



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4169

Introduced 1/22/2020, by Rep. Lawrence Walsh, Jr.

SYNOPSIS AS INTRODUCED:

735 ILCS 5/12-109

from Ch. 110, par. 12-109

Amends the Code of Civil Procedure. Provides that, if the right to child support for a child has been assigned by a recipient of aid under specified provisions of the Illinois Public Aid Code to the Department of Healthcare and Family Services under the Illinois Public Aid Code, interest on child support obligations for that child shall cease to accrue on the date the child reaches the age of 18 years.

LRB101 15268 KTG 64443 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 Section 12-109 as follows:

6 (735 ILCS 5/12-109) (from Ch. 110, par. 12-109)

7 Sec. 12-109. Interest on judgments.

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

11 (b) (1) Except as provided in paragraph (2), every ~~Every~~
12 judgment arising by operation of law from a child support order
13 shall bear interest as provided in this subsection. The
14 interest on judgments arising by operation of law from child
15 support orders shall be calculated by applying one-twelfth of
16 the current statutory interest rate as provided in Section
17 2-1303 to the unpaid child support balance as of the end of
18 each calendar month. The unpaid child support balance at the
19 end of the month is the total amount of child support ordered,
20 excluding the child support that was due for that month to the
21 extent that it was not paid in that month and including
22 judgments for retroactive child support, less all payments
23 received and applied as set forth in this subsection. The

1 accrued interest shall not be included in the unpaid child
2 support balance when calculating interest at the end of the
3 month. The unpaid child support balance as of the end of each
4 month shall be determined by calculating the current monthly
5 child support obligation and applying all payments received for
6 that month, except federal income tax refund intercepts, first
7 to the current monthly child support obligation and then
8 applying any payments in excess of the current monthly child
9 support obligation to the unpaid child support balance owed
10 from previous months. The current monthly child support
11 obligation shall be determined from the document that
12 established the support obligation. Federal income tax refund
13 intercepts and any payments in excess of the current monthly
14 child support obligation shall be applied to the unpaid child
15 support balance. Any payments in excess of the current monthly
16 child support obligation and the unpaid child support balance
17 shall be applied to the accrued interest on the unpaid child
18 support balance. Interest on child support obligations may be
19 collected by any means available under federal and State law,
20 rules, and regulations providing for the collection of child
21 support.

22 (2) If the right to child support for a child has been
23 assigned by a recipient of aid under Article III, IV, V, or VI
24 of the Illinois Public Aid Code to the Department of Healthcare
25 and Family Services under Article X of the Illinois Public Aid
26 Code, interest on child support obligations for that child

1 shall cease to accrue on the date the child reaches the age of
2 18 years.

3 (Source: P.A. 101-336, eff. 8-9-19.)