



Rep. Kevin John Olickal

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10300HB5164ham001

LRB103 37155 JRC 71019 a

1 AMENDMENT TO HOUSE BILL 5164

2 AMENDMENT NO. _____. Amend House Bill 5164 by replacing
3 everything after the enacting clause with the following:

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

6 (705 ILCS 105/27.1b)

7 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
8 other provision of law, all fees charged by the clerks of the
9 circuit court for the services described in this Section shall
10 be established, collected, and disbursed in accordance with
11 this Section. Except as otherwise specified in this Section,
12 all fees under this Section shall be paid in advance and
13 disbursed by each clerk on a monthly basis. In a county with a
14 population of over 3,000,000, units of local government and
15 school districts shall not be required to pay fees under this
16 Section in advance and the clerk shall instead send an

1 itemized bill to the unit of local government or school
2 district, within 30 days of the fee being incurred, and the
3 unit of local government or school district shall be allowed
4 at least 30 days from the date of the itemized bill to pay;
5 these payments shall be disbursed by each clerk on a monthly
6 basis. Unless otherwise specified in this Section, the amount
7 of a fee shall be determined by ordinance or resolution of the
8 county board and remitted to the county treasurer to be used
9 for purposes related to the operation of the court system in
10 the county. In a county with a population of over 3,000,000,
11 any amount retained by the clerk of the circuit court or
12 remitted to the county treasurer shall be subject to
13 appropriation by the county board.

14 (a) Civil cases. The fee for filing a complaint, petition,
15 or other pleading initiating a civil action shall be as set
16 forth in the applicable schedule under this subsection in
17 accordance with case categories established by the Supreme
18 Court in schedules.

19 (1) SCHEDULE 1: not to exceed a total of \$366 in a
20 county with a population of 3,000,000 or more and not to
21 exceed \$316 in any other county, except as applied to
22 units of local government and school districts in counties
23 with more than 3,000,000 inhabitants an amount not to
24 exceed \$190 through December 31, 2021 and \$184 on and
25 after January 1, 2022. The fees collected under this
26 schedule shall be disbursed as follows:

1 (A) The clerk shall retain a sum, in an amount not
2 to exceed \$55 in a county with a population of
3 3,000,000 or more and in an amount not to exceed \$45 in
4 any other county determined by the clerk with the
5 approval of the Supreme Court, to be used for court
6 automation, court document storage, and administrative
7 purposes.

8 (B) The clerk shall remit up to \$21 to the State
9 Treasurer. The State Treasurer shall deposit the
10 appropriate amounts, in accordance with the clerk's
11 instructions, as follows:

12 (i) up to \$10, as specified by the Supreme
13 Court in accordance with Part 10A of Article II of
14 the Code of Civil Procedure, into the Mandatory
15 Arbitration Fund;

16 (ii) \$2 into the Access to Justice Fund; and

17 (iii) \$9 into the Supreme Court Special
18 Purposes Fund.

19 (C) The clerk shall remit a sum to the County
20 Treasurer, in an amount not to exceed \$290 in a county
21 with a population of 3,000,000 or more and in an amount
22 not to exceed \$250 in any other county, as specified by
23 ordinance or resolution passed by the county board,
24 for purposes related to the operation of the court
25 system in the county.

26 (2) SCHEDULE 2: not to exceed a total of \$357 in a

1 county with a population of 3,000,000 or more and not to
2 exceed \$266 in any other county, except as applied to
3 units of local government and school districts in counties
4 with more than 3,000,000 inhabitants an amount not to
5 exceed \$190 through December 31, 2021 and \$184 on and
6 after January 1, 2022. The fees collected under this
7 schedule shall be disbursed as follows:

8 (A) The clerk shall retain a sum, in an amount not
9 to exceed \$55 in a county with a population of
10 3,000,000 or more and in an amount not to exceed \$45 in
11 any other county determined by the clerk with the
12 approval of the Supreme Court, to be used for court
13 automation, court document storage, and administrative
14 purposes.

15 (B) The clerk shall remit up to \$21 to the State
16 Treasurer. The State Treasurer shall deposit the
17 appropriate amounts, in accordance with the clerk's
18 instructions, as follows:

19 (i) up to \$10, as specified by the Supreme
20 Court in accordance with Part 10A of Article II of
21 the Code of Civil Procedure, into the Mandatory
22 Arbitration Fund;

23 (ii) \$2 into the Access to Justice Fund: and

24 (iii) \$9 into the Supreme Court Special
25 Purposes Fund.

26 (C) The clerk shall remit a sum to the County

1 Treasurer, in an amount not to exceed \$281 in a county
2 with a population of 3,000,000 or more and in an amount
3 not to exceed \$200 in any other county, as specified by
4 ordinance or resolution passed by the county board,
5 for purposes related to the operation of the court
6 system in the county.

7 (3) SCHEDULE 3: not to exceed a total of \$265 in a
8 county with a population of 3,000,000 or more and not to
9 exceed \$89 in any other county, except as applied to units
10 of local government and school districts in counties with
11 more than 3,000,000 inhabitants an amount not to exceed
12 \$190 through December 31, 2021 and \$184 on and after
13 January 1, 2022. The fees collected under this schedule
14 shall be disbursed as follows:

15 (A) The clerk shall retain a sum, in an amount not
16 to exceed \$55 in a county with a population of
17 3,000,000 or more and in an amount not to exceed \$22 in
18 any other county determined by the clerk with the
19 approval of the Supreme Court, to be used for court
20 automation, court document storage, and administrative
21 purposes.

22 (B) The clerk shall remit \$11 to the State
23 Treasurer. The State Treasurer shall deposit the
24 appropriate amounts in accordance with the clerk's
25 instructions, as follows:

26 (i) \$2 into the Access to Justice Fund; and

1 (ii) \$9 into the Supreme Court Special
2 Purposes Fund.

3 (C) The clerk shall remit a sum to the County
4 Treasurer, in an amount not to exceed \$199 in a county
5 with a population of 3,000,000 or more and in an amount
6 not to exceed \$56 in any other county, as specified by
7 ordinance or resolution passed by the county board,
8 for purposes related to the operation of the court
9 system in the county.

10 (4) SCHEDULE 4: \$0.

11 (b) Appearance. The fee for filing an appearance in a
12 civil action, including a cannabis civil law action under the
13 Cannabis Control Act, shall be as set forth in the applicable
14 schedule under this subsection in accordance with case
15 categories established by the Supreme Court in schedules.

16 (1) SCHEDULE 1: not to exceed a total of \$230 in a
17 county with a population of 3,000,000 or more and not to
18 exceed \$191 in any other county, except as applied to
19 units of local government and school districts in counties
20 with more than 3,000,000 inhabitants an amount not to
21 exceed \$75. The fees collected under this schedule shall
22 be disbursed as follows:

23 (A) The clerk shall retain a sum, in an amount not
24 to exceed \$50 in a county with a population of
25 3,000,000 or more and in an amount not to exceed \$45 in
26 any other county determined by the clerk with the

1 approval of the Supreme Court, to be used for court
2 automation, court document storage, and administrative
3 purposes.

4 (B) The clerk shall remit up to \$21 to the State
5 Treasurer. The State Treasurer shall deposit the
6 appropriate amounts, in accordance with the clerk's
7 instructions, as follows:

8 (i) up to \$10, as specified by the Supreme
9 Court in accordance with Part 10A of Article II of
10 the Code of Civil Procedure, into the Mandatory
11 Arbitration Fund;

12 (ii) \$2 into the Access to Justice Fund; and

13 (iii) \$9 into the Supreme Court Special
14 Purposes Fund.

15 (C) The clerk shall remit a sum to the County
16 Treasurer, in an amount not to exceed \$159 in a county
17 with a population of 3,000,000 or more and in an amount
18 not to exceed \$125 in any other county, as specified by
19 ordinance or resolution passed by the county board,
20 for purposes related to the operation of the court
21 system in the county.

22 (2) SCHEDULE 2: not to exceed a total of \$130 in a
23 county with a population of 3,000,000 or more and not to
24 exceed \$109 in any other county, except as applied to
25 units of local government and school districts in counties
26 with more than 3,000,000 inhabitants an amount not to

1 exceed \$75. The fees collected under this schedule shall
2 be disbursed as follows:

3 (A) The clerk shall retain a sum, in an amount not
4 to exceed \$50 in a county with a population of
5 3,000,000 or more and in an amount not to exceed \$10 in
6 any other county determined by the clerk with the
7 approval of the Supreme Court, to be used for court
8 automation, court document storage, and administrative
9 purposes.

10 (B) The clerk shall remit \$9 to the State
11 Treasurer, which the State Treasurer shall deposit
12 into the Supreme Court Special Purposes Fund.

13 (C) The clerk shall remit a sum to the County
14 Treasurer, in an amount not to exceed \$71 in a county
15 with a population of 3,000,000 or more and in an amount
16 not to exceed \$90 in any other county, as specified by
17 ordinance or resolution passed by the county board,
18 for purposes related to the operation of the court
19 system in the county.

20 (3) SCHEDULE 3: \$0.

21 (b-5) Kane County and Will County. In Kane County and Will
22 County civil cases, there is an additional fee of up to \$30 as
23 set by the county board under Section 5-1101.3 of the Counties
24 Code to be paid by each party at the time of filing the first
25 pleading, paper, or other appearance; provided that no
26 additional fee shall be required if more than one party is

1 represented in a single pleading, paper, or other appearance.
2 Distribution of fees collected under this subsection (b-5)
3 shall be as provided in Section 5-1101.3 of the Counties Code.

4 (c) Counterclaim or third party complaint. When any
5 defendant files a counterclaim or third party complaint, as
6 part of the defendant's answer or otherwise, the defendant
7 shall pay a filing fee for each counterclaim or third party
8 complaint in an amount equal to the filing fee the defendant
9 would have had to pay had the defendant brought a separate
10 action for the relief sought in the counterclaim or third
11 party complaint, less the amount of the appearance fee, if
12 any, that the defendant has already paid in the action in which
13 the counterclaim or third party complaint is filed.

14 (d) Alias summons. The clerk shall collect a fee not to
15 exceed \$6 in a county with a population of 3,000,000 or more
16 and not to exceed \$5 in any other county for each alias summons
17 or citation issued by the clerk, except as applied to units of
18 local government and school districts in counties with more
19 than 3,000,000 inhabitants an amount not to exceed \$5 for each
20 alias summons or citation issued by the clerk.

21 (e) Jury services. The clerk shall collect, in addition to
22 other fees allowed by law, a sum not to exceed \$212.50, as a
23 fee for the services of a jury in every civil action not
24 quasi-criminal in its nature and not a proceeding for the
25 exercise of the right of eminent domain and in every other
26 action wherein the right of trial by jury is or may be given by

1 law. The jury fee shall be paid by the party demanding a jury
2 at the time of filing the jury demand. If the fee is not paid
3 by either party, no jury shall be called in the action or
4 proceeding, and the action or proceeding shall be tried by the
5 court without a jury.

6 (f) Change of venue. In connection with a change of venue:

7 (1) The clerk of the jurisdiction from which the case
8 is transferred may charge a fee, not to exceed \$40, for the
9 preparation and certification of the record; and

10 (2) The clerk of the jurisdiction to which the case is
11 transferred may charge the same filing fee as if it were
12 the commencement of a new suit.

13 (g) Petition to vacate or modify.

14 (1) In a proceeding involving a petition to vacate or
15 modify any final judgment or order filed within 30 days
16 after the judgment or order was entered, except for an
17 eviction case, small claims case, petition to reopen an
18 estate, petition to modify, terminate, or enforce a
19 judgment or order for child or spousal support, or
20 petition to modify, suspend, or terminate an order for
21 withholding, the fee shall not exceed \$60 in a county with
22 a population of 3,000,000 or more and shall not exceed \$50
23 in any other county, except as applied to units of local
24 government and school districts in counties with more than
25 3,000,000 inhabitants an amount not to exceed \$50.

26 (2) In a proceeding involving a petition to vacate or

1 modify any final judgment or order filed more than 30 days
2 after the judgment or order was entered, except for a
3 petition to modify, terminate, or enforce a judgment or
4 order for child or spousal support, or petition to modify,
5 suspend, or terminate an order for withholding, the fee
6 shall not exceed \$75.

7 (3) In a proceeding involving a motion to vacate or
8 amend a final order, motion to vacate an ex parte
9 judgment, judgment of forfeiture, or "failure to appear"
10 or "failure to comply" notices sent to the Secretary of
11 State, the fee shall equal \$40.

12 (h) Appeals preparation. The fee for preparation of a
13 record on appeal shall be based on the number of pages, as
14 follows:

15 (1) if the record contains no more than 100 pages, the
16 fee shall not exceed \$70 in a county with a population of
17 3,000,000 or more and shall not exceed \$50 in any other
18 county;

19 (2) if the record contains between 100 and 200 pages,
20 the fee shall not exceed \$100; and

21 (3) if the record contains 200 or more pages, the
22 clerk may collect an additional fee not to exceed 25 cents
23 per page.

24 (i) Remands. In any cases remanded to the circuit court
25 from the Supreme Court or the appellate court for a new trial,
26 the clerk shall reinstate the case with either its original

1 number or a new number. The clerk shall not charge any new or
2 additional fee for the reinstatement. Upon reinstatement, the
3 clerk shall advise the parties of the reinstatement. Parties
4 shall have the same right to a jury trial on remand and
5 reinstatement that they had before the appeal, and no
6 additional or new fee or charge shall be made for a jury trial
7 after remand.

8 (j) Garnishment, wage deduction, and citation. In
9 garnishment affidavit, wage deduction affidavit, and citation
10 petition proceedings:

11 (1) if the amount in controversy in the proceeding is
12 not more than \$1,000, the fee may not exceed \$35 in a
13 county with a population of 3,000,000 or more and may not
14 exceed \$15 in any other county, except as applied to units
15 of local government and school districts in counties with
16 more than 3,000,000 inhabitants an amount not to exceed
17 \$15;

18 (2) if the amount in controversy in the proceeding is
19 greater than \$1,000 and not more than \$5,000, the fee may
20 not exceed \$45 in a county with a population of 3,000,000
21 or more and may not exceed \$30 in any other county, except
22 as applied to units of local government and school
23 districts in counties with more than 3,000,000 inhabitants
24 an amount not to exceed \$30; and

25 (3) if the amount in controversy in the proceeding is
26 greater than \$5,000, the fee may not exceed \$65 in a county

1 with a population of 3,000,000 or more and may not exceed
2 \$50 in any other county, except as applied to units of
3 local government and school districts in counties with
4 more than 3,000,000 inhabitants an amount not to exceed
5 \$50.

6 (j-5) Debt collection. In any proceeding to collect a debt
7 subject to the exception in item (ii) of subparagraph (A-5) of
8 paragraph (1) of subsection (z) of this Section, the circuit
9 court shall order and the clerk shall collect from each
10 judgment debtor a fee of:

11 (1) \$35 if the amount in controversy in the proceeding
12 is not more than \$1,000;

13 (2) \$45 if the amount in controversy in the proceeding
14 is greater than \$1,000 and not more than \$5,000; and

15 (3) \$65 if the amount in controversy in the proceeding
16 is greater than \$5,000.

17 (k) Collections.

18 (1) For all collections made of others, except the
19 State and county and except in maintenance or child
20 support cases, the clerk may collect a fee of up to 2.5% of
21 the amount collected and turned over.

22 (2) In child support and maintenance cases, the clerk
23 may collect an annual fee of up to \$36 from the person
24 making payment for maintaining child support records and
25 the processing of support orders to the State of Illinois
26 KIDS system and the recording of payments issued by the

1 State Disbursement Unit for the official record of the
2 Court. This fee is in addition to and separate from
3 amounts ordered to be paid as maintenance or child support
4 and shall be deposited into a Separate Maintenance and
5 Child Support Collection Fund, of which the clerk shall be
6 the custodian, ex officio, to be used by the clerk to
7 maintain child support orders and record all payments
8 issued by the State Disbursement Unit for the official
9 record of the Court. The clerk may recover from the person
10 making the maintenance or child support payment any
11 additional cost incurred in the collection of this annual
12 fee.

13 (3) The clerk may collect a fee of \$5 for
14 certifications made to the Secretary of State as provided
15 in Section 7-703 of the Illinois Vehicle Code, and this
16 fee shall be deposited into the Separate Maintenance and
17 Child Support Collection Fund.

18 (4) In proceedings to foreclose the lien of delinquent
19 real estate taxes, State's Attorneys shall receive a fee
20 of 10% of the total amount realized from the sale of real
21 estate sold in the proceedings. The clerk shall collect
22 the fee from the total amount realized from the sale of the
23 real estate sold in the proceedings and remit to the
24 County Treasurer to be credited to the earnings of the
25 Office of the State's Attorney.

26 (1) Mailing. The fee for the clerk mailing documents shall

1 not exceed \$10 plus the cost of postage.

2 (m) Certified copies. The fee for each certified copy of a
3 judgment, after the first copy, shall not exceed \$10.

4 (n) Certification, authentication, and reproduction.

5 (1) The fee for each certification or authentication
6 for taking the acknowledgment of a deed or other
7 instrument in writing with the seal of office shall not
8 exceed \$6.

9 (2) The fee for reproduction of any document contained
10 in the clerk's files shall not exceed:

11 (A) \$2 for the first page;

12 (B) 50 cents per page for the next 19 pages; and

13 (C) 25 cents per page for all additional pages.

14 (o) Record search. For each record search, within a
15 division or municipal district, the clerk may collect a search
16 fee not to exceed \$6 for each year searched.

17 (p) Hard copy. For each page of hard copy print output,
18 when case records are maintained on an automated medium, the
19 clerk may collect a fee not to exceed \$10 in a county with a
20 population of 3,000,000 or more and not to exceed \$6 in any
21 other county, except as applied to units of local government
22 and school districts in counties with more than 3,000,000
23 inhabitants an amount not to exceed \$6.

24 (q) Index inquiry and other records. No fee shall be
25 charged for a single plaintiff and defendant index inquiry or
26 single case record inquiry when this request is made in person

1 and the records are maintained in a current automated medium,
2 and when no hard copy print output is requested. The fees to be
3 charged for management records, multiple case records, and
4 multiple journal records may be specified by the Chief Judge
5 pursuant to the guidelines for access and dissemination of
6 information approved by the Supreme Court.

7 (r) Performing a marriage. There shall be a \$10 fee for
8 performing a marriage in court.

9 (s) Voluntary assignment. For filing each deed of
10 voluntary assignment, the clerk shall collect a fee not to
11 exceed \$20. For recording a deed of voluntary assignment, the
12 clerk shall collect a fee not to exceed 50 cents for each 100
13 words. Exceptions filed to claims presented to an assignee of
14 a debtor who has made a voluntary assignment for the benefit of
15 creditors shall be considered and treated, for the purpose of
16 taxing costs therein, as actions in which the party or parties
17 filing the exceptions shall be considered as party or parties
18 plaintiff, and the claimant or claimants as party or parties
19 defendant, and those parties respectively shall pay to the
20 clerk the same fees as provided by this Section to be paid in
21 other actions.

22 (t) Expungement petition. Except as provided in Sections
23 1-19 and 5-915 of the Juvenile Court Act of 1987, the clerk may
24 collect a fee not to exceed \$60 for each expungement petition
25 filed and an additional fee not to exceed \$4 for each certified
26 copy of an order to expunge arrest records.

1 (u) Transcripts of judgment. For the filing of a
2 transcript of judgment, the clerk may collect the same fee as
3 if it were the commencement of a new suit.

4 (v) Probate filings.

5 (1) For each account (other than one final account)
6 filed in the estate of a decedent, or ward, the fee shall
7 not exceed \$25.

8 (2) For filing a claim in an estate when the amount
9 claimed is greater than \$150 and not more than \$500, the
10 fee shall not exceed \$40 in a county with a population of
11 3,000,000 or more and shall not exceed \$25 in any other
12 county; when the amount claimed is greater than \$500 and
13 not more than \$10,000, the fee shall not exceed \$55 in a
14 county with a population of 3,000,000 or more and shall
15 not exceed \$40 in any other county; and when the amount
16 claimed is more than \$10,000, the fee shall not exceed \$75
17 in a county with a population of 3,000,000 or more and
18 shall not exceed \$60 in any other county; except the court
19 in allowing a claim may add to the amount allowed the
20 filing fee paid by the claimant.

21 (3) For filing in an estate a claim, petition, or
22 supplemental proceeding based upon an action seeking
23 equitable relief including the construction or contest of
24 a will, enforcement of a contract to make a will, and
25 proceedings involving testamentary trusts or the
26 appointment of testamentary trustees, the fee shall not

1 exceed \$60.

2 (4) There shall be no fee for filing in an estate: (i)
3 the appearance of any person for the purpose of consent;
4 or (ii) the appearance of an executor, administrator,
5 administrator to collect, guardian, guardian ad litem, or
6 special administrator.

7 (5) For each jury demand, the fee shall not exceed
8 \$137.50.

9 (6) For each certified copy of letters of office, of
10 court order, or other certification, the fee shall not
11 exceed \$2 per page.

12 (7) For each exemplification, the fee shall not exceed
13 \$2, plus the fee for certification.

14 (8) The executor, administrator, guardian, petitioner,
15 ~~or~~ other interested person, or attorney for one of them ~~or~~
16 ~~his or her attorney~~ shall pay the cost of publication by
17 the clerk directly to the newspaper.

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

22 (10) The executor, administrator, guardian,
23 petitioner, ~~or~~ other interested person, or attorney for
24 one of them ~~or his or her attorney~~ shall pay to the clerk
25 all postage charges incurred by the clerk in mailing
26 petitions, orders, notices, or other documents pursuant to

1 the provisions of the Probate Act of 1975.

2 (w) Corrections of numbers. For correction of the case
3 number, case title, or attorney computer identification
4 number, if required by rule of court, on any document filed in
5 the clerk's office, to be charged against the party that filed
6 the document, the fee shall not exceed \$25.

7 (x) Miscellaneous.

8 (1) Interest earned on any fees collected by the clerk
9 shall be turned over to the county general fund as an
10 earning of the office.

11 (2) For any check, draft, or other bank instrument
12 returned to the clerk for non-sufficient funds, account
13 closed, or payment stopped, the clerk shall collect a fee
14 of \$25.

15 (y) Other fees. Any fees not covered in this Section shall
16 be set by rule or administrative order of the circuit court
17 with the approval of the Administrative Office of the Illinois
18 Courts. The clerk of the circuit court may provide services in
19 connection with the operation of the clerk's office, other
20 than those services mentioned in this Section, as may be
21 requested by the public and agreed to by the clerk and approved
22 by the Chief Judge. Any charges for additional services shall
23 be as agreed to between the clerk and the party making the
24 request and approved by the Chief Judge. Nothing in this
25 subsection shall be construed to require any clerk to provide
26 any service not otherwise required by law.

1 (y-5) Unpaid fees. Unless a court ordered payment schedule
2 is implemented or the fee requirements of this Section are
3 waived under a court order, the clerk of the circuit court may
4 add to any unpaid fees and costs under this Section a
5 delinquency amount equal to 5% of the unpaid fees that remain
6 unpaid after 30 days, 10% of the unpaid fees that remain unpaid
7 after 60 days, and 15% of the unpaid fees that remain unpaid
8 after 90 days. Notice to those parties may be made by signage
9 posting or publication. The additional delinquency amounts
10 collected under this Section shall be deposited into the
11 Circuit Court Clerk Operations and Administration Fund and
12 used to defray additional administrative costs incurred by the
13 clerk of the circuit court in collecting unpaid fees and
14 costs.

15 (z) Exceptions.

16 (1) No fee authorized by this Section shall apply to:

17 (A) police departments or other law enforcement
18 agencies. In this Section, "law enforcement agency"
19 means: an agency of the State or agency of a unit of
20 local government which is vested by law or ordinance
21 with the duty to maintain public order and to enforce
22 criminal laws or ordinances; the Attorney General; or
23 any State's Attorney;

24 (A-5) any unit of local government or school
25 district, except in counties having a population of
26 500,000 or more the county board may by resolution set

1 fees for units of local government or school districts
2 no greater than the minimum fees applicable in
3 counties with a population less than 3,000,000;
4 provided however, no fee may be charged to any unit of
5 local government or school district in connection with
6 any action which, in whole or in part, is: (i) to
7 enforce an ordinance; (ii) to collect a debt; or (iii)
8 under the Administrative Review Law;

9 (B) any action instituted by the corporate
10 authority of a municipality with more than 1,000,000
11 inhabitants under Section 11-31-1 of the Illinois
12 Municipal Code and any action instituted under
13 subsection (b) of Section 11-31-1 of the Illinois
14 Municipal Code by a private owner or tenant of real
15 property within 1,200 feet of a dangerous or unsafe
16 building seeking an order compelling the owner or
17 owners of the building to take any of the actions
18 authorized under that subsection;

19 (C) any commitment petition or petition for an
20 order authorizing the administration of psychotropic
21 medication or electroconvulsive therapy under the
22 Mental Health and Developmental Disabilities Code;

23 (D) a petitioner in any order of protection
24 proceeding, including, but not limited to, fees for
25 filing, modifying, withdrawing, certifying, or
26 photocopying petitions for orders of protection,

1 issuing alias summons, any related filing service, or
2 certifying, modifying, vacating, or photocopying any
3 orders of protection;

4 (E) proceedings for the appointment of a
5 confidential intermediary under the Adoption Act;

6 (F) a minor subject to Article III, IV, or V of the
7 Juvenile Court Act of 1987, or the minor's parent,
8 guardian, or legal custodian; or

9 (G) a minor under the age of 18 transferred to
10 adult court or excluded from juvenile court
11 jurisdiction under Article V of the Juvenile Court Act
12 of 1987, or the minor's parent, guardian, or legal
13 custodian.

14 (2) No fee other than the filing fee contained in the
15 applicable schedule in subsection (a) shall be charged to
16 any person in connection with an adoption proceeding.

17 (3) Upon good cause shown, the court may waive any
18 fees associated with a special needs adoption. The term
19 "special needs adoption" has the meaning provided by the
20 Illinois Department of Children and Family Services.

21 (4) Notwithstanding any other provision of law, the
22 filing fee for a petition for name change may not exceed
23 \$25. For good cause shown, the court may waive this filing
24 fee.

25 (Source: P.A. 102-145, eff. 7-23-21; 102-278, eff. 8-6-21;
26 102-558, eff. 8-20-21; 102-813, eff. 5-13-22; 103-4, eff.

1 5-31-23; 103-379, eff. 7-28-23; revised 8-30-23.)

2 Section 10. The Code of Civil Procedure is amended by
3 changing Section 21-101 and by adding Section 21-103.8 as
4 follows:

5 (735 ILCS 5/21-101) (from Ch. 110, par. 21-101)

6 Sec. 21-101. Proceedings; parties.

7 (a) If any person who is a resident of this State ~~and has~~
8 ~~resided in this State for 6 months~~ desires to ~~change his or her~~
9 ~~name and to~~ assume another name by which to be afterwards
10 called and known, the person may file a petition requesting
11 that relief in the circuit court of the county wherein he or
12 she resides.

13 (b) A person who has been convicted of any offense for
14 which a person is required to register under the Sex Offender
15 Registration Act, the Murderer and Violent Offender Against
16 Youth Registration Act, or the Arsonist Registration Act in
17 this State or any other state and who has not been pardoned is
18 not permitted to file a petition for a name change in the
19 courts of this State during the period that the person is
20 required to register, unless that person verifies under oath,
21 as provided under Section 1-109, that the petition for the
22 name change is due to marriage, religious beliefs, status as a
23 victim of trafficking or gender-related identity as defined by
24 the Illinois Human Rights Act. A judge may grant or deny the

1 request for legal name change filed by such persons. Any such
2 persons granted a legal name change shall report the change to
3 the law enforcement agency having jurisdiction of their
4 current registration pursuant to the Duty to Report
5 requirements specified in Section 35 of the Arsonist
6 Registration Act, Section 20 of the Murderer and Violent
7 Offender Against Youth Registration Act, and Section 6 of the
8 Sex Offender Registration Act. For the purposes of this
9 subsection, a person will not face a felony charge if the
10 person's request for legal name change is denied without proof
11 of perjury.

12 (b-1) A person who has been convicted of a felony offense
13 in this State or any other state and whose sentence has not
14 been completed, terminated, or discharged is not permitted to
15 file a petition for a name change in the courts of this State
16 unless that person is pardoned for the offense.

17 (c) A petitioner may include the petitioner's ~~his or her~~
18 spouse and adult unmarried children, with their consent, and
19 the petitioner's ~~his or her~~ minor children where it appears to
20 the court that it is for their best interest, in the petition
21 and relief requested, and the court's order shall then include
22 the spouse and children. Whenever any minor has resided in the
23 family of any person for the space of 3 years and has been
24 recognized and known as an adopted child in the family of that
25 person, the application herein provided for may be made by the
26 person having that minor in that person's ~~his or her~~ family.

1 An order shall be entered as to a minor only if the court
2 finds by clear and convincing evidence that the change is
3 necessary to serve the best interest of the child. In
4 determining the best interest of a minor child under this
5 Section, the court shall consider all relevant factors,
6 including:

7 (1) The wishes of the child's parents and any person
8 acting as a parent who has physical custody of the child.

9 (2) The wishes of the child and the reasons for those
10 wishes. The court may interview the child in chambers to
11 ascertain the child's wishes with respect to the change of
12 name. Counsel shall be present at the interview unless
13 otherwise agreed upon by the parties. The court shall
14 cause a court reporter to be present who shall make a
15 complete record of the interview instantaneously to be
16 part of the record in the case.

17 (3) The interaction and interrelationship of the child
18 with the child's ~~his or her~~ parents or persons acting as
19 parents who have physical custody of the child,
20 step-parents, siblings, step-siblings, or any other person
21 who may significantly affect the child's best interest.

22 (4) The child's adjustment to the child's ~~his or her~~
23 home, school, and community.

24 (d) If it appears to the court that the conditions and
25 requirements under this Article have been complied with and
26 that there is no reason why the relief requested should not be

1 granted, the court, by an order to be entered of record, may
2 direct and provide that the name of that person be changed in
3 accordance with the relief requested in the petition. If the
4 circuit court orders that a name change be granted to a person
5 who has been adjudicated or convicted of a felony or
6 misdemeanor offense under the laws of this State or any other
7 state for which a pardon has not been granted, or has an arrest
8 for which a charge has not been filed or a pending charge on a
9 felony or misdemeanor offense, a copy of the order, including
10 a copy of each applicable access and review response, shall be
11 forwarded to the Illinois State Police. The Illinois State
12 Police shall update any criminal history transcript or
13 offender registration of each person 18 years of age or older
14 in the order to include the change of name as well as his or
15 her former name.

16 (Source: P.A. 102-538, eff. 8-20-21; 102-1133, eff. 1-1-24;
17 revised 12-15-23.)

18 (735 ILCS 5/21-103.8 new)

19 Sec. 21-103.8. Impounding court file.

20 (a) A petitioner may file a request to have the
21 petitioner's court file impounded by filing a statement,
22 verified under oath as provided under Section 1-109 of this
23 Code, that the person believes that public disclosure would be
24 a hardship and have a negative impact on the person's health or
25 safety to include, but not be limited to, that the person is

1 transgender, an adoptee, a survivor of domestic or intimate
2 partner abuse, a survivor of gender-based violence, a survivor
3 of human trafficking, a refugee, a person who has been granted
4 special immigrant status by the United States Citizenship and
5 Immigration Service, a person who has survived reparative or
6 conversion therapy, or a person who has been granted asylum in
7 this country. The petitioner may attach to the statement any
8 supporting documents including relevant court orders, although
9 self attestation shall suffice as acceptable documentation.

10 (b) If the petitioner files a statement attesting that
11 disclosure of the petitioner's address would put the
12 petitioner or any member of the petitioner's family or
13 household at risk or reveal the confidential address of a
14 shelter for domestic violence victims, that address may be
15 omitted from all documents filed with the court, and the
16 petitioner may designate an alternative address for service.

17 (c) Court administrators may allow domestic abuse
18 advocates, rape crisis advocates, and victim advocates to
19 assist petitioners in the preparation of name changes under
20 this Section. Advocates providing assistance under this
21 Section are not engaged in the unauthorized practice law.

22 (735 ILCS 5/21-103 rep.)

23 Section 15. The Code of Civil Procedure is amended by
24 repealing Section 21-103."