

SB3831



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB3831

Introduced 2/6/2026, by Sen. Elgie R. Sims, Jr.

SYNOPSIS AS INTRODUCED:

30 ILCS 105/6z-22 from Ch. 127, par. 142z-22
705 ILCS 105/27.1b
705 ILCS 105/27.3f rep.

Amends the Clerks of the Courts Act. Increases the filing fee and appearance fee in civil actions. Requires \$5 of those fees to be deposited into the Guardianship and Advocacy Fund. Provides that no fee may be charged for accounts filed for guardianships established for minors under the Minors Article of the Probate Act of 1975 or for disabled adults of the Probate Act of 1975. Provides that no fee may be charged for a commitment petition or petition for discharge under the Mental Health and Developmental Disabilities Code. Repeals the provisions imposing the guardianship and advocacy operations fee.

LRB104 18254 JRC 31693 b

A BILL FOR

1 AN ACT concerning civil law.

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

4 Section 5. The State Finance Act is amended by changing
5 Section 6z-22 as follows:

6 (30 ILCS 105/6z-22) (from Ch. 127, par. 142z-22)

7 Sec. 6z-22. Viabile public guardianship and advocacy
8 programs, including the public guardianship programs created
9 and supervised in probate proceedings in State courts, are
10 essential to the administration of justice and operation of
11 the court to ensure that incapacitated persons and their
12 estates are protected regardless of their individual capacity
13 to access the courts. Providing independent legal
14 representation for individuals named in proceedings initiated
15 under the Mental Health and Developmental Disabilities Code is
16 essential to the administration of justice and operation of
17 courts so that an individual named in such proceedings,
18 regardless of resources, is afforded counsel that is free of
19 conflicting duties and charged with insuring compliance with
20 the Code's requirements, which is a necessary safeguard to
21 prevent the mental health and developmental disabilities
22 systems from become a tool to oppress rather than serve
23 society. To defray the expense of maintaining and operating

1 the divisions and programs of the Guardianship and Advocacy
2 Commission and to support viable guardianship and advocacy
3 programs throughout the State, each circuit court clerk must
4 remit a portion of the filing and appearance fees, as provided
5 in Section 27.1b of the Clerk of Courts Act, to the State
6 Treasurer for deposit into the Guardianship and Advocacy Fund.

7 All fees or other monies received by the Guardianship and
8 Advocacy Commission incident to the provision of legal or
9 guardianship services to eligible persons or wards pursuant to
10 subsection (i) of Section 5 of the Guardianship and Advocacy
11 Act shall be paid into the Guardianship and Advocacy Fund.

12 Appropriations for the improvement, development, addition
13 or expansion of legal and guardianship services for eligible
14 persons or wards pursuant to Section 5 of the Guardianship and
15 Advocacy Act or for the financing of any program designed to
16 provide such improvement, development, addition or expansion
17 of services or for expenses incurred in administering the
18 Human Rights Authority, Legal Advocacy Service and Office of
19 State Guardian are payable from the Guardianship and Advocacy
20 Fund.

21 (Source: P.A. 86-448; 86-1028.)

22 Section 10. The Clerks of Courts Act is amended by
23 changing Section 27.1b as follows:

24 (705 ILCS 105/27.1b)

1 Sec. 27.1b. Circuit court clerk fees. Notwithstanding any
2 other provision of law, all fees charged by the clerks of the
3 circuit court for the services described in this Section shall
4 be established, collected, and disbursed in accordance with
5 this Section. Except as otherwise specified in this Section,
6 all fees under this Section shall be paid in advance and
7 disbursed by each clerk on a monthly basis. In a county with a
8 population of over 3,000,000, units of local government and
9 school districts shall not be required to pay fees under this
10 Section in advance and the clerk shall instead send an
11 itemized bill to the unit of local government or school
12 district, within 30 days of the fee being incurred, and the
13 unit of local government or school district shall be allowed
14 at least 30 days from the date of the itemized bill to pay;
15 these payments shall be disbursed by each clerk on a monthly
16 basis. Unless otherwise specified in this Section, the amount
17 of a fee shall be determined by ordinance or resolution of the
18 county board and remitted to the county treasurer to be used
19 for purposes related to the operation of the court system in
20 the county. In a county with a population of over 3,000,000,
21 any amount retained by the clerk of the circuit court or
22 remitted to the county treasurer shall be subject to
23 appropriation by the county board.

24 (a) Civil cases. The fee for filing a complaint, petition,
25 or other pleading initiating a civil action shall be as set
26 forth in the applicable schedule under this subsection in

1 accordance with case categories established by the Supreme
2 Court in schedules.

3 (1) SCHEDULE 1: not to exceed a total of \$371 ~~\$366~~ in a
4 county with a population of 3,000,000 or more and not to
5 exceed \$321 ~~\$316~~ in any other county, except as applied to
6 units of local government and school districts in counties
7 with more than 3,000,000 inhabitants an amount not to
8 exceed \$195 ~~\$190~~ through December 31, 2021 and ~~\$184~~ on and
9 ~~after January 1, 2022~~. The fees collected under this
10 schedule shall be disbursed as follows:

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

18 (B) The clerk shall remit up to \$26 ~~\$21~~ to the
19 State Treasurer. The State Treasurer shall deposit the
20 appropriate amounts, in accordance with the clerk's
21 instructions, as follows:

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

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

1 (iii) \$5 into the Guardianship and Advocacy
2 Fund; and

3 (iv) ~~(iii)~~ \$9 into the Supreme Court Special
4 Purposes Fund.

5 (C) The clerk shall remit a sum to the County
6 Treasurer, in an amount not to exceed \$290 in a county
7 with a population of 3,000,000 or more and in an amount
8 not to exceed \$250 in any other county, as specified by
9 ordinance or resolution passed by the county board,
10 for purposes related to the operation of the court
11 system in the county.

12 (2) SCHEDULE 2: not to exceed a total of \$362 ~~\$357~~ in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$266 in any other county, except as applied to
15 units of local government and school districts in counties
16 with more than 3,000,000 inhabitants an amount not to
17 exceed \$190 through December 31, 2021 and \$184 on and
18 after January 1, 2022. The fees collected under this
19 schedule shall be disbursed as follows:

20 (A) The clerk shall retain a sum, in an amount not
21 to exceed \$55 in a county with a population of
22 3,000,000 or more and in an amount not to exceed \$45 in
23 any other county determined by the clerk with the
24 approval of the Supreme Court, to be used for court
25 automation, court document storage, and administrative
26 purposes.

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

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

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

10 (iii) \$9 into the Supreme Court Special
11 Purposes Fund.

12 (C) The clerk shall remit a sum to the County
13 Treasurer, in an amount not to exceed \$281 in a county
14 with a population of 3,000,000 or more and in an amount
15 not to exceed \$200 in any other county, as specified by
16 ordinance or resolution passed by the county board,
17 for purposes related to the operation of the court
18 system in the county.

19 (3) SCHEDULE 3: not to exceed a total of \$270 ~~\$265~~ in a
20 county with a population of 3,000,000 or more and not to
21 exceed \$94 ~~\$89~~ 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 \$195 ~~\$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 \$22 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 \$16 ~~\$11~~ 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) \$2 into the Access to Justice Fund; ~~and~~

13 (ii) \$5 into the Guardianship and Advocacy
14 Fund; and

15 (iii) ~~(ii)~~ \$9 into the Supreme Court Special
16 Purposes Fund.

17 (C) The clerk shall remit a sum to the County
18 Treasurer, in an amount not to exceed \$199 in a county
19 with a population of 3,000,000 or more and in an amount
20 not to exceed \$56 in any other county, as specified by
21 ordinance or resolution passed by the county board,
22 for purposes related to the operation of the court
23 system in the county.

24 (4) SCHEDULE 4: \$0.

25 (b) Appearance. The fee for filing an appearance in a
26 civil action, including a cannabis civil law action under the

1 Cannabis Control Act, shall be as set forth in the applicable
2 schedule under this subsection in accordance with case
3 categories established by the Supreme Court in schedules.

4 (1) SCHEDULE 1: not to exceed a total of \$235 ~~\$230~~ in a
5 county with a population of 3,000,000 or more and not to
6 exceed \$196 ~~\$191~~ in any other county, except as applied to
7 units of local government and school districts in counties
8 with more than 3,000,000 inhabitants an amount not to
9 exceed \$80 ~~\$75~~. The fees collected under this schedule
10 shall be disbursed as follows:

11 (A) The clerk shall retain a sum, in an amount not
12 to exceed \$50 in a county with a population of
13 3,000,000 or more and in an amount not to exceed \$45 in
14 any other county determined by the clerk with the
15 approval of the Supreme Court, to be used for court
16 automation, court document storage, and administrative
17 purposes.

18 (B) The clerk shall remit up to \$26 ~~\$21~~ to the
19 State Treasurer. The State Treasurer shall deposit the
20 appropriate amounts, in accordance with the clerk's
21 instructions, as follows:

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

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

1 (iii) \$5 into the Guardianship and Advocacy
2 Fund; and

3 (iv) ~~(iii)~~ \$9 into the Supreme Court Special
4 Purposes Fund.

5 (C) The clerk shall remit a sum to the County
6 Treasurer, in an amount not to exceed \$159 in a county
7 with a population of 3,000,000 or more and in an amount
8 not to exceed \$125 in any other county, as specified by
9 ordinance or resolution passed by the county board,
10 for purposes related to the operation of the court
11 system in the county.

12 (2) SCHEDULE 2: not to exceed a total of \$135 ~~\$130~~ in a
13 county with a population of 3,000,000 or more and not to
14 exceed \$114 ~~\$109~~ in any other county, except as applied to
15 units of local government and school districts in counties
16 with more than 3,000,000 inhabitants an amount not to
17 exceed \$80 ~~\$75~~. The fees collected under this schedule
18 shall be disbursed as follows:

19 (A) The clerk shall retain a sum, in an amount not
20 to exceed \$50 in a county with a population of
21 3,000,000 or more and in an amount not to exceed \$10 in
22 any other county determined by the clerk with the
23 approval of the Supreme Court, to be used for court
24 automation, court document storage, and administrative
25 purposes.

26 (B) The clerk shall remit up to \$14 ~~\$9~~ to the State

1 Treasurer. The ~~, which the~~ State Treasurer shall
2 deposit the appropriate amounts, in accordance with
3 the clerk's instructions, as follows: into the Supreme
4 ~~Court Special Purposes Fund.~~

5 (i) \$5 into the Guardianship and Advocacy
6 Fund; and

7 (ii) \$9 into the Supreme Court Special
8 Purposes Fund.

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

16 (3) SCHEDULE 3: \$0.

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

26 (c) Counterclaim or third party complaint. When any

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

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

17 (e) Jury services. The clerk shall collect, in addition to
18 other fees allowed by law, a sum not to exceed \$212.50, as a
19 fee for the services of a jury in every civil action not
20 quasi-criminal in its nature and not a proceeding for the
21 exercise of the right of eminent domain and in every other
22 action wherein the right of trial by jury is or may be given by
23 law. The jury fee shall be paid by the party demanding a jury
24 at the time of filing the jury demand. If the fee is not paid
25 by either party, no jury shall be called in the action or
26 proceeding, and the action or proceeding shall be tried by the

1 court without a jury.

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

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

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

9 (g) Petition to vacate or modify.

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

22 (2) In a proceeding involving a petition to vacate or
23 modify any final judgment or order filed more than 30 days
24 after the judgment or order was entered, except for a
25 petition to modify, terminate, or enforce a judgment or
26 order for child or spousal support, or petition to modify,

1 suspend, or terminate an order for withholding, the fee
2 shall not exceed \$75.

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

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

11 (1) if the record contains no more than 100 pages, the
12 fee shall not exceed \$70 in a county with a population of
13 3,000,000 or more and shall not exceed \$50 in any other
14 county;

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

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

20 (i) Remands. In any cases remanded to the circuit court
21 from the Supreme Court or the appellate court for a new trial,
22 the clerk shall reinstate the case with either its original
23 number or a new number. The clerk shall not charge any new or
24 additional fee for the reinstatement. Upon reinstatement, the
25 clerk shall advise the parties of the reinstatement. Parties
26 shall have the same right to a jury trial on remand and

1 reinstatement that they had before the appeal, and no
2 additional or new fee or charge shall be made for a jury trial
3 after remand.

4 (j) Garnishment, wage deduction, and citation. In
5 garnishment affidavit, wage deduction affidavit, and citation
6 petition proceedings:

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

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

21 (3) if the amount in controversy in the proceeding is
22 greater than \$5,000, the fee may not exceed \$65 in a county
23 with a population of 3,000,000 or more and may not exceed
24 \$50 in any other county, except as applied to units of
25 local government and school districts in counties with
26 more than 3,000,000 inhabitants an amount not to exceed

1 \$50.

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

7 (1) \$35 if the amount in controversy in the proceeding
8 is not more than \$1,000;

9 (2) \$45 if the amount in controversy in the proceeding
10 is greater than \$1,000 and not more than \$5,000; and

11 (3) \$65 if the amount in controversy in the proceeding
12 is greater than \$5,000.

13 (k) Collections.

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

18 (2) In child support and maintenance cases, the clerk
19 may collect an annual fee of up to \$36 from the person
20 making payment for maintaining child support records and
21 the processing of support orders to the State of Illinois
22 KIDS system and the recording of payments issued by the
23 State Disbursement Unit for the official record of the
24 Court. This fee is in addition to and separate from
25 amounts ordered to be paid as maintenance or child support
26 and shall be deposited into a Separate Maintenance and

1 Child Support Collection Fund, of which the clerk shall be
2 the custodian, ex officio, to be used by the clerk to
3 maintain child support orders and record all payments
4 issued by the State Disbursement Unit for the official
5 record of the Court. The clerk may recover from the person
6 making the maintenance or child support payment any
7 additional cost incurred in the collection of this annual
8 fee.

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

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

22 (l) Mailing. The fee for the clerk mailing documents shall
23 not exceed \$10 plus the cost of postage.

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

26 (n) Certification, authentication, and reproduction.

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

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

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

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

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

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

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

20 (q) Index inquiry and other records. No fee shall be
21 charged for a single plaintiff and defendant index inquiry or
22 single case record inquiry when this request is made in person
23 and the records are maintained in a current automated medium,
24 and when no hard copy print output is requested. The fees to be
25 charged for management records, multiple case records, and
26 multiple journal records may be specified by the Chief Judge

1 pursuant to the guidelines for access and dissemination of
2 information approved by the Supreme Court.

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

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

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

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

26 (v) Probate filings.

1 (1) For each account (other than one final account)
2 filed in the estate of a decedent,~~or ward,~~ the fee shall
3 not exceed \$25. No fee may be charged for accounts filed
4 for guardianships established for minors pursuant to
5 Article XI of the Probate Act of 1975 or for disabled
6 adults under Article XIa of the Probate Act of 1975.

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

20 (3) For filing in an estate a claim, petition, or
21 supplemental proceeding based upon an action seeking
22 equitable relief including the construction or contest of
23 a will, enforcement of a contract to make a will, and
24 proceedings involving testamentary trusts or the
25 appointment of testamentary trustees, the fee shall not
26 exceed \$60.

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

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

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

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

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

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

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

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

6 (x) Miscellaneous.

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

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

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

26 (y-5) Unpaid fees. Unless a court ordered payment schedule

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

14 (z) Exceptions.

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

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

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

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

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

18 (C) any commitment petition, petition for
19 discharge petition, or petition for an order
20 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) No fee may be charged for the filing of an
22 appearance by any defendant in a small claim proceeding.
23 As used in this Section, "small claim" means a proceeding
24 as defined in Supreme Court Rule 281.

25 (Source: P.A. 103-4, eff. 5-31-23; 103-379, eff. 7-28-23;
26 103-605, eff. 7-1-24; 104-120, eff. 1-1-26.)

1 (705 ILCS 105/27.3f rep.)

2 Section 15. The Clerks of Courts Act is amended by

3 repealing Section 27.3f.