



# Administrative Office of the Illinois Courts

## Access to Justice Spiral

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### *A Compilation of Policies, Rules, Tips & Best Practices*



Language Access



Standardized Forms



Self-Represented  
Litigants & Limited  
Scope Representation



Patrons with Disabilities



Civil Appeals





# Administrative Office of the Illinois Courts Access to Justice Spiral

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For more information about the Access to Justice Division at the AOIC, please contact Alison Spanner, Assistant Director, at 312-793-3859 or [aspanner@illinoiscourts.gov](mailto:aspanner@illinoiscourts.gov).



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For more information on language access issues, go to:

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Administrative Office of the Illinois Courts  
Access to Justice Spiral

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# Section I

## Language Access



# **Illinois Supreme Court**

## **Language Access Policy**

**Effective October 1, 2014**

**Amended September 20, 2016**

# **ILLINOIS SUPREME COURT LANGUAGE ACCESS POLICY**

## **I. PREAMBLE**

The Illinois Supreme Court recognizes that equal access to the courts is essential to ensuring the strength and integrity of the judiciary and preserving trust in our legal system. Equal access to the courts, regardless of language limitations or disabilities, is an important issue in Illinois, which has a significant and growing number of people with limited English proficiency throughout the state. As such, the fair administration of justice requires that our state's courts be language accessible to all people, including those who are limited English proficient or are deaf or hard of hearing.

This policy provides a blueprint for the courts of Illinois to develop a unified approach for the provision of statewide language access services. This policy is offered to guide Illinois courts in the implementation of a comprehensive language access program and establishes standards to support the ongoing development of circuit-specific Language Access Plans.

It is the Supreme Court's vision that qualified and trained interpreters and clear and multi-lingual signage be available in both civil and criminal legal proceedings within courthouses and for court-annexed proceedings.

In support of this vision, the Supreme Court is committed to implementing and developing standards to support the development of a body of qualified and trained foreign language interpreters. Unlike foreign language interpreting, the field of sign language interpreting has nationally and locally developed standards, which Illinois adheres to, for the evaluation and certification of sign language interpreters under the Americans with Disabilities Act of 1990 and the Illinois Interpreter for the Deaf Licensure Act of 2007.

To support the development of trained foreign language interpreters, a three-tiered certification program for foreign language court interpreters statewide is established. When a court determines a foreign language interpreter is needed, the court should appoint a certified, qualified or registered interpreter when practicable.

The Supreme Court will work with all stakeholders to seek adequate funding for language access programs, which may include requests for increases in funding of judicial budgets, government grants, or other sources of funding. Recognizing the limited resources for language access, funding priority should be given to providing interpreter services to low and moderate income persons.

This policy is based on the fundamental principles of fairness, access to justice and integrity of the judicial process; the principles of due process, equal protection and judicial independence rooted in the Illinois constitution; and the legal requirements of state and federal law, including Title VI of the Civil Rights Act of 1964. With the guidance contained in the policy, it is hoped that the judiciary will be better equipped to minimize the obstacles faced by limited English proficient individuals or deaf or hard of hearing persons when they attempt to access Illinois courts.

## II. DEFINITIONS

1. "Court-annexed proceeding" means court proceedings which are managed by officers of the court or their official designees (*e.g.*, mandatory arbitration or mediation, probation contacts and court-ordered evaluations).
2. "Foreign language interpreter" means a person fluent in both English and another language, who listens to a communication in one language and orally converts it into another language while retaining the same meaning. An interpreter need not be physically present to provide interpreter services. An "interpreter" differs from a "translator," who converts written text from one language into written text in another language. This policy contains rules governing interpretation in the context of court proceedings, rather than written translation.
  - a. "Certified interpreter" means a foreign language interpreter certified pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
  - b. "Qualified interpreter" means a foreign language interpreter qualified pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
  - c. "Registered interpreter" means a foreign language interpreter registered pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
  - d. "Unregistered interpreter" means a foreign language interpreter who is not certified, qualified or registered pursuant to the program established by the Administrative Office of the Illinois Courts, but demonstrates to the court proficiency in English and the foreign language and does not present a conflict of interest identified in Section V of this policy.
3. "Language Access Services" means the full spectrum of language services available to provide meaningful access to the programs and services for Limited English Proficient Persons, including, but not limited to, in-person interpreter services, telephonic and video remote interpreter services, translation of written materials, and bilingual staff services.
4. "Legal proceeding" means (a) any court proceeding before any court of this state, civil or criminal; and (b) any court-annexed proceeding, such as a court-annexed mediation or a mandatory arbitration under Illinois Supreme Court Rules.
5. "Limited English Proficient Person" means someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak, or



understand English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate in a legal proceeding.

6. "Party" means, in any legal proceeding, a plaintiff or defendant, including a person who brings or defends an action on behalf of a minor or incompetent, the parent or legal guardian of a minor party, and a legal guardian of a plaintiff or defendant. In criminal and juvenile proceedings, "party" also includes the alleged victim and the parent or guardian of an alleged minor victim or of a juvenile.
7. "Sign language interpreter" means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a deaf, hard of hearing, or deaf blind party, witness, juror, or spectator through the use of sign language or other manual or oral representation of a spoken language.
  - a. "Sign language interpreter listed on the Administrative Office of the Illinois Courts' registry" means a sign language interpreter that is licensed at a "Master" or "Advanced" level with the Illinois Deaf and Hard of Hearing Commission and has met any additional training and registration requirements pursuant to the program established by the Administrative Office of the Illinois Courts.
  - b. "Qualified sign language interpreter," as defined in the Americans with Disabilities Act of 1990, means one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

### **III. INDIVIDUALS ELIGIBLE TO RECEIVE INTERPRETER SERVICES**

The court should provide an interpreter for any Limited English Proficient Person who is involved in a legal proceeding as a party or witness. Consistent with the Americans with Disabilities Act and Illinois state statute (735 ILCS 5/8-1402), the court shall provide a qualified sign language interpreter for deaf or hard of hearing persons who are involved in any legal proceeding as a litigant, witness, victim, juror or spectator. Consistent with the Illinois Criminal Proceeding Interpreter Act, the court shall provide an interpreter for Limited English Proficient defendants in criminal proceedings via a written order (725 ILCS 140/2). Consistent with the Illinois Code of Civil Procedure, the court shall provide an interpreter for Limited English Proficient parties and witnesses in civil proceedings via a written order, pursuant to this Policy and the judicial circuit's Language Access Plan (735 ILCS 5/8-1403).

### **IV. DETERMINING NEED FOR INTERPRETER SERVICES**

For any legal proceeding, the court may determine that an interpreter is needed upon the request of the Limited English Proficient Person or his or her attorney or other advocate. If no such request is made, but if the court reasonably believes that an individual is a Limited English Proficient Person, the court shall examine this individual in open court. This examination shall consist of open-ended questions that will provide the court with the information necessary to determine whether the individual has a limited ability to speak or understand English. The court

should appoint an interpreter if it determines that the individual is a Limited English Proficient Person. After the examination, the court shall state its conclusion in open court.

Each circuit's chief judge shall decide how to collect and track the appointment of an interpreter for a Limited English Proficient party or witness (*e.g.*, via a written order, marking the case file, adding a notation to a case file or docket, adding information to a field in a case management system, using an electronic tracking system, or some other method deemed appropriate). The data collected should indicate, at a minimum, whether an interpreter was appointed and the requested language. The method of collecting this data shall be described in each circuit's Language Access Plan (see Section XI).

The fact that an individual for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter.

Currently, there is no reporting requirement for Illinois courts regarding limited English proficient litigants and interpreter usage. The lack of such data prevents meaningful determinations about the scope of need in Illinois courts and inhibits the development of programs designed to improve efficiency and fairness in the courts. To begin the collection of limited English proficient data, court personnel will be required to collect on a quarterly basis and share with the Administrative Office of Illinois Courts:

- The number of legal proceedings that included a limited English proficient party by case type and the language interpreted.
- The type of interpreter used in legal proceedings and whether the interpreter was a certified, qualified or registered foreign language interpreter listed on the Administrative Office of the Illinois Courts' interpreter registry, a sign language interpreter listed on the Administrative Office of the Illinois Courts' interpreter registry, or an unregistered interpreter.

## **V. TYPE OF INTERPRETER TO APPOINT**

Whenever a foreign language interpreter is appointed by the court, a certified or qualified interpreter shall be provided if one is available. After the court has made reasonable efforts to provide a certified or qualified interpreter and one is not available, a registered interpreter shall be provided if one is available.

A person who is certified and in good standing by the federal courts or by a state having a certification program shall be considered a certified interpreter under this policy, so long as the certification requirements that person has satisfied have been deemed sufficient by the Administrative Office of the Illinois Courts.

An unregistered interpreter should be appointed if the court made reasonable efforts to obtain a certified, qualified or registered interpreter and a certified, qualified or registered interpreter was not reasonably available, or if good cause is otherwise shown.

If an unregistered interpreter is appointed, the court shall examine the interpreter in open court to ensure that the interpreter is qualified to interpret in legal proceedings, has proficiency in English and the foreign language, and does not present a conflict of interest as identified in this section of this policy.

Whenever a sign language interpreter is appointed by the court, a sign language interpreter listed on the Administrative Office of the Illinois Courts interpreter registry shall be provided if one is available. After the court has made reasonable efforts to provide a sign language interpreter on the registry and one is not available, a qualified interpreter shall be provided pursuant to the Americans with Disabilities Act and Illinois state statute (735 ILCS 5/8-1402).

A court shall use reasonable efforts to avoid appointing an individual as an interpreter for a legal proceeding pursuant to Section III of this policy if any of the following apply:

1. The interpreter is compensated by a business owned or controlled by a party or a witness;
2. The interpreter is a friend, or a family or household member, of a party or witness;
3. The interpreter is a potential witness;
4. The interpreter is court personnel employed for a purpose other than interpreting;
5. The interpreter is a law enforcement officer or probation department personnel;
6. The interpreter has a pecuniary or other interest in the outcome of the case;
7. The interpreter does or may have a real or perceived conflict of interest, or the appointment of an interpreter has the appearance of impropriety;
8. If for any reason, the court believes the appointment of the interpreter is not appropriate.

## **VI. AN OATH REQUIREMENT FOR INTERPRETERS**

Before beginning to interpret in any legal proceeding, or before interpreting for several legal proceedings in one day, every unregistered interpreter shall swear or affirm in open court that he or she will make a true and impartial interpretation using his or her best skill and judgment in accordance with the standards prescribed by law and the ethics of the interpreter profession and that he or she will, in the English language, fully and accurately, repeat the statements of such person to the court before such proceeding takes place, and will repeat all statements made during such proceeding from English to sign language or a Limited English Proficient Person's native language fully and accurately.

*Comment: Interpreters listed on the Administrative Office of the Illinois Courts' registry shall sign a written oath that can be maintained on file by the local court. Unregistered interpreters may sign a written oath to keep on file at the local courts' discretion. This simplifies the court's*

*inquiries in open court during procedural hearings. It is recommended, however, that an oath be read and sworn to in open court in all proceedings conducted before a jury.*

## **VII. CONFIDENTIAL COMMUNICATIONS IN THE PRESENCE OF AN INTERPRETER**

An interpreter must not disclose confidential communications privileged by state or federal law to any person.

## **VIII. REMOVAL OF AN INTERPRETER**

The court may use its discretion to substitute a different interpreter for the interpreter initially appointed in a proceeding. The court may make a substitution at any time and for any reason, but any substitution must be made in open court and must follow procedures laid out in Section V of this policy.

If a Limited English Proficient Person or an attorney or advocate involved in the proceeding concludes that the appointed interpreter is not interpreting communications correctly, the Limited English Proficient Person or an attorney or advocate involved in the proceeding may request the appointment of a different interpreter.

## **IX. PAYMENT FOR AN INTERPRETER'S SERVICES**

No fee shall be charged to any Limited English Proficient Person for the appointment of an interpreter.

The cost of providing interpreter services shall be the responsibility of the county or court that has jurisdiction over the judicial proceeding for which the interpreter was appointed. In determining the amount of compensation to be paid to the interpreter, the presiding judicial officer shall follow the fee schedule for interpreters established by the chief circuit judge.

*Comment: Language access services ensure that all persons have equal access to justice and that information essential for the efficiency and integrity of legal proceedings can be understood by both English speakers and those who are limited English proficient. Courts should avoid placing the burden of paying for language access disproportionately on limited English proficient individuals in a manner that discourages access to the court or inhibits requests for language services necessary for full participation in the proceedings. The Illinois Supreme Court will work with all stakeholders to seek adequate funding for language access programs, which may include requests for increases in funding of judicial budgets, government grants, or other sources of funding.*

## **X. CERTIFICATION AND REGISTRATION PROGRAM**

The Administrative Office of the Illinois Courts is charged with establishing and administering a comprehensive certification and registration program for foreign language interpreters.

The Administrative Office of the Illinois Courts is further charged with establishing and adopting standards of proficiency, written and oral, in English and the language to be interpreted.

Upon Supreme Court approval, the Administrative Office of the Illinois Courts will maintain a Code of Ethics that defines a set of principles to guide interpreter conduct and educate judges on the level of conduct expected. All foreign language and sign language interpreters serving in any legal proceeding, whether listed on the statewide registry or not, shall abide by the Code of Ethics for Interpreters adopted by the Supreme Court of Illinois.

The Administrative Office of the Illinois Courts is charged with compiling, maintaining, and disseminating a current registry of foreign language interpreters certified, qualified and registered by the Administrative Office of the Illinois Courts.

The Administrative Office of the Illinois Courts may charge reasonable fees to foreign language interpreters, as authorized by the Supreme Court, for testing, training, certification, and registration. These fees shall be deposited into the Foreign Language Interpreter Fund.

The Administrative Office of the Illinois Courts will seek partnerships with community colleges and other private or public educational institutions and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified and qualified foreign language interpreters. Training programs may be made readily available throughout Illinois.

The Administrative Office of the Illinois Courts may conduct periodic examinations to ensure the availability of certified and qualified foreign language interpreters. Periodic examinations should be made readily available throughout Illinois.

The expenses of testing, training, and certifying foreign language court interpreters under the program, as authorized by the Supreme Court, may be paid, subject to appropriation, from the Foreign Language Interpreter Fund or any other source of funds available for this purpose.

Please note that the certification and licensure of sign language interpreters is governed by state statute under the Illinois Interpreter for the Deaf Licensure Act of 2007, federal standards under the Americans with Disabilities Act of 1990 and certifying entities, such as the National Association of the Deaf and the Registry of Interpreters for the Deaf. Sign language interpreters listed on the Administrative Office of the Illinois Courts' registry must be licensed at a "Master" or "Advanced" level with the Illinois Deaf and Hard of Hearing Commission and must meet any additional training and registration requirements pursuant to the program established by the Administrative Office of the Illinois Courts.

## **XI. LANGUAGE ACCESS PLAN**

Each circuit must develop an annual written Language Access Plan to provide a framework for the provision of Language Access Services for Limited English Proficient Persons. Circuit-specific Language Access Plans will enable each circuit to identify their most frequently requested languages, identify practices and procedures to guide courts in the circuit as to how to provide language assistance, list all available language access resources in frequently requested languages, and identify the circuit's goals for the coming year. In multi-county circuits, courts can draft county-specific Language Access Plans at their own discretion. The Language Access Plan should include, at a minimum, the following:

- Procedures for court personnel to identify and assess the language needs of Limited English Proficient Persons using the court system.
- Procedures for ensuring that Limited English Proficient Persons are provided with interpreters during legal proceedings.
- Procedures for notifying court users of the right to and availability of interpreter services.
- Procedures for court personnel and judges to collect and track the appointment of an interpreter for a Limited English Proficient party or witness, including the language requested.
- Procedures for evaluating the need for translation of written materials, prioritizing those translation needs, and translating the highest priority materials.
- A process for providing training to judges, court clerks, and other court staff on the elements of the Language Access Plan and how to effectively access and work with interpreters.
- A list of community organizations serving Limited English Proficient Persons that can provide support in addressing language access needs.
- A process for ongoing evaluation of the Language Access Plan and monitoring of the Language Access Plan.

Each circuit should update its Language Access Plan annually to reflect changes in the language needs of court users and changes in court procedures and practices implemented to meet those needs.

Each circuit's Language Access Plan and any subsequent updates will be annually reviewed by the Administrative Office of the Illinois Courts to ensure that it accurately reflects and addresses the need for Language Access Services.





# ILLINOIS JUDICIAL BRANCH

## Bench Card: Courtroom Interpreting

### How Do I Determine Whether A Person Needs An Interpreter?

Presume a need for an interpreter upon the request of a limited English proficient (LEP) person or his or her attorney or advocate. If a request is not made for an interpreter, but it appears a party or witness has limited English proficiency, a judge should ask questions **on the record** to assess the need for an interpreter for any legal proceeding.

#### Sample questions for determining the English proficiency of a person and the need for an interpreter:

*(Avoid questions easily answered with yes or no replies.)*

- What is your name?
- How long have you been in the United States?
- How did you learn English?
- What papers did you bring to Court today?
- Do you know why you are in Court today?

**You may have the right to a court-appointed interpreter.** Tell the court the best way to communicate with you and to let you know what is being said.

*If the person has difficulty answering these simple questions, an interpreter is recommended. Presumably, a person unable to answer these questions is unable to communicate well in high-stress matters involving legal terminology. Also, **if the court cannot understand the person's spoken English**, consider using an interpreter. Request that the person speak in her or his native language, so that the interpreter can interpret into English.*

**According to Illinois case law, a need for interpreter services will be found when** "it appears from the record that the witness was not 'understandable,' 'comprehensible' or 'intelligible' such that the lack of an interpreter deprived the defendant of a basic right." *People v. Bragg*, 68 Ill. App. 3d 622, 630 (1979).

### Court Required to Provide an Interpreter?

*Counties are responsible for the arrangement and compensation of interpreters.*

**Court is required to appoint an interpreter in criminal proceedings** for limited English proficient (LEP) defendants in misdemeanor and felony cases via a written order. Criminal Proceeding Interpreter Act, 725 ILCS 140/2.

**Court is required to appoint an interpreter in civil proceedings** for LEP parties and witnesses via a written order. Code of Civil Procedure, 735 ILCS 5/8-1403.

**Court is required to provide a qualified sign language interpreter** for deaf and hard of hearing persons who are involved in any legal proceeding as a litigant, witness, victim, or juror. Code of Civil Procedure, 735 ILCS 5/8-1402.

**Court should appoint an interpreter for LEP parties and witnesses for any legal proceeding**, including criminal and civil cases, and any court-annexed proceeding such as mediation or arbitration. Illinois Supreme Court Language Access Policy, effective Oct. 1, 2014.

### Once appointed, what type of interpreter to appoint?

- (1) Courts must make reasonable efforts to appoint a certified or qualified foreign language interpreter from the AOIC Interpreter Registry ("Registry").
- (2) If none is available, the court must appoint a "registered" interpreter from the Registry.
- (3) If none is available from the Registry, the court may appoint an unregistered interpreter and must examine the interpreter in open court to ensure minimum qualifications and impartiality. Illinois Supreme Court Language Access Policy, effective Oct. 1, 2014.

#### Sample Qualification Questions:

- Are you certified? If you are not certified, are you on the AOIC Interpreter Registry?
- Is your dialect compatible with Mr./Ms. \_\_\_\_\_?
- Do you understand that as an interpreter you must interpret everything, and that you may not summarize the testimony or other proceedings?
- What is your experience interpreting in court?
- Have you ever interpreted for any of the people involved in this case?
- Are you able to remain fair and impartial?
- **To the parties:** Does either party have any questions for the interpreter?

### Interpreter Oaths

According to **Illinois state statute**, an interpreter must be **sworn to truly interpret** in criminal and civil cases. Criminal Proceeding Interpreter Act, 725 ILCS 140/2; Code of Civil Procedure, 735 ILCS 5/8-1403.

According to **Supreme Court policy**, an interpreter must swear or affirm the following oath in open court before **any legal proceeding** or before interpreting for several legal proceedings in a court in one day, unless a signed oath is on file with the court:

*Do you swear (or affirm) that you will make a true and impartial interpretation using your best skill and judgment in accordance with the standards prescribed by law and the Illinois Interpreter Code of Ethics and that you will repeat the statements of such person to the court and all statements made from English to the party's native language fully and accurately?*

To ensure that all participants understand the role of the interpreter, consider reading the following language at the start of a court proceeding:

***Before we proceed any further, I would like to make a few comments regarding the interpreter's role in today's proceedings.***

*The interpreter can only interpret for one person at a time. Therefore, please do not speak or interrupt while someone else is testifying or speaking. The interpreter can only interpret testimony that is spoken. All responses given here must be verbal. You are reminded to speak at a slower but steady pace, and make eye contact occasionally with the interpreter to gauge whether your pace is appropriate. A slower pace is especially important when stating dates, numbers, figures or highly technical vocabulary.*

*As for the interpreter(s), you are bound by the Illinois Interpreter Code of Ethics, and you are expected to follow its canons. You must interpret everything that is said in this courtroom, including this information. You are not allowed to engage in any conversation with the litigant/defendant/witness. You are not allowed to give any legal advice, or express personal opinions about this matter to the litigant/defendant/witness. You are expected to maintain confidentiality and not publicly discuss this case. If for some reason you need to pause the proceedings so that you can refer to a dictionary, please raise your hand and speak up.*

*Are there any questions or concerns?*

### Tips for Communicating Through Interpreters:

- Instruct all participants to speak loudly and clearly and to speak one at a time.
- Allow the interpreter to converse briefly with the non-English speaker to ensure understanding of accents, dialect or pronunciation differences.
- Speak directly to the non-English speaking person.
- Don't ask the interpreter to independently explain/restate anything said by the party.
- The interpreter must convey all questions, answers and courtroom dialogue, and therefore, is constantly working. Advise the interpreter to notify the court when breaks are needed.
- Allow the interpreter to review the court file prior to the hearing, to become familiar with names, dates and technical vocabulary.
- Monitor the interpreter so that side conversations with the non-English speaking person are eliminated.
- Recognize that court proceedings can be confusing and intimidating for a non-English speaker since other countries' legal systems and concepts often vary from those of the U.S.

**If the court expects the hearing or trial to last for several hours or days, the court may wish to appoint two interpreters.** Due to the level of concentration required to accurately conduct a simultaneous interpretation, interpreters require frequent breaks. If the court appoints two interpreters, they can conduct a continuous interpretation by alternating, thereby allowing the court to conduct the proceedings without unnecessary delays or interruptions.

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For Additional Assistance, please contact:

*Administrative Office of the Illinois Courts  
Civil Justice Division  
Language Access Services Specialist  
Sophia N. Akbar  
312-793-2013*

[sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov)

Updated 10/17





# **Illinois Supreme Court**

## **Code of Interpreter Ethics**

**Effective October 1, 2014**

# **CODE OF ETHICS FOR INTERPRETERS IN THE ILLINOIS STATE COURT SYSTEM**

## **PREAMBLE**

Many persons who come before the courts are prevented from full participation in the proceedings due to limited English proficiency, or a speech or hearing impairment. It is essential that the resulting communication barrier be removed, to the extent possible, so that these persons are placed in the same position as similarly situated persons for whom there is no such barrier. As officers of the court, interpreters help assure that such persons may enjoy equal access to justice and that court proceedings and court support services function efficiently and effectively. Interpreters are highly skilled professionals who fulfill an essential role in the administration of justice.

## **PURPOSE**

This code seeks to:

1. Ensure meaningful access to all courts and court services for Limited English Proficient Persons;
2. Protect the constitutional rights of criminal defendants to the assistance of court interpreters during court proceedings;
3. Ensure due process in all phases of criminal and civil litigation for Limited English Proficient persons;
4. Ensure equal protection of the law for Limited English Proficient persons;
5. Increase efficiency, quality, and uniformity in proceedings which involve a court interpreter; and
6. Encourage the broadest use of certified and registered language interpreters by all those in need of such services within the courts.

## **SCOPE**

1. This code shall be binding upon all persons, and organizations who administer, supervise, use, or deliver spoken foreign or sign language interpreting services to the judicial system.
2. This code applies to court interpreters, including certified, registered, and unregistered interpreters, appearing:

- (a) In any proceeding before any court of the state;
  - (b) Before any attorney or court in connection with any matter that is brought before a court;
  - (c) In any other activity ordered by the court or conducted under the supervision of a court including but not limited to specialty courts, child custody mediations and mandatory arbitration proceedings.
3. Violations of this code may result in the interpreter being removed from a case, denied future appointments by the courts, being removed from the statewide interpreter registry maintained by the Administrative Office of the Illinois Courts, or losing credentials if the interpreter has been certified or registered pursuant to the rules of the Illinois Supreme Court.

## **Commentary**

The use of the term “shall” is reserved for the black-letter principles. Statements in the commentary use the term “should” to describe behavior that illustrates or elaborates upon the principles. The commentaries are intended to convey what the drafters of this code believe to be probable and expected behaviors. Wherever a court policy or routine practice appears to conflict with the commentary in this code, it is recommended that the reasons for the policy or practice as it applies to court interpreters be reviewed for possible modification.

## **DEFINITIONS**

For the purposes of this code, the following words shall have the following meaning:

“Certified interpreter” means a foreign language interpreter certified pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts.

“Cultural Fluency” means awareness and full comprehension of cross-cultural factors including but not limited to expectations, attitudes, values, roles, institutions, and linguistic differences and similarities.

“Interpretation” means the unrehearsed transmission of the spoken word or message from one language to another.

“Interpreter” means a person, who is fluent in both English and another language, who listens to a communication in one language and orally converts it into another language while retaining the same meaning. An interpreter need not be physically present to provide interpreter services.

“Limited English Proficient Person” means someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak, or understand

English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate.

“Registered interpreter” means a foreign language interpreter registered pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts.

“Sign language interpreter” means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a deaf, hard of hearing, or deaf blind party, witness, juror, or spectator through the use of sign language or other manual or oral representation of a spoken language. To be listed on the statewide registry maintained by Administrative Office of the Illinois Courts, sign language interpreters must be licensed at a "Master" level with the Illinois Deaf and Hard of Hearing Commission and must meet any additional training and registration requirements pursuant to the program established by the Administrative Office of the Illinois Courts.

"Source language" means the language of the original speaker, which the interpreter interprets into a second language. The term is always relative, depending on who is speaking.

“Summarize” means to make a summary of the chief points or thoughts of the speaker, *e.g.*, summary interpretation, a non-verbatim account of the statements made by the speaker.

"Target language" means the language of the listener, into which the interpreter renders the interpretation from the source language. This term is always relative, depending on who is listening.

“Translation” means the conversion of a written text from one language into written text in another language.

“Unregistered interpreter” means a foreign language interpreter who is not certified or registered pursuant to the program established by the Administrative Office of the Illinois Courts.

## **CANON 1: ACCURACY AND COMPLETENESS**

**Interpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to the meaning of what is stated or written, and without explanation.**

### **Commentary**

The interpreter has a twofold duty:

1. To ensure that the proceedings reflect, in English, precisely what was said by a Limited English Proficient Person, and

2. To place the Limited English Proficient Person on an equal linguistic footing with those who understand English for communication purposes.

This creates an obligation to conserve every element of information contained in a source language communication when it is rendered in the target language. Each court interpreter shall interpret the exact response of the witness or speaker even if the answer to a question is nonresponsive, leaving issues of admissibility of the response to the court and counsel.

Therefore, interpreters are obligated to apply their best skills and judgment to faithfully preserve the meaning of what is said in court, including the style or register of speech. Verbatim, “word for word” or literal oral interpretations are not appropriate when they distort the meaning of what was said in the source language, but every spoken statement, even if it appears non-responsive, obscene, rambling, or incoherent should be interpreted. This includes apparent misstatements.

A court interpreter shall not summarize court proceedings at any time unless instructed to do so by the court (*e.g.*, sidebar conference, jury selection, charge to the jury).

Interpreters should never interject any statement or elaboration of their own. If the need arises to explain an interpreting problem (*e.g.* a term or phrase with no direct equivalent in the target language or a misunderstanding that only the interpreter can clarify), the interpreter should ask the court’s permission to provide an explanation. Spoken language interpreters should convey the emotional emphasis of the speaker without reenacting or mimicking the speaker’s emotions or dramatic gestures. Sign language interpreters, however, must employ all of the visual cues that the language they are interpreting for requires, including facial expressions and body language, in addition to hand gestures. Judges, therefore, should ensure that court participants do not confuse these essential elements of the interpreted language with inappropriate interpreter conduct. Any challenge to the interpreter’s conduct should be directed to the judge.

If a witness testifying in a foreign language occasionally uses a few words in English, the court interpreter shall repeat such words for the record so that a person listening to the recorded proceeding may continue following the interpreter’s voice. However, should the witness utter a full English response, the interpreter will not ask the witness to respond in his/her native language. Rather, the interpreter will stand back so that the parties are aware of the English response and await the court’s direction.

Whenever an objection is made, the court interpreter shall interpret everything that was said up to the objection and instruct the witness by hand gesture not to speak until the court has ruled on the objection.

The obligation to preserve accuracy includes the interpreter’s duty to correct any errors of interpretation discovered by the interpreter during the proceeding. Interpreters should demonstrate their professionalism by objectively analyzing any challenge to their performance.

The ethical responsibility to accurately and completely interpret includes the responsibility of being properly prepared for interpreting assignments. Interpreters are encouraged to obtain documents and other information necessary to familiarize themselves with the nature and purpose of a proceeding. Prior preparation is especially required when testimony or documents include highly specialized terminology and subject matter.

## **CANON 2: REPRESENTATION OF QUALIFICATIONS**

**Interpreters shall accurately and completely represent their certifications, training, and pertinent experience.**

### **Commentary**

Acceptance of a case by an interpreter conveys linguistic competency in legal settings. Withdrawing or being asked to withdraw from a case after it begins causes a disruption of court proceedings and is wasteful of scarce public resources. It is therefore essential that interpreters present a complete and truthful account of their training, certification, and experience prior to appointment so the officers of the court can fairly evaluate their qualifications for delivering interpreting services.

## **CANON 3: IMPARTIALITY AND AVOIDANCE OF CONFLICT OF INTEREST**

**Interpreters shall be impartial and unbiased and shall refrain from conduct that may give an appearance of bias. Interpreters shall disclose any real or perceived conflict of interest.**

### **Commentary**

The interpreter serves as an officer of the court and the interpreter's duty in a court proceeding is to serve the court and the public to which the court is a servant. This is true regardless of whether the interpreter is publicly retained at government expense or retained privately at the expense of one of the parties.

The interpreter of record should avoid any conduct or behavior that presents the appearance of favoritism toward any of the parties. Interpreters should maintain professional relationships with their clients, and should not take an active part in any of the proceedings. The interpreter should discourage a Limited English Proficient person's personal dependence on the interpreter.

During the course of the proceedings, interpreters of record should not converse with parties, witnesses, jurors, attorneys, or with friends or relatives of any party, except in the discharge of their official functions. Official functions may include an informal pre-appearance assessment to include the following:

1. Culturally appropriate introductions;

2. A determination of variety, mode, or level of communication;
3. A determination of potential conflicts of interest; and
4. A description of the interpreter's role and function.

The interpreter should strive for professional detachment. Verbal and non-verbal displays of personal attitudes, prejudices, emotions, or opinions should be avoided at all times.

Any condition that interferes with the objectivity of an interpreter constitutes a conflict of interest and must be disclosed to the judge. The interpreter should only divulge necessary information when disclosing the conflict of interest. The following are circumstances that create potential conflicts of interest that must be disclosed:

1. The interpreter is a friend, associate, witness or relative of a party or counsel for a party involved in the proceedings;
2. The interpreter or the interpreter's friend, associate, or relative has a financial interest in the subject matter in controversy, a financial interest in a party to the proceeding, or any other interest that would be affected by the outcome of the case;
3. The interpreter has served in an investigative capacity for any party involved in the case at issue;
4. The interpreter has previously been retained by a law enforcement agency to assist in the preparation of the criminal case at issue;
5. The interpreter has been involved in the choice of counsel or law firm for that case at issue;
6. The interpreter is an attorney in the case at issue;
7. The interpreter has previously been retained for private employment by one of the parties to interpret in the case at issue; or
8. For any other reason, the interpreter's independence of judgment would be compromised in the course of providing services.

The existence of any one of the above-mentioned circumstances does not alone disqualify an interpreter from providing services as long as the interpreter is able to render services objectively. Despite the existence of an actual or perceived conflict of interest, an interpreter may serve if the judge and all parties consent to the interpreter's appointment. If an actual or apparent conflict of interest exists, the interpreter may, without explanation to any of the parties or the judge, decline to provide services.

Should an interpreter become aware that a Limited English Proficient Person views the interpreter as having a bias or being biased, the interpreter should disclose that knowledge to the judge.

#### **CANON 4: PROFESSIONAL DEMEANOR**

**Interpreters shall conduct themselves in a manner consistent with the dignity of the court.**

##### **Commentary**

Interpreters should know and observe the established protocol, rules, and procedures for delivering interpreting services. When speaking in English, interpreters should speak at a rate and volume that enables them to be heard and understood throughout the courtroom. If an interpreter is not actively interpreting, the interpreter should not engage in any distracting activity in the courtroom such as reading newspapers or magazines or engaging in conduct that may call inappropriate attention to the interpreter. Interpreters should dress in a manner that is consistent with the dignity of the proceedings of the court.

Interpreters should avoid obstructing the view of any of the individuals involved in the proceedings, but should be appropriately positioned to facilitate communication. Interpreters who use sign language or other visual modes of communication must, however, be positioned so that signs, facial expressions, and whole body movements are visible to the person for whom they are interpreting.

Interpreters are encouraged to avoid personal or professional conduct which could discredit the court. Interpreters are prohibited from soliciting business or making legal, medical, or other referrals at any time on court premises, or to any party for whom the interpreter has provided services during a court proceeding.

#### **CANON 5: CONFIDENTIALITY**

**An interpreter must not disclose confidential communications privileged by state or federal law and other confidential information to any person.**

##### **Commentary**

Interpreters must protect and uphold the confidentiality of all privileged information obtained during the course of their duties. It is especially important that the interpreter understand and uphold the attorney-client privilege that requires confidentiality with respect to any communication between attorney and client. This rule also applies to other types of privileged communications.



Interpreters must also refrain from repeating or disclosing information obtained by them in the course of their employment that may be relevant to the legal proceeding.

In the event that an interpreter becomes aware of information that indicates probable imminent harm to someone or relates to a crime being committed during the course of the proceedings, the interpreter should immediately disclose the information to the presiding judge. If the judge is not available, the interpreter should disclose the information to an appropriate authority in the judiciary.

## **CANON 6: RESTRICTION OF PUBLIC COMMENT**

**Interpreters shall not publicly discuss, report, or offer an opinion concerning a matter in which they are or have been engaged, even when that information is not privileged or required by law to be confidential, except to facilitate training and education.**

### **Commentary**

Generally, interpreters should not discuss, outside of the interpreter's official duties, interpreter assignments, persons involved, or the facts of the case. However, interpreters may share information for training and educational purposes. Interpreters should only share as much information as is required to accomplish such purposes. An interpreter must not reveal privileged or confidential information.

## **CANON 7: SCOPE OF PRACTICE**

**Interpreters shall limit themselves to interpreting or translating and shall not give legal advice, express personal opinions to individuals for whom they are interpreting, or engage in any other activities which may be construed to constitute a service other than interpreting or translating while serving as an interpreter.**

### **Commentary**

Since interpreters are responsible only for enabling others to communicate, they should limit themselves to the activity of interpreting or translating only, including official functions as described in the commentary to Canon 3. Interpreters, however, may be required to initiate communications during a proceeding when they find it necessary to seek direction from the court in performing their duties. Examples of such circumstances include seeking direction from the court when unable to understand or express a word or thought, requesting speakers to moderate their rate of communication or repeat or rephrase something, correcting their own interpreting errors, or notifying the court of reservations about their ability to satisfy an assignment competently. In such instances, they should make it clear that they are speaking for themselves.

An interpreter may interpret legal advice from an attorney to a person only while that attorney is giving it. An interpreter should not explain the purpose or contents of forms, services, or otherwise act as counselor or advisor unless he or she is interpreting for someone

who is acting in that official capacity. The interpreter may translate language on a form for a person who is filling out the form but should not explain the form or its purpose for such a person.

While engaged in the function of interpreting, interpreters should not personally perform official acts that are the official responsibility of other court officials including, but not limited to, court clerks, pretrial release investigators or interviewers, or probation counselors.

## **CANON 8: ASSESSING AND REPORTING IMPEDIMENTS TO PERFORMANCE**

**Interpreters shall assess at all times their ability to deliver their services. When interpreters have any reservation about their ability to satisfy an assignment competently, they shall immediately convey that reservation to the appropriate judicial authority.**

### **Commentary**

If the communication mode or language variety of the Limited English Proficient Person cannot be readily interpreted, the interpreter should notify the appropriate judicial authority, which includes a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters.

Whenever there is a word, phrase, or concept that the court interpreter does not understand, the interpreter shall so inform the court so that, at its discretion, it may order an explanation, rephrasing, or repetition of the statement. The interpreter may request time to look up an unfamiliar word in a dictionary.

Whenever the court or counsel uses a word, phrase, or concept which the court interpreter finds may confuse the Limited English Proficient Person, particularly when a concept has no cultural equivalent in the Limited English Proficient Person's language or when it may prove ambiguous in translation, the interpreter shall so inform the court.

Interpreters should notify the appropriate judicial authority of any environmental or physical limitation that impedes or hinders their ability to deliver interpreting services adequately, *e.g.*, the courtroom is not quiet enough for the interpreter to hear or be heard by the Limited English Proficient Person, more than one person at a time is speaking, or someone is speaking at a rate of speed that is too rapid for the interpreter to adequately interpret. Sign language interpreters must ensure that they can both see and convey the full range of visual language elements that are necessary for communication, including facial expressions and body movement, as well as hand gestures.

Interpreters should notify the judge of the need to take periodic breaks in order to maintain mental and physical alertness and prevent interpreter fatigue. Interpreters should recommend and encourage the use of team interpreting whenever necessary.

Interpreters are encouraged to make inquiries as to the nature of a case whenever possible before accepting an assignment. This enables interpreters to match more closely their

professional qualifications, skills, and experience to potential assignments and more accurately assess their ability to satisfy competently those assignments.

Even competent and experienced interpreters may encounter situations where routine proceedings suddenly involve technical or specialized terminology unfamiliar to the interpreter, *e.g.*, the unscheduled testimony of an expert witness. When such situations occur, interpreters should request a brief recess in order to familiarize themselves with the subject matter. If familiarity with the terminology requires extensive time or more intensive research, interpreters should inform the judge.

Interpreters should refrain from accepting a case if they feel the language and subject matter of that case is likely to exceed their skills or capacities. Interpreters should notify the judge if they feel unable to perform competently, due to lack of familiarity with terminology, preparation, or difficulty in understanding a witness or defendant.

Whenever a court interpreter discovers his/her own error, the interpreter shall, if still at the witness stand, correct the error at once after first identifying himself or herself for the record. If the error is perceived after testimony has been completed, the court interpreter shall request a bench or sidebar conference with judge and counsel, explain the problem, and make the correction on the record.

Whenever an alleged error is perceived by someone other than the court interpreter, that person should, if testimony is still being taken from the stand, bring the allegation to the attention of the court. If the error occurs in a jury trial, the allegation should not be brought to the attention of the jury. A sidebar should be requested so that the matter may be brought to the attention of the court. At that time the court will determine first whether the issue surrounding the allegedly inaccurate interpretation is substantial enough to warrant correction. If the court agrees that the error could be prejudicial, then the court shall hear evidence as to what the correct interpretation should be from information submitted by both counsel, from the court interpreter, and from any other experts selected by the judge. The judge shall make a final determination in view of the evidence as to the correct interpretation. If the determination is different from the original interpretation, then the court shall amend the record accordingly and so instruct the jury, if necessary.

## **CANON 9: DUTY TO REPORT ETHICAL VIOLATIONS**

**Interpreters shall report to the proper judicial authority any effort to impede their compliance with any law, any provision of this code, or any other official policy governing court interpreting and translating.**

### **Commentary**

Because interpreting service users frequently misunderstand the proper role of the interpreter, they may ask or expect the interpreter to perform duties or engage in activities that run counter to the provisions of this code or other law, rules, regulations, or policies governing

court interpreters. It is incumbent upon the interpreter to explain his or her professional obligations to the user. If, having been apprised of these obligations, the person persists in demanding that the interpreter violate them, the interpreter should turn to a supervisory interpreter, a judge, or another official with jurisdiction over interpreter matters to resolve the situation.

## **CANON 10: PROFESSIONAL DEVELOPMENT**

**Interpreters shall continually strive to improve their skills and knowledge and advance the profession through activities such as professional training and education, as well as interaction with colleagues and specialists in related fields.**

### **Commentary**

Interpreters must continually strive to improve their interpreting skills and increase their cultural fluency and knowledge of the languages they work in professionally, including past and current trends in technical terminology and social and regional dialects and their applicability within court proceedings.

Interpreters should keep informed of all statutes, rules of court, and policies of the judiciary that govern the performance of their professional duties.

An interpreter should seek to elevate the standards of the profession through participation in workshops, professional meetings, interaction with colleagues, and reading current literature in the field.

### **Direct Inquiries To:**

**Administrative Office of the Illinois Courts  
Civil Justice Division  
Language Access Services Specialist, Sophia Akbar  
222 N. LaSalle Street, 13<sup>th</sup> Floor  
Chicago, IL 60601  
Phone (312) 793-2013  
Fax (312) 793-1335  
Email: [sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov)**

**INSTRUCTIONS FOR COMPLETION OF THE INVOICE VOUCHER FOR  
REIMBURSEMENT OF COSTS FOR AOIC REGISTRY INTERPRETERS**  
Form AOIC-CJDIVCIR

These instructions are intended to assist you in preparing the invoice voucher for partial reimbursement of costs associated with using a sign language interpreter, certified, qualified, or registered foreign language interpreter listed on the Administrative Office of the Illinois Courts' Interpreter Registry ("AOIC Registry Interpreters"). The AOIC will reimburse all costs associated with the use of certified and qualified interpreters listed on the AOIC Registry AND certified and qualified interpreters from other states, whether used in person or remotely over phone or video. Interpreters from other states are considered certified if they have met the same testing requirements for certification in Illinois (passage of the written exam at 80% and passage of the oral exam at 70%). Interpreters from other states are considered qualified if they have met the same testing requirements for qualified status in Illinois (passage of the written exam at 80% and highest score on an oral proficiency interview). The AOIC will offer partial reimbursement for the use of registered interpreters listed on the AOIC Registry at a rate of \$30/hour. Interpreters must have met certain requirements to be listed on the AOIC Registry. The Registry and program requirements can be found at:

<http://www.illinoiscourts.gov/CivilJustice/LanguageAccess/default.asp>

**PLEASE NOTE: Circuit courts can receive reimbursement of costs ONLY for AOIC Registry Interpreters and certified interpreters from other states. Also, costs associated with using full-time or part-time staff interpreters employed by the circuit court do NOT qualify for reimbursement, even if the interpreter is listed on the AOIC Registry.**

To help you complete the invoice voucher, please see instructions listed below.

**Box 1. General Instructions.** Please read the general instructions in this box for preparing the voucher and distributing the original signed voucher and copies.

**Box 2. County Information (optional).** Each county has the discretion to use the space provided in this box if they wish to keep track of the following: the month and year of the invoice voucher, the applicable county and applicable department.

**Box 3. County Information (required).**

- a. Enter the county's taxpayer identification (FEIN) number.
- b. Enter the county treasurer's name.
- c. Enter the county treasurer's address. **The reimbursement will be mailed to this address.**

**Box 4. AOIC use only.** Please leave blank.

**Box 5. Description of Claim.**

- a. **Date of Service.** Enter the date for the services listed on this voucher. Please note the date must be within the State's fiscal year (July 1- June 30). Please do not list the same interpreter for the same date on multiple lines. Please list the total amount that was paid to the interpreter for that date of service on one line.

- b. **Interpreter Name.** Enter the name of the interpreter that provided services on the date you indicated. Please do not list the same interpreter for the same date on multiple lines. Please list the total amount that was paid to the interpreter for that date of service on one line.
- c. **Interpreter ID.** Enter the interpreter's AOIC Registry identification number. Each interpreter listed on the AOIC Registry has a unique 4-digit identification number. If you have used a certified interpreter from another state, please write the state in this column (*e.g.*, Wisconsin). **Please note that costs associated with non-certified interpreters not listed on the AOIC Registry will not be reimbursed. Also, costs associated with using full-time or part-time staff interpreters employed by the circuit court will not be reimbursed, even if the interpreter is listed on the AOIC Registry.**
- d. **Interpreter Type.** Select the interpreter type from the dropdown menu.
  - 1. Select "Certified/ASL" for:
    - i. Certified foreign language interpreters,
    - ii. Qualified foreign language interpreters,
    - iii. Sign language interpreters listed on the AOIC Registry, or
    - iv. Interpreters that have met the same requirements for the above certification categories in other states.
  - 2. Select "Registered" for registered foreign language interpreters listed on the AOIC Registry.
- e. **Language.** Enter the language for which the interpreter provided services.
- f. **Total Charges Paid by County.** Enter the total amount of compensation that the county provided to the interpreter, inclusive of fees, per diem, mileage and travel time, if applicable.
- g. **Total Interpreter Services.** Enter the total amount of minutes for which the interpreter was compensated by the county. For example, if an interpreter charged a two-hour minimum, you would enter 120 in this column, even if the interpreter only provided services for 30 minutes.
- h. **Total AOIC Reimbursement.** Once the interpreter type is selected and the total charges paid by the county are entered, the total amount of reimbursement is automatically generated in this field. The AOIC will reimburse all costs associated with the use of certified interpreters and sign language interpreters listed on the AOIC Registry, and for certified interpreters from other states. The AOIC will reimburse \$30/hour (\$0.50/minute) for registered interpreters on the AOIC Registry. This field is locked and cannot be changed.
- i. **Voucher Total.** The total amount of reimbursement from each date of service entered will be automatically totaled and generated in this field. This field is locked and cannot be changed.

**Box 6. County Treasurer's Certification and Chief Circuit Judge's Approval.** In the first space, enter the treasurer's name. In the second space, enter the county name. The county treasurer or their designee should sign and date the invoice voucher on the first signature and date line. The Chief Judge or their designee should sign and date the invoice voucher on the second signature and date line.

Before acquiring signatures, please forward the excel version of the voucher to [sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov) for data collection purposes.

Once the invoice voucher is completed with signatures, please retain a copy for your records and forward the original invoice voucher to the AOIC Language Access Services Specialist via:

- Email at [sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov) OR
- Fax the voucher to 312-793-1335, Attn: Sophia Akbar OR
- Mail the voucher to Administrative Office of the Illinois Courts, Language Access Services Specialist, 222 N. LaSalle St., 13th floor, Chicago, IL 60601

Please also provide copies of the vouchers to the offices of the Chief Judge & County Treasurer or their designees.

Invoice Voucher for Court Interpreter Reimbursement							
NOTICE: All vouchers must be submitted prior to the 15th of each month for services rendered during the preceding month.							
<b>Box 1. General Instructions</b> a. Prepare the invoice voucher in accordance with the procedures set forth by the Administrative Office of the Illinois Courts and save the file. b. Print the invoice voucher and secure signatures from the Chief Judge and County Treasurer or their designees. c. Distribute the original invoice voucher and copies: <b>Original:</b> Email or fax signed vouchers to the AOIC Language Access Services Specialist at sakbar@illinoiscourts.gov or 312-793-1335 OR mail to Administrative Office of the Illinois Courts, Language Access Services Specialist, 222 N. LaSalle St., 13th floor, Chicago, IL 60601. <b>Copies:</b> Provide copies of the vouchers to the offices of the Chief Judge & County Treasurer.							
<b>Box 2. County Information (optional)</b>		<b>Box 3. County Information (required)</b>		<b>Box 4. AOIC USE ONLY</b>			
<b>a. Claim Information</b>		<b>a. County FEIN</b>		<b>a. Control Number</b>			
<b>Month</b>		22-2222222					
<b>Year</b>		<b>b. County Treasurer Name</b>		<b>b. DOC Code</b>		<b>SUBA</b>	<b>SUBSUBA</b>
				4453		FLCR	
<b>County</b>		<b>c. Address</b>		<b>c. Appropriation Number</b>			
				001-20101-1900-9900			
<b>Department</b>		<b>City</b>		<b>d. AOIC Certification</b>			
				I certify that the services specified on this voucher were for the use of the Judicial Branch and that the expenditure for such services was authorized and lawfully incurred; that such services meet all the required standards set forth by the Administrative Office of the Illinois Courts Language Access Program to which this voucher relates; and that the amount shown on this voucher is correct and approved for payment.			
		<b>Zip Code</b>		<b>By Date</b>			
<b>Box 5. Description of Claim</b>							
<b>a. Date of Service</b>	<b>b. Interpreter Name</b>	<b>c. Interpreter ID</b>	<b>d. Interpreter Type</b>	<b>e. Language</b>	<b>f. Total Charges Paid by County</b>	<b>g. Total Interp. Services</b>	<b>i. Total AOIC Reimbursement</b>
							\$ -
							\$ -
							\$ -
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<b>j. VOUCHER TOTAL</b>						<b>\$</b>	<b>\$ -</b>
<b>Box 6. County Treasurer's Certification and Chief Circuit Judge's Approval</b>							
"I, _____, Treasurer, of the County of _____, do hereby certify that the information herein is correct and that the services were performed, said services were paid, and such payment is eligible for reimbursement by the Administrative Office of the Illinois Courts."							
County Treasurer's Signature _____				Date _____			
Chief Circuit Judge's Signature _____				Circuit _____ Date _____			



## Language Line for Telephonic Interpreting Services

Language Line is a national company that provides telephonic interpreting services using on-demand interpreters for over 200 languages. The Administrative Office of the Illinois Courts (AOIC) has discovered a cooperative of states and other governmental entities that have negotiated a reduced rate for Language Line services at \$0.98/minute for all languages. You can find out more about the cooperative, called the Western States Contracting Alliance (WSCA), here: <http://www.aboutwsca.org/content.cfm/id/WSCA?CFID=13899430&CFTOKEN=510203342c867650-608D3872-1F29-3240-2980F974C26A07DC>. The WSCA contract would allow any circuit county court, regardless of whether you have a current contract with Language Line, to set up a new client ID and receive the reduced rate of \$0.98/minute. This is the rate for all languages, and there will be no monthly fees or minimum usage requirements. Counties will be billed according to their actual minutes of usage per month.

The AOIC has established a contact at Language Line, Seth McGowan, who will be the Language Line representative for Illinois courts and will assist those that are interested in the reduced rate under the WSCA contract. For counties in Illinois that currently pay more than \$0.98/minute (such as the pay-as-you-go rate of \$3.95/minute) or have \$50 monthly fees, participating in the WSCA contract would be a cost savings. Seth McGowan, our Language Line representative, will have the authority to replace your current contract with the WSCA contract. For counties that do not currently use Language Line, setting up an account under the WSCA contract would make the service available to your courts if the need arises in the future, and there is no cost to you in setting up the service. Furthermore, you will receive training materials and support from Language Line.

This service can also be used for non-court proceedings and probation settings, and help desk functions or other points of public contact in the courthouse. Currently, about one-third of Illinois courts use telephonic interpreting services to communicate continuances, conduct bond hearings and other short routine hearings, and assist with communication at information desks and other public points of contact. Other offices that bill to the county can also benefit from this service, such as Sherriff's offices.

**To begin this process, contact Seth McGowan at Language Line directly at 831-648-7561 or [smcgowan@languageline.com](mailto:smcgowan@languageline.com).**

*Please note: The quality of the interpretation is of paramount importance and should never be compromised. While telephonic interpreting is not generally a substitute for an on-site interpreter, in certain situations, if the effectiveness of the communication is in no way compromised and certain controls are in place, it can be a viable first choice. Due to the limited legal interpreting training that Language Line interpreters receive and the inherent limitations of using a telephonic interpreter, it is suggested that its use be limited to simple, non-complex communications. Telephonic interpreting cannot supplant live interpreters for longer hearings or trials.*

The AOIC hopes that the reduced rate will assist the courts in providing language assistance in our courts and courthouses.

Sincerely,

**Sophia N. Akbar**

Language Access Services Specialist  
Administrative Office of the Illinois Courts  
222 N. LaSalle Street, 13th Floor  
Chicago, Illinois 60601  
(312) 793-2013 (phone)  
(312) 793-0740 (fax)  
[sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov)

**Alison Spanner**

Assistant Director of the Civil Justice Division  
Administrative Office of the Illinois Courts  
222 North LaSalle Street, 13th Floor  
Chicago, IL 60601  
[aspanner@illinoiscourts.gov](mailto:aspanner@illinoiscourts.gov)



# ILLINOIS JUDICIAL BRANCH

## Court Personnel Information Card on Limited English Proficient Individuals

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### How Do I Determine Whether a Person should have an Interpreter Appointed?

According to the Illinois Supreme Court Language Access Policy (effective Oct. 1, 2014), the court should provide an interpreter for any Limited English Proficient (LEP) Person who is involved in a legal proceeding as a party or witness. "LEP Person" means someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak or understand English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate in a legal proceeding. "Legal proceeding" means any court proceeding (civil or criminal) and any mandatory court-annexed proceeding, such as court-annexed mediation or mandatory arbitration under Illinois Supreme Court Rules.

#### Four Steps for Securing Language Assistance:

##### **Step 1: Determining language spoken**

If you need to determine the language spoken by an individual, you may refer to the Language Identification Flashcard or "I speak" card developed by the U.S Census at <http://www.lep.gov/ISpeakCards2004.pdf>. The individual can check or point to the box that indicates which language he or she speaks. Once the language has been identified, a court interpreter can be appointed if necessary.

##### **Step 2: Communicating with LEPs outside of a legal proceeding**

If you need to communicate with an LEP person at the clerk's counter or elsewhere in the courthouse outside of the courtroom, the following options are available to you to help facilitate communication: 1) bilingual staff in the courthouse, 2) the LEP person's bilingual advocate, family member or friend, or 3) remote interpreting services, such as Language Line. Please contact the Office of the Chief Judge in your circuit for dial-in information, or request that the service be installed (Language Line can be installed at no cost).

##### **Step 3: Appointing an interpreter for a proceeding**

Appointing an interpreter is a matter of judicial discretion. According to the Supreme Court Language Access Policy:

- (1) Courts must make reasonable efforts to appoint a "certified" foreign language interpreter from the AOIC Interpreter Registry. Certified interpreters have passed all exams and have met all credentialing requirements.\*
- (2) If none is available, the court must appoint a "registered" interpreter from the Registry.

Registered interpreters have passed the written exam only and have not been assessed for foreign language proficiency or interpreting skills.\*

- (3) If none is available from the Registry, the court may appoint an "unregistered" interpreter and must examine the interpreter in open court to ensure minimum qualifications and impartiality. *Illinois Supreme Court Language Access Policy*, effective Oct. 1, 2014.

**Note:** When an unqualified or inexperienced court interpreter is used, there is a high possibility of misinterpretation or unethical behavior that can directly affect the outcome of a case.

A court shall use reasonable efforts to avoid appointing the following types of individuals as an interpreter:

- 1) An individual compensated by a business owned or controlled by a party or witness; 2) A friend or family or household member of a party or witness; 3) A potential witness; 4) Court personnel employed for a purpose other than interpreter; 5) A law enforcement officer or probation department personnel; 6) An individual with a pecuniary or other interest in the outcome of a case; or 7) Any other individual that does or may have a real or perceived conflict of interest.

##### **Step 4: Locating a certified or registered interpreter**

The Administrative Office of the Illinois Courts (AOIC) website maintains a statewide registry of certified and registered interpreters at [publicapps.illinoiscourts.gov](http://publicapps.illinoiscourts.gov). The registry is arranged alphabetically by language. If no interpreter is listed on the registry for the language you need, please contact the AOIC Language Access Services Specialist, Sophia Akbar, at 312-793-2013 or [sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov).

### Sample Interpreter Qualification Questions:

- Are you certified? If you are not certified, are you on the AOIC Interpreter Registry?
- What is your experience interpreting in court? Have you completed any training to qualify you as an interpreter?
- Do you understand that as an interpreter you must interpret everything, and that you may not summarize the testimony or other proceedings?
- Do you have any experience in simultaneous interpreting? Do you have any experience in consecutive interpreting?
- Is your dialect compatible with Mr./Ms. \_\_\_\_\_?
- Are there any cultural or community concerns between you and Mr./Ms. \_\_\_\_\_ that the court should be aware of?
- Have you ever interpreted for any of the people involved in this case?
- Are you able to remain fair and impartial?

### Courts Are Required to Provide / Pay for Interpreter?

*Circuit county courts are responsible for the arrangement and compensation of interpreters.*

**Courts are required to appoint an interpreter in criminal proceedings** for limited English proficient defendants in misdemeanor and felony cases via a written order. Criminal Proceeding Interpreter Act, 725 ILCS 140.

**Court is required to appoint an interpreter in civil proceedings** for LEP parties and witnesses via a written order. Code of Civil Procedure, 735 ILCS 5/8-1403.

**Courts are required to provide a qualified sign language interpreter** for deaf persons who are involved in any legal proceeding as a litigant, witness, victim, juror, or spectator. Code of Civil Procedure, 735 ILCS 5/8-1402.

**Courts should appoint an interpreter for any legal proceeding**, including criminal, traffic and civil cases, and any court-annexed proceeding such as mediation or arbitration, for parties or witnesses.\*  
*Illinois Supreme Court Language Access Policy, effective Oct. 1, 2014.*

\*Recognizing the limited resources for language access, funding priority should be given to providing interpreter services without charge to low and moderate income persons.

### Tips for Communicating Through Interpreters:

- Speak loudly and clearly and speak one at a time.
- Allow the interpreter to converse briefly with the non-English speaker to ensure understanding of accents, dialect or pronunciation differences.
- Speak directly to the non-English speaking person.
- Don't ask the interpreter to independently explain/restate anything said by the party.
- The interpreter must convey all questions, answers and courtroom dialogue, and therefore, is constantly working. Advise the interpreter to notify the court when breaks are needed.
- Suggest that the interpreter ask the court's permission to review the court file prior to the hearing, to become familiar with names, dates and technical vocabulary.
- Monitor the interpreter so that side conversations aren't held with the non-English speaking person.
- Recognize that court proceedings can be confusing and intimidating for a non-English speaker since other countries' legal systems and concepts often vary from those of the U.S.

**If the court expects the hearing or trial to last for several hours or days, the court may wish to appoint two interpreters.** Due to the level of concentration required to accurately conduct a simultaneous interpretation, interpreters require frequent breaks. If the court appoints two interpreters, they can conduct a continuous interpretation by alternating, thereby allowing the court to conduct the proceedings without unnecessary delays or interruptions.

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For Additional Assistance, please contact:

*Administrative Office of the Illinois Courts  
Civil Justice Division  
Sophia Akbar  
Language Access Services Specialist  
312-793-2013  
[sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov)*



## Need an interpreter?

If you don't speak English well, the Court may be able to give you an interpreter.

Ask the clerk in Room \_\_\_\_\_

### ¿Necesita intérprete?

Si no habla bien el inglés, es posible que la Corte le pueda dar un intérprete.

Hable con el secretario en la sala \_\_\_\_\_

### Potrzebujesz tłumacza?

Jeśli nie mówisz dobrze po angielsku, sąd może udzielić ci tłumacza.

Proszę zapytać o to sekretarza w sali \_\_\_\_\_

### Вам нужен переводчик?

Если вы плохо говорите по-английски, что суд сможет предоставить вам переводчика.

Обратитесь по этому вопросу в кабинет \_\_\_\_\_ к секретарю.

### هل تحتاج إلى مترجم فوري؟

إذا كنت لا تتحدث الإنجليزية بشكل جيد، فقد يمكن للمحكمة أن توفر لك مترجم فوري.

استفسر من الموظف في غرفة \_\_\_\_\_

### 需要口譯員嗎？

如果您的英語講得不好，法院可能為您提供口譯員服務。

請向 \_\_\_\_\_ 室的書記官洽詢。

### 통역사가 필요하십니까?

영어를 잘 못하시면 법원이 통역사를 제공할 수도 있습니다.

\_\_\_\_\_ 호실의 서기에게 문의하십시오.

Interpreter Services

You may have the right to a court-appointed interpreter in a court case. Please ask court staff.

<div><div><div>Spanish</div><div>Español</div><div>Puede tener derecho a un intérprete nombrado por la corte en un caso judicial. Pregúntele al personal de la corte.</div></div></div>	<div><div><div>Hindi</div><div>हिंदी</div><div>आपको अदालती मामले में अदालत द्वारा नियुक्त दुभाषिण का अधिकार हो सकता है। कृपया अदालत के स्टाफ से पूछें।</div></div></div>	<div><div><div>Punjabi</div><div>ਪੰਜਾਬੀ</div><div>ਤੁਹਾਨੂੰ ਕੋਰਟ ਦੇ ਕੇਸ ਵਿਚ ਕੋਰਟ ਵਲੋਂ ਦਿੱਤੇ ਜਾਣ ਵਾਲੇ ਦੋਭਾਸ਼ੀਏ ਦਾ ਹੱਕ ਹੋ ਸਕਦਾ ਹੈ। ਕਿਰਪਾ ਕਰਕੇ ਕੋਰਟ ਦੇ ਸਟਾਫ ਤੋਂ ਪੁੱਛੋ।</div></div></div>
<div><div><div>Arabic</div><div>العربية</div><div>قد يحق لك أن تحصل على مترجم فوري معين من قبل المحكمة في قضية مرفوعة أمام المحكمة. برجاء الاستفسار من أحد موظفي المحكمة.</div></div></div>	<div><div><div>Indonesian</div><div>Bahasa Indonesia</div><div>Anda mungkin berhak mendapat penerjemah yang ditunjuk pengadilan saat di pengadilan. Tanyakanlah pada petugas pengadilan.</div></div></div>	<div><div><div>Romanian</div><div>Română</div><div>Într-un caz judiciar, puteţi avea dreptul la un interpret numit de tribunal. Vă rugăm întrebaţi personalul tribunalului.</div></div></div>
<div><div><div>Armenian</div><div>Հայերեն</div><div>Դատական գործի ընթացքում դուք կարող եք դատարանի կողմից նշանակված թարգմանչի իրավունք ունենալ: Խնդրվում է դիմել դատարանի աշխատակազմին:</div></div></div>	<div><div><div>Italian</div><div>Italiano</div><div>In un caso giudiziario si può avere diritto a un interprete nominato dal Tribunale. Chiedere al personale del Tribunale.</div></div></div>	<div><div><div>Russian</div><div>Русский</div><div>Возможно, у Вас есть право на услуги назначенного судом переводчика при рассмотрении Вашего дела в суде. Обратитесь за разъяснениями к сотрудникам суда.</div></div></div>
<div><div><div>Bulgarian</div><div>Български</div><div>При разглеждането на съдебно дело е възможно да имате право на предоставен от съда преводач. Моля, обърнете се към съдебния персонал.</div></div></div>	<div><div><div>Japanese</div><div>日本語</div><div>あなたは裁判において裁判所任命の通訳者を利用する権利があります。裁判所係員に依頼してください。</div></div></div>	<div><div><div>Serbo-Croatian</div><div>Srpsko-hrvatski</div><div>Možda imate pravo na jezičkog tumača koga odredi sud za vaš sudski predmet. Raspitajte se kod osoblja suda o tome.</div></div></div>
<div><div><div>Burmese</div><div>မန်မာ</div><div>တရားရုံးအစီတစ်ရပ်အတ ကံ တရားရုံးမ ခန့်ခြွပ်ပေးသော စကား ပန်တစ်ဦးရပိုင်ခ င် သင့်တ င်ရပိုင်လ သည်။ တရားရုံးမ ဝန်ထမ်းမ ဘေးအား မေးလ ။</div></div></div>	<div><div><div>Karen</div><div>ကညီ</div><div>ဘဉ်သုဉ်သုဉ် နကအိဉ်ဒီးတၢ်ခွဲးတၢ်ယၢ်လၢ နကမၤန့ၢ် ပုၤကျိးထံတၢ်လၢ ကိၢ်ဘျီဉ်ဟံလိၤန့ၢ်န့ၤမဲ နထီဉ်ကိၢ်ဘျီဉ် အခါလိၤ. ဝံသးစူးသံကွၢ် ကိၢ်ဘျီဉ်ပုၤမၤတၢ်ဖိတက့ၢ်.</div></div></div>	<div><div><div>Somali</div><div>Soomaali</div><div>Waxa aad xaq u leedahay turjubaan maxkamaddu magacawday marka uu jiro kiis maxkamad. Fadlan weydii shaqaalaha maxkamadda.</div></div></div>
<div><div><div>Chinese</div><div>漢語</div><div>您可能有權在訴訟案例中獲得法院任命口譯員服務。請向法院工作人員洽詢。</div></div></div>	<div><div><div>Korean</div><div>한국어</div><div>여러분은 법정 소송 사건에서 법원이 지명한 통역사를 사용할 권리가 있을 수도 있습니다. 법원 직원에게 문의해 주십시오.</div></div></div>	<div><div><div>Swahili</div><div>Kiswahili</div><div>Unaweza kuwa na haki ya mkalimani kutoka korti kwenye kesi mahakamani. Tafadhali waulize wafanyakazi wa mahakama.</div></div></div>
<div><div><div>Czech</div><div>Čeština</div><div>Při jednání soudu můžete mít právo na tlumočnicka jmenovaného soudem. Zeptejte se prosím zaměstnanců soudu.</div></div></div>	<div><div><div>Laotian</div><div>ລາວ</div><div>ທ່ານອາດມີສິດຂໍໃຫ້ມີນາຍພາສາຊຶ່ງສານເປັນຜູ້ແຕ່ງຕັ້ງ ໃຫ້ ເພື່ອຊ່ວຍໃນຄະດີ. ກະຣຸນາຖາມພະນັກງານປະຈຳສານ.</div></div></div>	<div><div><div>Tagalog</div><div>Tagalog</div><div>Ikaw ay maaaring may karapatan sa isang itinalaga-ng-hukuman na interpreter o pasalitang nagsasalin ng wika sa kasong nasa hukuman. Mangtanong lang sa mga tauhan ng hukuman.</div></div></div>
<div><div><div>French (European)</div><div>Français (européen)</div><div>Vous avez éventuellement droit à un interprète désigné par le tribunal lors des audiences. Veuillez vous adresser au personnel du tribunal.</div></div></div>	<div><div><div>Mongolian</div><div>Монгол</div><div>Та шүүхээр орж байгаа бол шүүхээс орчуулагч томилуулж авах эрхтэй. Шүүхийн ажилтнаас асууна уу.</div></div></div>	<div><div><div>Thai</div><div>ไทย</div><div>ท่านอาจมีสิทธิขอล่ามซึ่งศาลเป็นผู้แต่งตั้งเพื่อช่วยในคดี กรุณาสอบถามพนักงานประจำศาล</div></div></div>
<div><div><div>German</div><div>Deutsch</div><div>Sie haben bei einer Verhandlung möglicherweise das Recht auf einen gerichtlich vereidigten Dolmetscher. Wenden Sie sich diesbezüglich bitte an die Mitarbeiter des Gerichts.</div></div></div>	<div><div><div>Nepali</div><div>नेपाली</div><div>अदालतमा परेको मुद्दाका लागि अदालतबाट नियुक्त दोभाषे पाउने अधिकार तपाईंलाई हुन सक्ने छ । कृपया अदालतका कर्मचारीहरुलाई सोको लागि सोध्नुहोस् ।</div></div></div>	<div><div><div>Urdu</div><div>اردو</div><div>یہ آپکا حق ہے کہ ایک عدالتی مقدمے میں آپکو عدالت کی طرف سے تعینات کیا گیا ایک ترجمان ملے۔ برائے مہربانی عدالت کے عملے سے پوچھئے۔</div></div></div>
<div><div><div>Greek</div><div>Ελληνικά</div><div>Μπορεί να έχετε το δικαίωμα να διορίσει το δικαστήριο διερμηνέα στη δικαστική σας υπόθεση. Παρακαλώ ρωτήστε τη γραμματεία του δικαστηρίου.</div></div></div>	<div><div><div>Persian (Farsi)</div><div>فارسی</div><div>شما این حق را دارید تا در پرونده قضایی از یک مترجم منصوب دادگاه استفاده نمایید. لطفا از کارکنان دادگاه در این مورد پرسید.</div></div></div>	<div><div><div>Vietnamese</div><div>Việt Ngữ</div><div>Quý vị có thể có quyền được tòa cung cấp thông dịch viên trong một vụ tòa xử. Xin hỏi nhân viên tòa án.</div></div></div>
<div><div><div>Gujarati</div><div>ગુજરાતી</div><div>કોઈ કેસમાં કોઈ નિયુક્ત દુભાષીયો (ઇન્ટરપ્રીટર) નિયુક્ત કરવાનો તમને હક્ક હોઇ શકે છે. મહેરબાની કરીને કોઈ સ્ટાફને પુછો.</div></div></div>	<div><div><div>Polish</div><div>Polski</div><div>Możesz mieć prawo do wyznaczonego przez sąd tłumacza w swojej sprawie. Należy poprosić o to personel sądu.</div></div></div>	<div><div><div>Yoruba</div><div>Yorùbá</div><div>O leè ni ètò yì sí ògbufò tí ilé-ẹjọ́ yán kan ni igba ibawijò kan ni ile-ẹjọ. Ọwọ́ bere lẹwọ awọn ọṣiṣẹ ilé-ẹjọ.</div></div></div>
<div><div><div>Haitian Creole</div><div>Kreyòl Ayisyen</div><div>Ou ka gen dwa pou gen yon entèprèt tribinal la deziyen nan pwosè a. Tanpri mande anplwaye tribinal la.</div></div></div>	<div><div><div>Portuguese (European)</div><div>Português (Europeu)</div><div>Se for a tribunal, pode ter direito a um intérprete apontado pelo tribunal. Para mais informações contacte um funcionário do tribunal.</div></div></div>	





# Illinois Supreme Court Language Access Policy

## Going to court? Need an interpreter?

If you are more comfortable in a language other than English or are deaf or hard of hearing, Illinois courts are required to provide an interpreter at no cost to you for all court and related proceedings.

### Who can request an interpreter?

To request an interpreter, you must be a:

- Party (a person who brings or defends a lawsuit);
- Witness;
- Victim in the case;
- Juror or spectator (sign language only);
- Parent or guardian of a minor party or victim; legal guardian of a party; or person who brings or defends a case on behalf of a minor or incompetent party.



### How do I request an interpreter?

You have three options:

- Before court: fill out the Request & Order for an Interpreter form. You can find the forms at [www.illinoiscourts.gov/Forms/approved/](http://www.illinoiscourts.gov/Forms/approved/).
- At court: tell the judge or judge's clerk in court that you need an interpreter; OR
- At any time you can go to the court administrator's or Circuit Clerk's office to ask for an interpreter.

If you have questions, you can contact Sophia Akbar at the Administrative Office of Illinois Courts (AOIC) at [sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov).



# Corte Suprema de Illinois

## Norma de Acceso Lingüístico

### ¿Tiene que ir a la corte?

### ¿Necesita intérprete?

Si se siente más cómodo en un idioma que no sea inglés o si es sordo o tiene problema de audición, las cortes de Illinois están obligadas a proporcionarle un intérprete sin cargo para todas las audiencias de la corte y procesos relacionados.

### ¿Quién puede pedir un intérprete?

Para pedir un intérprete, tiene que ser:

- una parte del caso (ya sea la persona demandada o el demandante en un juicio);
- un testigo;
- una víctima del caso;
- un integrante del jurado o miembro del público (lenguaje de señas americano solamente);
- el padre o tutor de una parte o víctima menor de edad, el tutor legal de una de las partes o la persona que inicia o defiende un caso en nombre de un menor o parte incompetente.



### ¿Cómo puedo pedir un intérprete?

Tiene tres opciones:

- Antes de ir a la corte: llene y presente un formulario de Solicitud y orden de intérprete (Request & Order for an Interpreter). Puede encontrar este formulario en [www.illinoiscourts.gov/Forms/approved/](http://www.illinoiscourts.gov/Forms/approved/);
- En la corte: dígame al juez o al secretario del juez en la corte que necesita un intérprete; O
- En todos los condados menos en el condado de Cook: vaya a la oficina del administrador o del secretario de la corte de circuito en cualquier momento y pida un intérprete.

Si tiene preguntas, puede comunicarse con Sophia Akbar, de la Oficina Administrativa de las Cortes de Illinois (Administrative Office of Illinois Courts, AOIC), escribiendo a [sakbar@illinoiscourts.gov](mailto:sakbar@illinoiscourts.gov).

# Getting Started

## Request & Order for an Interpreter

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**IMPORTANT:** This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to request an interpreter for your case. Your use of the form does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *How to Request an Interpreter* instruction sheet and the instructions on the forms.

<b>Name of the form:</b>	<i>Request &amp; Order for an Interpreter</i>
<b>Purpose of the form:</b>	To ask the Court to appoint an interpreter for a party, witness, victim, juror, or spectator who uses sign language or who speaks or understands only limited English. For jurors and spectators, only sign language interpretation is available. The interpreter will translate what is said in court.
<b>Types of cases the form CAN be used for:</b>	All civil and criminal cases, including court ordered mediation, arbitration, probation, and court-ordered evaluations.
<b>Types of cases the form CANNOT be used for:</b>	None.
<b>Special information or papers needed to complete the form:</b>	The name, address, and telephone number of the person who needs an interpreter and the language that person speaks.
<b>Statutes and Policies covering the form:</b>	<ul style="list-style-type: none"><li>• Illinois Supreme Court Disability Policy <a href="http://www.illinoiscourts.gov/supremecourt/policies/disabilitypolicy/disability-policy.pdf">http://www.illinoiscourts.gov/supremecourt/policies/disabilitypolicy/disability-policy.pdf</a></li><li>• Illinois Supreme Court Language Access Policy <a href="http://illinoiscourts.gov/CivilJustice/LanguageAccess/Language_Access_Policy.pdf">http://illinoiscourts.gov/CivilJustice/LanguageAccess/Language_Access_Policy.pdf</a></li></ul>
<b>Where to find the forms and instruction sheet:</b>	<a href="http://www.illinoiscourts.gov/Forms/approved/">www.illinoiscourts.gov/Forms/approved/</a>
<b>For more information:</b>	Read the <i>How to Request an Interpreter</i> instruction sheet that comes with this form. You may also find more information, resources, and the location of your local county self help center at: <a href="http://www.illinoislegalaid.org">www.illinoislegalaid.org</a> .



# HOW TO REQUEST AN INTERPRETER

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## Who can request an interpreter?

To request an interpreter you must be a:

- party (a person who brings or defends a lawsuit);
- person who brings or defends a case on behalf of a minor or adult disabled party;
- parent or legal guardian of a minor party or minor victim;
- parent or legal guardian of an adult disabled party;
- witness;
- victim in the case;
- juror (sign language only); OR
- spectator (sign language only).

## How do I request an interpreter?

Each circuit court uses different procedures.

You have options:

- Fill out the *Request & Order for an Interpreter* form, which gives the court information about:
  - who needs an interpreter in court;
  - when the interpreter is needed; AND
  - what language is needed.OR
- Ask court personnel:
  - In Cook County go to the Office of Interpreter Services;
  - In all other counties go to the court administrator's or Circuit Clerk's office to ask for an interpreter; OR
  - Tell the judge or judge's clerk in court that you need an interpreter.

## Where can I find the forms I need?

You can find the forms at:

[www.illinoiscourts.gov/Forms/approved/](http://www.illinoiscourts.gov/Forms/approved/).

## What costs will I need to pay to request an interpreter?

None.

## What do I do if I choose to fill out the *Request & Order for an Interpreter*?

**Step 1: File your forms with the Circuit Clerk in the county where the court case is filed.**

- Make copies of your forms for yourself.
- In most counties it is best to file your forms with the Circuit Clerk in person, but in certain counties you must file online. Check with your Circuit Clerk:  
<http://www.ilcourtclerks.org/illinois-court-clerks/>
- The Circuit Clerk will stamp your forms. This stamp is your proof that the forms were filed with the court.

- How to File In Person
  - Go to the courthouse in the county where your court case is filed.
  - Give the Circuit Clerk your original forms and the copies to stamp.
  - The Circuit Clerk will keep the original forms and give back your copies.
- How to File By Mail
  - Mail your original forms and one copy to the Circuit Clerk.
  - Include the *Letter to the Circuit Clerk* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
  - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy to you.
- How to File Online
  - Check your local Circuit Clerk's website to see if online filing is an option for you at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.
  - Follow the instructions for filing online provided by the Circuit Clerk.

## Step 2: Get a copy of your order.

- The *Order* is the bottom part of the *Request & Order for an Interpreter*.
- The judge will fill in this bottom part to show if the request is granted or denied.
- In some cases you will get your *Order* while you wait. But in other cases the *Order* will be mailed to you later. Ask the Circuit Clerk if you should wait for your *Order*, or if it will be sent to you.
- If the request is GRANTED, you can have an interpreter on the dates and times listed in the *Order*. Bring the *Order* with you so that court personnel can get you an interpreter. Ask the Circuit Clerk whether you need to call in advance so that an interpreter can be scheduled for your court date.
- If the request is DENIED, no interpreter will be provided for you.

STATE OF ILLINOIS, CIRCUIT COURT  _____ COUNTY		REQUEST & ORDER FOR AN INTERPRETER		<i>For Court Use Only</i>	
<b>Instructions ▼</b> Enter above the county name where this case was filed.  Enter the name of the person or company that filed this case as Plaintiff/Petitioner.  Enter the name of the Defendant/Respondent.  Enter the Case Number given by the Circuit Clerk.		_____ <b>Plaintiff / Petitioner</b> <i>(First, middle, last name)</i>  v.  _____ <b>Defendant / Respondent</b> <i>(First, middle, last name)</i>		_____ <b>Case Number</b>	

## REQUEST FOR INTERPRETER

<p><b>In 1a</b>, enter the name of the person who needs a foreign language or sign language interpreter.</p>	<p><b>1. Person who needs an interpreter:</b></p> <p>a. Name: _____</p> <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 10%;"> <span><i>First</i></span> <span><i>Middle</i></span> <span><i>Last</i></span> </div>
<p><b>In 1b</b>, enter the address of the person who needs an interpreter.</p> <p>Do not complete <b>1b</b> if your information is protected because of domestic violence or abuse.</p>	<p>b. Address: _____</p> <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 10%;"> <span><i>Street, Apt #</i></span> <span><i>City</i></span> <span><i>State</i></span> <span><i>ZIP</i></span> </div>
<p><b>In 1c</b>, enter the phone number of the person who needs an interpreter.</p> <p>Do not complete <b>1c</b> if your information is protected because of domestic violence or abuse.</p>	<p>c. Phone: _____</p>
<p><b>In 1d</b>, check the box that explains how the person is involved with this court case.</p> <p>For a witness or victim, enter the dates they will be in court and need an interpreter.</p>	<p>d. The person who needs an interpreter is: <i>(choose one)</i></p> <p><input type="checkbox"/> a party who will need an interpreter for all court dates.</p> <p><input type="checkbox"/> a person who brings or defends a case on behalf of a minor or adult disabled party for all court dates.</p> <p><input type="checkbox"/> a parent/legal guardian of a minor party or minor victim who will need an interpreter for all court dates.</p> <p><input type="checkbox"/> a parent/legal guardian of a disabled adult party who will need an interpreter for all court dates.</p> <p><input type="checkbox"/> a witness who is testifying on: _____ Court Date &amp; Time: _____</p> <p><input type="checkbox"/> a victim in court on: _____ Court Date &amp; Time: _____</p> <p><input type="checkbox"/> a juror (sign language only) in court on: _____ Court Date &amp; Time: _____</p> <p><input type="checkbox"/> a spectator (sign language only) in court on: _____ Court Date &amp; Time: _____</p>
<p><b>In 2a</b>, enter the name of the person filling out this form if they are not the same person who needs an interpreter.</p>	<p><b>2. Person completing this form:</b> <i>(complete only if different than the person who needs the interpreter)</i></p> <p>a. Name: _____</p> <div style="display: flex; justify-content: space-between; width: 80%; margin-left: 10%;"> <span><i>First</i></span> <span><i>Middle</i></span> <span><i>Last</i></span> </div>

In **2b**, enter the address of the person filling out this form.

Do not complete **2b** if your information is protected because of domestic violence or abuse.

In **2c**, enter the phone number of the person filling out this form.

Do not complete **2c** if your information is protected because of domestic violence or abuse.

In **3**, check the box of the language needed.

If the language is not listed, check "Other" and enter the language.

b. Address: \_\_\_\_\_

*Street, Apt#*

*City*

*State*

*ZIP*

c. Phone: \_\_\_\_\_

**3. Language needed: (select one)**

- |   |   |                                     |   |
|---|---|-------------------------------------|---|
| <input type="checkbox"/> Spanish                | <input type="checkbox"/> Dinka          | <input type="checkbox"/> Kirundi    | <input type="checkbox"/> Russian        |
| <input type="checkbox"/> Albanian               | <input type="checkbox"/> Filipino       | <input type="checkbox"/> Korean     | <input type="checkbox"/> Serbo-Croatian |
| <input type="checkbox"/> American Sign Language | <input type="checkbox"/> French         | <input type="checkbox"/> Kunama     | <input type="checkbox"/> Somali         |
| <input type="checkbox"/> Amharic                | <input type="checkbox"/> German         | <input type="checkbox"/> Laotian    | <input type="checkbox"/> Swahili        |
| <input type="checkbox"/> Arabic                 | <input type="checkbox"/> Greek          | <input type="checkbox"/> Lithuanian | <input type="checkbox"/> Tagalog        |
| <input type="checkbox"/> Armenian               | <input type="checkbox"/> Gujarati       | <input type="checkbox"/> Macedonian | <input type="checkbox"/> Telugu         |
| <input type="checkbox"/> Assyrian               | <input type="checkbox"/> Haitian Creole | <input type="checkbox"/> Mongolian  | <input type="checkbox"/> Thai           |
| <input type="checkbox"/> Bosnian                | <input type="checkbox"/> Hindi          | <input type="checkbox"/> Nepali     | <input type="checkbox"/> Tigrinya       |
| <input type="checkbox"/> Bulgarian              | <input type="checkbox"/> Hungarian      | <input type="checkbox"/> Persian    | <input type="checkbox"/> Turkish        |
| <input type="checkbox"/> Burmese                | <input type="checkbox"/> Indonesian     | <input type="checkbox"/> Polish     | <input type="checkbox"/> Ukrainian      |
| <input type="checkbox"/> Chinese-Mandarin       | <input type="checkbox"/> Italian        | <input type="checkbox"/> Portuguese | <input type="checkbox"/> Urdu           |
| <input type="checkbox"/> Chinese-Cantonese      | <input type="checkbox"/> Japanese       | <input type="checkbox"/> Punjabi    | <input type="checkbox"/> Vietnamese     |
| <input type="checkbox"/> Czech                  | <input type="checkbox"/> Karen          | <input type="checkbox"/> Romanian   | <input type="checkbox"/> Yoruba         |
| <input type="checkbox"/> OTHER: _____           |   |                                     |   |

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name.

**I certify that everything in the *Request & Order For An Interpreter* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Print Your Name*

**ORDER FOR INTERPRETER**

**IT IS ORDERED:**

- ☐ The *Request for an Interpreter* is APPROVED.
- ☐ The *Request for an Interpreter* is DENIED.

**ENTERED:**

\_\_\_\_\_  
*Judge*

\_\_\_\_\_  
*Date*

**DO NOT** check any boxes below this point. The judge will check the correct boxes at the hearing.

**DO NOT** complete this section. The judge will sign and date here.

**LETTER TO THE CIRCUIT CLERK  
(FILING FORMS IN AN EXISTING CASE)**

**Instructions to User**

1. Complete this letter. **NOTE:** Do not use this letter if you are filing a new case. Instead, use a *Letter to the Circuit Clerk (Filing Forms to Start a New Case)*.
2. With this letter, include your original *Request & Order For An Interpreter* and one copy, and a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy to you.
3. Send your letter and the documents listed above to the Circuit Clerk in the county where your case is filed.

Date: \_\_\_\_\_

Circuit Clerk of \_\_\_\_\_ County

Address of Circuit Clerk \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dear Clerk:

Re: \_\_\_\_\_ v. \_\_\_\_\_ Case Number: \_\_\_\_\_  
*Plaintiff/Petitioner* *Defendant/Respondent*

Enclosed you will find the original and one copy of *Request & Order For An Interpreter*.

Please file the documents and return the file-stamped copies to me in the enclosed self-addressed and stamped envelope.

Thank you for your attention to this matter.

Sincerely,

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Printed Name*

\_\_\_\_\_  
*Street Address, Apt #*

\_\_\_\_\_  
*City* *State* *Zip*

\_\_\_\_\_  
*Phone*

## INFORMACIÓN SOBRE SU AUDIENCIA EN LA CORTE

El juez ha reprogramado la audiencia de su caso porque la corte no tiene en este momento un intérprete que hable su idioma. La corte le proporcionará un intérprete sin cargo en el lugar y fecha indicada a continuación.

- a. Fecha y hora: \_\_\_\_\_ a las \_\_\_\_\_ ☐ de la mañana ☐ de la tarde
- b. Dirección del juzgado: \_\_\_\_\_
- c. Razón por la audiencia en la corte: ☐ Declaración sobre el cargo ☐ Juicio ante un juez  
☐ Juicio por jurado ☐ Otro: \_\_\_\_\_
- d. Número de sala: \_\_\_\_\_
- e. Tipo de caso: \_\_\_\_\_
- f. Número de caso: \_\_\_\_\_
- g. Información sobre el abogado: \_\_\_\_\_

## COURT DATE INFORMATION

The judge is rescheduling your case because the courthouse does not have an interpreter who speaks your language right now. The court will provide an interpreter at the location and date listed below at no cost to you.

- a. Date and time: \_\_\_\_\_ at \_\_\_\_\_ ☐ a.m. ☐ p.m.
- b. Courthouse address: \_\_\_\_\_
- c. Reason for court date: ☐ Plea ☐ Trial with judge ☐ Jury trial ☐ Other: \_\_\_\_\_
- d. Courtroom number: \_\_\_\_\_
- e. Type of case: \_\_\_\_\_
- f. Case number: \_\_\_\_\_
- g. Attorney's information: \_\_\_\_\_

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ <b>COUNTY</b>	<b>JURY WAIVER</b>	<i>For Court Use Only</i>
_____ <b>Plaintiff</b>  v.  _____ <b>Defendant</b>		

I understand that I have the right to have a trial with a jury. I am giving up my right to have a trial with a jury and instead I want to:

☐ have a trial with a judge; OR

☐ plead guilty

Signed in the presence of:

\_\_\_\_\_  
*Signature of Defendant*

\_\_\_\_\_  
*Signature of Witness*

\_\_\_\_\_  
*Date*

### Spanish

Comprendo que tengo derecho a un juicio por jurado. Renuncio a mi derecho a tener un juicio por jurado y en su lugar quiero:

- ☐ que el juicio sea decidido por el juez; O
- ☐ declararme culpable

### Polish

Rozumiem, że mam prawo do rozprawy z udziałem przysięgłych. Zrzekam się mojego prawa do rozprawy z udziałem przysięgłych i zamiast tego proszę o:

- ☐ rozprawę tylko z udziałem sędziego; LUB
- ☐ przyznaję się do winy

### Korean

본인은 배심원단으로부터 재판을 받을 권리가 있다는 것을 이해합니다. 본인은 배심원단으로부터 재판을 받을 권리를 포기하고 그 대신에 본인은 다음을 원합니다:

- ☐ 판사로부터 재판을 받음, 또는
- ☐ 유죄 인정

### Traditional Chinese

我理解，我有權要求陪審團審判。我在此放棄陪審團審判的權利，我希望：

- ☐ 由法官審判；或者
- ☐ 認罪

### Russian

Мне известно, что я имею право на рассмотрение моего дела судом присяжных заседателей. Я отказываюсь от своего права на рассмотрение дела судом присяжных заседателей и вместо этого:

- ☐ ходатайствую о рассмотрении моего дела судьей единолично; ИЛИ
- ☐ признаю себя виновным (-ой)

### Arabic

أنا أدرك أنه لدي الحق في إجراء محاكمة أمام هيئة محلفين. أنا أتخلى عن حقي في إجراء المحاكمة أمام هيئة محلفين وبدلاً من ذلك أرغب في:

- ☐ إجراء المحاكمة أمام قاضٍ؛ أو
- ☐ الإقرار بالذنب





Administrative Office of the Illinois Courts  
Access to Justice Spiral

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# Section II

## Statewide Standardized Forms

**IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS  
ARTICLE X**

**Rule 10-101. Standardized Forms**

(a) The Illinois Supreme Court Commission on Access to Justice shall establish a process to develop and approve standardized, legally sufficient forms for areas of law and practice where the Commission determines that there is a high volume of self-represented litigants and that standardized forms will enhance access to justice.

(b) The Commission shall establish a process for publication, review and approval of any proposed standardized form in accordance with the Supreme Court's administrative order regarding standardized forms.

(c) Standardized forms approved by the Commission may be used by any party wherever they are applicable and must be accepted for filing and use by all courts.

(d) Courts may not require that parties use an altered standardized form except that a court may modify a standardized form order as necessary or appropriate to adjudicate a particular issue, claim or action.

(e) A party may supplement a standardized court form with additional material as long as the form is not altered.

Adopted Nov. 28, 2012, eff. immediately.

**Committee Comment**

(November 28, 2012)

(a) This rule and the Court's accompanying administrative order were adopted to set out a formal process for the development, review and approval of standardized forms for use in the Illinois courts. Utilizing standardized forms in areas of law and practice where there is a high volume of self-represented litigants in the Illinois courts will enhance access to justice for these litigants and at the same time will improve the overall administration of justice.

(b) An open and inclusive process for the development of standardized forms will be necessary to achieve the goals of this rule.

(c) Standardized forms can only be effective if they are required to be accepted by all courts in the state. Technology and assistance that can make forms more user-friendly and accessible for

people without lawyers and allow for necessary translations into other languages and formats cannot be efficiently provided if there are multiple variations of the same forms.

(d) For the same reasons noted in comment (c), allowing courts to require alterations of standardized forms would defeat the purposes of having standardized forms. The one exception is for court orders where findings or particular rulings from the court may need to be added to standard form orders.

(e) In some cases, such as an action involving a written contract, an exhibit may be necessary for a pleading to be legally sufficient. Litigants may wish to include other exhibits or supporting information with a complaint or filing as well. For privacy and other practical reasons, it also may be advisable that certain confidential, personal or private information be submitted through a supplementary process rather than included in a standardized form. All pleadings, exhibits or other supporting information filed with the court must be consistent with the requirements of Supreme Court Rule 15 (social security numbers in pleadings and related matters) and Supreme Court Rule 138 (personal identity information).

IN THE  
SUPREME COURT OF ILLINOIS

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In re: Supreme Court Commission on  
Access to Justice

)  
)  
)

M.R. 25401

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ORDER

In accordance with Supreme Court Rule 10-101, the Court adopts the following Administrative Order to provide further guidance and detail about the process for developing, reviewing and approving standardized court forms and ensuring that these forms remain current:

(1) In addition to meeting the basic requirements set forth in Supreme Court Rule 10-101, in developing standardized forms pursuant to the Rule, the Supreme Court Commission on Access to Justice ("Commission") shall ensure that each form:

- a. meets the requirements of Illinois law;
- b. uses plain language in accordance with the federal government's plain language guidelines ([www.plainlanguage.gov](http://www.plainlanguage.gov)) to the maximum extent possible;
- c. will be available in both print and interactive electronic formats, provided that forms may be approved for use before they are available in an interactive electronic format;
- d. includes instructions, a checklist, and a background statement for self-represented litigants in both print and electronic formats that can be translated into other common languages;
- e. is developed by a diverse group of judges, clerks, court personnel, and lawyers practicing in the area and tested with the public; and
- f. allows for electronic filing and accounts for privacy and logistical concerns associated with that process.

(2) In order to help ensure consistency and coordination among different form groups, the Administrative Office of the Illinois Courts ("Administrative Office") shall designate a Forms Officer to work with the Commission and any Commission committees or subcommittees involved with the development of standardized forms.

(3) When the Commission has drafts of standardized forms that the Commission believes should be given final approval, the Commission shall notify the Administrative Office.

- a. The Administrative Office shall then take the following steps:
  - i. forward a copy of the draft standardized forms to the Conference of Chief Circuit Judges with a notice that the Conference shall have forty-five (45) days to provide the Commission with any feedback or suggestions regarding the proposed standardized forms.

**FILED**

NOV 28 2012

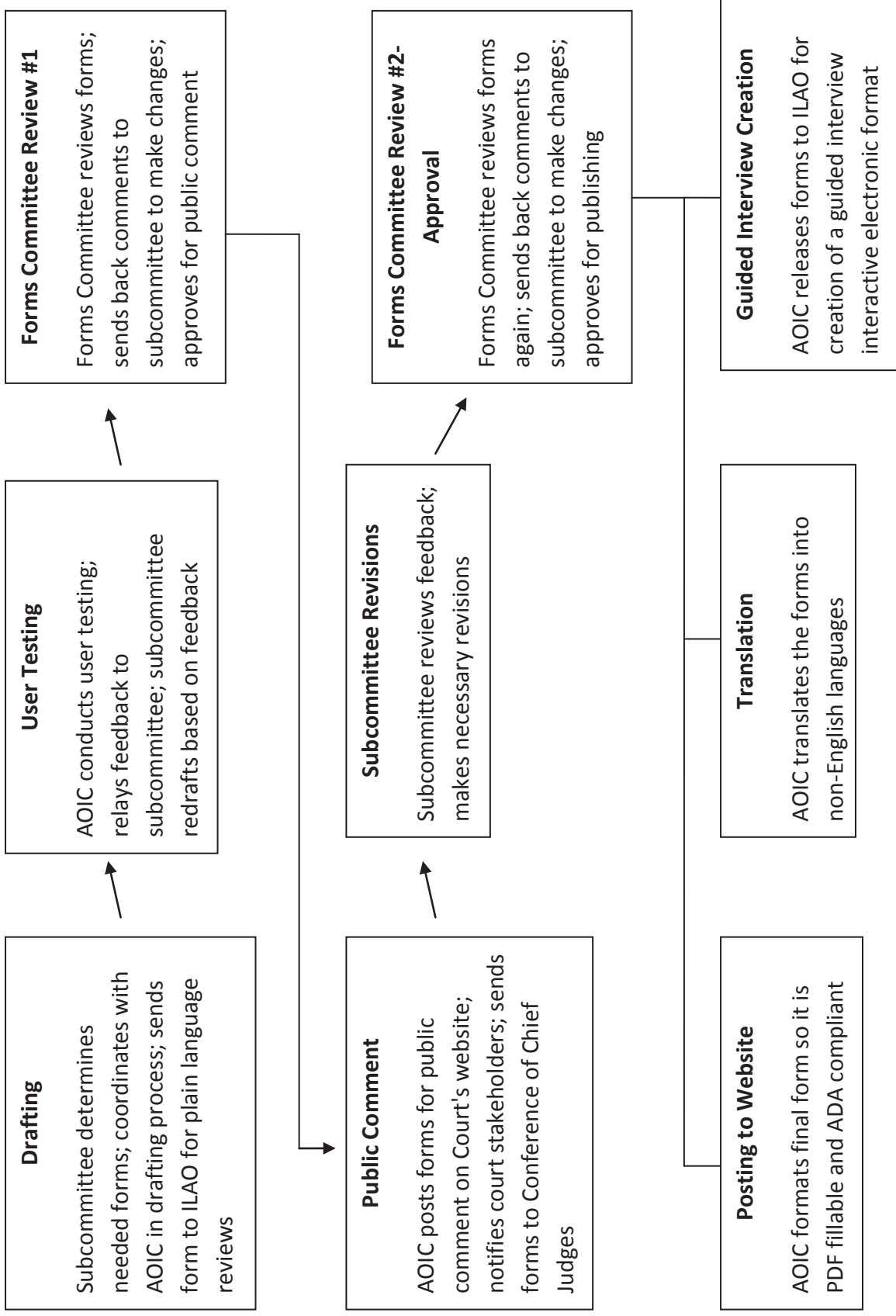
**SUPREME COURT  
CLERK**



- ii. post a copy on the Supreme Court website with a notice that any concerned stakeholder shall have forty-five (45) days to provide the Commission with any feedback or suggestions regarding the proposed standardized forms.
    - iii. notify the clerks of circuit and appellate courts, the Illinois State Bar Association, the Chicago Bar Association and local county bar associations that proposed standardized forms have been posted.
  - b. Once the forty-five (45) day notice period has passed, the Commission is authorized to review any feedback or suggestions received, make any revisions it deems necessary, and give final approval to the standardized forms.
- (4) For all standardized forms that have received final approval from the Commission, the Administrative Office shall post the forms on the Supreme Court website.
- a. The website shall include a notice that these forms are approved by the Commission for use and are required to be accepted in all Illinois courts, and the forms themselves shall also include this notice. The website also should include links to any interactive tools and associated resources developed for each form.
  - b. The website shall also include a form and procedure where stakeholders can identify potential updates or changes that may need to be made to the forms.
  - c. Upon receipt of any communication identifying a proposed update or change to a standardized form in accord with this process, the Administrative Office shall forward that communication to the Commission for review.
  - d. The Commission shall then either suggest revisions to the standardized form in accord with Supreme Court Rule 10-101 and this Order or respond to the party identifying the update or change with reasons why a change is not deemed necessary and forward that response to the Administrative Office for posting on the website.
- (5) The Supreme Court website shall provide a method by which interested stakeholders can suggest that new and/or additional forms be created and approved by the Commission.
- a. Upon receipt of any communication suggesting that new and/or additional forms be created and approved, the Administrative Office shall forward that communication to the Commission for review.
  - b. The Commission shall address the suggestion by either:
    - i. creating and approving new or additional forms in accordance with Paragraphs (1) and (3) of this Order, or
    - ii. responding to the party making the suggestion with reasons why the suggested new and/or additional forms are not deemed necessary, and forwarding that response to the Administrative Office for posting on the website.

Dated November 28, 2012.

## FORMS DEVELOPMENT FLOWCHART





# Resources for Access to Justice: Standardized Forms

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## Which Forms Are Currently Available?

To date, the Illinois Supreme Court Commission on Access to Justice's Forms Committee has finalized the following forms and their corresponding instructions:

- *Appellate Forms*: Notice of Appeal, Application for Waiver of Court Fees, Docketing Statement, Bystanders Report, Agreed Statement of Facts, Request for Preparation of Record on Appeal, Request for Report of Proceedings (Transcripts), Appellant's Brief, Appellee's Brief, Appellant's Reply Brief, Appellant's Motion, Appellate Motion, and Petition for Rehearing.
- *Divorce*: Petition for Dissolution of Marriage/Civil Union (No Children), Judgment of Dissolution of Marriage/Civil Union (No Children), Petition for Dissolution of Marriage/Civil Union (with Children), Parenting Plan, Judgment of Dissolution of Marriage/Civil Union (with Children), Summons, Entry of Appearance, Order for Support, Support Information Sheet, Income Withholding for Support, Interim Fee Award Order, and Financial Affidavit (Family & Divorce Cases).
- *Eviction*: Eviction Order (Spanish translation now available).
- *Expungement/Sealing*: Request to Expunge & Impound Criminal Records and/or Seal Criminal Records, Order to Expunge & Impound and/or Seal Criminal Records, Order Denying Request to Expunge & Impound and/or Seal Criminal Records, Request to Expunge Juvenile Records, Order to Expunge Juvenile Records, and Certificate of Good Conduct.
- *Mortgage Foreclosure*: Mortgage Foreclosure Appearance and Answer, Motion to Stay Foreclosure Sale, and Motion to Vacate Default Judgment of Foreclosure.
- *Name Change*: Request for Name Change (Adult), Order for Name Change (Adult) Publication Notice of Court Date for Request for Name Change (Adult), Request for Name Change (Minor), Order for Name Change (Minor), Notice of Court Date (Minor), Publication Notice (Minor), Motion to Waive Notice & Publication (Request for Name Change)\*, and Order to Waive Publication\*.

\*Published versions for both Adult and Minor Name Change form suites.

- *Orders of Protection*: Petition for Order of Protection, Plenary Order of Protection, Emergency Order of Protection, and Summons (Protective Orders).
- *Post-Judgment*: Citation to Discover Assets to Debtor, Citation to Discover Assets to Employer, Citation to Discover Assets to Bank, and Emergency Motion to Claim Exemption.
- *Procedural Forms*: Application for Waiver of Court Fees, Appearance Pro Se, Answer/Response to Complaint/Petition, Motion, Notice of Court Date for Motion, Interpreter Request, Limited Scope Representation, Proof of Service. Certificate for



Exemption from E-Filing, Certificate for Exemption from E-Filing (Appellate Court), Certificate for Exemption from E-Filing (Supreme Court).

- *Supreme Court Forms*: Motion, Petition for Rehearing, and Application for Waiver of Court Fees.

## **Which Forms Are Mandatory?**

All standardized forms approved by the Illinois Supreme Court are required to be accepted in all Illinois Circuit Courts according to SCR 10-101. However, there are certain forms that are required to be used statewide. The mandatory use forms are:

### **1) Application for Waiver of Court Fees**

- a. Pursuant to Illinois Supreme Court Rule 298(a)(2): "Applicants shall use the "Application for Waiver of Court Fees" adopted by the Illinois Supreme Court Access to Justice Commission..."

### **2) Application for Waiver of Criminal Court Assessments**

- a. Pursuant to Illinois Supreme Court Rule 404(a)(2): "Applicants shall use the "Application for Waiver of Court Assessments" adopted by the Illinois Supreme Court Access to Justice Commission..."

### **3) Financial Affidavit (Family & Divorce Cases)**

- a. Pursuant to 750 ILCS 5/501(a)(1) Temporary Relief, Illinois Marriage and Dissolution of Marriage Act: "One form of financial affidavit, as determined by the Supreme Court, shall be used statewide. The financial affidavit shall be supported by documentary evidence..."

### **4) Interim Attorney Fees Award Order**

- a. Pursuant to 750 ILCS 5/501(c-1)(2): "... as the court determines and directs, after notice in a form designated by the Supreme Court."

### **5) Eviction Order**

- a. Pursuant to 735 ILCS 5/9-109.6: "A standardized residential eviction order form, as determined by the Supreme Court, shall be used statewide."

### **6) Certificate for Exemption from E-Filing**

- a. Pursuant to Rule 9(c)(5): "The court shall provide, and parties shall be required to use, a standardized form expressly titled "Certification for Exemption From E-filing" adopted by the Illinois Supreme Court Commission on Access to Justice."

## **Which Forms are in Development?**

- *Adult Expungement and Sealing*: Motion to Vacate & Expunge Eligible Cannabis Convictions, Notice of Motion to Vacate & Expunge Eligible Cannabis Convictions, and Order Granting or Denying Motion to Vacate, Dismiss, Expunge & Impound Eligible Cannabis Convictions.
- *Civil Asset Forfeiture*: Motion for Hardship, Order for Motion for Hardship, Answer to Complaint for Forfeiture (Not Involving Drugs or Money Laundering), Verified Claim or Answer to Complaint for Forfeiture (Involving Drugs or Money Laundering).

- *Civil Procedures*: Subpoena, and Petition for Rule to Show Cause.
- *Criminal Procedures*: Application to Appoint Public Defender, Order to Appoint Public Defender, and Petition for Correction of Certain Errors in Sentencing pursuant to Rule 472.
- *Criminal Records Relief*: Request for Certificate of Relief from Disabilities.
- *Divorce*: Petition for Allocation of Parental Responsibilities, Judgment for Allocation of Parental Responsibilities, Motion for Publication Notice, Notice of Publication, Order for Publication, and Financial Affidavit (Family & Divorce Cases) (revised).
- *Eviction*: Eviction Complaint, Notice of Termination for Non-Payment of Rent, Notice of Termination for Lease Violation, Notice of Non-Renewal of Lease, Demand for Immediate Possession, 90-Day Demand for Possession and Notice of Intent to File Eviction, Affidavit of Service of a Demand or Notice, Motion for Appointment of Special Process Server, Order Appointing Special Process Server, Summons, Affidavit for Service by Posting or Publication, Notice Requiring Appearance in Pending Eviction Action, Answer, Appearance, Judgment for Defendant in Eviction Case, Agreed Order Dismissing Case with Leave to Reinstate, Agreed Order (Pay & Stay), Agreed Order (Defendant Agrees to Move), Order Granting Plaintiff's Motion to Dismiss, Judgment for Rent/Assessments Only, Compliance Order, Motion to Extend Time to Evict Defendants, Motion to Vacate, Motion to Set Aside, Emergency Motion to Prevent Eviction Before Hearing, Motion to Seal Court File (Discretionary), Motion to Seal Court File (Mandatory), and Sealing Order, and Eviction Order (Plaintiff Reinstate Lease).
- *Small Claims*: Small Claims Complaint, Small Claims Answer, Small Claims Order, Small Claims Summons, Motion to Vacate Default Judgment, Motion to Vacate Dismissal of Case, Motion to Quash Service, and Third Party Citation to Discover Assets.
- *Supreme Court*: Petition for Leave to Appeal, Appellee's Brief, Appellant's Brief, Notice of Election, Petition for Leave to Appeal, Briefs, and Motion for Supervisory Order.

# Finding the Legal System Confusing?

## Free Simplified Court Forms with Instructions are Now Available!

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.		
<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ <b>COUNTY</b>		<b>MOTION</b>
<b>Instructions ▼</b>		<i>For Court Use Only</i>
Enter above the county name where the case was filed.	_____	
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.	<b>Plaintiff / Petitioner</b> (First, middle, last name)	
Enter the name of the person being sued as Defendant/Respondent.	<b>v.</b>	
Enter the Case Number given by the Circuit Clerk.	_____	
	<b>Defendant / Respondent</b> (First, middle, last name)	_____ <b>Case Number</b>

The Illinois Supreme Court's forms are free and easy to use. You can fill these forms out on a computer or print them out and fill them in by hand. Select forms are available in Arabic, Chinese, Russian, Polish, Korean, and Spanish. For more information, speak with your circuit clerk or visit the Supreme Court's Website:

<http://www.illinoiscourts.gov/Forms/approved>

**Court Forms**  
<http://www.illinoiscourts.gov/Forms/approved>

**Court Forms**  
<http://www.illinoiscourts.gov/Forms/approved>

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<http://www.illinoiscourts.gov/Forms/approved>



# Section III

## Self-Represented Litigants



Administrative Office of the Illinois Courts  
Access to Justice Spiral

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# Section III

## Self-Represented Litigants: In the Courtroom

ILLINOIS  
SUPREME COURT  
RULES  
ARTICLE I. GENERAL RULES  
**CODE OF JUDICIAL CONDUCT**

**Rule 63**

CANON 3  
A Judge Should Perform the Duties of Judicial  
Office Impartially and Diligently

The judicial duties of a judge take precedence over all the judge's other activities. The judge's judicial duties include all the duties of the judge's office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before the judge.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to law. **A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard.**

....



# ILLINOIS JUDICIAL BRANCH

November 2019 v. 1

## Bench Card: Self-Represented Litigants and SCR 63(A)(4)

**Judges have the power and obligation to ensure that Self-Represented Litigants (SRLs) are fairly heard.**

### Illinois Supreme Court Rule 63(A)(4)

A judge shall accord to every person who has a legal interest in a proceeding, or that person's lawyer, the right to be heard according to the law. A judge may make reasonable efforts, consistent with the law and court rules, to facilitate the ability of self-represented litigants to be fairly heard.

### Tips for ensuring SRLs are fairly heard:

1. Use simple, plain language; avoid legal jargon; and explain legal concepts.
2. Explain overall court processes (including evidentiary and foundational requirements) and what will happen in court.
3. Ask the SRL what questions they have and check for understanding throughout proceedings.
4. Liberally construe pleadings: look to the substance of a pleading rather than its title.
5. Ask neutral questions for clarification or to focus the proceedings and consider modifying the traditional order of taking evidence.
6. Explain why you are doing something and your basis for rulings.
7. Recognize that most SRLs may be scared and nervous.
8. Be courteous, patient, and an active listener to ease tension.
9. Remember procedural fairness principles: voice, neutrality, respect, trust, understanding, and helpfulness.
10. Appreciate your unconscious biases and increase cultural competencies.
11. Use certified interpreters for limited English proficient or hearing impaired litigants.
12. Provide SRLs with checklists, handouts, and other resources or referrals.

### 1. Plain Language

The Supreme Court has adopted a Policy on Plain Language stating "All informational documents and informational instructions shall be drafted in plain language whenever practicable. There are times that legal terms may be necessary in informational documents and/or informational instructions and should continue to be used; in those cases, judges...should provide plain language definitions of those legal terms."

### 2. Explain Court Process

Many SRLs have little, if any, understanding of the court process. You should ensure that SRLs have a basic understanding of the process for that particular day and for the case overall. When explaining process, it is proper to do so in the same manner that you would explain it to a jury. You may wish to provide an explanation of substantive and procedural matters at the beginning of proceedings or have helpful signage posted around the courtroom to identify staff and establish basic procedure (e.g. turn off cell phones).

### 3. Check for Understanding

At every court appearance, ask if SRLs have questions and if they understand what happened. Consider asking them to summarize what they think happened or what they need to do to ensure they understand. Provide SRLs with detailed written court orders, checklists, or instruction sheets to take with them.

### 4. Liberally Construe Pleadings

SRLs sometimes use the wrong forms or label pleadings incorrectly. You should focus on the contents of the document and the issues raised.

### 5. Ask Questions & Consider Modifying Process

You should ask open-ended questions to elicit general information and to obtain clarification from parties or witnesses. You should explain why the questions are being asked and that your questions should not be taken as indicating your opinion of the case. Consider modifying the order of the proceedings as another way to focus the hearing on matters that are material and elicit relevant information more efficiently.

All materials referenced in this bench card, as well as sample resources and referral sheets, can be found at: <https://tinyurl.com/ATJCourts>



## Bench Card: Self-Represented Litigants and SCR 63(A)(4)

All materials referenced in this bench card, as well as sample resources and referral sheets, can be found at: <https://tinyurl.com/ATJCourts>

### 6. Explain What You're Doing

You should explain why you are doing something (like looking at computer to read a pleading or calling cases in an order that permits interpreters or attorneys to get to other courtrooms) to avoid implying disinterest or bias. You also should explain your rulings, particularly on the admissibility of evidence.

### 7. SRLs are Stressed

Although the cases you hear are routine for you, they are of the utmost importance to litigants. Court is confusing and the stakes are high. To ease anxiety or tension a judge may: call a recess to allow a person a chance to calm down before proceeding; provide the litigant with an opportunity to leave the courtroom or have a glass of water; and consider safety in the placement of litigants in relation to each other and witnesses in the courtroom.

### 8. Active Listening & Patience

Some ways to further ease tension for SRLs is by smiling and actively listening (making eye contact, nodding, stopping other work). Introduce yourself and greet all parties by name. Many SRLs report feeling ignored when judges appear friendly with lawyers, but not with them. Things might take longer when SRLs are involved and, generally, that is ok. Also, SRLs may be late or miss court dates due to transportation, employment, or child care challenges. Be patient in hearing the SRLs' explanations and consider remote appearances under SCR 185 for simple status dates to avoid these issues.

### 9. Procedural Fairness

Research shows that higher perceptions of procedural fairness lead to better acceptance of court decisions and compliance with orders. The elements are:

- Voice: ability of SRLs to be heard
- Neutrality: consistent treatment & unbiased decisions
- Respect: treating SRLs with courtesy & respect
- Trust: perceiving a judge as sincere and caring
- Understanding: ensuring SRLs can understand procedure, decisions, and how decisions are made
- Helpfulness: SRLs perceiving court staff as interested in their situation

### 10. Unconscious Bias & Cultural Competence

Implicit bias is a psychological process that influences decision-making outside of conscious awareness. Everyone has biases based on repeated exposure to group stereotypes even if you consciously disagree with them. One way to decrease bias is to increase cultural competence (your ability to understand and communicate effectively with people across cultures). Another is developing a positive attitude towards cultural differences and gaining knowledge of cultural practices to improve your interactions with some SRLs.

### 11. Language Access

In both civil and criminal proceedings, limited English proficient or hearing impaired litigants are entitled to court-provided interpreters. See 735 ILCS 5/8-1402-1403, 725 ILCS 140/2, and Illinois Supreme Court Language Access Policy. A Courtroom Interpreting Bench Card contains information about how to determine the need for an interpreter and tips for communicating through interpreters.

### 12. Resources & Referrals

Judges and all court, library, and clerk staff may provide SRLs with legal information and referrals. You should discuss with your staff their role in providing that information under the Supreme Court Policy on Assistance to Court Patrons ("Safe Harbor Policy"). Most resources and referrals are locally based, so be sure to learn about what is available in your area. Statewide information may always be shared, including:

- ILAO: [www.illinoislegalaid.org](http://www.illinoislegalaid.org)
- Forms: [www.illinoiscourts.gov/Forms/approved/](http://www.illinoiscourts.gov/Forms/approved/)
- Legal Aid:
  - Statewide Armed Forces Network: 855-452-3526
  - Cook - CARPLS: 312-738-9200
  - Northern IL – Prairie State: 800-531-7057
  - Southern IL – Land of Lincoln: 877-342-7891
- Bar referral services: ISBA LawyerFind: 800-922-8757 (offers ½ hour attorney consultation for \$25)

Confirm your referral information regularly to make sure the resources are current. If you will be sending SRLs to another office in the courthouse or community, take time to visit so that you are able to give them informed directions on how to get there and guidance on what to expect.

**For additional information or assistance with creating helpful resources, please contact:**

Jill E. Roberts, Senior Program Manager-SRLs Administrative Office of the IL Courts, Access to Justice Division  
312-793-2305; [jroberts@illinoiscourts.gov](mailto:jroberts@illinoiscourts.gov)

November 2019 v. 1



# **Illinois Supreme Court Policy on Plain Language**

**Effective April, 2018**

## **ILLINOIS SUPREME COURT POLICY ON PLAIN LANGUAGE**

### **(a) Purpose and Scope.**

The Illinois legal system is significantly text-based and utilizes unique terminology and complex procedures and rules. Often legal documents and terms are difficult for the general public to understand; and comprehension is more difficult for those with language or literacy challenges. The use of plain language increases and aids the public to understand their rights and choices so they may make informed decisions and fully participate in our legal system.

The Illinois Supreme Court, in recognition of the important role plain language plays in procedural fairness and access, has adopted this Policy on Plain Language. The purpose of this policy is to provide guidance to judges, court staff, circuit clerks, law librarians and other justice partners when developing written materials and when communicating to members of the public about legal information, court process, rules and forms.

### **(b) Definitions.**

1. "Plain language" means words and statements, which when written or spoken are clear, concise, well-organized, appropriate to the subject and intended audience, and communicated at a sixth grade reading level.
2. "Legal information" means general factual information about the law and the legal process, as provided by the Illinois Supreme Court Patron Policy for Circuit Clerks, Court Staff, Law Librarians and Court-Based Volunteers.
3. "Forms" mean standardized forms and related instructions that have been approved pursuant to Supreme Court Rule 10-101; forms included in the Illinois Supreme Court Rules; and local circuit and appellate court forms adopted to facilitate compliance with local procedures.
4. "General public" means all people living in Illinois, as well as any people interested in the Illinois legal system residing outside of Illinois.
5. "Informational documents" means written communications drafted by or on behalf of the court system to the general public that provide legal information on court process, rules and forms. These include but are not limited to pamphlets, posters, signs, packets, single documents, website postings and social media communications.
6. "Informational instructions" means spoken communications made by judges, court staff, circuit clerks, law librarians and other justice partners on behalf of the court system to the general public that provide legal information on court process, rules and forms.

### **(c) Plain Language Policy.**

All informational documents and informational instructions shall be drafted in plain language whenever practicable. There are times that legal terms may be necessary in informational documents and/or informational instructions and should continue to be used; in those cases, judges, court staff, circuit clerks, law librarians and other justice partners should provide plain language definitions of those legal terms.

**(d) Plain Language Guidance.**

The Court assigns the Illinois Supreme Court Commission on Access to Justice to develop and maintain a plain language reference guide for judges, court staff, circuit clerks, law librarians and other justice partners.

Effective April 1, 2018



Administrative Office of the Illinois Courts  
Access to Justice Spiral

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# Section III

## Self-Represented Litigants: Non-Judicial Court Staff



**Illinois Supreme Court Policy**

**On Assistance to Court Patrons by Circuit Clerks,**

**Court Staff, Law Librarians,**

**and Court Volunteers**

**Amended November, 2018**  
**Originally effective April, 2015**

**ILLINOIS SUPREME COURT POLICY ON ASSISTANCE TO COURT PATRONS BY  
CIRCUIT CLERKS, COURT STAFF, LAW LIBRARIANS,  
AND COURT VOLUNTEERS**

**(a) Purpose and Scope.**

The purpose of this policy is to provide guidance to circuit clerks, court staff, law librarians, and court volunteers acting in a non-lawyer capacity as to what services may and may not be offered to assist court patrons to achieve fair and efficient resolution of their cases.

No court patron should be denied services permitted under this policy on the basis of being a self-represented litigant. Services to court patrons should be provided in a nondiscriminatory manner to all applicants without regard to race, color, religious creed, ancestry, national origin, age, sex, disability, sexual orientation or any category prohibited by federal or Illinois law.

**(b) Definitions.**

- (1) "Court patron" means any individual who seeks information to file, pursue or respond to a case on his or her own behalf or on the behalf of another.
- (2) "Self-represented litigant" means any individual who seeks information to file, pursue or respond to a case on his or her own behalf where a licensed attorney has not filed an appearance on behalf of that individual.
- (3) "Legal information" means general factual information about the law and the legal process. Legal information is different from legal advice, which involves giving guidance regarding an individual's legal rights and obligations in light of his or her particular facts and circumstances. Legal information is neutral.
- (4) "Approved forms" mean standardized forms and related instructions that have been approved pursuant to Supreme Court Rule 10-101; forms included in the Illinois Supreme Court Rules; and local circuit court forms adopted to facilitate local case-processing procedures.

**(c) Prohibited Services.** Circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—shall not:

*Court Access and Process*

- (1) Deny a self-represented litigant access to the court or any services provided to other court patrons;
- (2) Disclose information in violation of a court order, statute, rule, case law or court directive;



- (3) Recommend whether a case should be brought to court or comment on the merits of a pending case;
- (4) Give an opinion about what will happen if a case is brought to court;

#### *Referrals*

- (5) Refer a litigant to a specific lawyer or law firm for fee-based representation;

#### *General*

- (6) Represent litigants in court;
- (7) Provide legal analysis, strategy or advice to a court patron, or perform legal research other than assistance in self-guided legal research for any court patron;
- (8) Tell a litigant anything he or she would not repeat in the presence of any other party involved in the case; or
- (9) Otherwise engage in the unauthorized practice of law as prohibited by law.

**(d) Permitted Services.** To assist court patrons, circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—may, as resources and expertise permit:

#### *Court Access and Process*

- (1) Provide legal information about court rules, court terminology and court procedures, but not limited to providing information regarding: requirements for service, electronic and conventional filing, scheduling hearings, and compliance with local procedure;
- (2) Inform court patrons of the process for requesting a foreign language or sign language interpreter;
- (3) Inform court patrons of the process for requesting a reasonable accommodation due to a disability;
- (4) Inform court patrons of the process for requesting a waiver of court fees due to inability to pay and provide the required approved form;
- (5) Provide information about electronic filing (e-filing) including, but not limited to:
  - a. Explaining where to find and how to select an Electronic Filing Service Provider (EFSP);
  - b. Explaining how to register for an EFSP account including, but not limited to, how to set up an email to verify the EFSP account in the instance that the user does not have a working email address;
  - c. Explaining how to sign into the EFSP after creating an account or how to reset an account in the event that the user has forgotten the login information;
  - d. Explaining how to file in an existing case including, but not limited to, information about searching for an existing case by case number or party, creating a payment account, selecting a location, selecting a category, selecting a case type, entering party information, the format and size of the document to be filed, uploading documents to file, selecting a filing code, and differentiating between lead documents and attachments;

- e. Explaining how to file into a new case including, but not limited to, information about creating a payment account, selecting a location, selecting a category, selecting a case type, entering party information, the format and size of the document to be filed, uploading documents to file, selecting a filing code, and differentiating between lead documents and attachments;
  - f. Explaining how a paper or electronic document can be converted to the required file type (PDF) through equipment available within the courthouse; and
  - g. Explaining why a filing was rejected.
- (6) Inform court patrons of the process for obtaining an exemption from electronic filing due to a disability, literacy barrier, language barrier, lack of technology equipment, or other approved reasons by filing the approved certification form;

#### *Approved Forms*

- (7) Assist court patrons in identifying approved forms and related instructions based on the court patron's description of what he or she wants to request from the court. When necessary, explain the nature of the information required to fill out the approved forms. When appropriate, share information about approved and translated forms and instructions. Where no approved form exists to accomplish the court patron's request, inform the litigant of that fact and direct him or her to other legal resources;
- (8) Record verbatim information provided by the self-represented litigant on approved forms if that person is unable to complete the forms due to disability or literacy barriers;
- (9) Review finished forms and documents to determine whether forms are complete, including checking for signature, notarization, correct county name and case number;

#### *Referrals*

- (10) Inform court patrons of legal resources and referrals if available, including but not limited to:
  - a. Pro bono legal services;
  - b. Low-cost legal services;
  - c. Limited scope legal services;
  - d. Legal aid programs and hotlines;
  - e. Law and public libraries;
  - f. Non-profit alternative dispute resolution services;
  - g. Lawyer referral services;
  - h. Internet-based resources;
  - i. Court-sponsored or -affiliated educational classes, including, but not limited to, parenting education and traffic safety classes and alternative dispute resolution services;
  - j. Units or departments of government; or
  - k. Domestic violence resources.
- (11) Encourage self-represented litigants to obtain legal advice from a lawyer;

### *Court Records*

- (12) Provide docket information, including but not limited to:
  - a. Stating whether an order has been issued
  - b. Explaining how to get a copy if one was not provided
  - c. Reading the order to the individual if requested
  - d. Providing instructions about how to access such information;
- (13) Provide a court patron with access to a case file that has not been restricted by statute, rule or order, or instructions about how to obtain such access, including through reSearchIL;

### *General*

- (14) Provide the same services and information to all parties to an action, as requested;
- (15) Provide services based on the assumption that the information provided by the court patron is accurate and complete;
- (16) Provide information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children's waiting room locations and other courthouse offices;
- (17) Offer educational classes and informational materials;
- (18) Provide assistance to litigants pursuing self-guided research;
- (19) Provide other services consistent with the intent of this policy.

### **(e) Unauthorized Practice of Law and Privilege.**

Services provided in accordance with section (d) of this policy do not constitute the unauthorized practice of law. Information exchanged in accordance with section (d) of this policy is neither confidential nor privileged, except as otherwise protected by law. Services provided in accordance with section (d) of this policy do not create an attorney-client relationship. It should be communicated through the use of signage or a direct, in-person disclosure to court patrons that information and services provided in accordance with section (d) of this policy are not confidential, privileged or create an attorney-client relationship.

### **(f) Rules of Professional Conduct.** Circuit clerks, court staff, law librarians, and court volunteers—who are licensed attorneys, licensed law student interns and other persons working under the supervision of an attorney—must abide by all applicable Rules of Professional Conduct when providing services and information in accordance with section (d) of this policy.

### **(g) Copy Fees.** Court patrons may be required to pay a reasonable printing or reproduction fee for forms and instructions. However, the fee may be reduced or waived for persons who are otherwise eligible to sue or defend without cost pursuant to the Code of Civil Procedure.

# AVAILABLE ASSISTANCE TO COURT PATRONS

## HOW CAN COURT PERSONNEL HELP YOU?

### WE CAN...

- ✓ Provide general legal information about court rules, court terminology and court procedures
- ✓ Provide information about available legal resources and referrals, including free and low-cost legal help
- ✓ Help identify approved court forms and related instructions relevant to a court patron's case
- ✓ Provide information about how to request a foreign or sign language interpreter
- ✓ Check a court patron's forms to make sure they are complete
- ✓ Answer general questions

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### WE CANNOT...

- X Provide legal advice or help with legal strategy
- X Recommend whether a case should be brought to court or comment on the merits of a pending case
- X Give an opinion about what will happen in court
- X Represent a court patron in court
- X Disclose any information that would violate a court order, statute or rule
- X Deny a self-represented litigant access to the court or any services provided to other court patrons
- X Refer a court patron to a specific lawyer for fee-based representation

*For more information, see the Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers (approved April, 2015).*

# How Can I Best Assist Self-Represented Litigants?

The Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers outlines the services that can be provided to self-represented litigants and other court patrons. Services offered in accordance with this policy do not constitute the unauthorized practice of law. You can read the policy and find additional resources at: <http://www.illinoiscourts.gov>.

## Legal Information Is...

general, factual information about the law and the legal process that is both neutral and objective.

## Legal Advice Is...

guidance regarding an individual's legal rights and obligations in light of their unique facts and circumstances.

### **Should versus Could: Responding when court patrons ask for legal advice**

Court patrons may ask for legal advice ("What **should** I do?"). You can still respond by providing legal information, instead of advice.

Example: How **should** I serve someone?

Answer: I can't tell you what to do, but I can explain your options. There are three approved methods of service you **could** choose.. Here are some resources with more information...

I Can...	I Cannot...
Tell a litigant what they can do	Tell a litigant what they should do
Explain a process to a litigant	Make a prediction for a litigant
Share all available options	Suggest one particular option
Give a litigant information that may help them make an informed decision	Make a decision on behalf of a litigant
Provide forms and basic instructions	Fill out forms (except for specific exceptions)
Refer to bar associations and legal aid	Refer to individual private attorneys
Help individuals with disabilities or low literacy by reading documents out loud and/or writing down their answers word-for-word	Make suggestions about what to write on a form or change a litigant's words in any way
Refer a litigant to legal and non-legal resources inside or outside the courthouse	Represent a litigant in the courtroom
Assist a litigant with self-guided research	Provide legal analysis or legal research
Share publicly available case information	Share information from sealed cases
Review forms for completeness	Review forms for accuracy
Give information about requesting interpreters and reasonable accommodations	Limit access for litigants with limited English proficiency or disability
Inform all litigants about fee waivers	Decide who should get their fees waived
Answer questions about the drop down menus in the e-filing system and walk patrons through the whole process	Make a determination about who is eligible for an e-filing exemption



# Self-Help Resources and Referrals

Private Attorneys	Illinois LawyerFinder: Call (800) 922-8757 or visit <a href="http://www.illinoislawyerfinder.com/">http://www.illinoislawyerfinder.com/</a>
Legal Aid & Pro Bono Attorneys	CARPLS (Cook County): Call (312) 738-9200 or visit <a href="https://www.carpls.org/">https://www.carpls.org/</a> Prairie State Legal Services (Northern Illinois): For contact information visit <a href="https://pslegal.org/">https://pslegal.org/</a> Land of Lincoln (Southern Illinois): Call (877) 342-7891 or visit <a href="http://lollaf.org/">http://lollaf.org/</a>
Mediation & Arbitration	List of programs in Illinois: <a href="http://courtadr.org/sourcebook/">http://courtadr.org/sourcebook/</a>
Public & Law Libraries	Check your local resources
Legal Self-Help Centers	List of programs in Illinois: <a href="https://www.illinoislegalaid.org/get-legal-help/lshc-directory">https://www.illinoislegalaid.org/get-legal-help/lshc-directory</a>
Pro Bono Clinics & Help Desks	Check your local resources
Social Service Providers	Mental health programs in Illinois: <a href="http://www.dhs.state.il.us/page.aspx?item=3089">http://www.dhs.state.il.us/page.aspx?item=3089</a> Emergency and transitional housing programs in Illinois: <a href="http://www.dhs.state.il.us/page.aspx?item=646863">http://www.dhs.state.il.us/page.aspx?item=646863</a> Supportive housing programs in Illinois: <a href="http://www.dhs.state.il.us/page.aspx?item=64687">http://www.dhs.state.il.us/page.aspx?item=64687</a>
Standardized Forms	Statewide forms and instructions available in six languages: <a href="http://www.illinoiscourts.gov/Forms/approved/">http://www.illinoiscourts.gov/Forms/approved/</a>
Language Access Tools	Circuit plans and statewide interpreter registry: <a href="http://www.illinoiscourts.gov/CivilJustice/LanguageAccess/default.asp">http://www.illinoiscourts.gov/CivilJustice/LanguageAccess/default.asp</a>
Domestic Violence Programs	DV programs in Illinois: <a href="http://www.dhs.state.il.us/page.aspx?item=31886">http://www.dhs.state.il.us/page.aspx?item=31886</a>
Illinois Legal Aid Online	Free legal information and forms for civil, domestic, expungment, and traffic legal problems: <a href="https://www.illinoislegalaid.org/">https://www.illinoislegalaid.org/</a>

## Tips for Making Strong Referrals



### Double Check

Check your resources periodically to see if services, hours, eligibility, or contact information has changed.



### Write It Down

Litigants may be overloaded with information at court. Write it down or use a referral sheet to help.



### Be Specific

Provide information about the scope of services available, the application process, and any eligibility criteria



### Manage Expectations

Inform litigants of possible limitations (e.g. referral cannot take all cases, may require waiting)



**The AOIC Can Help!** For more information on access to justice resources, including the Safe Harbor Policy; standardized forms; language access tools; courthouse signs; and self-help templates, please contact Jill Roberts at [jroberts@illinoiscourts.gov](mailto:jroberts@illinoiscourts.gov) or (312) 793-2305.

# What is Legal Information?

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A Guide to Using the Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers





# Legal Information and Advice: Why Does It Matter?

Court employees, court volunteers, law librarians, self-help center navigators, and circuit clerks (collectively "court personnel") play an important role in the operation of our state court system. Together, you share an enormous responsibility -- making fair, equal, and efficient justice available to all. Not only are you essential to the operation of the court system, but you also play a key role in helping the public access, understand, and use the courts. You frequently interact with the public and have the power to shape the public's perception of the legal system. By your actions, you can demonstrate that the courts operate in a fair and impartial manner and that they exist for everyone regardless of income, gender, race, disability status, nationality, language proficiency, or legal status.

As an employee or volunteer of the court or the circuit clerk, you serve as the public face of the justice system. For many court patrons, you may be the primary person they interact with during their court case. You can help build confidence in the justice system by treating them in a fair, neutral, unbiased, and helpful manner. When a court patron feels they have been heard and treated fairly, they will have more trust and confidence in the courts, regardless the outcome of their case.

You have a difficult, but important and rewarding, job to perform. You will be asked many different questions, sometimes by challenging court patrons. You must maintain a careful balance between answering questions in a respectful and courteous manner while remaining impartial and neutral. Your job allows you to empower and educate, but not to represent or advise.

Keep this guide available as a reference in conjunction with the Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers (also called the "Safe Harbor Policy")<sup>1</sup> amended in November 2018 in case you are unsure how to answer a question or need more information about a possible referral. If you are ever unsure about how to respond, please consult your supervisor to determine the best course of action.

Thank you for all that you do in the service of our state and its judicial system.

## About This Guide<sup>2</sup>

This guide is intended as a supplement to the Safe Harbor Policy. It explains, in detail, what services are permitted and prohibited under the policy. This guide shows the breadth of services and resources that fall under the umbrella term of "legal information." In many situations, court personnel are eager to assist court patrons, but are worried about overreaching and mistakenly giving legal advice. This guide is intended to provide additional clarification about what information, services, and resources court personnel can and should feel comfortable sharing without violating ethical rules or crossing the line into legal advice.

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<sup>1</sup> The full text of the Policy is on the Illinois Supreme Court website at [http://www.illinoiscourts.gov/SupremeCourt/Policies/Pdf/Safe\\_Harbor\\_Policy.pdf](http://www.illinoiscourts.gov/SupremeCourt/Policies/Pdf/Safe_Harbor_Policy.pdf).

<sup>2</sup> This guide was modeled after, with permission, "What Can I Do to Help You," Maryland Access to Justice Commission, Maryland Judiciary, 2010 (<http://www.mdcourts.gov/mdatjc/pdfs/manual.pdf>). The Illinois Supreme Court Commission on Access to Justice (ATJ Commission) thanks the following individuals for their efforts in creating the original guide in 2017: Cindy Braden, Circuit Clerk of Moultrie County; Halle Cox, Director of the Kane County Law Library & Self Help Legal Center; Kahalah Clay, Circuit Clerk of St. Clair County; Maureen Josh, Circuit Clerk of DeKalb County; Gina Noe, Circuit Clerk of Marshall County; Kelly Smeltzer, General Counsel for the Cook County Circuit Clerk; Tammy Weikert, Circuit Clerk of Rock Island County; Samira Nazem, Administrative Office of the Illinois Courts, Self-Represented Litigant Services Specialist; and Members of the Illinois Supreme Court Access to Justice Commission's Court Guidance and Training Committee: Chief Judge Michael Sullivan of the 22<sup>nd</sup> Judicial Circuit, David Holtermann of the Lawyers Trust Fund of Illinois, and Joe Dailing. Lastly, the Commission would like to thank the staff of the Administrative Office of Illinois Courts Access to Justice Division: Jill Roberts, Sophia Akbar, Danielle Hirsch, and Alison Spanner, as well as Halle Cox, Self-Represented Litigant Coordinator for working on updates in 2018.

# Legal Information & Legal Advice: What's the Difference?

## Legal Information is...

General factual information about the law or legal process intended to help a court patron navigate the court system

- **Legal information is neutral**

Information should not advance one party's legal position over another party's position.

- **Legal information is universal**

Information should be the same regardless of which party is asking for it.

- **Legal information is objective**

Information does not require knowledge about specific details of the case.

- **Legal information is unrestricted**

Information can come from anyone, not just licensed attorneys.

## Legal Advice is...

Guidance regarding a court patron's legal rights and obligations in light of their unique facts and circumstances

- **Legal advice is biased**

Advice is tailored to advance one party's legal position over another party's position.

- **Legal advice is customized**

Advice will vary depending on who is asking for it and the desired outcome.

- **Legal advice is subjective**

Advice will change depending on the specific facts of the case.

- **Legal advice is restricted**

Advice should only come from licensed attorneys.

## The Golden Rule of Legal Advice...

Do not say to one party what you would not say to another.

## Legal Information Is...

### Explaining Court Procedures and Giving Procedural Information

Many court patrons are unfamiliar with the legal system and have questions about filing and responding to lawsuits. You can help move their cases forward by explaining basic court procedure and giving them the information they need to make informed decisions.

#### "What Should I Do Next?"

You probably hear this question many times every day. During every interaction, try to provide enough information for the court patron to understand the next step in the process and their available options. If you hear certain questions repeatedly, consider creating a handout, brochure, or sign to address them (contact the AOIC for examples).

#### Give Options, Not Advice

Some court patrons will expect you to act as an attorney, giving them clear instructions as to what to do next. They may be confused, scared, overwhelmed, or emotional and want someone to reassure them that they are making the right decision. Your role is not to help make decisions or offer reassurances. Your role is to share information that helps court patrons make their own decisions. You can empower court patrons to make informed decisions simply by explaining which options are available and how they can learn more. Remember, when answering a question or explaining a process with multiple options, you should try to explain *all* the available options or where to find more information on them, so as not to steer the court patron to choose a particular one.

#### **Should versus Could: Responding when asked for legal advice**

Many court patrons ask for legal advice ("What should I do?") and not legal information ("What can I do?"). You can still respond by providing legal information, instead of advice.

**Example:** How should I serve the other side?

**Answer:** I can't tell you what you should do, but I can tell you what options are available. There are three approved methods of service. You could pick any of them to serve the other party. [If the patron needs more information, you can share another resource such as a standardized form, self-help center, or website]

I Can...	I Cannot...
Tell a litigant what they can do	Tell a litigant what they should do
Explain a process to a litigant	Make a prediction for a litigant
Share all available options	Suggest one particular option
Give a litigant information that may help them make an informed decision	Make a decision on behalf of a litigant
Provide forms and basic instructions	Fill out forms (except for specific exceptions)
Refer to bar associations and legal aid	Refer to individual private attorneys
Help individuals with disabilities or low literacy by reading documents out loud and/or writing down their answers word-for-word	Make suggestions about what to write on a form or change a litigant's words in any way

## Remaining Neutral and Impartial

Even if you think you know what a court patron should do, it is not appropriate for you to tell them. First, you must remain neutral and impartial in the case and cannot offer advice that would unfairly advantage one side over the other. Second, you may not have all the information needed to make the best decision for a court patron. If you follow the Safe Harbor Policy and this guide, you will be able to assist court patrons without engaging in the unauthorized practice of law.

## Helping Court Patrons Who Need Legal Advice

Some questions go beyond basic court rules and procedural information. When responding, you can direct the court patron to another resource where they can get the legal assistance needed. This may involve referring the court patron to court rules, statutes, and regulations that govern the case (see page 14) or to a legal aid agency, bar association, or another legal service provider (see page 11-13).

### Use Your Toolbox



- Frequently Asked Questions and Tip Sheets (varies by county)
- Procedural Guides and Self-Help Packets (varies by county)
- Courthouse Signs (varies by county)
- Referral Sheets (varies by county, already exist for Illinois JusticeCorps sites)
- IL Supreme Court Forms and Instructions (see page 10)
- ATJ Commission and the Administrative Office of the Illinois Courts (AOIC) Access to Justice Division. For templates, resources, and training sessions, contact Jill Roberts at [jroberts@illinoiscourts.gov](mailto:jroberts@illinoiscourts.gov).



### Safe Harbor Policy

The policy allows court personnel to provide legal information about court rules, court terminology, and court procedure (d)(1). The policy also prohibits court personnel from making specific legal recommendations (c)(3) and from giving legal analysis, strategy, research (other than self-guided research assistance), or advice to court patrons (c)(7).

## Legal Information Is...

### Answering Questions about Court Dates

Most cases involve court dates and deadlines. Some of these dates may be set by statute or local rule, while others are set at the discretion of the court or scheduled by the parties. This information is usually public, but it is not always easy to find.

#### Understanding Court Dates and Deadlines

You can let court patrons know about existing court dates and deadlines. If your county has an online docket, you can show court patrons how to use it to check upcoming court dates. You can answer questions about due dates, but only if they are clear from a court document, local rule, or statute. You can also give a court patron relevant information (e.g., upcoming court holidays).

#### Statutes of Limitations

Rules governing the statutes of limitations are very complicated and may require more knowledge about a case than you have available. You should not attempt to explain the laws and rules governing the statute of limitations. Instead, you can tell a court patron that there *may* be a statute of limitations and direct them to a legal resource where they can determine for themselves what it is.

#### Scheduling Court Dates

Some court patrons need help scheduling a new court date or changing a previously scheduled one. You can explain what the process is for scheduling or changing a court date. If the court patron is seeking to change an existing court date, you can let them know that the request must be approved by a judge and is not guaranteed. When scheduling new court dates, you can also share information about a judge's court schedule.



#### Use Your Toolbox

- Online Docket (if available)
- Illinois Legal Aid Online (<https://www.illinoislegalaid.org/>)
- Illinois Compiled Statutes (<http://www.ilga.gov/legislation/ilcs/ilcs.asp>)



#### Safe Harbor Policy

The policy allows court personnel to provide requirements for scheduling hearings (d)(1) and docket information (d)(12).



## Did You Know?

Over one million Illinois residents are limited English proficient (LEP), representing 21.7% of the state. Illinois also has over 126,000 deaf or hard of hearing residents, representing 1.6% of the adult population.

## Helping Limited English Proficient (LEP) Court Patrons

Many Illinois residents need language assistance when interacting with the courts. If you encounter an LEP litigant, you can advise that person that they are entitled to an interpreter for all court proceedings, both civil and criminal. You can also use a bilingual staff member or a telephonic interpretation service to communicate directly with the litigant in the courthouse.

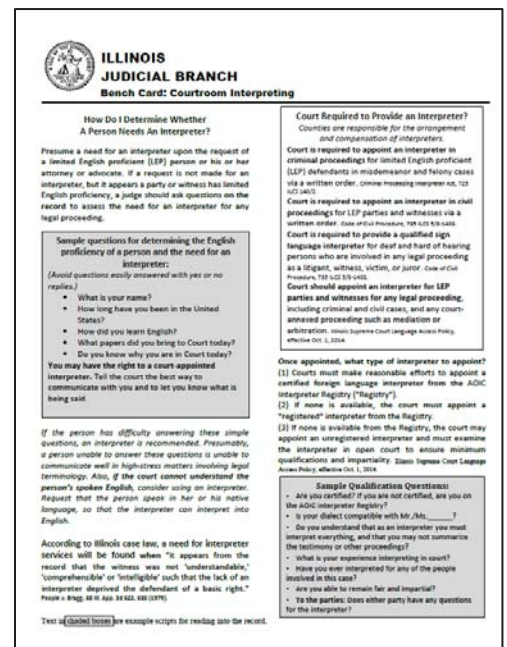
## Language Access Plans

The Illinois Supreme Court has adopted a statewide Language Access Policy, and each judicial circuit has its own local plan (see <http://www.illinoiscourts.gov/CivilJustice/LanguageAccess>).

Become familiar with your local language access plan and understand how to respond when a litigant needs assistance in a language other than English. The AOIC has created two bench cards, one for judges and one for court personnel, to serve as a quick reference for language access services, statutes, and policies.

## In-Person and Remote Interpreting Services

The AOIC maintains a registry of interpreters who have demonstrated proficiency in both interpreting skills and language fluency. You can use the registry to contact interpreters directly. The AOIC offers some reimbursement for the use of certified interpreters from the registry. For immediate interpreting services, you may consider using Language Line, a phone service which can connect you with interpreters remotely. There is no cost to set up an account in your courthouse and you pay only for the minutes that you use.



**ILLINOIS JUDICIAL BRANCH**  
**Bench Card: Courtroom Interpreting**

**How Do I Determine Whether A Person Needs An Interpreter?**

Presume a need for an interpreter upon the request of a limited English proficient (LEP) person or his or her attorney or advocate. If a request is not made for an interpreter, but it appears a party or witness has limited English proficiency, a judge should ask questions on the record to assess the need for an interpreter for any legal proceeding.

**Sample questions for determining the English proficiency of a person and the need for an interpreter:**  
(Avoid questions easily answered with yes or no replies.)

- What is your name?
- How long have you been in the United States?
- How did you learn English?
- What papers did you bring to Court today?
- Do you know why you are in Court today?

You may have the right to a court-appointed interpreter. Tell the court the best way to communicate with you and to let you know what is being said.

If the person has difficulty answering these simple questions, an interpreter is recommended. Presumably, a person unable to answer these questions is unable to communicate well in high-stress matters involving legal terminology. Also, if the court cannot understand the person's spoken English, consider using an interpreter. Request that the person speak in her or his native language, so that the interpreter can interpret into English.

According to Illinois case law, a need for interpreter services will be found when "it appears from the record that the witness was not 'understandable,' 'comprehensible' or 'intelligible' such that the lack of an interpreter deprived the defendant of a basic right." *People v. King*, 610 Ill. 57-62, 88-0195.

**Court Required to Provide an Interpreter?**  
Courts are responsible for the arrangement and compensation of interpreters.

Court is required to appoint an interpreter in criminal proceedings for limited English proficient (LEP) defendants in misdemeanor and felony cases via a written order. *Illinois Revising Committee*, 102 ILCS 140/5.

Court is required to appoint an interpreter in civil proceedings for LEP parties and witnesses via a written order. *Illinois Revising Committee*, 102 ILCS 140/5.

Court is required to provide a qualified sign language interpreter for deaf and hard of hearing persons who are involved in any legal proceeding as a litigant, witness, victim, or juror. *Illinois Revising Committee*, 102 ILCS 140/5.

Court should appoint an interpreter for LEP parties and witnesses for any legal proceeding, including criminal and civil cases, and any court-annexed proceeding such as mediation or arbitration. *Illinois Supreme Court Language Access Policy*, effective Oct. 1, 2004.

Once appointed, what type of interpreter to appoint?

(1) Courts must make reasonable efforts to appoint a certified foreign language interpreter from the AOIC Interpreter Registry ("Registry").

(2) If none is available, the court must appoint a "registered" interpreter from the Registry.

(3) If none is available from the Registry, the court may appoint an unregistered interpreter and must examine the interpreter in open court to ensure minimum qualifications and impartiality. *Illinois Supreme Court Language Access Policy*, effective Oct. 1, 2004.

**Sample Qualification Questions:**

- Are you certified? If you are not certified, are you on the AOIC Interpreter Registry?
- Do you understand that as an interpreter you must interpret everything, and that you may not summarize the testimony or other proceedings?
- What is your experience interpreting in court?
- Have you ever interpreted for any of the people involved in this case?
- Are you able to remain fair and impartial?
- To the parties, does either party have any questions for the interpreter?

Text of [Illinois bench cards](#) are excerpted for reading into the record.

## Use Your Toolbox



- Interpreter Registry (<https://publicapps.illinoiscourts.gov/>)
- Language Line (<https://www.language-line.com/>)
- "I Speak" cards (<https://www.lep.gov/ISpeakCards2004.pdf>)
- AOIC resources including bench cards, multilingual signs, and translated forms (<http://www.illinoiscourts.gov/CivilJustice/LanguageAccess/>)



## Safe Harbor Policy

The policy allows court personnel to assist court patrons with requesting a foreign or sign language interpreter (d)(2). The policy also allows court personnel to provide court forms, including translated ones, to court patrons (d)(7).

## Legal Information Is...

### Accommodating Court Patrons with Disabilities or Special Needs

#### Did You Know?

The most recent U.S. Census Bureau reports over 55 million Americans live with disabilities. Nearly 20% of Illinois residents have a disability, including 35% of the population age 65 or over.

Many court patrons need extra help accessing the courts because of disabilities. You can help them request a “reasonable accommodation” or connect them with the local Court Disability Coordinator.

#### Understanding the ADA

The Americans with Disabilities Act (ADA) applies to any individual who has a “physical or mental impairment that substantially limits one or more major life activities.” The ADA applies to *all* court patrons, including victims and spectators, and not just to litigants. Under the ADA, a court patron can ask for a “reasonable accommodation,” a modification of court rules or procedures, to help them fully access the court.

Some examples include:

- Allowing phone or video appearances for a litigant who cannot travel due to a disability
- Scheduling a court date around a litigant’s medical appointments
- Requesting a sign language interpreter for a deaf witness
- Reading a document out loud for a court patron with a visual impairment
- Permitting food and beverage in the courthouse for medical reasons

#### “Do You Need Assistance Because of a Disability?”

Some disabilities are “invisible” and not immediately apparent. Some court patrons with “visible” disabilities may not need an accommodation. Do not make assumptions about a court patron’s disability or the level of assistance required. Instead, use the question above – “Do you need assistance because of a disability?” – to ask, in a neutral way, if a court patron would like additional assistance.

#### Forms Assistance

If a court patron has a disability that prevents him or her from writing, you should assist with filling out forms. You should write exactly what the court patron says without any changes. You may want to ask another staff person to act as a “witness” or have the court patron sign a disclaimer stating that you are simply writing his or her words. This can protect you if there is any dispute about your role.

#### Use Your Toolbox

- Local Court Disability Coordinator (every court has one and you should be familiar with them and the process for requesting accommodations)
- Supreme Court Policy on Access for Persons with Disabilities  
<http://www.illinoiscourts.gov/SupremeCourt/Policies/DisabilityPolicy/>
- IL Attorney General’s Office – Disability Rights Bureau
  - Technical Assistance: Chicago 312-815-5684; Springfield 217-524-2660



#### Safe Harbor Policy

The policy provides for informing patrons of the process for requesting a reasonable accommodation (d)(3). The policy echoes the ADA requirement that court personnel help complete forms if they are unable to do so because of a disability (d)(8) and to assist with requesting sign language interpreters (d)(2).





## Legal Information Is...

### Informing Court Patrons about Court Fees and Fee Waivers

In most civil cases, court patrons must pay a fee before filing a new case or responding to an existing one. Filing fees can vary by county and case type, and often change from year to year. Make sure you have current fee information available.

#### Did You Know?

In 2015, the poverty rate in Illinois reached the highest rate in fifty years with nearly one in three Illinois families living below or near the Federal Poverty Level (currently \$25,100 annually for a family of four). Fee waivers can make the courts accessible for families and individuals who might otherwise have to choose between paying their bills and exercising their legal rights and remedies.

#### Fee Waiver Statute

For civil cases, court patrons can apply for a waiver of court fees pursuant to [735 ILCS 5/5105](#). The fee waiver application is then reviewed by a judge who determines whether the applicant meets the financial criteria set forth in the statute. The fee waiver statute also requires that circuit clerks post signs advising court patrons that they can apply for a fee waiver in English and Spanish. The AOIC has created signs for court personnel to use.

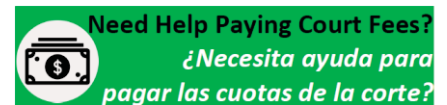
### Fee Waiver Standardized Forms and Instructions

The Illinois Supreme Court fee waiver form is required for use in every county. The form is at <http://www.illinoiscourts.gov/forms/approved/> and has been translated into six languages (Spanish, Polish, Arabic, Korean, Mandarin Chinese, and Russian).



#### Use Your Toolbox

- AOIC Fee Waiver Signs (see image)
- ILAO Guided Interview – Fee Waiver
- Translated Forms – Fee Waiver
- Illinois Supreme Court Forms and Instructions (<http://www.illinoiscourts.gov/forms/approved/>)



If you cannot pay your court fees and related costs, you may ask the judge to allow you to proceed without paying them.

*Si no puede pagar las cuotas de la corte y otros costos asociados, puede pedirle al juez que le dé permiso para seguir con su caso sin pagarlas.*

The application and instructions are available from the clerk of court and online:

<http://www.illinoiscourts.gov/forms/approved/>



*Pídale una solicitud al secretario de la corte. Puede encontrar formularios en español en:*

<http://www.illinoiscourts.gov/forms/approved/>



This notice complies with the requirements of 735 ILCS 5/5-105

### When Are Court Fees Waived?

Court personnel are not responsible for deciding who can and should have their court fees waived. If someone asks for a fee waiver application, you should give them the form regardless of whether or not you think they are eligible. Be careful not to make assumptions about a court patron's ability to pay as it is ultimately the judge's responsibility to make that determination. When reviewing fee waiver applications, judges will look at several factors including annual household income, eligibility for means-based public benefit programs, and other factors that could demonstrate financial hardship.



#### Safe Harbor Policy

The policy permits court personnel to provide information about and forms for requesting a fee waiver due to inability to pay (d)(4).

**Note: A change to the civil fee waiver statute and creation of a criminal fee waiver will go into effect on July 1, 2019 allowing for 100%, 75%, 50%, or 25% waivers. The AOIC will conduct outreach to court personnel once the statute and rule changes are finalized.**

## Legal Information Is...

### Providing assistance with Electronic Filing (e-filing)

E-filing has changed how court patrons interact with the court system. Some court patrons e-file from outside of the court building, but many others are coming to the courthouse and require guidance to be able to successfully e-file.

### What information can court personnel provide?

All of the instructions needed to walk someone through e-filing is allowable legal information that can be provided to court patrons including, but not limited to: where to find and select an Electronic Filing Service Provider (EFSP); how to register for an EFSP account and set up an email address; how to sign into the EFSP or how to reset an account; how to file into a case including information about: searching for an existing case by case number or party; creating a payment account; selecting locations, case category, and case type; entering party information; uploading documents to file in the correct format and size; selecting filing codes and differentiating between lead documents and attachments; how a paper or electronic document can be converted to the required file type (PDF) through equipment available within the courthouse; and why a filing was rejected.

### What if someone can't e-file?

[Illinois Supreme Court Rule 9](#) governs the mandatory nature of e-filing, but also lists exemptions from e-filing. Self-represented litigants are automatically exempt from e-filing if they are incarcerated in a local jail or correctional facility or have a disability that prevents them from e-filing. Wills and anything filed under the Juvenile Court Act are also automatically exempted from e-filing.

Self-represented litigants are exempt from e-filing for good cause if they turn in a Certification for Exemption from E-filing form stating that they:

- Don't have a computer or internet in their home;
- Have difficulty reading or writing in English; OR
- Are filing a sensitive pleading like an Order of Protection.

You are able to inform court patrons of the existence of the exemption and the process for getting an exemption. Remember, the Certification does not require court approval, if the form is presented to the Clerk's office along with paper documents, everything should be accepted.

This form is approved by the Illinois Supreme Court and is required to be used in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT		CERTIFICATION FOR EXEMPTION FROM E-FILING
COUNTY		
Plaintiff / Petitioner (First, middle, last name)		
Defendant / Respondent (First, middle, last name)		
Case Number		

**Instructions:**  
1. Identify above, enter the name of the county where the case was filed.  
2. Enter the name of the person who entered the lawsuit as Plaintiff/Petitioner.  
3. Enter the name of the person being sued as Defendant/Respondent.  
4. Enter the Case Number given to the Court Clerk or leave this blank if you do not know it.

**Check the reasons you are asking to file by mail or otherwise. You should check all that apply.**

1. I am not able to e-file documents in this case for the following reasons (check all that apply):

- ☐ I am representing myself and do not have the Internet or a computer in my home. My only access is through a public terminal at a courthouse, library, or other location. This poses a financial or other hardship.
- ☐ I am representing myself and have a disability that prevents me from e-filing.
- ☐ I am representing myself and have trouble reading, writing, or speaking in English.
- ☐ I am filing a document in a sensitive case, such as a petition for an order of protection or a civil no contact/stalking order.

2. Illinois Supreme Court Rule 9(c)(2) allows for an exemption from e-filing for good cause. For the above reasons, I need a good cause exemption from e-filing for my entire case or until I am able to e-file.

I certify that everything in the Certification for Exemption from E-filing is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 180 ILCS 50-108.

Your Signature \_\_\_\_\_ Street Address \_\_\_\_\_  
Print Your Name \_\_\_\_\_ City, State, ZIP \_\_\_\_\_  
Telephone \_\_\_\_\_

Under the Code of Civil Procedure, 215 ILCS 5/2-102, anyone who files a document on this form that you know to be false or fraudulent is liable to be held in contempt of court and may be fined, imprisoned, or both.

What you should do: Print, sign, and post your name.

Enter your complete address and telephone number.



### Use Your Toolbox

- Statewide e-filing guides in English and Spanish as well as some videos can be found at: [http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented\\_Litigants/self-represented.asp](http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp)



### Safe Harbor Policy

The policy lists the type of e-filing information that may be provided (d)(5) and permits providing information about the e-filing exemption and process for getting it (d)(6).

## Legal Information Is...

### Providing Forms and Instructions

One of the most common requests from court patrons is for court forms. Directing court patrons to the appropriate form and providing the information needed to complete and file it can enable them to effectively use the court system to resolve a legal problem.

### How Much Help is Too Much Help?

Some court patrons need help selecting the correct form and filling it out. They may ask you to choose the form for them or to review the form before it is filed. You should be careful not to cross the line into legal advice. You can explain the function and purpose of different forms and can identify which form they need based on their description of their situation. You can also review a form for completeness, but should not check the accuracy of the answers. You can answer basic information about the terms used on a form or the type of information requested, but should not help a court patron answer the questions. You should not second guess a court patron's choice of form when they are filing it, even if you believe it to be the wrong one. You should file all forms exactly as they are given to you without modification (although you can tell a court patron if it is incomplete). A judge will make the ultimate decision about the forms' accuracy.

#### Did You Know?

Every Illinois Supreme Court form is written in plain language by a group of clerks, lawyers, law librarians, judges, and legal aid attorneys and goes through user testing and public comment before publication. The forms also come with detailed instructions and frequently asked questions. The entire process takes over a year to create one form. Forms are available at: [www.illinoiscourts.gov/Forms/forms.asp](http://www.illinoiscourts.gov/Forms/forms.asp)

### Assisting Low Literacy Court Patrons

Court patrons with limited literacy may struggle to complete forms. You can assist by reading the form to the court patron, answering basic questions about the terms used, and writing their answers word-for-word. However, you should not interpret or summarize the document or help the patron come up with answers. For information on assisting court patrons with disabilities, see page 7.

#### Use Your Toolbox



- Illinois Supreme Court Forms and Instructions (<http://www.illinoiscourts.gov/forms/approved/>)  
(Forms in English, Polish, Spanish, Korean, Arabic, Russian, and Chinese)
- Illinois Legal Aid Online Automated Forms (<https://www.illinoislegalaid.org/>)

### Safe Harbor Policy



The policy permits court personnel to assist court patrons in accessing forms and related instructions and to answer basic questions about the forms (d)(7). Additionally, one can identify forms and provide services based on the assumption that the information provided by the court patron is accurate and complete (d)(15). The policy also permits court personnel to review forms for completeness (d)(9) and assist court patrons with low literacy is a disability with reading and completing court forms (d)(8).

## Legal Information is...

### Giving Attorney Referral Information

National surveys show that most self-represented litigants wish they had an attorney; they simply cannot afford or cannot find one. Connecting litigants with bar associations and legal aid or *pro bono* attorneys, is one way you can help court patrons get the legal help they need.

### Understanding Different Legal Services

Not all lawyers are alike, and to make the best possible referrals, you should understand some of the different types of lawyers and legal service organizations.

- **Lawyer Referral Services:** These services, often organized by local or state bar associations, can connect a court patron with a local attorney who will offer an initial consultation for a small fee. The litigant can then decide if they want to hire the attorney for a fee.
- **Legal Aid Agencies:** These are non-profit agencies that offer free or low-cost legal service, usually to low-income people. Each agency has different eligibility criteria, especially around case type and income level. A complete list of legal aid agencies in Illinois can be found on ILAO (<https://www.illinoislegalaid.org/get-legal-help/>).
- **Hotlines and Help Desks:** These resources offer brief legal assistance, either over the phone or in-person. Most are restricted to certain case types and may only operate during certain hours of the day or days of the week. These services are free, and do not usually include representation in court. *For example:* Illinois Armed Forces Legal Aid Network (IL-AFLAN) statewide veteran's hotline 1-855-452-3526.
- **Pro Bono Services:** These services are provided by private practice attorneys at no-cost to low-income litigants. Many *pro bono* attorneys represent clients through court-based *pro bono* programs, legal aid agencies, or bar associations. Some *pro bono* attorneys host clinics or walk-in hours at their local courthouses.
- **Mediation Programs:** These programs connect litigants with impartial mediators (who may also be attorneys) to help resolve disputes voluntarily outside of court. Some mediation programs offer free services to low-income litigants. Visit the Resolution Systems Institution website for a list of all programs in Illinois: <http://courtadr.org/sourcebook/programs.php>.

#### Did You Know?

Every county in Illinois is served by one of the following legal aid organizations that provide free legal services:

- ❖ LAF (Cook County)  
<http://www.lafchicago.org/>
- ❖ Prairie State Legal Services (Northern Illinois)  
<https://pslegal.org/>
- ❖ Land of Lincoln Legal Assistance Foundation (Southern Illinois)  
<http://lollaf.org/>

Many services have restrictions based on case type, income, or other criteria. When making referrals, do not make assumptions about someone's income level or circumstances, but do make them aware of any eligibility criteria.



### Use Your Toolbox

- Local Bar Associations (varies by county)
- Local Legal Aid and Pro Bono Organizations (varies by county)
- Illinois State Bar Lawyer Finder (<http://www.illinoislawyerfinder.com/>)
- Resource and Referral List (template available from the AOIC)

## Making Attorney Referrals

You cannot make referrals to specific attorneys who charge a fee for their services. However, you can make general referrals to bar associations or legal aid agencies that offer free or low-cost services. If you do not have a local bar association, you can refer court patrons to the Illinois State Bar Association's Lawyer Finder at <http://www.illinoislawyerfinder.com/find-a-lawyer>.

### Limited Scope Representation

For litigants who have some money, but not enough to hire an attorney for an entire case, limited scope representation may be a good option. Illinois Supreme Court Rule 13 allows attorneys to file a "Limited Scope Appearance" to represent a litigant for a certain court date or discrete portion of a case. Attorneys can also offer limited scope services like document preparation and coaching outside of court. This is generally cheaper than hiring an attorney for the entire case. The Supreme Court website has more information on limited scope representation available at: [http://www.illinoiscourts.gov/civiljustice/Resources/Attorneys/Limited\\_Scope\\_Rules.asp](http://www.illinoiscourts.gov/civiljustice/Resources/Attorneys/Limited_Scope_Rules.asp).

## Safe Harbor Policy



The policy prohibits court personnel from referring court patrons to specific attorneys or law firms who offer fee-based services (c)(5). The policy allows court personnel to make general referrals to lawyer referral services, legal aid agencies, *pro bono* attorneys, limited scope legal services, law and public libraries, and web-based resources, as well as for different kinds of non-legal resources, including domestic violence services (d)(10).

## Legal Information Is...

### Providing Referrals to Legal Resources/Community Organizations

There are many legal resources available in Illinois, although they vary greatly from county to county. Some of these resources exist inside the courthouse (court-based legal resources) while others may require the court patron to travel outside the courthouse or to visit a website (community-based legal resources). You may not have all the following resources in your county, but you likely have several of them. Take a few minutes to familiarize yourself with the services available in your courthouse and community so you can best assist court patrons.



Court-Based Legal Resources	Community-Based Legal Resources
Legal Self-Help Center	Illinois Legal Aid Online
Law Library	Public Library
JusticeCorps	Bar Association
Mediation (Pro Bono)	Mediation (Fee-Based)
Legal Help Desk	Legal Aid Providers
Pro Bono Hours	Pro Bono Attorneys
Self-Help Resources	Self-Help Resources



## Making Good Referrals

A bad referral can be worse than no referral as it may waste time or set unrealistic expectations. To make a good referral, you should know the types of information and services available, any eligibility criteria, and contact information including hours of operation. Remember to check your referral list periodically to make sure your information is up-to-date.

## Illinois Legal Aid Online (ILAO)

One helpful statewide resource is Illinois Legal Aid Online (<https://www.illinoislegalaid.org/>). ILAO offers web-based legal information and forms in several areas of law including family, housing, consumer, immigration, public benefits, and traffic. ILAO also operates Illinois Free Legal Answers at <https://il.freelegalanswers.org/>. Users can submit up to three legal questions by email and receive a response from an attorney within one week. When referring to ILAO, or any web-based resource, check on personal internet access or direct them to a public library or other public-access computer.

## Community Organizations

Most legal problems do not begin or end in the courthouse. Many court patrons will also need non-legal help to completely resolve their legal problems. By referring court patrons to social service providers or community organizations, you can help them continue working to solve their problems, even outside of the courthouse.

There are many situations where a court patron can benefit from a non-legal referral, including:

- Someone facing eviction asking for information about homeless shelters
- A veteran with a debt collection case asking how to apply for public benefits
- A survivor of domestic violence asking for counseling services

Social service resources are highly localized. Take a few minutes to learn which service providers operate in your area and basic information including the services provided, hours of operation, and eligibility criteria.



### Use Your Toolbox

- Local DV Advocates
- Illinois DV Hotline: (1 877 TO END DV)
- Resource and Referral List (template available from the AOIC)
- Public Benefits Information: <https://abe.illinois.gov/abe/access/>

### The Illinois Domestic Violence Act (IDVA)

Section 750 ILCS 60/202(d) of the IDVA states that "The court ***shall*** provide, through the office of the clerk of the court, simplified forms and ***clerical assistance to help with the writing and filing*** of a petition under this Section by any person not represented by counsel."

The best practice is still to refer court patrons to local DV advocates who have specialized training. However, if that option is not available, you can and should help court patrons. The IDVA applies to all persons filing for protection, regardless of gender, sexual orientation, immigration status, or language proficiency.

## Find Your Local Service Providers

The State of Illinois has compiled several lists to help you find your local social service providers:

- Emergency/Transitional Housing Providers: <http://www.dhs.state.il.us/page.aspx?item=64686>
- Mental Health Services: <http://www.dhs.state.il.us/page.aspx?item=30893>
- Domestic Violence Services: <http://www.dhs.state.il.us/page.aspx?item=31886>
- Alcoholism/Substance Abuse Services: <http://www.dhs.state.il.us/page.aspx?item=29731>

# Legal Information Is...

## Providing Court Records, Rules, Statutes, and Public Information

Sometimes court patrons have questions that can be answered simply by connecting them with the appropriate case file, court rule, or statute. You can direct them to publicly available information by explaining the different ways to access it, both in-person and online.

### Using Your Local Librarians

Public librarians and law librarians can help court patrons find the rules and statutes that govern their cases. Find out who your local librarians are, what services they can provide, and their hours of operation.

### Commonly Used Statutes and Court Rules

Many court patrons need help finding the laws, regulations, and rules that govern their case. While you should not explain the rules yourself, you can assist court patrons in finding the rules so they can read them on their own. Public libraries and law libraries may have access to legal texts, electronic legal databases like WestLaw or LexisNexis, or both.

### Court Files and Docket Information

Court files can seem confusing to court patrons. You can help by explaining what types of information they will find in a court file and how to request it. You can answer questions or define terms that the patron may not understand in the court file, but should not interpret the legal information and court orders found in the file. You can also show a court patron how to read an electronic or print docket sheet by defining abbreviations and acronyms mean.

### Public and Private Court Records

Not all court files are public records. Make sure that you know how to recognize a sealed file. Some categories of cases are always sealed (e.g., juvenile delinquency cases) while others are sealed by order of the judge. In some circumstances, specific documents in a case file may be sealed while others may be public. Sealed records should not be shared with anyone, even a party to the case, without a court order.

### Use Your Toolbox



- Local law library or public library (varies by county)
- WestLaw or LexisNexis (if available)
- Illinois Compiled Statutes (<http://www.ilga.gov/legislation/ilcs/ilcs.asp>)
- Illinois Supreme Court Rules (<http://www.illinoiscourts.gov/SupremeCourt/Rules/default.asp>)



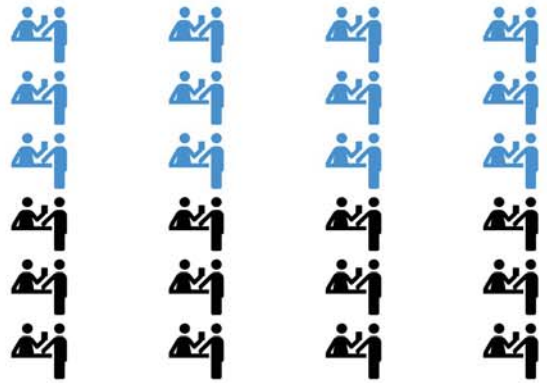
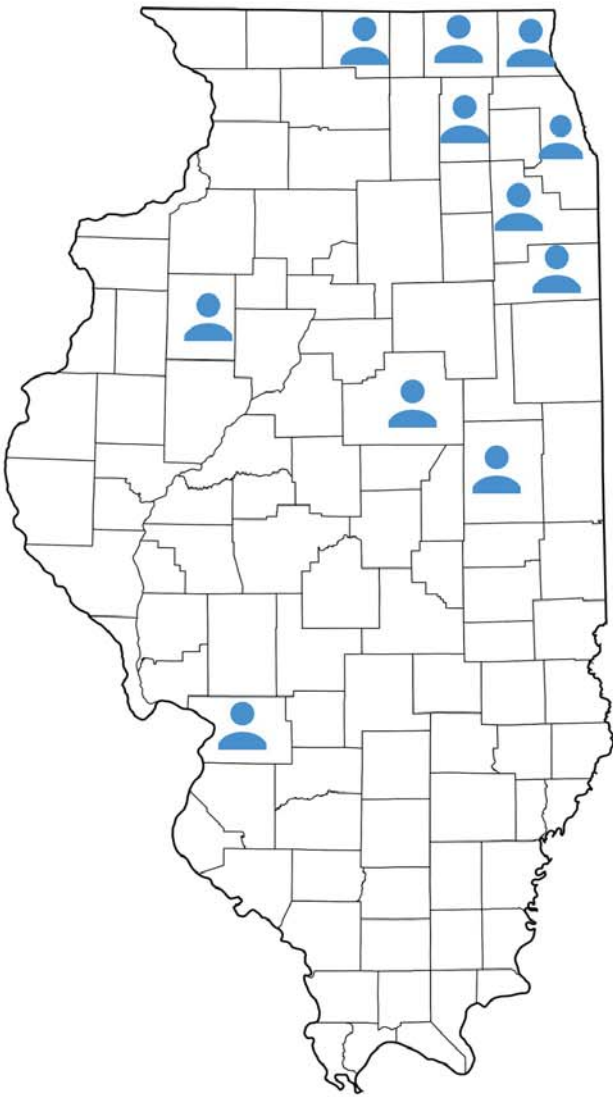
### Safe Harbor Policy

The policy allows court personnel to provide legal information about court rules and terminology (d)(1) and to share public case files and information on how to access them electronically (d)(13). The policy also allows court personnel to assist court patrons in pursuing self-guided legal research (d)(18).



# Where is JusticeCorps?

## 13 Sites in 11 Counties



## 46% of Circuits

are served by Illinois JusticeCorps

EVERY  
JUSTICECORPS  
MEMBER SERVES  
AT LEAST

# 300 HOURS

OVER THE COURSE OF  
ONE YEAR



## Courthouses Served:

Champaign; Cook (Daley Center, Markham, and Leighton Criminal Court Building); Kane; Kankakee; Knox; Lake; Madison; McHenry; McLean; Will; and Winnebago



Administrative Office of the Illinois Courts  
Access to Justice Spiral

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# Section III

## Self-Represented Litigants:

### Referrals to Available Legal Resources

# ILLINOIS SUPREME COURT COMMISSION ON ACCESS TO JUSTICE & ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS



## The Justice Gap: Self-Represented Litigants and Access to Lawyers

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To understand the size and scope of the justice gap in Illinois, one must first look at the diversity of the nearly thirteen million residents of the state. They reside in all four corners of the State, from the urban core of Chicago to the rural farming communities of Southern Illinois. They include individuals of every conceivable race, ethnicity, age, gender, sexual orientation, nationality, immigration status, disability status, military status, income level, and educational level. The diversity of Illinois is reflected daily in the court system, and the varying backgrounds and needs of the state's residents must be considered when contemplating access to justice.

While 1.8 million residents live below the Federal Poverty Level (FPL), another 2.1 million people live just outside of it.<sup>1</sup> These individuals face a different access to justice barrier as they are unlikely to qualify for legal aid or *pro bono* services that often tie eligibility to the FPL, but may not have financial resources to hire private attorneys as their wages have stagnated while attorney hourly rates have increased.<sup>2</sup> The justice gap is increasingly a problem not just for the poor, but also for modest means and middle class families.

A 2016 report prepared by the Institute for the Advancement of the American Legal System found that 75% of self-represented litigants would have preferred to have had legal representation, but were unable to find or afford an attorney.<sup>3</sup> Increasing access to legal aid and *pro bono* attorneys, establishing new court-based *pro bono* projects, and connecting litigants with affordable legal representation including limited scope representation is essential.

The following pages will describe the current landscape of self-help centers, legal aid offices, limited scope representation, and *pro bono* opportunities across the state. Judges should be aware of what offerings apply to their jurisdiction and may make appropriate referrals for self-represented litigants.

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<sup>1</sup> Define FPL. <https://aspe.hhs.gov/poverty-guidelines>

<sup>2</sup> Wall Street Journal, *More Strapped Litigants Skip Lawyers in Court*, July 22, 2010 (available online at <http://www.wsj.com/articles/SB10001424052748704229004575371341507943822>).

<sup>3</sup> *Cases without Counsel: Research on Experiences of Self-Representation in U.S. Family Court*, May 2016, page 18 (available online at [http://iaals.du.edu/sites/default/files/documents/publications/cases\\_without\\_counsel\\_research\\_report.pdf](http://iaals.du.edu/sites/default/files/documents/publications/cases_without_counsel_research_report.pdf)).

# **Limited Scope Representation in Illinois**

## **Introduction**

In June 2013 the Supreme Court approved changes to Supreme Court Rules 11, 13 and 137, and additional comments to Rules of Professional Conduct 1.2, 4.2 and 5.5 related to limited scope representation. The effect of the amendments is to permit and facilitate this type of representation in civil matters at the trial court level.

The most notable practices permitted under the rule changes are that (1) lawyers are permitted to make limited scope appearances in civil matters and (2) lawyers may provide document preparation assistance to pro se litigants without making an appearance in the underlying matter. Limited scope representation has been explicitly recognized in the rules governing the legal profession in Illinois since the Supreme Court adopted the Rules of Professional of Conduct of 2010, which included a revision to Rule 1.2(c).

The concept of limited scope representation is simple: a lawyer and client agree that the lawyer will represent a client in only a portion of his or her case. This practice is often called “unbundling” because the lawyer provides one or more discrete services (such as document preparation or representation in a deposition), and not the complete bundle of services (including investigation, legal research, negotiation, drafting, and court representation) that typically comprise a full representation.

The option of paying for select, discrete services can make legal representation affordable to a person of limited means who cannot pay the up-front cost of a retainer or the price of an ongoing full representation arrangement.

## **2013 Changes to Limited Scope Representation Provisions:**

- Supreme Court Rule 11 (amended to clarify when a lawyer making a limited scope appearance must be served)
- Supreme Court Rule 13 (amended to allow lawyers to file limited scope appearances regarding one or more specific aspects of a proceeding, and then withdraw on motion after completing the agreed scope of representation)
- Supreme Court Rule 137 (amended to permit lawyers to assist self-represented persons in drafting or reviewing pleadings, motions and other documents without filing a general or limited scope appearance)
- Comments to Rule of Professional Conduct 1.2 (amended to cross-reference the types of limited assistance permitted by Rules 13 and 137)
- Comments to Rule of Professional Conduct 4.2 (amended to clarify communications by a lawyer with a person represented on a limited basis)
- Comments to Rule of Professional Conduct 5.5 (amended to cross reference Rules 13 and 137 as examples of how lawyers may assist persons without representation)

## Limited Scope Rule Amendments in Detail

The most significant aspects and intent of the limited scope representation amendments and related commentary to each rule are summarized here.

### Supreme Court Rule 11

The amendment to this rule – which specifies the manner of serving documents in a case – added a new paragraph (e), which clarifies the service requirements after an attorney files a Notice of Limited Scope Appearance. The amended rule specifies that service of all documents must be made on **both** the attorney making the limited scope appearance and the party, until the attorney’s appearance has ended under the provisions of Rule 13(c)(7).

### Supreme Court Rule 13

Rule 13 concerns appearances and withdrawals. The amendment to this rule added a new paragraph (c)(6) and established the limited scope appearance in civil proceedings. In accordance with the general principle of limited scope representation, a limited scope appearance under the rule allows an attorney to provide in-court representation for a litigant regarding a discrete aspect of a case or a specific proceeding in a case.

Paragraph (c)(6) spells out the requirements for doing so: an attorney must memorialize the agreement to provide limited scope representation in a written agreement with the litigant, and the attorney must complete and file the form Notice of Limited Scope Representation attached to Rule 13. That form requires the attorney to state that a written agreement has been made, and to identify the scope of the appearance being entered. The form contains a short checklist that suggests the types of situations in which an attorney might make a limited scope appearance: a court proceeding on a particular date, a trial, in a deposition, in various aspects of a family law matter, or regarding a discrete issue within a proceeding or proceedings covered by the appearance.<sup>1</sup>

Paragraph (c)(7) addresses the end of a limited scope appearance. An attorney’s withdrawal upon completion of the specified representation can be accomplished by oral motion pursuant to Paragraph (c)(7)(i) or by written notice pursuant to Paragraph (c)(7)(ii). (Withdrawal for any other reason is subject to the requirements of Paragraph (c)(2) and (c)(3).) An oral motion under (c)(7)(i) is appropriate if it is made at a proceeding attended by the party represented by the attorney.

The rule specifies that the court must grant the motion unless the party objects that the agreed scope of representation has not been completed. In that case the rule provides for an evidentiary

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<sup>1</sup> This list is illustrative but not exclusive. The form allows attorneys to identify “other” aspects in which they are appearing.

hearing regarding the objection. The rule states that the motion must be granted unless the court “expressly finds” that the scope of representation specified in the Notice of Limited Appearance has not been completed.

The alternative method of withdrawal is detailed in Paragraph (c)(7)(ii), which requires the attorney to provide written notice to the represented party, the other parties and counsel, and the judge. The represented party has 21 days from the date of service to file an objection using the form notice attached to Rule 13.

If an objection is filed, the attorney is required to notice a hearing, which will proceed along the same lines as a hearing under Paragraph (c)(7)(i). In the absence of an objection, the attorney’s limited scope appearance automatically terminates following the 21 days.

In both instances the underlying principle is that withdrawal from a limited scope appearance appropriately terminates unless there is a finding that the scope of representation agreed to by the attorney and litigant has not been completed. The amended commentary to Rule 13 cautions:

*“A court’s refusal to permit withdrawal of a completed limited scope representation, or even its encouragement of the attorney to extend the representation, would disserve the interests of justice by discouraging attorneys from undertaking limited scope representations out of concern that agreements with clients for such representations would not be enforced.”*

### **Supreme Court Rule 137**

As amended, Rule 137 allows attorneys to provide assistance in drafting or reviewing documents to self-represented litigants. Neither an attorney appearance nor an attorney signature is required. The new paragraph (e) specifies that when assistance is provided in drafting or reviewing a pleading, motion or other paper, the self-represented party must sign the document. Paragraph (e) also states that an attorney may rely on the self-represented party’s representation of facts without further investigation, unless the attorney knows the representations are false.

The comment added to Rule 137 reiterates that an attorney providing assistance under paragraph (e) is not required to sign or note his or her involvement in the matter. The comment also emphasizes that even if an attorney is identified in connection with assistance provided under the rule, he or she will not be deemed to have made a general or limited scope appearance.

### **Comments to Rule of Professional Conduct 1.2**

Rule 1.2 states that an attorney may limit the scope of representation. Comment [8] to this rule was amended to add a cross reference to the Supreme Court Rules 13(c)(6) and 137(e) (concerning limited scope appearances and assistance in drafting and reviewing documents).

### **Comments to Rule of Professional Conduct 4.2**

There were two amendments to the comments to Rule 4.2 concerning communication with represented persons were amended. Comment [2] now states that Rule 4.2 applies to communications with a person represented by counsel providing limited scope representation under Rule 1.2(c). Comment [8A] was added to clarify when a lawyer is deemed to know when a person is represented by counsel on a limited scope basis. The comment specifies a Notice of Limited Scope Appearance or other written notice as the bases for such knowledge.

### **Comments to Rule of Professional Conduct 5.5**

Comment [3] to Rule 5.5, concerning the unauthorized practice of law, was amended to add a reference to assistance provided under Rule 137(e) and Rule 13(c)(6) to non-lawyers proceeding *pro se*. The comment clarifies that such assistance is permitted under Rule 5.5.





# ILLINOIS JUDICIAL BRANCH

## Bench Card: Limited Scope Representation

A self-represented litigant may proceed with the partial assistance (“limited scope representation”) of a lawyer in some matters. For example, a self-represented litigant may be coached by a lawyer outside of court, may rely on pleadings prepared by a lawyer, or may be represented by a lawyer in court for only a discrete portion of the case. Illinois Supreme Court Rules permit limited scope representation in civil proceedings at the trial court level.

### General Authority for Limited Scope Representation

#### Ethics of Limited Scope

##### Illinois Rule of Professional Conduct 1.2(c)

“A lawyer may limit the scope of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.”

#### Limited Scope Appearances

##### Illinois Supreme Court Rule 13(c)

❖ **Filing a Limited Scope Appearance.** Rule 13(c)(6) allows lawyers to make a limited scope appearance on behalf of a litigant in civil proceedings.

- ✓ There must be a written representation agreement between the litigant and lawyer.
- ✓ The lawyer must file a Notice of Limited Scope Appearance in the form prescribed in the rule. (Notice is available as a standardized form.)
- ✓ The Notice must specify the aspects of the proceeding to which the appearance pertains.
- ✓ A lawyer may make more than one Limited Scope Appearance during the course of a proceeding.

❖ **Ending a Limited Scope Appearance.** There are two ways a limited scope appearance may end under Rule 13(c)(7):

- ✓ The lawyer can make an oral motion for withdrawal without notice if the client is present in court at that time.
- ✓ The lawyer can file a Notice of Withdrawal of Limited Scope Appearance and serve it on the represented party as well as the court and other parties. In the absence of a timely objection (filed within 21 days of service), the appearance automatically terminates without a court order.

❖ **Objecting to Withdrawal** of a Limited Scope Appearance. Rule 13(c)(7) allows a litigant to object to withdrawal only by alleging the lawyer has not completed the representation specified in the Notice of Limited Scope Appearance.

- ✓ If the represented party objects to the proposed withdrawal, SCR 13(c)(7) requires an evidentiary hearing on the issue of whether the specified representation has been completed.
- ✓ Following the hearing, SCR 13(c)(7) requires the court to allow the lawyer to withdraw unless it expressly finds that the lawyer has not completed the limited scope representation.

#### Document Preparation Assistance Illinois Supreme Court Rule 137(e)

A lawyer may assist in drafting or reviewing documents that will be filed by a party on a self-represented basis.

- ✓ The lawyer is not required to file an appearance (general or limited scope).
- ✓ The pleading, motion or other paper is to be signed by the party, not the lawyer providing assistance.
- ✓ The rule does not require the lawyer’s involvement in preparing a document to be noted.

## Service Requirements

### Illinois Supreme Court Rule 11(f)

SCR 11(f) requires that documents must be served on both a lawyer who has filed a Notice of Limited Scope Appearances and the party represented pursuant to the appearance until the appearance is withdrawn or terminates pursuant to SCR 13(c).

#### Managing Limited Scope in the Courtroom

The **Comments to Rule 13** address several practical issues related to limited scope appearances:

- ❖ The rule does not limit the number of Limited Scope Appearances that can be filed in a given matter.
- ❖ There is no restriction on the purpose of a Limited Scope Appearance.
- ❖ Lawyers are encouraged to seek withdrawal via oral motion (with litigant present) to ensure the withdrawal is timely and that the court is aware of it.
- ❖ The rule does not restrict the court's ability to manage cases or respond to abuses of limited scope representation.
- ❖ The comments caution against refusing to permit a lawyer's withdrawal or encouraging a lawyer to remain in a case. Such practices may discourage a lawyer from undertaking limited representation in the future.

## Standardized Forms

The Supreme Court Access to Justice Commission has produced three statewide forms that must be accepted for use in connection with limited scope appearances: Notice of Limited Scope Appearance, Notice of Withdrawal of Limited Scope Appearance, and Objection to Withdrawal of Limited Scope Appearance. All three are available from the Illinois Courts website through this link: [http://illinoiscourts.gov/Forms/approved/procedures/limited\\_scope.asp](http://illinoiscourts.gov/Forms/approved/procedures/limited_scope.asp)

#### Limited Scope Appearance Form

The Limited Scope Appearance should reflect the limitations agreed to by the lawyer and the party and should be signed by both.

- ✓ The lawyer should file a new Limited Scope Appearance if the lawyer seeks to appear in a proceeding not specified in the original appearance.
- ✓ The limitations specified in the notice should be consistent with the scope of representation described in the representation agreement required under SCR 13(c).
- ✓ The key issue in hearing an objection to a lawyer's notice to withdraw is whether the lawyer has completed the representation as specified in section 3 of the Notice of Limited Scope Appearance (see below).

3. The attorney appears pursuant to Supreme Court Rule 13(c)(6). This appearance is limited in scope to the following matter(s) in which the attorney will represent the Party (*check and complete all that apply*):

- ☐ in the court proceeding (*identify*) \_\_\_\_\_ on the following date: \_\_\_\_\_
- ☐ and in any continuance of that proceeding
- ☐ at the trial on the following date: \_\_\_\_\_
- ☐ and in any continuance of that trial
- ☐ and until judgment
- ☐ at the following deposition(s): \_\_\_\_\_
- ☐ if a family law matter, specify the scope and limits of representation: \_\_\_\_\_
- ☐ Other (*specify the scope and limits of representation*): \_\_\_\_\_

4. If this appearance does not extend to all matters to be considered at the proceeding(s) above, identify the discrete issues within each proceeding covered by this appearance: \_\_\_\_\_

## Chicago Bar Association Limited Scope Referral Panel Application and Instructions for Membership

This referral panel will connect litigants looking for fixed-cost, limited scope representation (otherwise known as unbundled, or a la carte, representation) with attorneys who are able to offer those services, specifically in the areas of landlord-tenant, domestic relations, and consumer/collections law.

To qualify for membership in the Limited Scope Referral Panel, an attorney must meet the following criteria:

1. Complete the attached application (and the “Application for Continued Participation” every year thereafter);
2. Demonstrate at least two years of experience (25% time or more) in one or more of the following areas of law: landlord-tenant, domestic relations, or consumer/collections.
3. Possess a license to practice law in Illinois and remain in good standing;
4. Offer a variety of unbundled limited scope services, when appropriate, at a fixed cost. These may include, but are not limited to, coaching, document review, document preparation, settlement negotiations, and limited scope court appearances.
5. Carry malpractice insurance and provide a copy of the Declarations Page showing the policy number, effective dates of coverage, amount of coverage, and named insured;
6. Agree in writing to comply with all Rules and Regulations of the Program, the Code of Professional Conduct of the Illinois Supreme Court, and the Rules of the Circuit Court of Cook County (see last page of application); and
7. Attend a CBA training seminar on limited scope representation or view a pre-recorded video of the same. A video recording of the *Unbundled Services to Expand Your Practice* seminar is available on the [CBA website](#). Please note, there may be a cost associated with viewing this video for non-CBA members. [Participants in the Justice Entrepreneurs Project can meet this requirement through their participation in the training program.]
8. **All members of the Limited Scope Referral Panel must provide identifying language when preparing documents to be filed with the court by a self-represented litigant. Please note that this is *not* a requirement under [Illinois Supreme Court Rule 137](#), but is an additional requirement for membership on this panel.<sup>1</sup> Sample identifying language is provided on page two of the instructions.**

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<sup>1</sup> Rule 137 expressly provides that an attorney can provide document preparation assistance to a client without filing a general or limited scope appearance or providing any further representation when it is reasonable under the circumstances. Notwithstanding that it is not required under Rule 137, attorneys on the CBA limited scope panel should include the required language on any pleading where the attorney has provided assistance in preparing the document. The attorney is identified by their court attorney number rather than by name to assure the judge a licensed attorney has provided assistance. The judge cannot compel any action by the attorney, but the attorney number gives the judge a vehicle to make a complaint to the CBA if the judge believes the attorney’s assistance violated the Rules of Professional Conduct.

All applications should be submitted to Juli Vyverberg at the contact information below:

Mail: Juli Vyverberg  
Lawyer Referral Service  
Chicago Bar Association  
321 S Plymouth Court  
Chicago, IL 60604  
Fax: (312) 554-2139  
Email: [jvyverberg@chicagobar.org](mailto:jvyverberg@chicagobar.org)

Applications will be reviewed by a Screening Committee within two weeks of receipt. Applicants should respond to any follow-up requests from the Committee in a timely fashion.

Once approved, attorneys will be added to a list of limited scope practitioners that will be disseminated by courthouse stakeholders including help desk attorneys, circuit clerks, law librarians, and judges. Interested litigants will contact the attorneys directly to inquire about services and pricing. Attorneys are expected to offer limited scope services in all circumstances where it would be appropriate under the applicable rules (see the CBA/CBF Limited Scope Toolkit for additional guidance in making this determination). Attorneys are also expected to respond in a timely and professional manner to all inquiries to maintain their status on the Referral Panel.

#### **Identifying Language for Limited Scope Document Preparation**

The following language must be included by any CBA Limited Scope Referral Panel member providing limited scope document preparation assistance on the last page of the document (underneath the signature of the self-represented litigant):

“This document was prepared with the limited scope assistance of [Cook County Attorney Code] pursuant to Supreme Court Rule 137. [Cook County Attorney Code] is not filing a general or limited scope appearance on behalf the self-represented person in this case and is not responsible for the actions of the self-represented person.”

# Application for Admission to the CBA Limited Scope Referral Panel

## Background Information

Name \_\_\_\_\_  
(Last) (First) (Middle)

Business Address \_\_\_\_\_  
(Number) (Street) (Unit) (City) (Zip)

Home Address \_\_\_\_\_  
(Number) (Street) (Unit) (City) (Zip)

Office Phone \_\_\_\_\_ Fax \_\_\_\_\_ Home Phone \_\_\_\_\_

Email Address \_\_\_\_\_ Website \_\_\_\_\_

College Attended \_\_\_\_\_ Date of Degree \_\_\_\_\_

Law School Attended \_\_\_\_\_ Date of Degree \_\_\_\_\_

Languages Spoken (other than English) \_\_\_\_\_

I attest that I did one of the following:

- ☐ Attended the April 24, 2017 CBA seminar on *Unbundled Services to Expand Your Practice*
- ☐ Viewed a recording of the April 24, 2017 CBA seminar on *Unbundled Services to Expand Your Practice*
- ☐ Attended a limited scope representation training seminar as a participant with the Justice Entrepreneurs Project.

**If you viewed a video recording of the seminar, please attach your MCLE certificate of completion with this application.**

### **Legal Practice Information**

Is your office accessible to individuals with disabilities? ☐ Yes ☐ No

Do you use a written retainer agreement with all clients? ☐ Yes ☐ No

Please check which of the following practice areas you are applying for:

☐ Landlord-Tenant ☐ Consumer/Collections ☐ Domestic Relations

Number of years in which you spent over 25% of your time in the selected practice area: \_\_\_\_\_

Describe the nature and extent of your experience in the selected practice area:

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Check all of the limited scope services that you offer:

☐ Legal Advice ☐ Coaching ☐ Document Preparation ☐ Settlement Negotiations

☐ Limited Scope Court Appearances ☐ Other \_\_\_\_\_

Describe your experience with limited scope representation and how you have incorporated it into your legal practice:

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## **Employment Information**

**Please attach a current resume with your application or provide a link to your LinkedIn profile here: \_\_\_\_\_**

In the alternative, list your legal employment history beginning with your current employer, using the form below. You may attach another page if necessary.

### *Current Employer*

_____ (Employer Name)	_____ (Address)	_____ (Telephone)
_____ (Job Title)	_____ (Dates of Employment)	_____ (Nature of Firm's Practice)
_____ (Nature of Your Practice/Duties)		

### *Previous Employer #1*

_____ (Employer Name)	_____ (Address)	_____ (Telephone)
_____ (Job Title)	_____ (Dates of Employment)	_____ (Nature of Firm's Practice)
_____ (Nature of Your Practice/Duties)		

### *Previous Employer #2*

_____ (Employer Name)	_____ (Address)	_____ (Telephone)
_____ (Job Title)	_____ (Dates of Employment)	_____ (Nature of Firm's Practice)
_____ (Nature of Your Practice/Duties)		



### **Professional Liability**

Do you have professional liability (malpractice) insurance? \_\_\_\_\_

Name of company, expiration date and number of policy, limits of coverage, and deductible:

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Please attach the cover sheet and/or declarations page of your policy. **We cannot process your application without this information.**

### **Bar Membership**

Date of Admission to the Illinois Bar \_\_\_\_\_  
(Month) (Year)

Date of Admission to the Federal Trial Bar (if applicable) \_\_\_\_\_  
(Month) (Year)

Illinois Attorney Registration Number \_\_\_\_\_

Cook County Attorney Code Number \_\_\_\_\_

CBA Membership Number (if applicable) \_\_\_\_\_

### **Disciplinary History**

Has your right to practice law before any court, agency, or tribunal ever been denied, revoked, or suspended? ☐ Yes ☐ No

Have you ever been the subject of an inquiry or complaint with any attorney registration, regulatory, or disciplinary body such as the ARDC? ☐ Yes ☐ No

If you answered "yes" to either of the above questions, please provide more information below. You may attach another page if necessary.

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## **References**

Please list the names, addresses, telephone number, and email address of two (2) attorneys (who are not in your firm and do not share a work space with you) familiar with your legal experience and ability, particularly in the area of law for which you are applying to join.

### *Reference #1*

_____ (Name)	_____ (Address)
_____ (Phone)	_____ (Email)

### *Reference #2*

_____ (Name)	_____ (Address)
_____ (Phone)	_____ (Email)

**The undersigned represents that the information herein contained is true and accurate and may be furnished to the public. I understand that this application is subject to approval by the Limited Scope Referral Panel Screening Committee ("Committee") and that my participation in this program is a privilege and not a matter of right. I further understand that this privilege may be suspended or revoked at any time with or without cause. The decision of the Committee as to my acceptance and continuing participation in this Program is final, provided that I may withdraw from the program at any time. I hereby authorize the Illinois Supreme Court Attorney Registration and Disciplinary Commission to furnish the Committee with information concerning inquiries filed against me with its office and to advise the Committee if I am a member of the Bar of Illinois in good standing. I will not, in any event, hold the Chicago Bar Association, the Committee, or any officers or employees thereof or any member of its Board of Managers or any Committee liable in any way or manner whatever in connection with the program. I further agree to hold harmless the Chicago Bar Association, the Committee, and any officers, employees and members of its Board of Managers or any Committee from any liability arising out of my representation of clients pursuant to this program. I further agree to abide by any current Rules and Regulations of the Program, the Code of Professional Conduct of the Illinois Supreme Court, and the Rules of the Circuit Court of Cook County.**

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

# Lawyers Offering Limited Scope Legal Services

## Landlord-Tenant and Eviction Law

Each of the lawyers listed below offers a variety of fee-based limited scope legal services in landlord/tenant and eviction law. You should contact an attorney directly to discuss your case and possible legal options. Limited scope representation is not appropriate for every case or for every client, and there is no guarantee that the attorneys listed below will take on your case.



Do you have a problem with your **landlord** or your **tenant**?



Do you want a lawyer to help you with **some of your case**, but not all of it?



Do you have **some money** to pay a lawyer for help?



If a lawyer helped you with some of your case, could you do the rest of it **on your own**?

**If you said yes, limited scope legal help might be a good choice for you.**

**Name:** Katrice Matthews

**Phone:** (312) 469-0622

**Email:** [katrice@sablelawgroup.com](mailto:katrice@sablelawgroup.com)

**Website:** [www.sablelawgroup.com](http://www.sablelawgroup.com)

**Name:** Adella Deacon

**Phone:** (312) 469-0622

**Email:** [adella@sablelawgroup.com](mailto:adella@sablelawgroup.com)

**Website:** [www.sablelawgroup.com](http://www.sablelawgroup.com)

**Name:** Vincent Chavarria

**Phone:** (312) 796-8671

**Email:** [vchavarria@vclegalllc.com](mailto:vchavarria@vclegalllc.com)

**Name:** Paul Porvaznik

**Phone:** (312) 474-1400

**Email:** [pporvaznik@fisherkanaris.com](mailto:pporvaznik@fisherkanaris.com)

**Website:** <http://www.fisherkanaris.com/>

**Name:** Laura Hoover

**Phone:** (773) 345-3338

**Email:** [laura@hooverlegalhelp.com](mailto:laura@hooverlegalhelp.com)

**Website:** [www.hooverlegalhelp.com](http://www.hooverlegalhelp.com)

**Note:** Tenants Only

**Name:** John Norkus

**Phone:** (312) 888-7667

**Email:** [service@chicitylegal.com](mailto:service@chicitylegal.com)

**Website:** [www.chicitylegal.com](http://www.chicitylegal.com)

**Note:** Landlords Only

This referral list is a joint project of the Chicago Bar Association and the Chicago Bar Foundation. For information about the CBA's Lawyer Referral Service, please visit <http://www.chicagobar.org/>. For information about finding free and low-cost legal help, visit <https://www.illinoislegalaid.org/cook>.



# Frequently Asked Questions

## Limited Scope Representation

### What Is Limited Scope Representation?

Limited scope representation (also called “unbundled” or “a la carte” representation) is an agreement with a lawyer to get help with *part* of a legal case, usually for a flat rate. It is different from full representation where a lawyer agrees to handle every part of a legal case; instead the lawyer and client work together to divide up the various tasks in the case and determine who will be responsible for each.

### How Much Does Limited Scope Representation Cost?

You should talk to the lawyer directly to learn more about limited scope representation costs and services. The amount you pay can vary depending on many factors including the types of services provided, how many services are provided, and the lawyer’s experience level. You will only pay the lawyer for the parts of the case that he or she handles.

### What Will the Lawyer Do?

You and the lawyer will work together to decide who will be responsible for the different aspects of the legal case. Your lawyer should put this agreement in writing and update it if any changes are made. Make sure you ask your lawyer what tasks you will need to do on your own and decide that you are comfortable completing them independently.

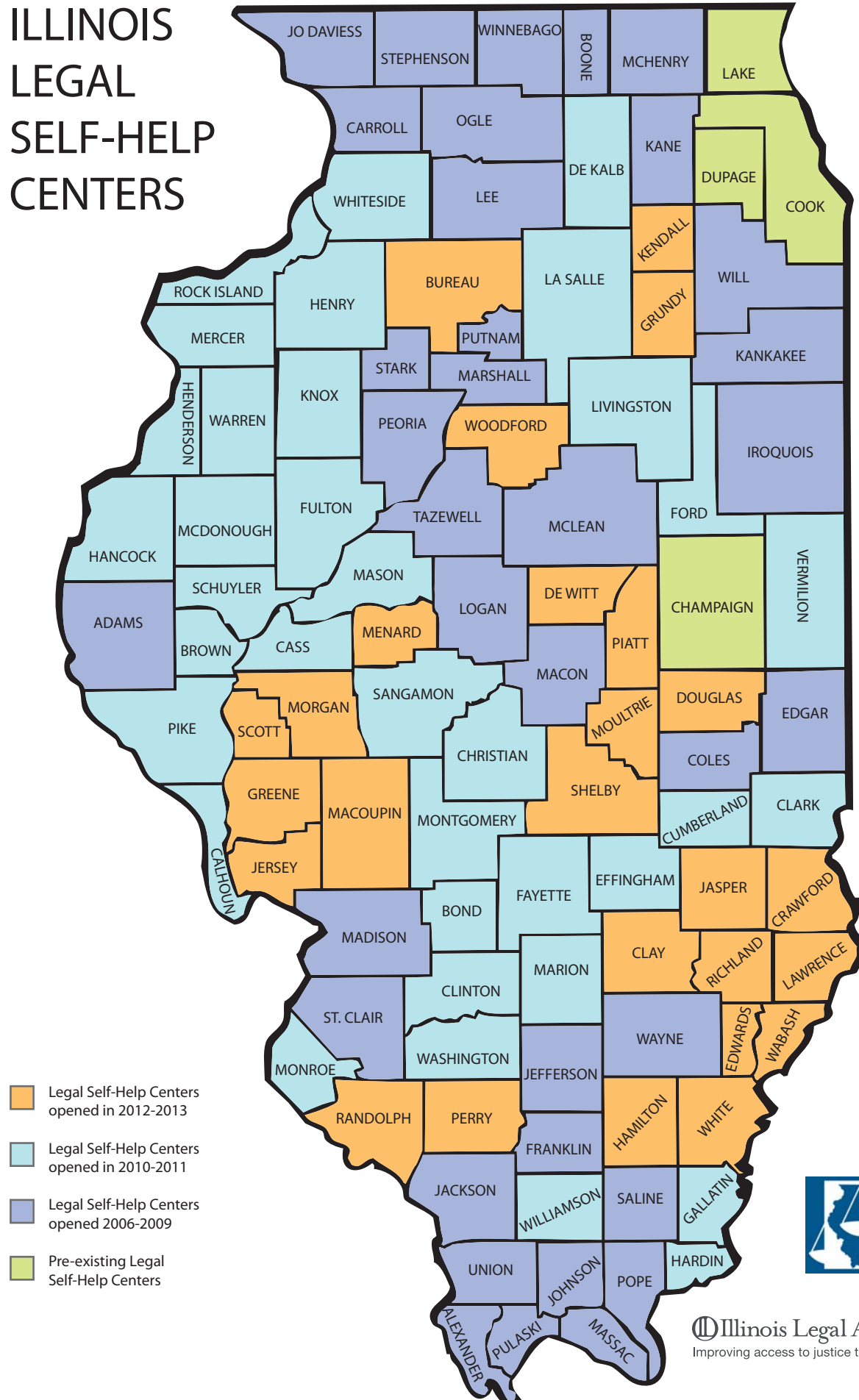
### What Are Examples of Limited Scope Legal Services?

Each lawyer listed on this referral sheet offers some limited scope legal services, but the exact ones may vary. Some examples include:

- Preparing legal paperwork for you;
- Reviewing legal paperwork you prepared on your own;
- Serving court papers on a missing tenant;
- Preparing a defense to an eviction case;
- Drafting a demand letter or response letter;
- Negotiating or reviewing a settlement agreement;
- Coaching you on how to appear in court on your own; and
- Appearing in court for a specific hearing (usually the most complicated or important one) while you appear in court on your own for all other scheduled dates.

**For more information on limited scope representation, including risks and benefits, read “A New Way to Get Legal Help: Limited Scope Representation” available online at : <http://bit.ly/limitedscope>**

ILLINOIS  
LEGAL  
SELF-HELP  
CENTERS



## **Legal Aid Organizations in Illinois Receiving Funding from Chicago Bar Foundation (CBF), Illinois Bar Foundation (IBF), Lawyers Trust Fund of Illinois (LTF), or Illinois Equal Justice Foundation (IEJF)**

Funders of each organization are identified following each organization's name.

### **Cook County**

- [Access Living](#) (CBF, LTF)
- [Cabrini Green Legal Aid](#) (CBF, IBF, LTF, IEJF)
- [Catholic Charities of the Archdiocese of Chicago-Legal Assistance](#) (CBF, LTF)
- [Center for Conflict Resolution](#) (CBF, IEJF)
- [Center for Disability & Elder Law \(CDEL\)](#) (CBF, IBF, LTF)
- [Center for Economic Progress - Tax Clinic](#) (CBF, IEJF, LTF)
- [Centro Romero-Latin American Legal Assistance Services](#) (CBF)
- [Chicago Alliance Against Sexual Exploitation-Sexual Assault Justice Project](#) (CBF, IBF, IEJF, LTF)
- [Chicago Coalition for the Homeless Law Project](#) (CBF, IEJF, LTF)
- [Chicago House & Social Service Agency](#) (IEJF)
- [Chicago Law & Education Foundation](#) (IBF)
- [Chicago Lawyers' Committee for Civil Rights](#) and [The Community Law Project](#) (CBF, IEJF, LTF)
- [Chicago Legal Clinic \(CLC\)](#) (CBF, IEJF, LTF)
- [Chicago Volunteer Legal Services \(CVLS\)](#) (CBF, IBF, IEJF, LTF)
- [Community Activism Law Alliance](#) (IBF, IEJF)
- [Domestic Violence Legal Clinic](#) (CBF, LTF, IBF, IEJF)
- [Family Defense Center](#) (CBF, LTF)
- [Farmworker and Landscaper Advocacy Project](#) (IBF, IEJF, LTF)
- [First Defense Legal Aid](#) (CBF)
- [Indo-American Center-Citizenship & Immigration Services](#) (CBF)
- [James B. Moran Center for Youth Advocacy](#) (CBF)
- [Kane Legal Clinic of the Chicago Lighthouse for the Blind](#) (IBF, LTF)
- [Latinos Progresando-Immigration Legal Services](#) (CBF)
- [Lawndale Christian Legal Center](#) (CBF, IBF)
- [Lawyers' Committee for Better Housing](#) (CBF, IBF, IEJF, LTF)
- [Lawyers for the Creative Arts](#) (CBF)
- [Legal Aid Society of Metropolitan Family Services](#) (CBF, IEJF, LTF)
- [Legal Council for Health Justice](#) (CBF, IBF, IEJF, LTF)
- [LAF](#) (CBF, IEJF, LTF)
- [Life Span](#) (CBF, IBF, IEJF, LTF)
- [National Immigrant Justice Center](#) (CBF, IBF, LTF)
- [Pro Bono Network](#) (CBF, IBF)
- [Resolution Systems Institute](#) (IBF, IEJF)
- [Roger Baldwin Foundation of the ACLU-Children's Initiative](#) (CBF)
- [Sargent Shriver National Center on Poverty Law](#) (CBF)
- [Uptown People's Law Center](#) (CBF, IBF, IEJF, LTF)
- [Westside Justice Center](#) (IEJF)
- [World Relief/Chicago-Immigrant Legal Services](#) (CBF)



## Outside Cook County

- [Administer Justice](#) (Elgin) (IBF, IEJF)
- [Centro de Informacion](#) (Elgin) (IEJF)
- [Dispute Resolution Institute](#) (Carbondale) (IEJF)
- [DuPage Bar Legal Aid Service](#) (Wheaton) (LTF)
- [Eldercare Options](#) (Decatur) (LTF)
- [Immigration Project](#) (Bloomington) (IBF, LTF)
- [Land of Lincoln Legal Assistance Foundation](#) (Southern & Central IL) (IBF, IEJF, LTF)
- [Neighborhood Law Office](#) (East St. Louis) (IBF, LTF)
- [Prairie State Legal Services](#) (Northern and Central IL) (IBF, IEJF, LTF)
- [World Relief/DuPage and Aurora Immigrant Legal Services](#) (LTF)

## Statewide

- [CARPLS](#) (CBF, IBF, IEJF, LTF)
- [Equip for Equality](#) (CBF, IBF, IEJF, LTF)
- [Illinois Legal Aid Online](#) (CBF, IBF, IEJF, LTF)
- [Northern Illinois Justice for our Neighbors](#) (Cook, Kane, Winnebago Counties) (IBF, LTF)
- [Public Interest Law Initiative](#) (CBF, IBF, LTF)

# PRO BONO OPPORTUNITIES & LAWYER REFERRAL SERVICES

## PRO BONO

**The Chicago Bar Foundation's Pro Bono Opportunity Guide** assists attorneys with finding and connecting with pro bono and legal aid organizations that are a good fit for their expertise, interest and availability.

- All opportunities listed at: <https://cbf.joinpaladin.com>
- Opportunities outside of Chicago listed at: [https://cbf.joinpaladin.com/chicago-bar-foundation/opportunities/?exclude\\_city=Chicago&page=1](https://cbf.joinpaladin.com/chicago-bar-foundation/opportunities/?exclude_city=Chicago&page=1)
- Example Listing: Kane County Law Library & Legal Self-Help Center

**The Public Interest Law Initiative (PILI)** provides a variety of pro bono opportunities, resources, and support for lawyers, law students and legal professionals across Illinois.

- Resources listed at: <http://pili.org/resources>
- Opportunities listed at: <http://pili.org/pro-bono/opportunities>

## LAWYER REFERRAL SERVICES

Bar associations provide lawyer referral services, which offer assistance in finding an attorney who specializes in a specific area of the law. Receive a 30-minute consultation with a lawyer in your area (charges range from \$25-\$30 for initial consultation).

- Chicago Bar Association's Lawyer Referral Service **(in Cook)**: <https://lrs.chicagobar.org/>
- Illinois State Bar Association's LawyerFinder **(outside Cook)**: <https://www.isba.org/public/illinoislawyerfinder>
- Local county bar associations often offer referral services as well.

# Referrals for People Without Lawyers at the Madison County Courthouse

*Third Judicial Circuit - 155 North Main Street, Edwardsville, IL 62025; Hours - M-F from 8:30 am to 4:30 pm*

## RESOURCES IN THE COURTHOUSE



### Self-Help Assistance

#### ☐ Legal Self Help Center

- Find general legal information and court forms.
- Speak with the Legal Self-Help Center Clerk, who can assist with general forms and court process questions.
- Access to computers and the internet.

☎ 618-296-4472

📍 155 N. Main St., Lower Level Room 24 (back of library)

🕒 8:30 am-4:30 pm  
(closed for lunch from 12:00-1:00 pm)

#### ☐ Law Library

- Access to legal reference books and Westlaw (legal research program).
- Assistance with federal and state legal research.
- Access to computer terminals, court forms and photocopying.

☎ 618-296-5921

📍 155 N. Main St., Lower Level Room 24

🕒 8:30 am-4:30 pm  
(closed for lunch from 12:00-1:00 pm)

#### ☐ Illinois JusticeCorps

- Members provide assistance navigating the courthouse, giving general legal information and connecting people to helpful resources.
- Provides referrals to local social service and legal organizations who may be able to provide assistance to self-represented litigants.

📍 Within the Law Library and Information Desk - 155 N. Main St., Lower Level



### Emergency Orders of Protection

#### ☐ Assistance with Orders of Protection

- Emergency Orders of Protection are seen by judges daily at 11am and 3pm.
- Land of Lincoln Legal Assistance Foundation and Oasis Women's Center are available to assist self-represented individuals complete and e-file the necessary forms.
- The Law Library and Legal Self Help Center are also available to assist. Allow for at least an hour before the 11am and 3pm hearings in order to fill out the forms.

☎ 618-296-5412

📍 155 N. Main St., Lower Level Room 14A

🕒 11:00 am and 3:00 pm - cases are called daily by judges at these times.



### E-Filing

#### ☐ Assistance with E-Filing

- **ALL civil court documents must be e-filed.**

☎ Circuit Clerk: 618-692-6240

📍 The Circuit Clerk has an e-filing room (Lower Level Room 14) staffed by a clerk to assist in the process.



E-filing can be completed anywhere with internet access at <https://illinois.tylerhost.net/ofswweb> with a registered username and passcode.



If you believe you are unable to e-file, please bring concerns and questions to the Clerk's Office. The IL Courts Exemption from E-Filing for Good Cause form is available at <https://tinyurl.com/ILExemption>



### Elder Initiative

#### ☐ Elder Law & Justice Division

- Provides seniors (60+) with later docket times, accessible courtrooms, and consolidation of cases.
- When e-filing, include in the e-filing submission that you are requesting special accommodations due to age.

☎ **General Questions:**  
618-296-4580

☎ **ADA Questions:**  
618-296-4884

📍 See the Clerk's Office for more information - 155 N. Main St., Room 120



### Language Access

#### ☐ Interpreter Requests

- If you have trouble speaking or understanding English **OR** need a sign language interpreter, the Court may be able to provide an interpreter for you.
- To tell the court that you need an interpreter, you can: ask court personnel, tell the judge, or e-file an interpreter request form.
- An Interpreter Request Form must be e-filed to request an interpreter be present at future court dates.



<https://tinyurl.com/ILInterpreter>



See the Clerk's Office for more information on submitting a request for an interpreter.

## RESOURCES IN THE COMMUNITY



### General Resources

#### ☐ Illinois Legal Aid Online

- Legal information, videos, forms and instructions for going to court. Available for free online.
- Chat function available to ask questions of volunteer attorneys. Select "Get Legal Help" at the top of the screen to access the help function.
- Assistance available in English and Spanish.

 [www.illinoislegallaid.org](http://www.illinoislegallaid.org)

#### ☐ Illinois LawyerFinder

- Assistance in finding an attorney who specializes in a specific area of the law. Receive a 30-minute consultation with a lawyer in your area for no more than \$25.


 1-800-922-8757

 <https://www.zeekbeek.com/isba>




### Domestic Violence Services


#### ☐ Oasis Women's Center

 618-465-1978 (Alton) or  
1-800-244-1978


#### ☐ Phoenix Crisis Center

 618-451-1008 (Granite) or  
618-664-2953 (Bond)

#### ☐ Land of Lincoln Legal Assistance Foundation

 618-462-0029 or  
1-800-642-5570

#### ☐ Call For Help (Sexual Assault )

 618-462-0029 or  
1-800-642-5570

#### ☐ Madison County State's Attorney


 618-692-6280



### Limited Scope Representation

#### ☐ Finding an Attorney for a Fee

- Limited scope representation is when an attorney helps on certain areas of the case, but not on others. There will be a fee, but much smaller than if the attorney took the entire case.
- A list of attorneys available for limited scope representation is available in the Law Library.

 See Law Librarian --  
155 N. Main St., Lower  
Level Room 24





### Free Attorneys

Pro bono attorneys may be able to represent an individual in a case free of charge.

#### ☐ Land of Lincoln Legal Assistance

- Provides free civil legal services to low-income persons and senior citizens in 65 counties in central and southern Illinois.

 877-342-7891

 Mon-Thur. 9:00 am-4:00 pm;  
Fri. 9:00 am-1:30 pm


#### ☐ Catholic Charities Legal Services

- Helps people with little to no income in obtaining pro bono legal assistance from area lawyers in specialized fields.

 1-800-745-5194

#### ☐ Legal Advice Clinic

- 30 minutes of free legal advice with an attorney, who will **not** necessarily represent you in your case.
- Offered to low-income individuals.
- Must be scheduled with the Legal Self Help Center in the Courthouse.


 618-296-4472



### Veteran Services

#### ☐ Illinois Armed Forces Legal Aid Network (IL-AFLAN)

- Statewide hotline that provides legal information, advice, brief services (including the preparation and review of legal documents), and referrals to veterans, service members, National Guard, reservists, and their spouses and dependents.

 855-452-3526 OR  
855-IL-AFLAN

 <https://tinyurl.com/AFLAN>

#### ☐ Additional Veteran Services

- More resources available in the Legal Self Help Center in the Courthouse.



### Forms


#### ☐ Madison County Court Website

- The Circuit Clerk's website includes many of the necessary forms to begin a case or file into an existing one.

 <https://tinyurl.com/MadisonForms>

#### ☐ Illinois Courts Website

- The Illinois Supreme Court's website provides plain language legal forms for self-represented litigants.







 <https://tinyurl.com/ILForms>

## NOTES:



# Resources for Free Legal Help

Help desk staff cannot represent you in court, but they may be able to answer questions and help with paperwork. Most services are first come, first served so please arrive early and expect a wait.

## Free Legal Help In & Near the Daley Center (50 West Washington Street, Downtown Chicago)

FAMILY	 <div> <input type="checkbox"/> <b>Domestic Relations Advice Desk</b>  <u>Divorce &amp; child custody/visitation cases</u>              ☎ 8:30 am - 12 pm, Mon - Fri              📍 Concourse Level, CL-16         </div> <div> <input type="checkbox"/> <b>Parentage &amp; Child Support Advice Desk</b>  <u>Child support &amp; paternity cases</u>              ☎ 9:30 am - 1 pm, Mon - Fri              📍 Concourse Level, CL-16         </div>
HOUSING & MONEY	<div>  <div> <input type="checkbox"/> <b>Municipal Court Advice Desk</b>  <u>Evictions, debt collections, car accidents, contract disputes &amp; claims under \$30,000</u>              ☎ 8:30 am - 4:00 pm, Mon - Fri              📍 Concourse Level, CL-16         </div> <div> <input type="checkbox"/> <b>Collection Advice Desk</b>  <u>Garnishments, frozen bank accounts, &amp; other debt collection cases</u>              ☎ 9 am - 12:00 pm, Mon - Fri              📍 14<sup>th</sup> Floor, Courtroom 1401         </div> </div> <div>  <div> <input type="checkbox"/> <b>Foreclosure Advice Desk</b>  <u>Mortgage foreclosure cases</u>              ☎ 8:30 am - 2 pm, Mon - Fri              📍 Concourse Level, CL-16         </div> <div> <input type="checkbox"/> <b>Pro Se Filing Desk</b>  <u>Small claims cases under \$5,000</u>              ☎ 8:30 am - 4:30 pm, Mon - Fri              📍 6<sup>th</sup> Floor, Room 602         </div> </div>
GUARDIANSHIP	<div>  <div> <input type="checkbox"/> <b>Adult Guardianship Assistance Desk</b>  <u>Guardianship of disabled adults</u>              ☎ 9 am - 1 pm, Mon - Fri              📍 12<sup>th</sup> Floor, Room 1202         </div> <div> <input type="checkbox"/> <b>Minor Guardianship Assistance Desk</b>  <u>Guardianship of minor children</u>              ☎ 9 am - 1 pm, Mon - Fri              📍 69 W. Washington, Room 1020              ☎ (312) 603-0135         </div> </div>
<p><b>NOTE:</b> Free mediation is available in family, housing, money &amp; guardianship cases. Ask the judge or clerk in your courtroom to request a mediator. Visit <a href="http://www.ccrchicago.org">www.ccrchicago.org</a> to learn more.</p>	
SENIORS	<div>  <div> <input type="checkbox"/> <b>Elder Justice Center</b>  <u>Help with legal &amp; non-legal problems</u>              ☎ Limited walk-ins; appointments preferred.              ☎ (312) 603-9233 📍 Concourse Level, CL-16         </div> <div> <input type="checkbox"/> <b>Senior Citizen Help Desk</b>  <u>Legal advice &amp; document preparation</u>              ☎ 1 - 4 pm, Wed              📍 29<sup>th</sup> Floor, Law Library         </div> </div>
CRIMINAL RECORDS	<div>  <div> <input type="checkbox"/> <b>Adult Expungement Advice Desk</b>  <u>Expunge &amp; seal criminal records</u>              ☎ 8:30 am - 12 pm, Mon - Thur              📍 10<sup>th</sup> Floor, Room 1006         </div> <div> <input type="checkbox"/> <b>Juvenile Expungement Advice Desk</b>  <u>Expunge juvenile arrests &amp; records</u>              ☎ 9 am - 4 pm, Mon - Fri              📍 1100 S. Hamilton, 1<sup>st</sup> Floor         </div> </div>

## Free Legal Help in Other Courthouses

	<div> <input type="checkbox"/> <b>Domestic Violence Legal Clinic</b>  <u>Orders of protection</u>              ☎ 8:30 am - 2:30 pm, Mon - Fri              📍 555 W. Harrison, Suite 1900         </div> <div> <input type="checkbox"/> <b>Administrative Hearings Advice Desk</b>  <u>Building code violations, vehicle impoundments &amp; municipal matters</u>              ☎ 8:30 am - 4:30 pm, Mon, Wed, Thu &amp; Fri              📍 400 W. Superior, Room 121         </div> <div> <input type="checkbox"/> <b>Bankruptcy Advice Desk</b>  <u>Bankruptcy &amp; creditor issues</u>              ☎ 9:30 am - 12:30 pm, Mon, Wed &amp; Fri              📍 219 S. Dearborn, Room 625         </div> <div> <input type="checkbox"/> <b>U.S. District Court Advice Desk</b>  <u>Lawsuits in federal court</u>              ☎ By appointment only              📍 219 S. Dearborn, 20<sup>th</sup> Floor              ☎ (312) 435-5691         </div>
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# Other Helpful Resources

## FREE LEGAL HELP



- ☐ **CARPLS Legal Aid Hotline**  
Free advice & referrals from lawyers  
(you may wait up to 20 minutes)  
🕒 9 am - 7:30 pm, Mon & Wed  
9 am - 4:30 pm, Tue, Thur & Fri  
☎ (312) 738-9200 🌐 [www.carpls.org/](http://www.carpls.org/)

- ☐ **Illinois Legal Aid Online**  
Free legal information & court forms  
from your computer or mobile device  
🕒 Available 24/7  
🌐 [www.illinoislegalaid.org](http://www.illinoislegalaid.org)

## HIRE A LAWYER



- ☐ **Justice Entrepreneurs Project**  
Lawyers who charge fixed fees for flexible  
& customizable legal help  
☎ (312) 546-3282 🌐 [www.jepchicago.org](http://www.jepchicago.org)
- ☐ **Limited Scope Referral Panels**  
Lawyers who offer unbundled legal  
services in family law and eviction law  
🌐 [www.chicagobarfoundation.org/limitedscope](http://www.chicagobarfoundation.org/limitedscope)

- ☐ **Chicago Bar Lawyer Referral Service**  
☎ (312) 554-2001  
🌐 [lrs.chicagobar.org](http://lrs.chicagobar.org)  
\$30 consultation fee (additional costs after)
- ☐ **Illinois State Bar LawyerFinder**  
☎ (800) 922-8757  
🌐 [www.zeekbeek.com/isba](http://www.zeekbeek.com/isba)  
\$25 consultation fee (additional costs after)

## HELPFUL WEBSITES



- ☐ **Cook County Circuit Clerk**  
Find court forms & case information  
🌐 [www.cookcountyclerkofcourt.org](http://www.cookcountyclerkofcourt.org)  
☎ (312) 603-4023
- ☐ **Cook County Circuit Court**  
Learn about court operations & services  
🌐 [www.cookcountycourt.org](http://www.cookcountycourt.org)

- ☐ **E-Filing Website**  
File court documents electronically  
🌐 [efile.illinoiscourts.gov](http://efile.illinoiscourts.gov)  
☎ (312) 603-4023
- ☐ **IL Supreme Court Website**  
Use easy forms & self-help resources  
🌐 [www.illinoiscourts.gov/faq/gethelp.asp](http://www.illinoiscourts.gov/faq/gethelp.asp)

## ADDITIONAL SERVICES IN THE DALEY CENTER



- ☐ **ADA Accommodations Requests**  
Contact the Court Disability Coordinator  
to make an accommodation request  
☎ (312) 603-1915  
✉ [ocj.accommodations@cookcountyiil.gov](mailto:ocj.accommodations@cookcountyiil.gov)

- ☐ **Deaf/Hard of Hearing Access**  
Request a sign language interpreter  
accommodation as soon as possible  
☎ (312) 603-1918 VP (312) 603-9187  
✉ [ocj.accommodations@cookcountyiil.gov](mailto:ocj.accommodations@cookcountyiil.gov)



- ☐ **Interpretation**  
To request a free interpreter at court, ask  
the clerk in your courtroom

- ☐ **Notary Public at the Bond Desk**  
Notarize affidavits & court documents  
\$ Cost of notarization is one dollar (\$1)  
🕒 9 am - 3 pm, Mon – Fri, 📍 12<sup>th</sup> Floor



- ☐ **Rhoda Bresler Children's Room**  
Free child care with proof of court date  
or a referral from a judge/court staff  
(available for bathroom-independent  
children ages 2-12)  
🕒 8:30 am - 4:30 pm, Mon - Fri  
📍 13<sup>th</sup> Floor, Room 1319

- ☐ **Cook County Law Library**  
Free access to public computers & legal  
research tools  
\$ Cost of printing & scanning is 15¢/page  
🕒 8:30 am - 7 pm, Mon - Fri  
📍 29<sup>th</sup> Floor





Administrative Office of the Illinois Courts  
Access to Justice Spiral

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# Section III

## Self-Represented Litigants: Fee Waivers

## CODE OF CIVIL PROCEDURE

### ARTICLE V COSTS

**735 ILCS 5/5-105** (from Ch. 110, par. 5-105) (Text of Section after amendment by P.A. 100-987 and 100-1161)

#### **Sec. 5-105. Waiver of court fees, costs, and charges.**

(a) As used in this Section:

(1) "Fees, costs, and charges" means payments imposed on a party in connection with the prosecution or defense of a civil action, including, but not limited to: fees set forth in Section 27.1b of the Clerks of Courts Act; fees for service of process and other papers served either within or outside this State, including service by publication pursuant to Section 2-206 of this Code and publication of necessary legal notices; motion fees; charges for participation in, or attendance at, any mandatory process or procedure including, but not limited to, conciliation, mediation, arbitration, counseling, evaluation, "Children First", "Focus on Children" or similar programs; fees for supplementary proceedings; charges for translation services; guardian ad litem fees; and all other processes and procedures deemed by the court to be necessary to commence, prosecute, defend, or enforce relief in a civil action.

(2) "Indigent person" means any person who meets one or more of the following criteria:

(i) He or she is receiving assistance under one or more of the following means-based governmental 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), General Assistance, Transitional Assistance, or State Children and Family Assistance.

(ii) His or her available personal income is 125% or less of the current poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are of a nature and value that the court determines that the applicant is able to pay the fees, costs, and charges.

(iii) 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.

(iv) He or she is an indigent person pursuant to Section 5-105.5 of this Code.

(3) "Poverty level" means the current poverty level as established by the United States Department of Health and Human Services.

(b) On the application of any person, before or after the commencement of an action:

(1) **If the court finds that the applicant is an indigent person, the court shall grant the applicant a full fees, costs, and charges waiver** entitling him or her to sue or defend the action without payment of any of the fees, costs, and charges.

(2) If the court finds that the applicant satisfies any of the criteria contained in items (i), (ii), or (iii) of this subdivision (b)(2), **the court shall grant the applicant a partial fees, costs, and charges waiver** entitling him or her to sue or defend the action upon payment of the applicable percentage of the assessments, costs, and charges of the action, as follows:

(i) **the court shall waive 75% of all fees, costs, and charges if the available income of the applicant is greater than 125% but does not exceed 150%** of the poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of the fees, costs, and charges;

(ii) **the court shall waive 50% of all fees, costs, and charges if the available income is greater than 150% but does not exceed 175%** of the poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without

undue hardship, to pay a greater portion of the fees, costs, and charges; and

(iii) **the court shall waive 25% of all fees, costs, and charges if the available income of the applicant is greater than 175%** but does not exceed 200% of the current poverty level, unless the assets of the applicant that are not exempt under Part 9 or 10 of Article XII of this Code are such that the applicant is able, without undue hardship, to pay a greater portion of the fees, costs, and charges.

(c) An application for waiver of court fees, costs, and charges shall be in writing and signed by the applicant, or, if the applicant is a minor or an incompetent adult, by another person having knowledge of the facts. The contents of the application for waiver of court fees, costs, and charges, and the procedure for the decision of the applications, shall be established by Supreme Court Rule. **Factors to consider in evaluating an application shall include:**

- (1) the applicant's receipt of needs based governmental public benefits, including Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled (ADBDB); Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP or "food stamps"); General Assistance; Transitional Assistance; or State Children and Family Assistance;
- (2) the employment status of the applicant and amount of monthly income, if any;
- (3) income received from the applicant's pension, Social Security benefits, unemployment benefits, and other sources;
- (4) income received by the applicant from other household members;
- (5) the applicant's monthly expenses, including rent, home mortgage, other mortgage, utilities, food, medical, vehicle, childcare, debts, child support, and other expenses; and
- (6) financial affidavits or other similar supporting documentation provided by the applicant showing that payment of the imposed fees, costs, and charges would result in substantial hardship to the applicant or the applicant's family.

(c-5) The court shall provide, through the office of the clerk of the court, the application for waiver of court fees, costs, and charges to any person seeking to sue or defend an action who indicates an inability to pay the fees, costs, and charges of the action. The clerk of the court shall post in a conspicuous place in the courthouse a notice no smaller than 8.5 x 11 inches, using no smaller than 30-point typeface printed in English and in Spanish, advising the public that they may ask the court for permission to sue or defend a civil action without payment of fees, costs, and charges. The notice shall be substantially as follows:

If you are unable to pay the fees, costs, and charges of an action you may ask the court to allow you to proceed without paying them. Ask the clerk of the court for forms."

(d) (Blank).

(e) The clerk of the court shall not refuse to accept and file any complaint, appearance, or other paper presented by the applicant if accompanied by an application for waiver of court fees, costs, and charges, and those papers shall be considered filed on the date the application is presented. If the application is denied or a partial fees, costs, and charges waiver is granted, the order shall state a date certain by which the necessary fees, costs, and charges must be paid. For good cause shown, the court may allow an applicant who receives a partial fees, costs, and charges waiver to defer payment of fees, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order. The court may dismiss the claims or strike the defenses of any party failing to pay the fees, costs, and charges within the time and in the manner ordered by the court. A judicial ruling on an application for waiver of court assessments does not constitute a decision of a substantial issue in the case under Section 2-1001 of this Code.

(f) The order granting a full or partial fees, costs, and charges waiver shall expire after one year. Upon expiration of the waiver, or a reasonable period of time before expiration, the party whose fees, costs, and charges were waived may file another application for waiver and the court shall consider the application in accordance with the applicable Supreme Court Rule.

(f-5) If, before or at the time of final disposition of the case, the court obtains information, including information from the court file, suggesting that a person whose fees, costs, and charges were initially waived was not entitled to a full or partial waiver at the time of application, the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the initial waiver might be reconsidered. The court may require the applicant to provide reasonably available evidence, including financial information, to support his or her eligibility for the waiver, but the court shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subdivision (b)(1) or (b)(2) of this Section. If the court finds that the person was not initially entitled to any waiver, the person shall pay all fees, costs, and charges relating to the civil action, including any previously waived fees, costs, and charges. The order may state terms of payment in accordance with subsection (e). The court shall not conduct a hearing under this subsection more often than once every 6 months.

(f-10) If, before or at the time of final disposition of the case, the court obtains information, including information from the court file, suggesting that a person who received a full or partial waiver has experienced a change in financial condition so that he or she is no longer eligible for that waiver, the court may require the person to appear at a court hearing by giving the applicant no less than 10 days' written notice of the hearing and the specific reasons why the waiver might be reconsidered. The court may require the person to provide reasonably available evidence, including financial information, to support his or her continued eligibility for the waiver, but shall not require submission of information that is unrelated to the criteria for eligibility and application requirements set forth in subdivisions (b)(1) and (b)(2) of this Section. If the court enters an order finding that the person is no longer entitled to a waiver, or is entitled to a partial waiver different than that which the person had previously received, the person shall pay the requisite fees, costs, and charges from the date of the order going forward. The order may state terms of payment in accordance with subsection (e) of this Section. The court shall not conduct a hearing under this subsection more often than once every 6 months.

(g) A court, in its discretion, may appoint counsel to represent an indigent person, and that counsel shall perform his or her duties without fees, charges, or reward.

(h) Nothing in this Section shall be construed to affect the right of a party to sue or defend an action in forma pauperis without the payment of fees, costs, charges, or the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court. Nothing in this Section shall be construed to limit the authority of a court to order another party to the action to pay the fees, costs, and charges of the action.

(h-5) If a party is represented by a civil legal services provider or an attorney in a court-sponsored pro bono program as defined in Section 5-105.5 of this Code, the attorney representing that party shall file a certification with the court in accordance with Supreme Court Rule 298 and that party shall be allowed to sue or defend without payment of fees, costs, and charges without filing an application under this Section.

(h-10) If an attorney files an appearance on behalf of a person whose fees, costs, and charges were initially waived under this Section, the attorney must pay all fees, costs, and charges relating to the civil action, including any previously waived fees, costs, and charges, unless the attorney is either a civil legal services provider, representing his or her client as part of a court-sponsored pro bono program as defined in Section 5-105.1 of this Code, or appearing under a limited scope appearance in accordance

with Supreme Court Rule 13(c)(6).

(i) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 100-987, eff. 7-1-19; 100-1161, eff. 7-1-19.) *Emphasis Added*

**ARTICLE II. RULES ON CIVIL PROCEEDINGS  
IN THE TRIAL COURT  
Rule 298. Application for Waiver of Court Fees**

**(a) Contents.** An Application for Waiver of Court Fees in a civil action pursuant to 735 ILCS 5/5-105 shall be in writing and signed by the applicant or, if the applicant is a minor or an incompetent adult, by another person having knowledge of the facts.

(1) The contents of the Application must be sufficient to allow a court to determine whether an applicant qualifies for full or partial waiver of assessments fees pursuant to 735 ILCS 5/5-105, and shall include information regarding the applicant's household composition, receipt of need-based public benefits, income, expenses, and nonexempt assets.

(2) Applicants shall use the "Application for Waiver of Court Fees" adopted by the Illinois Supreme Court Access to Justice Commission, which can be found in the Article II Forms Appendix.

**(b) Ruling.** The court shall either enter a ruling on the Application or ~~shall~~ set the Application for a hearing requiring the applicant to ~~personally~~ appear in ~~person~~ a timely manner. The court may order the applicant to produce copies of specified ~~certain~~ documents in support of the Application at the hearing. The court's ruling on an Application for Waiver of Court Fees shall be made according to standards set forth in 735 ILCS 5/5-105. If the Application is denied, the court shall enter an order to that effect ~~stating the specific~~ specifying the reasons for the denial. If the court determines that the conditions for a full assessment waiver under 735 ILCS 5/5-105(b)(1) are satisfied, it ~~Application is granted, the court shall~~ enter an order permitting the applicant to sue or defend without payment of assessments, fees, costs or charges. If the court determines that the conditions for a partial assessment waiver under 735 ILCS 5/5-105(b)(2) are satisfied, it shall enter an order permitting the applicant to sue or defend after payment of a specified percentage of assessments, costs, or charges. If an Application for a partial assessment waiver is granted, and if necessary to avoid undue hardship on the applicant, the court may allow the applicant to defer payment of assessments, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order.

**(c) Filing.** No fee may be charged for filing an Application for Waiver of Court Fees. The clerk must allow an applicant to file an Application for Waiver of Court Fees in the court where his case will be heard.

**(d) Cases involving representation by civil legal services provider or lawyer in court-sponsored pro bono program.** In any case where a party is represented by a civil legal services provider or attorney in a court-sponsored *pro bono* program as defined in 735 ILCS 5/5-105.5, the attorney representing that party shall file a certification with the court, and that the party shall be allowed to sue or defend without payment of assessments, fees, costs or charges as defined in 735 ILCS 5/5-105(a)(1) without necessity of an Application under this rule. Instead, the attorney representing the party shall file a certification prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix.

Amended October 20, 2003, effective November 1, 2003; amended September 25, 2014, eff. immediately; amended Dec. 29, 2017, eff. Jan. 1, 2018; amended Feb. 13, 2019, eff. July 1, 2019.

**CODE OF CRIMINAL PROCEDURE  
ARTICLE 124A LIENS AND COSTS**

**725 ILCS 5/124A-20**

**Sec. 124A-20. Assessment waiver.**

(a) As used in this Section:

"Assessments" means any costs imposed on a criminal defendant under Article 15 of the Criminal and Traffic Assessment Act, but does not include violation of the Illinois Vehicle Code assessments.

"Indigent person" means 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 means-based governmental public benefits programs: Supplemental Security Income; Aid to the Aged, Blind and Disabled; Temporary Assistance for Needy Families; Supplemental Nutrition Assistance Program; General Assistance; Transitional Assistance; or State Children and Family Assistance.

(2) His or her available personal income is 200% or less of the current poverty level, 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 assessments.

(3) He or she is, in the discretion of the court, unable to proceed in an action with payment of assessments and whose payment of those assessments would result in substantial hardship to the person or his or her family.

"Poverty level" means the current poverty level as established by the United States Department of Health and Human Services.

(b) Upon the application of any defendant, after the commencement of an action, but no later than 30 days after sentencing:

(1) **If the court finds that the applicant is an indigent person, the court shall grant the applicant a full assessment waiver** exempting him or her from the payment of any assessments.

(2) **The court shall grant the applicant a partial assessment as follows:**

(A) **75% of all assessments shall be waived if the applicant's available income is greater than 200% but no more than 250%** of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the applicant is able, without undue hardship, to pay the total assessments.

(B) **50% of all assessments shall be waived if the applicant's available income is greater than 250% but no more than 300%** of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.

(C) **25% of all assessments shall be waived if the applicant's available income is greater than 300% but no more than 400%** of the poverty level, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of the Code of Civil Procedure are such that the court determines that the applicant is able, without undue hardship, to pay a greater portion of the assessments.

(c) An application for a waiver of assessments shall be in writing, signed by the defendant or, if the defendant is a minor, by another person having knowledge of the facts, and filed no later than 30 days after sentencing. The contents of the application for a waiver of assessments, and the procedure for deciding the applications, shall be established by Supreme Court Rule. **Factors to consider in evaluating an application shall include:**

(1) the applicant's receipt of needs based governmental public benefits, including Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled (ABDB); Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP or "food stamps"); General Assistance; Transitional Assistance; or State Children and Family Assistance;

(2) the employment status of the applicant and amount of monthly income, if any;

(3) income received from the applicant's pension, Social Security benefits, unemployment benefits, and other sources;



- (4) income received by the applicant from other household members;
- (5) the applicant's monthly expenses, including rent, home mortgage, other mortgage, utilities, food, medical, vehicle, childcare, debts, child support, and other expenses; and
- (6) financial affidavits or other similar supporting documentation provided by the applicant showing that payment of the imposed assessments would result in substantial hardship to the applicant or the applicant's family.

(d) The clerk of court shall provide the application for a waiver of assessments to any defendant who indicates an inability to pay the assessments. The clerk of the court shall post in a conspicuous place in the courthouse a notice, no smaller than 8.5 x 11 inches and using no smaller than 30-point typeface printed in English and in Spanish, advising criminal defendants they may ask the court for a waiver of any court ordered assessments. The notice shall be substantially as follows:

"If you are unable to pay the required assessments, you may ask the court to waive payment of them.  
Ask the clerk of the court for forms."

(e) For good cause shown, the court may allow an applicant whose application is denied or who receives a partial assessment waiver to defer payment of the assessments, make installment payments, or make payment upon reasonable terms and conditions stated in the order.

(f) Nothing in this Section shall be construed to affect the right of a party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court.

(g) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.

(Source: P.A. 100-987, eff. 7-1-19.) *Emphasis Added*

#### **ARTICLE IV. RULES ON CRIMINAL PROCEEDINGS IN THE TRIAL COURT**

##### **Rule 404. Application for Waiver of Court Assessments**

**(a) Contents.** An Application for Waiver of Court Assessments in a criminal action pursuant to 725 ILCS 5/124A-20 shall be in writing and signed by the applicant or, if the applicant is a minor or an incompetent adult, by another person having knowledge of the facts. The Application should be submitted no later than 30 days after sentencing.

(1) The contents of the Application must be sufficient to allow a court to determine whether an applicant qualifies for a full or partial waiver of assessments pursuant to 725 ILCS 5/124A-20 and shall include information regarding the applicant's household composition, receipt of need-based public benefits, income, expenses, and nonexempt assets.

(2) Applicants shall use the "Application for Waiver of Court Assessments" adopted by the Illinois Supreme Court Access to Justice Commission, which can be found in the Article IV Forms Appendix.

**(b) Ruling.** The court shall either enter a ruling on the Application or shall set the Application for a hearing requiring the applicant to appear in person. The court may order the applicant to produce copies of certain documents in support of the Application at the hearing. The court's ruling on an Application for Waiver of Assessments shall be made according to standards set forth in 725 ILCS 5/124A-20. If the Application is denied, the court shall enter an order to that effect specifying the reasons for the denial. If the court determines that the conditions for a full assessment waiver are satisfied under 725 ILCS 5/124A-20(b)(1), it shall enter an order waiving the payment of the assessments. If the court determines that the conditions for a partial assessment waiver under 725 ILCS 5/124A-20(b)(2) are satisfied, it shall enter an order for payment of a specified percentage of the assessments. If an Application is denied or an Application for a partial assessment waiver is granted, the court may allow the applicant to defer payment of the assessments, make installment payments, or make payment upon reasonable terms and conditions stated in the order.

**(c) Filing.** No fee may be charged for filing an Application for Waiver of Court Assessments. The clerk must allow an applicant to file an Application for Waiver of Assessments in the court where his case will be heard.

**(d) Cases involving representation by criminal legal services providers or attorneys in court-sponsored *pro bono* program.** In any case where a party is represented by a criminal legal services provider or an attorney in a court-sponsored *pro bono* program, the attorney representing that party shall file a certification with the court, and that party shall be allowed to proceed without payment of assessments as defined in 725 ILCS 5/124A-20(a) without necessity of an Application under this rule. “Criminal legal services provider” means a not-for-profit corporation that (i) employs one or more attorneys who are licensed to practice law in the State of Illinois and who directly provide free criminal legal services or (ii) is established for the purpose of providing free criminal legal services by an organized panel of *pro bono* attorneys. “Court-sponsored *pro bono* program” means a *pro bono* program established by or in partnership with a court in this State for the purpose of providing free criminal legal services by an organized panel of *pro bono* attorneys.

Adopted Feb. 13, 2019, eff. July 1, 2019.

Committee Comments

The Application for Waiver of Court Assessments form referenced in subparagraph (a)(2) of this rule will be promulgated before its July 1, 2019, effective date.



## Bench Card: Civil Fee and Criminal Assessment Waivers

### What are the Changes to the Fee Waiver Laws?

There are several major changes to know about fee waivers starting July 1, 2019:

- There is a **waiver process in criminal cases for the first time**, to waive statutory assessments only (NOT punitive fines or violations of the Illinois Vehicle Code). See 725 ILCS 5/124A-20 & SCR 404.
- Both the civil and criminal waivers are graduated. A **judge can order 100%, 75%, 50%, or 25% of fees or assessments be waived**. See 725 ILCS 5/124A-20 & SCR 404 and 735 ILCS 5/5-105 & SCR 298.
- Civil waivers now **expire** after one year and a judge may order payment of previously waived fees or fees going forward. See 735 ILCS 5/5-105 (f)(f-5)(f-10).

### How Does a Judge Determine Whether an Applicant is Indigent and Qualifies for a Waiver?

There are three ways an applicant qualifies for a FULL waiver:

- 1. Means-Based Public Benefit:** Applicant receives assistance from one or more of the following governmental public benefits programs:
  - Supplemental Security Income (SSI) (Not Social Security)
  - Aid to the Aged, Blind and Disabled (AABD)
  - Temporary Assistance for Needy Families (TANF)
  - Supplemental Nutrition Assistance Program (SNAP) (Food Stamps)
  - General Assistance (GA), Transitional Assistance, or State Children and Family Assistance
- 2. Substantial Hardship:** Applicant demonstrates that paying court fees would pose a substantial hardship.
- 3. Household Income:** Applicant's available household income is at or below a percentage of the Federal Poverty Level (FPL): 125% in civil cases or 200% in criminal cases for a full waiver.

**NOTE:** The provision for full waivers for Civil Legal Services Provider/court-based pro bono certifications remains unchanged in 735 ILCS 5/5-105.5. SCR 404 now provides for a similar certification for full waivers for Criminal Legal Services Provider/court-based pro bono programs.

#### Before Evaluating Applications

- If an applicant receives a public benefit or is income eligible, a judge **SHALL** grant a waiver.
- A judge has the **discretion** to:
  - hold an in-person hearing and/or order the applicant to produce supporting documents;
  - allow deferred or installment payments; and
  - grant a waiver based on substantial hardship.
- All waiver applications should be reviewed independently of the underlying pleading or charge.

### 1. Determining Indigency – Means-Based Public Benefits

An applicant who receives one or more means-based public benefit automatically qualifies for a waiver. All these benefits require rigorous screening and regular recertification. Most programs have asset caps, but allow recipients to own one home and one car. Many public benefits recipients work or own property but still live in or near poverty due to low wages, irregular work schedules, household dependents, or declining property values. *If an applicant establishes they receive a qualifying public benefit, analysis is complete and the full waiver shall be granted.*

For more information on the specific criteria and screening procedures for the individual benefit programs, please visit <https://www.ssa.gov/ssi/> or <http://www.dhs.state.il.us/page.aspx>.

#### Public Benefits as a Proxy for Indigency

**Means-based public benefits programs are:**

- Contingent on proof of income, assets, identity, legal status, and other eligibility criteria.
- Recertified on a regular basis.
- Verified by experienced agencies with access to federal databases that can check bank accounts, employment history, and immigration records.
- Proven to have minimal levels of fraud.

**Relying on these programs will:**

- Reduce the administrative burden on judges and staff.
- Increase efficiency in processing waiver applications.
- Improve statewide consistency of application handling.
- Avoid the appearance of bias by adhering to objective criteria.
- Reduce redundancy for applicants who have already gone through background and income screening.
- Avoid duplication of work by multiple government agencies.

### 2. Determining Indigency-Substantial Hardship

*If an applicant does not receive a public benefit or their income is higher than the stated FPL percentage, they can still qualify for a waiver.* A judge may exercise discretion and grant a full waiver to an applicant who can demonstrate that paying the court fees or assessments would constitute a substantial hardship to the individual or the family. Factors to consider, in addition to public benefits and income, are the applicant's monthly expenses and supporting documents showing the fee or assessment would be a substantial hardship.

## Bench Card: Civil Fee and Criminal Assessment Waivers

### 3. Determining Indigency – Household Income

If an applicant does not receive a means-based public benefit, the thing to look at before substantial hardship is income. The most common measure of indigency is the Federal Poverty Level (FPL), the measure set and used by the US government. The FPL is updated annually and applies uniformly throughout the US without adjustment for variation in cost of living. For more information on the federal poverty level, visit <https://aspe.hhs.gov/poverty-guidelines>. 100% of the 2019 FPL for one person is \$12,490 and \$25,750 for a family of four.

#	125% FPL	150% FPL	175% FPL	200% FPL	250% FPL	300% FPL	400% FPL
1	\$15,613	18,735	21,858	24,980	31,225	37,470	49,960
2	\$21,138	25,365	29,593	33,820	42,275	50,730	67,640
3	\$26,663	31,995	37,328	42,660	53,325	63,990	85,320
4	\$32,188	38,625	45,063	51,500	64,375	77,250	103,000
5	\$37,713	45,255	52,798	60,340	75,425	90,510	120,680
6	\$43,238	51,885	60,533	69,180	86,475	103,770	138,360

<https://aspe.hhs.gov/system/files/aspe-files/107166/2019-pctpovertytool-highlight.pdf> - 2019

### Full or Partial Waivers

If an applicant's available household income is 125% or less of FPL (civil cases) or 200% or less of FPL (criminal cases), judges SHALL grant them full waivers. If their income falls in the ranges listed below, judges SHALL grant the corresponding partial waiver. See these charts as a way to see all bases for full or partial waivers:

#### Civil Fee Waiver 735 ILCS 5/5-105

<b>100% Waiver</b>	Receives a <b>means-based public benefit</b> (regardless of income)
<b>100% Waiver</b>	Payment would result in <b>substantial hardship</b> (regardless of income)
<b>100% Waiver</b>	Available income up to <b>125% FPL</b>
<b>75% Waiver</b>	Available income between <b>125%-150% FPL</b>
<b>50% Waiver</b>	Available income between <b>150%-175% FPL</b>
<b>25% Waiver</b>	Available income between <b>175%-200% FPL</b>

#### Criminal Assessment Waiver 725 ILCS 5/124A-20

<b>100% Waiver</b>	Receives a <b>means-based public benefit</b> (regardless of income)
<b>100% Waiver</b>	Payment would result in <b>substantial hardship</b> (regardless of income)
<b>100% Waiver</b>	Available income up to <b>200% FPL</b>
<b>75% Waiver</b>	Available income between <b>200%-250% FPL</b>
<b>50% Waiver</b>	Available income between <b>250%-300% FPL</b>
<b>25% Waiver</b>	Available income between <b>300%-400% FPL</b>

### Granting or Denying Applications

- A judge must specify a reason in the standardized order if the waiver application is denied.
- Rely on the objective criteria to review waiver applications to avoid potential influence or appearance of bias.
- Do not make assumptions based on an applicant's appearance, clothing, possessions, or demeanor.
- Many applicants have disabilities, both visible and invisible, that can interfere with their ability to work.
- Having a job is not an automatic disqualifier. A federal minimum wage employee with one minor child can work 40 hours a week and still fall under the federal poverty level.
- Having an attorney is not an automatic disqualifier. Some pro bono and limited scope attorneys represent clients in or near poverty. Other attorneys work on contingency or are paid by someone other than the applicant.
- Owning a home is not an automatic disqualifier. Many home owners are "underwater." Even those with equity in the home may live in poverty since it is not a fungible asset.
- There are no residency requirements for waiver applications.

### Statewide Standardized Forms

- Forms suites include:
  - Getting Started overview
  - Instructions for asking for a waiver
  - Application for applicants to fill out
  - Order for judges to complete
- One suite for civil cases and another for criminal cases
- Available at <http://illinoiscourts.gov/Forms/approved/Circuit.asp>

### For additional assistance, please contact:

Jill E. Roberts, Senior Program Manager  
Admin. Office of the IL Courts, Access to Justice Division  
312-793-2305 [jroberts@illinoiscourts.gov](mailto:jroberts@illinoiscourts.gov)

# Illinois Waiver Statutes - Effective July 1, 2019

## Civil Fee Waiver 735 ILCS 5/5-105

## Criminal Assessment Waiver 725 ILCS 5/124A-20

<b>100% Waiver</b>	Receives a <b>means-based public benefit</b> (regardless of income)
<b>100% Waiver</b>	Payment would result in <b>substantial hardship</b> (regardless of income)
<b>100% Waiver</b>	Available income up to <b>125% FPL</b>
<b>75% Waiver</b>	Available income between <b>125%-150% FPL</b>
<b>50% Waiver</b>	Available income between <b>150%-175% FPL</b>
<b>25% Waiver</b>	Available income between <b>175%-200% FPL</b>

<b>100% Waiver</b>	Receives a <b>means-based public benefit</b> (regardless of income)
<b>100% Waiver</b>	Payment would result in <b>substantial hardship</b> (regardless of income)
<b>100% Waiver</b>	Available income up to <b>200% FPL</b>
<b>75% Waiver</b>	Available income between <b>200%-250% FPL</b>
<b>50% Waiver</b>	Available income between <b>250%-300% FPL</b>
<b>25% Waiver</b>	Available income between <b>300%-400% FPL</b>

## 2019 Federal Poverty Level-Annual Income

<b>Family Size</b>	<b>125% FPL</b>	<b>150% FPL</b>	<b>175% FPL</b>	<b>200% FPL</b>	<b>250% FPL</b>	<b>300% FPL</b>	<b>400% FPL</b>
1	\$15,613	18,735	21,858	24,980	31,225	37,470	49,960
2	\$21,138	25,365	29,593	33,820	42,275	50,730	67,640
3	\$26,663	31,995	37,328	42,660	53,325	63,990	85,320
4	\$32,188	38,625	45,063	51,500	64,375	77,250	103,000
5	\$37,713	45,255	52,798	60,340	75,425	90,510	120,680
6	\$43,238	51,885	60,533	69,180	86,475	103,770	138,360
7	\$48,763	58,515	68,268	78,020	97,525	117,030	156,040
8	\$54,288	65,145	76,003	86,860	108,575	130,290	173,720
Add amount for each additional person	\$5,525	6,630	7,735	8,840	11,050	13,260	17,680



# Illinois Court \$ Waivers Overview

Civil Court fees, costs, and charges (including filing fees, costs of service of process, charges for mandatory processes or procedures to start, defend, or enforce a case) and Criminal Court assessments (not punitive fines/restitution and not fees for violations of the Vehicle Code) may be fully or partially waived by a judge for those that qualify because: (1) they receive a means-based public benefit, OR (2) they have income within certain limits of the Federal Poverty Line (FPL), OR (3) it would be a substantial hardship to pay the fees or assessments.

For more information about Civil Court Waivers, go to 735 ILCS 5/5-105 and Illinois Supreme Court Rule 298  
For more information about Criminal Court Waivers, go to 725 ILCS 5/124A-20 and Illinois Supreme Court Rule 404



## Required Forms

Everyone **MUST** use the statewide standardized waiver forms. There is one forms suite for civil cases and one for criminal cases. Forms can be found at the circuit clerk's office or online at <http://illinoiscourts.gov/Forms/approved/default.asp>.

Clerks and Courts **MUST** accept these forms and any accompanying court documents.



## Means-Based Public Benefits

Judges **MUST** grant full waivers for applicants who receive one or more of the following means-based public benefits:

- Supplemental Security Income (SSI, not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance for Needy Families (TANF)
- Supplemental Nutrition Assistance Program (SNAP Food Stamps)
- General Assistance (GA), Transitional Assistance, State Children and Family Assistance

Benefit recipient's income has already been fully vetted by the government.



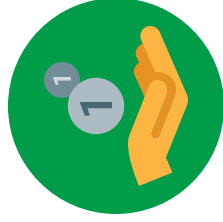
## Income

Judges **MUST** grant waivers for applicants whose income qualifies as follows:

- **Civil Cases**
- 100% Waiver if income is up to 125% of FPL
- 75% Waiver if income is 125-150% of FPL
- 50% Waiver if income is 150-175% of FPL
- 25% Waiver if income is 175-200% of FPL

## Criminal Cases

- 100% Waiver if income is up to 200% of FPL
- 75% Waiver if income is 200-250% of FPL
- 50% Waiver if income is 250-300% of FPL
- 25% Waiver if income is 300-400% of FPL



## Substantial Hardship

Judges **MAY** grant a full waiver if applicants show that paying court fees or assessments would be a substantial hardship for them or their family.

100% of the 2019 FPL for one person is \$12,490 and \$25,750 for a family of four.

**NOTE:** FPL changes every year. For current levels check: <https://aspe.hhs.gov/poverty/-guidelines>.



## What to Expect

- Every courthouse processes applications differently.
- Judges may require applicants to come to an in-person hearing or show documentation.
- Judges **must** state a reason for denial in the order if they deny the application.
- If judge later finds that an applicant wasn't actually eligible or that their financial circumstances have changed, they may order fees be paid in civil cases.
- Waivers in civil cases expire after one year.



# Can't Afford Your Court Fees?

*¿No puede pagar las cuotas de la corte?*



If you cannot pay your civil fees or criminal assessments you may ask the judge to waive all or a portion of them.

*Si no puede pagar las cuotas de la corte civil o "assessments" de la corte criminal, puede pedirle al juez que renuncie a todas o una parte de ellas.*

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois courts.

STATE OF ILLINOIS, CIRCUIT COURT		APPLICATION FOR WAIVER OF COURT FEES		For Court Use Only
COUNTY				
<b>Instructions ▼</b>				
Enter above the county name where the case was filed.				
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.		Plaintiff / Petitioner (First, middle, last name)		
Enter the name of the person being sued as Defendant/Respondent.		v.		
Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.		Defendant / Respondent (First, middle, last name)		Case Number
In 1a, enter your full name. If you are		Pursuant to Illinois Supreme Court Rule 298 and 735 ILCS 5/5-105, I state:		

The applications\* and instructions are available from the clerk of court and online.

*Las solicitudes\* y las instrucciones están disponibles del "clerk" de la corte y en la página de web.*

<http://www.illinoiscourts.gov/Forms/approved>

**\*NOTE:** There are two different applications, one for civil cases and one for criminal cases. Make sure to ask for the correct form for your type of case.

**\*NOTA:** Hay dos solicitudes diferentes, una para casos civiles y otra para casos criminales. Asegúrese de pedir el formulario correcto para su tipo de caso.

***This notice complies with the requirements of 725 ILCS 5/124A-20 & 735 ILCS 5/5-105***



# Section III

## Self-Represented Litigants: E-filing

## **Rule 9. Electronic Filing of Documents**

(a)**Electronic Filing Required.** Unless exempt as provided in paragraph (c), all documents in civil cases shall be electronically filed with the clerk of court using an electronic filing system approved by the Supreme Court of Illinois.

(b)**Personal Identity Information.** If filing a document that contains Social Security numbers as provided in Rule 15 or personal identity information as defined in Rules 138 or 364, the filer shall adhere to the procedures outlined in Rules 15, 138, and 364.

(c)**Exemptions.** The following types of documents in civil cases are exempt from electronic filing:

(1) Documents filed by a self-represented litigant incarcerated in a local jail or correctional facility at the time of the filing;

(2) Wills;

(3) Documents filed under the Juvenile Court Act of 1987; and

(4) Documents filed by a person with a disability, as defined by the Americans with Disabilities Act of 1990, whose disability prevents e-filing; and

(5) Documents in a specific case upon good cause shown by certification. Good cause exists where a self-represented litigant is not able to e-file documents for the following reasons: no computer or Internet access in the home and travel represents a hardship; a disability, as defined by the Americans with Disabilities Act of 1990, that prevents e-filing; or a language barrier or low literacy (difficulty reading, writing, or speaking in English). Good cause also exists if the pleading is of a sensitive nature, such as a petition for an order of protection or civil no contact/stalking order.

A Certification for Exemption From E-filing shall be filed with the court—in person or by mail—and include a certification under section 1-109 of the Code of Civil Procedure. The court shall provide, and parties shall be required to use, a standardized form expressly titled “Certification for Exemption From E-filing” adopted by the Illinois Supreme Court Commission on Access to Justice. Judges retain discretion to determine whether good cause is shown. If the court determines that good cause is not shown, the court shall enter an order to that effect stating the specific reasons for the determination and ordering the litigant to e-file thereafter.

Judges retain discretion to determine whether, under particular circumstances, good cause exists without the filing of a certificate, and the court shall enter an order to that effect.

(d)**Timely Filing.** Unless a statute, rule, or court order requires that a document be filed by a certain time of day, a document is considered timely if submitted before midnight (in the court’s time zone) on or before the date on which the document is due. A document submitted on a day when the clerk’s office is not open for business will, unless rejected, be file stamped as filed on the next day the clerk’s office is open for business. The filed document shall be endorsed with the clerk’s electronic file mark setting forth, at a minimum, the identification of the court, the clerk, the date, and the time of filing.

(1) If a document is untimely due to any court-approved electronic filing system technical failure, the filing party may seek appropriate relief from the court, upon good cause shown.

(2) If a document is rejected by the clerk and is therefore untimely, the filing party may seek appropriate relief from the court, upon good cause shown.

(e)**Effective Date.** This rule is effective July 1, 2017, for proceedings in the Supreme Court and the Appellate Court. For proceedings in the circuit court, this rule is effective January 1, 2018.

Adopted June 22, 2017, eff. July 1, 2017; amended Dec. 13, 2017, eff. immediately; amended Dec. 12, 2018, eff. immediately.

### **Committee Comments** (December 13, 2017)

- a. The implementation of electronic filing in Illinois courts should not impede a person’s access to justice.
- b. Where a party has filed a Certification for Exemption From E-filing or the court has granted a good-cause exemption *sua sponte*, that party may file documents in person or by mail unless ordered otherwise by the court.



# ILLINOIS JUDICIAL BRANCH

## Bench Card: E-Filing and Judicial Discretion

### What is my role with E-filing?

Although e-filing is a delivery system between court patrons and the circuit clerk's office, judges are integral to the success of the system. Several rules and orders reference mandatory e-filing or working with self-represented litigants (SRLs). This benchcard compiles those provisions to offer guidance to the judiciary.

### E-filing Exemptions

Supreme Court Rule 9 lays out the mandatory nature of e-filing while also setting out e-filing exemptions. The Supreme Court lays out automatic exemptions for e-filing in SCR 9(c) for: 1) currently incarcerated SRLs, 2) wills, 3) documents filed under Juvenile Court Act, and 4) any person with a disability that prevents e-filing. The Court also defined a good cause exemption to e-filing in SCR 9(c)(5), which is intended to protect the needs of the most vulnerable SRLs by allowing them to file a certification form exempting those who 1) do not have a computer or internet in their home, 2) have difficulty reading or writing in English, or 3) are filing in a sensitive case. Additionally, the rule provides for judicial discretion regarding the exemption from e-filing:

#### Illinois Supreme Court Rule 9(c)(4) (relevant portions)

- Judges retain discretion to determine whether good cause is shown. If the court determines that good cause is not shown, the court shall enter an order to that effect stating specific reasons for the determination and ordering the litigant to e-file thereafter.
- Judges retain discretion to determine whether, under particular circumstances, good cause exists without the filing of a certificate and the court shall enter an order to that effect.

Circumstances where a judge may grant a good cause exemption include:

- An "attorney of the day" in a pro bono program who is representing tenants on short notice in court (e-filed documents, including appearances, may take 2-3 days to be processed and accepted by the Clerk's office)
- SRLs who do not know how to use a computer
- An emergency motion that must be heard immediately without delay (see more below)

#### M.R. 18368 (January 22, 2016)

The Supreme Court Administrative Order establishing mandatory e-filing provides:

7. Attorneys and self-represented litigants may not file documents through any alternative filing method, **except in the event of emergency**. Courts may not accept, file or docket any document filed by an attorney or self-represented litigant in a civil case that is not filed in compliance with this Order, **except in the event of an emergency**. (emphasis added)

Although there is not additional guidance on this issue, it would be essential for judges to ensure their courts are exempting e-filing for emergencies.

### E-filing Timing

The Supreme Court Rule also grants judges discretion to, upon good cause, grant relief where a document is untimely filed under certain circumstances.

#### Illinois Supreme Court Rule 9(d)

- 1.If a document is untimely due to any court approved electronic filing system technical failure, the filing party may seek appropriate relief from the court, upon good cause shown.
- 2.If a document is rejected by the clerk and is therefore untimely, the filing party may seek appropriate relief from the court, upon good cause shown.

As everyone adjusts to e-filing, technical and unintended human errors may cause delays and missed deadlines. The system is still undergoing improvements and many users have reported challenges using it during the first few months. Again, judges may use their discretion when appropriate to provide relief where good cause exists, especially during this transition period. Note, the timing of this general discretion may be limited by more specific jurisdictional deadlines as discussed in dicta by the Second District in *Peraino v. County of Winnebago*, 2018 IL App (2d) 170368.

For additional information, please contact:

Admin Office of the IL Courts, Access to Justice Division  
Jill E. Roberts, Senior Program Manager,  
Self-Represented Litigants  
312-793-2305, [jroberts@illinoiscourts.gov](mailto:jroberts@illinoiscourts.gov)

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ <b>COUNTY</b>		<b>CERTIFICATION FOR EXEMPTION FROM E-FILING</b>		<i>For Court Use Only</i>	
<b>Instructions ▼</b> Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the name of the person being sued as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.		_____ <b>Plaintiff / Petitioner</b> <i>(First, middle, last name)</i>  v.  _____ <b>Defendant / Respondent</b> <i>(First, middle, last name)</i>		_____ <b>Case Number</b>	

In 1, check the reasons you are asking to file by mail or in person. You should check all that apply.

You are exempt from e-filing and you do not need to file this *Certification* if:

- you are in jail or prison;
- you are filing a will;
- you are filing into a juvenile case;
- OR
- your disability prevents you from e-filing.

**1. I am not able to e-file documents in this case for the following reasons** *(check all that apply)* :

- ☐ I am representing myself and do not have the Internet or a computer in my home. My only access is through a public terminal at a courthouse, library, or other location. This poses a financial or other hardship.
- ☐ I am representing myself and have trouble reading, writing, or speaking in English.
- ☐ I am filing a document in a sensitive case, such as a petition for an order of protection or a civil no contact/stalking order.

**2. Illinois Supreme Court Rule 9(c)(5) allows for an exemption from e-filing for good cause. For the above reasons, I need a good cause exemption from e-filing for my entire case or until I am able to e-file.**

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name.

Enter your complete address and telephone number.

**I certify that everything in the *Certification for Exemption from E-filing* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Print Your Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Telephone*

# Trouble With E-Filing?

If you don't have a lawyer, you may **not** have to e-file your court papers.

## You can always file paper forms if you:

- are currently in jail or prison;
- are filing a Will or something under the Juvenile Court Act; or
- have a disability that makes it hard to e-file.

## You can choose to file paper forms if you:

- don't have access to a computer with Internet;
- have trouble reading or writing in English; or
- are filing an Order of Protection/Stalking No Contact Order

And you file a **Certification for Exemption from E-Filing.**



Ask the court clerk for the form or visit <https://tinypurl.com/GetHelpLL> to learn more about e-filing and to download the form.

Please contact Jill Roberts at the Administrative Office of the Illinois Courts at 312-793-2305 or [jroberts@illinoiscourts.gov](mailto:jroberts@illinoiscourts.gov) if you have trouble e-filing or using a Certification for Exemption from E-Filing.



# How Can Clerks Best Assist Self-Represented Litigants (SRLs) with E-filing?



## Provide SRLs with e-filing information:

- where to find and select an Electronic Filing Service Provider (EFSP);
- how to **register** for an EFSP account and set up an email address;
- how to **sign into** the EFSP or how to reset an account;
- how to **file into a case** including information about: searching for an existing case by case number or party; creating a payment account; **selecting location, case category, and case type**; entering party information; uploading documents to file in the correct format and size; **selecting filing code**; and differentiating between lead documents and attachments;
- how a document can be **converted to the required file type (PDF)** through equipment available within the courthouse; and
- **why a filing was rejected.**

## What can an EFSP Support Hotline help with?

- How to get a document into PDF format
- How to get an email address
- How to register/sign in/get a new password
- How to search for existing cases
- How to navigate through the EFSP
- How to upload documents
- How to submit an e-filing envelope

## Provide information about the e-filing exemption and copies of the certification form:

Filers are exempt from e-filing automatically if they:

- Are an SRL incarcerated in a jail or correctional facility;
- Are filing a Will or something under Juvenile Court Act; or
- Have a disability that makes it hard to e-file.

Filers are exempt from e-filing for good cause if they turn in a Certification of Exemption from E-filing form stating they:

- Are SRLs and don't have a computer or internet in their home;
- Are SRLs and have difficulty reading or writing in English; or
- Are filing a sensitive pleading like an Order for Protection.

### Note:

- **The Certification does not require court approval**
- **Clerks must accept paper filings with a completed certification form for good cause reasons and without a form for automatic reasons**
- **Judges retain discretion to order someone to e-file or not (for subsequent filings)**

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT

COUNTY

CERTIFICATION FOR EXEMPTION FROM E-FILING

Instructions: Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the name of the person being sued as Defendant/Respondent. Enter the Case Number given by the Court Clerk or leave this blank if you do not have one.

Plaintiff / Petitioner (First, middle, last name)

Defendant / Respondent (First, middle, last name)

Case Number

1. I am not able to e-file documents in this case for the following reasons (check all that apply):

- ☐ I am representing myself and do not have the Internet or a computer in my home. My only access is through a public terminal at a courthouse, library, or other location. This poses a financial or other hardship.
- ☐ I am representing myself and have trouble reading, writing, or speaking in English.
- ☐ I am filing a document in a sensitive case, such as a petition for an order of protection or a civil no contact/stalking order.

2. Illinois Supreme Court Rule 9(c)(5) allows for an exemption from e-filing for good cause. For the above reasons, I need a good cause exemption from e-filing for my entire case or until I am able to e-file.

I certify that everything in the Certification for Exemption from E-filing is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 720 ILCS 5/1-100.

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone


Under the Code of Civil Procedure, 22C ILCS 5/3-105, making a statement on this form that you know to be false is perjury, a Class 3 Felony. After you finish this form, sign and print your name. Enter your complete address and telephone number.

# How Can Clerks Best Assist Self-Represented Litigants (SRLs) with E-filing?

## Statewide Self-Help Resources for E-filing


eFileIL information	<a href="http://efile.illinoiscourts.gov/">http://efile.illinoiscourts.gov/</a>
Statewide E-filing Guides	<a href="http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp">http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp</a>
Odyssey Filer Support	1-800-297-5377 (note: every EFSP has a call number or email address for system questions)
Legal Self-Help Centers	List of programs in Illinois: <a href="https://www.illinoislegalaid.org/get-legal-help/lshc-directory">https://www.illinoislegalaid.org/get-legal-help/lshc-directory</a>
Standardized Forms	Statewide forms and instructions available in six languages: <a href="http://www.illinoiscourts.gov/Forms/approved/">http://www.illinoiscourts.gov/Forms/approved/</a>
Public & Law Libraries	Check your local resources
Illinois Legal Aid Online	Free legal information and forms for e-filing and civil, expungement, and traffic legal problems: <a href="https://www.illinoislegalaid.org/">https://www.illinoislegalaid.org/</a>

ILLINOIS SUPREME COURT COMMISSION ON ACCESS TO JUSTICE



### E-Filing Guide for Self-Represented Litigants

How to E-File in Odyssey  
Step 1: Prepare your Documents



**E-filing Steps**

- 1 • Prepare Documents
- 2 • Register
- 3 • Sign In
- 4 • Create New Password
- 5 • Add Payment Account
- 6 • Case Information
- 7 • Party Information
- 8 • Upload Filings
- 9 • Pay Fees
- 10 • Review Summary / Submit

Need Help? Call Odyssey's Filer Support Number: 1-800-297-5377

## County-Specific Self-Help Resources for E-filing

CASE INFORMATION FOR E-FILING A <u>NEW</u> CASE <i>If you do not see your legal issue on this chart, please ask a clerk for assistance.</i>			
Your area of the law and legal issue	What to select on the E-filing website		
My legal issue is...	Location	Category	Case Type
<b>I have a... FAMILY LAW CASE</b> 	<b>Divorce</b>	→ Cook County – Domestic Relations – District 1 – Chicago	→ General Proceedings → Petition for Dissolution
	<b>Custody</b>	→ Cook County – Domestic Relations – District 1 – Chicago	→ General Proceedings → Petition for Allocation of Parental Responsibilities
My legal issue is...	Location	Category	Case Type
<b>I need a... PROTECTIVE ORDER</b> 	<b>Order of Protection</b>	→ Cook County – Domestic Violence – District 1 – Chicago	→ Civil Protection Order → Petition for Independent Order of Protection
My legal issue is...	Location	Category	Case Type
<b>I have an... EVICTION CASE</b> 	<b>Evicting a Tenant</b>	→ Cook County – Civil – District 1 – Chicago	→ Civil → Eviction (Possession)

Consider creating county-specific e-filing resources such as:

- Posters or handouts explaining the Case Category and Case Types ( ← see example)
- Posters or handouts explaining Filing Codes
- Information about how fee waiver applications are processed
- How to use the scanners and find their documents
- FAQ document addressing the issues you hear most often
- Post all resources on court website and have available in courthouse



**The AOIC Can Help!** For more information on access to justice resources including e-filing resources; Safe Harbor Policy; standardized forms; language access tools; and courthouse signs, please contact Jill Roberts at [jroberts@illinoiscourts.gov](mailto:jroberts@illinoiscourts.gov) or (312) 793-2305.





Supreme Court of Illinois  
**ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS**

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**MEMORANDUM**

**To:** Chief Circuit Judges and Circuit Court Clerks

**From:** Marcia M. Meis, Director *mmm*

**Date:** August 3, 2018

**Re:** E-Filing for Self-Represented Litigants

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This memorandum is offered to: (1) clarify what is meant by "technical support" in M.R. 18368 (January 22, 2016); (2) share the e-filing self-help resources prepared by this office and the Illinois Supreme Court Commission on Access to Justice (ATJ Commission") to aid court staff in providing the necessary support to eligible self-represented litigants to complete e-filing; (3) explain the purpose and mechanics of the "good cause" exemption and highlight the judicial discretion to *sua sponte* determine that "good cause" for an e-filing exemption exists under SCR 9(c)(4).

**The Current Landscape**

Initial e-filing data indicates that many users of the e-filing system are self-represented litigants (SRLs). We also know from conversations with judges and clerks from across the state that some SRLs are challenging to serve as it relates to e-filing. While many SRLs can transition to e-filing with few problems and minimal disruption, there remain some SRLs who are unable to successfully navigate e-filing, even after receiving assistance from circuit clerk staff. This cohort of SRLs for whom e-filing is simply too difficult may obtain a good cause exemption as provided under Supreme Court Rule 9(c)(4).

Illinois is a diverse state with unique local challenges. While the core functions of each court remain the same, every court and circuit clerk's office has its own distinct local practices. Within e-filing in particular, each office has varying levels of resources available to assist litigants with e-filing, especially those SRLs who need a lot of help.

A number of clerk's offices have developed innovative ways to assist SRLs with e-filing, including:

- *A triage system for users.* A few counties utilize a triage system in which clerk staff directs a patron to different designated computer work stations depending on what point in the process the litigant needs help. There are stations for "filling out forms," "registering for an email address," "registering for e-filing," or "submitting a filing." In some offices, staff move among the various stations to assist patrons with the discrete tasks that they need help with at that particular time.
- *One-stop shops for users.* Other counties have created full-service computer stations where one user can fill out forms, save them, register, and e-file all in one location. Staff can assist patrons, as needed, with any of those steps of the process.
- *Sharing e-filing self-help resources.* Many counties provide copies of the ATJ Commission's user manual series titled "E-Filing Guide for Self-Represented Litigants" (described below) at every e-filing work station so that any SRL can get information about e-filing even if no staff person is available to help them. These e-filing guides include detailed step-by-step instructions (with visuals) to assist users. Other counties provide packets of information or instructions for patrons to take home in order to try to e-file remotely.
- *One-on-one assistance.* Some counties are able to offer one clerk to assist each SRL with the e-filing process. This tends to be common in jurisdictions that have triage systems so that when the SRL is ready to e-file, the clerk only has to walk them through the system. Although this may be more time-consuming up front, the back-end processing time goes faster since there are fewer errors with the filings.
- *Volunteer e-filing navigators.* A few courts have been able to recruit new volunteers to help clerk's office staff assist more SRLs with e-filing. These volunteers are familiar with the e-filing process and can walk litigants through each step.
- *Kiosk mode work stations.* In areas with cell phone bans or limited/no courthouse wi-fi, some jurisdictions have worked with Tyler to get "Kiosk Mode" set up on their courthouse work stations. This function allows filers to e-file without the need of an e-mail address, but requires the court to provide additional information to the SRL about getting information about their case.

There are, unquestionably, challenges associated with assisting SRLs with e-filing. It is time-consuming for staff to assist litigants with limited computer proficiency, and there are limitations on filer support hotlines that answer system-wide process questions but not county-specific questions. Hopefully, some of these best practices will help to strategize about how to provide the best service possible in your court. If there are additional statewide resources that you would find useful, please contact the AOIC.

### **Defining "technical support" from [M.R. 18368](#) (January 22, 2016)**

Paragraph 7 of M.R. 18368 states that the "Supreme Court, Appellate Court and Circuit Courts must provide designated space, necessary equipment, and *technical support* for self-represented litigants seeking to e-file documents during regular court hours" (emphasis added).

Technical support for SRLs may include, but is not limited to, providing information on the following:

1. where to find and how to select an Electronic Filing Service Provider (EFSP);
2. how to register for an EFSP account, such as how to set up an email to verify the EFSP account in the instance that the user does not have a working email address;

3. how to sign into the EFSP after creating an account or how to reset an account in the event that the user has forgotten the login information;
4. how to file in an existing case, including: information about searching for an existing case by case number or party, creating a payment account, selecting a location, selecting a case category, selecting a case type, entering party information, uploading documents to file and the format and size of the document to be filed, selecting a filing code, and differentiating between lead documents and attachments;
5. how to file into a new case, including: information about creating a payment account, selecting a location, selecting a case category, selecting a case type, entering party information, the format and size of the document to be filed, uploading documents to file, selecting a filing code, and differentiating between lead documents and attachments;
6. how a paper or electronic document can be converted to the required file type (PDF) through equipment available within the courthouse; and
7. why the filing was rejected.

There are a number of existing materials, in a variety of formats, available to assist courts in providing technical support. The ATJ Commission has published a user manual series titled "E-Filing Guide for Self-Represented Litigants" which is broken into 10 different parts that walk the user through the e-filing process using Odyssey eFileIL. The ATJ Commission plans to continue to create additional materials as issues continue to be identified.

The published manuals are available digitally or by hard copy upon request to the Civil Justice Division of the AOIC at [jroberts@illinoiscourts.gov](mailto:jroberts@illinoiscourts.gov). In addition to written manuals, there are also videos demonstrating some of the e-filing steps. The digital manuals and explanatory videos can be found on the Supreme Court's website here: <http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented-Litigants/self-represented.asp>. Additionally, Illinois Legal Aid Online—a free online legal self-help website—has a dedicated e-filing self-help website, available here: <https://www.illinoislegalaid.org/legal-information/e-filing-basics>.

### **E-filing exemption available**

The Supreme Court defined a good cause exemption to mandatory e-filing in Illinois Supreme Court Rule 9(c)(4), which is intended to protect the needs of the most vulnerable SRLs and other litigants. The exemption reduces the burden on clerk staff of providing technical e-filing assistance to this segment of the Illinois population and ensures that e-filing does not serve as an impediment to accessing the courts or moving cases forward in an appropriate manner.

Some concerns have been expressed about the use of e-filing exemptions because of a desire to avoid dual systems of e-filing and paper filings. However, it is possible to allow an SRL to file with a good cause exemption and still achieve a paperless court system. Courts first should encourage SRLs to e-file if they are capable and have the technology necessary; if not, clerks can accept paper filings if the exemption applies, file the document conventionally and save the scanned document to the local case management system. Alternatively, the clerk may choose to convert the documents to PDF format and e-file the document, thus being able to return the paper copy to the filer or destroy the paper records per the Manual on Recordkeeping.

Illinois Supreme Court Rule 9 provides four categories of exemptions from mandatory e-filing:

- (1) Documents filed by a self-represented litigant incarcerated in a local jail or correctional facility at the time of the filing;
- (2) Wills;
- (3) Documents filed under the Juvenile Court Act of 1987; and
- (4) Documents in a specific case, upon good cause shown by certification.
  - Good cause exists where a self-represented litigant is not able to e-file documents for the following reasons:
    - no computer or Internet access in the home and travel represents a hardship;
    - a disability, as defined by the Americans with Disabilities Act of 1990, that prevents e-filing;
    - or a language barrier or low literacy (difficulty reading, writing, or speaking in English).
  - Good cause also exists if the pleading is of a sensitive nature, such as a petition for an order of protection or civil no contact/stalking order.

Rule 9 provides that "A Certification for Exemption From E-filing shall be filed with the court—in person or by mail—and include a certification under section 1-109 of the Code of Civil Procedure. The court shall provide, and parties shall be required to use, a standardized form expressly titled "Certification for Exemption From E-filing" adopted by the ATJ Commission. The form is available on the Supreme Court's website here: <http://www.illinoiscourts.gov/Forms/approved/default.asp>. Courts and clerks' offices should make available the Rule 9(c)(4) e-filing exemption certificates for eligible SRLs who need them.

In addition, Supreme Court Rule 9(c)(4) also grants judges "discretion to determine whether, under particular circumstances, good cause exists without the filing of a certificate." If a judge determines that good cause exists, he or she may enter an order to that effect permitting the litigant or attorney to paper file for part or all of a case.

Please share this information with your staff. The AOIC remains available to assist with the transition to mandatory e-filing, and I encourage you to reach out with questions, comments, suggestions, or requests for materials or training.





Supreme Court of Illinois  
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MEMORANDUM

**To:** Chief Circuit Judges and Circuit Clerks

**From:** Marcia M. Meis, Director *mmm*

**Date:** December 5, 2017

**Re:** Non-Party/Non-Litigant Requirements for e-Filing in Civil Cases

I write in regards to an e-filing issue that has been raised in multiple jurisdictions and was considered by the Court at the 2017 November Term. The issue involves whether non-parties/non-litigants to a civil case are mandated to electronically file (e-file) documents that are included in the court case file, and whether an amendment to Rule 9 was required to clarify to which parties the e-filing mandate applied. Such non-party/non-litigant documents may include, but are not limited to: return of service from law enforcement or private process servers, employer's answers to wage deductions interrogatories, certificates of publication, certified/registered mail receipts, or mediator reports. Oftentimes such documents are hand-delivered or submitted to the court/clerk via mail.

While the Court supports and encourages non-parties/non-litigants to transmit documents to the court through the courts e-filing system, and unless otherwise specified by Supreme Court Rules, filing practices and capabilities regarding such documents vary widely throughout the state. As such, the Court determined that an amendment to Rule 9 was not necessary, and that it is best to allow each local jurisdiction to determine the filing method of such documents from non-parties/non-litigants.

Therefore, each Chief Judge and Circuit Clerk are encouraged to discuss the best filing practices for these type of non-party/non-litigant documents in their court, and consider perhaps including such directions in a local order or court rule.

Should you have any questions, please contact Jacque Huddleston of the AOIC at [jhuddleston@illinoiscourts.gov](mailto:jhuddleston@illinoiscourts.gov) or 217-524-4960.

- c. Chief Justice and Justices, Supreme Court of Illinois  
Skip Robertson, Assistant Director, JMIS Division, AOIC  
Todd Schroeder, Assistant Director, Court Services Division, AOIC  
Jacque Huddleston, Court Analyst, Court Services Division, AOIC



Administrative Office of the Illinois Courts  
Access to Justice Spiral

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# Section IV

## Court Access for Persons with Disabilities



# **OPENING THE BENCH AND BAR TO PEOPLE WITH DISABILITIES**

## **Manual for Court Disability Coordinators**

Office of the Illinois Attorney General  
Kwame Raoul, Attorney General



Dear Court Disability Coordinators,

There are approximately two million individuals with disabilities in Illinois. People with disabilities are entitled by law to fair and equal opportunities in all aspects of their daily lives, including interactions with the legal system.



People with disabilities regularly participate in the legal system—as jurors, witnesses, litigants, attorneys and judges. They also seek legal representation for purposes such as buying a home, obtaining a divorce or drafting a will. However, physical or informational barriers can wrongly keep people with disabilities from taking part in the legal process or obtaining legal representation.

Court Disability Coordinators (CDCs) have been designated in each Judicial Circuit to assist people with disabilities. As a CDC, you have access to a vast array of resources, people and agencies that can help you ensure that the judicial system is accessible to all.

My office's Disability Rights Bureau is proud to provide training and technical assistance to CDCs. I hope you can use the following information to assist you in opening the courthouse doors to people with disabilities.

Sincerely,

A handwritten signature in black ink, appearing to read "Kwame Raoul". The signature is fluid and stylized, with a large initial "K" and a long, sweeping tail.

Kwame Raoul  
Illinois Attorney General

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# 1. Key Statutes Governing Court Accessibility for People with Disabilities

Four key statutes govern access for people with disabilities in Illinois courts: the federal Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.*; the federal Rehabilitation Act of 1973, 29 U.S.C. § 794; the Illinois Human Rights Act, 775 ILCS 5/1-101 *et seq.*; and the Illinois Environmental Barriers Act, 410 ILCS 25/1 *et seq.*

The Americans with Disabilities Act (ADA), the Rehabilitation Act and the Illinois Human Rights Act provide broad protections for people with disabilities and govern access to programs, services, activities and facilities. They are briefly described in this section. The Illinois Environmental Barriers Act governs new construction of buildings as well as additions and alterations to facilities, including courts. It is described in more detail in Section 5.

The goal of the ADA is to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. 42 U.S.C. § 12101. Please keep the spirit of the ADA in mind in your role as a CDC.

The information provided in this manual is intended as a framework for understanding the court's obligations under Title II of the Americans with Disabilities Act. The information contained in this manual is not intended as legal advice, nor should it affect the substance of cases before the court.

## Section 504 of the Rehabilitation Act (Section 504)

### What is Section 504 of the Rehabilitation Act?

Part of a federal law called the Rehabilitation Act of 1973, Section 504 is a civil rights law that prohibits discrimination against individuals with disabilities by entities that receive federal funds. Section 504 ensures that a person with a disability has equal access to programs and services operated by entities that have received federal funds, which may include the courts. The Rehabilitation Act will not be discussed in detail in this manual, because the ADA contains substantially similar provisions.

## Americans with Disabilities Act (ADA)

### What is the Americans with Disabilities Act?

The ADA is a federal civil rights law that protects qualified individuals with disabilities from discrimination based on their disabilities. Title II of the ADA covers units of state and local government, including the courts. Title II is based on Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination by any entity receiving federal financial assistance.

The U.S. Department of Justice (DOJ) has issued regulations that implement the ADA. These

regulations have the same force as the ADA itself. The regulations for Title II are found in the Code of Federal Regulations at Title 28, Part 35, and are broken down by section. Specific ADA regulations are listed as “28 C.F.R. § 35.136,” for instance, which means Title 28 of the Code of Federal Regulations, at Section 35.136.

Guidance regarding these regulations is available in the DOJ Title II section-by-section analysis in the Appendix to 28 C.F.R. Part 35.

### Do courts have to comply with the Americans with Disabilities Act?

Yes. The ADA requires that all units of state and local government, including the courts, comply with the ADA. Title II applies to all services, programs and activities provided or made available by public entities. 28 C.F.R. § 35.102. A public entity is defined as any unit of state or local government or any department, agency, special purpose district or instrumentality of a state or local government. 28 C.F.R. § 35.104.

### What actions are prohibited under Title II of the Americans with Disabilities Act?

Title II states that no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs or activities of a public entity, or be subjected to discrimination by such entity. 42 U.S.C. § 12132.

### What programs, services and activities of the courts must be made accessible?

Under the provisions of Title II, a public entity shall operate every service, program or activity so that the service, program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with disabilities. 28 C.F.R. § 35.150(a). This requirement is generally referred to as program accessibility, which is distinct from physical or facility accessibility.

### Does every court facility have to be physically accessible to people with disabilities?

No, not necessarily. Each situation should be evaluated on a case-by-case basis because every

facility may not be obligated to be physically accessible, if the facility was built before January 26, 1992. In these pre-ADA buildings, the entity may choose to make the service, program or activity accessible in another manner. This analysis only applies to unaltered buildings built prior to the effective date of the ADA Standards (January 26, 1992). Newer facilities have greater obligations to ensure physical accessibility to the built environment under the ADA and state law, described in Section 5.

*Example: If proceedings are generally conducted in rooms on the second floor of an older courthouse that does not have an elevator, the proceedings could be moved to an accessible room on the first floor. If the first floor is not accessible, the court can move the proceedings to another community facility that is accessible.*

The specific judicial system will be viewed in its entirety when determining accessibility.

Remember that a primary goal of the ADA is the equal participation of individuals with disabilities in “mainstream” American society. Public entities should make every effort to ensure that alternative methods of providing program access do not result in unnecessary segregation.

### Who enforces Title II of the Americans with Disabilities Act?

Title II of the ADA and the Rehabilitation Act are enforced by individual lawsuits filed in the federal district courts and by the U.S. Department of Justice (DOJ). In suits by individuals, injunctive relief, damages, attorney’s fees and costs may be recovered.

For DOJ enforcement, individuals may file complaints within 180 days of the alleged discrimination. The DOJ will investigate each complete complaint, attempt informal resolution, and if resolution is not achieved, issue a Letter of Findings to the complainant and the public entity. If the DOJ finds noncompliance, it will attempt to enter into a voluntary compliance agreement. The DOJ may initiate litigation if an agreement is not reached. The complainant may file a private action at any time, regardless of whether the DOJ opens a case or finds a violation. More information about DOJ enforcement

procedures is available at 28 C.F.R. §§ 35.170 – 35.178.

The Illinois Attorney General's Office also enforces the ADA. Like the DOJ, the Disability Rights Bureau attempts to resolve complaints through voluntary compliance. The Attorney General's Office may enter into settlement agreements or assurances of voluntary compliance where entities agree to provide program access or bring their facilities into architectural compliance with the ADA. If an agreement is not reached or the terms of an agreement are not fulfilled, the Attorney General may pursue litigation.

A state is not immune under the Eleventh Amendment from an action in federal or state court for a violation of the ADA (including remedies both in law and in equity). 28 C.F.R. § 35.178. For more information, see the section on *Tennessee v. Lane* in Section 7.

### **Illinois Human Rights Act (IHRA)**

#### **What actions are prohibited under the Illinois Human Rights Act?**

A public official cannot deny or refuse to any person the full and equal enjoyment of the accommodations, advantages, facilities or privileges of the official's office or services or any property under the official's care because of unlawful discrimination based on that person's disability. 775 ILCS 5/5-102(c).

#### **Who are considered public officials under the Illinois Human Rights Act?**

The Illinois Human Rights Act's definition of public official includes any officer or employee of the state, its agencies or political subdivisions. 775 ILCS 5/5-101(C). This includes court administrators, clerks and judges.

#### **Who may file a complaint under the Illinois Human Rights Act?**

An aggrieved individual or the Illinois Department of Human Rights (IDHR) may file a charge in writing with IDHR. The complaint must be filed within 180 days of the alleged violation. 775 ILCS 5/7A-102.

#### **Who enforces the Illinois Human Rights Act?**

The Illinois Department of Human Rights (IDHR) has the power to issue, receive, investigate, conciliate, settle and dismiss charges filed pursuant to the Illinois Human Rights Act. IDHR will conduct a full investigation of the allegations set forth in the charge and attempt informal resolution. If resolution is not achieved and IDHR finds substantial evidence of discrimination, IDHR or the aggrieved individual may prepare a written complaint and file it with the Illinois Human Rights Commission (IHRC). The IHRC, through its appointed hearing officers, will conduct evidentiary proceedings on the complaints received. 775 ILCS 5/8-102. Whether or not IDHR finds substantial evidence of discrimination, an individual may commence a civil action in state court.

The Illinois Attorney General's Office also enforces the Illinois Human Rights Act. The Disability Rights Bureau may conduct an investigation when it has reasonable cause to believe that people with disabilities have been denied the equal enjoyment of facilities, services, programs and activities. 775 ILCS 5/10-104.

#### **What are the penalties for violating the Illinois Human Rights Act?**

Penalties include the assessment of actual damages, issuance of a cease and desist order, fees, costs and/or the entry of compliance agreements. 775 ILCS 5/8A-104. In an action filed by the Illinois Attorney General, fines and penalties will be assessed and equitable remedies may also be sought.

### **Illinois Environmental Barriers Act (EBA)**

#### **What facilities are covered by the Illinois Environmental Barriers Act?**

The Illinois Environmental Barriers Act (EBA) covers all facilities constructed, added onto or altered after May 1, 1988. The EBA is described in greater detail in Section 5 of this manual.





## 2. Determining Who Is a Qualified Person with a Disability

### Overview

The Americans with Disabilities Act (ADA), 42 U.S.C. § 12102; 28 C.F.R. § 35.104, defines a person with a disability in three ways:

1. A person with a physical or mental impairment that substantially limits one or more major life activities. Major life activities include both daily activities and biological functions:

Daily activities: such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

Biological functions: such as functions of the immune system, normal cell growth and digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine and reproductive functions.

*Example: A person who uses a cane (walking) or has diabetes (endocrine system function).*

Individuals with psychiatric, cognitive or developmental impairments may be substantially limited in major life activities in the same way as those with physical impairments.

2. A person with a record of such impairment—one who has a history of, or has been misclassified

as having, a mental or physical impairment that substantially limits one or more major life activities.

*Example: A person who has been treated for cancer but is in remission.*

3. A person who is subjected to an action prohibited by disability laws because of an actual or perceived physical or mental impairment, whether or not the impairment limits or is perceived to limit a major life activity.

*Example: A child is excluded from a city-sponsored soccer team because the coach believes a rumor that the youth has HIV.*

People with transitory and minor impairments lasting less than 6 months generally are not considered to have a disability.

*Example: A person who has a head cold or the flu does not have a disability under the ADA on the basis of that head cold or flu.*

The term disability as defined in the ADA does not cover sexual behavior disorders, nor does it cover compulsive gambling, kleptomania, pyromania or psychoactive substance use disorders resulting from current illegal use of drugs. 28 C.F.R. § 35.104. The ADA was amended in 2008 to clarify that the

definition of disability should be interpreted broadly, and that the question of whether an individual's impairment constitutes a disability should not demand extensive analysis. Pub.L. No. 110–325, § 2(b)(1) & (5) (2008).

The Illinois Human Rights Act defines disability as:

A determinable physical or mental characteristic of a person, including, but not limited to, a determinable physical characteristic which necessitates the person's use of a guide, hearing or support dog, the history of such characteristic or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth, or functional disorder and which characteristic...is unrelated to a person's ability to use and benefit from a place of public accommodation. 775 ILCS 5/1-103(I).

### Are all persons with disabilities protected by Title II of the ADA?

No. *Qualified* individuals with disabilities are protected under Title II of the ADA. An individual with a disability is “qualified” if he or she meets the essential eligibility requirements for the receipt of services or the participation in programs or activities provided by the public entity—with or without reasonable modifications to rules, policies or practices; the removal of architectural, communication or transportation barriers; or the provision of auxiliary aids and services. 28 C.F.R. § 35.104.

*Example: A 17-year-old who is deaf has a disability but is not “qualified” for jury duty because of her age. Therefore, she cannot avail herself of the protections of Title II to serve on a jury.*

Title II protects a qualified individual with a disability involved in any capacity in a public entity's programs, activities, or services, including as visitors, companions, spectators or participants.

*Example: A person who is deaf requests an interpreter to watch proceedings in a courtroom that is open to the public. The court must provide effective communication to this individual, without evaluating whether he is somehow “qualified” to watch the proceedings.*

### Can safety factors be taken into account in determining who is qualified?

Yes. An individual who poses a direct threat to the health or safety of others will not be “qualified.” A direct threat is a significant risk to the health or safety of others that cannot be eliminated or reduced to an acceptable level by the public entity's modification of its policies, practices or procedures, or by the provision of auxiliary aids or services.

The public entity's determination that a person poses a direct threat to the health or safety of others may not be based on generalizations or stereotypes about the effects of a particular disability.

*Example: An individual with tuberculosis wishes to participate in a court hearing. Title II permits the court to refuse to allow the individual to participate on the grounds that the individual's condition would be a direct threat to the health or safety of others, if the condition is contagious and the threat cannot be mitigated or eliminated by reasonable modifications such as providing gloves or masks. In this example, the court should consider alternatives to in-person attendance to permit the individual to participate remotely.*

### Permitted Inquiries

Public entities cannot make unnecessary inquiries about an individual's disability. Department of Justice Title II Technical Assistance Manual, 11-3.5300. As a general rule, medical documentation proving an individual's disability should not be requested. However, in limited cases, a court may request that a health professional certify in writing that an individual has a disability and has a particular functional limitation, without identifying the disability. When evaluating an accommodation request, the court should not request information about the nature and extent of disability, but may request information about the *functional limitations* of the person's disability if the nexus to the disability or the need for the accommodation is unknown or unclear.

A court cannot request medical documentation to establish a person's need to use a service animal, as explained in Section 6. Additionally, the court cannot ask an individual using a wheelchair or other power-

driven mobility device about the nature and extent of their disability, but may request credible assurance that another mobility device, such as a Segway or golf cart, is required because of the person's disability. 28 C.F.R. § 35.137(c).

*Example: A litigant requests that she not have to appear in court before a full courtroom. It may be permissible to request a doctor's note certifying that the litigant has a disability and her disability makes it difficult for her to organize her thoughts and speak comfortably in front of others. Requesting that the doctor specify her disability may constitute an unnecessary inquiry. In this example, the court*

*may consider accommodating the individual by holding proceedings when other cases are not scheduled or at the end of the court call, among other ideas.*

In addition, Title II does not directly address confidentiality, but the court should make efforts to avoid publicizing a person's disability in open court or in court orders.

## Overview

Program accessibility is achieved when the court's programs, services and activities are accessible to





### 3. Ensuring Program Accessibility

and usable by qualified individuals with disabilities. As stated in Article 5 of the Illinois Human Rights Act and Title II of the ADA, state court officials are required to ensure that people with disabilities may participate in the services, programs, activities and facilities of the judicial system. 28 C.F.R. § 35.149. The Supreme Court of Illinois' Policy on Access for Persons with Disabilities, available in Appendix B, provides a template for how court systems across the state can ensure people with disabilities are able to access court services.

Courts are required to ensure program access in three main ways: granting reasonable modifications (also termed accommodations), ensuring effective communication by providing auxiliary aids and services, and providing accessible facilities that people with disabilities can readily access. Each are described below.

#### Reasonable Modifications/Reasonable Accommodations

A court is obligated to make changes in policies and procedures—termed reasonable accommodations or modifications—for a person with a disability so that he or she can participate in the programs, services and activities provided by the public entity. State and local courts must modify their policies, practices and procedures to eliminate discriminatory treatment of people with disabilities, unless such modification would fundamentally alter the nature of its services, programs or activities. 28 C.F.R. § 35.130(b)(7).

It is generally the obligation of the person with a disability, or an authorized person acting on the individual's behalf, to make a request for a reasonable accommodation. However, if the need for an accommodation is obvious, the court may have an obligation to provide reasonable accommodations even absent a specific request.

When evaluating a request for a reasonable accommodation, it is important to understand precisely what the individual is requesting. It may be helpful for the requestor (or the CDC in consultation with the requestor) to fill out a form identifying his or her request. From there, consider the following:

- *Is it reasonable?* This is highly fact-specific. Evaluate the costs and administrative burdens imposed. If it imposes an undue financial or administrative burden or hardship in light of the overall resources of the entity, then it is not reasonable. An undue burden is a significant difficulty or expense. Before concluding that an accommodation would result in an undue burden, the entity must consider all resources available for use in the program, activity or service in question.
- *Is it necessary?* Consider whether there is a connection between the functional limitations of the disability and the request. Request more information or open a dialogue if the need for the requested accommodation is not known or apparent. Permitted inquiries are discussed earlier in Section 2.

- *Would granting the request fundamentally alter the court's program?* A fundamental alteration is a change to such a degree that the original program, activity or service is no longer the same. Public entities are not required to make changes or provide specific aids for people with disabilities if doing so would fundamentally alter the basic nature of their programs, activities or services. In the court setting, an accommodation may not be granted if it, for instance, changes the nature of the adversarial proceeding or deprives a party of a right. However, an accommodation may be granted if it is something that has been allowed in other contexts or can be accomplished without disrupting the essential functions of the court.

For requests that may be prejudicial or impact the merits of the case before the judge, ask that the requestor file a motion in the case (under seal or with other precautions as necessary) requesting the accommodation so all parties are given an opportunity to respond and the matter is preserved for appeal. See *In Re McDonough*, 457 Mass. 512 (Mass. 2010), also discussed in Section 7, for more suggestions on how to handle accommodation requests that may be prejudicial.

The ADA regulations provide specific guidance on certain reasonable accommodations. For instance, permitting service animals as reasonable accommodations are described in the ADA regulations at 28 C.F.R. § 35.136, and in this manual at Section 7. Miniature horses may be permitted in public facilities as reasonable accommodations based on the assessment factors listed in the ADA regulations at 28 C.F.R. § 35.136(i)(2). Also, there are specific factors at 28 C.F.R. § 35.137(b) to consider when evaluating a request to permit a power-driven mobility device other than a wheelchair, such as Segways or golf carts, as a reasonable accommodation. Be sure to review the regulations carefully when considering those requests. Consider adopting a written policy on these accommodations in advance.

If a court determines that it cannot provide a requested modification, it must engage in an interactive process to find alternative modifications that will provide program access for the individual with a disability.

Examples of potential reasonable modifications may include the following: extended briefing schedules; adjustment of hearing times; permitting a support person to sit next to a litigant; allowing eating or drinking in the courtroom when otherwise prohibited; relocating hearings to provide access to restrooms; allowing appearances by teleconference for routine hearings; allowing electronic devices into the courthouse when otherwise prohibited; assisting with filling out court forms; and/or permitting the use of a service animal, miniature horse or power-driven mobility devices.

Other suggestions for reasonable modifications are available at the Job Accommodation Network's website: [askjan.org](http://askjan.org).

Responses should typically be given to the requestor in writing in a timely fashion. If the court determines that the request posed a fundamental alteration or undue burden, the written decision should issue from the Chief Judge or his or her designee. See 28 C.F.R. § 35.164.

Usually, accommodation requests are administrative and therefore not an improper ex parte communication with the judge. CDCs should exercise caution in communication with judges and parties to limit the communication strictly to the accommodation request and preclude any discussion of the merits of the matter or the details of the requestor's disability.

## **Effective Communication and Auxiliary Aids and Services**

### ***Effective Communication***

Under the ADA, state and local courts must take appropriate steps to ensure that communication with participants, companions and observers of judicial proceedings with disabilities are as effective as communication with others. 28 C.F.R. § 35.160(a). Courts must ensure that a person with a disability can both understand what is being said in the proceeding and communicate so that he or she is understood. To achieve this, courts must make available appropriate auxiliary aids and services, unless doing so would fundamentally alter the nature of the court's programs, services or activities or result in an

undue financial or administrative burden. 28 C.F.R. § 35.160(b)(1); 28 C.F.R. § 35.164.

Some examples of auxiliary aids for people who are deaf, hard of hearing or deafblind, or for individuals with speech impairments, may include the following: qualified sign language interpreters; video remote interpreters; transliterators; communication access realtime transcription (CART); assistive listening devices; written notes; note takers; written materials; relay services; videophones; and teletypewriters (TTYs) and similarly functioning computer software. 28 C.F.R. § 35.104.

Examples of auxiliary aids for people who are blind, have low vision or are deafblind may include the following: qualified readers; screen reader software; magnification software; audio recordings; accessible websites and information technology; and Braille or large-print materials. 28 C.F.R. § 35.104.

The type of aid or service necessary will depend on the person's preference and may vary with the length and complexity of the communication.

*Example: It may be appropriate to pass notes with someone who is deaf to give directions to the restroom, but it is not appropriate to pass notes to give testimony.*

### Examples of Auxiliary Aids and Services:

Communication Access Realtime Translation (CART)

Assistive Listening Devices or Systems

Interpreters & Translators

- ASL Interpreters
- Signed English Interpreters
- Certified Deaf Interpreters
- Tactile Interpreters
- Tracking Interpreters
- Close-Vision Interpreters
- Oral Interpreters or Oral Translators
- Cued Speech Translators

### Consultation and Primary Consideration

It is important to consult with the individual to determine the most appropriate auxiliary aid or service. The person with a disability is most familiar with his or her disability and is in the best position to determine what type of aid or service will be effective for them.

The court must give primary consideration to the individual's request. *See* 28 C.F.R. § 35.160(b)(2). This means the court must grant the person's requested auxiliary aid or service unless it can demonstrate that another equally effective means of communication is available or use of the requested means would result in a fundamental alteration or undue financial and administrative burden.

The most common examples of auxiliary aids and services are described further in this Section. For a thorough description of these and other services, you may wish to review the American Bar Association's guide, "Court Access for Individuals Who Are Deaf and Hard of Hearing," available at <https://www.americanbar.org>.

Be sure you understand the person's request—for instance, an "interpreter" may mean American Sign Language (ASL), a Certified Deaf Interpreter (CDI), an oral interpreter or transliterator, signed English, or some other type of signing system used by persons with hearing loss.

### Interpreters

An interpreter conveys spoken or signed communications from one language to another. In the context of working with individuals who are deaf or hard of hearing, ASL interpreters render information between spoken English and ASL.

Some individuals who are deaf or hard of hearing lack fluency in standard ASL, and may require the assistance of a Certified Deaf Interpreter (CDI) in addition to a conventional ASL interpreter. A CDI is an interpreter who is deaf or hard of hearing and works in partnership with a sign language interpreter to convey communications from a deaf or hard of

hearing individual. CDIs are recommended when interpreting for minors, persons with limited English fluency, persons with limited ASL, persons with cognitive impairments, and in situations where there is a need for increased sensitivity.

As always, when receiving a request for an interpreter, be sure that you understand exactly what type of interpreter is requested.

While the ADA references “qualified” interpreters, Illinois law states that all individuals providing interpreting services must be licensed through the Illinois Deaf and Hard of Hearing Commission unless specifically exempted. The Interpreters for the Deaf Licensure Act of 2007, 225 ILCS 442/1 *et seq.*, and its rules designate an interpreter’s proficiency level based on the certification for which the license is granted. The law provides for four proficiency levels: provisional, intermediate, advanced and master. Interpreters must possess a minimum of an advanced proficiency level for basic legal assignments, while master level is required for complex legal assignments. All licensed interpreters are held to the Standards of Professional Conduct.

When appointing an interpreter, the court must provide a sign language interpreter listed on the Administrative Office of the Illinois Courts (AOIC) interpreter registry, if available. The AOIC maintains a Court Interpreter Registry that lists certified and registered sign language interpreters who have met certain training and testing requirements. For more information, please review the Illinois Supreme Court Language Access Policy included in Appendix C.

All communications recognized by law as privileged shall remain privileged even in cases where an interpreter for a deaf or hard of hearing person is used to facilitate such communication. 735 ILCS 5/8-912.

In general, during conversation with a person who requires an interpreter for effective communication, maintain eye contact with the person who is deaf or hard of hearing rather than the interpreter.

Courts must provide interpreters for court participants who require them, even if there is a family member or friend present who knows sign language. An interpreter is required for all aspects of court proceedings, including routine matters and jury

deliberations, where applicable. Interpreters are also required for court-mandated programs, trainings, classes and other services. The court should pause the proceedings until the interpreters are present.

In longer proceedings, sign language interpreters should work in pairs, as their work is physically taxing and they are able to check each other’s work during breaks. The court should schedule breaks during the proceeding on an as-needed basis. The court should also consider advising the courtroom of the presence of the interpreters and clarifying their roles in introductory comments, administering oaths to the interpreters and instructing the jury regarding the interpreters.

### ***Video Remote Interpreting***

Interpreter services can also be provided remotely, via video. Through video remote interpreting (VRI), the interpreter is in a remote location while the person who is deaf or hard of hearing is present in the courtroom with other court personnel. The interpreter hears the proceedings and signs the messages to the deaf or hard of hearing individual, who views it on a video screen. A video camera in the courtroom is also present, so the interpreter is able to view the deaf or hard of hearing participant’s signs on a video display and convey these communications to the court. VRI can be effective for straightforward proceedings, and can be valuable where onsite interpreters are otherwise not available (for instance, on short notice, in rural areas or during probation officers’ off-hour home visits to probationers who are deaf).

However, VRI is not effective for all circumstances. It is very difficult for VRI to be effective in situations where more than one person is speaking. As such, contested matters, hearings where testimony will be given, trials, or other lengthy or complex proceedings require onsite interpreters. Also, VRI may not be effective for individuals with low vision.

Courts must consider the individual’s ability to effectively communicate through VRI. Always, if a deaf person requests an in-person interpreter, the court should provide one unless it is an undue burden to do so.

VRI performance standards are described further in the federal regulations at 28 C.F.R. 35.160(d).



Courts that are interested in VRI may also wish to review the state of California’s guidelines on VRI use in the courtroom. These guidelines provide an overview of considerations for effective use, including planning for confidentiality concerns, positioning the camera and ensuring suitable video image quality. *See* “Recommended Guidelines for Video Remote Interpreting (VRI) for ASL-Interpreted Events,” Administrative Office of the Courts: Court Interpreters Program, Judicial Council of California, *available at* <http://www.courts.ca.gov/documents/CIP-ASL-VRI-Guidelines.pdf>.

### ***Communication Access Realtime Translation (CART)***

CART is a professional service where a CART captioner provides realtime captioning usually on a small screen for the individual who is deaf or hard of hearing to read. CART is generally used by people whose language acquisition is primarily English (rather than ASL). Many times CART is used by people who have become deaf later in life or are hard of hearing. CART may also be effective for people with disabilities other than hearing loss.

### ***Assisted Listening Devices (ALDs)***

ALDs are used to amplify spoken communication in comparison to other background noises that may interfere and prevent effective communication. ALDs consist of microphones, transmitters, receivers and headsets that reduce the distance between the speaker and the listener. ALDs may or may not be used in conjunction with hearing aids or cochlear implants. The court must ensure that the ALD is compatible with the deaf or hard of hearing participant’s hearing aid or cochlear implant.

### ***Written Notes***

Writing on paper back and forth may be effective for very simple transactions. It is not effective communication for court proceedings.

## **Website Accessibility**

It is important to ensure that people with disabilities can access the court’s websites and electronic documents using screen readers, keyboard-only navigation and other adaptive technology.

The ADA regulations do not specifically describe the applicable standard for accessible websites. At this point, the only official standard in this realm is for federal agencies and federal contractors covered under Section 508 of the Rehabilitation Act of 1973. These entities’ websites must conform to the Website Content Accessibility Guidelines 2.0 Level AA (WCAG 2.0 AA) standard (<http://www.w3.org/TR/WCAG20/>).

In general, WCAG 2.0 AA has gained prominence as the standard to which a court or federal agency will most likely look in determining a website’s compliance with the ADA. For a short summary of these standards, *see* “WCAG 2.0 at a Glance,” from the Web Accessibility Initiative, *available at* <https://www.w3.org/WAI/WCAG20/glance/>.

The U.S. Department of Justice (DOJ) has reached settlements with counties over issues including inaccessible court websites. For instance, in 2015, DOJ reached a settlement with the Orange County (Florida) Clerk of Courts to ensure that they provide individuals with disabilities any document in the court record in an accessible format upon request, and required the Clerk of Courts to make its websites accessible using the WCAG 2.0 AA accessibility requirements. The Clerk of Courts also completed training on the ADA and WCAG 2.0 AA and paid \$10,000 in damages to the individual complainant. The settlement is available online at <https://www.ada.gov/occ.htm>.

## **Accessible Facilities**

State and local courts must ensure that architectural barriers do not prevent program access. Physical access requirements are discussed in detail in Section 5.

## Limits to What the Court Must Provide

Public entities are not required to provide personal devices or services. 28 C.F.R. § 35.135.

- ✗ Not required to have individually prescribed devices, like wheelchairs or hearing aids, on hand.
- ✗ Not required to provide assistance of a personal nature (toileting, etc.).
- ✗ Not required to provide readers for personal use or study.

Public entities have no obligation to provide additional services for individuals with disabilities that are not provided for individuals without disabilities. See Department of Justice Title II Technical Assistance Manual, II-3.3000.

*Example: The court is not required to operate a shuttle service to pick up people whose disabilities make it difficult to travel to court. However, if the court does operate a shuttle, it must be accessible to people with disabilities. Further, if a request is made for a shuttle service to assist a patron in traveling to court, the court must consider alternative accommodations.*

*Example: A court may receive a request from a litigant requesting that the court appoint an attorney in a civil case as an accommodation. If the court does not provide attorneys to other civil litigants, then that request would require the court to offer an additional service not provided for individuals without disabilities, which would likely be an undue burden and a fundamental alteration of the court's programs. The court may, however, refer the litigant to other resources including pro se help desks, legal aid programs or the local bar association.*

Public entities can deny service to someone who is a direct threat, so long as that determination is based on actual risks, and not stereotypes, speculation or generalizations about people with disabilities. 28 C.F.R. § 35.139.

A public entity is not required to take any action that it can demonstrate would result in a

fundamental alteration or in undue financial and administrative burdens.

- ✓ Must consider all resources available for use in the funding and operation of the service, program or activity.
- ✓ Denial must be made in writing by the head of the public entity or his or her designee.
- ✓ Denial must include a written statement of the reasons for reaching that conclusion.
- ✓ Public entity has the burden of proving that compliance would result in such alteration or burdens.
- ✓ Must consider alternative means of providing program access and open a dialogue to discuss the proposed accommodation.

## FAQs Regarding Requests for Program Accessibility

### Who is entitled to program accessibility?

Any qualified individual with a disability is entitled to program accessibility through either reasonable modifications to policies or auxiliary aids and services. This includes witnesses, attorneys, jurors, judges, litigants and spectators.

### Must the court notify individuals with disabilities about their right to program accessibility?

Yes. The ADA requires that persons with disabilities receive notice of the protections the statute affords them. Public entities must “ensure that interested persons...can obtain information as to the existence and location of accessible services, activities and facilities.” 28 C.F.R. § 35.163. A public entity with 50 or more employees must also establish and adopt grievance procedures for resolving complaints of discrimination and physical inaccessibility. 28 C.F.R. § 35.107(b).

### Who may request the reasonable modification or auxiliary aid or service?

The person with a disability, or his or her representative, may request the modification or auxiliary aid or service. As stated above, the court must provide accommodations to parties, lawyers, judges, witnesses, jurors and courtroom spectators as needed to ensure their equal participation in and benefit from court services.



### Does a request for a reasonable modification of policy or auxiliary aid or service have to be made in writing?

No. A person may make such a request orally or in writing. Do not delay in processing the accommodation request.

### Who decides the form or method of program accessibility?

The regulations require public entities to allow persons with disabilities the opportunity to request the auxiliary aids and services of their choice and require public entities to give “primary consideration” to the preferences expressed. 28 C.F.R. § 35.160(b)(2). The person’s requested auxiliary aid or service should be provided unless the court proposes another equally effective means of communication *or* providing the requested auxiliary aid or service would result in a fundamental alteration in the programs, services or activities of the court or create an undue financial or administrative burden.

### Does the court have to provide an individual with a disability personal devices or personal care assistance?

No. The ADA does not require the court to provide personal devices such as wheelchairs or canes or personally prescribed devices such as hearing aids or eyeglasses. Further, the ADA does not require the court to provide services of a personal nature such as assistance in eating, toileting or dressing. 28 C.F.R. § 35.135.

### If reasonable modifications or auxiliary aids or services are needed, who must pay for them?

The ADA prohibits a public entity from placing a surcharge on services for individuals with disabilities to cover the cost of accommodations. 28 C.F.R. § 35.130(f). The Illinois Code of Civil Procedure requires sign language interpreter’s fees to be paid out of general county funds. 735 ILCS 5/8-1402.

### Does the court have to provide reasonable modifications or auxiliary aids or services within a certain period of time?

Courts must provide a reasonable modification to a policy or an auxiliary aid or service within a reasonable period of time after a request is made.

Determining what is a reasonable time period will depend on the nature of the request and should be handled on a case-by-case basis.

*Example: It may be reasonable to require that a request for a sign language interpreter be made two weeks in advance. However, if a request is made with less notice, the court must make reasonable efforts to appoint one. It would likely not be reasonable to take two weeks to provide materials in large print format.*

### What should the court do until the requested modification or auxiliary aid or service is available?

The court should delay all proceedings until the reasonable modification to a policy or auxiliary aid or service can be provided. Litigants must be provided with auxiliary aids or services at their initial court hearings.

Courts should develop policies to ensure aids and services are available as needed. Criminal courts may have additional obligations to provide these services promptly.

### How can the court find a licensed sign language interpreter capable of handling court matters?

For sign language interpreter needs in the courtroom, courts can access the Administrative Office of Illinois Courts (AOIC) Court Interpreter Registry at [www.illinoiscourts.gov](http://www.illinoiscourts.gov) to find advanced and master level license holders trained to interpret in legal settings. If your county uses an interpreter on the AOIC Registry, you may be eligible for full reimbursement of the costs of interpreting services.

For information on reimbursement, or if you have difficulty locating an interpreter for a pending court case, you can contact the AOIC Language Access Services Specialist at (312) 793-3250. Please note that it is a best practice to hire two sign language interpreters for a longer proceeding or trial, since the quality of interpretation is significantly compromised after long periods of simultaneous interpreting.

For sign language interpreter requests outside of the courtroom, such as communications in the clerk’s office, intermediate and provisional license holders may be used if an advanced or master

level license holder is not available. Licensed sign language interpreters may be located by proficiency level and county at the Deaf and Hard of Hearing Commission's website at <https://www.illinois.gov/idhhc/licensure/Pages/DirectoryHome.aspx>. Further questions can be addressed to the Interpreter Coordinator at the Deaf and Hard of Hearing Commission by email at [dhh.interpreter@illinois.gov](mailto:dhh.interpreter@illinois.gov) or by phone at (217) 557-4495.

### How can the court find a Communication Access Realtime Translation (CART) service provider?

The IDHHC has put together a list of approved CART providers in the state, available at <https://www.illinois.gov/idhhc/community/Documents/CART/Cart%20Directory2.pdf>.

The AOIC may reimburse for the use of any of these providers.

### Are there any defenses to a court having to provide a modification of policy or auxiliary aid or service?

Yes, but they are limited. A court is not required to provide a reasonable modification if that modification would result in a fundamental alteration of its programs, services or activities. 28 C.F.R. § 35.130(b)(7). A court is also not required to provide an auxiliary aid or service if that accommodation would result in a fundamental alteration of its programs, services or activities or constitute an undue financial or administrative burden. 28 C.F.R. § 35.164.

The decision to deny an accommodation, auxiliary aid or service must be made by the head of a public entity, such as the Chief Circuit Judge, or his or her designee. That individual must consider all resources available for use in the funding and operation of the service, program or activity. The denial must be made in writing, including a written statement of the reasons for reaching that conclusion. 28 C.F.R. § 35.164. The court must also consider alternative means of providing program access and open a dialogue to discuss the proposed accommodation.

*Example: An individual requests a document in Braille. If obtaining the document in Braille is impracticable, the court may consider alternatives, such as providing a tape-recorded transcript of the document. Discuss alternatives with the individual who requested the accommodation.*

## ADA Coordinator's Role

### What is an ADA Coordinator?

Public entities with 50 or more employees, including courts, must appoint a person designated to coordinate their efforts to comply with and carry out their responsibilities under the ADA, including any investigations of complaints of discrimination or physical inaccessibility. 28 C.F.R. § 35.107. This person is commonly referred to as the ADA Coordinator. The ADA Coordinator's name, office address and telephone number must be made available to the public.

A Court Disability Coordinator is an ADA Coordinator who specifically assists people with disabilities in the judicial setting. More information about the CDC's role is available in Section 8.

## Court Self-Evaluations

### What is a self-evaluation and does a court need one?

All public entities, including courts, are required to conduct a self-evaluation of their services, policies and practices to identify existing barriers to program access for people with disabilities. 28 C.F.R. § 35.105. These barriers can include discriminatory policies, the lack of auxiliary aids and services and inaccessible facilities. Once areas of noncompliance with the ADA are determined, they must be corrected so that program access is achieved.

A public entity must give individuals with disabilities and the organizations representing them the opportunity to participate in the self-evaluation process. The CDC may be responsible for conducting a court's self-evaluation in cooperation with court and county personnel and people with disabilities. Self-evaluations should be conducted periodically.



## 4. Interacting with People with Disabilities

### Overview

CDCs should strive to foster an atmosphere of respect surrounding the court system’s accommodation of people with disabilities. To this end, it is important to use language that communicates respect. As a general rule, use person-first language, but feel free to see if the person prefers another term.

“Person-first” or “people-first” language puts the emphasis on the person—not the disability. Using “people-first” language is one way to show respect. For example, a person is not *an epileptic*, but rather *a person who has epilepsy*. It is also disfavored to say that a person “suffers” from a disability, as it is better to simply state the facts about the disability than to

connote pity. Other examples of disfavored, outdated and preferred, current terms are reflected in the lists below.

People can relax and use common, everyday expressions when talking to people with disabilities. Saying, “see you later,” to a person who is blind or “walk over to the clerk’s office,” to a person who uses a wheelchair is generally not offensive. These phrases are recognized as part of everyday language and avoiding them would emphasize the disability. The goal is to use appropriate and accurate language to foster an environment of respect and independence.

#### Disfavored Term

disabled or handicapped  
handicapped parking  
wheelchair-bound  
dwarf; midget  
the deaf; hearing impaired  
the blind; visually impaired  
autistic  
bipolar  
crippled  
mentally retarded or slow

#### People-First Language

person with a disability  
accessible parking  
person who uses a mobility device  
person of short stature  
person who is deaf or hard of hearing  
person who is blind or has low vision  
person who has autism  
person who has bipolar disorder  
person with a physical disability  
person who has an intellectual disability;  
person with a learning disability

*Adapted from: Equip for Equality and the Illinois ADA Project*

## Etiquette

People with disabilities are no different than other people in their need for courtesy, independence and control. Disability etiquette involves being polite paired with common sense. Always speak directly to people with disabilities. For example, if a person is deaf, talk to him or her—not the sign language interpreter.

Ask a person with a disability if he or she wants assistance and then wait for a reply or look for nonverbal indications of what the person wants. This will eliminate concerns about whether to help or how to help, and it allows the person with a disability to be in control of the situation. Generally, people with disabilities who need assistance will ask for it. Give them time to respond and express themselves.

### Greeting People with Disabilities

People with disabilities prefer that you treat them the way you treat others and focus on the person—not the disability.

Use your normal voice when greeting a person with a disability. Do not raise your voice unless requested.

Following are tips that may assist you in making everyone feel welcomed. A person with a disability may prefer a different approach and may tell you. Always be flexible and respect the individual's wishes.

**Greeting a person who is blind or has low vision.** If you have not been introduced, state your name when you say “Hello.” Generally, wait for the person who is blind or has low vision to extend a hand, then shake it. Some people recommend touching the arm at the elbow with the left hand to make the person aware that a handshake is planned and then taking the right hand to shake it. But always verbalize any action that involves physical contact. An unsolicited touch is rude and unsettling. If asked to “lead” a person who is blind or has low vision, help the person take hold of your elbow. Do not hold his or her hand.

**Greeting a person who has no hands or has a prosthesis.** Wait for the person to extend the prosthesis and then shake it. It is acceptable to shake a left hand if the person has no right hand. Someone who just received a prosthesis may not want to shake hands, and you should respect that. If a handshake is inappropriate, greet the person with a smile and eye contact.

**Greeting a person who is deaf or hard of hearing.** To get the person's attention, it is appropriate to tap the person on the shoulder or wave your hand to make visual contact. When trying to get the attention of an individual or a group of people who are deaf or hard of hearing, turning the lights off and on is acceptable.

**Greeting a person using a wheelchair.** Although conversation should be at eye level, you can remain standing for a greeting. When conversation is planned, take a nearby chair and sit down. If there is no chair in the immediate vicinity, consider saying something like, “I'd like to sit down and talk with you. Let's find a chair.”

### Assisting People with Disabilities

The most important thing to remember when you interact with people with disabilities is that they are people. Always treat each person with dignity and respect. Each person is different, but the following are a few basic guidelines that may help when interacting with people with disabilities. In general, adjust to the needs of the person and follow the person's lead. Always ask before giving any assistance.

**People who have physical disabilities.** A person using a wheelchair does not normally require help to enter or leave a room but may need directions to locate accessible features like ramps and accessible restrooms.

- Lend minimal assistance and ask if more is needed. It is important not to be overly intrusive.
- Do not touch or lean on a person's wheelchair without permission. It is his or her personal space and should be respected as such.
- Avoid touching the person without his or her permission.



**People who are deaf or hard of hearing.** There is no universal form of communication. You must determine the most effective way to communicate, e.g., written notes or sign language interpreters. The communication method depends on the individual and many factors can influence their preference, including the point in the person's life that they experienced the hearing loss. Always ask the individual's preferred method of communication. Some examples of accommodations for people who are deaf or hard of hearing would include interpreters, CART or written notes. For more information, review the effective communication obligations explained in Section 3, and the following tips:

- Maintain eye contact during conversation with the person who is deaf or hard of hearing rather than the interpreter or captioner.
- Ensure good lighting, which is necessary because visual cues and gestures are important.
- Make sure the person who is deaf or hard of hearing feels comfortable asking you to repeat something if he or she does not understand.
- Be patient. Communication may take a little longer.

**People who have a speech impairment.** Relax while listening to someone with a speech impairment and you will adjust more quickly to the sounds and patterns of the person's speech. Also:

- If you cannot understand, ask for the statement to be repeated. Do not guess. You may lose valuable information if you do not follow up on statements or answers that are confusing or do not make sense to you.
- Avoid interrupting—wait for sentences to be completed.
- If the speech impairment is significant, it may be necessary to write notes, have a person spell out a word or use another mode to communicate.

**People who are blind or have low vision.** Face the person who is blind or has low vision when talking. If your eyes are directed toward the person, your voice will be as well. If you do not face the person, your voice will come from a different direction and may confuse him or her. In addition:

- Offer to assist, and if the person asks to be led, allow the person to hold your elbow as you walk—not your hand. Verbally describe the area as you proceed.
- If you are asked for directions, make the response explicit. For example, say the room is “the third door on the left” rather than “down the hall.” Consider giving directions using the face of a clock (“the drinking fountain is at 3 o'clock”).
- Do not stop talking when a person who is blind or has low vision is approaching; the person relies on the sound of your voice for direction.
- When a person who is blind or has low vision enters your office, it may be helpful to extend your arm to guide the person to a chair (verbalize what you are doing). Introduce each person in the room by name and indicate where he or she is sitting in the room relative to where the person who is blind or has low vision is seated.
- Tell the person anything he or she should know but cannot see. Talk about the placement of furniture and equipment in the room, if necessary. Hazardous items should be described. Explain what is happening in the room. Descriptions and explanations should be specific.
- Explain periods of silence during your conversation, if necessary, and explain when something nonverbal is occurring, such as the judge reviewing documents or a party entering or exiting the room.
- If a person has a service animal, respect the fact that it is a working animal. Do not touch or talk to the animal when it is working without the direct permission of its owner. Service animals are described further in Section 6.

When appropriate, offer to make public information available in alternative formats such as Braille, audio tape or large print. For large print, the American Federation for the Blind (AFB) suggests size 18-point Arial font with limited use of italics. AFB also suggests using a 1.5 space between lines rather than single spacing and using high-contrast colors (e.g., black ink on white paper).

**People who have cognitive or intellectual disabilities.** Use concrete terms and avoid abstract instructions. Assume everyone is legally competent. Address the individual—not the person’s companion. If you give instructions:

- Complete one step of instructions before giving instructions on the next step.
- Demonstrate how things should be done. Explain what you are doing as you do it.
- Give extra time to complete a task.
- Offer to write instructions for the individual. Write clearly, using plain language.
- Avoid legal jargon, acronyms, abstract concepts and large words.
- Use plain language.
- Take your time.

**People who have psychiatric disabilities.** Court can often be a stressful experience. For people who have a psychiatric disability (such as an anxiety

disorder, depressive disorder or schizophrenia), the court system can become debilitating. The following suggestions may help in overcoming these barriers:

- Never touch someone without their permission. Although you may mean it as a symbol of kindness or sympathy, it could trigger a different emotion in someone with a history of trauma.
- Speak slowly and distinctly.
- Use an even tone. It is inappropriate to raise your voice.
- Present information in the way that the person prefers; for instance, offer to write instructions. Write clearly, using plain language.
- Eliminate distractions.
- Consider updating the court’s website to include helpful information so a person with anxiety can plan for a trip to the court in advance.





## 5. Physical Access to Courthouses

### Overview

#### What statutes and codes govern physical access to the courts?

The Environmental Barriers Act (EBA), 410 ILCS 25/1 *et seq.*, and its implementing regulations, the Illinois Accessibility Code (IAC), 71 Ill. Adm. Code 400.110 *et seq.*, dictate the minimum requirements for accessibility to public and private facilities located in Illinois. The EBA became effective on September 25, 1985, and was amended most recently in 2016. IAC standards became effective May 1, 1988.

In addition, Title II of the Americans with Disabilities Act (ADA), 42 U.S.C. § 12101 *et seq.*, addresses physical access to state and local government facilities. Title II became effective January 26, 1992. The ADA Standards for Accessible Design dictate the minimum requirements under the ADA for accessibility to public buildings like courthouses. The Standards were amended in September 2010, and any facilities constructed or altered on or after March 15, 2012, must meet the revised 2010 standards because that is the date the law took effect. The 1991 Standards, the 2010 Standards and/or the Uniform Federal Accessibility Standards may be used for projects that were commenced between September 15, 2010, and March 14, 2012.

### Environmental Barriers Act

#### What does the Environmental Barriers Act cover?

The EBA, enacted in 1985 and amended most recently in 2016, governs physical access for people with disabilities in any new construction, additions or alterations to facilities after May 1, 1988.

#### Who enforces the Environmental Barriers Act?

The Illinois Attorney General enforces the EBA and its regulations in the IAC. The most frequent complaints received by the Attorney General's Office include the failure to install or properly mark accessible parking spaces, inaccessible entrances and inaccessible restrooms.

#### What are the penalties for violations of the Environmental Barriers Act?

The Illinois Attorney General may bring an action for mandamus, injunction to halt alterations or construction of any public facility built in violation of the EBA or other equitable relief. In lieu of a civil action, the Illinois Attorney General may enter an Assurance of Voluntary Compliance with an individual or entity deemed to have violated the EBA. The owner of a facility built in violation of the EBA can be subject to civil penalties up to \$250 per day,

where each day in violation constitutes a separate offense. An architect or engineer could be subject to a license suspension, revocation or refusal to restore such license. A building code official can be subject to civil penalties not to exceed \$1,000 per offense.

### **Accessibility of Existing Facilities**

#### **If an existing facility used by the courts is not accessible, must it be made accessible?**

Extensive retrofitting of older court facilities is not required if the activities, services and programs of the court, when viewed in their entirety, are accessible or if making the courthouse accessible would result in a fundamental alteration in the nature of the service, program or activity or result in undue financial and administrative burdens.

Therefore, in a building that has not been constructed, altered or added onto since May 1, 1988 (the effective date of the IAC), a physical barrier such as stairs need not necessarily be removed *if* the removal would result in an undue financial burden, as long as the services, programs or activities served by the stairs are made accessible through other means. Such access might be achieved by relocating a service to an accessible location or facility. For example, this could be accomplished by moving a felony court proceeding on an inaccessible floor to a traffic courtroom on a floor that is accessible or providing benefits or services at an alternative accessible site.

#### **What is a transition plan and does my county need one?**

Public entities with 50 or more employees, including counties, must have a transition plan if the removal of communication, transportation or architectural barriers is necessary to achieve program access in existing facilities, meaning those constructed before the ADA went into effect and that have not been altered. 28 C.F.R. § 35.150(d). The transition plan must set forth the inaccessible features of facilities, the methods that will be used to increase accessibility and timeframes for bringing the facilities into compliance with the ADA.

The CDC may work with the county to create and implement any parts of the transition plan related to court facilities. The county's transition plan should be updated periodically.

#### **Do historic buildings have to be made accessible?**

A public entity is not required to take any action that would threaten or destroy the historic significance of a property. However, the entity must still make its programs, services and activities available to, and usable by, people with disabilities. The Illinois State Historic Preservation Office can assist public entities in determining whether a property is historic and can offer access alternatives that will not destroy the historical significance of the property.

#### **Are there any other defenses to providing physical accessibility in an existing courthouse?**

Yes, but they are very limited. A county is not required to provide physical access in an existing courthouse if doing so would fundamentally alter the nature of the court's programs, services or activities or result in an undue financial or administrative burden. 28 C.F.R. § 35.150(a)(3). The decision must be made by the head of a public entity, such as the Chief Circuit Judge or his or her designee, after considering all resources available for use in the funding and operation of the service, program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. The county must consider alternative means of providing program access.

### **Accessibility Resources**

There are numerous resources available to provide guidance regarding the removal of architectural and communication barriers to improve access to courthouses for persons with disabilities. The 2010 ADA Standards for Accessible Design specifically address accessibility in courtrooms. The Standards are available online at [www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm](http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm).

The IAC provides detailed information on the minimum accessibility requirements for public buildings. A copy of the IAC can be downloaded from the Illinois Capitol Development Board's website at: [www.illinois.gov/cdb](http://www.illinois.gov/cdb).

Additional technical assistance in determining the barriers that may exist in your courthouse may be provided by your local Center for Independent Living, or a qualified professional, such as an architect.

See Appendix A for additional resources.



## 6. Access to the Courts by Individuals Who Use Service Animals

### Overview

State and federal laws, including the Americans with Disabilities Act and the Illinois White Cane Law, protect individuals who use service animals.

#### What is the definition of a service animal under the ADA?

The ADA defines a service animal as any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual or other mental disability. If they meet this definition, animals are considered service animals under the ADA regardless of whether they have been licensed or certified by a state or local government.

In addition, the ADA requires that reasonable modifications be made to permit the use of miniature horses as long as the horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability. 28 C.F.R. § 35.136(i).

Service animals are working animals—not pets. Do



not pet or touch them without specific permission from their owners.

#### What type of assistance do service animals provide?

Service animals may perform some of the functions and tasks that the individual with a disability cannot perform for himself or herself. Guide dogs, commonly used by individuals who are blind or have low vision for navigation or other tasks, are one example of service animal. However, there are a number of other tasks service animals perform for people with disabilities, including the following examples:

- Alerting people who are deaf or hard of hearing to people or sounds
- Assisting an individual during a seizure
- Providing rescue work
- Pulling a wheelchair
- Alerting individuals to the presence of allergens
- Retrieving items such as medicine or a

telephone

- Providing physical support and assistance with balance and stability to individuals with mobility disabilities
- Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors

### What questions can an individual with a service animal be asked?

To determine whether an animal qualifies as a service animal, a public entity cannot ask about the nature or extent of a person's disability. It may ask only the following two questions:

- Is the animal required because of a disability?
- What work or task has the animal been trained to perform?

However, a person with a service animal may not be asked these questions when it is readily apparent that the animal is trained to do work or perform tasks for an individual with a disability.

*Example: A dog that is observed guiding an individual who is blind is a service animal, and the individual should not be questioned.*

Once a person confirms that the dog is required because of a disability and has been trained to perform work or a task, the dog should be permitted without further questioning. A public entity may not request any documentation for the dog, require that the dog demonstrate its task or ask about the person's disability.

### Does an owner need to provide proof that the service animal is certified?

No. A person with a disability does not need to provide proof that the animal is certified, trained or licensed and cannot be asked these questions. A service animal is also not required to wear a special harness, vest or cape.

There are websites that sell service animal certification or registration documents online. These documents do not convey any rights under the ADA or state law, and are not proof that the dog is a service

animal.

### Where can a service animal go in a court facility?

Individuals with disabilities can be accompanied by their service animals wherever members of the public are permitted to go.

### Are emotional support or comfort animals the same as service animals?

No. Animals that provide comfort just by being with a person are not service animals unless they have also been trained to perform a specific job or task. If the animal is not trained to perform work or a task for the benefit of a person with a disability but is still required because of a disability, courts should consider on a case-by-case basis whether to permit emotional support or comfort animals that do not meet the definition of service animal as a reasonable accommodation for a person with a disability.

For example, if a dog has been trained to sense that an anxiety attack is about to happen and take a specific action to help avoid the attack or lessen its impact, that dog would qualify as a service animal under the ADA. However, if the dog's mere presence provides comfort, that would not be considered a service animal under the ADA, but should still be considered as a reasonable accommodation if the dog's presence is necessary to permit a court participant with a disability to access court services.

No matter what a person calls their animal, you may ask two questions:

1. Is the animal required because of a disability?
2. What work or task has the animal been trained to perform?

If the dog is required because of a disability and has been trained to perform work or a task, treat the dog as a service animal.

If the dog is required because of a disability and has not been trained to perform work or a task, consider whether the animal is necessary as a reasonable accommodation. See Section 3 for more information on reasonable accommodations.

### What are facility dogs?

State law permits the court to allow certain victims of crimes to testify with the assistance of a facility dog. A facility dog is a professionally trained dog that has graduated from an assistance dog organization that is a member of Assistance Dogs International. Facility dogs may help children and people with disabilities give testimony in certain criminal proceedings. The judge presiding over the matter should determine whether use of a facility dog is appropriate, considering the factors set forth by statute. 725 ILCS 5/106B-10.

### Is there a state law that protects individuals who use service animals?

Yes. Illinois' White Cane Law, 775 ILCS 30 *et seq.*, and Service Animal Access Act, 720 ILCS 5/48-8, are state laws that guarantee the right of a person with a disability to be accompanied by a service animal in public. The White Cane Law and Service Animal Access Act both protect service animal *trainers* and service animals *in training* as well as service animals. A violation of the White Cane Law is a Class A misdemeanor. A violation of the Service Animal Access Act is a Class C misdemeanor.

Under Illinois law, places of public accommodation

must permit service animals in training in addition to service animals.

### Limited Circumstances Permitting Exclusion

#### Can a service animal ever be excluded from a court facility?

Yes, but only if the animal is out of the handler's control, is not housebroken or poses a direct threat to the health or safety of others, or when the presence of the animal fundamentally alters the nature of the services provided by the court.

The ADA does not overrule legitimate safety requirements. If a particular service animal is out of control and the handler does not take effective action to control it, or if it is not housebroken, that animal may be excluded.

*Example: A dog that barks during a hearing or exhibits vicious behavior toward others may be excluded. If the dog is excluded, the individual with the disability should still be given the option of continuing his or her participation in the court services.*





## 7. Selected Cases and Settlements

### Cases of Special Interest

#### *Can the state of Illinois be held liable for discrimination in cases involving access to the courts?*

*Tennessee v. Lane, 124 S.Ct. 1978 (2004)*

Yes. In *Tennessee v. Lane*, the Supreme Court held that states are subject to lawsuits filed in federal court for money damages under the ADA in cases involving access to the courts. The question before the Supreme Court was whether Congress acted properly when it enacted the ADA and made states liable for discrimination against people with disabilities in the provision of government services. The Supreme Court decided that the ADA does apply to the states when people with disabilities seek to enforce their rights to gain access to the courts.

The plaintiffs in the case, two Tennessee residents with paraplegia, were denied access to judicial proceedings because those proceedings were held in courtrooms on the second floors of buildings lacking elevators. One of the plaintiffs, George Lane, was unable to attend a criminal proceeding being held in an inaccessible second-floor courtroom. The state arrested him for failure to appear when he refused to crawl or be carried up the steps. Another of the plaintiffs, Beverly Jones, sought access to the courtroom to perform her work as a court reporter. Lane and Jones filed suit under Title II of the ADA to challenge the state's failure to hold proceedings in

accessible courthouses. In response to the ADA suit, the state of Tennessee argued that it was immune from suits under Title II of the ADA.

In its decision, the Supreme Court ruled that in the legislative history of the ADA, Congress identified an extensive history of discrimination by states in the provision of their programs and services for people with disabilities. The Court held that the remedies set forth by Congress in the ADA are appropriate to ensure that people with disabilities have access to the courts.

#### *Can a person who is blind be excluded from serving on a jury?*

Whether a person who is blind can be excluded from jury service depends on the facts of the case that the juror would be hearing; it cannot be based on generalizations about people with disabilities. Two cases are discussed below:

*Galloway v. Superior Court of the District of Columbia, 816 F. Supp. 12 (D.C. 1993)*

No. The D.C. Superior Court refused to allow Donald Galloway to serve as a juror solely because he was blind. The policy of excluding persons was based on a state statute stating that "an individual shall not be qualified to serve as a juror if determined to be incapable by reason of physical or mental infirmity of rendering satisfactory jury service."

Mr. Galloway sued, and the reviewing court found that the policy of categorically excluding blind persons was a violation of the Rehabilitation Act of 1973 and the ADA. The opinion recognized that a person who is blind may be excluded from a particular case if it involves a significant amount of visual evidence, but the decision as to whether the individual should be excluded from serving should be left to the judge, attorney and *voir dire* process. Further, the court recognized the tendency of public officials to overgeneralize the limitations of people with disabilities.

*U.S. v. Watson, 483 F.3d 828 (D.C. Cir. 2003)*

Yes. The defendant had driven his tractor into a public pond in protest of government policy, causing extensive property damage, and threatened that he had explosives. The prosecutor excluded two potential jurors who were blind through peremptory challenges. After the defendant was convicted, he appealed and argued that the individuals who were blind were improperly excluded from the jury. On appeal, the court held that the prosecutor's peremptory challenges were appropriate because it was important that a juror be able to review the substantial visual evidence the government relied upon, such as videos and photographs, to understand the full impact of the defendant's actions. The court noted that the government's peremptory challenges were not based on a fear that people who are blind are incapable of serving as jurors.

### *Can a person who is deaf be excluded from serving on a jury?*

*DeLong v. Brumbaugh, 703 F. Supp. 399 (W.D. Pa. 1989)*

No. A Pennsylvania trial court excluded a juror simply because she was deaf. Upon review, the appellate court found the juror should not have been disqualified from jury service under the applicable Pennsylvania statutes because she could communicate through a sign language interpreter and render efficient jury service. The trial court had not given her an opportunity to prove her communication abilities.

The Appellate Court also held that, under the Rehabilitation Act, such an unreasonable exclusion was discriminatory and further held that the cost of providing the juror with an interpreter would not have placed an undue burden on the trial court.

### *Is a witness entitled to a reasonable accommodation?*

*In Re McDonough, 457 Mass. 512 (Mass. 2010)*

Yes, where the accommodation is reasonable and necessary. A woman in Massachusetts alleged that she was a victim of an attack in her nursing home. She was barred from testifying against her alleged attacker in his criminal case, however, because she had an impaired capacity to communicate orally due to the effects of a stroke. Because of her inability to provide narrative answers, the judge found her not "competent" to testify.

On appeal, the Supreme Judicial Court of Massachusetts confirmed that she had the right to seek an accommodation and also put forth a procedure for witnesses who require accommodations when they seek to give testimony in a case:

1. The witness (or the party proffering the testimony of that witness) should alert the judge and the parties that the witness needs an accommodation and identify the reasonable accommodation that the witness seeks.
2. If there is any objection, it should be presented to the judge to resolve the issue at a hearing, preferably before trial.
3. On the record, the judge should question the witness as to her need for the accommodation, and what accommodation might enable her to testify. The judge should make findings adequate to permit appellate review of the issue. The witness should be provided with the reasonable accommodation, if available, during that pretrial hearing. The judge may appoint an independent expert to assess the witness's disability and its impact on her ability to testify, as well as the required reasonable accommodation.

On remand, the woman was allowed to testify against her alleged attacker with the following accommodations: lawyers asked single-subject questions that called for a “yes” or “no” response, she was allowed to testify through the use of gestures and diagrams and she was allowed extra time to respond.

***Is a court spectator entitled to reasonable accommodations and effective communication?***

*Prakel v. Indiana, 100 F.Supp.3d 661 (S.D. Ind. 2015)*

Yes. The adult son of a criminal defendant requested a sign language interpreter so he could understand his mother’s court proceedings. He was a spectator not directly involved in the case. The court refused to provide an interpreter for the son, and so his mother provided one at her own cost. When the mother and son sued in federal court, the federal court held that the public’s right to attend criminal proceedings is fundamental, and that the son was denied effective communication and the opportunity to enjoy the benefits of the court’s services, programs and activities. The court also held that his mother, the defendant, had associational standing to challenge the court’s discrimination as well. Finally, the court concluded that it was not an undue burden to provide an interpreter to the son on the limited number of occasions requested.

***Are historical courthouses exempt from program accessibility requirements?***

*Matthews v. Jefferson, 29 F. Supp.2d 525 (W.D. Ark. 1998)*

No. The plaintiff, an individual with paraplegia, filed suit against the county for failing to make the courthouse, which is listed in the National Registry of Historic Buildings, accessible. Mr. Matthews’ suit alleged that when he was a litigant in that courthouse, the courthouse did not have an elevator, ramps or other devices to provide him access to the courtrooms on the second floor. Instead, he had to be carried up and down the stairs to attend hearings. During the course of one ten-hour hearing, the plaintiff was unable to empty his external catheter because the bathrooms were inaccessible. He was also unable to

leave the courthouse to get a meal during the noon recess.

The court in this case found that the county had violated the ADA and the Rehabilitation Act by failing to provide people with disabilities access to the justice system.

***Are the courts required to give primary consideration to the auxiliary aids and services requested by the individual with a disability?***

*Duvall v. County of Kitsap, 260 F.3d 1124 (9th Cir. 2001)*

Yes. The plaintiff, an individual who is hard of hearing, filed suit against the county for failing to provide real-time transcription services during his marriage dissolution proceedings. The plaintiff does not know sign language and cannot use an assisted listening device because it interferes with his hearing aids. The court allowed him to sit in the jury box to hear the proceedings. However, he could not understand what was occurring when he looked away from the witness stand to take notes, and he could not talk to his attorney from where he was seated. He also began experiencing headaches from straining to hear and trying to read lips.

The court found that the county had violated the ADA and the Rehabilitation Act by failing to provide the auxiliary aid and service requested by the plaintiff. The court noted that primary consideration must be given to the request of the individual.

**Relevant U.S. Department of Justice Settlements**

*The United States of America v. Oconee County, South Carolina (D.O.J. Complaint 204-67-120, August 2010)*

This complaint was brought by the Department of Justice after a compliance review under Title II. The review revealed over 30 violations of Title II, including non-compliant toilet rooms, courtrooms, accessible routes and parking. Under the agreement, the county was required to make substantial changes to the courthouse, including renovating courtrooms, toilet rooms, the accessible route and the courthouse

entryway to ensure proper access for persons with disabilities. The county was also required to renovate the parking lot to provide adequate parking and accessible routes to and from the courthouse.

*The United States of America v. The Commonwealth of Massachusetts, Docket Number 03-CV-10246 (D. Mass. 2003)*

This matter was initiated by two attorneys with disabilities who filed a complaint under Title II of the ADA alleging that numerous courthouses and other legal offices owned by the state of Massachusetts were inaccessible to individuals with disabilities. Under the settlement agreement, the state was required to make procedural modifications and structural changes to the facilities to make them accessible.

*The United States of America and The City of Houston, Texas (D.O.J. Complaint 204-74-102, March 2000)*

Under the settlement terms of this case filed against the city of Houston, the city was required to ensure that individuals who are deaf or hard of hearing are provided with auxiliary aids and services, giving primary consideration to the requests of the individual. The city agreed to defer to the request of the individual unless the request results in a fundamental alteration or an undue burden. In those cases, the city is not required to take any action that would result in such a burden but must still ensure that, to the fullest extent possible, individuals with disabilities receive the benefits or services provided by the city.

The city also agreed to post a notice in conspicuous locations advising individuals that auxiliary aids are available and listing the name, address and phone number of the court's ADA coordinator. Official notices of court dates must contain notice of the availability of auxiliary aids and provide the number of the TTY phone line.

*The United States of America and Scott County, Arkansas (D.O.J. Complaint 204-10-6, June 1996)*

Under the settlement terms of this case, Scott County, Arkansas, was required to make its facilities accessible to people with disabilities. The matter was initiated by a complaint filed under Title II of the ADA. Because of architectural barriers, the services, programs and activities provided by the county in the courthouse were not readily accessible to and usable by persons with mobility impairments. The settlement required the county to build new facilities that would allow equal participation for everyone.

*The United States of America and the City of Fulton, Missouri (D.O.J. Complaint 204-43-12, May 1994)*

This matter was initiated by a complaint filed under Title II of the ADA against the city of Fulton, Missouri. The complaint alleged that in its municipal court proceedings, the city did not ensure that communications with people who are deaf or hard of hearing were as effective as communications with others without hearing-related disabilities.

The settlement established that it is unacceptable to deny a person with a disability the benefits of and participation in the court's programs on the grounds that auxiliary aids are not available. The city of Fulton was required to provide appropriate auxiliary aids to deaf or hard of hearing participants and spectators in court proceedings.

*The United States of America and the Santa Clara County Superior Court (D.O.J. Complaint 204-11-90, October 1996)*

The settlement resolved a complaint filed under Title II of the Americans with Disabilities Act. The complaint claimed the court's policies and procedures for providing assistive listening systems and other auxiliary aids and services did not ensure effective communication for individuals who are deaf or hard of hearing, thereby limiting their ability to participate in the court's services.

The settlement required Santa Clara County to alter its policies and give primary consideration to the aid that the person with a disability prefers. Primary consideration means that the court will honor the person's choice unless it can be shown that another

equally effective means of communication is available or that the use of the means chosen would result in a fundamental alteration in the nature of the program, service or activity, or in an undue financial or administrative burden.





## 8. Court Disability Coordinators

### Overview

#### Who are Court Disability Coordinators?

Court Disability Coordinators (CDCs) are persons who have been designated by the Chief Judges of their Judicial Circuits to assist court participants with disabilities. They are professionals who have specific expertise in some aspect of the judicial process.

CDCs are trained regarding appropriate terminology, etiquette and practices for addressing and interacting with people with disabilities. They are familiar with the legal requirements governing physical and program access to the judicial system for people with disabilities.

#### How can CDCs assist the court?

CDCs have access to a vast array of people and agencies that can help the court address issues regarding physical and program accessibility. Specifically, CDCs should work with judges and staff to ensure that the court provides appropriate policy accommodations and auxiliary aids and services for people with disabilities. They should inform judges and other court personnel of proper policies and procedures.

CDCs should develop and draft ADA policies and policy accommodation request forms and ensure that jurors and other court participants with disabilities know that auxiliary aids and services and reasonable

accommodations are available. CDCs should conduct self-evaluations to identify any barriers to program access for people with disabilities, including any discriminatory policies or practices and architectural barriers. After identifying barriers, CDCs should work with court and county personnel to modify policies and practices and, if required, develop a transition plan for bringing facilities into compliance with federal and state disability laws.

CDCs should also ensure that accessibility measures do not become outdated or forgotten. It is important that CDCs work with court and county personnel to:

- Ensure that new and current employees are trained to be responsive to people with disabilities and follow court accommodation policies;
- Consider access and communication for people with disabilities for each new program, activity and service;
- Check that accessible routes are free of obstacles;
- Regularly test auxiliary aid equipment to make sure it is in good working order; and
- Stay aware of advances in communication technologies.



## What role should CDCs play in the accommodations/modifications process?

In some cases, a CDC may be able to arrange for reasonable modifications or auxiliary aids or services, such as a sign language interpreter or CART services, without consulting the judge. But often, the CDC will act as a liaison between the person requesting the modification or auxiliary aid or service and the judge. If appropriate, the CDC may recommend to the judge that a request be granted. However, in many cases, whether the request is denied or granted will be at the judge's discretion.

If a request is denied, the CDC should work with the judge and person making the request to come up with an alternative means of providing program access. Ultimately, the CDC should inform the person making the request in writing whether the modification or auxiliary aid or service will be provided and handle any grievances related to the request.

CDCs should not provide legal advice or legal services or become involved in the merits of a case. Please review the Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers at Appendix D for more information. Court participants with disabilities should be referred to a local bar association or Center for Independent Living if they request legal advice or legal services.

## How can CDCs assist people with disabilities?

CDC contact information should be posted in the courthouse and accessible by the public. Consider posting the CDC's contact information online on the court's website, on juror summons and other notices to appear, and other places where people with disabilities can easily find it.

CDCs should recommend programs or activities that promote the inclusion of people with disabilities in the judicial setting. Recommendations may include purchasing screen reader software and training staff to use it, creating a pamphlet on access to the court and its services or ensuring the provision of signs to indicate accessible entrances and other accessible features of the courthouse.

CDCs should help people with disabilities feel welcome in the courthouse and make any arrangements necessary to ensure that their needs are met. CDCs should inform people with disabilities of court procedures in a manner that is understandable to them.

CDCs can also form relationships with their local Center for Independent Living (CIL). CILs can help CDCs better understand the needs of people with disabilities in the court system. CDCs should collaborate with CILs and other advocacy groups to develop and improve policies and practices, learn about new technologies and ensure cultural competence.

## How will the Disability Rights Bureau assist CDCs?

The Disability Rights Bureau stands ready to assist CDCs with any questions they may have about disability laws in the judicial setting. The bureau provides additional training to CDCs periodically. In addition, the bureau offers technical assistance regarding specific issues, such as the appropriateness of specific modifications or auxiliary aids or services. The bureau will also keep CDCs informed of changes in the law that may impact their responsibilities or be of interest to them.

## Checklist

In an effort to assist CDCs and other county and court personnel, we have provided a checklist to assist in issue spotting under Title II. This checklist is not comprehensive. Please look for other improvement opportunities as well.

- ☐ Does the court have a reasonable accommodation policy?
- ☐ Does the court have reasonable accommodation forms?
- ☐ Does the court have a grievance policy for court participants?
- ☐ Do judges know who the CDC is and what the CDC does? Does the Clerk's Office? Sheriff's Office? Other departments?
- ☐ Do court participants, jurors and other members of the public know who the CDC is, what the CDC does and how to contact the CDC?
- ☐ If the court has a website, is the CDC's contact information listed? Does it comply with WCAG 2.0 AA? For instance, is it compatible with screen readers?
- ☐ Is the court familiar with how to obtain AOIC-certified sign language interpreters?
- ☐ Is the court prepared to provide interpreters and other auxiliary aids and services on short notice?
- ☐ Do interpreters, transliterators and CART captioners have a point of contact in the court system?
- ☐ Does the court have assistive listening devices? Are they tested regularly? Do court personnel know how to obtain them and use them?
- ☐ Are court-ordered programs such as mediations or classes providing effective communication?
- ☐ Can someone with a psychiatric disability access court programs? Does the court offer one-on-one assistance as needed? Is court information posted online so someone can prepare in advance of a visit to the courthouse?
- ☐ Can someone who cannot climb steps access court programs? Are accessible routes clear of obstructions? Are hallways and doorframes wide enough for someone who uses a mobility device? Are accessible restrooms clearly identified and readily available? Does the court have adequate accessible parking?
- ☐ Does the court have a service animal policy that considers service animals in training and miniature horses? Are court security personnel and other frontline staff equipped to ask the two permitted questions of service animals?
- ☐ Does the court have a policy on the use of less traditional mobility devices, such as golf carts or Segways?
- ☐ Can someone with a vision disability access court programs? Are there protruding objects? Are documents available in alternative formats, such as large print, audio recording or Braille, upon request?
- ☐ Do the court's emergency preparedness plans include people with disabilities?
- ☐ Does the court regularly train its employees to be responsive to people with disabilities and follow court accommodation policies?
- ☐ Does the court regularly audit its compliance with Title II and look to improve policies and practices?

# APPENDIX A: Resources

## ■ STATE AGENCIES

### **Office of the Illinois Attorney General Civil Rights Bureau**

James R. Thompson Center  
100 West Randolph Street  
Chicago, IL 60601  
(312) 814-3400 (Voice)  
(800) 964-3013 (TTY)  
[www.illinoisattorneygeneral.gov/rights/civilrights.html](http://www.illinoisattorneygeneral.gov/rights/civilrights.html)

Enforces state and federal civil rights laws to prohibit discrimination in Illinois. Advocates for legislation to strengthen civil rights laws and participates in community outreach.

### **Illinois Department of Human Services Office of Rehabilitation Services**

535 West Jefferson Street, 1st Floor  
Springfield, IL 62702  
(217) 782-4830 (Voice)  
(888) 440-8990 (TTY)  
[www.dhs.state.il.us](http://www.dhs.state.il.us)

Assists court personnel in identifying local services, vendors and resources such as sign language interpreters or CART (Computer Assisted Realtime Translation) services, for individuals who are deaf, hard of hearing or late deafened. Aids the courts by providing disability awareness training and resources for accessibility site surveys upon request.

### **Illinois Deaf and Hard of Hearing Commission 528 South Fifth Street, Suite 209**

Springfield, IL 62710  
(877) 455-3323 (Voice)  
(217) 303-8010 (Videophone)  
(888) 261-2698 (TTY)  
(217) 557-4492 (Fax)  
[www.idhhc.state.il.us](http://www.idhhc.state.il.us)

Advances the interests of Illinois residents with hearing loss by advocating for systemic improvements and promoting cooperation among entities who serve people who are deaf and hard of hearing. Disseminates related information and licenses sign language interpreters.

### **Illinois State Historic Preservation Office Illinois Department of Natural Resources**

1 Natural Resources Way  
Springfield, IL 62701  
(217) 785-4512 (Voice)  
(888) 440-9009 (TTY)  
[www.illinois.gov/iHPA/](http://www.illinois.gov/iHPA/)

Provides assistance and information regarding the application of technical accessibility standards to historic buildings.

### **Illinois Capital Development Board William G. Stratton Building**

401 South Spring Street, 3rd Floor  
Springfield, IL 62706  
(217) 782-2864 (Voice)  
(217) 524-4449 (TTY)  
[www.illinois.gov/cdb](http://www.illinois.gov/cdb)

Issues standards for accessible design in Illinois. Oversees construction, renovation and rehabilitation of state facilities. Provides interpretation of the Illinois Accessibility Code.

### **Illinois Guardianship and Advocacy Commission**

160 North LaSalle, Suite 500  
Chicago, IL 60601  
(866) 274-8023 (Voice)  
(866) 333-3362 (TTY)

401 South Spring Street  
Springfield, IL 62706  
(866) 274-8023 (Voice)  
(866) 333-3362 (TTY)  
[www.gac.state.il.us](http://www.gac.state.il.us)

May assist the court in proceedings for the appointment of a guardian and may assist in the supervision of persons and agencies that have been appointed as guardians. Serves as a guardian of last resort for eligible persons and may petition for appointment of any other person as guardian under certain conditions.

### **Illinois Council on Developmental Disabilities**

James R. Thompson Center  
100 West Randolph 10-601  
Chicago, IL 60601

(312) 814-2080 (Voice)  
(312) 814-7151 (TTY)  
[www.state.il.us/agency/icdd](http://www.state.il.us/agency/icdd)

Provides services for people with disabilities to promote independence.

## **COOK COUNTY**

### **Cook County State's Attorney's Office Disability Victim-Witness Coordinator**

69 West Washington, Suite 700  
Chicago, IL 60602  
(312) 603-8647 (Voice)  
(773) 869-7494 (TTY)  
[www.statesattorney.org](http://www.statesattorney.org)

Acts as a liaison between victims with disabilities and prosecutors. Also provides various accommodations and services, including but not limited to transportation to and from court, answering questions victims may have about their rights and pairing victims with various organizations that may be able to assist them.

## **CHICAGO**

Mayor's Office for People with Disabilities  
City Hall, Room 104  
121 North LaSalle Street  
Chicago, IL 60602  
(312) 744-7050 (Voice)  
(312) 744-3314 (Fax)  
(312) 744-4964 (TTY)  
[www.cityofchicago.org/city/en/depts/mopd.html](http://www.cityofchicago.org/city/en/depts/mopd.html)

### **2102 West Ogden Avenue**

Chicago, IL 60602  
(312) 744-6673 (Voice)  
(312) 744-7833 (TTY)

Advances the independence of people with disabilities through systemic change. Offers employment services, independent living services, assistive technology, training, architectural services, housing assistance, youth services, disability resources and information and referral services.

## **■ ILLINOIS ASSOCIATIONS AND ORGANIZATIONS**

## **COMMUNICATION/HEARING**

### **Illinois Relay Center**

Call 711 for deaf and speech impaired communication over the telephone.  
[www.illinoisrelay711.com](http://www.illinoisrelay711.com)

### **Chicago Hearing Society**

2001 North Clybourn Avenue  
Chicago, IL 60604  
(773) 248-9121 (Voice)  
(773) 248-9174 (TTY)  
[www.chicagohearingsociety.org](http://www.chicagohearingsociety.org)

Offers a variety of services that include case management, peer counseling, advocacy and information and referrals to persons who are deaf or hard of hearing.

### **C.A.I.R.S. (Central Area Interpreter Referral Service)**

17 North State Street, Suite 1650  
Chicago, IL 60602  
(312) 895-4300 (Voice)  
(866) 401-0923 (Videophone)  
[www.cairs.net](http://www.cairs.net)

### **C.A.I.R.S.**

4801 Southwick Drive, Suite 610  
Matteson, IL 60443  
(312) 895-4300 (Voice)

Provides oral/sign language interpreting services in the legal setting. Also provides Interpreter Skills Assessment Screening (ISAS) to determine which situations an interpreter is qualified to interpret.

### **Jacksonville Community Center for the Deaf**

907 West Superior  
Jacksonville, IL 62650  
(800) 468-9211 (Voice/TTY)  
(217) 245-0429 (Voice/TTY)

Provides interpreter referral services.

## **COGNITIVE DISABILITIES**

### **The Arc of Illinois**

20901 LaGrange Road, Suite 209  
Frankfort, IL 60423  
(815) 464-1832 (Voice)  
[www.thearcofil.org](http://www.thearcofil.org)

Acts on behalf of individuals with developmental disabilities.

## **MENTAL HEALTH DISABILITIES**

### **Mental Health Association of Greater Chicago**

125 South Clark, Suite 1820

Chicago, IL 60603

(312) 781-7780 (Voice)

[www.mentalhealthchicago.org](http://www.mentalhealthchicago.org)

Provides education, information, referrals and advocacy for people with mental health disabilities.

### **Mental Health Association of Illinois**

1103 Westgate, Suite 302

Oak Park, IL 60301

(312) 368-9070 (Voice)

[www.mhai.org](http://www.mhai.org)

Works to promote mental health, prevent mental illnesses and improve the care and treatment of persons with mental health disabilities.

### **National Alliance on Mental Illness (NAMI), IL**

218 West Lawrence

Springfield, IL 62704

(217) 522-1403 (Voice/TTY)

(800) 346-4572 (Voice/TTY)

[il.nami.org](http://il.nami.org)

Provides education and support programs, and works to increase public awareness and understanding of mental illness.

## **VISUAL DISABILITIES**

### **The Chicago Lighthouse**

1850 West Roosevelt Road

Chicago, IL 60608

(312) 666-1331 (Voice)

(312) 666-8874 (TTY)

(312) 957-4865 (Video Phone, Only for Users Who Are Deaf)

[www.chicagolighthouse.org](http://www.chicagolighthouse.org)

Provides various job-related training programs and rehabilitation services for children, youth and adults who are blind or have low vision.

## **EDUCATIONAL DISABILITIES**

### **Family Resource Center on Disabilities**

11 East Adams Street, Suite 1002

Chicago, IL 60603

(312) 939-3513 (Voice)

(800) 952-4199 (Voice)

(312) 939-3519 (TTY)

[www.frcd.org](http://www.frcd.org)

Conducts free weekly training workshops on the rights of children with disabilities to special education. Publications include a newsletter, pamphlets, fact sheets and “how to” manuals.

### **Family Matters**

1901 South 4th Street, Suite 209

Effingham, IL 62401

(217) 347-5428 (Voice/TTY)

(866) 436-7842 (Toll-Free Voice/TTY)

<http://www.fmptc.org/>

Provides training for parents and professionals throughout 94 counties in Illinois on topics related to special education.

## **LEGAL/PUBLIC POLICY**

### **Equip for Equality Chicago Office**

20 North Michigan Avenue, Suite 300

Chicago, IL 60602

(312) 341-0022 (Voice)

(800) 537-2632 (Voice)

(800) 610-2779 (TTY)

[www.equipforequality.org](http://www.equipforequality.org)

### **Equip for Equality Central Illinois Region**

1 West Old State Capitol Plaza, Suite 816

Springfield, IL 62701

(217) 544-0464 (Voice)

(800) 758-0464 (Voice)

(800) 610-2779 (TTY)

(217) 523-0720 (Fax)

### **Equip for Equality Northwestern Illinois Region**

1515 Fifth Avenue, Suite 420

Moline, IL 61265

(309) 786-6868 (Voice)

(800) 758-6869 (Voice)

(800) 610-2779 (TTY)

(309) 797-8710 (Fax)



**Equip for Equality Southern Illinois Region**

300 East Main Street, Suite 18  
Carbondale, IL 62901  
(618) 457-7930 (Voice)  
(800) 758-0559 (Voice)  
(800) 610-2779 (TTY)  
(618) 457-7985 (Fax)

Designated by the governor to implement the federally mandated Protection and Advocacy System in Illinois. Provides disability rights education, legal representation and advocacy regarding the full spectrum of disabilities.

**Access Living of Metropolitan Chicago**

115 West Chicago Avenue  
Chicago, IL 60654  
(312) 640-2100 (Voice)  
(800) 613-8549 (Voice)  
(312) 640-2102 (TTY)  
[www.accessliving.org/](http://www.accessliving.org/)

Offers peer-oriented independent living services; public education, awareness and development; individualized and systemic advocacy; legal representation and other enforcement of civil rights on behalf of people with disabilities.

**Illinois Family Violence Coordinating Councils**

528 South Fifth Street, Suite 200  
Springfield, IL 62701  
(217) 524-4745 (Phone)  
(217) 558-2636 (Fax)  
<http://www.ilfvcc.org>

Serves as a forum to improve the institutional, professional and community response to family violence including child abuse, domestic abuse and elder abuse; to engage in education and prevention; to coordinate intervention and services for victims and perpetrators; and to contribute to the improvement of the legal system and the administration of justice.

**Center for Disability & Elder Law**

79 West Monroe Street, Suite 919  
Chicago, IL 60603  
(312) 376-1880 (Voice)  
[www.cdela.org](http://www.cdela.org)

Provides free legal services to low-income seniors

and persons with disabilities in Cook County.

**CARPLS (Coordinated Advice & Referral Program for Legal Services)**

17 North State Street, Suite 1850  
Chicago, IL 60602  
Hotline: (312) 738-9200  
[www.carpls.org](http://www.carpls.org)

Provides referrals for legal assistance in Cook County.

**Prairie State Legal Services**

303 North Main Street, Suite 600  
Rockford, IL 61101  
(815) 965-2134  
[www.pslegal.org/](http://www.pslegal.org/)

Provides free legal services to low-income individuals in the northern half of Illinois (outside Cook County).

To find your local Prairie State regional office:  
<https://www.pslegal.org/psls-locations.asp#map>  
Telephone counseling line staffed by attorneys:  
(800) 531-7057

**Land of Lincoln Legal Services**

8787 State Street, Suite 202  
East Saint Louis, IL 62203  
(618) 398-0574 (Voice)  
[www.lollaf.org](http://www.lollaf.org)

Provides free legal services to low-income individuals in southern and central Illinois.

**Illinois Legal Aid Online**

[illinoislegalaidonline.org/](http://illinoislegalaidonline.org/)

Develops technology and information to increase access to justice for Illinois residents.

**ASSISTIVE TECHNOLOGY****University of IL at Chicago Assistive Technology Unit**

1640 West Roosevelt Road, Room 415  
Chicago, IL 60608  
(312) 996-6695 (Voice)  
(312) 413-1554 (TTY)  
<https://ahs.uic.edu/assistive-technology-unit>

Offers a variety of technology services. Specialties include home accessibility, work site, communication,



computers, wheelchairs and controls.

### **Northern Illinois Center for Adaptive Technology**

3615 Louisiana Road  
Rockford, IL 61108  
(815) 229-2163 (Voice)  
[www.ataccess.org](http://www.ataccess.org)

Specializes in computer accessibility and environmental controls. Offers a demonstration center as well as assessment and recommendation services.

### **Illinois Assistive Technology Project**

1020 South Spring Street  
Springfield, IL 62701  
(217) 522-7985 (Voice)  
(217) 522-9966 (TTY)  
(800) 852-5110 (V/TTY)  
[www.iltech.org](http://www.iltech.org)

Provides information regarding funding options, manufacturers and vendors for different types of assistive equipment and services available in Illinois. Provides training on the various products and choices available for people with disabilities.

### **ILLINOIS CENTERS FOR INDEPENDENT LIVING**

Centers for Independent Living (CILs) provide comprehensive information regarding services available to help people with disabilities live independently, such as accessible housing, transportation, employment opportunities and personal assistants. Twenty-three CILs serve Illinois and service locations can be found at <http://www.incil.org/locate/>.

## **■ FEDERAL AGENCIES**

### **U.S. Department of Justice, Disability Rights Section**

950 Pennsylvania Avenue, NW  
Civil Rights Division  
Washington, D.C. 20530  
(800) 514-0301 (Voice)  
(800) 514-0383 (TTY)  
[www.ada.gov](http://www.ada.gov)

Enforces Titles II and III of the Americans with Disabilities Act. Provides technical assistance on the ADA.

Under Project Civic Access, the Department has helped hundreds of municipalities and counties be-

come compliant with the ADA. For more information, go to [www.ada.gov/civcac.htm](http://www.ada.gov/civcac.htm).

### **U.S. Equal Employment Opportunity Commission**

131 M Street, N.E.  
Washington, D.C. 20507  
(800) 669-EEOC (Voice)  
(202) 663-4493 (TTY)  
[www.eeoc.gov](http://www.eeoc.gov)

Enforces Title I of the Americans with Disabilities Act, which covers people with disabilities in the workplace.

### **Federal Communication Commission, Disability Rights Office**

445 12th Street SW  
Washington, D.C. 20554  
(888) 225-5322 (Voice)  
(888) 835-5322 (TTY)  
[dro@fcc.gov](mailto:dro@fcc.gov)  
[www.fcc.gov](http://www.fcc.gov)

Addresses disability-related telecommunications matters, including telecommunications relay service, access to telecommunications equipment and services by people with disabilities, access to emergency information and closed captioning. In addition, the office provides expert advice and assistance on issues relevant to people with disabilities and initiates rule making for the development of policies to ensure that communications are accessible.

### **Federal Technical Assistance Organizations**

#### **Great Lakes ADA Center**

#### **University of Illinois at Chicago**

#### **Institute on Disability & Human Development (MC 728)**

1640 West Roosevelt Road, Room 405  
Chicago, IL 60608  
(312) 413-1407 (Voice/TTY)  
(800) 949-4232 (Voice/TTY)  
[www.adagreatlakes.org](http://www.adagreatlakes.org)

Provides information, materials, technical assistance and training on the Americans with Disabilities Act.

### **U.S. Access Board**

1331 F Street, NW, Suite 1000  
Washington, D.C. 20004-1111

(202) 272-0080 (Voice)  
(202) 272-0082 (TTY)  
[www.access-board.gov](http://www.access-board.gov)

Authors accessibility guidelines and provides interpretations of those guidelines.

**Clearinghouse on Disability Information  
Office of Special Education and Rehabilitation Svcs.**

**U.S. Department of Education**  
550 12th Street, S.W., Room 5133  
Washington, D.C. 20202-2550  
(202) 245-7307 (Voice)  
(202) 205-5637 (TTY)  
(202) 245-7636 (Fax)  
[www.ed.gov](http://www.ed.gov)

Provides information on disabilities, including federal funding for disability-related programs. Clearinghouse staff refers requests to other sources when necessary.

**Job Accommodation Network**

P.O. Box 6080  
Morgantown, WV 26506-6080  
(800) 526-7234 (Voice)  
(877) 781-9403 (TTY)  
[www.askjan.org](http://www.askjan.org)

Provides information and referrals for accommodating individuals with disabilities in the workplace and offers Title II accommodations.

■ **STATE COURTS**

**Administrative Office of the Illinois Courts**

3101 Old Jacksonville Road  
Springfield, IL 62704  
(217) 558-4490  
(217) 785-3905 (Fax)

222 North LaSalle Street, 13th floor  
Chicago, IL 60601  
(312) 793-3250  
(312) 793-1335 (Fax)  
[www.state.il.us/court/Administrative/Contact.asp](http://www.state.il.us/court/Administrative/Contact.asp)

Provides advisement and support to the Illinois Supreme, Appellate and Circuit Courts throughout the state on many aspects of the judiciary including court

programs, education, probation support and training.

The Administrative Office of the Illinois Courts' Civil Justice Division maintains a Court Interpreter Registry that lists certified and registered sign language interpreters and spoken language interpreters. Visit [il-linocourts.gov](http://il-linocourts.gov) or call the Language Access Services Specialist at (312) 793-2013 for more information.

**National Center for State Courts**

300 Newport Avenue  
Williamsburg, VA 23185  
(800) 616-6164 (Voice)  
(757) 220-0449 (Fax)  
[www.ncsc.org](http://www.ncsc.org)

Provides information on the application of the Americans with Disabilities Act to state court systems. Aids courts in making court services and programs more accessible to people with disabilities on a contractual basis.

■ **ASSOCIATIONS**

Communication/Hearing Disabilities

**American Speech-Language-Hearing Association**

10801 Rockville Pike  
Rockville, MD 20852  
(301) 296-5700 (Voice)  
(301) 296-5650 (TTY)  
(301) 296-8580 (Fax)  
[www.asha.org](http://www.asha.org)

Provides information and technical assistance on overcoming communication barriers. Helps with communication problems, interpreters, assistive devices, hearing aids and job modifications.

**National Association of the Deaf**

8630 Fenton Street, Suite 820  
Silver Spring, MD 20910  
(301) 587-1788 (Voice)  
(301) 587-1789 (TTY)  
(301) 587-1791 (Fax)  
[www.nad.org](http://www.nad.org)

Offers information and referrals on deafness and accommodations for people who are deaf or hard of hearing.

## **Visual Disabilities**

### **National Federation of the Blind**

200 East Wells Street  
Baltimore, MD 21230  
(410) 659-9314 (Voice)  
(410) 685-5653 (Fax)  
[www.nfb.org](http://www.nfb.org)

Provides public education about blindness, information and referral services, scholarships, literature and publications about blindness, aids and appliances and other adaptive equipment for the blind, advocacy services and protection of civil rights, development and evaluation of technology and support for blind persons and their families.

## **Cognitive Disabilities**

### **Autism Society of America**

4340 East-West Hwy, Suite 350  
Bethesda, MD 20814  
(301) 657-0881 (Voice)  
(800) 328-8476 (Voice)  
[www.autism-society.org](http://www.autism-society.org)

Promotes awareness of and provides information about autism.

## **Other Disability Organizations**

### **American Bar Association**

#### **Commission on Mental and Physical Disability Law**

740 15th Street, N.W.  
Washington, D.C. 20005  
(202) 662-1570 (Voice)  
(202) 662-1012 (TTY)  
(202) 442-3439 (Fax)  
[www.abanet.org/disability](http://www.abanet.org/disability)

Provides a number of publications on disability law, including the Mental and Physical Disability Law Reporter.

### **National Organization on Disability**

1625 K Street N.W., Suite 802  
Washington, D.C. 20006  
(202) 293-5960 (Voice)

(202) 293-5968 (TTY)  
[www.nod.org](http://www.nod.org)

Works with cities and towns across the nation to help them provide more opportunities for people with disabilities. Also provides information and referral services for individuals.

### **Abilities, Inc.**

210 I.U. Willets Road  
Albertson, NY 11507-1599  
(516) 465-1400 (Voice)  
(516) 747-5355 (TTY)  
<https://www.viscardicenter.org/services/abilities-inc/>

Provides informational and technical assistance services to organizations interested in employing and accommodating individuals with disabilities. Materials and individualized consultations are provided on all kinds of issues impacting a broad range of disabilities.

### **National Rehabilitation Information Center**

8400 Corporate Drive, Suite 500  
Landover, MD 20785  
(301) 459-5900 (Voice)  
(301) 459-5984 (TTY)  
[www.naric.com](http://www.naric.com)

Produces REHABDATA, a database on disability and rehabilitation. The database describes over 70,000 documents covering physical, mental and psychiatric disabilities, independent living, vocational rehabilitation, special education, assistive technology, law, employment and other issues related to people with disabilities.

### **Epilepsy Foundation**

8301 Professional Place, Suite 200  
Landover, MD 20785  
(800) 332-1000 (Voice)  
(310) 577-2684 (Fax)  
[www.epilepsyfoundation.org](http://www.epilepsyfoundation.org)

Provides information and assistance to the public on epilepsy and seizures, including accommodations and first aid.

### **American Diabetes Association**

2451 Crystal Drive, Suite 900

Arlington, VA 22202  
(800) 342-2383 (Voice)  
[www.diabetes.org](http://www.diabetes.org)

Provides written materials on diabetes and answers general questions from the public about diabetes and its management.

**National Multiple Sclerosis Society  
Greater Illinois Chapter**

525 West Monroe Street, Suite 900  
Chicago, IL 60661  
(800) 344-4867 (Voice)  
(312) 421-4500 (Voice)  
(312) 421-4544 (Fax)  
[www.nationalmssociety.org](http://www.nationalmssociety.org)

Provides information and technical assistance for multiple sclerosis, including suggesting accommodations for specific individuals.

■ **ADA AND DISABILITY-RELATED WEBSITES**

**Illinois Attorney General's Office**

[www.illinoisattorneygeneral.gov/rights/disability-rights.html](http://www.illinoisattorneygeneral.gov/rights/disability-rights.html)

**U.S. Department of Justice ADA Home Page**

[www.ada.gov](http://www.ada.gov)

**Center for Legal and Court Technology  
William and Mary Law School**

[www.legaltechcenter.net](http://www.legaltechcenter.net)

**National Center for State Courts**

[www.ncsc.org](http://www.ncsc.org)

**Assistive Technology Links**

[assistivetech.net/](http://assistivetech.net/)

**Equip For Equality**

[www.equipforequality.org](http://www.equipforequality.org)  
U.S. Access Board  
[www.access-board.gov](http://www.access-board.gov)  
Great Lakes ADA Center  
[www.adagreatlakes.org](http://www.adagreatlakes.org)

**Illinois Network of Centers for Independent Living**

[www.incil.org/](http://www.incil.org/)

**Illinois ADA Project**

[www.ada-il.org](http://www.ada-il.org)

**Website Accessibility**

**Website Content Accessibility Guidelines 2.0 Level AA (WCAG 2.0 AA) Standards**

<http://www.w3.org/TR/WCAG20/>

**WCAG 2.0 at a Glance, from the Web Accessibility Initiative**

<https://www.w3.org/WAI/WCAG20/glance/>

**University of Illinois' Functional Accessibility Evaluator (FAE)**

<https://fae.disability.illinois.edu/>

**Adobe Accessible WCAG 2.0 Techniques for PDF**

<http://blogs.adobe.com/accessibility/2012/01/wcag-2-0-techniques-for-pdf.html>.

■ **FURTHER READING**

U.S. Department of Justice, Civil Rights Division, ADA Best Practices Tool Kit for State And Local Governments Under Title II of The ADA (2007), *available at* <https://www.ada.gov/pcatoolkit/toolkit-main.htm>.

U.S. Department of Justice, Civil Rights Division, ADA Title II Technical Assistance Manual Covering State and Local Government Programs and Services, *available at* <http://www.ada.gov/taman2.html>.

American Bar Association, Commission on Disability Rights, Court Access for Individuals Who Are Deaf and Hard of Hearing (2017), *available at* <https://www.americanbar.org/content/dam/aba/administrative/commission-disability-rights/court-access-guide-1r-intracvtv-accsb-rev022317.authcheckdam.pdf>.

I. **Introduction**

The Americans with Disabilities Act (ADA), a federal civil rights statute for individuals with disabilities, requires all state and local governmental entities, including the courts, to accommodate the needs of individuals with disabilities to ensure equal access to court activities, programs, and services (programs).

# **APPENDIX B: Supreme Court of Illinois Policy on Access for Persons with Disabilities**

The Supreme Court of Illinois (Court) has adopted the following policy and procedures to ensure reasonable accommodations, auxiliary aids, and services to persons with disabilities who wish to participate in Court programs.

## **II. Policy**

It is the policy of the Court to ensure that communications with and accommodations for individuals with disabilities and without disabilities are equally effective, consistent with the requirements of Title II of the ADA. Whenever necessary, the Court will provide, free of charge, the appropriate auxiliary aids and services to ensure that individuals with disabilities have an equal opportunity to participate in and benefit from any Court program. This policy applies to all members of the public who seek to participate in the Court's programs.

## **III. Services and Accommodations**

Auxiliary aids and services include a wide range of services and devices that promote effective communication with persons with disabilities. Examples of auxiliary aids and services for individuals with disabilities include qualified sign language interpreters, assistive listening devices, and real-time transcription services. The Court may also provide any other reasonable accommodation necessary to permit a person with impairments or disabilities to fully and equally participate in or to observe Court programs.

## **IV. Notice that Accommodations are Available**

The Court Disability Coordinator (CDC) shall provide notice that appropriate accommodations are available to ensure that individuals with disabilities have an equal opportunity to participate in Court programs by posting notice containing the information on the form attached as Exhibit A in the Supreme Court Clerk's offices in Springfield and Chicago and on the Court's website.

## **V. Request for Accommodations**

The CDC shall provide a request form to individuals who wish to request services or accommodations for persons with disabilities. The request form, attached as Exhibit B, shall be available on the Court's website and in the Supreme Court Clerk's offices in Springfield and Chicago.

Whenever possible, a request for accommodation or services shall be made fourteen (14) days in advance of the proceeding or program. The request shall be as specific as possible and include a description of the accommodation sought and the date the accommodation is needed. The request shall be mailed to the Court Disability Coordinator, c/o Clerk of the Supreme Court, 200 East Capitol Avenue, Springfield, IL 62701 or e-mailed to [ADACoordinator@IllinoisCourts.gov](mailto:ADACoordinator@IllinoisCourts.gov). The CDC shall respond in writing, and, where appropriate, in a format accessible to the requestor, within seven (7) days from the date the request was received.

The CDC will give "primary consideration" to the request of individuals with disabilities. "Primary consideration" means that the Court will honor the choice of the individual, unless it demonstrates that another equally effective accommodation is available, or that the requested accommodation would result

in a fundamental alteration of Court activities or undue financial and administrative burdens.

## VI. Grievance Procedure

Individuals have the right to file a grievance when they believe the Court and its employees have not complied with the provisions of this policy or the request for accommodations procedure. The grievance shall be filed within seven (7) days after the person filing the complaint becomes aware of the action or inaction. A complaint shall be in writing, using the Court's grievance form, attached as Exhibit C. The grievance shall contain the name and address of the person filing the complaint, and briefly describe the alleged violation. The complaint may be mailed or e-mailed to the attention of the CDC.

Within seven (7) days after receipt of a grievance, the CDC or a designee may meet with the grievant, either in person or by telephone, to discuss the complaint and possible resolutions, if the CDC or designee determines such a meeting would be helpful to a determination. Within seven (7) days after the meeting, or within fourteen (14) days after receipt of the complaint if there is no meeting, the CDC shall respond in writing, and, where appropriate, in a format accessible to the grievant.

If the response by the CDC does not resolve the issue to the satisfaction of the grievant, the grievant may within seven (7) days of the date of the CDC's written response, appeal the decision to the Chief Justice of the Supreme Court of Illinois, c/o Clerk of the Supreme Court, at the mail or e-mail address provided under paragraph V. Any appeal shall be in writing. Within fourteen (14) days after receipt of the appeal, the Chief Justice will respond in writing to the grievant with a final resolution of the grievance or complaint.

Adopted April 6, 2012, effective immediately; amended August 3, 2012, effective immediately.

### **Supreme Court of Illinois Notice of Accommodation Availability**

NEED ACCOMMODATION FOR A DISABILITY?

Hearing, Visual, and other assistance may be arranged

Contact the Court Disability Coordinator, c/o Clerk of the Supreme Court, 200 East Capitol



Avenue, Springfield, IL 62701 or [ADACoordinator@IllinoisCourts.gov](mailto:ADACoordinator@IllinoisCourts.gov)

It is the policy of the Supreme Court of Illinois that:

- communications with individuals with disabilities are as effective as communications with individuals without disabilities;
- individuals with disabilities have an equal opportunity to participate in and benefit from all Court activities.

If you require accommodations, auxiliary aids, or other services in order to participate in Court activities, please make your request to the Court Disability Coordinator.

Requests shall be made in writing on forms provided by the Court.

Copies of the following documents are available upon request in the Clerk of the Supreme Court's offices in Springfield and Chicago and on the Court's web site, [www.IllinoisCourts.gov](http://www.IllinoisCourts.gov)

- Policy on Access for Persons with Disabilities
- Request for Accommodations Form
- Grievance Form

**Supreme Court of Illinois  
Request for Accommodation under the Americans with Disabilities Act  
(REQUEST TO REMAIN CONFIDENTIAL)**

Date: \_\_\_\_\_

Please Print:

Name of person requesting accommodation: \_\_\_\_\_

**EXHIBIT A**

Address: \_\_\_\_\_

Daytime phone number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Type of accommodation requested (please be specific): \_\_\_\_\_

Date accommodation is needed: \_\_\_\_\_

Location where accommodation is needed: \_\_\_\_\_

Please send a copy of the completed form by mail to:

**Court Disability Coordinator  
Office of the Supreme Court Clerk  
200 East Capitol Avenue  
Springfield, IL 62701  
or by e-mail to: [ADACoordinator@IllinoisCourts.gov](mailto:ADACoordinator@IllinoisCourts.gov)**

**Phone: (217) 782-2035  
TDD: (217) 524-8132**

Please sign to verify the foregoing information: \_\_\_\_\_

Please print name: \_\_\_\_\_

**Office Use Only:**

Accommodation: \_\_\_\_\_ granted: \_\_\_\_\_ denied: \_\_\_\_\_

Requestor notified on: \_\_\_\_\_ via: \_\_\_\_\_

Type of accommodation: \_\_\_\_\_

Comments: \_\_\_\_\_

**Supreme Court of Illinois  
Americans with Disabilities  
Grievance Form**

Date: \_\_\_\_\_

Name of grievant: \_\_\_\_\_

**EXHIBIT B**

Address: \_\_\_\_\_

Daytime Phone Number: \_\_\_\_\_ E-mail: \_\_\_\_\_

Type of Accommodation requested: \_\_\_\_\_

Description of the alleged violation (please be specific): \_\_\_\_\_

Please send a copy of the completed grievance form to:

**Court Disability Coordinator  
Office of the Supreme Court Clerk  
200 East Capitol Avenue  
Springfield, IL 62701  
or by e-mail to: [ADACoordinator@IllinoisCourts.gov](mailto:ADACoordinator@IllinoisCourts.gov)**

**Phone: (217) 782-2035  
TDD: (217) 524-8132**

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_

# **Illinois Supreme Court**

## **Language Access Policy**

**EXHIBIT C**

# **APPENDIX C: Illinois Supreme Court Language Access Policy**



**Effective October 1, 2014**

**Amended September 20, 2016**

## **ILLINOIS SUPREME COURT LANGUAGE ACCESS POLICY**

### **I. PREAMBLE**

The Illinois Supreme Court recognizes that equal access to the courts is essential to ensuring the strength and integrity of the judiciary and preserving trust in our legal system. Equal access to the courts, regardless of language limitations or disabilities, is an important issue in Illinois, which has a significant and growing number of people with limited English proficiency throughout the state. As such, the fair administration of justice requires that our state's courts be language accessible to all people, including those who are limited English proficient or are deaf or hard of hearing.

This policy provides a blueprint for the courts of Illinois to develop a unified approach for the provision of statewide language access services. This policy is offered to guide Illinois courts in the implementation of a comprehensive language access program and establishes standards to support the ongoing development of circuit-specific Language Access Plans.

It is the Supreme Court's vision that qualified and trained interpreters and clear and multi-lingual signage be available in both civil and criminal legal proceedings within courthouses and for court-annexed proceedings.

In support of this vision, the Supreme Court is committed to implementing and developing standards to support the development of a body of qualified and trained foreign language interpreters. Unlike foreign language interpreting, the field of sign language interpreting has nationally and locally developed standards, which Illinois adheres to, for the evaluation and certification of sign language interpreters under the Americans with Disabilities Act of 1990 and the Illinois Interpreter for the Deaf Licensure Act of 2007.

To support the development of trained foreign language interpreters, a three-tiered certification program for foreign language court interpreters statewide is established. When a court determines a foreign language interpreter is needed, the court should appoint a certified, qualified or registered interpreter when practicable.

The Supreme Court will work with all stakeholders to seek adequate funding for language access programs, which may include requests for increases in funding of judicial budgets, government grants, or other sources of funding. Recognizing the limited resources for language access, funding priority should be given to providing interpreter services to low and moderate income persons.

This policy is based on the fundamental principles of fairness, access to justice and integrity of the judicial process; the principles of due process, equal protection and judicial independence rooted in the Illinois constitution; and the legal requirements of state and federal law, including Title VI of the Civil Rights Act of 1964. With the guidance contained in the policy, it is hoped that the judiciary will be better equipped to minimize the obstacles faced by limited English proficient individuals or deaf or hard of hearing persons when they attempt to access Illinois courts.

## II. DEFINITIONS

1. “Court-annexed proceeding” means court proceedings which are managed by officers of the court or their official designees (*e.g.*, mandatory arbitration or mediation, probation contacts and court-ordered evaluations).
2. “Foreign language interpreter” means a person fluent in both English and another language, who listens to a communication in one language and orally converts it into another language while retaining the same meaning. An interpreter need not be physically present to provide interpreter services. An “interpreter” differs from a “translator,” who converts written text from one language into written text in another language. This policy contains rules governing interpretation in the context of court proceedings, rather than written translation.
  - a. “Certified interpreter” means a foreign language interpreter certified pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
  - b. “Qualified interpreter” means a foreign language interpreter qualified pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
  - c. “Registered interpreter” means a foreign language interpreter registered pursuant to the program established by the Administrative Office of the Illinois Courts and listed on the statewide registry maintained by the Administrative Office of the Illinois Courts and does not present a conflict of interest identified in Section V of this policy.
  - d. “Unregistered interpreter” means a foreign language interpreter who is not certified, qualified or registered pursuant to the program established by the Administrative Office of the Illinois Courts, but demonstrates to the court proficiency in English and the foreign language and does not present a conflict of interest identified in Section V of this policy.
3. “Language Access Services” means the full spectrum of language services available to provide meaningful access to the programs and services for Limited English Proficient Persons, including, but not limited to, in-person interpreter services, telephonic and video remote interpreter services, translation of written materials, and bilingual staff services.
4. “Legal proceeding” means (a) any court proceeding before any court of this state, civil or criminal; and (b) any court-annexed proceeding, such as a court-annexed mediation or a mandatory arbitration under Illinois Supreme Court Rules.
5. “Limited English Proficient Person” means someone who speaks a language other than English as his or her primary language and has a limited ability to read, write, speak, or



understand English and requires the assistance of a foreign language interpreter or sign language interpreter to effectively communicate in a legal proceeding.

6. “Party” means, in any legal proceeding, a plaintiff or defendant, including a person who brings or defends an action on behalf of a minor or incompetent, the parent or legal guardian of a minor party, and a legal guardian of a plaintiff or defendant. In criminal and juvenile proceedings, “party” also includes the alleged victim and the parent or guardian of an alleged minor victim or of a juvenile.
7. “Sign language interpreter” means an individual who, as part of any case or court function, facilitates communication between or among legal professionals and a deaf, hard of hearing, or deaf blind party, witness, juror, or spectator through the use of sign language or other manual or oral representation of a spoken language.
  - a. “Sign language interpreter listed on the Administrative Office of the Illinois Courts’ registry” means a sign language interpreter that is licensed at a “Master” or “Advanced” level with the Illinois Deaf and Hard of Hearing Commission and has met any additional training and registration requirements pursuant to the program established by the Administrative Office of the Illinois Courts.
  - b. “Qualified sign language interpreter,” as defined in the Americans with Disabilities Act of 1990, means one who is able to interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

### **III. INDIVIDUALS ELIGIBLE TO RECEIVE INTERPRETER SERVICES**

The court should provide an interpreter for any Limited English Proficient Person who is involved in a legal proceeding as a party or witness. Consistent with the Americans with Disabilities Act and Illinois state statute (735 ILCS 5/8-1402), the court shall provide a qualified sign language interpreter for deaf or hard of hearing persons who are involved in any legal proceeding as a litigant, witness, victim, juror or spectator. Consistent with the Illinois Criminal Proceeding Interpreter Act, the court shall provide an interpreter for Limited English Proficient defendants in criminal proceedings via a written order (725 ILCS 140/2). Consistent with the Illinois Code of Civil Procedure, the court shall provide an interpreter for Limited English Proficient parties and witnesses in civil proceedings via a written order, pursuant to this Policy and the judicial circuit’s Language Access Plan (735 ILCS 5/8-1403).

### **IV. DETERMINING NEED FOR INTERPRETER SERVICES**

For any legal proceeding, the court may determine that an interpreter is needed upon the request of the Limited English Proficient Person or his or her attorney or other advocate. If no such request is made, but if the court reasonably believes that an individual is a Limited English Proficient Person, the court shall examine this individual in open court. This examination shall consist of open-ended questions that will provide the court with the information necessary to determine whether the individual has a limited ability to speak or understand English. The court

should appoint an interpreter if it determines that the individual is a Limited English Proficient Person. After the examination, the court shall state its conclusion in open court.

Each circuit's chief judge shall decide how to collect and track the appointment of an interpreter for a Limited English Proficient party or witness (*e.g.*, via a written order, marking the case file, adding a notation to a case file or docket, adding information to a field in a case management system, using an electronic tracking system, or some other method deemed appropriate). The data collected should indicate, at a minimum, whether an interpreter was appointed and the requested language. The method of collecting this data shall be described in each circuit's Language Access Plan (see Section XI).

The fact that an individual for whom English is a second language knows some English should not prohibit that individual from being allowed to have an interpreter.

Currently, there is no reporting requirement for Illinois courts regarding limited English proficient litigants and interpreter usage. The lack of such data prevents meaningful determinations about the scope of need in Illinois courts and inhibits the development of programs designed to improve efficiency and fairness in the courts. To begin the collection of limited English proficient data, court personnel will be required to collect on a quarterly basis and share with the Administrative Office of Illinois Courts:

- The number of legal proceedings that included a limited English proficient party by case type and the language interpreted.
- The type of interpreter used in legal proceedings and whether the interpreter was a certified, qualified or registered foreign language interpreter listed on the Administrative Office of the Illinois Courts' interpreter registry, a sign language interpreter listed on the Administrative Office of the Illinois Courts' interpreter registry, or an unregistered interpreter.

## **V. TYPE OF INTERPRETER TO APPOINT**

Whenever a foreign language interpreter is appointed by the court, a certified or qualified interpreter shall be provided if one is available. After the court has made reasonable efforts to provide a certified or qualified interpreter and one is not available, a registered interpreter shall be provided if one is available.

A person who is certified and in good standing by the federal courts or by a state having a certification program shall be considered a certified interpreter under this policy, so long as the certification requirements that person has satisfied have been deemed sufficient by the Administrative Office of the Illinois Courts.

An unregistered interpreter should be appointed if the court made reasonable efforts to obtain a certified, qualified or registered interpreter and a certified, qualified or registered interpreter was

If an unregistered interpreter is appointed, the court shall examine the interpreter in open court to ensure that the interpreter is qualified to interpret in legal proceedings, has proficiency in English and the foreign language, and does not present a conflict of interest as identified in this section of this policy.

Whenever a sign language interpreter is appointed by the court, a sign language interpreter listed on the Administrative Office of the Illinois Courts interpreter registry shall be provided if one is available. After the court has made reasonable efforts to provide a sign language interpreter on the registry and one is not available, a qualified interpreter shall be provided pursuant to the Americans with Disabilities Act and Illinois state statute (735 ILCS 5/8-1402).

A court shall use reasonable efforts to avoid appointing an individual as an interpreter for a legal proceeding pursuant to Section III of this policy if any of the following apply:

1. The interpreter is compensated by a business owned or controlled by a party or a witness;
2. The interpreter is a friend, or a family or household member, of a party or witness;
3. The interpreter is a potential witness;
4. The interpreter is court personnel employed for a purpose other than interpreting;
5. The interpreter is a law enforcement officer or probation department personnel;
6. The interpreter has a pecuniary or other interest in the outcome of the case;
7. The interpreter does or may have a real or perceived conflict of interest, or the appointment of an interpreter has the appearance of impropriety;
8. If for any reason, the court believes the appointment of the interpreter is not appropriate.

## **VI. AN OATH REQUIREMENT FOR INTERPRETERS**

Before beginning to interpret in any legal proceeding, or before interpreting for several legal proceedings in one day, every unregistered interpreter shall swear or affirm in open court that he or she will make a true and impartial interpretation using his or her best skill and judgment in accordance with the standards prescribed by law and the ethics of the interpreter profession and that he or she will, in the English language, fully and accurately, repeat the statements of such person to the court before such proceeding takes place, and will repeat all statements made during such proceeding from English to sign language or a Limited English Proficient Person's native language fully and accurately.

*Comment: Interpreters listed on the Administrative Office of the Illinois Courts' registry shall sign a written oath that can be maintained on file by the local court. Unregistered interpreters may sign a written oath to keep on file at the local courts' discretion. This simplifies the court's*

*inquiries in open court during procedural hearings. It is recommended, however, that an oath be read and sworn to in open court in all proceedings conducted before a jury.*

## **VII. CONFIDENTIAL COMMUNICATIONS IN THE PRESENCE OF AN INTERPRETER**

An interpreter must not disclose confidential communications privileged by state or federal law to any person.

## **VIII. REMOVAL OF AN INTERPRETER**

The court may use its discretion to substitute a different interpreter for the interpreter initially appointed in a proceeding. The court may make a substitution at any time and for any reason, but any substitution must be made in open court and must follow procedures laid out in Section V of this policy.

If a Limited English Proficient Person or an attorney or advocate involved in the proceeding concludes that the appointed interpreter is not interpreting communications correctly, the Limited English Proficient Person or an attorney or advocate involved in the proceeding may request the appointment of a different interpreter.

## **IX. PAYMENT FOR AN INTERPRETER'S SERVICES**

No fee shall be charged to any Limited English Proficient Person for the appointment of an interpreter.

The cost of providing interpreter services shall be the responsibility of the county or court that has jurisdiction over the judicial proceeding for which the interpreter was appointed. In determining the amount of compensation to be paid to the interpreter, the presiding judicial officer shall follow the fee schedule for interpreters established by the chief circuit judge.

*Comment: Language access services ensure that all persons have equal access to justice and that information essential for the efficiency and integrity of legal proceedings can be understood by both English speakers and those who are limited English proficient. Courts should avoid placing the burden of paying for language access disproportionately on limited English proficient individuals in a manner that discourages access to the court or inhibits requests for language services necessary for full participation in the proceedings. The Illinois Supreme Court will work with all stakeholders to seek adequate funding for language access programs, which may include requests for increases in funding of judicial budgets, government grants, or other sources of funding.*

## **X. CERTIFICATION AND REGISTRATION PROGRAM**

The Administrative Office of the Illinois Courts is charged with establishing and administering a comprehensive certification and registration program for foreign language interpreters.

The Administrative Office of the Illinois Courts is further charged with establishing and adopting standards of proficiency, written and oral, in English and the language to be interpreted.

Upon Supreme Court approval, the Administrative Office of the Illinois Courts will maintain a Code of Ethics that defines a set of principles to guide interpreter conduct and educate judges on the level of conduct expected. All foreign language and sign language interpreters serving in any legal proceeding, whether listed on the statewide registry or not, shall abide by the Code of Ethics for Interpreters adopted by the Supreme Court of Illinois.

The Administrative Office of the Illinois Courts is charged with compiling, maintaining, and disseminating a current registry of foreign language interpreters certified, qualified and registered by the Administrative Office of the Illinois Courts.

The Administrative Office of the Illinois Courts may charge reasonable fees to foreign language interpreters, as authorized by the Supreme Court, for testing, training, certification, and registration. These fees shall be deposited into the Foreign Language Interpreter Fund.

The Administrative Office of the Illinois Courts will seek partnerships with community colleges and other private or public educational institutions and with other public or private organizations to establish a certification preparation curriculum and suitable training programs to ensure the availability of certified and qualified foreign language interpreters. Training programs may be made readily available throughout Illinois.

The Administrative Office of the Illinois Courts may conduct periodic examinations to ensure the availability of certified and qualified foreign language interpreters. Periodic examinations should be made readily available throughout Illinois.

The expenses of testing, training, and certifying foreign language court interpreters under the program, as authorized by the Supreme Court, may be paid, subject to appropriation, from the Foreign Language Interpreter Fund or any other source of funds available for this purpose.

Please note that the certification and licensure of sign language interpreters is governed by state statute under the Illinois Interpreter for the Deaf Licensure Act of 2007, federal standards under the Americans with Disabilities Act of 1990 and certifying entities, such as the National Association of the Deaf and the Registry of Interpreters for the Deaf. Sign language interpreters listed on the Administrative Office of the Illinois Courts' registry must be licensed at a "Master" or "Advanced" level with the Illinois Deaf and Hard of Hearing Commission and must meet any additional training and registration requirements pursuant to the program established by the Administrative Office of the Illinois Courts.

## **XI. LANGUAGE ACCESS PLAN**

Each circuit must develop an annual written Language Access Plan to provide a framework for the provision of Language Access Services for Limited English Proficient Persons. Circuit-specific Language Access Plans will enable each circuit to identify their most frequently requested languages, identify practices and procedures to guide courts in the circuit as to how to provide language assistance, list all available language access resources in frequently requested languages, and identify the circuit's goals for the coming year. In multi-county circuits, courts can draft county-specific Language Access Plans at their own discretion. The Language Access Plan should include, at a minimum, the following:

- Procedures for court personnel to identify and assess the language needs of Limited English Proficient Persons using the court system.
- Procedures for ensuring that Limited English Proficient Persons are provided with interpreters during legal proceedings.
- Procedures for notifying court users of the right to and availability of interpreter services.
- Procedures for court personnel and judges to collect and track the appointment of an interpreter for a Limited English Proficient party or witness, including the language requested.
- Procedures for evaluating the need for translation of written materials, prioritizing those translation needs, and translating the highest priority materials.
- A process for providing training to judges, court clerks, and other court staff on the elements of the Language Access Plan and how to effectively access and work with interpreters.
- A list of community organizations serving Limited English Proficient Persons that can provide support in addressing language access needs.
- A process for ongoing evaluation of the Language Access Plan and monitoring of the Language Access Plan.

Each circuit should update its Language Access Plan annually to reflect changes in the language needs of court users and changes in court procedures and practices implemented to meet those needs.

Each circuit's Language Access Plan and any subsequent updates will be annually reviewed by the Administrative Office of the Illinois Courts to ensure that it accurately reflects and addresses the need for Language Access Services.



# **APPENDIX D: Illinois Supreme Court Policy on Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians and Court Volunteers**



## **Illinois Supreme Court Policy On Assistance to Court Patrons by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers**

**Effective April, 2015**

**ILLINOIS SUPREME COURT POLICY ON ASSISTANCE TO COURT PATRONS**  
**BY CIRCUIT CLERKS, COURT STAFF, LAW LIBRARIANS,**  
**AND COURT VOLUNTEERS**

**(a) Purpose and Scope.**

The purpose of this policy is to provide guidance to circuit clerks, court staff, law librarians, and court volunteers acting in a non-lawyer capacity as to what services may and may not be offered to assist court patrons to achieve fair and efficient resolution of their cases.

No court patron should be denied services permitted under this policy on the basis of being a self-represented litigant. Services to court patrons should be provided in a nondiscriminatory manner to all applicants without regard to race, color, religious creed, ancestry, national origin, age, sex, disability, sexual orientation or any category prohibited by federal or Illinois law.

**(b) Definitions.**

- (1) “Court patron” means any individual who seeks information to file, pursue or respond to a case on his or her own behalf or on the behalf of another.
- (2) “Self-represented litigant” means any individual who seeks information to file, pursue or respond to a case on his or her own behalf where a licensed attorney has not filed an appearance on behalf of that individual.
- (3) “Legal information” means general factual information about the law and the legal process. Legal information is different from legal advice, which involves giving guidance regarding an individual’s legal rights and obligations in light of his or her particular facts and circumstances. Legal information is neutral.
- (4) “Approved forms” mean standardized forms and related instructions that have been approved pursuant to Supreme Court Rule 10-101; forms included in the Illinois Supreme Court Rules; and local circuit court forms adopted to facilitate local case-processing procedures.

**(c) Prohibited Services.** Circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—shall not:

- (1) Recommend whether a case should be brought to court or comment on the merits of a pending case;
- (2) Give an opinion about what will happen if a case is brought to court;
- (3) Represent litigants in court;
- (4) Provide legal analysis, strategy or advice to a court patron, or perform legal research other than assistance in self-guided legal research for any court patron;

- (5) Disclose information in violation of a court order, statute, rule, case law or court directive;
- (6) Deny a self-represented litigant access to the court or any services provided to other court patrons.
- (7) Tell a litigant anything he or she would not repeat in the presence of any other party involved in the case;
- (8) Refer a litigant to a specific lawyer or law firm for fee-based representation; or
- (9) Otherwise engage in the unauthorized practice of law as prohibited by law.

**(d) Permitted Services.** To assist court patrons, circuit clerks, court staff, law librarians, and court volunteers—acting in a non-lawyer capacity on behalf of the court—may, as resources and expertise permit:

- (1) Provide legal information about court rules, court terminology and court procedures, but not limited to providing information regarding; requirements for service, filing, scheduling hearings and compliance with local procedure;
- (2) Inform court patrons of legal resources and referrals if available, including but not limited to:
  - a. Pro bono legal services;
  - b. Low-cost legal services;
  - c. Limited scope legal services;
  - d. Legal aid programs and hotlines;
  - e. Law and public libraries;
  - f. Non-profit alternative dispute resolution services;
  - g. Lawyer referral services;
  - h. Internet-based resources;
  - i. Court-sponsored or -affiliated educational classes, including, but not limited to, parenting education and traffic safety classes and alternative dispute resolution services;
  - j. Units or departments of government; or
  - k. Domestic violence resources.
- (3) Encourage self-represented litigants to obtain legal advice from a lawyer;
- (4) Provide information about security protocols at the courthouse and directions around the courthouse, including, but not limited to, photocopier and telephone locations, children’s waiting room locations and other courthouse offices;
- (5) Offer educational classes and informational materials;
- (6) Assist court patrons in identifying approved forms and related instructions based on the court patron’s description of what he or she wants to request from the court, including but not limited to, providing approved forms for the waiver of filing fees. When necessary, explain the nature of the information required to fill out the approved forms. Where no approved form exists to accomplish the court patron’s request, inform the litigant of that fact and direct him or her to other legal resources;

- (7) Record verbatim information provided by the self-represented litigant on approved forms if that person is unable to complete the forms due to disability or literacy barriers;
- (8) Review finished forms to determine whether forms are complete, including checking for signature, notarization, correct county name and case number;
- (9) Provide assistance to litigants pursuing self-guided research;
- (10) Provide docket information, including but not limited to:
  - a. Stating whether an order has been issued
  - b. Explaining how to get a copy if one was not provided
  - c. Reading the order to the individual if requested
  - d. Providing instructions about how to access such information;
- (11) Inform court patrons of the process for requesting a foreign language or sign language interpreter;
- (12) At the direction of the court, review documents for completeness prior to hearing;
- (13) Provide a court patron with access to a case file that has not been restricted by statute, rule or order, or instructions about how to obtain such access;
- (14) Provide the same services and information to all parties to an action, as requested;
- (15) Provide services based on the assumption that the information provided by the court patron is accurate and complete;
- (16) Provide other services consistent with the intent of this policy.

**(e) Unauthorized Practice of Law and Privilege.**

Services provided in accordance with section (d) of this policy do not constitute the unauthorized practice of law. Information exchanged in accordance with section (d) of this policy is neither confidential nor privileged, except as otherwise protected by law. Services provided in accordance with section (d) of this policy do not create an attorney-client relationship. It should be communicated through the use of signage or a direct, in-person disclosure to court patrons that information and services provided in accordance with section (d) of this policy are not confidential, privileged or create an attorney-client relationship.

**(f) Rules of Professional Conduct.** Circuit clerks, court staff, law librarians, and court volunteers—who are licensed attorneys, licensed law student interns and other persons working under the supervision of an attorney—must abide by all applicable Rules of Professional Conduct when providing services and information in accordance with section (d) of this policy.

**(g) Copy Fees.** Court patrons may be required to pay a reasonable printing or reproduction fee for forms and instructions. However, the fee may be reduced or waived for persons who are otherwise eligible to sue or defend without cost pursuant to the Code of Civil Procedure.

## **Office of the Illinois Attorney General Disability Rights Bureau**

### **Chicago Office**

James R. Thompson Center  
100 West Randolph Street  
Chicago, IL 60601  
(312) 814-5684 (Voice)  
(800) 964-3013 (TTY)  
(312) 814-3212 (Fax)

### **Springfield Office**

500 South Second Street  
Springfield, IL 62701  
(217) 524-2660 (Voice)  
(877) 844-5461 (TTY)  
(217) 782-1096 (Fax)

[www.illinoisattorneygeneral.gov/rights/disabilityrights.html](http://www.illinoisattorneygeneral.gov/rights/disabilityrights.html)





Administrative Office of the Illinois Courts  
Access to Justice Spiral

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# Section V

## Civil Appeals





# Illinois Supreme Court Commission on Access to Justice

## *Guide for Appeals to the Illinois Appellate Court For Self-Represented Litigants*



## Acknowledgements

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# **Guide for Appeals to the Illinois Appellate Court For Self-Represented Litigants**

This guide has information on how to file an appeal from a judgment made by a circuit court in Illinois. It includes a timeline of the process, frequently asked questions, and a checklist to consult when preparing the documents you need.

The party filing an appeal is called the “appellant.” The party responding to an appeal is called the “appellee.”

The number of steps to the appeals process varies, and may include:

1. File a notice of appeal with the clerk of the circuit court.
2. Contact the circuit court clerk to request preparation of the record on appeal, and to confirm and pay any related fees. Submit written requests to the circuit court reporters for them to prepare transcripts of the hearings held in your case, and pay the reporters’ fees for that preparation.
3. File a notice of filing with the clerk of the appellate court. Include proof of service that says you have sent copies of that document to the other parties.
4. Pay the \$50 filing fee and file the docketing statement with the appellate court, together with copies of your requests to the circuit court and the court reporters for preparation of the record on appeal and the transcripts. The circuit court clerk will file the record on appeal with the appellate court.<sup>1</sup>
5. File your brief.
6. Other side (the appellee) files its answering brief, if it chooses to do so.
7. File your reply brief. (optional)
8. The appellate court issues its decision.
9. File a Petition for Rehearing if you believe the appellate court decision should be reconsidered by the court. (optional)
10. File a Petition for Leave to Appeal to the Illinois Supreme Court. (optional)

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<sup>1</sup> Please note that [Rule 323\(b\)](#) provides that court reporting personnel must file the transcripts directly with the circuit court, rather than provide them to the appellant. [Rule 325](#) provides that in general, the circuit court clerk, and not the appellant, must file the record on appeal with the appellate court.

## IMPORTANT NOTICE

This resource lists the steps involved in an appeal in the Illinois state courts. It is a guide for self-represented litigants.

The guide refers you to the Illinois Supreme Court Rules (the “Rules”) for further information about the various steps in an appeal. The timeline, checklist, and FAQs are not legal advice. This resource is neither legal authority nor a substitute for the requirements found in the Rules.

You are strongly advised to speak to an attorney about your appeal. The appeals process can be lengthy and difficult. Should you decide to appeal your case without an attorney, you will need to follow the Rules just like those parties who have an attorney.

**As of July 1, 2017, all documents filed in the Illinois Appellate Court and Illinois Supreme Court must be [filed electronically](#) (“e-filed”).** If you need assistance, you may take your documents to the appellate court clerk’s office, where you can use a public terminal to e-file your documents. You can bring your documents on a flash drive or on paper. The terminal will have a scanner where you can scan, save, and then use the computer to e-file your documents.

In limited circumstances, Illinois Supreme Court Rule 9(c)(4) allows for an exemption from e-filing for good cause. You may be excused from e-filing if you 1) do not have internet or computer access at home, 2) have a disability that keeps you from e-filing, or 3) have trouble reading or speaking in English. To file paper documents instead of e-filing, complete a [Certification for Exemption From E-Filing](#) and file it with the appellate court. If you have any questions about the exemption, please contact your local appellate clerk’s office.

## Timeline of Events in an Appeal to the Illinois Appellate Court

Filing Event and Relevant Supreme Court Rules	Description	Deadline <sup>2</sup>
<p>File a Notice of Appeal</p> <p>Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, <a href="#">303</a>, <a href="#">303A</a>, <a href="#">306</a>, <a href="#">307</a>, <a href="#">308</a>, and <a href="#">311</a></p>	<p><u>Step 1:</u> You must file your notice of appeal with the Circuit Court Clerk within <b>30 days</b> after a final order is entered by the circuit court. The Illinois Courts of Appeal and Supreme Court require electronic filing of documents in all civil appeals with limited exceptions. Exceptions include documents filed by incarcerated, self-represented litigants; wills; documents filed under the Juvenile Court Act of 1987; and documents in cases where the court has allowed paper filing by a court order. See <a href="#">Rules 9</a> and <a href="#">10</a> for requirements that apply when filing electronic or paper documents in the Illinois courts. More information on electronic filing is available at <a href="http://efile.illinoiscourts.gov/">http://efile.illinoiscourts.gov/</a>.</p> <p>You must serve the notice of appeal on any other parties in your case. If any other party is represented by an attorney, then you must serve the notice of appeal on the attorney. See <a href="#">Rule 11</a> for the methods of serving documents and <a href="#">Rule 12</a> for the ways to obtain proof of that service.</p> <p>You might have a shorter deadline for filing your notice of appeal if your appeal involves one of the following:</p> <ul style="list-style-type: none"> <li>• Certain orders made during the course of the case before the case is finally resolved, including orders involving custody or care of children (14 days). These appeals require a petition for leave to appeal with certain special requirements. See Rule 306(b) for petitions of orders regarding custody or care of children, the allocation of parental responsibilities for unemancipated minors, or the relocation of unemancipated minors. See Rule 306(c) for petitions of other orders. [<a href="#">Rule 306</a>]</li> <li>• Temporary restraining orders (TROs) (2 days) [<a href="#">Rule 307</a>]</li> <li>• Waiver of parental notice of abortion (2 days) [<a href="#">Rule 303A</a>]</li> </ul>	<p>Entry of Final Order + 30 days</p>

<sup>2</sup> You should consult the Rules, and your district's local rules, to determine whether and how you may request an extension of a particular deadline. See the questions below for more information. This chart is current as of July 10, 2018.

	<p><u>Step 2:</u> Within <b>7 days</b> of filing the notice of appeal, you must (1) serve the notice of appeal on any other parties, and (2) file a notice of filing with the clerk of the appellate court and include proof of service that says you have sent copies of the document you are filing to the other parties, or their attorneys if they are represented by counsel, in that notice of filing.</p> <p><b>If you do not file your notice of appeal before the expiration of this deadline, the appellate court cannot hear your appeal.</b></p>	
<p>Docketing Statement</p> <p>Rules <u><a href="#">9</a></u>, <u><a href="#">10</a></u>, <u><a href="#">11</a></u>, <u><a href="#">12</a></u>, <u><a href="#">46</a></u>, <u><a href="#">298</a></u>, <u><a href="#">312</a></u>, and <u><a href="#">313</a></u>.</p>	<p>Within <b>14 days</b> of filing your notice of appeal you must file a docketing statement with the appellate court. At the time you file the docketing statement, you must also pay the appellate court filing fee. This fee is in addition to any fees you paid in the circuit court.</p> <p>You must pay the fee and file a docketing statement at the time you file your petition for leave to appeal or application if your appeal involves one of the following:</p> <ul style="list-style-type: none"> <li>• A petition for leave to appeal a non-final order regarding the custody or care of children, the allocation of parental responsibilities for unemancipated minors, or the relocation of unemancipated minors [<a href="#">Rule 306</a>].</li> <li>• An application for leave to appeal a non-final order that involves a new question of law [<a href="#">Rule 308</a>].</li> </ul> <p>You must pay the fee and file a docketing statement within 7 days of filing your notice of appeal if your appeal involves one of the following:</p> <ul style="list-style-type: none"> <li>• An order granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction [<a href="#">Rule 307</a>].</li> <li>• An order appointing or refusing to appoint a receiver or sequestrator [<a href="#">Rule 307</a>].</li> <li>• An order giving or refusing to give other or further powers or property to a receiver or sequestrator already appointed [<a href="#">Rule 307</a>].</li> <li>• An order placing a mortgage lender in possession of a mortgaged property [<a href="#">Rule 307</a>].</li> <li>• An order terminating parental rights or granting, denying, or revoking temporary</li> </ul>	<p>Notice of Appeal + 14 days</p>



	<p>commitment in certain adoption proceedings <a href="#">[Rule 307]</a>.</p> <p>The docketing statement is a snapshot of the case you are appealing.</p> <p><u>Step 1:</u> Send written requests to the circuit court clerk and court reporter asking them to prepare their sections of the record on appeal (see Record on Appeal, below). Check with your circuit court clerk to see if they have a certain process that you must follow to order the record.</p> <p>As the appellant, you are responsible for the costs involved in preparing the record on appeal (unless the circuit court waives the costs because you cannot afford them).</p> <ul style="list-style-type: none"> <li>• Each district of the appellate court has <a href="#">local rules</a> about fee waivers. Please note that getting a fee waiver from the circuit court for the preparation of the record on appeal does not mean your filing fee is waived in the appellate court. In addition, getting a fee waiver from the appellate court does not mean that the costs involved in preparing the record on appeal are waived. See <a href="#">Rule 298</a> for more information on applying for a waiver of court fees in the circuit court.</li> </ul> <p><u>Step 2:</u> Prepare the docketing statement in the form specified by <a href="#">Rule 312</a> and in the <a href="#">Article III Forms Appendix</a>.</p> <p><u>Step 3:</u> You must serve a copy of the docketing statement on each of the other parties in your case.</p> <p><u>Step 4:</u> Pay \$50.00 filing fee and file the docketing statement, together with copies of your requests to the circuit court and the court reporters for preparation of the record on appeal and the transcripts, with the appellate court clerk. Include a proof of service that states the address information, manner of service, and any other information required by <a href="#">Rule 12</a>.</p> <p>If you are unable to pay the \$50.00 filing fee, you may file a request for a fee waiver in the appellate court using the “<a href="#">Application for Waiver of Court Fees (Appellate Court)</a>”</p>
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	available in the Article III Forms Appendix. You may find additional instructions regarding appellate fee waivers on the <a href="#">Illinois Supreme Court website</a> . [Rule 313]	
Record on Appeal  Rules <a href="#">9</a> , <a href="#">10</a> , <a href="#">11</a> , <a href="#">12</a> , <a href="#">312</a> , <a href="#">321</a> , <a href="#">323</a> , and <a href="#">325-329</a>	<p>Once you have requested the record on appeal, the clerk of the circuit court will then prepare the record on appeal and transmit it to the appellate court. If there was no court reporter at your case in the circuit court, you may prepare a bystander's report or an agreed statement of facts (discussed below).</p> <p><u>What it is:</u> The record on appeal includes the common law record, the exhibits and the report of proceedings. The <i>common law record</i> includes all of the written documents created or considered by the circuit court during your case. The <i>report of proceedings</i> is a record of what was said at any hearings held at the circuit court during your case. Together, the common law record, exhibits and report of proceedings are the source of all the facts the appellate court can look at when deciding your appeal. The record on appeal must include everything that was before the circuit court when the decision you are appealing was made. This may include transcripts prepared by a court reporter or a report certified by the circuit court of what was said at any important hearings.</p> <p><u>Who prepares the record:</u> The clerk of the circuit court will prepare the record on appeal after you make a written request and pay the preparation fee as described above (see Docketing Statement).</p> <p>If a court reporter or recording equipment was in the courtroom, then the court reporter will, upon payment, prepare transcripts for the report of proceedings. You must make a written request to the court reporter to prepare the transcripts (see Docketing Statement). These transcripts will be filed by the court reporter with the circuit court. The circuit court clerk will then file the entire record on appeal with the clerk of the appellate court.</p> <p>If no court reporter was present, you have the option of preparing either a <i>bystander's report</i> [<a href="#">Rule 323(c)</a>] or an <i>agreed statement of facts</i> [<a href="#">Rule 323(d)</a>].</p> <ul style="list-style-type: none"> <li>• The <i>bystander's report</i> is a written report that describes what was said in the circuit court. This report must be made by someone who was at the hearings. You will need</li> </ul>	<p>You must request the Record on Appeal immediately after you file your Notice of Appeal, and include copies of your requests with the Docketing Statement you file with the appellate court clerk.</p> <p>The circuit court must then provide the Record on Appeal to the appellate court within 63 days of the Notice of Appeal.</p>

	<p>to serve this report on all parties within <b>28 days</b> of the filing of the notice of appeal. Other parties have until <b>14 days</b> after service of this report to serve proposed amendments or an alternative report. You will need to submit this report and the amendments or reports of other parties, if any, to the circuit court for certification within <b>7 days</b> of the receipt of any amendments (or within 49 days of the filing of the notice of appeal). The circuit court will need to certify the report in order for it be included in the record on appeal, unless all parties in the case agree that the report may be included without that certification.</p> <ul style="list-style-type: none"> <li>• The <i>agreed statement of facts</i> is a statement of facts material to the case, agreed upon and signed by all of the parties. You do not need to submit it to the circuit court for certification.</li> </ul> <p><u>Supplementing the record:</u> The appellate court will not consider anything that is not in the record on appeal. If you think something is missing from the record, you must ask the clerk of the circuit court to prepare the additional material. You must also file a motion with the clerk of the appellate court asking permission to add things to the record after it has been filed in the appellate court. You cannot simply attach the extra material to your brief. Nothing can be included in the record or in your brief that was not part of your case in the circuit court.</p> <p><u>Using the record to write your brief:</u> The Rules require that you provide a citation to the record for every fact in your brief. After the circuit court clerk files the record on appeal in the appellate court, you will need to request the record from the appellate court so that you can provide these citations in your brief.</p>	
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<p>Appellant's Brief Rules <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, and <a href="#">341-343</a></p>	<p>Your opening brief must be filed with the clerk of the appellate court no more than <b>35 days</b> after the record on appeal is filed in the appellate court.</p> <p>Your brief must be no more than 50 pages (or alternatively, no more than 15,000 words), not including the appendix. It must be in the form specified in <a href="#">Rule 341(a)</a>, and must include a proof of service on the other party and a certificate of compliance with Rules <a href="#">341(a)</a> and <a href="#">(b)</a>. That certificate should follow the form located at Rule 341(c). The cover of your opening brief must be white.</p> <p>The Rules contain requirements for preparing briefs on appeal. The Checklist for Filings in the Appellate Court lists those requirements. The Court in which you are filing may have adopted rules requiring paper filings in addition to electronic filing. Rules regarding paper copies, if any, will be available on the Court's website.</p> <p>You might have shorter deadlines for filing your brief if your appeal involves one of the following:</p> <ul style="list-style-type: none"> <li>• Appeals concerning the custody or care of children. In these appeals, the appellant's brief is due 21 days after filing of the record on appeal in the appellate court. The appellee's brief is due 21 days after the appellant's brief is due, and any reply brief by the appellant is due 7 days after the appellee's brief is due. See Rule 311(a) for additional information on the procedures that apply in these appeals. [<a href="#">Rule 311</a>]</li> <li>• Appeals from final judgments in delinquent minor proceedings. In these appeals, the appellant's brief is generally due within 28 days from the filing of the record on appeal, and the appellee's brief is due 28 days from the due date of the appellant's brief. The appellant's reply brief is due within 7 days from the due date of the appellee's brief. See Rule 660A for additional information on the procedures that apply in these appeals. [<a href="#">Rule 660A</a>]</li> </ul>	<p>Record on Appeal + 35 days</p>
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Appellee's Brief Rules <a href="#">9</a> , <a href="#">10</a> , <a href="#">11</a> , <a href="#">12</a> , and <a href="#">341-343</a>	<p>The appellee's brief must be filed with the clerk of the appellate court within <b>35 days</b> from the due date of the appellant's brief.</p> <p>The appellee's brief must be no more than 50 pages (or alternatively 15,000 words), not including the appendix, and must be in the form specified in <a href="#">Rule 341(a)</a>. The appellee's brief must also include a certificate of compliance with <a href="#">Rules 341(a)</a> and <a href="#">(b)</a>, as well as a proof of service on the other party. The cover of the appellee's brief must be light blue.</p> <p>The Court in which you are filing may have adopted rules requiring paper filings in addition to electronic filing. Rules regarding paper copies, if any, will be available on the Court's website.</p>	Due Date for Appellant's Brief + 35 days
Appellant's Reply Brief Rules <a href="#">9</a> , <a href="#">10</a> , <a href="#">11</a> , <a href="#">12</a> , and <a href="#">341-343</a>	<p>You may file a reply brief no more than <b>14 days</b> after the appellee's brief is due.</p> <p>The reply brief must be no more than 20 pages (or alternatively 6,000 words) and must be in the form specified in <a href="#">Rule 341(a)</a>. Your reply brief must include a certificate of compliance with <a href="#">Rules 341(a)</a> and <a href="#">(b)</a>, and a proof of service on the opposing party. The cover of your reply brief must be light yellow. Unlike your opening brief, your reply brief may contain only argument.</p> <p>The Court in which you are filing may have adopted rules requiring paper filings in addition to electronic filing. Rules regarding paper copies, if any, will be available on the Court's website.</p>	Due Date for Appellee's Brief + 14 days

<b>Appellate Court's Decision</b>	<p>The appellate court will consider the record on appeal, the parties' briefs, and (in certain cases) the parties' oral argument. The appellate court decides whether oral argument is needed in a case. If the appellate court decides to hear oral argument, the appellate court clerk will notify the parties of the date and time of the hearing.</p> <p>The appellate court clerk will notify all parties when the court issues a decision. You will be able to access the decision on the <a href="#">Illinois Supreme Court website</a>.</p>	
Petition for Rehearing Rules <a href="#">9</a> , <a href="#">10</a> , <a href="#">11</a> , <a href="#">12</a> , <a href="#">341</a> , and <a href="#">367</a>	<p>If you disagree with the appellate court's decision, you may ask for a rehearing in a petition describing the points that you believe the appellate court overlooked or misunderstood. The petition must be filed with the clerk of the appellate court within <b>21 days</b> after the appellate court's written decision is filed.</p> <p>The petition must be no more than 27 pages (or alternatively 8,100 words) and must include a certificate of compliance with Rules <a href="#">341(a)</a> and <a href="#">(b)</a> that follows the form located at Rule 341(c). The petition must also include a proof of service on the other party. The cover of your petition must be light green.</p> <p>The Court in which you are filing may have adopted rules requiring paper filings in addition to electronic filing. Local rules regarding paper copies, if any, are posted on the Supreme Court's website.</p> <p><b>If you do not file your petition for rehearing on time, the appellate court cannot consider your petition.</b></p>	Appellate Decision + 21 days
Petition for Leave to Appeal to the Illinois Supreme Court Rules <a href="#">9</a> , <a href="#">10</a> , <a href="#">11</a> , <a href="#">12</a> , <a href="#">315</a> , and <a href="#">341</a>	<p>You may also file a petition for leave to appeal (a "PLA") with the Illinois Supreme Court requesting review of the appellate court's decision. The PLA must explain your reasons for requesting review by the Supreme Court and why you believe the appellate court's decision should be reversed or changed.</p> <p>You must file your PLA with the clerk of the Illinois Supreme Court no more than <b>35 days</b> after the appellate court files its decision.</p>	Appellate Decision or Rehearing Denial + 35 days



	<p>However, if you have asked the appellate court for a rehearing and that request was denied, you must file your PLA no more than <b>35 days</b> after the appellate court denies your rehearing. If the appellate court granted your petition for rehearing, you must file your PLA no more than <b>35 days</b> after the appellate court enters its judgment on rehearing.</p> <p>The PLA must be no more than 20 pages (or alternatively no more than 6,000 words), not including the appendix.</p> <p>All filed PLAs need a proof of service attached to the back of the petition.</p> <p>When you file your PLA, you must pay a \$50 filing fee to the clerk of the Illinois Supreme Court. This fee is in addition to any fees paid in the circuit or appellate courts. To apply for a waiver of fees in the Illinois Supreme Court, use the “<a href="#">Application for Waiver of Court Fees (Supreme Court)</a>” available in the Article III Forms Appendix. You may find additional instructions regarding this type of fee waiver on the <a href="#">Illinois Supreme Court website</a>. [<a href="#">Rule 313</a>]</p>	
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## **Questions Commonly Asked by Pro Se Litigants**

### **1. Are there special rules for the court where I live?**

There are five Appellate Districts in Illinois, and you must follow the rules of your district. If you don't know which district you are in, view [this map](#) to find out.

Be sure to check your district's local rules to see if there are any special requirements for notices of appeal. Click on your district's number to read their rules:

- [District 1](#)
- [District 2](#)
- [District 3](#)
- [District 4](#)
- [District 5](#)

### **2. Is the circuit court's decision in effect while my appeal is pending?**

Yes. If you wish to halt enforcement of the circuit court's judgment while your appeal is pending, you must comply with [Rule 305](#).

### **3. What are the filing fees in the appellate court?**

Every appellant must pay a \$50.00 docket fee and all other parties must pay a \$30.00 appearance fee [[Rule 313](#)]. If a party cannot afford its fees, that party may file the "[Application for Waiver of Court Fees \(Appellate Court\)](#)," available in the Article III Forms Appendix, with the clerk of the appellate court to ask to have the fee waived.

Parties must pay these fees at the time they file the docketing statement or entry of appearance (the docketing statement serves as an appellant's entry of appearance). If you are seeking a fee waiver, you must file your application for a fee waiver with your docketing statement or entry of appearance.

### **4. What is a motion and are there rules for filing one in the appellate court?**

Any time you want to make a request to the appellate court you must do so in writing, and that written request is called a "motion." [Rule 361](#) describes the rules for filing a motion in the appellate court.

Often a motion will ask for an exception to a Rule. When you write your motion, you will need to tell the court exactly what it is that you want and why you think the court should grant your motion.

The Rules require that you file the motion with the clerk of the appellate court. Any documents, including motions, filed in the appellate court must be accompanied by a document,

called a “proof of service,” that states how the opposing party was served. [Rule 11](#) describes the methods of serving documents, and [Rule 12](#) describes the accepted formats for proofs of service.

You must also submit a proposed order along with your motion.

The local rules for your appellate district may have different requirements for what must be included in your motion.

## **5. Can I respond to a motion?**

Yes. You can file a written response to the motion with the clerk of the appellate court. Generally, you must file the response within 5 days after you receive the motion by email or personal service, or 10 days after the motion was served on you by mail. You must file a proof of service along with your response to the motion.

## **6. How do I receive my appellate court case number?**

The appellate court will notify you of your appellate court case number after you file your notice of appeal with the circuit clerk, and after the circuit clerk electronically files the notice of appeal with the appellate court.

## **7. How do I serve documents?**

Motions and other documents filed in the appellate court must be “served on,” or sent to, the other parties in your case, and a proof of service must be attached to your motion or document at the time of filing to tell the court you have served it on the other side. If the other party has an attorney, you must serve that party’s attorney.

[Rule 11](#) describes the kinds of service that are allowed. The proof of service lays out (i) what documents you served (e.g., your motion or brief), (ii) to whom you sent the documents (e.g., the appellee’s attorney), (iii) the date you sent the documents, and (iv) how you sent them.

[Rule 12](#) describes the requirements for proofs of service. Standardized forms for proof of delivery are available on the [Supreme Court’s website](#).

## **8. I filed my notice of appeal in the circuit court but it was late – what can I do?**

You may file a motion for leave to file a late notice of appeal with the clerk of the appellate court.

This motion must comply with the rules for filing motions set forth in [Rule 361](#) and summarized in the answer to question #4 above. You must attach your notice of appeal to the motion and pay any filing fee. A proposed order must be filed with the motion.

In civil cases, you must follow [Rule 303\(d\)](#). A motion for leave to file a late notice of appeal must be filed with the clerk of the appellate court no later than 30 days after the time for filing the notice of appeal has passed.

In criminal cases, you must follow [Rule 606\(c\)](#). A motion for leave to file a late notice of appeal in criminal cases must be filed with the clerk of the appellate court within 30 days after

the time to file an appeal has passed. If you also file an affidavit showing there is merit to the appeal and that the failure to meet the deadline for filing a notice of appeal was not due to your “culpable negligence,” you must file your motion for leave to file a late notice of appeal no later than six months after the time to file an appeal has passed.

#### **9. Will the circuit court send the record to the appellate court once it is ready?**

Yes. Provided that the appellant has paid the fee for the preparation of the report of proceedings, the court reporter will electronically file the report of proceedings with the circuit court clerk within 49 days after the filing of the notice of appeal. The court reporter will then notify all parties that the report of proceedings has been filed with the circuit court. [Rule 323\(b\)](#) governs this step in the process.

Next, the appellant must pay the circuit court clerk the prescribed fee for preparation of the record on appeal. The circuit court clerk will then file the record with the appellate court pursuant to [Rule 325](#). If an extension of time for filing the record on appeal is necessary, the appellant must file a motion seeking that extension before the due date for the record on appeal expires. If it is already past the due date for filing the record on appeal, then the appellant must file a motion for leave to file the record on appeal no later than 35 days after the expiration of the due date, and must also show that you have a “reasonable excuse” for failing to file the motion sooner. These motions are governed by [Rule 326](#).

#### **10. If the record is missing a key item, can I add it?**

Yes. If the key item(s) were before the trial court when the court entered the order you are appealing, you may ask for permission to correct the record on appeal pursuant to Rule 329. To do so, you may need to file a motion for leave to file a supplemental record in the circuit court. Any supplements to the record must be documents that were reviewed by the circuit court, and the circuit court clerk must prepare these supplement(s). You must file a motion with the clerk of the appellate court for leave to supplement the record before the appellate court will consider any material. Consult the [local rules](#) for your appellate district for any specific procedures related to supplementing the record on appeal.

#### **11. How can I submit a report of proceedings if there was no court reporter present during my case?**

If there was no court reporter transcribing the proceedings as they occurred in the trial court, you may prepare either an “Agreed Statement of Facts” or a “Bystander’s Report” reflecting what occurred during your case.

If you and the appellee(s) can agree on the material facts of your case, then you may submit an “Agreed Statement of Facts” following [Rule 323\(d\)](#). You do not need to have the Agreed Statement of Facts certified by the circuit court.

Another option is to file a “Bystander’s Report” following [Rule 323\(c\)](#). To pursue this option, you must serve a copy of this report on all parties to the case no later than 28 days after filing your notice of appeal. The other parties then have 14 days to send you suggested changes to the report, or a different report altogether. You must file the proposed report, together with

any proposed amendments, to the circuit court within 21 days after you sent your initial report to the other parties. For more information on how to send the report to the other parties, see the discussion in question #7 about serving documents and obtaining proofs of service. After you have submitted the proposed report and any proposed amendments to the circuit court, the court will then certify the report if it concludes that the report is accurate. The court may decide to hold hearings before certifying the report.

**12. I need more time to file my record or file my brief. What should I do?**

You may file a motion for more time with the clerk of the appellate court asking for a date when your record or brief can be filed. Please refer to question #4 (above) for how to file motions in the appellate court.

**13. How long does the appeals process take?**

It can take anywhere from several months to years to complete an appeal. The issues involved, how long it took the parties to submit the record and their briefs to the appellate court, and the number of cases pending before the appellate court are factors that impact the amount of time the appellate court needs to decide your case.

**14. How will I know when the court has made a decision on my appeal?**

The clerk of the appellate court will notify all of the parties when the court has issued its decision. The decision will be available on the [Illinois Supreme Court website](#).

**15. What can I do if I don't agree with the court's decision?**

You may file a Petition for Rehearing in the appellate court, and you may also file a Petition for Leave to Appeal to the Illinois Supreme Court. You may file both a Petition for Rehearing and a Petition for Leave to Appeal. If you file a Petition for Rehearing, you cannot file a Petition for Leave to Appeal until after the appellate court has ruled on your Petition for Rehearing.

**16. I received a letter addressed to the clerk of the circuit court stating that the appellate court issued the mandate. What is the mandate?**

The mandate is the order that officially finalizes the decision of the appellate court and transfers limited authority to hear the case back to the circuit court. The appellate court will send the mandate to the clerk of the circuit court.

## **Checklist for Filings in the Appellate Court**

1. The Notice of Appeal must contain:
  - ☐ A case caption ([Rule 303\(b\)\(1\)](#))
  - ☐ If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): **THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**
  - ☐ If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 660A](#)): **THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.**
  - ☐ Identification of the judgment appealed from and the relief sought in the reviewing court ([Rule 303\(b\)\(2\)](#))
  - ☐ A copy of the circuit court's findings, if you are appealing the circuit court's holding that a state or federal statute is unconstitutional (Rules [18](#) and [303\(b\)\(3\)](#)) (*Note that if you are arguing that a statute, ordinance, administrative regulation, or other law is unconstitutional or preempted by federal law, you must file and serve a notice in accordance with [Rule 19](#) on the Attorney General, State's Attorney, municipal counsel, or agency attorney, as the case may be.*)
  - ☐ The name and address of appellant (the party filing the appeal) or appellant's attorney ([Rule 303\(b\)\(4\)](#))
2. The Docketing Statement ([Rule 312\(a\)](#)) should be prepared using the form provided in the Article III Forms Appendix, where you should indicate:
  - ☐ The case caption
  - ☐ Whether the appeal is a cross-appeal
  - ☐ If any party is a corporation or association, the identity of any affiliate, subsidiary, or parent group
  - ☐ The full name and address of the parties and any lawyers on appeal
  - ☐ The name and contact information of court reporting staff
  - ☐ If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): **THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**
  - ☐ If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 660A](#)): **THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.**
  - ☐ A statement of the issues to be discussed in the appeal
  - ☐ Certification of appellant
3. You must submit written requests, and pay the preparation fees, for the Record on Appeal. The circuit court clerk will prepare portions of the Record on Appeal upon request, and you will also need to request any transcripts from the court reporter. The Record on Appeal must include:
  - ☐ The judgment appealed from ([Rule 321](#)) (*Circuit court clerk will prepare*)
  - ☐ The notice of appeal ([Rule 321](#)) (*Circuit court clerk will prepare*)



- ☐ The entire **original** common law record, which includes every document filed, every judgment and order entered, and any documentary exhibits offered and filed by any party in the circuit court ([Rule 321](#)) (*Circuit court clerk will prepare*)
  - ☐ A report of proceedings (e.g., a transcript) including evidence, oral rulings of the trial judge, a statement by the trial judge of the reasons for the court's decision, and any other proceedings that should be incorporated in the record on appeal ([Rule 323\(a\)](#)) (*You will need to initiate, as explained below*)
    - ☐ If a court reporter was present during proceedings in the circuit court, you must order a copy of the transcript.
    - ☐ If no court reporter was present, you may prepare a bystander's report ([Rule 323\(c\)](#)) or an agreed statement of facts ([Rule 323\(d\)](#)).
4. Briefs on appeal must include:
- ☐ A colored cover sheet, as specified in [Rule 341\(d\)](#), containing:
    - ☐ The case number in the reviewing court and the name of that court
    - ☐ The name of the circuit court
    - ☐ The name of the case as it appeared in the circuit court
    - ☐ The status of each party in the appellate court (e.g., plaintiff-appellant)
    - ☐ The name of the trial judge
    - ☐ The names and addresses of any attorneys (and their law firm) representing you or, if you do not have an attorney, your name and address
    - ☐ If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): **THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).**
    - ☐ If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 660A](#)): **THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.**
    - ☐ ***If you are seeking oral argument, you must note this at the bottom of the cover page of your brief.*** ([Rule 352\(a\)](#))
  - ☐ A statement of "Points and Authorities" consisting of the headings of the points and subpoints in your argument, with a citation under each heading to the authorities relied upon or distinguished, and a reference to the page of the brief on which each heading and authority may be found ([Rule 341\(h\)\(1\)](#))
  - ☐ An introductory paragraph ([Rule 341\(h\)\(2\)](#)) stating:
    - ☐ The nature of the action
    - ☐ The judgment appealed from
    - ☐ Whether the judgment is based upon a jury verdict
    - ☐ Whether any question is raised on the pleadings and, if so, the nature of the question
  - ☐ A statement of the issue(s) presented for review ([Rule 341\(h\)\(3\)](#))
  - ☐ A statement of jurisdiction ([Rule 341\(h\)\(4\)](#))
  - ☐ A copy of any statutes, constitutional provisions, treaties, ordinances, or regulations at issue in the appeal ([Rule 341\(h\)\(5\)](#))

- ☐ A statement of the facts of the case, without argument, and with citation to the corresponding pages of the record on appeal ([Rule 341\(h\)\(6\)](#))
  - ☐ A statement of the applicable standard of review for each issue, with citation to authority ([Rule 341\(h\)\(3\)](#))
  - ☐ Argument, with citation to legal authorities and to the pages of the record relied upon ([Rule 341\(h\)\(7\)](#)). ***If you are the appellant and do not raise a point of argument in your opening brief, you may not raise it in the reply brief, in oral argument, or on petition for rehearing. If you are the appellee and do not raise a point of argument in your response brief, you may not raise it in oral argument or on petition for rehearing. (Generally, appellees do not get to file reply briefs.)***
  - ☐ A conclusion stating the relief you are seeking, followed by the names of your attorney, or your name, as on the cover of the brief ([Rule 341\(h\)\(8\)](#))
  - ☐ A certificate of compliance with the requirements of Rule 341(a) and (b) ([Rule 341\(c\)](#))
  - ☐ A proof of service ([Rule 12](#))
  - ☐ An appendix ([Rule 342](#)) containing:
    - ☐ A table of contents to the appendix
    - ☐ A complete table of contents, with page references, of the record on appeal
    - ☐ The judgment appealed from
    - ☐ Any opinion, memorandum, or findings of fact made by the circuit court
    - ☐ Any pleadings or other materials from the record pertinent to the appeal
    - ☐ The notice of appeal
5. A Petition for Rehearing must include ([Rule 367\(b\)](#)):
- ☐ A brief statement of the points you believe were overlooked or misunderstood by the appellate court
  - ☐ References to portions of the record and briefs relied upon in the petition
  - ☐ Citation to legal authorities in support of your argument
  - ☐ A proof of service ([Rule 12](#))
6. A Petition for Leave to Appeal to the Illinois Supreme Court must include:
- ☐ A colored cover sheet, as specified in [Rule 330\(a\)](#), containing:
    - ☐ The case number in the reviewing court and the name of that court ([Rule 330\(a\)](#))
    - ☐ The name of the appellate court whose decision is being reviewed ([Rule 330\(a\)](#))
    - ☐ The name of the case as it appeared in the appellate court ([Rule 330\(a\)](#))
    - ☐ The status of each party in the reviewing court (e.g., plaintiff-appellant) ([Rule 330\(a\)](#))
    - ☐ The name of the trial court judge, trial court case number, circuit court, and county where your case was originally filed ([Rule 330\(a\)](#))
    - ☐ The title of the document being filed (e.g. “Petition for Leave to Appeal”) ([Rule 330\(a\)](#))
    - ☐ The names and addresses of any attorneys (and their law firm) representing you or, if you do not have an attorney, your name and address

- ☐ If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold type at the top of the page ([Rule 315\(i\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a).
- ☐ If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 315\(j\)](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT.
- ☐ *If you are seeking oral argument, you must note this at the bottom of the cover page of your petition.* ([Rule 352\(a\)](#))
- ☐ A prayer for leave to appeal ([Rule 315\(c\)\(1\)](#))
- ☐ A statement ([Rule 315\(c\)\(2\)](#)) of:
  - ☐ The date upon which the judgment was entered
  - ☐ Whether a petition for rehearing was filed and, if so, the date of the denial of the petition or the judgment on rehearing
- ☐ A statement of points relied upon ([Rule 315\(c\)\(3\)](#))
- ☐ A statement of the facts, without argument, with citations to the record on appeal ([Rule 315\(c\)\(4\)](#))
- ☐ A short argument, with citation to legal authorities, stating why review is warranted and why the appellate court's judgment should be reversed ([Rule 315\(c\)\(5\)](#))
- ☐ A certificate of compliance with the requirements of Rule 341(a) and (b) ([Rule 341\(c\)](#))
- ☐ A proof of service ([Rule 12](#))
- ☐ An appendix ([Rule 315\(c\)\(6\)](#)) containing:
  - ☐ A copy of the appellate court's order or opinion
  - ☐ Any documents from the record necessary to the consideration of the petition

# Civil Appeals Overview – Appeals from Final Judgments or Orders

	STEP 1: File Notice of Appeal	STEP 2: Request Preparation of the Record	STEP 3: Request Transcript	STEP 4: File Docketing Statement	STEP 5: File Appellant's Brief	STEP 6: Appellee's Brief (Optional)	STEP 7: File Appellant's Reply Brief (Optional)	STEP 8: Decision
<b>Form:</b>	Notice of Appeal	Request for Preparation of Record on Appeal	Request for Report of Proceedings	Docketing Statement	Appellant's Brief	Appellee's Brief	Appellant's Reply Brief	Decision
<b>Due:</b>	Within 30 days after entry of a final judgment	Within 14 days after filing the Notice of Appeal	Within 14 days after filing the Notice of Appeal	Within 14 days after filing the Notice of Appeal	Within 35 days after filing of the Record on Appeal	Within 35 days after the due date of the Appellant's Brief	Within 14 days after the due date of the Appellee's Brief	Not applicable
<b>Where:</b>	File in the Circuit Court	File in the Circuit Court	File with Court Reporter in the Circuit Court	File in the Appellate Court	File in the Appellate Court	File in the Appellate Court	File in the Appellate Court	The Appellate Court will issue a decision
<b>Why:</b>	<p>To start the appeal of a circuit court order or judgment.</p> <p>The Notice of Appeal tells the circuit court and the other parties that you (the appellant) are appealing the circuit court's order or judgment, and says what relief you will be seeking from the appellate court.</p> <p><b>Within 7 days after filing the Notice of Appeal, you must (1) send the Notice of Appeal to the other parties (or their attorneys if they are represented by counsel) and</b></p> <p><b>and</b></p> <p>(2) file with the clerk of the appellate court:</p> <p>a.) a notice of filing, showing that you filed the Notice of Appeal, and</p> <p>b.) a proof of service, showing that you sent the Notice of Appeal to the other parties.</p>	<p>To have the clerk of the circuit court prepare the Record on Appeal.</p> <p>The Record on Appeal is made up of all the pleadings, orders, motions, evidence, and other documents that were filed in the circuit court during your case. The appellate court uses the Record on Appeal to find out what happened in the circuit court. It is important because the appellate court cannot look at anything that is not in the Record on Appeal. The circuit clerk will transfer the complete record to the appellate court within 63 days after the Notice of Appeal was filed.</p> <p><b>Attach a completed copy of the Request for Preparation of Record on Appeal to your Docketing Statement (see Step 4).</b></p>	<p>To ask the court reporter to prepare the transcript of the hearing or trial for the appellate court so they can decide your appeal fairly.</p> <p>The Report of Proceedings is a typed record of the hearing or trial and includes what the judge, parties, witnesses, and lawyers said in court. This record is also called a transcript. The court reporter will submit the transcript to the appellate court within 49 days after the Notice of Appeal was filed.</p> <p>If the court proceedings were not recorded, you may complete a <b>Bystander's Report OR Agreed Statement of Facts</b>.</p> <p><b>Attach completed copies of the Request for Preparation of Record on Appeal and Request for Report of Proceedings with your Docketing Statement (see Steps 2 and 3 for more details).</b></p>	<p>To tell the appellate court and all the parties in the appeal that you have taken the required steps to begin an appeal.</p> <p>The Docketing Statement tells the appellate court that you are appealing a circuit court order or judgment.</p> <p><b>NOTE:</b> The case cannot go forward until the appellant pays the \$50 docketing statement fee OR the appellate court has granted a fee waiver.</p> <p><b>Attach completed copies of the Request for Preparation of Record on Appeal and Request for Report of Proceedings with your Docketing Statement (see Steps 2 and 3 for more details).</b></p>	<p>To tell the appellate court why the circuit court should not have entered an order or judgment against you.</p> <p>The Appellant's Brief presents all of your arguments explaining why the circuit court's decision should be overturned.</p> <p>Your brief must present arguments in a clear and thorough way. In support of your arguments, you must cite to the Record on Appeal and to relevant legal authority (statutes, rules, case law, etc.). In order to find legal authority, you will need to conduct legal research either online or at a law library.</p> <p><b>Illinois Supreme Court Rule 341</b> gives specific instructions on formatting briefs, which <b>must</b> be followed or your appeal may be dismissed.</p>	<p>For the appellee (the other party) to tell the appellate court why the circuit court was correct in entering an order or judgment in their favor.</p> <p>The Appellee's Brief is an optional written response to the Appellant's Brief; it gives the appellee a chance to convince the appellate court that the arguments in the Appellant's Brief are wrong and that the circuit court's decision was correct. If the appellee does not file a brief, they are not allowed to further participate in the appeal.</p> <p>The Reply Brief cannot raise any new issues and should not simply restate arguments already made in your initial Appellant's Brief.</p>	<p>To end the appeal.</p> <p>After submission of all briefs and following oral arguments (if applicable), the appellate court will issue its decision on your case in the form of a written opinion or order.</p> <p>The appellate court can decide to do any of the following:</p> <ul style="list-style-type: none"><li>★ affirm (decide that the circuit court's decision was correct);</li><li>★ reverse (decide that the circuit court's decision was incorrect);</li><li>★ remand (return the case to the circuit court for further action); or</li><li>★ take any other appropriate action.</li></ul> <p><b>If you do NOT agree with the appellate court's decision, you may file a Petition for Rehearing</b> (within 21 days after the decision) or <b>file a Petition for Leave to Appeal</b> (within 35 days after the decision or ruling on the Petition for Rehearing) to the <b>Illinois Supreme Court</b>.</p>	

