

Q

I was divorced in Tennessee, but I now live in Illinois. I've been here for about 7 months. My ex-husband still lives in Tennessee, and he doesn't abide by the dissolution order which requires him to pay me child support. What action can I take to make him comply with the out-of-state dissolution order? I can't afford to go to Tennessee just for a court date! Please help me.

--Client, Knox County

A

Dear Client,

Thank you for contacting us. I am happy to guide you through the solution to this problem. With some patience and paperwork, this should be a fairly simple process.

States must respect each other's judgments. To transfer the Tennessee dissolution order to Illinois, you must file a [Petition to Enroll](#) in Knox County Circuit Court. You file this document along with a copy of the Tennessee dissolution order. At the same time, you can file a [Petition for a Rule to Show Cause](#). This will ask the Court to enforce the dissolution order that requires your ex-husband to pay child support.

I hope this information is helpful. Best of luck to you!

Sincerely,

Attorney

# Governing Law

## Applicable Law

U.S. CoNST. art. V, § 1. Full Faith and Credit Clause

UCCJEA (Uniform Child Custody Jurisdiction and Enforcement Act)

Applies only to judgments, decrees, or other court orders that provide for the legal custody, physical custody, or visitation with respect to a child. This does not include child support or monetary obligations.

750 ILCS 5/ Illinois Marriage and Dissolution of Marriage Act

511(c). Petition to enroll the judgment of another state

502(e). Agreement

505(a)(1). Child support guidelines

750 ILCS 46/ Illinois Parentage Act of 2015

750 ILCS 22/ Uniform Interstate Family Support Act

601. Registration of order for enforcement.

609. Procedure to register child support order of another state for modification

## Background of the Law

### Parentage

Before a child support order can be entered, the supporting parent's parentage must be established. There are a few ways this can be done.

Under 750 ILCS 46/201, the parent-child relationship is established between a woman and a child by:

- The woman having given birth to the child (except if a valid surrogacy contract exists),
- A ruling of a court of the woman's parentage,
- Adoption of the child by a woman, or
- A valid surrogacy contract.

The parent-child relationship is established between a man and a child by:

- An un rebutted presumption of the man's parentage under Section 204 below,
- An effect voluntary acknowledgement of parentage by the man,
- An adjudication of the man's parentage,
- An adoption of the child by the man, or
- A valid surrogacy contract. *Id.*

## Presumption of parentage

Under 750 ILCS 46/204, a person is presumed to be the parent of a child if:

- The person and mother have entered into a marriage or civil union and the child is born during the marriage; or
- The person and mother were in a marriage or civil union and the child is born to the mother within 300 days of the marriage or civil union.

## Child support

Child support may be ordered in a proceeding for dissolution of marriage 750 ILCS 5 or in a proceeding for allocation of parental responsibilities. 750 ILCS 46. In determining the minimum amount of support, the court must apply the child support guidelines established by the Department of Healthcare and Family Services. 750 ILCS 5/505(a)(1).

## Enforcing out-of-state child support orders

Under the Full Faith and Credit Clause, states must respect each other's judicial orders. U.S. CONST. art. V, § 1.

Even where the respondent resides outside of Illinois, Illinois courts may still exercise personal jurisdiction over him for the purpose of enforcing an existing child support order under UIFSA (Uniform Interstate Family Support Act), which governs interstate child support enforcement. The Illinois resident obligee must file a petition to enroll to register the judgment at her local circuit court. 750 ILCS 22/602.

## Enforcing child support orders generally

An existing support order or dissolution order can be enforced through a petition for a rule to show cause. 750 ILCS 5/502(e). It can also be enforced by the Department of Health and Human Services (DHS), through the State's Attorney Child Support Enforcement Division if the obligee is a recipient of public aid. 750 ILCS 5/505.3(e)

## Relevant ILAO content

### Pro se

[Petition to enroll the judgment of another state](#)  
[Petition for a rule to show cause](#)

### For legal professionals

[Divorce and custody \(Lawyer Manual\)](#)  
[Children's law \(Lawyer Manual\)](#)