



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB0929

by Rep. Lindsay Parkhurst

SYNOPSIS AS INTRODUCED:

735 ILCS 5/2-1303
735 ILCS 5/12-109

from Ch. 110, par. 2-1303
from Ch. 110, par. 12-109

Amends the Code of Civil Procedure. Provides that the interest on judgments arising by operation of law from child support orders shall be calculated by applying one-twelfth of 5% (rather than one-twelfth of 9%) to the unpaid child support balance as of the end of each calendar month. Provides that every calendar year, beginning in 2021, the Department of Healthcare and Family Services shall determine the percentage of simple interest that shall accrue on unpaid child support obligations. Makes corresponding changes. Effective immediately.

LRB101 06960 LNS 51993 b

1 AN ACT concerning civil law.

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

4 Section 5. The Code of Civil Procedure is amended by
5 changing Sections 2-1303 and 12-109 as follows:

6 (735 ILCS 5/2-1303) (from Ch. 110, par. 2-1303)

7 Sec. 2-1303. Interest on judgment. Except for judgments
8 arising by operation of law from a child support order,
9 judgments ~~Judgments~~ recovered in any court shall draw interest
10 at the rate of 9% per annum from the date of the judgment until
11 satisfied or 6% per annum when the judgment debtor is a unit of
12 local government, as defined in Section 1 of Article VII of the
13 Constitution, a school district, a community college district,
14 or any other governmental entity. When judgment is entered upon
15 any award, report or verdict, interest shall be computed at the
16 above rate, from the time when made or rendered to the time of
17 entering judgment upon the same, and included in the judgment.
18 Interest shall be computed and charged only on the unsatisfied
19 portion of the judgment as it exists from time to time. The
20 judgment debtor may by tender of payment of judgment, costs and
21 interest accrued to the date of tender, stop the further
22 accrual of interest on such judgment notwithstanding the
23 prosecution of an appeal, or other steps to reverse, vacate or

1 modify the judgment.

2 (Source: P.A. 85-907.)

3 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

4 Sec. 12-109. Interest on judgments.

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

8 (b) Every judgment arising by operation of law from a child
9 support order shall bear interest as provided in this
10 subsection. The interest on judgments arising by operation of
11 law from child support orders shall be calculated by applying
12 one-twelfth of 5% ~~the current statutory interest rate as~~
13 ~~provided in Section 2-1303~~ to the unpaid child support balance
14 as of the end of each calendar month. The unpaid child support
15 balance at the end of the month is the total amount of child
16 support ordered, excluding the child support that was due for
17 that month to the extent that it was not paid in that month and
18 including judgments for retroactive child support, less all
19 payments received and applied as set forth in this subsection.
20 The accrued interest shall not be included in the unpaid child
21 support balance when calculating interest at the end of the
22 month. The unpaid child support balance as of the end of each
23 month shall be determined by calculating the current monthly
24 child support obligation and applying all payments received for
25 that month, except federal income tax refund intercepts, first

1 to the current monthly child support obligation and then
2 applying any payments in excess of the current monthly child
3 support obligation to the unpaid child support balance owed
4 from previous months. The current monthly child support
5 obligation shall be determined from the document that
6 established the support obligation. Federal income tax refund
7 intercepts and any payments in excess of the current monthly
8 child support obligation shall be applied to the unpaid child
9 support balance. Any payments in excess of the current monthly
10 child support obligation and the unpaid child support balance
11 shall be applied to the accrued interest on the unpaid child
12 support balance. Interest on child support obligations may be
13 collected by any means available under State law for the
14 collection of child support judgments. Every calendar year,
15 beginning in 2021, the Illinois Department of Healthcare and
16 Family Services shall determine the percentage of simple
17 interest that shall accrue on unpaid child support obligations.
18 (Source: P.A. 98-563, eff. 8-27-13.)

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