

1 AN ACT concerning clerks of courts.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

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

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

7 Sec. 27.1. The fees of the Clerk of the Circuit Court in
8 all counties having a population of 180,000 inhabitants or
9 less shall be paid in advance, except as otherwise provided,
10 and shall be as follows:

11 (a) Civil Cases.

12 (1) All civil cases except as otherwise
13 provided..... \$40

14 (2) Judicial Sales (except Probate)..... \$40

15 (b) Family.

16 (1) Commitment petitions under the Mental
17 Health and Developmental Disabilities Code, filing
18 transcript of commitment proceedings held in
19 another county, and cases under the Juvenile Court
20 Act of 1987..... \$25

21 (2) Petition for Marriage Licenses..... \$10

22 (3) Marriages in Court..... \$10

23 (4) Paternity..... \$40

24 (c) Criminal and Quasi-Criminal.

25 (1) Each person convicted of a felony..... \$40

26 (2) Each person convicted of a misdemeanor,
27 leaving scene of an accident, driving while
28 intoxicated, reckless driving or drag racing,
29 driving when license revoked or suspended,
30 overweight, or no interstate commerce certificate,
31 or when the disposition is court supervision..... \$25

1 (3) Each person convicted of a business
 2 offense..... \$25

3 (4) Each person convicted of a petty offense. \$25

4 (5) Minor traffic, conservation, or
 5 ordinance violation, including
 6 without limitation when the disposition is
 7 court supervision:

8 (i) For each offense..... \$10

9 (ii) For each notice sent to the
 10 defendant's last known address pursuant to
 11 subsection (c) of Section 6-306.4 of the Illinois
 12 Vehicle Code..... \$2

13 (iii) For each notice sent to the
 14 Secretary of State pursuant to subsection (c) of
 15 Section 6-306.4 of the Illinois Vehicle Code..... \$2

16 (6) When Court Appearance required..... \$15

17 (7) Motions to vacate or amend final orders.. \$10

18 (8) In ordinance violation cases punishable
 19 by fine only, the clerk of the circuit court shall
 20 be entitled to receive, unless the fee is excused
 21 upon a finding by the court that the defendant is
 22 indigent, in addition to other fees or costs
 23 allowed or imposed by law, the sum of \$62.50 as a
 24 fee for the services of a jury. The jury fee shall
 25 be paid by the defendant at the time of filing his
 26 or her jury demand. If the fee is not so paid by
 27 the defendant, no jury shall be called, and the
 28 case shall be tried by the court without a jury.

29 (d) Other Civil Cases_

30 (1) Money or personal property claimed does
 31 not exceed \$500..... \$10

32 (2) Exceeds \$500 but not more than \$10,000... \$25

33 (3) Exceeds \$10,000, when relief in addition
 34 to or supplemental to recovery of money alone is

1 sought in an action to recover personal property
 2 taxes or retailers occupational tax regardless of
 3 amount claimed..... \$45

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

17 (e) Confession of judgment and answer.
 18 (1) When the amount does not exceed \$1,000... \$20
 19 (2) Exceeds \$1,000..... \$40

20 (f) Auxiliary Proceedings.
 21 Any auxiliary proceeding relating to the
 22 collection of a money judgment, including
 23 garnishment, citation, or wage deduction action.... \$5

24 (g) Forcible entry and detainer.
 25 (1) For possession only or possession and
 26 rent not in excess of \$10,000..... \$10
 27 (2) For possession and rent in excess of
 28 \$10,000..... \$40

29 (h) Eminent Domain.
 30 (1) Exercise of Eminent Domain..... \$45
 31 (2) For each and every lot or tract of land
 32 or right or interest therein subject to be
 33 condemned, the damages in respect to which shall
 34 require separate assessments by a jury..... \$45

1 (i) Reinstatement.

2 Each case including petition for modification
3 of a judgment or order of Court if filed later than
4 30 days after the entry of a judgment or order,
5 except in forcible entry and detainer cases and
6 small claims and except a petition to modify,
7 terminate, or enforce a judgement or order for
8 child or spousal support or to modify, suspend, or
9 terminate an order for withholding, petition to
10 vacate judgment of dismissal for want of
11 prosecution whenever filed, petition to reopen an
12 estate, or redocketing of any cause..... \$20

13 (j) Probate.

14 (1) Administration of decedent's estates,
15 whether testate or intestate, guardianships of the
16 person or estate or both of a person under legal
17 disability, guardianships of the person or estate
18 or both of a minor or minors, or petitions to sell
19 real estate in the administration of any estate.... \$50

20 (2) Small estates in cases where the real and
21 personal property of an estate does not exceed
22 \$5,000..... \$25

23 (3) At any time during the administration of
24 the estate, however, at the request of the Clerk,
25 the Court shall examine the record of the estate
26 and the personal representative to determine the
27 total value of the real and personal property of
28 the estate, and if such value exceeds \$5,000 shall
29 order the payment of an additional fee in the
30 amount of..... \$40

31 (4) Inheritance tax proceedings..... \$15

32 (5) Issuing letters only for a certain
33 specific reason other than the administration of an
34 estate, including but not limited to the release of

1 mortgage; the issue of letters of guardianship in
 2 order that consent to marriage may be granted or
 3 for some other specific reason other than for the
 4 care of property or person; proof of heirship
 5 without administration; or when a will is to be
 6 admitted to probate, but the estate is to be
 7 settled without administration..... \$10

8 (6) When a separate complaint relating to any
 9 matter other than a routine claim is filed in an
 10 estate, the required additional fee shall be
 11 charged for such filing..... \$45

12 (k) Change of Venue.

13 From a court, the charge is the same amount as
 14 the original filing fee; however, the fee for
 15 preparation and certification of record on change
 16 of venue, when original documents or copies are
 17 forwarded..... \$10

18 (l) Answer, adverse pleading, or appearance.

19 In civil cases..... \$15

20 With the following exceptions:

21 (1) When the amount does not exceed \$500..... \$5

22 (2) When amount exceeds \$500 but not \$10,000. \$10

23 (3) When amount exceeds \$10,000..... \$15

24 (4) Court appeals when documents are
 25 forwarded, over 200 pages, additional fee per page
 26 over 200..... 10¢

27 (m) Tax objection complaints.

28 For each tax objection complaint containing
 29 one or more tax objections, regardless of the
 30 number of parcels involved or the number of
 31 taxpayers joining the complaint..... \$10

32 (n) Tax deed.

33 (1) Petition for tax deed, if only one parcel
 34 is involved..... \$45

1 (2) For each additional parcel involved, an
 2 additional fee of..... \$10

3 (o) Mailing Notices and Processes.

4 (1) All notices that the clerk is required to
 5 mail as first class mail..... \$2

6 (2) For all processes or notices the Clerk is
 7 required to mail by certified or registered mail,
 8 the fee will be \$2 plus cost of postage.

9 (p) Certification or Authentication.

10 (1) Each certification or authentication for
 11 taking the acknowledgement of a deed or other
 12 instrument in writing with seal of office..... \$2

13 (2) Court appeals when original documents are
 14 forwarded, 100 pages or under, plus delivery costs. \$25

15 (3) Court appeals when original documents are
 16 forwarded, over 100 pages, plus delivery costs..... \$60

17 (4) Court appeals when original documents are
 18 forwarded, over 200 pages, additional fee per page
 19 over 200..... 10¢

20 (q) Reproductions.

21 Each record of proceedings and judgment,
 22 whether on appeal, change of venue, certified
 23 copies of orders and judgments, and all other
 24 instruments, documents, records, or papers:

25 (1) First page..... \$1

26 (2) Next 19 pages, per page..... 50¢

27 (3) All remaining pages, per page..... 25¢

28 (r) Counterclaim.

29 When any defendant files a counterclaim as
 30 part of his or her answer or otherwise, or joins
 31 another party as a third party defendant, or both,
 32 he or she shall pay a fee for each such
 33 counterclaim or third party action in an amount
 34 equal to the fee he or she would have had to pay

1 had he or she brought a separate action for the
2 relief sought in the counterclaim or against the
3 third party defendant, less the amount of the
4 appearance fee, if that has been paid.

5 (s) Transcript of Judgment.

6 From a court, the same fee as if case
7 originally filed.

8 (t) Publications.

9 The cost of publication shall be paid directly
10 to the publisher by the person seeking the
11 publication, whether the clerk is required by law
12 to publish, or the parties to the action.

13 (u) Collections.

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

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

30 (3) In maintenance and child support matters,
31 the Clerk may deduct from each payment an amount
32 equal to the United States postage to be used in
33 mailing the maintenance or child support check to
34 the recipient. In such cases, the Clerk shall

1 collect an annual fee of up to \$36 from the person
 2 making such payment for maintaining child support
 3 records and the processing of support orders to the
 4 State of Illinois KIDS system and the recording of
 5 payments issued by the State Disbursement Unit for
 6 the official record of the Court. Such sum shall be
 7 in addition to and separate from amounts ordered to
 8 be paid as maintenance or child support and shall
 9 be deposited in a separate Maintenance and Child
 10 Support Collection Fund of which the Clerk shall be
 11 the custodian, ex officio, to be used by the Clerk
 12 to maintain child support orders and record all
 13 payments issued by the State Disbursement Unit for
 14 the official record of the Court. Unless paid in
 15 cash or pursuant to an order for withholding, the
 16 payment of the fee shall be by a separate
 17 instrument from the support payment and shall be
 18 made to the order of the Clerk. The Clerk may
 19 recover from the person making the maintenance or
 20 child support payment any additional cost incurred
 21 in the collection of this annual fee.

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

25 The Clerk shall also be entitled to a fee of
 26 \$5 for certifications made to the Secretary of
 27 State as provided in Section 7-703 of the Family
 28 Financial Responsibility Law and these fees shall
 29 also be deposited into the Separate Maintenance and
 30 Child Support Collection Fund.

31 (v) Correction of Cases.

32 For correcting the case number or case title
 33 on any document filed in his office, to be charged
 34 against the party that filed the document..... \$10

1 (w) Record Search.
 2 For searching a record, per year searched..... \$4

3 (x) Printed Output.
 4 For each page of hard copy print output, when
 5 case records are maintained on an automated medium. \$2

6 (y) Alias Summons.
 7 For each alias summons issued..... \$2

8 (z) Expungement of Records.
 9 For each expungement petition filed..... \$15

10 (aa) Other Fees.
 11 Any fees not covered by this Section shall be set by
 12 rule or administrative order of the Circuit Court, with
 13 the approval of the Supreme Court.

14 (bb) Exemptions.
 15 No fee provided for herein shall be charged to any
 16 unit of State or local government or school district
 17 unless the Court orders another party to pay such fee on
 18 its behalf. The fee requirements of this Section shall
 19 not apply to police departments or other law enforcement
 20 agencies. In this Section, "law enforcement agency"
 21 means an agency of the State or a unit of local
 22 government that is vested by law or ordinance with the
 23 duty to maintain public order and to enforce criminal
 24 laws and ordinances. The fee requirements of this Section
 25 shall not apply to any action instituted under subsection
 26 (b) of Section 11-31-1 of the Illinois Municipal Code by
 27 a private owner or tenant of real property within 1200
 28 feet of a dangerous or unsafe building seeking an order
 29 compelling the owner or owners of the building to take
 30 any of the actions authorized under that subsection.

31 (cc) Adoptions.
 32 (1) For an adoption.....\$65
 33 (2) Upon good cause shown, the court may waive the
 34 adoption filing fee in a special needs adoption. The

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

4 (dd) Adoption exemptions.

5 No fee other than that set forth in subsection (cc)
6 shall be charged to any person in connection with an
7 adoption proceeding.

8 (ee) Additional Services.

9 Beginning July 1, 1993, the clerk of the circuit
10 court may provide such additional services for which
11 there is no fee specified by statute in connection with
12 the operation of the clerk's office as may be requested
13 by the public and agreed to by the public and by the
14 clerk and approved by the chief judge of the circuit
15 court. Any charges for additional services shall be as
16 agreed to between the clerk and the party making the
17 request and approved by the chief judge of the circuit
18 court. Nothing in this subsection shall be construed to
19 require any clerk to provide any service not otherwise
20 required by law.

21 (ff) Returned checks.

22 For each check delivered to the clerk that is not
23 honored on 2 occasions by the financial institution upon
24 which it is drawn because of insufficient funds in the
25 account, because the account is closed, because there is
26 no account, or because a stop payment has been placed on
27 the check, in addition to the amount already owed....\$25.

28 (Source: P.A. 90-466, eff. 8-17-97; 90-796, eff. 12-15-98;
29 91-165, eff. 7-16-99; 91-321, eff. 1-1-00; 91-357, eff.
30 7-29-99; 91-612, eff. 10-1-99; revised 10-26-99.)