



**Adopted in House Comm. on Feb 25, 2005**

09400HB1112ham001

LRB094 05995 LCB 42042 a

1 AMENDMENT TO HOUSE BILL 1112

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 1112 by replacing by  
3 replacing everything after the enacting clause with the  
4 following:

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

7 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

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

21 (a) Civil Cases.

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

1           \$190.

2                   (A) When the amount of money or damages or the  
3 value of personal property claimed does not exceed  
4 \$250, a minimum of \$10 and a maximum of \$15.

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

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

9                   (D) When that amount exceeds \$2500 but does not  
10 exceed \$5,000, a minimum of \$75 and a maximum of \$100.

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

13                   (E) For the exercise of eminent domain, \$150. For  
14 each additional lot or tract of land or right or  
15 interest therein subject to be condemned, the damages  
16 in respect to which shall require separate assessment  
17 by a jury, \$150.

18                   (F) No fees shall be charged by the clerk to a  
19 petitioner in any order of protection including, but  
20 not limited to, filing, modifying, withdrawing,  
21 certifying, or photocopying petitions for orders of  
22 protection, or for issuing alias summons, or for any  
23 related filing service, certifying, modifying,  
24 vacating, or photocopying any orders of protection.

25 (b) Forcible Entry and Detainer.

26                   In each forcible entry and detainer case when the  
27 plaintiff seeks possession only or unites with his or her  
28 claim for possession of the property a claim for rent or  
29 damages or both in the amount of \$15,000 or less, a minimum  
30 of \$40 and a maximum of \$75. When the plaintiff unites his  
31 or her claim for possession with a claim for rent or  
32 damages or both exceeding \$15,000, a minimum of \$150 and a  
33 maximum of \$225.

34 (c) Counterclaim or Joining Third Party Defendant.

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

10       (d) Confession of Judgment.

11           In a confession of judgment when the amount does not  
12           exceed \$1500, a minimum of \$50 and a maximum of \$60. When  
13           the amount exceeds \$1500, but does not exceed \$5,000, \$75.  
14           When the amount exceeds \$5,000, but does not exceed  
15           \$15,000, \$175. When the amount exceeds \$15,000, a minimum  
16           of \$200 and a maximum of \$250.

17       (e) Appearance.

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

21                (A) When the plaintiff in a forcible entry and  
22                detrainer case seeks possession only, a minimum of \$20  
23                and a maximum of \$40.

24                (B) When the amount in the case does not exceed  
25                \$1500, a minimum of \$20 and a maximum of \$40.

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

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

30           In garnishment affidavit, wage deduction affidavit,  
31           and citation petition when the amount does not exceed  
32           \$1,000, a minimum of \$10 and a maximum of \$15; when the  
33           amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
34           of \$20 and a maximum of \$30; and when the amount exceeds

1           \$5,000, a minimum of \$30 and a maximum of \$50.

2           (g) Petition to Vacate or Modify.

3                 (1) Petition to vacate or modify any final judgment or  
4                 order of court, except in forcible entry and detainer cases  
5                 and small claims cases or a petition to reopen an estate,  
6                 to modify, terminate, or enforce a judgment or order for  
7                 child or spousal support, or to modify, suspend, or  
8                 terminate an order for withholding, if filed before 30 days  
9                 after the entry of the judgment or order, a minimum of \$40  
10                and a maximum of \$50.

11                (2) Petition to vacate or modify any final judgment or  
12                order of court, except a petition to modify, terminate, or  
13                enforce a judgment or order for child or spousal support or  
14                to modify, suspend, or terminate an order for withholding,  
15                if filed later than 30 days after the entry of the judgment  
16                or order, a minimum of \$60 and a maximum of \$75.

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

19           (h) Mailing.

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

23           (i) Certified Copies.

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

27           (j) Habeas Corpus.

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

30           (k) Certification, Authentication, and Reproduction.

31                 (1) Each certification or authentication for taking  
32                 the acknowledgment of a deed or other instrument in writing  
33                 with the seal of office, a minimum of \$4 and a maximum of  
34                 \$6.

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

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

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

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

12               (A) First page, \$2.

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

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

15 (l) Remands.

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

26 (m) Record Search.

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

30 (n) Hard Copy.

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

1 (o) Index Inquiry and Other Records.

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

12 (p) (Blank).

13 (q) Alias Summons.

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

16 (r) Other Fees.

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

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

31 (s) Jury Services.

32 The clerk shall be entitled to receive, in addition to  
33 other fees allowed by law, the sum of a minimum of \$192.50  
34 and a maximum of \$212.50, as a fee for the services of a

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

9 (t) Voluntary Assignment.

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

22 (u) Expungement Petition.

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

28 (v) Probate.

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

33 (1) For administration of the estate of a decedent  
34 (whether testate or intestate) or of a missing person, a

1 minimum of \$100 and a maximum of \$150, plus the fees  
2 specified in subsection (v) (3), except:

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

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

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

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

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

26 (3) In addition to the fees payable under subsection  
27 (v) (1) or (v) (2) of this Section, the following fees are  
28 payable:

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

32 (B) For filing a claim in an estate when the amount  
33 claimed is \$150 or more but less than \$500, a minimum  
34 of \$10 and a maximum of \$20; when the amount claimed is



1           \$500 or more but less than \$10,000, a minimum of \$25  
2           and a maximum of \$40; when the amount claimed is  
3           \$10,000 or more, a minimum of \$40 and a maximum of \$60;  
4           provided that the court in allowing a claim may add to  
5           the amount allowed the filing fee paid by the claimant.

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

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

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

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

23          (G) For disposition of the collection of a judgment  
24          or settlement of an action or claim for wrongful death  
25          of a decedent or of any cause of action of a ward, when  
26          there is no other administration of the estate, a  
27          minimum of \$30 and a maximum of \$50, less any amount  
28          paid under subsection (v) (1) (B) or (v) (2) (B) except  
29          that if the amount involved does not exceed \$5,000, the  
30          fee, including any amount paid under subsection  
31          (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
32          maximum of \$20.

33          (H) For each certified copy of letters of office,  
34          of court order or other certification, a minimum of \$1

1           and a maximum of \$2, plus a minimum of 50¢ and a  
2           maximum of \$1 per page in excess of 3 pages for the  
3           document certified.

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

6           (4) The executor, administrator, guardian, petitioner,  
7           or other interested person or his or her attorney shall pay  
8           the cost of publication by the clerk directly to the  
9           newspaper.

10          (5) The person on whose behalf a charge is incurred for  
11          witness, court reporter, appraiser, or other miscellaneous  
12          fee shall pay the same directly to the person entitled  
13          thereto.

14          (6) The executor, administrator, guardian, petitioner,  
15          or other interested person or his attorney shall pay to the  
16          clerk all postage charges incurred by the clerk in mailing  
17          petitions, orders, notices, or other documents pursuant to  
18          the provisions of the Probate Act of 1975.

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (2) In counties having a population of more than  
11 500,000 but fewer than 3,000,000 inhabitants, when the  
12 violation complaint is issued by a municipal police  
13 department, the clerk shall be entitled to costs from each  
14 person convicted therein as follows:

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

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

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

28 (x) Transcripts of Judgment.

29 For the filing of a transcript of judgment, the clerk  
30 shall be entitled to the same fee as if it were the  
31 commencement of new suit.

32 (y) Change of Venue.

33 (1) For the filing of a change of case on a change of  
34 venue, the clerk shall be entitled to the same fee as if it

1 were the commencement of a new suit.

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

6 (z) Tax objection complaints.

7 For each tax objection complaint containing one or more  
8 tax objections, regardless of the number of parcels  
9 involved ~~or the number of taxpayers joining~~ in the  
10 complaint, a minimum of \$25 and a maximum of \$50. A county  
11 board may approve, by ordinance, an additional fee of no  
12 more than \$50 for each additional taxpayer joining in the  
13 complaint.

14 (aa) Tax Deeds.

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

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

19 (bb) Collections.

20 (1) For all collections made of others, except the  
21 State and county and except in maintenance or child support  
22 cases, a sum equal to a minimum of 2.5% and a maximum of  
23 3.0% of the amount collected and turned over.

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

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

30 (4) In child support and maintenance cases, the clerk,  
31 if authorized by an ordinance of the county board, may  
32 collect an annual fee of up to \$36 from the person making  
33 payment for maintaining child support records and the  
34 processing of support orders to the State of Illinois KIDS

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

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

18 (cc) Corrections of Numbers.

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

24 (dd) Exceptions.

25 The fee requirements of this Section shall not apply to  
26 police departments or other law enforcement agencies. In  
27 this Section, "law enforcement agency" means an agency of  
28 the State or a unit of local government which is vested by  
29 law or ordinance with the duty to maintain public order and  
30 to enforce criminal laws or ordinances. "Law enforcement  
31 agency" also means the Attorney General or any state's  
32 attorney. The fee requirements of this Section shall not  
33 apply to any action instituted under subsection (b) of  
34 Section 11-31-1 of the Illinois Municipal Code by a private

1 owner or tenant of real property within 1200 feet of a  
2 dangerous or unsafe building seeking an order compelling  
3 the owner or owners of the building to take any of the  
4 actions authorized under that subsection.

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

10 (ee) Adoptions.

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

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

17 (ff) Adoption exemptions.

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

23 (gg) Unpaid fees.

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

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

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