

Rule 100.1. Implementation of Expedited Child Support System

(a) Applicability to Circuits. An Expedited Child Support System may be established in those judicial circuits which, with the approval of the Supreme Court, elect to implement the System and in such other judicial circuits as may be directed by the Supreme Court.

(b) Submission of a Plan. The chief judge of a judicial circuit which elects to create a System must submit a Plan of Implementation. The Plan may establish a circuit-wide system, a system in each county within the circuit or a system in any county in the circuit. The chief judges of two or more contiguous judicial circuits may submit a Plan for the creation of a single system encompassing those judicial circuits or encompassing contiguous counties within the judicial circuits.

(c) The Plan. Each Plan must:

(1) describe how the Plan will ensure that support orders will be expedited, setting forth the time frames and the mechanism for expediting matters eligible for a hearing before an administrative hearing officer;

(2) describe how the System will comply with the Federal time frames established for the IV-D program in regulations promulgated by the United States Department of Health and Human Services Office of Child Support Enforcement (codified at 45 C.F.R. 303), for the disposition of parentage and child support cases, and how compliance information shall be provided with respect to IV-D and non-IV-D cases;

(3) indicate whether the System is to be made available to nonparticipants in the IV-D program as specified in subsection (d) below;

(4) indicate which of the actions eligible for a hearing under Rule 100.3 will be subject to a hearing before an administrative hearing officer;

(5) designate the number of administrative hearing officers to be employed, and whether they will be employed full-time or part-time;

(6) indicate the compensation to be paid to each administrative hearing officer;

(7) describe the personnel policies applicable to employees of the System;

(8) describe the facilities and security arrangements to be used for hearings, including the days and hours of availability;

(9) describe the procedures for training administrative hearing officers;

(10) describe the documentation and forms required for an expedited child support hearing in addition to those required by the Supreme Court;

(11) describe the procedure for transmittal to a judge of contested prehearing motions, other matters that require a court order, recommended orders, and any other matters that require transfer or should be referred to a judge;

(12) describe the procedure for transfer of matters from a judge to an administrative hearing officer; and

(13) describe the procedure for action by a judge on an administrative hearing officer's recommendations.

(d) Availability of System to Non-IV-D Participants. A Plan may provide that the System

is available in cases where both parties are non-IV-D participants and request access to the System. If the System is available to non-IV-D participants, administrative expenses must be appropriated by the county board and a plan for cost-sharing must be approved as provided in subsection (g) below.

(e) Establishment of Demonstration Programs. The Illinois Department of Public Aid may notify the Supreme Court of its desire to establish a demonstration program in one or more circuits or counties. Any such program shall be available to IV-D participants. Upon receipt of such notification, the Supreme Court will notify the chief judge of each judicial circuit of the Department's desire to establish a demonstration program. Each chief judge may submit a demonstration Plan to the Supreme Court which, upon approval, will submit the Plan to the Department. The Department may select one or more circuits or counties to participate in the demonstration program after reviewing the submitted Plans. The Department shall notify the Supreme Court of its decision. The submitted demonstration Plan shall include each element listed in subsection (c) above. In addition, each demonstration Plan shall include a projected budget for operation of the System. The demonstration Plan shall specify whether it is available to non-IV-D participants, and if so, shall provide that the portion of the administrative costs attributable to use by non-IV-D participants has been appropriated by the demonstration county and meets the requirements of subsection (g) below.

(f) Supreme Court Review and Approval. The Supreme Court shall review and approve or request that the chief judge modify any submitted Plan or demonstration Plan for compliance with the Act, these rules and, to the extent Federal reimbursement is sought, the rules of the IV-D program. Upon Supreme Court approval of a Plan, any nondemonstration county, circuit, multicircuit area or multicounty area may establish a System. Approved demonstration Plans will be submitted to the Department of Public Aid for review based on Department standards.

(g) Funding. Before establishment of a System according to a Supreme Court approved Plan, each participating nondemonstration county board or boards must appropriate the administrative expenses incurred to establish and maintain the non-IV-D portion of the System and the IV-D portion that is not subject to Federal reimbursement. A Plan for cost-sharing must be submitted to the Department of Public Aid for approval. Each chief judge shall be responsible for documenting and recording the number of IV-D and non-IV-D cases pending and disposed of in the System each month, and the portion of administrative expenses eligible for Federal reimbursement under the IV-D program, in such a manner as to insure Federal reimbursement. Information necessary for Federal reimbursement shall be submitted to the Department of Public Aid 14 days after the end of each month. The chief judge shall also submit copies of such information to the Supreme Court. The Illinois Department of Public Aid shall forward all reimbursement to the county in which the Plan is approved. The Supreme Court shall remain a signatory to the contract and shall maintain general supervisory oversight.

(h) Administration. Pursuant to rule, the chief judge of each judicial circuit shall be responsible for administering the System on a day-to-day basis, shall employ and terminate administrative hearing officers and other necessary staff, and shall review and evaluate the performance of each administrative hearing officer. Reviews shall be conducted quarterly in the

first year of employment, and annually thereafter.

(i) Reporting of Data. The chief judge shall file a report with the Supreme Court within 35 days of the end of each State fiscal year detailing the number of:

- (1) matters initially assigned to an administrative hearing officer;
- (2) matters transferred to an administrative hearing officer;
- (3) matters returned to an administrative hearing officer from a judge;
- (4) matters submitted to a judge from an administrative hearing officer with recommendation for a court order;
- (5) recommended court orders entered by a judge;
- (6) recommended court orders rejected by a judge;
- (7) matters submitted by an administrative hearing officer to a judge for hearings;
- (8) IV-D and non-IV-D matters pending and disposed of in the System; and
- (9) matters which complied or failed to comply with Federal time frames. The above data shall be reported for each fiscal year with respect to each administrative hearing officer and for the System as a whole.

(j) Local Rules. Each judicial circuit may adopt rules for the conduct of expedited child support hearings which are consistent with these rules and may determine which matters within the general classification of eligible actions shall be heard by administrative hearing officers.

(k) Applicability of Other Acts, the Code of Civil Procedure and Rules of the Supreme Court. The provisions of the Illinois Marriage and Dissolution of Marriage Act, the Illinois Parentage Act of 1984, the Illinois Public Aid Code, the Revised Uniform Reciprocal Enforcement of Support Act, the Nonsupport of Spouse and Children Act, the State Mandates Act, the Code of Civil Procedure and the rules of the Supreme Court shall be applicable to expedited child support hearings except insofar as these rules otherwise provide.

Adopted April 1, 1992, effective immediately; amended March 19, 1997, effective April 15, 1997; amended June 22, 2017, eff. July 1, 2017.