

AN ACT concerning government.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5 ILCS 100/10-25.1 new)

Sec. 10-25.1. Language access services.

(a) As used in this Article:

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

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

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

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

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

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

"Nonsubstantive hearing" means a hearing to discuss

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 10-70. Waiver.

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

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

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

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

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