

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.