

AN ACT concerning fees.

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

Section 5. The Clerks of Courts Act is amended by
changing Section 27.1a as follows:

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

Sec. 27.1a. The fees of the clerks of the circuit court
in all counties having a population ~~of in-excess-of-180,000~~
~~but~~ not more than 500,000 inhabitants in the instances
described in this Section shall be as provided in this
Section. In those instances where a minimum and maximum fee
is stated, the clerk of the circuit court must charge the
minimum fee listed and may charge up to the maximum fee if
the county board has by resolution increased the fee. The
fees shall be paid in advance and shall be as follows:

(a) Civil Cases.

The fee for filing a complaint, petition, or other
pleading initiating a civil action, with the following
exceptions, shall be a minimum of \$40 and a maximum of
\$160 ~~\$150~~.

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

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

(C) When that amount exceeds \$500 but does not
exceed \$2500, a minimum of \$25 and a maximum of \$40
\$30.

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

(E) For the exercise of eminent domain, a minimum of \$45 and a maximum of \$150. For each additional lot or tract of land or right or interest therein subject to be condemned, the damages in respect to which shall require separate assessment by a jury, a minimum of \$45 and a maximum of \$150.

(a-1) Family.

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

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

For performing a marriage in court, \$10.

For filing a petition under the Illinois Parentage Act of 1984, \$40.

(b) Forcible Entry and Detainer.

In each forcible entry and detainer case when the plaintiff seeks possession only or unites with his or her claim for possession of the property a claim for rent or damages or both in the amount of \$15,000 or less, a minimum of \$10 and a maximum of \$50 \$40. When the plaintiff unites his or her claim for possession with a claim for rent or damages or both exceeding \$15,000, a minimum of \$40 and a maximum of \$160 \$150.

(c) Counterclaim or Joining Third Party Defendant.

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

(d) Confession of Judgment.

In a confession of judgment when the amount does not

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

(e) Appearance.

The fee for filing an appearance in each civil case shall be a minimum of \$15 and a maximum of \$60 \$50, except as follows:

(A) When the plaintiff in a forcible entry and detainer case seeks possession only, a minimum of \$10 and a maximum of \$50 \$20.

(B) When the amount in the case does not exceed \$1500, a minimum of \$10 and a maximum of \$30 \$20.

(C) When that amount exceeds \$1500 but does not exceed \$15,000, a minimum of \$15 and a maximum of \$60 \$40.

(f) Garnishment, Wage Deduction, and Citation.

In garnishment affidavit, wage deduction affidavit, and citation petition when the amount does not exceed \$1,000, a minimum of \$5 and a maximum of \$15 \$10; when the amount exceeds \$1,000 but does not exceed \$5,000, a minimum of \$5 and a maximum of \$30 \$20; and when the amount exceeds \$5,000, a minimum of \$5 and a maximum of \$50 \$30.

(g) Petition to Vacate or Modify.

(1) Petition to vacate or modify any final judgment or order of court, except in forcible entry and detainer cases and small claims cases or a petition to reopen an estate, to modify, terminate, or enforce a judgment or order for child or spousal support, or to modify, suspend, or terminate an order for withholding, if filed before 30 days after the entry of the judgment or order, a minimum of \$20 and a maximum of \$50 \$40.

(2) Petition to vacate or modify any final judgment or order of court, except a petition to modify, terminate, or enforce a judgment or order for child or spousal support or to modify, suspend, or terminate an order for withholding, if filed later than 30 days after the entry of the judgment or order, a minimum of \$20 and a maximum of \$75 \$60.

(3) Petition to vacate order of bond forfeiture, a minimum of \$10 and a maximum of \$40 \$20.

(h) Mailing.

When the clerk is required to mail, the fee will be a minimum of \$2 and a maximum of \$10 \$6, plus the cost of postage.

(i) Certified Copies.

Each certified copy of a judgment after the first, except in small claims and forcible entry and detainer cases, a minimum of \$2 and a maximum of \$10.

(j) Habeas Corpus.

For filing a petition for relief by habeas corpus, a minimum of \$60 and a maximum of \$100 \$80.

(k) Certification, Authentication, and Reproduction.

(1) Each certification or authentication for taking the acknowledgment of a deed or other instrument in writing with the seal of office, a minimum of \$2 and a maximum of \$6 \$4.

(2) Court appeals when original documents are forwarded, under 100 pages, plus delivery and costs, a minimum of \$20 and a maximum of \$60 \$50.

(3) Court appeals when original documents are forwarded, over 100 pages, plus delivery and costs, a minimum of \$50 and a maximum of \$150 \$120.

(4) Court appeals when original documents are forwarded, over 200 pages, an additional fee of a minimum of 20 cents and a maximum of 25 20 cents per page.

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

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

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

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

(l) Remands.

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

(m) Record Search.

For each record search, within a division or municipal district, the clerk shall be entitled to a search fee of a minimum of \$4 and a maximum of \$6 \$4 for each year searched.

(n) Hard Copy.

For each page of hard copy print output, when case records are maintained on an automated medium, the clerk shall be entitled to a fee of a minimum of \$4 and a maximum of \$6 \$4.

(o) Index Inquiry and Other Records.

No fee shall be charged for a single plaintiff/defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to

be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.

(p) Commitment Petitions.

For filing commitment petitions under the Mental Health and Developmental Disabilities Code and for filing a transcript of commitment proceedings held in another county, a minimum of \$25 and a maximum of \$50 \$25.

(q) Alias Summons.

For each alias summons or citation issued by the clerk, a minimum of \$2 and a maximum of \$5 \$2.

(r) Other Fees.

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

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

(s) Jury Services.

The clerk shall be entitled to receive, in addition to other fees allowed by law, the sum of \$62.50 and a maximum of \$212.50 ~~\$192.50~~, as a fee for the services of a jury in every civil action not

quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the same shall be tried by the court without a jury.

(t) Voluntary Assignment.

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

(u) Expungement Petition.

The clerk shall be entitled to receive a fee of a minimum of \$15 and a maximum of \$60 ~~\$30~~ for each expungement petition filed and an additional fee of a minimum of \$2 and a maximum of \$4 ~~\$2~~ for each certified copy of an order to expunge arrest records.

(v) Probate.

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

(1) For administration of the estate of a decedent (whether testate or intestate) or of a missing person, a minimum of \$50 and a maximum of \$150 ~~\$100~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40 ~~\$25~~.

(B) When (i) proof of heirship alone is made, (ii) a domestic or foreign will is admitted to probate without administration (including proof of heirship), or (iii) letters of office are issued for a particular purpose without administration of the estate, the fee shall be a minimum of \$10 and a maximum of \$40 ~~\$25~~.

(C) For filing a petition to sell Real Estate, \$50.

(2) For administration of the estate of a ward, a minimum of \$50 and a maximum of \$75 ~~\$50~~, plus the fees specified in subsection (v)(3), except:

(A) When the value of the real and personal property does not exceed \$15,000, the fee shall be a minimum of \$25 and a maximum of \$40 ~~\$25~~.

(B) When (i) letters of office are issued to a guardian of the person or persons, but not of the estate or (ii) letters of office are issued in the estate of a ward without administration of the estate, including filing or joining in the filing of a tax return or releasing a mortgage or consenting to the marriage of the ward, the fee shall be a minimum of \$10 and a maximum of \$20 ~~\$10~~.

(C) For filing a Petition to sell Real Estate, \$50.

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

following fees are payable:

(A) For each account (other than one final account) filed in the estate of a decedent, or ward, a minimum of \$10 and a maximum of \$25 ~~\$15~~.

(B) For filing a claim in an estate when the amount claimed is \$150 or more but less than \$500, a minimum of \$10 and a maximum of \$25 ~~\$10~~; when the amount claimed is \$500 or more but less than \$10,000, a minimum of \$10 and a maximum of \$40 ~~\$25~~; when the amount claimed is \$10,000 or more, a minimum of \$10 and a maximum of \$60 ~~\$40~~; provided that the court in allowing a claim may add to the amount allowed the filing fee paid by the claimant.

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

(D) For filing in an estate (i) the appearance of any person for the purpose of consent or (ii) the appearance of an executor, administrator, administrator to collect, guardian, guardian ad litem, or special administrator, no fee.

(E) Except as provided in subsection (v)(3)(D), for filing the appearance of any person or persons, a minimum of \$10 and a maximum of \$30 ~~\$10~~.

(F) For each jury demand, a minimum of \$62.50 and a maximum of \$137.50 ~~\$102.50~~.

(G) For disposition of the collection of a judgment or settlement of an action or claim for wrongful death of a decedent or of any cause of

action of a ward, when there is no other administration of the estate, a minimum of \$30 and a maximum of \$50 \$30, less any amount paid under subsection (v)(1)(B) or (v)(2)(B) except that if the amount involved does not exceed \$5,000, the fee, including any amount paid under subsection (v)(1)(B) or (v)(2)(B), shall be a minimum of \$10 and a maximum of \$20 \$10.

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

(I) For each exemplification, a minimum of \$1 and a maximum of \$2 \$1, plus the fee for certification.

(4) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the clerk directly to the newspaper.

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

(6) The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the clerk all postage charges incurred by the clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.

(w) Criminal and Quasi-Criminal Costs and Fees.

(1) The clerk shall be entitled to costs in all criminal and quasi-criminal cases from each person convicted or sentenced to supervision therein as follows:

(A) Felony complaints, a minimum of \$40 and a maximum of \$100 \$80.

(B) Misdemeanor complaints, a minimum of \$25 and a maximum of \$75 \$50.

(C) Business offense complaints, a minimum of \$25 and a maximum of \$75 \$50.

(D) Petty offense complaints, a minimum of \$25 and a maximum of \$75 \$50.

(E) Minor traffic or ordinance violations, \$10 \$20.

(F) When court appearance required, \$15 \$30.

(G) Motions to vacate or amend final orders, a minimum of \$20 and a maximum of \$40 \$20.

(H) Motions to vacate bond forfeiture orders, a minimum of \$20 and a maximum of \$40 \$20.

(I) Motions to vacate ex parte judgments, whenever filed, a minimum of \$20 and a maximum of \$40 \$20.

(J) Motions to vacate judgment on forfeitures, whenever filed, a minimum of \$20 and a maximum of \$40 \$20.

(K) Motions to vacate "failure to appear" or "failure to comply" notices sent to the Secretary of State, a minimum of \$20 and a maximum of \$40 \$20.

(2) In counties having a population ~~in-excess of~~ ~~180,000-but~~ not more than 500,000 inhabitants, when the violation complaint is issued by a municipal police department, the clerk shall be entitled to costs from each person convicted therein as follows:

(A) Minor traffic or ordinance violations, \$10.

(B) When court appearance required, \$15.

(3) In ordinance violation cases punishable by fine only, the clerk of the circuit court shall be entitled to

receive, unless the fee is excused upon a finding by the court that the defendant is indigent, in addition to other fees or costs allowed or imposed by law, the sum of a minimum of \$62.50 and a maximum of \$137.50 ~~\$62.50~~ as a fee for the services of a jury. The jury fee shall be paid by the defendant at the time of filing his or her jury demand. If the fee is not so paid by the defendant, no jury shall be called, and the case shall be tried by the court without a jury.

(x) Transcripts of Judgment.

For the filing of a transcript of judgment, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(y) Change of Venue.

(1) For the filing of a change of case on a change of venue, the clerk shall be entitled to the same fee as if it were the commencement of a new suit.

(2) The fee for the preparation and certification of a record on a change of venue to another jurisdiction, when original documents are forwarded, a minimum of \$10 and a maximum of \$40 ~~\$25~~.

(z) Tax objection complaints.

For each tax objection complaint containing one or more tax objections, regardless of the number of parcels involved or the number of taxpayers joining on the complaint, a minimum of \$10 and a maximum of \$50 ~~\$25~~.

(aa) Tax Deeds.

(1) Petition for tax deed, if only one parcel is involved, a minimum of \$45 and a maximum of \$200 ~~\$150~~.

(2) For each additional parcel, add a fee of a minimum of \$10 and a maximum of \$60 ~~\$50~~.

(bb) Collections.

(1) For all collections made of others, except the State and county and except in maintenance or child

support cases, a sum equal to a minimum of 2% and a maximum of 2.5% ~~a--sum--equal--to--2.5%~~ of the amount collected and turned over.

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

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

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

The clerk shall also be entitled to a fee of \$5 for certifications made to the Secretary of State as provided in Section 7-703 of the Family Financial Responsibility Law and these fees shall also be deposited into the Separate Maintenance and Child Support Collection Fund.

(cc) Corrections of Numbers.

For correction of the case number, case title, or

attorney computer identification number, if required by rule of court, on any document filed in the clerk's office, to be charged against the party that filed the document, a minimum of \$10 and a maximum of \$25 \$15.

(dd) Exceptions.

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

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

(3) The fee requirements of this Section shall not apply to any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection.

(ee) Adoptions.

(1) For an adoption.....\$65

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

(ff) Adoption exemptions.

No fee other than that set forth in subsection (ee) shall be charged to any person in connection with an adoption proceeding.

(Source: P.A. 91-321, eff. 1-1-00; 91-612, eff. 10-1-99;

Public Act 093-0039
HB0269 Enrolled

LRB093 04365 RLC 04415 b

92-16, eff. 6-28-01; 92-521, eff. 6-1-02.)

(705 ILCS 105/27.1 rep.)

Section 10. The Clerks of Courts Act is amended by
repealing Section 27.1.

Section 99. Effective date. This Act takes effect July
1, 2003.