child Support Services (the "Division") has the authority to enforce *all* child support orders in Illinois, regardless of whether the order was entered in the **Judicial System** or in the **Administrative System**.
  - (i) For the Division to use its administrative enforcement remedies, a CP must be enrolled in the IV-D Program (i.e., receiving some sort of assistance from HFS - establishing paternity, child support, etc.).
  - (ii) **Receiving payments from the State Disbursement Unit does not mean that a CP has enrolled in IV-D.** A CP is enrolled only if (1) the CP was in the IV-D program through current or former participation in TANF or Medicaid and has not cancelled the IV-D case, or (2) the CP submitted an application for IV-D services.
- (b) After an Administrative Order is established, the Non-Custodial Parent ("NCP") has 30 days from Notice of the Order to file an Administrative Appeal. See "*Appealing an Administrative Order*," below.
- (c) If the parents do not file an Administrative Appeal, HFS issues an Order/Notice to Withhold Income for Support to the NCP's employer. This process automatically withholds the NCP's income. The NCP does not have a say in the matter. The NCP cannot, for example, volunteer to pay the monthly amount without having it withheld from paychecks or unemployment benefits.
  - (i) The Division uses the federal New Hire Reporting Program to identify the NCP's employer and determine whether the employer can be served. The employer must deduct payment and deliver to the State Disbursement Unit ("SDU").
  - (ii) If the NCP receives unemployment benefits, HFS can withhold some of those benefits for child support. HFS will withhold either (i) the current child support payment or (ii) 50% of the unemployment benefit, whichever is less.

- (d) The Division can enforce the Order by the Remedies listed below in 2.
- (e) HFS may decide to refer a case to the **Judicial System** if it meets certain criteria.

## 2. Enforcement Remedies

- (a) If the NCP does not pay child support or is late (“delinquent”), the Division uses the remedies listed below to enforce an administrative or court order.
  - (i) **Whether an NCP is considered “late” or not depends on the remedy being sought. Each remedy also has a unique set of procedures.** For any TANF cases, the minimum threshold for enforcement remedies is over \$150 and more than 30 days past due. For non-TANF cases, the minimum threshold is over \$500 and more than 30 days past due.
- (b) First, the Division sends the delinquent NCP a Notice of Intent to Pursue Collection Remedies (HFS 2766). The delinquent NCP has 15 days from date of Notice to request a review of the account. The Notice:
  - (i) Shows the balance owed by the NCP;
  - (ii) Provides information for the NCP to request, in writing, a review of the account (called a “redetermination review”); and
  - (iii) Is usually sent in September because the Division performs an annual system check for past-due accounts.
- (c) **Types of Remedies**
  - (i) Collection of NCP's **Tax Refunds** (“Tax Intercept” and other government offset). The NCP has 15 days to request redetermination. The tax offset is not released until account reviews or redeterminations are completed.
    - (1) Federal Tax Refund

- (A) A federal tax refund may be taken and applied to the NCP's past due child support (or spousal support balance). The Division submits the NCP's name to the U.S. Department of Treasury for participation in the debt check program and the administrative offset process through the Internal Revenue Service. Under the offset process, other federal payments may also be taken and applied to past due support.
- (B) This remedy is available after \$150 is past due for TANF cases and \$500 is past due for non-TANF cases, but amounts must be past due *for three months or longer*.

(2) Illinois Tax Refund

- (A) The Division automatically submits the NCP's name to the Illinois Comptroller and/or the Illinois Department of Revenue for collection of state payments.
- (B) This remedy is available in active IV-D cases after \$25 is past due. It is available for any past due amount in active IV-D TANF, AFDC (Aid to Families with Dependent Children), and IV-D foster care.

(ii) **Passport Denial**

- (1) The NCP's name is automatically referred to the State Department for denial of passports. The State Department can refuse to issue a passport and may revoke, restrict, or limit a passport currently held by the NCP.
- (2) This remedy is available after \$2500 is past due. Referral is automatic. Balance must drop to zero to be released.

(iii) **Denial of Professional Occupational License or Recreation License**

- (1) The Division may submit the NCP's name to the Department of Financial & Professional Regulation as

well as other state licensing agencies to suspend or revoke the NCP's professional licenses. The Division automatically submits NCP's name to the Department of Natural Resources to suspend or revoke NCP's recreational licenses.

- (2) This remedy is available after \$1000 is past due and more than 30 days past due with no voluntary payments within 90 days.

(iv) **Driver's License Suspension**

- (1) The Secretary of State cross references a list of names submitted by HFS against a list of active Illinois drivers' licenses. A name match trigger a notice process, first by HFS and then by the Secretary of State.
- (2) The NCP has 15 days from date of notice to pay past-due support in full, enter into a payment plan, or request a hearing in writing.
- (3) This remedy is available after \$2500 is past due and the NCP has made no voluntary payments within 90 days. Driver's license suspension continues until compliance with order or certification from HFS.

(v) **Real Property Liens**

- (1) The Division receives information from the Child Support Lien Network, CP referrals, and on filers paying Illinois State Property Tax.
- (2) This remedy is available after \$10,000 is past due. The NCP must own some form of real property (such as a house or piece of land).

(vi) **Personal Property Liens**

- (1) Property identified through information received through Multi-State Financial Institutional Data Match and In-State Financial Institution Data Match as well as other state sources.

- (2) This remedy is available after \$1000 is past due. NCP has 15 days from date of mailing of notice of lien to request, in writing, a hearing on the amount owed.
- (3) The NCP must have \$300 in a bank account.

(vii) **Lawsuits/Claims**

- (1) The Division investigates whether the NCP is involved in any lawsuit or worker's compensation claims. The Division receives information regarding pending settlements through participation in the Child Support Lien Network.
- (2) This remedy is available after \$1000 is past due.

(viii) **Delinquent Parent Website – [www.deadbeatsillinois.com](http://www.deadbeatsillinois.com)**

- (1) The Division displays the pictures and information of delinquent NCPs on the website.
- (2) This remedy is available after \$5000 is past due and no voluntary payments have been made in the past 90 days.
- (3) This applies to in-state orders and the CP must sign a release. **This cannot be used if family violence is coded in the system.**
- (4) The NCP may avoid publication on the website by paying the balance owed within 60 days of date of the notice or by entering into an acceptable written agreement with the Division for payment of the balance due.

(ix) **Felony Prosecutions**

- (1) At both the state and federal level, criminal prosecution for failure to pay child support is highly unusual.
- (2) Illinois

- (A) Illinois law provides for criminal punishment for willfully failing to support one's children. The State's Attorney makes the decision whether or not to prosecute.
  - (B) This remedy is available after \$5000 is past due and the balance is unpaid for more than 6 months. The NCP must have knowledge of his or her obligation and the ability to pay.
- (3) Federal
- (A) The Department of Justice works with HFS and the U.S. Attorney's Office to prosecute delinquent NCPs under the Child Support Recovery Act of 1992. This remedy is only available when all reasonably available civil and state criminal remedies have been exhausted. The federal prosecutor decides whether to prosecute.
  - (B) This remedy is only available after \$5000 is past due and the balance is unpaid for more than one year. The CP and child must live in Illinois. The NCP must live in another state and have knowledge of his or her obligation to pay and have the ability to pay. At least one child must be under age 18.
- (x) **Consumer Reporting Agency**
- (1) The Division automatically reports past due amounts of NCPs in IV-D cases to consumer reporting agencies.
  - (2) This remedy is available after \$2500 is past due. The NCP is automatically reported if the NCP's social security number is known.

**3. If the NCP fails to comply with the terms of the Administrative Order, the CP can ask the Division to refer the Administrative Order to the Judicial System for enforcement.**

- (a) HFS files a suit against the NCP (in the name of the State) to secure compliance with the Administrative Order.
- (b) The Court enters a Judicial Order that the NCP must comply with the Administrative Order.
- (c) If the NCP still does not comply, the NCP may be found in contempt of the Judicial Order.

**4. Parties can register a final Administrative Support Order and certain Administrative Paternity Orders with the courts for enforcement.**

- (a) Registering an Administrative Order with the court allows the court to modify and enforce the Administrative Order.
  - (i) In order to register an Administrative Support Order with the court, the registering party must file the Department's certified support records with the court.
  - (ii) The registering party must send a copy of all the documents submitted to the court to (1) the other party to the Administrative Order, (2) their appropriate legal representatives, if applicable, (3) HFS, and (4) the Assistant State's Attorney.
- (b) The non-registering party may challenge enforcement by requesting a hearing within 30 days after the date of Service of Notice of the registration. **The non-registering party's defenses to enforcement include, among other things:**
  - (i) That full or partial payment has been made;
  - (ii) That the Administrative Support Order was obtained by fraud;  
or
  - (iii) That the Administrative Support Order has been vacated, suspended, or modified by a later order.

- (c) A court can enforce a registered Administrative Order in the same manner as an Order for Support issued by the court. This means a court may modify the Administrative Support Order or Petitions for Visitation or Custody of the children covered by the Administrative Support Order.

## **MODIFYING AN ADMINISTRATIVE ORDER**

1. **Once an Administrative Child Support Order is in place, it may be modified in two ways:**
  - (a) **By request**, if there has been a significant change in circumstances.
  - (b) **Automatically** every 36 months, HFS initiates a review process of support orders in TANF cases.
  
3. **Voluntary Request for Modification**
  - (a) Many circumstances may lead to a modification of an Administrative Support Order, including the following:
    - (i) NCP's unemployment or other increase or decrease in NCP's income;
    - (ii) NCP's incarceration;
    - (iii) NCP's disability;
    - (i) Changes in health insurance;
    - (ii) Changes in custody;
    - (iii) Increase in the needs of the child;
    - (iv) Child turned 18 and is no longer in high school; or
    - (v) Child no longer lives with the CP.
  - (b) For both CPs and NCPs, if there has been a substantial change in circumstances that you believe your Administrative Child Support Order should be modified, you should submit a request for modification in writing to the Division of Child Support Services regional office and state the change in circumstances justifying the modification.
    - (i) The request must convince the officer of the reasons a modification is needed and that it is in the best interests of the child.

- (ii) Gather as much information as possible to submit as part of your request.
- (iii) An Administrative Support Order will be modified if the current financial ability of the NCP is at least 20 percent above or below what is on the existing order for support and the change is equal to at least \$10 per month.

#### 4. **Automatic Review for Modification – TANF Cases Only**

- (a) In TANF cases, HFS will send each parent a Notice informing them of the right to request a review of the Administrative Order and how to proceed with the request. These automatic reviews occur every 3 years.
  - (i) Each parent will receive 30 days' notice before the start of the review. The Notice will require the parents to fill out a financial form describing the parent's finances. The form must be returned to HFS 15 days after it is received.
  - (ii) HFS will modify a Support Order if the current financial ability of the NCP is at least 20 percent above or below the existing Order for Support and the change is equal to at least \$10/month.
- (b) Results of the Review:
  - (i) HFS will inform the parents of the results of the review and provide a copy of the calculation within 14 days after the review.
  - (ii) **If there is no change found by HFS, no modification will be made.**
    - (1) Either parent may request a redetermination within 30 days of the notice by signing and returning the request for a redetermination to HFS and providing financial documentation or information.
  - (iii) **If a change is found, HFS will modify the existing administrative order.**

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- (1) If the Child Support Order needs to be changed to require health insurance, the parents have 30 days to ask HFS for a release from or modification of the Order and receive a hearing.
- (2) If both parents request a hearing, the requests are combined and there is one hearing.

## **TERMINATING AN ADMINISTRATIVE ORDER**

### **1. Ways to Terminate an Administrative Order**

- (a) An Administrative Order is **automatically terminated** in these circumstances:
- (i) At the time of the expiration date stated in the Administrative Order. The parents do not need to take any steps; the child support obligation simply ends at this time.
  - (ii) When the youngest (or only) child turns 18 or is otherwise *emancipated*.
    - (1) A child becomes emancipated when the child is legally recognized as an adult. This usually happens when the child turns 18.
    - (2) While not automatic, a child might be emancipated before age 18 if the child:
      - (A) Gets married;
      - (B) Joins the military;
      - (C) Gets a job and becomes self-sufficient; or
      - (D) Moves out on his or her own and expresses a desire to be independent of parents.
      - (E) But NOT if child drops out of school or has a baby.
    - (3) *An NCP should have the order formally terminated once the child turns 18 or is emancipated, **if the order does not state that support will end at this time.***
    - (4) Even after age 18, HFS can extend current child support until the child graduates from high school or turns 19, whichever comes first.
    - (5) If past-due support is owed when the child turns 18, HFS may extend current child support until the amount past-due is paid off.

- (iii) If the child dies.
- (b) A CP may be able to terminate the order in some circumstances. The CP should discuss this option with a Hearing Officer.
  - (i) **Termination means NO support and no quick or easy restart of the process.**

*NOTE:* A CP who receives TANF benefits cannot choose to terminate an Administrative Order.

- (c) **An NCP can terminate an Administrative Order if the NCP has custody of the child. An NCP should bring a court order that shows that the NCP has custody of the child to HFS.**

## **2. Termination of Administrative Order and Entry of Judicial Order**

- (a) Cancelling HFS services does not terminate an Administrative Order.
- (b) The easiest way to terminate an Administrative Order and move the case to court is for both parents to be present at HFS and sign an affidavit that they do not wish to receive HFS services.
- (c) Entry of a Court Order after the end of an Administrative Order does cancel the amounts of child support that are past due under the Administrative Order.

## **APPEALING AN ADMINISTRATIVE ORDER**

### **1. Appealing Paternity**

- (a) Either the Custodial Parent ("CP") or the Non-Custodial Parent ("NCP") can appeal paternity.
- (b) **Process for Appealing Paternity:**
  - (i) If a Default Paternity Order is entered, the NCP may have the Default Order terminated if, within 30 days after the Order is mailed, the NCP appears in person at the office listed in the order. The Default Paternity Order can be terminated, and a DNA test will be conducted.
  - (ii) If an NCP wants to undo the acceptance of paternity created by signing a Voluntary Acknowledgement of Paternity ("VAP"), the NCP must sign a "rescission of paternity" by the earlier of the following:
    - (1) 60 days after signing the acknowledgment of paternity (VAP); or
    - (2) The date of an administrative or judicial proceeding relating to the child, in which the mother or alleged father is a party.
  - (iii) The NCP may challenge a Paternity Order by petition. The petition must:
    - (1) Cite a defense;
    - (2) Cite that you exercised due diligence in presenting your defense to HFS;
    - (3) Be filed within two years of the Order, with some exceptions; and
    - (4) Be supported by a sworn statement (an "affidavit") for all facts that are not supported by the administrative record.

**NOTE:** The person appealing paternity must notify the other parent of this petition and provide the other parent a copy of this petition.

## **2. Appealing an Initial Order or an Enforcement Action**

- (a) The NCP is usually the one who appeals Administrative Orders.
- (b) Timing:
  - (i) For an initial Order, the NCP must appeal within 30 days of the Order's mailing date.
  - (ii) For an enforcement action (such as income withholding, license suspension, and the other remedies listed above), the NCP must appeal within the time period indicated in the notice of the enforcement action. This time period ranges from 10 to 45 days.
- (c) Submissions:
  - (i) NCP must submit a written request for a hearing to HFS as stated in the Order or Notice. The Order includes information, including the address, for filing an administrative appeal.
  - (ii) Indicate in the written request a wish to appeal HFS's findings and include the reason for appeal. The written request must:
    - (1) Cite a defense;
    - (2) Cite that you exercised due diligence in presenting your defense to HFS;
    - (3) Be filed within two years of the Order, with some exceptions; and
    - (4) Be supported by a sworn statement (an "affidavit") for all facts that are not supported by the administrative record.

**NOTE:** The person appealing must notify the other parent of this petition and provide the other parent a copy of this petition.

- (iii) On each of the supporting documents in your written request, include:
  - (1) The names of both parents;
  - (2) The Order docket number; and
  - (3) The child support case number, which begins with the letter "C".
- (iv) **If you are appealing more than one administrative case, make sure the information for each case is written correctly on the supporting documents.** Do not delay mailing your administrative appeal if you do not have all of the documents to support your request, because you must file your administrative appeal within the timeframe stated in the notice. If you do not provide any documentation prior to your hearing, HFS will present your case to the hearing officer with the information in its records. Without the documentation to support your administrative appeal, your hearing could be delayed.
- (v) Mail your administrative appeal request to the following address:

**Appeals/Offset Unit - Attn: Administrative Hearing Request  
Division of Child Support Services  
Illinois Department of Healthcare and Family Services  
P. O. Box 19152  
Springfield, IL 62794-9152**

- (d) After you submit your request for a hearing:
  - (i) Division of Child Support Services field staff review the administrative file or Order any additional information provided.
    - (1) If the review results in a change or correction of the Administrative Order, the Order is corrected by Division

staff and provided to you along with HFS Form 2788, Request to Withdraw Appeal.

- (2) Upon receipt of the new corrected Administrative Order or the notification that the review has not resulted in a change or correction, you have two options:
    - (A) You agree with the Order and withdraw your administrative appeal request. You must fill out HFS Form 2788, Request to Withdraw Appeal. The Division forwards the withdrawal form to Bureau of Administrative Hearings ("BAH").
    - (B) You disagree with the changes or corrections to the order or with the Division review result and the matter proceeds to hearing.
  - (3) If the review results in no change or correction to the Order, you are notified of that result.
- (ii) You wait for a Notice of the hearing date.
  - (iii) **Pre-Appeal Hearing (or Settlement Conference):** To speed a resolution, the Division conducts a pre-appeal conference with you prior to the BAH hearing.
    - (1) The Pre-Appeal Hearing is attended by both parents and an HFS representative. You may also have a representative, such as an attorney, attend.
    - (2) This Pre-Appeal Hearing can end with the following results:
      - (A) If you agree with the review results/administrative order, **you withdraw your administrative appeal in writing or verbally in the presence of the hearing officer.** Your administrative appeal is closed with the Division, and the Division notifies BAH of the withdrawal of your administrative appeal.

- (B) If you disagree with the results, **the matter proceeds to an appeal hearing conducted by an impartial hearing officer.**

(iv) **The Administrative Appeal Hearing**

- (1) This administrative appeal is heard by the Bureau of Administrative Hearings (BAH).
- (2) You present evidence to support your position and reasons for appealing the Administrative Order.
- (3) BAH makes a recommendation to the Director of HFS, who makes the final decision.
- (4) After the hearing, you wait for mailed copy of Director's Final Administrative Decision. This may take 60-90 days.

**3. Appealing an Administrative Order in a Judicial Court**

- (a) To appeal the Director's Final Administrative Decision in court, you must first have used the appeals process within the **Administrative System**.
- (b) The NCP must file a Complaint for Judicial Review before the Circuit Court within 35 days the Director's Final Administrative Decision was served on NCP (i.e., 35 days from the time the decision was deposited in the U.S. mail).
- (c) A complaint is filed under the Administrative Review Act (735 ILCS 5/3-103).

## **DEFINED TERMS**

- **Administrative Order/Order for Support:** A court or administrative order establishing the level of support due to a child from an NCP.
- **Bureau of Administrative Hearings (“BAH”):** A section of the Illinois Department of Healthcare and Family Services. Requests for appeals of administrative orders are submitted to BAH and the appeals themselves can be heard by BAH.
- **Child Support Specialists:** HFS employees who calculate financial obligations related to child support and manage the establishment, modification, and enforcement of both judicial and administrative orders.
- **Custodial Parent (“CP”):** The parent who has primary or sole custody of the child.
- **Department of Healthcare and Family Services (“HFS”):** The state agency that administers child support services. Formerly called the Illinois Department of Public Aid (IDPA).
- **Division of Child Support Services (“Division”):** The Division of the Department of Healthcare and Family Services that establishes administrative child support orders. The Division enforces all child support orders in Illinois, regardless of whether the orders originate in the court system or in the administrative system. The Division also hears appeals of administratively established child support orders.
- **Emancipated:** The time at which a person is legally recognized as an adult. Although emancipation typically occurs at the age of 18, a child might become emancipated before the age of 18 if the child gets married, joins the military, or becomes self-sufficient and expresses a desire to be independent of his or her parents.
- **Illinois Department of Human Services (“DHS”):** Provides access to public benefits including TANF, SNAP, and Medicaid.
- **IV-D:** A section of the Social Security Act, under which the federal government gives money to states to run child support programs that meet certain federal standards.
- **IV-D Program/Child Support Program:** Partnership between the federal government and the state of Illinois set up to establish and enforce child

support orders. Those receiving certain types of federal assistance are automatically enrolled. Any CP may enroll in the program, regardless of income, by submitting an application. The program is administered by HFS.

- **Non-Custodial Parent (“NCP”)**: The parent who does not have primary or sole custody of the child.
- **Paternity**: The state of fathering a child.
- **State Disbursement Unit (“SDU”)**: The payments processing center for all Illinois child support payments. This unit processes the payments and issues checks or direct deposits to the receiving families.
- **Temporary Aid for Needy Families (“TANF”)**: Federal public assistance to low-income families with dependent children.
- **Voluntary Acknowledgment of Paternity (“VAP”)**: Establishes legal paternity of a child if signed by both parents in front of a witness who also signs. The witness cannot be the child.

## **APPENDIX**

The below is a list of legal aid organizations in the Greater Chicagoland area you can reach out to for further help or support concerning child support:

### **Legal Aid Organizations in Cook County:**

- **Legal Aid Chicago (formerly known as LAF):** Provides free legal help for people with limited income or special legal needs, including custody and divorces.

Website: [www.legalaidchicago.org](http://www.legalaidchicago.org)

Telephone: (312) 341-1070

- **Chicago Legal Clinic Pro Bono Program (CLC):** An organization providing free or low-cost legal aid, including child support and custody matters.

Website: [www.clclaw.org](http://www.clclaw.org)

Telephone: (773) 731-1762

- **Chicago Volunteer Legal Services (CVLS):** An organization of volunteer attorneys who donate free legal services to those with limited income, including adoption, divorce, minor and adult guardianship, and child support enforcement.

Website: [www.cvls.org](http://www.cvls.org)

Telephone: (312) 332-1624

- **Illinois Legal Aid Online:** A website that provides information, step-by-step instructions, court forms, and checklists for help regarding divorce or child support.

Website: [www.illinoislegalaid.org](http://www.illinoislegalaid.org)

- **Legal Aid Bureau of Metropolitan Family Services (LAB):** LAB provides equal access to justice for those with limited incomes.

Website: [www.metrofamily.org/legal-aid-society](http://www.metrofamily.org/legal-aid-society)

Telephone: (312) 986-4000

Email: [contactus@metrofamily.org](mailto:contactus@metrofamily.org)

- **CARPLS (Coordinated Advice and Referral Program for Legal Services):** An organization providing a free telephone hotline to connect directly with attorneys offering legal advice. Additionally, they have four court-based self-help centers.

Website: [www.carpls.org](http://www.carpls.org)

Telephone: (312) 738-9200

### **Legal Aid Organizations outside of Cook County:**

- **Prairie State Legal Services** (covering 36 counties in Central and Northern Illinois): An organization providing legal assistance for protection from abuse and divorce for those facing domestic violence and telephone advice for custody and visitation, child support, and divorce without domestic violence.

Website: [www.pslegal.org](http://www.pslegal.org)

Telephone: (815) 965-2134

- **Land of Lincoln Legal Aid:** An organization providing free legal services to individuals with limited income and senior citizens in 65 counties in central and southern Illinois, ranging from telephone advice to representation in court or at administrative hearings. They provide aid for orders of protection and child support and divorce cases where there has been family violence

Website: [www.lollaf.org](http://www.lollaf.org)

Telephone: (877) 342-7891

- **DuPage Legal Aid Service:** A free legal aid service providing help in divorce, custody, and child support issues.

Website: [www.dupagelegalaid.org](http://www.dupagelegalaid.org)

Telephone: (630) 653-6212

- **Administer Justice (Kane and DuPage Counties):** An organization providing free legal services to those with limited income, including one-on-one consultations with an attorney, document assistance, and legal representation. They provide assistance with certain divorces, paternity, child support, child custody, parental visitation, and other parental rights.

Website: [www.administerjustice.org](http://www.administerjustice.org)

Telephone: (877) 778-6006

## Other Resources:

- **Illinois Legal Aid Online (ILAO):** Staff can provide information and resources to help with individual legal problems, including court forms, legal information, and referrals to free or low-cost legal aid lawyers. ILAO also has legal self-help centers at courthouses and libraries across the state.

Website: <https://www.illinoislegalaid.org/>

- **The State of Illinois Domestic Violence (DV) Helpline:** The IL Domestic Violence Helpline is a 25-hour tollfree, confidential, and multilingual hotline that can help individuals and families connect to DV programs throughout the state, help to provide safety assistance, and offer support in a crisis.

### Phone Services:

- 1-877-TO END DV or 1-877-863-6338 (voice)
- 1-877-863-6339 (TTY)

Online: [www.dhs.state.il.us/page.aspx?item=30275](http://www.dhs.state.il.us/page.aspx?item=30275)

List of DV Agencies by City: [www.dhs.state.il.us/page.aspx?item=31886](http://www.dhs.state.il.us/page.aspx?item=31886)

This Guide was drafted by Chicago Appleseed and the Chicago Council of Lawyers with pro bono support from attorneys at Skadden, Arps, Slate, Meagher & Flom LLP, led by Nicole Lerescu and Chris Bobby.

*For more information, please visit:*

[www.ChicagoAppleseed.org](http://www.ChicagoAppleseed.org) & [www.ChicagoCouncil.org](http://www.ChicagoCouncil.org)



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*Collaboration for Justice*

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*Special thanks to the Illinois Department of Healthcare and Family Services' Division of Child Support Services for the support and assistance.*