

1 AN ACT concerning fees.

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

16 (a) Civil Cases.

17 The fee for filing a complaint, petition, or other
18 pleading initiating a civil action, with the following
19 exceptions, shall be a minimum of \$40 and a maximum of
20 \$160 ~~\$150~~.

21 (A) When the amount of money or damages or the
22 value of personal property claimed does not exceed
23 \$250, \$10.

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

26 (C) When that amount exceeds \$500 but does not
27 exceed \$2500, a minimum of \$25 and a maximum of \$40
28 \$30.

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

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

7 (a-1) Family.

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

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

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

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

14 (b) Forcible Entry and Detainer.

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

23 (c) Counterclaim or Joining Third Party Defendant.

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

33 (d) Confession of Judgment.

34 In a confession of judgment when the amount does not

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

5 (e) Appearance.

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

9 (A) When the plaintiff in a forcible entry and
 10 detainer case seeks possession only, a minimum of
 11 \$10 and a maximum of \$50 \$20.

12 (B) When the amount in the case does not
 13 exceed \$1500, a minimum of \$10 and a maximum of \$30
 14 \$20.

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

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 \$5 and a maximum of \$15 \$10; when
 22 the amount exceeds \$1,000 but does not exceed \$5,000, a
 23 minimum of \$5 and a maximum of \$30 \$20; and when the
 24 amount exceeds \$5,000, a minimum of \$5 and a maximum of
 25 \$50 \$30.

26 (g) Petition to Vacate or Modify.

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

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

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

10 (h) Mailing.

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

14 (i) Certified Copies.

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

18 (j) Habeas Corpus.

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

21 (k) Certification, Authentication, and Reproduction.

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

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

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

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

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

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

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

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

7 (l) Remands.

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

19 (m) Record Search.

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

24 (n) Hard Copy.

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

29 (o) Index Inquiry and Other Records.

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

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

6 (p) Commitment Petitions.

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

11 (q) Alias Summons.

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

14 (r) Other Fees.

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

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

30 (s) Jury Services.

31 The clerk shall be entitled to receive, in addition
32 to other fees allowed by law, the sum of a minimum of
33 \$62.50 and a maximum of \$212.50 ~~\$192.50~~, as a fee for the
34 services of a jury in every civil action not

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

9 (t) Voluntary Assignment.

10 For filing each deed of voluntary assignment, a
11 minimum of \$10 and a maximum of \$20 ~~\$10~~; for recording
12 the same, a minimum of 25 cents and a maximum of 50 cents
13 ~~25¢~~ for each 100 words. Exceptions filed to claims
14 presented to an assignee of a debtor who has made a
15 voluntary assignment for the benefit of creditors shall
16 be considered and treated, for the purpose of taxing
17 costs therein, as actions in which the party or parties
18 filing the exceptions shall be considered as party or
19 parties plaintiff, and the claimant or claimants as party
20 or parties defendant, and those parties respectively
21 shall pay to the clerk the same fees as provided by this
22 Section to be paid in other actions.

23 (u) Expungement Petition.

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

29 (v) Probate.

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

1 (1) For administration of the estate of a decedent
 2 (whether testate or intestate) or of a missing person, a
 3 minimum of \$50 and a maximum of \$150 ~~\$100~~, 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 ~~\$25~~.

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

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

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

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

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

31 (C) For filing a Petition to sell Real Estate,
 32 \$50.

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

1 following fees are payable:

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

5 (B) For filing a claim in an estate when the
6 amount claimed is \$150 or more but less than \$500, a
7 minimum of \$10 and a maximum of \$25 ~~\$10~~; when the
8 amount claimed is \$500 or more but less than
9 \$10,000, a minimum of \$10 and a maximum of \$40 ~~\$25~~;
10 when the amount claimed is \$10,000 or more, a
11 minimum of \$10 and a maximum of \$60 ~~\$40~~; provided
12 that the court in allowing a claim may add to the
13 amount allowed the filing fee paid by the claimant.

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

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

26 (E) Except as provided in subsection
27 (v)(3)(D), for filing the appearance of any person
28 or persons, a minimum of \$10 and a maximum of \$30
29 ~~\$10~~.

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

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

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

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

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

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

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

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

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

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

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

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

5 (C) Business offense complaints, a minimum of
6 \$25 and a maximum of \$75 \$50.

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

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

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

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

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

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

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

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 \$20.

25 (2) In counties having a population ~~in-excess~~ of
26 ~~180,000-but~~ not more than 500,000 inhabitants, when the
27 violation complaint is issued by a municipal police
28 department, the clerk shall be entitled to costs from
29 each person convicted therein as follows:

30 (A) Minor traffic or ordinance violations,
31 \$10.

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

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

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

10 (x) Transcripts of Judgment.

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

14 (y) Change of Venue.

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

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

22 (z) Tax objection complaints.

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

27 (aa) Tax Deeds.

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

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

32 (bb) Collections.

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

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

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

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

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

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

33 (cc) Corrections of Numbers.

34 For correction of the case number, case title, or

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

5 (dd) Exceptions.

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

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

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

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
27 term "special needs adoption" shall have the meaning
28 ascribed to it by the Illinois Department of Children and
29 Family Services.

30 (ff) Adoption exemptions.

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

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

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

2 (705 ILCS 105/27.1 rep.)

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

5 Section 99. Effective date. This Act takes effect July
6 1, 2003.