



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB1112**

Introduced 02/08/05, by Rep. John J. Millner

**SYNOPSIS AS INTRODUCED:**

705 ILCS 105/27.2

from Ch. 25, par. 27.2

Amends the Clerks of Courts Act. Provides that for each additional taxpayer joining in a tax objection complaint, the fee shall be a minimum of \$25 and a maximum of \$50 (instead of one fee regardless of the number of taxpayers joining in the complaint).

LRB094 05995 LCB 36052 b

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning courts.

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

4 Section 5. The Clerks of Courts Act is amended by changing  
5 Section 27.2 as follows:

6 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

7 Sec. 27.2. The fees of the clerks of the circuit court in  
8 all counties having a population in excess of 500,000  
9 inhabitants but less than 3,000,000 inhabitants in the  
10 instances described in this Section shall be as provided in  
11 this Section. In those instances where a minimum and maximum  
12 fee is stated, counties with more than 500,000 inhabitants but  
13 less than 3,000,000 inhabitants must charge the minimum fee  
14 listed in this Section and may charge up to the maximum fee if  
15 the county board has by resolution increased the fee. In  
16 addition, the minimum fees authorized in this Section shall  
17 apply to all units of local government and school districts in  
18 counties with more than 3,000,000 inhabitants. The fees shall  
19 be paid in advance and shall be as follows:

20 (a) Civil Cases.

21 The fee for filing a complaint, petition, or other  
22 pleading initiating a civil action, with the following  
23 exceptions, shall be a minimum of \$150 and a maximum of  
24 \$190.

25 (A) When the amount of money or damages or the  
26 value of personal property claimed does not exceed  
27 \$250, a minimum of \$10 and a maximum of \$15.

28 (B) When that amount exceeds \$250 but does not  
29 exceed \$1,000, a minimum of \$20 and a maximum of \$40.

30 (C) When that amount exceeds \$1,000 but does not  
31 exceed \$2500, a minimum of \$30 and a maximum of \$50.

32 (D) When that amount exceeds \$2500 but does not

1 exceed \$5,000, a minimum of \$75 and a maximum of \$100.

2 (D-5) When the amount exceeds \$5,000 but does not  
3 exceed \$15,000, a minimum of \$75 and a maximum of \$150.

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

9 (F) No fees shall be charged by the clerk to a  
10 petitioner in any order of protection including, but  
11 not limited to, filing, modifying, withdrawing,  
12 certifying, or photocopying petitions for orders of  
13 protection, or for issuing alias summons, or for any  
14 related filing service, certifying, modifying,  
15 vacating, or photocopying any orders of protection.

16 (b) Forcible Entry and Detainer.

17 In each forcible entry and detainer case when the  
18 plaintiff seeks possession only or unites with his or her  
19 claim for possession of the property a claim for rent or  
20 damages or both in the amount of \$15,000 or less, a minimum  
21 of \$40 and a maximum of \$75. When the plaintiff unites his  
22 or her claim for possession with a claim for rent or  
23 damages or both exceeding \$15,000, a minimum of \$150 and a  
24 maximum of \$225.

25 (c) Counterclaim or Joining Third Party Defendant.

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

35 (d) Confession of Judgment.

36 In a confession of judgment when the amount does not

1 exceed \$1500, a minimum of \$50 and a maximum of \$60. When  
2 the amount exceeds \$1500, but does not exceed \$5,000, \$75.  
3 When the amount exceeds \$5,000, but does not exceed  
4 \$15,000, \$175. When the amount exceeds \$15,000, a minimum  
5 of \$200 and a maximum of \$250.

6 (e) Appearance.

7 The fee for filing an appearance in each civil case  
8 shall be a minimum of \$50 and a maximum of \$75, except as  
9 follows:

10 (A) When the plaintiff in a forcible entry and  
11 detainer case seeks possession only, a minimum of \$20  
12 and a maximum of \$40.

13 (B) When the amount in the case does not exceed  
14 \$1500, a minimum of \$20 and a maximum of \$40.

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

18 (f) Garnishment, Wage Deduction, and Citation.

19 In garnishment affidavit, wage deduction affidavit,  
20 and citation petition when the amount does not exceed  
21 \$1,000, a minimum of \$10 and a maximum of \$15; when the  
22 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
23 of \$20 and a maximum of \$30; and when the amount exceeds  
24 \$5,000, a minimum of \$30 and a maximum of \$50.

25 (g) Petition to Vacate or Modify.

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

34 (2) Petition to vacate or modify any final judgment or  
35 order of court, except a petition to modify, terminate, or  
36 enforce a judgment or order for child or spousal support or

1 to modify, suspend, or terminate an order for withholding,  
2 if filed later than 30 days after the entry of the judgment  
3 or order, a minimum of \$60 and a maximum of \$75.

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

6 (h) Mailing.

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

10 (i) Certified Copies.

11 Each certified copy of a judgment after the first,  
12 except in small claims and forcible entry and detainer  
13 cases, a minimum of \$10 and a maximum of \$15.

14 (j) Habeas Corpus.

15 For filing a petition for relief by habeas corpus, a  
16 minimum of \$80 and a maximum of \$125.

17 (k) Certification, Authentication, and Reproduction.

18 (1) Each certification or authentication for taking  
19 the acknowledgment of a deed or other instrument in writing  
20 with the seal of office, a minimum of \$4 and a maximum of  
21 \$6.

22 (2) Court appeals when original documents are  
23 forwarded, under 100 pages, plus delivery and costs, a  
24 minimum of \$50 and a maximum of \$75.

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

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

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

33 (A) First page, \$2.

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

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

36 (l) Remands.

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

11 (m) Record Search.

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

15 (n) Hard Copy.

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

20 (o) Index Inquiry and Other Records.

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

31 (p) (Blank).

32 (q) Alias Summons.

33           For each alias summons or citation issued by the clerk,  
34          a minimum of \$4 and a maximum of \$5.

35 (r) Other Fees.

36           Any fees not covered in this Section shall be set by

1 rule or administrative order of the Circuit Court with the  
2 approval of the Administrative Office of the Illinois  
3 Courts.

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

14 (s) Jury Services.

15 The clerk shall be entitled to receive, in addition to  
16 other fees allowed by law, the sum of a minimum of \$192.50  
17 and a maximum of \$212.50, as a fee for the services of a  
18 jury in every civil action not quasi-criminal in its nature  
19 and not a proceeding for the exercise of the right of  
20 eminent domain and in every other action wherein the right  
21 of trial by jury is or may be given by law. The jury fee  
22 shall be paid by the party demanding a jury at the time of  
23 filing the jury demand. If the fee is not paid by either  
24 party, no jury shall be called in the action or proceeding,  
25 and the same shall be tried by the court without a jury.

26 (t) Voluntary Assignment.

27 For filing each deed of voluntary assignment, a minimum  
28 of \$10 and a maximum of \$20; for recording the same, a  
29 minimum of 25¢ and a maximum of 50¢ for each 100 words.  
30 Exceptions filed to claims presented to an assignee of a  
31 debtor who has made a voluntary assignment for the benefit  
32 of creditors shall be considered and treated, for the  
33 purpose of taxing costs therein, as actions in which the  
34 party or parties filing the exceptions shall be considered  
35 as party or parties plaintiff, and the claimant or  
36 claimants as party or parties defendant, and those parties

1           respectively shall pay to the clerk the same fees as  
2           provided by this Section to be paid in other actions.

3       (u) Expungement Petition.

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

9       (v) Probate.

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

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

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

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

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

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

33           (B) When (i) letters of office are issued to a  
34           guardian of the person or persons, but not of the  
35           estate or (ii) letters of office are issued in the  
36           estate of a ward without administration of the estate,



1 including filing or joining in the filing of a tax  
2 return or releasing a mortgage or consenting to the  
3 marriage of the ward, the fee shall be a minimum of \$10  
4 and a maximum of \$20.

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

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

11 (B) For filing a claim in an estate when the amount  
12 claimed is \$150 or more but less than \$500, a minimum  
13 of \$10 and a maximum of \$20; when the amount claimed is  
14 \$500 or more but less than \$10,000, a minimum of \$25  
15 and a maximum of \$40; when the amount claimed is  
16 \$10,000 or more, a minimum of \$40 and a maximum of \$60;  
17 provided that the court in allowing a claim may add to  
18 the amount allowed the filing fee paid by the claimant.

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

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

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

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

36 (G) For disposition of the collection of a judgment

1 or settlement of an action or claim for wrongful death  
2 of a decedent or of any cause of action of a ward, when  
3 there is no other administration of the estate, a  
4 minimum of \$30 and a maximum of \$50, less any amount  
5 paid under subsection (v) (1) (B) or (v) (2) (B) except  
6 that if the amount involved does not exceed \$5,000, the  
7 fee, including any amount paid under subsection  
8 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
9 maximum of \$20.

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

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

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

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

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

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

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

34 (A) Felony complaints, a minimum of \$80 and a  
35 maximum of \$125.

36 (B) Misdemeanor complaints, a minimum of \$50 and a

1 maximum of \$75.

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

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

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

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

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

10 (H) Motions to vacate bond forfeiture orders, a  
11 minimum of \$20 and a maximum of \$30.

12 (I) Motions to vacate ex parte judgments, whenever  
13 filed, a minimum of \$20 and a maximum of \$30.

14 (J) Motions to vacate judgment on forfeitures,  
15 whenever filed, a minimum of \$20 and a maximum of \$25.

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

19 (2) In counties having a population of more than  
20 500,000 but fewer than 3,000,000 inhabitants, when the  
21 violation complaint is issued by a municipal police  
22 department, the clerk shall be entitled to costs from each  
23 person convicted therein as follows:

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

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

26 (3) In ordinance violation cases punishable by fine  
27 only, the clerk of the circuit court shall be entitled to  
28 receive, unless the fee is excused upon a finding by the  
29 court that the defendant is indigent, in addition to other  
30 fees or costs allowed or imposed by law, the sum of a  
31 minimum of \$50 and a maximum of \$112.50 as a fee for the  
32 services of a jury. The jury fee shall be paid by the  
33 defendant at the time of filing his or her jury demand. If  
34 the fee is not so paid by the defendant, no jury shall be  
35 called, and the case shall be tried by the court without a  
36 jury.

1 (x) Transcripts of Judgment.

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

5 (y) Change of Venue.

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

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

13 (z) Tax objection complaints.

14 For each tax objection complaint containing one or more  
15 tax objections, regardless of the number of parcels  
16 involved ~~or the number of taxpayers joining~~ in the  
17 complaint, a minimum of \$25 and a maximum of \$50. For each  
18 additional taxpayer joining in the complaint, a minimum of  
19 \$25 and a maximum of \$50, each.

20 (aa) Tax Deeds.

21 (1) Petition for tax deed, if only one parcel is  
22 involved, a minimum of \$150 and a maximum of \$250.

23 (2) For each additional parcel, add a fee of a minimum  
24 of \$50 and a maximum of \$100.

25 (bb) Collections.

26 (1) For all collections made of others, except the  
27 State and county and except in maintenance or child support  
28 cases, a sum equal to a minimum of 2.5% and a maximum of  
29 3.0% of the amount collected and turned over.

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

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

36 (4) In child support and maintenance cases, the clerk,

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

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

22 (cc) Corrections of Numbers.

23 For correction of the case number, case title, or  
24 attorney computer identification number, if required by  
25 rule of court, on any document filed in the clerk's office,  
26 to be charged against the party that filed the document, a  
27 minimum of \$15 and a maximum of \$25.

28 (dd) Exceptions.

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

1 apply to any action instituted under subsection (b) of  
 2 Section 11-31-1 of the Illinois Municipal Code by a private  
 3 owner or tenant of real property within 1200 feet of a  
 4 dangerous or unsafe building seeking an order compelling  
 5 the owner or owners of the building to take any of the  
 6 actions authorized under that subsection.

7 The fee requirements of this Section shall not apply to  
 8 the filing of any commitment petition or petition for an  
 9 order authorizing the administration of authorized  
 10 involuntary treatment in the form of medication under the  
 11 Mental Health and Developmental Disabilities Code.

12 (ee) Adoptions.

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

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

19 (ff) Adoption exemptions.

20 No fee other than that set forth in subsection (ee)  
 21 shall be charged to any person in connection with an  
 22 adoption proceeding nor may any fee be charged for  
 23 proceedings for the appointment of a confidential  
 24 intermediary under the Adoption Act.

25 (gg) Unpaid fees.

26 Unless a court ordered payment schedule is implemented  
 27 or the fee requirements of this Section are waived pursuant  
 28 to court order, the clerk of the court may add to any  
 29 unpaid fees and costs under this Section a delinquency  
 30 amount equal to 5% of the unpaid fees that remain unpaid  
 31 after 30 days, 10% of the unpaid fees that remain unpaid  
 32 after 60 days, and 15% of the unpaid fees that remain  
 33 unpaid after 90 days. Notice to those parties may be made  
 34 by signage posting or publication. The additional  
 35 delinquency amounts collected under this Section shall be  
 36 used to defray additional administrative costs incurred by

1           the clerk of the circuit court in collecting unpaid fees  
2           and costs.

3           (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-385,  
4           eff. 7-25-03; 93-573, eff. 8-21-03; 93-760, eff. 1-1-05.)