



99TH GENERAL ASSEMBLY

State of Illinois

2015 and 2016

HB2806

Introduced 2/20/2015, by Rep. Dwight Kay

SYNOPSIS AS INTRODUCED:

705 ILCS 105/27.1a

from Ch. 25, par. 27.1a

Amends the Clerks of Courts Act. Deletes language providing that in child support and maintenance cases in counties having a population of not more than 500,000 inhabitants, 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.

LRB099 09394 HEP 29601 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

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 27.1a as follows:

6 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

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

15 (a) Civil Cases.

16 The fee for filing a complaint, petition, or other
17 pleading initiating a civil action, with the following
18 exceptions, shall be a minimum of \$40 and a maximum of
19 \$160.

20 (A) When the amount of money or damages or the
21 value of personal property claimed does not exceed
22 \$250, \$10.

23 (B) When that amount exceeds \$250 but does not

1 exceed \$500, a minimum of \$10 and a maximum of \$20.

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

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

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

12 (a-1) Family.

13 For filing a petition under the Juvenile Court Act of
14 1987, \$25.

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

16 For performing a marriage in court, \$10.

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

19 (b) Forcible Entry and Detainer.

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

1 maximum of \$160.

2 (c) Counterclaim or Joining Third Party Defendant.

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

12 (d) Confession of Judgment.

13 In a confession of judgment when the amount does not
14 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
15 the amount exceeds \$1500, but does not exceed \$15,000, a
16 minimum of \$40 and a maximum of \$115. When the amount
17 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

18 (e) Appearance.

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

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

25 (B) When the amount in the case does not exceed
26 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

4 In garnishment affidavit, wage deduction affidavit,
5 and citation petition when the amount does not exceed
6 \$1,000, a minimum of \$5 and a maximum of \$15; when the
7 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
8 of \$5 and a maximum of \$30; and when the amount exceeds
9 \$5,000, a minimum of \$5 and a maximum of \$50.

10 (g) Petition to Vacate or Modify.

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

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

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

1 (h) Mailing.

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

5 (i) Certified Copies.

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

9 (j) Habeas Corpus.

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

12 (k) Certification, Authentication, and Reproduction.

13 (1) Each certification or authentication for taking
14 the acknowledgment of a deed or other instrument in writing
15 with the seal of office, a minimum of \$2 and a maximum of
16 \$6.

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

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

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

26 (5) For reproduction of any document contained in the

1 clerk's files:

2 (A) First page, a minimum of \$1 and a maximum of
3 \$2.

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

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

6 (l) Remands.

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

17 (m) Record Search.

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

21 (n) Hard Copy.

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

26 (o) Index Inquiry and Other Records.

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

11 (p) (Blank).

12 (q) Alias Summons.

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

15 (r) Other Fees.

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

20 The clerk of the circuit court may provide additional
21 services for which there is no fee specified by statute in
22 connection with the operation of the clerk's office as may
23 be requested by the public and agreed to by the clerk and
24 approved by the chief judge of the circuit court. Any
25 charges for additional services shall be as agreed to
26 between the clerk and the party making the request and

1 approved by the chief judge of the circuit court. Nothing
2 in this subsection shall be construed to require any clerk
3 to provide any service not otherwise required by law.

4 (s) Jury Services.

5 The clerk shall be entitled to receive, in addition to
6 other fees allowed by law, the sum of a minimum of \$62.50
7 and a maximum of \$212.50, as a fee for the services of a
8 jury in every civil action not quasi-criminal in its nature
9 and not a proceeding for the exercise of the right of
10 eminent domain and in every other action wherein the right
11 of trial by jury is or may be given by law. The jury fee
12 shall be paid by the party demanding a jury at the time of
13 filing the jury demand. If the fee is not paid by either
14 party, no jury shall be called in the action or proceeding,
15 and the same shall be tried by the court without a jury.

16 (t) Voluntary Assignment.

17 For filing each deed of voluntary assignment, a minimum
18 of \$10 and a maximum of \$20; for recording the same, a
19 minimum of 25 cents and a maximum of 50 cents for each 100
20 words. Exceptions filed to claims presented to an assignee
21 of a debtor who has made a voluntary assignment for the
22 benefit of creditors shall be considered and treated, for
23 the purpose of taxing costs therein, as actions in which
24 the party or parties filing the exceptions shall be
25 considered as party or parties plaintiff, and the claimant
26 or claimants as party or parties defendant, and those

1 parties respectively shall pay to the clerk the same fees
2 as 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 \$15 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 \$50 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 \$10 and a maximum of \$40.

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

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

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

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

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

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

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

23 (B) For filing a claim in an estate when the amount
24 claimed is \$150 or more but less than \$500, a minimum
25 of \$10 and a maximum of \$25; when the amount claimed is
26 \$500 or more but less than \$10,000, a minimum of \$10

1 and a maximum of \$40; when the amount claimed is
2 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
3 provided that the court in allowing a claim may add to
4 the amount allowed the filing fee paid by the claimant.

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

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

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

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

22 (G) For disposition of the collection of a judgment
23 or settlement of an action or claim for wrongful death
24 of a decedent or of any cause of action of a ward, when
25 there is no other administration of the estate, a
26 minimum of \$30 and a maximum of \$50, less any amount

1 paid under subsection (v) (1) (B) or (v) (2) (B) except
2 that if the amount involved does not exceed \$5,000, the
3 fee, including any amount paid under subsection
4 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
5 maximum of \$20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (2) In counties having a population of not more than
26 500,000 inhabitants, when the violation complaint is

1 issued by a municipal police department, the clerk shall be
2 entitled to costs from each person convicted therein as
3 follows:

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

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

6 (3) In ordinance violation cases punishable by fine
7 only, the clerk of the circuit court shall be entitled to
8 receive, unless the fee is excused upon a finding by the
9 court that the defendant is indigent, in addition to other
10 fees or costs allowed or imposed by law, the sum of a
11 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
12 services of a jury. The jury fee shall be paid by the
13 defendant at the time of filing his or her jury demand. If
14 the fee is not so paid by the defendant, no jury shall be
15 called, and the case shall be tried by the court without a
16 jury.

17 (x) Transcripts of Judgment.

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

21 (y) Change of Venue.

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

25 (2) The fee for the preparation and certification of a
26 record on a change of venue to another jurisdiction, when

1 original documents are forwarded, a minimum of \$10 and a
2 maximum of \$40.

3 (z) Tax objection complaints.

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

8 (aa) Tax Deeds.

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

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

13 (bb) Collections.

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

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

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

24 (4) ~~A In child support and maintenance cases, the~~
25 ~~clerk, if authorized by an ordinance of the county board,~~
26 ~~may collect an annual fee of up to \$36 from the person~~

1 ~~making payment for maintaining child support records and~~
2 ~~the processing of support orders to the State of Illinois~~
3 ~~KIDS system and the recording of payments issued by the~~
4 ~~State Disbursement Unit for the official record of the~~
5 ~~Court. This fee shall be in addition to and separate from~~
6 ~~amounts ordered to be paid as maintenance or child support~~
7 ~~and shall be deposited into a Separate Maintenance and~~
8 ~~Child Support Collection Fund, of which the clerk shall be~~
9 ~~the custodian, ex officio, to be used by the clerk to~~
10 ~~maintain child support orders and record all payments~~
11 ~~issued by the State Disbursement Unit for the official~~
12 ~~record of the Court. The clerk may recover from the person~~
13 ~~making the maintenance or child support payment any~~
14 ~~additional cost incurred in the collection of this annual~~
15 ~~fee. The clerk shall also be entitled to a fee of \$5 for~~
16 ~~certifications made to the Secretary of State as provided~~
17 ~~in Section 7-703 of the Family Financial Responsibility Law~~
18 ~~and these fees shall also be deposited into the Separate~~
19 ~~Maintenance and Child Support Collection Fund.~~

20 (cc) Corrections of Numbers.

21 For correction of the case number, case title, or
22 attorney computer identification number, if required by
23 rule of court, on any document filed in the clerk's office,
24 to be charged against the party that filed the document, a
25 minimum of \$10 and a maximum of \$25.

26 (dd) Exceptions.

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

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

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

18 (4) The fee requirements of this Section shall not
 19 apply to the filing of any commitment petition or petition
 20 for an order authorizing the administration of
 21 psychotropic medication or electroconvulsive therapy under
 22 the Mental Health and Developmental Disabilities Code.

23 (ee) Adoptions.

24 (1) For an adoption \$65

25 (2) Upon good cause shown, the court may waive the
 26 adoption filing fee in a special needs adoption. The term

1 "special needs adoption" shall have the meaning ascribed to
2 it by the Illinois Department of Children and Family
3 Services.

4 (ff) Adoption exemptions.

5 No fee other than that set forth in subsection (ee)
6 shall be charged to any person in connection with an
7 adoption proceeding nor may any fee be charged for
8 proceedings for the appointment of a confidential
9 intermediary under the Adoption Act.

10 (Source: P.A. 95-172, eff. 8-14-07; 95-331, eff. 8-21-07.)