

1 AN ACT concerning government.

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

4 Section 5. The Illinois Administrative Procedure Act is
5 amended by changing Sections 10-10, 10-25, and 10-70 and by
6 adding Section 10-25.1 as follows:

7 (5 ILCS 100/10-10) (from Ch. 127, par. 1010-10)

8 Sec. 10-10. Components of rules. All agency rules
9 establishing procedures for contested cases shall at a minimum
10 comply with the provisions of this Article 10. In addition,
11 agency rules establishing procedures may include, but need not
12 be limited to, the following components: pre-hearing
13 conferences, representation interview or deposition
14 procedures, default procedures, selection of administrative
15 law judges, the form of the final order, the standard of proof
16 used, which agency official makes the final decision,
17 representation of parties, procedures for requesting and
18 receiving language access services, subpoena request
19 procedures, discovery and protective order procedures, and any
20 review or appeal process within the agency.

21 (Source: P.A. 87-823.)

22 (5 ILCS 100/10-25) (from Ch. 127, par. 1010-25)

1 Sec. 10-25. Contested cases; notice; hearing.

2 (a) In a contested case, all parties shall be afforded an
3 opportunity for a hearing after reasonable notice. The notice
4 shall be served personally, by certified or registered mail,
5 by email as provided by Section 10-75, or as otherwise
6 provided by law upon the parties or their agents appointed to
7 receive service of process and shall include the following:

8 (1) A statement of the time, place, and nature of the
9 hearing.

10 (2) A statement of the legal authority and
11 jurisdiction under which the hearing is to be held.

12 (3) A reference to the particular Sections of the
13 substantive and procedural statutes and rules involved.

14 (4) Except where a more detailed statement is
15 otherwise provided for by law, a short and plain statement
16 of the matters asserted, the consequences of a failure to
17 respond, and the official file or other reference number.

18 (5) To the extent such information is available, the
19 names, phone numbers, email addresses, and mailing
20 addresses of the administrative law judge or designated
21 agency contact, the parties, and all other persons to whom
22 the agency gives notice of the hearing unless otherwise
23 confidential by law.

24 (6) An enclosure written in, at a minimum, English,
25 Arabic, Cantonese, Gujarati, Korean, Mandarin, Polish,
26 Russian, Spanish, Tagalog, Urdu, Ukrainian, and

1 Vietnamese, which notifies the recipient of the ability
2 for a party or the recipient's agent to request
3 interpretive assistance to participate in or understand
4 the hearing and to receive language access services for
5 translating the contents of the notice. A request to
6 receive a written or sight translation of the notice must
7 be made within 7 days of service of the notice.

8 (b) An opportunity shall be afforded all parties to be
9 represented by legal counsel and to respond and present
10 evidence and argument.

11 (c) Unless precluded by law, disposition may be made of
12 any contested case by stipulation, agreed settlement, consent
13 order, or default.

14 (d) Language access services and interpretive assistance
15 provided in contested hearings shall be, at a minimum, in
16 accordance with this Act, and as otherwise provided for in any
17 law or rule governing an agency's contested hearings.

18 (Source: P.A. 100-880, eff. 1-1-19; 101-81, eff. 7-12-19.)

19 (5 ILCS 100/10-25.1 new)

20 Sec. 10-25.1. Language access services.

21 (a) As used in this Article:

22 "Foreign language interpreter" means a person who is
23 fluent in both English and another language, who listens to a
24 communication in one language and orally converts it into
25 another language while retaining the same meaning, and who

1 either (i) has satisfied the certification requirement set
2 forth in Section 8a.2 of the Personnel Code or (ii) has been
3 contracted with by the State or an agency to provide
4 interpretive assistance in administrative hearings. A foreign
5 language interpreter need not be physically present to provide
6 interpretive assistance.

7 "Indigent person" has the meaning given in subdivision
8 (a) (2) of Section 5-105 of the Code of Civil Procedure.

9 "Interpretive assistance" means services that involve
10 listening to a communication in one language and orally
11 converting that communication into another language while
12 retaining the same meaning.

13 "Language access services" means the full spectrum of
14 language services available to provide meaningful access to
15 the programs and services for limited English proficient
16 persons, including, but not limited to, in-person interpreter
17 services, telephonic and video remote interpreter services,
18 translation of written materials, and bilingual staff
19 services.

20 "Limited English proficient person" means someone who
21 speaks a language other than English as his or her primary
22 language and has a limited ability to read, write, speak, or
23 understand English and requires the assistance of a foreign
24 language interpreter to effectively communicate in a legal
25 proceeding.

26 "Nonsubstantive hearing" means a hearing to discuss

1 hearing rules, hearing processes, hearing procedures, and
2 hearing scheduling. A hearing in which a substantive ruling is
3 made is not a nonsubstantive hearing.

4 "Sight translation" means the conversion of written text
5 in one language into another spoken language.

6 "Substantive hearing" means a hearing in which a
7 substantive ruling may be made. "Substantive hearing" includes
8 a prehearing conference or formal hearing in which testimony
9 or evidence is being taken.

10 "Substantive ruling" means a ruling that directly relates
11 to the merits of the case and does not include explanation of
12 hearing rules, hearing processes, hearing procedures, or
13 hearing scheduling.

14 "Translator" means a person who converts written text from
15 one language into written text in another language.

16 "Written translation" means a conversion of written text
17 from one language into written text in another language.

18 (b) A self-represented litigant, a witness, or a litigant
19 who is an indigent person has the right to request
20 interpretive assistance to participate in or understand a
21 hearing at any time during the course of the hearing. If no
22 request is made but the administrative law judge reasonably
23 believes that a self-represented litigant or witness is a
24 limited English proficient person, the administrative law
25 judge shall inquire if the individual is in need of
26 interpretive assistance to participate in or understand the

1 hearing. The fact that an individual for whom English is a
2 second language knows some English should not prohibit that
3 individual from being allowed to receive interpretive
4 assistance from a foreign language interpreter. The conclusion
5 of the administrative law judge regarding the need for
6 interpretive assistance must be stated in the record.

7 (c) If interpretive assistance is requested by a
8 self-represented litigant, a witness, or a litigant who is an
9 indigent person or if interpretive assistance is determined to
10 be necessary by the administrative law judge, the agency must
11 appoint a foreign language interpreter at no cost to the
12 person in need of the assistance for use in a substantive
13 hearing. If it appears that interpretive assistance is needed
14 but a foreign language interpreter is not available for the
15 scheduled substantive hearing, the administrative law judge
16 shall continue or postpone the hearing until appropriate
17 services can be provided. In a substantive hearing, an
18 interpreter who is not a foreign language interpreter should
19 be appointed only if the agency made reasonable efforts to
20 obtain a foreign language interpreter and one is not
21 reasonably available. If the agency appoints an interpreter
22 who is not a foreign language interpreter, the administrative
23 law judge must examine the interpreter to ensure the
24 interpreter is competent to interpret in the hearing, has
25 proficiency in English and the applicable foreign language,
26 and does not present a conflict of interest.

1 (d) An agency may provide interpretive assistance during a
2 nonsubstantive hearing by use of an interpreter who is not a
3 foreign language interpreter, provided the administrative law
4 judge examines the interpreter for competency for the purposes
5 of the non-substantive hearing.

6 (e) All persons appointed to provide interpretive
7 assistance in substantive and nonsubstantive hearings must
8 swear or affirm that they:

9 (1) will make a true interpretation, from the English
10 language, in an understandable manner to the limited
11 English proficient person for whom the interpreter has
12 been appointed;

13 (2) will repeat the statements of the limited English
14 proficient person, in the English language, to the best of
15 the interpreter's ability;

16 (3) have not had any involvement in the issues of the
17 case before the hearing; and

18 (4) will not disclose privileged or confidential
19 communications to any person.

20 (f) If an appointed interpreter is not accurately
21 interpreting communications, the limited English proficient
22 person, or that person's attorney or authorized
23 representative, if an authorized representative is permitted
24 under agency rules, may request the appointment of a different
25 interpreter, subject to the approval of the administrative law
26 judge.

1 (g) An agency may adopt rules for the implementation and
2 administration of this Section. Nothing in this Section
3 precludes an agency from providing language access services in
4 addition to those required under this Section to any limited
5 English proficient person, subject to agency discretion.

6 (5 ILCS 100/10-70) (from Ch. 127, par. 1010-70)

7 Sec. 10-70. Waiver.

8 (a) Compliance with any or all of the provisions of this
9 Act concerning contested cases may be waived by written
10 stipulation of all parties.

11 (b) To waive any of the provisions relating to language
12 access services under Sections 10-25 and 10-25.1, the parties
13 must provide a signed written stipulation in both English and
14 the preferred language of the party in need of language
15 assistance.

16 (c) A written stipulation waiving the language access
17 service provisions of Sections 10-25 and 10-25.1 of this Act
18 may be withdrawn by the limited English proficient person at
19 any time. The withdrawal may be made by oral declaration at
20 hearing or in a written declaration. Following such a
21 withdrawal, the remainder of the proceeding must be conducted
22 in accordance with Sections 10-25 and 10-25.1.

23 (Source: P.A. 87-823.)

24 Section 99. Effective date. This Act takes effect July 1,
25 2025.