

FILING FEES—Linking the standards to the statutes

CASE TYPE DEFINITIONS FROM MANUAL ON RECORDKEEPING

To some extent, in order to understand why some of the case types were written in the standards as they were, you have to understand the statutes that define the case types. These are outlined for you in the manual on record-keeping, where the AOIC was nice enough to provide us with those definitions. Why can't a confession of judgment be an SC case, if it's for under \$10,000? Well, it's because the statute doesn't allow for them to be handled that way...

L

A Law case number shall be assigned to tort, contract, and a variety of other actions in which the damages sought are greater than \$50,000. The amount of damages contained in the complaint pursuant to Supreme Court Rule 222, excluding interest and costs, determines the category, not the amount of the verdict or judgment. If no specific amount is claimed, an L number shall be assigned.

LM

A Law Magistrate case number shall be assigned to tort, contract, and a variety of other actions in which the damages sought are \$50,000 or less. The amount of damages contained in the complaint pursuant to Supreme Court Rule 222, excluding interest and costs, determines the category, not the amount of the verdict or judgment. Note that tort, contract, or tax collection case in which the damages sought are \$10,000 or less is assigned an SC number.

MC

Each municipal corporation shall have one permanent case number and file folder for routine matters to be considered by the court. This file will contain such matters as organization, appointment of officers, approval of bonds, and routine orders confirming annexation. A new case number and file folder should not be created when additional documents of this nature are filed. Excluded from the MC file will be matters which require more than routine consideration by the court. For example, a local improvement or drainage assessment proceeding will have its own TX case number and file; a petition for the conduct of an election regarding an annexation will be placed in an MC file with its own MC case number. Also excluded from the MC file is litigation involving the municipal corporation as a party such as a suit against a city for personal injuries—such cases will have their own L, LM, or SC case numbers.

SC

A Small Claim case number shall be assigned to "...a civil action based on either **tort or contract for money** not in excess of \$10,000, exclusive of interest and costs, **or for the collection of taxes** not in excess of that amount" (Supreme Court Rule 281).

Supreme Court Rule 281: For the purpose of the application of Rules 281 through 288, a small claim is a civil action based on either tort or contract for money not in excess of ~~\$5,000~~ **\$10,000**, exclusive of interest and costs, or for the collection of taxes not in excess of that amount. The order entered December 6, 2005, amending Rule 281 and effective January 1, 2006, shall apply only to cases filed after such effective date.

Rule 281 was amended in 2005 to increase the jurisdictional limit from \$5,000 to \$10,000. As the change will require a modification to the allocation of judicial resources, the change was made applicable only to new cases and does not apply to pending cases.

TX

A Tax case number shall be assigned to the annual tax sale and a variety of other actions relating to the collection of taxes. **Petitions for tax deeds and objections are part of the annual tax sale proceeding and will be assigned subnumbers of the annual tax sale case number.**

EFILING CONFIGURATION STANDARD TERMS and DEFINITIONS

CASE CATEGORY—The broader category of case type, used as part of the case number.

CASE TYPE—The subcategory of the broader case category, identifying the nature of a particular civil case.

FILING TYPE—A specific document type commonly filed in one or more case types.

ADDITIONAL/OPTIONAL SERVICES—An additional requested service that may result in an added fee for a filing. Optional services are sometimes established for fees that can't easily be charged on a filing type or case type.

ENVELOPE—The result of a civil filing, which may include one or more documents to be filed by the clerk, as well as payment and/or party data.

COURTS

(705 ILCS 105/) Clerks of Courts Act.

(705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

Sec. 27.1a. The fees of the clerks of the circuit court in all counties having a population of not more than 500,000 inhabitants in the instances described in this Section shall be as provided in this Section. In those instances where a minimum and maximum fee is stated, the clerk of the circuit court must charge the minimum fee listed and may charge up to the maximum fee if the county board has by resolution increased the fee. The fees shall be paid in advance and shall be as follows:

DEFAULT COST OF CIVIL CASE IF NO SPECIFIC EXCEPTION

(a) Civil Cases.

With the following exceptions, the fee for filing a complaint, petition, or other pleading initiating a civil action shall be a minimum of \$40 and shall be a maximum of \$160 through December 31, 2021 and a maximum of \$154 on and after January 1, 2022.

EXCEPTIONS

SMALL CLAIMS (SC CASE TYPES)

(A) When the amount of money or damages or the value of personal property claimed does not exceed \$250, \$10.

CONTRACT, TAX COLLECTION, TORT (up to \$250.00)

(B) When that amount exceeds \$250 but does not exceed \$500, a minimum of \$10 and a maximum of \$20.

CONTRACT, TAX COLLECTION, TORT (\$250.01-\$500.00)

(C) When that amount exceeds \$500 but does not exceed \$2500, a minimum of \$25 and a maximum of \$40.

CONTRACT, TAX COLLECTION, TORT (\$500.01-\$2500.00)

(D) When that amount exceeds \$2500 but does not exceed \$15,000, a minimum of \$25 and a maximum of \$75.

\$2500 to \$10,000 SMALL CLAIMS

SC CASE TYPES: CONTRACT, TAX COLLECTION, TORT (\$2500.01-\$10,000.00)

and

\$10,000 to \$15,000 LAW MAGISTRATE

LM CASE TYPES: "\$10,000.01 TO \$15,000.00" OR "UP TO \$15,000.00"

EMINENT DOMAIN (ED)

(E) For the exercise of eminent domain, a minimum of \$45 and a maximum of \$150. **(CASE TYPE-EMINENT DOMAIN)**

For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, a minimum of \$45 and a maximum of \$150. **ED - EACH ADDITIONAL LOT OR TRACT OF LAND TO BE CONDEMNED--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

FAMILY (F CASE TYPES)

(a-1) Family.

For filing a petition under the Juvenile Court Act of 1987, \$25.

**NOTICE TO PUTATIVE FATHER/JUV COURT ACT
PETITION FOR ORDER TO ISSUE MARRIAGE LICENSE**

For filing a petition for a marriage license, \$10.

For performing a marriage in court, \$10.

For filing a petition under the Illinois Parentage Act of 2015, \$40.

PETITION FOR PARENTAL RESPONSIBILITY

LAW MAGISTRATE (LM CASE TYPES)

(b) Eviction.

In each eviction case when the plaintiff seeks eviction only or unites with his or her claim for eviction a claim for rent or damages or both in the amount of \$15,000 or less, a minimum of \$10 and a maximum of \$50. **EVICTION (POSSESSION ONLY) or EVICTION/FORCIBLE ENTRY/DETAINER (RENT UP TO \$15 K)**

When the plaintiff unites his or her claim for eviction with a claim for rent or damages or both exceeding \$15,000, a minimum of \$40 and a maximum of \$160. **EVICTION/FORCIBLE ENTRY/DETAINER (RENT \$15,000.01 TO \$50 K)**

COUNTER CLAIMS AND THIRD PARTY COMPLAINTS—AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC)

(c) Counterclaim or Joining Third Party Defendant.

When any defendant files a counterclaim as part of his or her answer or otherwise or joins another party as a third party defendant, or both, the defendant shall pay a fee for each counterclaim or third party action in an amount equal to the fee he or she would have had to pay had he or she brought a separate action for the relief sought in the counterclaim or against the third party defendant, less the amount of the appearance fee, if that has been paid.

LAW MAGISTRATE (LM CONFESSION OF JUDGMENT CASE TYPES)

(d) Confession of Judgment [Note that the definition of SC does not include Confession of Judgment.]

- When the amount does not exceed \$1500, a minimum of \$20 and a maximum of \$50.
- When the amount exceeds \$1500, but does not exceed \$15,000, a minimum of \$40 and a maximum of \$115.
- When the amount exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

APPEARANCE FEES—AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC)

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of \$15 and a maximum of \$60, except as follows:

- (A) When the plaintiff in an eviction case seeks eviction only, a minimum of \$10 and a maximum of \$50.
- (B) When the amount in the case does not exceed \$1500, a minimum of \$10 and a maximum of \$30.
- (C) When that amount exceeds \$1500 but does not exceed \$15,000, a minimum of \$15 and a maximum of \$60.

GARNISHMENTS, WAGE DEDUCTIONS AND CITATIONS--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, a minimum of \$5 and a maximum of \$15; when the amount exceeds \$1,000 but does not exceed \$5,000, a minimum of \$5 and a maximum of \$30; and when the amount exceeds \$5,000, a minimum of \$5 and a maximum of \$50.

PETITION TO VACATE OR MODIFY—AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC)

(g) Petition to Vacate or Modify. **MOTION/PETITION TO VACATE/MODIFY CASE CLOSED <=30 DAYS**

(1) Petition to vacate or modify any final judgment or order of court, except in eviction cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of \$20 and a maximum of \$50.

(2) Petition to vacate or modify any final judgment **MOTION/PETITION TO VACATE/MODIFY CASE CLOSED > 30 DAYS** or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of \$20 and a maximum of \$75.

(3) Petition to vacate order of bond forfeiture, a (CRIMINAL FILING TYPE) minimum of \$10 and a maximum of \$40.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of \$2 and a maximum of \$10, plus the cost of postage. **MISC - MAILING FEES (WHEN CLERK IS REQUIRED TO MAIL)--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(i) Certified Copies.

Each certified copy of a judgment after the first except in small claims and eviction cases, a minimum of \$2 and a maximum of \$10. **MISC - CERTIFIED COPY OF JUDGMENT (EACH) AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of \$60 and a maximum of \$100. **MR CASE TYPE: HABEAS CORPUS (CIVIL OR CRIMINAL)**

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of \$2 and a maximum of \$6. **CERTIFICATION OR AUTHENTICATION WITH SEAL--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of \$20 and a maximum of \$60. **APPEALS UNDER 100 PAGES--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of \$50 and a maximum of \$150. **APPEALS OVER 100 PAGES----AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 cents and a maximum of 25 cents per page. **APPEALS OVER 200 PAGES--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(5) For reproduction of any document contained in the clerk's files:

AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)

(A) First page, a minimum of \$1 and a maximum of \$2.

REPRODUCTION OF DOCUMENT: 1ST PAGE (NON CERTIFIED COPY FEE)

(B) Next 19 pages, 50 cents per page.

REPRODUCTION OF DOCUMENT: PAGES 2-20 (NON CERTIFIED COPY FEE)

(C) All remaining pages, 25 cents per page.

REPRODUCTION OF DOCUMENT: 21+ (NON CERTIFIED COPY FEE)

(l) Remands.

In any cases remanded to the Circuit Court from the Supreme Court or the Appellate Court for a new trial, the clerk shall file the remanding order and reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement the Clerk shall advise the parties of the reinstatement. A party shall have the same right to a jury trial on remand and reinstatement as he or she had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of \$4 and a maximum of \$6 for each year searched. **RECORD SEARCH--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of \$4 and a maximum of \$6. **HARD COPY PRINTOUT--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) (Blank).

(q) Alias Summons.

For each alias summons or citation issued by the Clerk, a minimum of \$2 and a maximum of \$5. **ISSUE ALIAS CITATION/ISSUE CITATION/ISSUE ALIAS SUMMONS/ISSUE SUMMONS--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(r) Other Fees.

Any fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Illinois Courts.

The clerk of the circuit court may provide additional services for which there is no fee specified by statute in connection with the operation of the clerk's office as may be requested by the public and agreed to by the clerk and approved by the chief judge of the circuit court. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the chief judge of the circuit court. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of a minimum of \$62.50 and a maximum of \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury. **JURY DEMAND 6-PERSON/12 PERSON- EXCLUDING SC & P--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(t) Voluntary Assignment.

For filing each deed of voluntary assignment, a minimum of \$10 and a maximum of \$20; for recording the same, a minimum of 25 cents and a maximum of 50 cents for each 100 words. Exceptions filed to claims presented to an assignee of a debtor who has made a voluntary assignment for the benefit of creditors shall be considered and treated, for the purpose of taxing costs therein, as actions in which the party or parties filing the exceptions shall be considered as party or parties plaintiff, and the claimant or claimants as party or parties defendant, and those parties respectively shall pay to the clerk the same fees as provided by this Section to be paid in other actions.

K8 Note: I have absolutely no idea what this is talking about. 😬

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of \$15 and a maximum of \$60 for each expungement petition filed (**MR CASE TYPE-PETITION TO EXPUNGE-NO CRIMINAL CASE**) and an additional fee of a minimum of \$2 and a maximum of \$4 for each certified copy of an order to expunge arrest records. **CERTIFIED COPY OF ORDER TO EXPUNGE ARREST RECORD--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(v) Probate. (**PROBATE CASE TYPES**)

The clerk is entitled to receive the fees specified in this subsection (v), which shall be paid in advance, except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this subsection:

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of \$50 and a maximum of \$150, plus the fees specified in subsection (v)(3), except: **ADMINISTRATION OF DECEDENT'S ESTATE (\$15,000.01 OR MORE)**

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40. **ADMINISTRATION OF DECEDENT'S ESTATE (UP TO \$15,000.00)**

(B) When

(i) proof of heirship alone is made, **ADMINISTRATION OF DECEDENT'S ESTATE (PROOF OF HEIRSHIP)**

(ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), **ADMINISTRATION OF DECEDENT'S ESTATE (DOMESTIC/FOREIGN WILL & HEIRSHIP)**

(iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of \$10 and a maximum of \$40. **ADMINISTRATION OF DECEDENT'S ESTATE (LETTERS OF OFFICE)**

(C) For filing a petition to sell Real Estate, \$50. **ADMINISTRATION OF DECEDENT'S ESTATE (PETITION TO SELL REAL ESTATE)**
(K8 note: *Jacque says that if this is the ONLY reason for filing the probate case, then this would be the only fee. And, if the petition to sell real estate is filed in a probate case of a different type, this fee can't be charged because paragraph (C) above, is not in section (v)(3).*)

(2) For administration of the estate of a ward, a minimum of \$50 and a maximum of \$75, plus the fees specified in subsection (v)(3), except: **ADMINISTRATION OF ESTATE OF WARD (\$15,000.01 OR MORE)**

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40. **ADMINISTRATION OF ESTATE OF WARD (UP TO \$15,000.00)**

(B) When

(i) letters of office are issued to a guardian of the person or persons, but not of the estate

ADMINISTRATION OF ESTATE OF WARD (LETTERS OF OFFICE TO GUARDIAN)

or

(ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of \$10 and a maximum of \$20. **ADMINISTRATION OF ESTATE OF WARD (LETTERS OF OFFICE TO ESTATE)**

(C) For filing a Petition to sell Real Estate, \$50. **ADMINISTRATION OF ESTATE OF WARD (PETITION TO SELL REAL ESTATE)**
(K8 note: *Jacque says that if this is the ONLY reason for filing the probate case, then this would be the only fee. And, if the petition to sell real estate is filed in a probate case of a different type, this fee can't be charged because paragraph (C) above, is not in section (v)(3).*)

(3) In addition to the fees payable under subsection (v)(1) or (v)(2) of this Section, the following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of \$10 and a maximum of \$25. **AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): ACCOUNTING**

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, a minimum of \$10 and a maximum of \$25; **AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): ESTATE CLAIM \$150.01 TO \$500.00**

(Note that up to \$150.00 is not mentioned—therefore there is no cost for the \$0.00 to \$150.00 Estate Claim.)
when the amount claimed is \$500 or more but less than \$10,000, a minimum of \$10 and a maximum of \$40;

AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): ESTATE CLAIM \$500.01 TO \$10,000.00
when the amount claimed is \$10,000 or more, a minimum of \$10 and a maximum of \$60;

AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): ESTATE CLAIM \$10,000.01 OR MORE)
provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

(C) For filing in an estate a claim, petition, or supplemental proceeding based upon an action seeking equitable relief including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees, a minimum of \$40 and a maximum of \$60.

PROBATE CASE TYPES: CONSTRUCTION OF TESTAMENTARY TRUST/CONSTRUCTION OF WILL/WILL CONTEST
OR PROBATE FILING TYPES: CONSTRUCTION OF TESTAMENTARY TRUST/CONSTRUCTION OF WILL/WILL CONTEST (JACQUE???) Are we really keeping both?)

(D) For filing in an estate

(i) the appearance of any person for the purpose of consent or

(ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special

administrator, no fee. **AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): APPEARANCE (NO FEE: FEE EXEMPTED BY RULE/STATUTE)**

(E) Except as provided in subsection (v)(3)(D),

for filing the appearance of any person or persons, a minimum of \$10 and a maximum of \$30.

AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): APPEARANCE-P

(F) For each jury demand, a minimum of \$62.50 and a maximum of \$137.50. **AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM) OR FILING TYPE: P-JURY DEMAND**

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of action of a ward, when there is no other administration of the estate, a minimum of \$30 and a maximum of \$50, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) **P CASE TYPE--WRONGFUL DEATH/COLLECTION OF JUDGMENT (\$5,000.01 OR MORE)**

except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of \$10 and a maximum of \$20. **P-CASE TYPE WRONGFUL DEATH/COLLECTION OF JUDGMENT (UP TO \$5,000.00)**

(H) For each certified copy of letters of office, of court order or other certification, a minimum of \$1 and a maximum of \$2, plus a minimum of 50 cents and a maximum of \$1 per page in excess of 3 pages for the document certified.

CERTIFIED COPY: PAGES 1-3 LETTERS OF OFFICE/ORDER/CERTIFICATION and CERTIFIED COPY EACH PAGE: PAGES 4+ LETTERS OF OFFICE/ORDER/CERTIFICATION on AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)

(I) For each exemplification, a minimum of \$1 and a maximum of \$2, plus the fee for certification. **EXEMPLIFICATION on AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper. *K8 Note: I'm not sure about this one. It says it goes directly to the newspaper, but there is an item called PUBLICATION on the AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM).*

(5) The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fee shall pay the same directly to the person entitled thereto.

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975. **POSTAGE--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(w) Criminal and Quasi-Criminal Costs and Fees. (1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:
[removed section (w)]

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit. *K8 Note: Jacque was going to discuss this with the work group to see if it is different enough from foreign judgment to give it its own filing codes. Jacque???*

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit. **AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): CHANGE OF VENUE (FROM ONE COUNTY TO ANOTHER COUNTY)**

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of \$10 and a maximum of \$40. **AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): CHANGE OF VENUE (FEE FOR PREPARATION OF CERTIFICATION OF RECORD)**

K8 Note: The clerk of the sending court will file the change of venue to the receiving county, using the same case type as was used when the case was filed in their county and asking for a waiver of the fees. But in doing so, they will be able to tell the person requesting the change of venue how much it would be, so that they can then send a check to the clerk of the receiving county. Note that you should only convey the cost of the filing document—not the full price, which will be almost double because it will include the cost of the case filing fee and the cost of the Change of Venue document. We haven't come up with a way, short of adding every single case type again for a change of venue version of it, to have the EFSP tell the clerk only the cost of the change of venue.

(z) Tax objection complaints. **AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): TAX OBJECTION**

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, a minimum of \$10 and a maximum of \$50.

K8 note: Tax objection complaints should be filed into the Annual Tax Sale case for the year the tax was payable. Filers of such complaints need to add themselves as a PETITIONER to the Annual Tax Sale case.

(aa) Tax Deeds. **AOIC FILING TYPE TAB/TYLER FILING CODE TAB (FC): PETITION FOR TAX DEED (1 PARCEL)**

(1) Petition for tax deed, if only one parcel is involved, a minimum of \$45 and a maximum of \$200.

K8 note: Petitions for Tax Deeds should be filed into the Annual Tax Sale case for the year the tax was payable. Filers of such petitions need to add themselves as a PETITIONER to the Annual Tax Sale case.

(2) For each additional parcel, add a fee of a minimum of \$10 and a maximum of \$60. **PETITION FOR TAX DEED (EACH ADDITIONAL PARCEL)--AOIC ADDITIONAL SERVICES CIVIL TAB/TYLER FILING COMPONENT TAB (COM)**

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child support cases, a sum equal to a minimum of 2% and a maximum of 2.5% of the amount collected and turned over.

(2) Interest earned on any funds held by the clerk shall be turned over to the county general fund as an earning of the office.

(3) For any check, draft, or other bank instrument returned to the clerk for non-sufficient funds, account closed, or payment stopped, \$25.

(4) In child support and maintenance cases, the clerk, if authorized by an ordinance of the county board, may collect an annual fee of up to \$36 from the person making payment for maintaining child support records and the processing of support orders to the State of Illinois KIDS system and the recording of payments issued by the State Disbursement Unit for the official record of the Court. This fee shall be in addition to and separate from amounts ordered to be paid as maintenance or child support and shall be deposited into a Separate Maintenance and Child Support Collection Fund, of which the clerk shall be the custodian, ex-officio, to be used by the clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the Court. The clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund. **CERTIFICATION TO SEC OF STATE-- AOIC ADDITIONAL SERVICES FAMILY TAB/TYLER FILING COMPONENT TAB (COM)**

(cc) Corrections of Numbers.

For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of \$10 and a maximum of \$25. **CORRECTION OF NUMBERS (CASE, TITLE, ATTORNEY COMPUTER IDENTIFICATION NUMBER)--AOIC ADDITIONAL SERVICES MISC TAB/TYLER FILING COMPONENT TAB (COM)**

(dd) Exceptions.

(1) The fee requirements of this Section shall not apply to police departments or other law enforcement agencies. In this Section, "law enforcement agency" means an agency of the State or a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances. "Law enforcement agency" also means the Attorney General or any state's attorney.

(2) No fee provided herein shall be charged to any unit of local government or school district.

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection. *(K8 note: I asked Jacque if this would be referring to the MR case type for Demolition and she said that Subsection (b) of Section 11-31-1 of the municipal code doesn't apply to counties under 500,000. So, for all Goodin counties, demolition cases are subject to the usual civil filing fee.)*

(4) The fee requirements of this Section shall not apply to the filing of any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code. **(CASE TYPE: PETITION FOR HOSPITALIZATION and PETITION TO ADMINISTER TREATMENT)**

(ee) Adoptions.

(1) For an adoption.....\$65 **FAMILY CASE TYPE: ADOPTION**

(2) Upon good cause shown, the court may waive the adoption filing fee in a special needs adoption. The term "special needs adoption" shall have the meaning ascribed to it by the Illinois Department of Children and Family Services.

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding nor may any fee be charged for proceedings for the appointment of a confidential intermediary under the Adoption Act. **(THIS MEANS YOU CAN'T CHARGE APPEARANCE FEES OR ANY FEE OTHER THAN THE \$65 FILING FEE ON ADOPTION CASES.)**

(Source: P.A. 99-85, eff. 1-1-16; 99-859, eff. 8-19-16; 100-173, eff. 1-1-18.)

OTHER FEES MENTIONED IN THE CLERK OF THE COURTS ACT THAT MIGHT BE CHARGED ON CIVIL CASES

Automation (\$1-\$25 If required by County Board)

E-Business (Mandatory--\$9)

Document Storage (\$1-\$25 If required by County Board)

Guardianship Advocacy (Mandatory--\$100 For administration of the estate of a decedent (whether testate or intestate) or of a missing person)

Access to Justice (Mandatory--\$2)

Children's Waiting Room Fee (Not more than \$10, if required by County Board)

Marriage Fee (\$10 for each marriage performed. Set by Chief Judge)

OTHER FEES MENTIONED IN OTHER STATUTES OR ACTS

55 ILCS 5/ Illinois Counties Act

Court (\$5 Mandatory)

Law Library (\$2-\$21, as set by County Board)

Judicial Security (Up to \$25, unless a cost study is done. Set by County Board.)

710 ILCS 20/ Illinois Not-For-Profit Dispute Resolution Center Act.

Mediation Fee (\$1--Mandatory in each judicial circuit in which a dispute resolution fund is established.)

735 ILCS 5/ Code of Civil Procedure.

Mandatory Arbitration (\$8—If county is authorized by Supreme Ct to utilize mandatory arbitration.)

Mandatory Arbitration/Rejection of Award (\$200 for awards < \$30,000 ; \$500 for awards > \$30,000 —If county is authorized by Supreme Ct to utilize mandatory arbitration.)

Foreign Judgment (Mandatory--Amt equal to initial filing)

Assignment of Judgment (Clerk is "allowed" \$2 for the recording of assignment of judgment)

Summons for Garnishment (Mandatory--\$2, plus cost of mailing summons)

Summons for Wage Deduction (Mandatory--\$2, plus cost of mailing summons)

Foreclosure Prevention fee (\$50 at the time of filing a residential foreclosure complaint)

Foreclosure Prevention Graduated Fund

Abandoned Residential

750 ILCS 50/ Adoption Act

Clerk Fee for in-person service of Notice to Putative Father

Clerk Mailing Fee for service of Notice to Putative Father by mail

Supreme Court Rule 40

Marriage Fee--\$10 for each marriage performed, but not collectable if fee is collected under 705 ILCS 105/27.1a(a-1).

Supreme Ct rule 284

Service by Certified or Registered Mail-\$2 plus the cost of mailing

CLERK OF THE COURTS ACT

K8 Notes:

Chargeable items are noted in black font with yellow highlighting.

Items noted in red font with yellow highlighting are exceptions to the usual charges.

Other notes might also be added in [brackets].

AUTOMATION FEE [FILING FEE]

(705 ILCS 105/27.3a)

Sec. 27.3a. Fees for automated record keeping, probation and court services operations, State and Conservation Police operations, and e-business programs.

1. The expense of establishing and maintaining automated record keeping systems in the offices of the clerks of the circuit court shall be borne by the county. To defray such expense in any county having established such an automated system or which elects to establish such a system, the **COUNTY BOARD MAY REQUIRE** the clerk of the circuit court in their county to charge and collect a **court automation fee of not less than \$1 nor more than \$25** to be charged and collected by the clerk of the court. Such fee shall be paid **at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases** or by the defendant in any felony, traffic, misdemeanor, municipal ordinance, or conservation case upon a judgment of guilty or grant of supervision, provided that the record keeping system which processes the case category for which the fee is charged is automated or has been approved for automation by the county board, and provided further that **no additional fee shall be required if more than one party is presented in a single pleading, paper or other appearance**. Such fee shall be collected in the manner in which all other fees or costs are collected.

[EXCLUDED FROM STATUTE: PROBATION OPS FEE]

[EXCLUDED FROM STATUTE: STATE POLICE OPS FEE]

[EXCLUDED FROM STATUTE: CONSERVATION OP FEE]

E-BUSINESS CIVIL FILING FEE [FILING FEE]

1.7. **Starting on the 30th day after the effective date of this amendatory Act of the 99th General Assembly, a clerk of the circuit court in any county that imposes a fee pursuant to subsection 1 of this Section SHALL ALSO CHARGE and collect an additional \$9 e-business fee. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases, except no additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance.** The fee shall be collected in the manner in which all other fees or costs are collected. The fee shall be in addition to all other fees and charges of the clerk, and assessable as costs, and may be waived only if the judge specifically provides for the waiver of the e-business fee. **The fee shall not be charged in any matter coming to the clerk on a change of venue, nor in any proceeding to review the decision of any administrative officer, agency, or body.**

2. With respect to the fee imposed under subsection 1 of this Section, each clerk shall commence such charges and collections upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution, which the clerk shall file of record in his office.

3. With respect to the fee imposed under subsection 1 of this Section, **such fees shall be in addition to all other fees and charges of such clerks, and assessable as costs, and may be waived only if the judge specifically provides for the waiver of the court automation fee.** The fees shall be remitted monthly by such clerk to the county treasurer, to be retained by him in a special fund designated as the court automation fund. The fund shall be audited by the county auditor, and the board shall make expenditure from the fund in payment of any cost related to the automation of court records, including hardware, software, research and development costs and personnel related thereto, provided that the expenditure is approved by the clerk of the court and by the chief judge of the circuit court or his designate.

4. **With respect to the fee imposed under subsection 1 [THE AUTOMATION FEE] of this Section, such fees shall not be charged in any matter coming to any such clerk on change of venue, nor in any proceeding to review the decision of any administrative officer, agency or body.**

5. With respect to the additional fee imposed under subsection 1.5 of this Section, the fee shall be remitted by the circuit clerk to the State Treasurer within one month after receipt for deposit into the State Police Operations Assistance Fund.

6. With respect to the additional fees imposed under subsection 1.5 of this Section, the Director of State Police may direct the use of these fees for homeland security purposes by transferring these fees on a quarterly basis from the State Police Operations Assistance Fund into the Illinois Law Enforcement Alarm Systems (ILEAS) Fund for homeland security initiatives programs. The

transferred fees shall be allocated, subject to the approval of the ILEAS Executive Board, as follows: (i) 66.6% shall be used for homeland security initiatives and (ii) 33.3% shall be used for airborne operations. The ILEAS Executive Board shall annually supply the Director of State Police with a report of the use of these fees.

7. With respect to the additional fee imposed under subsection 1.6 of this Section, the fee shall be remitted by the circuit clerk to the State Treasurer within one month after receipt for deposit into the Conservation Police Operations Assistance Fund.

8. **With respect to the fee imposed under subsection 1.7 [E-BUSINESS] of this Section, the clerk shall remit the fee to the State Treasurer within one month after receipt for deposit into the Supreme Court Special Purposes Fund.** Unless otherwise authorized by this Act, the moneys deposited into the Supreme Court Special Purposes Fund under this subsection are not subject to administrative charges or chargebacks under Section 20 of the State Treasurer Act.

(Source: P.A. 98-375, eff. 8-16-13; 98-606, eff. 6-1-14; 98-1016, eff. 8-22-14; 99-859, eff. 8-19-16.)

[EXCLUDED FROM STATUTE: CLERK CREDIT CARD SERVICE FEE]

DOCUMENT STORAGE FEE [FILING FEE]

(705 ILCS 105/27.3c) (from Ch. 25, par. 27.3c)

Sec. 27.3c. Document storage system.

(a) The expense of establishing and maintaining a document storage system in the offices of the circuit court clerks in the several counties of this State shall be borne by the county. **To defray the expense in any county that elects to establish a document storage system and convert the records of the circuit court clerk to electronic or micrographic storage, the COUNTY BOARD MAY REQUIRE the clerk of the circuit court in its county to collect a court document fee of not less than \$1 nor more than \$25, to be charged and collected by the clerk of the court. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases or by the defendant in any felony, misdemeanor, traffic, ordinance, or conservation matter on a judgment of guilty or grant of supervision, provided that the document storage system is in place or has been authorized by the county board and further that no additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance.** The fee shall be collected in the manner in which all other fees or costs are collected.

(b) Each clerk shall commence charges and collections of a court document fee upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution, which the clerk shall file of record in his or her office.

(c) **Court document fees shall be in addition to other fees and charges of the clerk, shall be assessable as costs, and may be waived only if the judge specifically provides for the waiver of the court document storage fee.** The fees shall be remitted monthly by the clerk to the county treasurer, to be retained by the treasurer in a special fund designated as the Court Document Storage Fund. The fund shall be audited by the county auditor, and the board shall make expenditures from the fund in payment of any costs relative to the storage of court records, including hardware, software, research and development costs, and related personnel, provided that the expenditure is approved by the clerk of the circuit court.

(d) **A court document fee shall not be charged in any matter coming to the clerk on change of venue or in any proceeding to review the decision of any administrative officer, agency, or body.**

(Source: P.A. 98-606, eff. 6-1-14.)

[EXCLUDED FROM STATUTE: E-CITATION FEE]

GUARDIANSHIP/ADVOCACY [FILING FEE: ADMINISTRATION OF THE ESTATE OF DECEDENT OR MISSING PERSON CASE TYPES]

(705 ILCS 105/27.3f)

Sec. 27.3f. Guardianship and advocacy operations fee.

(a) As used in this Section, "guardianship and advocacy" means the guardianship and advocacy services provided by the Guardianship and Advocacy Commission and defined in the Guardianship and Advocacy Act. Viable public guardianship and advocacy programs, including the public guardianship programs created and supervised in probate proceedings in the Illinois courts, are essential to the administration of justice and ensure that incapacitated persons and their estates are protected. **To defray the expense of maintaining and operating the divisions and programs of the Guardianship and Advocacy Commission and to support viable guardianship and advocacy programs throughout Illinois, each circuit court clerk shall charge and collect a fee on all matters filed in probate cases in accordance with this Section, but no fees shall be assessed against the State Guardian, any State agency under the jurisdiction of the Governor, any public guardian, or any State's Attorney.**

(b) **No fee specified in this Section shall be imposed in any minor guardianship established under Article XI of the Probate Act of 1975, or against an indigent person.** An indigent person shall include any person who meets one or more of the following criteria:

(1) He or she is receiving assistance under one or More of the following public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind, and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP) (formerly Food Stamps), General Assistance, State Transitional Assistance, or State Children and Family Assistance.

(2) His or her available income is 125% or less of the current poverty level as established by the United States Department of Health and Human Services, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are of a nature and value that the court determines that the applicant is able to pay the fees, costs, and charges.

(3) He or she is, in the discretion of the court, unable to proceed in an action without payment of fees, costs, and charges and whose payment of those fees, costs, and charges would result in substantial hardship to the person or his or her family.

(4) He or she is an indigent person pursuant to Section 5-105.5 of the Code of Civil Procedure, providing that an "indigent person" means a person whose income is 125% or less of the current official federal poverty guidelines or who is otherwise eligible to receive civil legal services under the Legal Services Corporation Act of 1974.

(c) The clerk is entitled to receive the fee specified in this Section, which shall be paid in advance, and managed by the clerk as set out in paragraph (2), except that, for good cause shown, the court may suspend, reduce, or release the costs payable under this Section:

(1) **For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a fee of \$100.**

(2) The guardianship and advocacy operations fee, as outlined in this Section, shall be in addition to all other fees and charges and assessable as costs. Five percent of the fee shall be retained by the clerk for deposit into the Circuit Court Clerk Operation and Administrative Fund to defray costs of collection and 95% of the fee shall be disbursed within 60 days after receipt by the circuit clerk to the State Treasurer for deposit by the State Treasurer into the Guardianship and Advocacy Fund. CASE TYPE-

(Source: P.A. 97-1093, eff. 1-1-13.)

*K8 Note: I found this particular part of the statute to be quite unclear, and was confused by the Manual on Fines and Fees because the only time it advocates charging the guardianship and advocacy fee is on cases with a case type of **Administration of the estate of a decedent (whether testate or intestate) or of a missing person**. I emailed Tammy Sours for clarification and received this explanation:*

In paragraph (a) it says "...in probate cases in accordance with this Section,..." The only place in Section 27.3f that sets a fee amount (\$100) and directs its disbursement is found in paragraph (c). And in (c) it indicates that the \$100 amount may be suspended, reduced, or released. As you know, we attempt in the Manual to not interpret the law, but rather state it as written (even when it doesn't make sense.) In (c)(1) the fee is specific to "...administration of the estate of a decedent (whether testate or intestate) or of a missing person..." and since that is the only place a specific amount is identified within the Section we indicated in the Manual that it only applied to these types of probate cases. I'm not an expert in Probate, but if you eliminate the application of the fee to "...State Guardian, any State agency under the jurisdiction of the Governor, any public guardian, or any State's Attorney." and "...any minor guardianship established under Article XI of the Probate Act of 1975 or against an indigent person." (Indigent person defined in this Section)" there isn't much left. There probably aren't many "missing person" cases under the Probate Act either, so administration of an estate of a decedent is probably the majority of probate cases filed.

ACCESS TO JUSTICE FEE [FILING FEE]

(705 ILCS 105/27.3g)

(Section scheduled to be repealed on September 1, 2020)

Sec. 27.3g. Pilot program; Access to Justice Act.

(a) **On and after September 1, 2015, all clerks of the circuit court SHALL CHARGE AND COLLECT at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases, in addition to any other fees, a fee of \$2, but no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance. Fees received by the clerk of the circuit court under this Section shall be remitted by the clerk of the circuit court to the State Treasurer, within one month after receipt, for deposit into the Access to Justice Fund created under Section 15 of the Access to Justice Act.**

(b) **This Section is repealed on September 1, 2020.**

(Source: P.A. 98-351, eff. 8-15-13; 99-281, eff. 8-5-15.)

(705 ILCS 105/27.4) (from Ch. 25, par. 27.4)

Sec. 27.4. The population of all counties for the purpose of fixing fees and compensation under Sections 27.1 through 27.3 shall be based upon the results of the last Federal census immediately previous to the election of the Clerk of the Circuit Court in each county.

(Source: P.A. 79-1445.)

CHILDREN'S WAITING ROOM FEE [FILING FEE]

(705 ILCS 105/27.7)

Sec. 27.7. **Children's waiting room.** The expense of establishing and maintaining a children's waiting room for children whose parents or guardians are attending a court hearing as a litigant, witness, or for other court purposes as determined by the court may be borne by the county. To defray that expense in any county having established a children's waiting room or that elects to establish such a system, the county board **MAY REQUIRE** the clerk of the circuit court in the county to charge and collect a children's waiting room fee of not more than \$10 through December 31, 2021 and not more than \$8 on and after January 1, 2022. **The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases.** No additional fee shall be required if more than one party is presented in a single pleading, paper, or other appearance. The fee shall be collected in the manner in which all other fees or costs are collected.

Each clerk shall commence the charges and collection upon receipt of written notice from the chairman of the county board together with a certified copy of the board's resolution. The clerk shall file the resolution of record in his or her office.

The fees shall be in addition to all other fees and charges of the clerks, shall be assessable as costs, and may be waived only if the judge specifically provides for the waiver of the children's waiting room fee. The fees shall be remitted monthly by the clerk to the county treasurer, to be retained by the treasurer in a special fund designated as the children's waiting room fund. The fund shall be audited by the county auditor, and the county board shall make expenditure from the fund in payment of any cost related to the establishment and maintenance of the children's waiting room, including personnel, heat, light, telephone, security, rental of space, or any other item in connection with the operation of a children's waiting room.

The fees shall not be charged in any matter coming to the clerk on a change of venue, nor in any proceeding to review the decision of any administrative officer, agency, or body.

(Source: P.A. 99-859, eff. 8-19-16.)

(705 ILCS 105/27.9)

Sec. 27.9. Frivolous lawsuits filed by prisoners.

(a) The fees of the clerks of the circuit court shall not be waived for a petitioner who is a prisoner in an Illinois Department of Corrections facility who files a pleading, motion, or other filing which purports to be a legal document in a lawsuit seeking post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, or in a habeas corpus action under Article X of the Code of Civil Procedure and the defendant is the State, the Illinois Department of Corrections, or the Prisoner Review Board or any of their officers or employees, and the court makes a specific finding that the pleading, motion, or other filing which purports to be a legal document is frivolous...

MEDIATION FEE [FILING FEE]

(710 ILCS 20/3) (from Ch. 37, par. 853)

Sec. 3. (a) In judicial circuits which include a county with a population of over 2,000,000 inhabitants, a dispute resolution fund shall be established.

(b) In any other judicial circuit a dispute resolution fund shall be established upon a finding by the Chief Judge of the circuit that:

(1) A dispute resolution center would significantly enhance the administration of justice in that circuit; and

(2) A dispute resolution center exists or should be created in the judicial circuit.

(c) **In each judicial circuit in which a dispute resolution fund is established, the clerks of the circuit court shall charge and collect a dispute resolution fund fee of \$1, such fee to be paid by the party initiating the action at the time of filing the first pleading in all civil cases. Such fees shall not be charged in any proceeding commenced by or on behalf of a unit of local government.**

Such fees shall be in addition to all other fees and charges of such clerks, shall be assessable as costs, and shall be remitted by such clerks monthly to the county treasurers, and shall be disbursed monthly by the county treasurer to the dispute resolution fund established under this Section. Each such clerk shall commence such charges and collections upon receipt of written notice from the Chief Judge of the judicial circuit that a dispute resolution fund has been established.

(d) Each dispute resolution fund established under this Section shall be administered by the Chief Judge of the judicial circuit in which the fund is established.

(Source: P.A. 85-756.)

CODE OF CIVIL PROCEDURE

MANDATORY ARBITRATION FEE

(735 ILCS 5/2-1009A) (from Ch. 110, par. 2-1009A)

Sec. 2-1009A. Filing Fees. In each county authorized by the Supreme Court to utilize mandatory arbitration, the clerk of the circuit court shall charge and collect, in addition to any other fees, an arbitration fee of \$8, except in counties with 3,000,000 or more inhabitants the fee shall be \$10, at the time of filing the first pleading, paper or other appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance. Arbitration fees received by the clerk of the circuit court pursuant to this Section shall be remitted within one month after receipt to the State Treasurer for deposit into the Mandatory Arbitration Fund, a special fund in the State treasury for the purpose of funding mandatory arbitration programs and such other alternative dispute resolution programs as may be authorized by circuit court rule for operation in counties that have implemented mandatory arbitration, with a separate account being maintained for each county. Notwithstanding any other provision of this Section to the contrary, the Mandatory Arbitration Fund may be used for any other purpose authorized by the Supreme Court.

(Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 95-707, eff. 1-11-08.)

(735 ILCS 5/2-1004A) (from Ch. 110, par. 2-1004A)

Sec. 2-1004A. Decision and Award. Following an arbitration hearing as prescribed by rule, the arbitrators' decision shall be filed with the circuit court, together with proof of service on the parties. Within the time prescribed by rule, any party to the proceeding may file with the clerk of the court a written notice of the rejection of the award. In case of such rejection, the parties may, upon payment of appropriate costs and fees imposed by Supreme Court Rule as a consequence of the rejection [SUPREME CT RULE 93 BELOW], proceed to trial before a judge or jury. Costs and fees received by the clerk of the circuit court pursuant to this Section shall be remitted within one month after receipt to the State Treasurer for deposit into the Mandatory Arbitration Fund.

(Source: P.A. 85-408; 85-1007.)

SUPREME COURT RULE 93--REJECTION OF AWARD

AR - REJECTION FEE \$30,000 OR LESS/OVER \$30,000--AOIC ADDITIONAL SERVICES CIVIL TAB/TYLER FILING COMPONENT TAB (COM)

- (a) Rejection of Award and Request for Trial. Within 30 days after the filing of an award with the clerk of the court, and upon payment to the clerk of the court of the sum of \$200 for awards of \$30,000 or less or \$500 for awards greater than \$30,000, any party who was present at the arbitration hearing, either in person or by counsel, may file with the clerk a written notice of rejection of the award and request to proceed to trial, together with a certificate of service of such notice on all other parties. The filing of a single rejection shall be sufficient to enable all parties except a party who has been debarred from rejecting the award to proceed to trial on all issues of the case without the necessity of each party filing a separate rejection. The filing of a notice of rejection shall not be effective as to any party who is debarred from rejecting an award.
- (b) Arbitrator May Not Testify. An arbitrator may not be called to testify as to what transpired before the arbitrators and no reference to the fact of the conduct of the arbitration hearing may be made at trial.
- (c) Waiver of Costs. Upon application of a poor person, pursuant to Rule 298, herein, the sum required to be paid as costs upon rejection of the award may be waived by the court.

Adopted May 20, 1987, effective June 1, 1987; amended April 7, 1993, effective June 1, 1993; amended December 3, 1996, effective January 1, 1997.

JURY DEMAND-[NOT SO MUCH ABOUT MONEY, AS IT IS A “HOW TO”]

(735 ILCS 5/2-1105) (from Ch. 110, par. 2-1105)

(Text of Section WITHOUT the changes made by P.A. 98-1132, which has been held unconstitutional)

Sec. 2-1105. Jury demand.

(a) A plaintiff desirous of a trial by jury must file a demand therefor with the clerk at the time the action is commenced. A defendant desirous of a trial by jury must file a demand therefor not later than the filing of his or her answer. Otherwise, the party waives a jury. If an action is filed seeking equitable relief and the court thereafter determines that one or more of the parties is or are entitled to a trial by jury, the plaintiff, within 3 days from the entry of such order by the court, or the defendant, within 6 days from the entry of such order by the court, may file his or her demand for trial by jury with the clerk of the court. If the plaintiff files a jury demand and thereafter waives a jury, any defendant and, in the case of multiple defendants, if the defendant who filed a jury demand thereafter waives a jury, any other defendant shall be granted a jury trial upon demand therefor made promptly after being advised of the waiver and upon payment of the proper fees, if any, to the clerk.

(b) All jury cases where the claim for damages is \$50,000 or less shall be tried by a jury of 6, unless either party demands a jury of 12. If a fee in connection with a jury demand is required by statute or rule of court, the fee for a jury of 6 shall be 1/2 the fee for a jury of 12. A party demanding a jury of 12 after another party has paid the applicable fee for a jury of 6 shall pay the remaining 1/2 of the fee applicable to a jury of 12. (Source: P.A. 94-206, eff. 1-1-06.)

K8 Note: This is the statute that says that a litigant can insist on a 12-person jury and pay the remaining half, if the other party had already paid for a 6-person jury.

FOREIGN JUDGMENT

(735 ILCS 5/12-655) (from Ch. 110, par. 12-655)

Sec. 12-655. Fees.

(a) Any person filing a foreign judgment shall pay a fee to the circuit clerk equivalent to the fee which would be required were the person filing a complaint seeking the amount awarded in the foreign judgment. Fees for docketing, transcription or other enforcement proceedings shall be as provided for judgments of the circuit court. **AOIC FILING TYPE TAB/TYLER FILING CODE TAB**

(FC): FOREIGN JUDGMENT

(b) The clerk shall not charge a fee to any person to register a foreign order of protection.

(Source: P.A. 91-903, eff. 1-1-01.)

K8 Note: To a filer, this means that they have to choose the same case type as if they were filing the case for the first time and use a filing code of Foreign Judgment.

CLERK FEE: ASSIGNMENT OF JUDGMENT

(735 ILCS 5/12-183) (from Ch. 110, par. 12-183)

Sec. 12-183. Release of judgment.

(a) Every judgment creditor, his or her assignee of record or other legal representative having received full satisfaction or payment of all such sums of money as are really due to him or her from the judgment debtor on any judgment rendered in a court shall, at the request of the judgment debtor or his or her legal representative, execute and deliver to the judgment debtor or his or her legal representative an instrument in writing releasing such judgment.

(b) If the judgment creditor, his or her assigns of record or other legal representative to whom tender has been made of all sums of money due him or her from the judgment debtor including interest, on any judgment entered by a court, willfully fails or refuses, at the request of the judgment debtor or his or her legal representative to execute and deliver to the judgment debtor or his or her legal representative an instrument in writing releasing such judgment, the judgment debtor may petition the court in which such judgment is of record, making tender therewith to the court of all sums due in principal and interest on such judgment, for the use of the judgment creditor, his or her executors, administrators or assigns, whereupon the court shall enter an order satisfying the judgment and releasing all liens based on such judgment.

(c) For the recording of assignment of any judgment the clerk of the court in which such judgment is of record is allowed a fee of \$2. [QUITE FRANKLY, I’M NOT SURE THE STANDARDS HAVE THIS ONE.]

CLERK FEE: SUMMONS FOR GARNISHMENT

(735 ILCS 5/12-705) (from Ch. 110, par. 12-705) Summons for Garnishment

(c) In a county with a population of less than 1,000,000, unless otherwise provided by circuit court rule, at the request of the judgment creditor or his or her attorney and instead of personal service, service of a summons for garnishment may be made as follows:

(1) For each garnishee to be served, the judgment creditor or his or her attorney shall pay to the clerk of the court a fee of \$2, plus the cost of mailing, and furnish to the clerk an original and 2 copies of a summons, an original and one copy of the interrogatories, an affidavit setting forth the garnishee's mailing address, an original and 2 copies of the garnishment notice required by subsection (a) of this Section, and a copy of the judgment or certification described in subsection (a) of this Section. The original judgment shall be retained by the clerk. **AOIC ADDITIONAL SERVICES CIVIL TAB/TYLER FILING COMPONENT TAB (COM)—ISSUE SUMMONS**

(2) The clerk shall mail to the garnishee, at the address appearing in the affidavit, the copy of the judgment or certification described in subsection (a) of this Section, the summons, the interrogatories, and the garnishment notice required by subsection (a) of this Section, by certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. This Mailing shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall be stamped with the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, the date of the mailing, shall identify the documents mailed, and shall be attached to the original summons.

(3) The return receipt must be attached to the original summons and, if it shows delivery at least 10 days before the day for the return date, shall constitute proof of service of any documents identified on the return receipt as having been mailed.

(4) The clerk shall note the fact of service in a permanent record.

(d) The garnishment summons may be served and returned in the manner provided by Supreme Court Rule for service, otherwise than by publication, of a notice for additional relief upon a party in default.

(Source: P.A. 98-557, eff. 1-1-14; 99-78, eff. 7-20-15.)

CLERK FEE: SUMMONS FOR WAGE DEDUCTION

(735 ILCS 5/12-805) (from Ch. 110, par. 12-805)

Sec. 12-805. Summons; Issuance. (Summons for Wage Deduction)

(a) Upon the filing by a judgment creditor, its attorney or other designee of (1) an affidavit that the affiant believes any person is indebted to the judgment debtor for wages due or to become due, as provided in Part 8 of Article XII of this Act, and includes the last address of the judgment debtor known to the affiant as well as the name of the judgment debtor, and a certification by the judgment creditor or his attorney that, before filing the affidavit, the wage deduction notice has been mailed to the judgment debtor by first class mail at the judgment debtor's last known address, and (2) written interrogatories to be answered by the employer with respect to the indebtedness, the clerk of the court in which the judgment was entered shall issue summons against the person named in the affidavit as employer commanding the employer to appear in the court and answer the interrogatories in writing under oath. The interrogatories shall elicit all the information necessary to determine the proper amount of non-exempt wages. The interrogatories shall require that the employer certify that a copy of the completed interrogatories as specified in subsection (c) of Section 12-808 has been mailed or hand delivered to the judgment debtor and shall be in a form consistent with local court rules. The summons shall further command federal agency employers, upon effective service of summons pursuant to 5 USC 5520a, to commence to pay over deducted wages in accordance with Section 12-808. The summons shall be in a form consistent with local court rules. The summons shall be accompanied by a copy of the underlying judgment or a certification by the clerk of the court that entered the judgment, or by the attorney for the judgment creditor, setting forth the date and amount of the judgment, allowable costs expended, interest accumulated, credits paid by or on behalf of the judgment debtor and the balance due the judgment creditor, and one copy of a wage deduction notice in substantially the following form:

"WAGE DEDUCTION NOTICE

(Name and address of Court)

Name of Case: (Name of Judgment Creditor),

Judgment Creditor v.

(Name of Judgment Debtor),

Judgment Debtor.

Address of Judgment Debtor: (Insert last known address)

Name and Address of Attorney for Judgment

Creditor or of Judgment Creditor (if no attorney is listed): (Insert name and address)

Amount of Judgment: \$.....

Employer: (Name of Employer)

Return Date: (Insert return date specified in summons)

NOTICE: The court shall be asked to issue a wage deduction summons against the employer named above for wages due or about to become due to you. The wage deduction summons may be issued on the basis of a judgment against you in favor of the judgment creditor in the amount stated above.

The amount of wages that may be deducted is limited by federal and Illinois law.

(1) Under Illinois law, the amount of wages that may be deducted is limited to the lesser of (i) 15% of gross weekly wages or (ii) the amount by which disposable earnings for a week exceed the total of 45 times the federal minimum hourly wage or, under a wage deduction summons served on or after January 1, 2006, the minimum hourly wage prescribed by Section 4 of the Minimum Wage Law, whichever is greater.

(2) Under federal law, the amount of wages that may be deducted is limited to the lesser of (i) 25% of disposable earnings for a week or (ii) the amount by which disposable earnings for a week exceed 30 times the federal minimum hourly wage.

(3) Pension and retirement benefits and refunds may be claimed as exempt from wage deduction under Illinois law.

You have the right to request a hearing before the court to dispute the wage deduction because the wages are exempt. To obtain a hearing in counties with a population of 1,000,000 or more, you must notify the Clerk of the Court in person and in writing at (insert address of Clerk) before the Return Date specified above or appear in court on the date and time on that Return Date. To obtain a hearing in counties with a population of less than 1,000,000, you must notify the Clerk of the Court in writing at (insert address of clerk) on or before the Return Date specified above. The Clerk of the Court will provide a hearing date and the necessary forms that must be prepared by you or your attorney and sent to the judgment creditor and the employer, or their attorney, regarding the time and location of the hearing. This notice may be sent by regular first class mail."

(b) In a county with a population of less than 1,000,000, unless otherwise provided by circuit court rule, at the request of the judgment creditor or his or her attorney and instead of personal service, service of a summons for a wage deduction may be made as follows:

(1) For each employer to be served, the judgment Creditor or his or her attorney shall pay to the clerk of the court a fee of \$2, plus the cost of mailing, and furnish to the clerk an original and one copy of a summons, an original and one copy of the interrogatories and an affidavit setting forth the employer's mailing address, an original and one copy of the wage deduction notice required by subsection (a) of this Section, and a copy of the judgment or certification described in subsection (a) of this Section. The original judgment shall be retained by the clerk. **AOIC ADDITIONAL SERVICES CIVIL TAB/TYLER FILING COMPONENT TAB (COM)—ISSUE SUMMONS**

(2) The clerk shall mail to the employer, at the address appearing in the affidavit, the copy of the judgment or certification described in subsection (a) of this Section, the summons, the interrogatories, and the wage deduction notice required by subsection (a) of this Section, by certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. This Mailing shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall be stamped with the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, the date of the mailing, shall identify the documents mailed, and shall be attached to the original summons.

(3) The return receipt must be attached to the original summons and, if it shows delivery at least 3 days before the return date, shall constitute proof of service of any documents identified on the return receipt as having been mailed.

(4) The clerk shall note the fact of service in a permanent record.

(c) Instead of personal service, a summons for a wage deduction may be served and returned in the manner provided by Supreme Court rule for service, otherwise than by publication, of a notice for additional relief upon a party in default.

(Source: P.A. 94-306, eff. 1-1-06.)

FORECLOSURE PREVENTION FEE [FILING FEE]

(735 ILCS 5/15-1504.1)

Sec. 15-1504.1. Filing fee for Foreclosure Prevention Program Fund, Foreclosure Prevention Program Graduated Fund, and Abandoned Residential Property Municipality Relief Fund.

(a) Fee paid by all plaintiffs with respect to residential real estate. **With respect to residential real estate, at the time of the filing of a foreclosure complaint, the plaintiff shall pay to the clerk of the court in which the foreclosure complaint is filed a fee of \$50 for deposit into the Foreclosure Prevention Program Fund, a special fund created in the State treasury.** The clerk shall remit the fee collected pursuant to this subsection (a) to the State Treasurer to be expended for the purposes set forth in Section 7.30 of the Illinois Housing Development Act. All fees paid by plaintiffs to the clerk of the court as provided in this subsection (a) shall be disbursed within 60 days after receipt by the clerk of the court as follows: (i) 98% to the State Treasurer for deposit into the Foreclosure Prevention Program Fund, and (ii) 2% to the clerk of the court to be retained by the clerk for deposit into the Circuit Court Clerk Operation and Administrative Fund to defray administrative expenses related to implementation of this subsection (a). Notwithstanding any other law to the contrary, the Foreclosure Prevention Program Fund is not subject to sweeps, administrative charge-backs, or any other fiscal maneuver that would in any way transfer any amounts from the Foreclosure Prevention Program Fund into any other fund of the State.

(a-5) Additional fee paid by plaintiffs with respect to residential real estate.

(1) Until January 1, 2020, with respect to residential real estate, at the time of the filing of a foreclosure complaint and in addition to the fee set forth in subsection (a) of this Section, the plaintiff shall pay to the clerk of the court in which the foreclosure complaint is filed a fee for the Foreclosure Prevention Program Graduated Fund and the Abandoned Residential Property Municipality Relief Fund as follows:

(A) The fee shall be \$500 if:

(i) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category and is filing the complaint on its own behalf as the holder of the indebtedness; or

(ii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category; or

(iii) the plaintiff is not a depository institution and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category.

(B) The fee shall be \$250 if:

(i) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category and is filing the complaint on its own behalf as the holder of the indebtedness; or

(ii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first or second tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category; or

(iii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category; or

(iv) the plaintiff is not a depository institution and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category.

(C) The fee shall be \$50 if:

(i) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category and is filing the complaint on its own behalf as the holder of the indebtedness; or

(ii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first, second, or third tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category; or

(iii) the plaintiff, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the first tier foreclosure filing category; or

(iv) the plaintiff, together with its

affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the second tier foreclosure filing category; or

(v) the plaintiff is not a depository

institution and is filing the complaint on behalf of a mortgagee that, together with its affiliates, has filed a sufficient number of foreclosure complaints so as to be included in the third tier foreclosure filing category.

(2) The clerk shall remit the fee collected pursuant

to paragraph (1) of this subsection (a-5) to the State Treasurer to be expended for the purposes set forth in Sections 7.30 and 7.31 of the Illinois Housing Development Act and for administrative expenses. All fees paid by plaintiffs to the clerk of the court as provided in paragraph (1) shall be disbursed within 60 days after receipt by the clerk of the court as follows:

(A) 28% to the State Treasurer for

deposit into the Foreclosure Prevention Program Graduated Fund;

(B) 70% to the State Treasurer for deposit

into the Abandoned Residential Property Municipality Relief Fund; and

(C) 2% to the clerk of the court to be

retained by the clerk for deposit into the Circuit Court Clerk Operation and Administrative Fund to defray administrative expenses related to implementation of this subsection (a-5).

(3) Until January 1, 2020, with respect to

residential real estate, at the time of the filing of a foreclosure complaint, the plaintiff or plaintiff's representative shall file a verified statement that states which additional fee is due under paragraph (1) of this subsection (a-5), unless the court has established another process for a plaintiff or plaintiff's representative to certify which additional fee is due under paragraph (1) of this subsection (a-5).

(4) If a plaintiff fails to provide the clerk of the

court with a true and correct statement of the additional fee due under paragraph (1) of this subsection (a-5), and the mortgagor reimburses the plaintiff for any erroneous additional fee that was paid by the plaintiff to the clerk of the court, the mortgagor may seek a refund of any overpayment of the fee in an amount that shall not exceed the difference between the higher additional fee paid under paragraph (1) of this subsection (a-5) and the actual fee due thereunder. The mortgagor must petition the judge within the foreclosure action for the award of any fee overpayment pursuant to this paragraph (4) of this subsection (a-5), and the award shall be determined by the judge and paid by the clerk of the court out of the fund account into which the clerk of the court deposits fees to be remitted to the State Treasurer under paragraph (2) of this subsection (a-5), the timing of which refund payment shall be determined by the clerk of the court based upon the availability of funds in the subject fund account. This refund shall be the mortgagor's sole remedy and a mortgagor shall have no private right of action against the plaintiff or plaintiff's representatives if the additional fee paid by the plaintiff was erroneous.

(5) This subsection (a-5) is inoperative on and after

January 1, 2020.

(b) Not later than March 1 of each year, the clerk of the court shall submit to the Illinois Housing Development Authority a report of the funds collected and remitted pursuant to this Section during the preceding year.

(c) As used in this Section:

"Affiliate" means any company that controls, is controlled by, or is under common control with another company.

"Approved counseling agency" and "approved housing counseling" have the meanings ascribed to those terms in Section 7.30 of the Illinois Housing Development Act.

"Depository institution" means a bank, savings bank, savings and loan association, or credit union chartered, organized, or holding a certificate of authority to do business under the laws of this State, another state, or the United States.

"First tier foreclosure filing category" is a classification that only applies to a plaintiff that has filed 175 or more foreclosure complaints on residential real estate located in Illinois during the calendar year immediately preceding the date of the filing of the subject foreclosure complaint.

"Second tier foreclosure filing category" is a classification that only applies to a plaintiff that has filed at least 50, but no more than 174, foreclosure complaints on residential real estate located in Illinois during the calendar year immediately preceding the date of the filing of the subject foreclosure complaint.

"Third tier foreclosure filing category" is a classification that only applies to a plaintiff that has filed no more than 49 foreclosure complaints on residential real estate located in Illinois during the calendar year immediately preceding the date of the filing of the subject foreclosure complaint.

(d) In no instance shall the fee set forth in subsection (a-5) be assessed for any foreclosure complaint filed before the effective date of this amendatory Act of the 97th General Assembly.

(e) Notwithstanding any other law to the contrary, the Abandoned Residential Property Municipality Relief Fund is not subject to sweeps, administrative charge-backs, or any other fiscal maneuver that would in any way transfer any amounts from the Abandoned Residential Property Municipality Relief Fund into any other fund of the State.

(Source: P.A. 100-407, eff. 8-25-17.)

ADOPTION ACT

(750 ILCS 50/12a) (from Ch. 40, par. 1515)

Sec. 12a. Notice to putative father.

1. Upon the written request to any Clerk of any Circuit Court, **and upon the payment of a filing fee of \$10.00**, by any interested party, including persons intending to adopt a child, a child welfare agency with whom the mother has placed or has given written notice of her intention to place a child for adoption, the mother of a child, or any attorney representing an interested party, a notice, **the declaration of paternity and the disclaimer of paternity may be served on a putative father in the same manner as Summons is served in other civil proceedings**, or, in lieu of personal service, service may be made as follows: **FAMILY CASE TYPE-NOTICE TO PUTATIVE FATHER-ADOPTION ACT**

(a) **The person requesting notice shall pay to the Clerk of the Court a mailing fee of \$2 plus the cost of U. S. postage for certified or registered mail** and furnish to the Clerk an original and one copy of a notice, the declaration of paternity and the disclaimer of paternity together with an Affidavit setting forth the putative father's last known address. The original notice, the declaration of paternity and the disclaimer of paternity shall be retained by the Clerk. **AOIC ADDITIONAL SERVICES CIVIL TAB/TYLER FILING COMPONENT TAB (COM)—MAILING FEE**

ILLINOIS DOMESTIC VIOLENCE ACT OF 1986--ORDER OF PROTECTION (NO FEES)

(750 ILCS 60/202) (from Ch. 40, par. 2312-2)

Sec. 202. Commencement of action; filing fees; dismissal.

(a) How to commence action. Actions for orders of protection are commenced:

(1) Independently: By filing a petition for an order of protection in any civil court, unless specific courts are designated by local rule or order.

(2) In conjunction with another civil proceeding: By filing a petition for an order of protection under the same case number as another civil proceeding involving the parties, including but not limited to: (i) any proceeding under the Illinois Marriage and Dissolution of Marriage Act, Illinois Parentage Act of 2015, Nonsupport of Spouse and Children Act, Revised Uniform Reciprocal Enforcement of Support Act or an action for nonsupport brought under Article X of the Illinois Public Aid Code, provided that a petitioner and the respondent are a party to or the subject of that proceeding or (ii) a guardianship proceeding under the Probate Act of 1975, or a proceeding for involuntary commitment under the Mental Health and Developmental Disabilities Code, or any proceeding, other than a delinquency petition, under the Juvenile Court Act of 1987, provided that a petitioner or the respondent is a party to or the subject of such proceeding.

(3) In conjunction with a delinquency petition or a criminal prosecution as provided in Section 112A-20 of the Code of Criminal Procedure of 1963.

(b) Filing, certification, and service fees. **No fee shall be charged by the clerk for filing, amending, vacating, certifying, or photocopying petitions or orders; or for issuing alias summons; or for any related filing service. No fee shall be charged by the sheriff for service by the sheriff of a petition, rule, motion, or order in an action commenced under this Section.**

ILLINOIS PROBATE ACT

(755 ILCS 5/11-11) (from Ch. 110 1/2, par. 11-11)

Sec. 11-11. Costs in certain cases.) No costs may be taxed or charged by any public officer in any proceeding for the appointment of a guardian or for any subsequent proceeding or report made in pursuance of the appointment when the primary purpose of the appointment is any of the following:

- (a) The proper expenditure of public assistance awarded to the ward under the provisions of any act of the General Assembly;
 - (b) The collection, disbursement or administering of money or assets derived from money awarded to the ward by the Veterans Administration or by any state or territory of the United States or the District of Columbia as a veteran's benefit, but costs may be allowed, in the discretion of the court, whenever there are assets from sources other than the Veterans Administration;
 - (c) The management of the estate of a minor patient in a State mental health or developmental disabilities facility when the value of the personal estate does not exceed \$1,000. **CASE TYPE-GUARDIANSHIP OF A MINOR (NO ESTATE)**
- (Source: P.A. 80-1415.)

(755 ILCS 5/11a-13) (from Ch. 110 1/2, par. 11a-13)

Sec. 11a-13. Costs in certain cases.)

(a) No costs may be taxed or charged by any public officer in any proceeding for the appointment of a guardian or for any subsequent proceeding or report made in pursuance of the appointment when the primary purpose of the appointment is as set forth in Section 11-11 or is the management of the estate of a person with a mental disability who resides in a state mental health or developmental disabilities facility when the value of the personal estate does not exceed \$1,000. **CASE TYPE-GUARDIANSHIP OF A PERSON WITH DISABILITY (NO ESTATE)**

ILLINOIS COUNTIES ACT

COURT FEE [FILING FEE]

(55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

Sec. 5-1101. Additional fees to finance court system. A county board may enact by ordinance or resolution the following fees:

- (a) A \$5 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of the Illinois Vehicle Code other than Section 11-501 or violations of similar provisions contained in county or municipal ordinances committed in the county, and up to a \$30 fee to be paid by the defendant on a judgment of guilty or a grant of supervision for violation of Section 11-501 of the Illinois Vehicle Code or a violation of a similar provision contained in county or municipal ordinances committed in the county.
- (b) In the case of a county having a population of 1,000,000 or less, a \$5 fee to be collected in all civil cases by the clerk of the circuit court.

JUDICIAL SECURITY FEE [FILING FEE]

(55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

Sec. 5-1103. Court services fee. A county board may enact by ordinance or resolution a court services fee dedicated to defraying court security expenses incurred by the sheriff in providing court services or for any other court services deemed necessary by the sheriff to provide for court security, including without limitation court services provided pursuant to Section 3-6023, as now or hereafter amended. Such fee shall be paid in civil cases by each party at the time of filing the first pleading, paper or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance. In criminal, local ordinance, county ordinance, traffic and conservation cases, such fee shall be assessed against the defendant upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act, or Section 10 of the Steroid Control Act. In setting such fee, the county board may impose, with the concurrence of the Chief Judge of the judicial circuit in which the county is located by administrative order entered by the Chief Judge, differential rates for the various types or categories of criminal and civil cases, but the maximum rate shall not exceed \$25, unless the fee is set according to an

acceptable cost study in accordance with Section 4-5001 of the Counties Code. All proceeds from this fee must be used to defray court security expenses incurred by the sheriff in providing court services. No fee shall be imposed or collected, however, in traffic, conservation, and ordinance cases in which fines are paid without a court appearance. The fees shall be collected in the manner in which all other court fees or costs are collected and shall be deposited into the county general fund for payment solely of costs incurred by the sheriff in providing court security or for any other court services deemed necessary by the sheriff to provide for court security.

(Source: P.A. 99-265, eff. 1-1-16.)

(55 ILCS 5/Div. 5-39 heading)

Division 5-39. County

LAW LIBRARY FEE [FILING FEE]

(55 ILCS 5/5-39001) (from Ch. 34, par. 5-39001)

Sec. 5-39001. Establishment and use; fee. The county board of any county may establish and maintain a county law library, to be located in any county building or privately or publicly owned building at the county seat of government. The term "county building" includes premises leased by the county from a public building commission created under the Public Building Commission Act. After August 2, 1976, the county board of any county may establish and maintain a county law library at the county seat of government and, in addition, branch law libraries in other locations within that county as the county board deems necessary.

The facilities of those libraries shall be freely available to all licensed Illinois attorneys, judges, other public officers of the county, and all members of the public, whenever the court house is open, and may include self-help centers and other legal assistance programs for the public as part of the services it provides on-site and online.

The expense of establishing and maintaining those libraries shall be borne by the county. To defray that expense, including the expense of any attendant self-help centers and legal assistance programs, in any county having established a county law library or libraries, the clerk of all trial courts located at the county seat of government shall charge and collect a county law library fee of \$2, and the county board may authorize a county law library fee of not to exceed \$21 through December 31, 2021 and \$20 on and after January 1, 2022, to be charged and collected by the clerks of all trial courts located in the county. The fee shall be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases, but no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance.

Each clerk shall commence those charges and collections upon receipt of written notice from the chairman of the county board that the board has acted under this Division to establish and maintain a law library.

The fees shall be in addition to all other fees and charges of the clerks, assessable as costs, remitted by the clerks monthly to the county treasurer, and retained by the county treasurer in a special fund designated as the County Law Library Fund. Except as otherwise provided in this paragraph, disbursements from the fund shall be by the county treasurer, on order of a majority of the resident circuit judges of the circuit court of the county. In any county with more than 2,000,000 inhabitants, the county board shall order disbursements from the fund and the presiding officer of the county board, with the advice and consent of the county board, may appoint a library committee of not less than 9 members, who, by majority vote, may recommend to the county board as to disbursements of the fund and the operation of the library. In single county circuits with 2,000,000 or fewer inhabitants, disbursements from the County Law Library Fund shall be made by the county treasurer on the order of the chief judge of the circuit court of the county. In those single county circuits, the number of personnel necessary to operate and maintain the county law library shall be set by and those personnel shall be appointed by the chief judge. The county law library personnel shall serve at the pleasure of the appointing authority. The salaries of those personnel shall be fixed by the county board of the county. Orders shall be pre-audited, funds shall be audited by the county auditor, and a report of the orders and funds shall be rendered to the county board and to the judges.

Fees shall not be charged in any criminal or quasi-criminal case, in any matter coming to the clerk on change of venue, or in any proceeding to review the decision of any administrative officer, agency, or body.

No moneys distributed from the County Law Library Fund may be directly or indirectly used for lobbying activities, as defined in Section 2 of the Lobbyist Registration Act or as defined in any ordinance or resolution of a municipality, county, or other unit of local government in Illinois.

(Source: P.A. 98-351, eff. 8-15-13; 99-859, eff. 8-19-16.)

SUPREME COURT RULES

FEE FOR PERFORMING A MARRIAGE: [This can't be charged if you are charging \$10 for marriages under 705 ILCS 105/27.1a(a-1). In other words, you can't charge two marriage fees. It also doesn't really have anything to do with e-filing.]

Rule 40. Marriage and Civil Union Divisions

(a) Creation. The chief judge of any judicial circuit may, by administrative order, establish a marriage and civil union division in any county in the circuit and specify the times and places at which those judges willing to perform marriages solemnizations and civil union certifications will normally be available to do so. A marriage and civil union fund may be established on a circuitwide basis rather than a county-by-county basis when the chief judge, along with the majority of circuit judges, determines that the circuit's judicial needs are best served by a circuit wide fund.

(b) Clerk Fee. The chief judge may provide that the clerk of the circuit court or someone designated by the clerk shall attend each regular session of each marriage and civil union division to assist the judge assigned thereto. The chief judge may set a fee to be collected by the clerk in an amount not to exceed \$10 for each marriage solemnization or civil union certification performed. No additional fee or gratuity will be solicited or accepted.

Rule 284. Service by Certified or Registered Mail

Unless otherwise provided by circuit court rule, at the request of the plaintiff and in lieu of personal service, service in small claims may be made within the state as follows:

(a) For each defendant to be served the plaintiff shall pay to the clerk of the court a fee of \$2, plus the cost of mailing, and file furnish to the clerk an original and one copy of a summons containing an affidavit setting forth the defendant's last known mailing address., and a copy of the complaint in addition to the original. The original summons shall be retained by the clerk. **AOIC**

ADDITIONAL SERVICES CIVIL TAB/TYLER FILING COMPONENT TAB (COM)—ISSUE SUMMONS

(b) The clerk forthwith shall mail to the defendant, at the address appearing in the affidavit, the copy of the summons and complaint, certified or registered mail, return receipt requested, showing to whom delivered and the date and address of delivery. United States Postal Service electronic return receipt may be utilized in lieu of paper receipts. The summons and complaint shall be mailed on a "restricted delivery" basis when service is directed to a natural person. The envelope and return receipt shall bear the return address of the clerk, and the return receipt shall include be stamped with the docket number of the case. The receipt for certified or registered mail shall state the name and address of the addressee, and the date of mailing, and shall be filed by the clerk. attached to the original summons.

(c) The return receipt, when returned to the clerk, shall be filed by the clerk. attached to the original summons, and, if it If the receipt shows delivery at least 3 days before the day for appearance, the receipt shall constitute proof of service.

(d) The clerk shall note the fact of service in a permanent record.

Amended October 1, 1976, effective November 15, 1976; amended September 29, 1978, effective November 1, 1978; amended February 15, 1979, effective March 1, 1979; amended July 1, 1985, effective August 1, 1985; amended November 21, 1988, effective January 1, 1989; amended April 11, 2001, effective immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018.

Committee Comments

(Revised July 1, 1985)

This is paragraphs D(1), (2), (3), and (4) of former Rule 9-1, effective January 1, 1964. Paragraph (b) was amended in 1978 to require mailing by certified or registered mail, "restricted delivery, return receipt requested, showing to whom, date and address of delivery." Prior to 1978, this subparagraph required that process be mailed "certified mail, return receipt requested." In this respect it differed from Rules 105, 204, and 237, which required mailing "addressee only." In 1978, this class of delivery having been discontinued by the Postal Service, Rules 105, 204, and 237 were amended to require mailing "restricted delivery, return receipt requested, showing to whom, date and address of delivery," the most restricted delivery provided for in current postal regulations. At the same time Rule 284(b) was amended to require the same class delivery, thus making the requirement uniform. See Committee Comment to Rule 105.

The amendment effective August 1, 1985, changed the fee for mailing from \$3 to \$2 plus the cost of mailing. This amendment insulates the rule from further change by making the "cost of mailing" an element of the fee charged by the clerk.

Rule 289

Service of Process in Proceedings to Confirm a Judgment by Confession or to Collect a Judgment for \$5,000 \$10,000 or Less

In proceedings to confirm a judgment by confession or to collect a judgment for money, in which the judgment is for \$5,000 \$10,000 or less, exclusive of interest and costs, process may be served in the manner provided in Rule 284.

Adopted January 5, 1981, effective February 1, 1981; amended December 3, 1996, effective January 1, 1997; amended March 8, 2007, effective April 1, 2007.

Committee Comments

(Revised March 8, 2007)

Rule 289 was added in 1981 to permit service by mail in proceedings to confirm a judgment by confession and in proceedings to collect a judgment, *e.g.*, wage deductions and garnishment, when the amount of the judgment is \$2,500 or less, the figure used to define a small claim in Rule 281.

In 2007 the rule was amended to reflect the increased jurisdictional limit from \$5,000 to \$10,000 for small-claims actions under Rule 281.

Rule 285. Jury Demands

A small claim shall be tried by the court unless a jury demand is filed by the plaintiff at the time the action is commenced or by the defendant not later than the date he is required to appear. There shall be 6 jurors unless either party demands 12. A party demanding a jury shall pay a fee of \$12.50 unless he demands a jury of 12, in which case he shall pay a fee of \$25, or, if another party has previously paid a fee for a jury of 6, \$12.50. **SC – JURY DEMAND 12 PERSON/6 PERSON/12 PERSON WHERE 6 PERSON PREVIOUSLY PAID BY OTHER PARTY--AOIC ADDITIONAL SERVICES CIVIL TAB/TYLER FILING COMPONENT TAB (COM)**

Committee Comments

This is paragraph E of former Rule 9--1, effective January 1, 1964, without change.