

IN THE
SUPREME COURT OF ILLINOIS

In re: Civil Assessment Schedules)
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M.R. 29741

ORDER

The Access to Justice Act ("Act") (705 ILCS 95/1 *et seq.*) was enacted in 2013 with the goal of improving meaningful access to legal information, resources and assistance for all litigants, regardless of their income or circumstances. The Act established the Statutory Court Fee Task Force ("Task Force"), a bipartisan, multi-cameral coalition of stakeholders convened to study the current system of fees, fines and other court costs (collectively, "assessments") imposed upon civil and criminal litigants. The Task Force was charged with proposing recommendations to the Supreme Court and the General Assembly to simplify the imposition, collection and distribution of these assessments while making them more transparent, affordable, and fair.

After many months of study, the Task Force released its Report and Recommendations in 2016, which adopted five core principles:

1. Courts should be substantially funded from general government revenue sources. Court users may be required to pay reasonable assessments to offset a portion of the cost of the courts borne by the public-at-large.
2. The amount of assessments should not impede access to the courts and should be waived, to the extent possible, for indigent litigants and the working poor.
3. Assessments should be simple, easy to understand, and uniform to the extent possible.
4. Assessments should be directly related to the operation of the court system. Assessments imposed for a particular purpose should be limited to the types of court proceedings that are related to that purpose. Monies raised by assessments intended for a specific purpose should be used only for that purpose.
5. The General Assembly should periodically review all assessments to determine if they should be adjusted or repealed.

In response to the Task Force's recommendations, the General Assembly enacted Public Act 100-0987 which streamlines the current statutory fee provisions into a framework of fee schedules identifying the maximum amounts which can be assessed in each civil case category established by this Order.

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**SUPREME COURT
CLERK**

In the coming months, the county boards will implement, by ordinance, the local fee amounts according to these new schedules. Before setting fees, county boards are strongly urged to review the five core principles outlined by the Task Force and to carefully consider the role and purpose of assessments in funding the justice system, as well as the relationship between assessments and access to justice.

THEREFORE, IT IS ORDERED that:

Effective July 1, 2019, the following civil case schedules are established. The case categories referenced herein refer to those identified in the Supreme Court's General Administrative Order on Recordkeeping in the Circuit Courts, as amended.

For the assessment of civil filing fees pursuant to subsection (a) of section 27.1b of the Clerk of Courts Act (705 ILCS 105/27.1b(a)):

SCHEDULE 1 (705 ILCS 105/27.1b(a)(1)) shall include the following case categories:

- ARBITRATION (AR) cases where the amount in controversy is \$15,000.01 or more;
- CHANCERY (CH) cases;
- DISSOLUTION (D) cases;
- EMINENT DOMAIN (ED) cases;
- FAMILY (F) cases, except:
 - Petitions filed pursuant to the Parental Notice of Abortion Act of 1995 (750 ILCS 70/1 *et seq.*);
 - Voluntary petitions to determine parentage filed pursuant to section 309 of the Illinois Parentage Act of 2015 (750 ILCS 46/309);
- LAW (L) cases, except:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- LAW-MAGISTRATE (LM) cases where the amount in controversy is \$15,000.01 or more, except:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- MISCELLANEOUS REMEDY (MR) cases, except:
 - Cases filed pursuant to the Estrays and Lost Property Act (765 ILCS 1020/1 *et seq.*);
 - Petitions seeking administrative review of unemployment decisions filed pursuant to Section 1100 of the Unemployment Insurance Act (820 ILCS 405/1100);
- MUNICIPAL CORPORATION (MC) cases;
- TAX (TX) cases;

SCHEDULE 2 (705 ILCS 105/27.1b(a)(2)) shall include the following case categories:

- ARBITRATION (AR) cases where the amount in controversy is \$15,000.00 or less;
- PROBATE (P) cases, except:
 - The filing of a will pursuant to section 6-1 of the Probate Act of 1975 (755 ILCS 5/6-1);

- LAW-MAGISTRATE (LM) cases where the amount in controversy is \$15,000.00 or less, except:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- SMALL CLAIM (SC) cases where the amount in controversy is \$2,500.01 or more;

SCHEDULE 3 (705 ILCS 105/27.1b(a)(3)) shall include the following case categories:

- ADOPTION (AD) cases, except
 - Petitions for appointment of a confidential intermediary filed pursuant to Section 18.3a of the Adoption Act (750 ILCS 50/18.3a);
- The following LAW (L) cases:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- The following LAW-MAGISTRATE (LM) cases:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- SMALL CLAIM (SC) cases where the amount in controversy is \$2,500.00 or less;

SCHEDULE 4 (705 ILCS 105/27.1b(a)(4)) shall include the following case categories:

- The following ADOPTION (AD) cases:
 - Petitions for appointment of a confidential intermediary filed pursuant to Section 18.3a of the Adoption Act (750 ILCS 50/18.3a);
- The following PROBATE (P) cases:
 - The filing of a will pursuant to section 6-1 of the Probate Act of 1975 (755 ILCS 5/6-1);
- The following FAMILY (F) cases:
 - Petitions filed pursuant to the Parental Notice of Abortion Act of 1995 (750 ILCS 70/5 *et seq.*);
 - Voluntary petitions to determine parentage filed pursuant to section 309 of the Illinois Parentage Act of 2015 (750 ILCS 46/309);
- MENTAL HEALTH (MH) cases;
- The following MISCELLANEOUS REMEDY (MR) cases:
 - Cases filed pursuant to the Estrays and Lost Property Act (765 ILCS 1020/1 *et seq.*)
 - Petitions seeking administrative review of unemployment decisions filed pursuant to Section 1100 of the Unemployment Insurance Act (820 ILCS 405/1100);
- ORDER OF PROTECTION (OP) cases;
- All cases filed by units of local government or school districts, except in counties having a population of 500,000 or more where the county board has, by resolution, set reduced filing fees for such units of local government or school districts, pursuant to subsection (z)(1)(A-5) of Section 27.1b of the Clerk of Courts Act (705 ILCS 105/27.1b(z)(1)(A-5)).

For the assessment of civil appearance fees pursuant to subsection (b) of section 27.1b of the Clerk of Courts Act (705 ILCS 105/27.1b(b)):

SCHEDULE 1 (705 ILCS 105/27.1b(b)(1)) shall include the following case categories:

- ARBITRATION (AR) cases;
- CHANCERY (CH) cases;
- DISSOLUTION (D) cases;
- EMINENT DOMAIN (ED) cases;
- FAMILY (F) cases, except:
 - Petitions filed pursuant to the Parental Notice of Abortion Act of 1995 (750 ILCS 70/1 *et seq.*);
 - Voluntary petitions to determine parentage filed pursuant to section 309 of the Illinois Parentage Act of 2015 (750 ILCS 46/309);
- PROBATE (P) cases;
- LAW (L) cases, except:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- LAW-MAGISTRATE (LM) cases, except:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- MISCELLANEOUS REMEDY (MR) cases, except:
 - Cases filed pursuant to the Estrays and Lost Property Act (765 ILCS 1020/1 *et seq.*);
 - Petitions seeking administrative review of unemployment decisions filed pursuant to Section 1100 of the Unemployment Insurance Act (820 ILCS 405/1100);
- MUNICIPAL CORPORATION (MC) cases;
- SMALL CLAIM (SC) cases where the amount in controversy is \$2,500.01 or more;
- TAX (TX) cases;

SCHEDULE 2 (705 ILCS 105/27.1b(b)(2)) shall include the following case categories:

- The following LAW (L) cases:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- The following LAW-MAGISTRATE (LM) cases:
 - Eviction cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- SMALL CLAIM (SC) cases where the amount in controversy is \$2,500.00 or less;

SCHEDULE 3 (705 ILCS 105/27.1b(b)(3)) shall include the following case categories:

- ADOPTION (AD) cases;
- The following FAMILY (F) cases:
 - Petitions filed pursuant to the Parental Notice of Abortion Act of 1995 (750 ILCS 70/5 *et seq.*);
 - Voluntary petitions to determine parentage filed pursuant to Section 309 of the Illinois Parentage Act of 2015 (750 ILCS 46/309);

- MENTAL HEALTH (MH) cases;
- The following MISCELLANEOUS REMEDY (MR) cases:
 - Cases filed pursuant to the Estrays and Lost Property Act (765 ILCS 1020/1 *et seq.*)
 - Petitions seeking administrative review of unemployment decisions filed pursuant to Section 1100 of the Unemployment Insurance Act (820 ILCS 405/1100);
- ORDER OF PROTECTION (OP) cases;
- All appearances filed by units of local government or school districts, except in counties having a population of 500,000 or more where the county board has, by resolution, set reduced appearance fees for such units of local government or school districts, pursuant to subsection (z)(1)(A-5) of Section 27.1b of the Clerk of Courts Act (705 ILCS 105/27.1b(z)(1)(A-5)).

A complete list of electronic filing configuration codes for each filing and appearance schedule shall be provided by the Administrative Office of the Illinois Courts.

Pursuant to Section 27.1b of the Clerk of Courts Act (705 ILCS 105/27.1b), effective July 1, 2019, distribution of the portion of filing and appearance fees retained by the clerks of the circuit court for deposit into the Court Automation Fund, Court Document Storage Fund and Circuit Clerk Operations and Administration Fund shall be approved by the Supreme Court's Administrative Director upon the chief judge and the circuit clerk's execution and submission of the attached County Civil Fee Case Schedule Breakdown Form.

Order Entered by the Court

COUNTY CIVIL CASE FEE SCHEDULE BREAKDOWN FORM

STATE OF ILLINOIS

_____ JUDICIAL CIRCUIT

_____ COUNTY

1. Statutory Guidelines:

Per 705 ILCS 105/27.1b, all fees retained by the clerks of the circuit court for the services described in paragraphs (a) and (b) shall be determined by the clerk with the approval of the Supreme Court, to be used for court automation, court document storage, and administrative purposes.

2. Supreme Court Approval Requirements:

Each clerk shall identify the amount from these fees that will be distributed to each the court automation, court document storage and clerk operations and administrative funds, and shall further seek concurrence of these fees and their distribution from the Chief Circuit Judge. Once this has been completed, the clerk shall submit the signed form to the Administrative Office of Illinois Courts.

3. Amount and Distribution of Clerk's Civil Case Filing and Appearance Fees:

Under Civil Schedules 1, the clerk shall retain the total sum not to exceed \$ _____.

The fees retained under these schedules shall be disbursed as follows:

Court Automation Fund not to exceed:	\$ _____
Court Document Storage Fund not to exceed:	\$ _____
Clerk Operations and Administration Fund not to exceed:	\$ _____

Under Civil Schedules 2, the clerk shall retain the total sum not to exceed \$ _____.

The fees retained under these schedules shall be disbursed as follows:

Court Automation Fund not to exceed:	\$ _____
Court Document Storage Fund not to exceed:	\$ _____
Clerk Operations and Administration Fund not to exceed:	\$ _____

Under Civil Schedule 3, the clerk shall retain the total sum not to exceed \$ _____.

The fees retained under these schedules shall be disbursed as follows:

Court Automation Fund not to exceed:	\$ _____
Court Document Storage Fund not to exceed:	\$ _____
Clerk Operations and Administration Fund not to exceed:	\$ _____

Under Appearance Schedule 1, the clerk shall retain the total sum not to exceed \$ _____.

The fees retained under these schedules shall be disbursed as follows:

Court Automation Fund not to exceed:	\$ _____
Court Document Storage Fund not to exceed:	\$ _____
Clerk Operations and Administration Fund not to exceed:	\$ _____

Under Appearance Schedule 2, the clerk shall retain the total sum not to exceed \$ _____.

The fees retained under these schedules shall be disbursed as follows:

Court Automation Fund not to exceed:	\$ _____
Court Document Storage Fund not to exceed:	\$ _____
Clerk Operations and Administration Fund not to exceed:	\$ _____

Note: Any future changes to the amount or distribution of these fees will require Supreme Court approval.

Signed this day of _____, 20_____.

Clerk of the Court

Chief Circuit Judge

Please submit this completed form to the Administrative Office of the Illinois Courts at ClerkFeeSchedule@illinoiscourts.gov