



## 95TH GENERAL ASSEMBLY

### State of Illinois

### 2007 and 2008

### HB3455

Introduced 2/28/2007, by Rep. Patricia R. Bellock

#### SYNOPSIS AS INTRODUCED:

405 ILCS 5/2-102	from Ch. 91 1/2, par. 2-102
405 ILCS 5/2-107	from Ch. 91 1/2, par. 2-107
405 ILCS 5/2-107.1	from Ch. 91 1/2, par. 2-107.1
405 ILCS 5/2-107.2	from Ch. 91 1/2, par. 2-107.2
405 ILCS 5/2-107.3	
405 ILCS 5/2-200	from Ch. 91 1/2, par. 2-200
405 ILCS 5/3-802	from Ch. 91 1/2, par. 3-802
405 ILCS 5/1-121.5 rep.	
705 ILCS 105/27.1a	from Ch. 25, par. 27.1a
705 ILCS 105/27.2	from Ch. 25, par. 27.2
705 ILCS 105/27.2a	from Ch. 25, par. 27.2a
755 ILCS 40/60	

Amends the Mental Health and Developmental Disabilities Code. Changes references from "authorized involuntary treatment" to "electroconvulsive therapy or psychotropic medication". Provides that an adult recipient of mental health services, or the recipient's guardian, and the recipient's substitute decision maker must be informed of the recipient's right to refuse electroconvulsive therapy. Provides that a court may, in its discretion, appoint a guardian ad litem for a recipient before the court or authorize an existing guardian of the person to monitor treatment and compliance with court orders in connection with the administration of psychotropic medication and electroconvulsive therapy. Provides that upon the commencement of mental health services, or as soon thereafter as the condition of the recipient permits, the facility must advise the recipient as to the circumstances under which the law permits the use of electroconvulsive therapy. Amends the Clerks of Courts Act and the Health Care Surrogate Act to make conforming changes. Effective immediately.

LRB095 07220 DRJ 27355 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

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

4 Section 5. The Mental Health and Developmental  
5 Disabilities Code is amended by changing Sections 2-102, 2-107,  
6 2-107.1, 2-107.2, 2-107.3, 2-200, and 3-802 as follows:

7 (405 ILCS 5/2-102) (from Ch. 91 1/2, par. 2-102)

8 Sec. 2-102. (a) A recipient of services shall be provided  
9 with adequate and humane care and services in the least  
10 restrictive environment, pursuant to an individual services  
11 plan. The Plan shall be formulated and periodically reviewed  
12 with the participation of the recipient to the extent feasible  
13 and the recipient's guardian, the recipient's substitute  
14 decision maker, if any, or any other individual designated in  
15 writing by the recipient. The facility shall advise the  
16 recipient of his or her right to designate a family member or  
17 other individual to participate in the formulation and review  
18 of the treatment plan. In determining whether care and services  
19 are being provided in the least restrictive environment, the  
20 facility shall consider the views of the recipient, if any,  
21 concerning the treatment being provided. The recipient's  
22 preferences regarding emergency interventions under subsection  
23 (d) of Section 2-200 shall be noted in the recipient's

1 treatment plan.

2 (a-5) If the services include the administration of  
3 electroconvulsive therapy or psychotropic medication  
4 ~~authorized involuntary treatment~~, the physician or the  
5 physician's designee shall advise the recipient, in writing, of  
6 the side effects, risks, and benefits of the treatment, as well  
7 as alternatives to the proposed treatment, to the extent such  
8 advice is consistent with the recipient's ability to understand  
9 the information communicated. The physician shall determine  
10 and state in writing whether the recipient has the capacity to  
11 make a reasoned decision about the treatment. The physician or  
12 the physician's designee shall provide to the recipient's  
13 substitute decision maker, if any, the same written information  
14 that is required to be presented to the recipient in writing.  
15 If the recipient lacks the capacity to make a reasoned decision  
16 about the treatment, the treatment may be administered only (i)  
17 pursuant to the provisions of Section 2-107 or 2-107.1 or (ii)  
18 pursuant to a power of attorney for health care under the  
19 Powers of Attorney for Health Care Law or a declaration for  
20 mental health treatment under the Mental Health Treatment  
21 Preference Declaration Act. A surrogate decision maker, other  
22 than a court appointed guardian, under the Health Care  
23 Surrogate Act may not consent to the administration of  
24 electroconvulsive therapy or psychotropic medication  
25 ~~authorized involuntary treatment~~. A surrogate may, however,  
26 petition for administration of such ~~authorized involuntary~~

1 treatment pursuant to this Act. If the recipient is under  
2 guardianship and the guardian is authorized to consent to the  
3 administration of electroconvulsive therapy or psychotropic  
4 medication ~~authorized involuntary treatment~~ pursuant to  
5 subsection (c) of Section 2-107.1 of this Code, the physician  
6 shall advise the guardian in writing of the side effects and  
7 risks of the treatment, alternatives to the proposed treatment,  
8 and the risks and benefits of the treatment. A qualified  
9 professional shall be responsible for overseeing the  
10 implementation of such plan. Such care and treatment shall make  
11 reasonable accommodation of any physical disability of the  
12 recipient, including but not limited to the regular use of sign  
13 language for any hearing impaired individual for whom sign  
14 language is a primary mode of communication. If the recipient  
15 is unable to communicate effectively in English, the facility  
16 shall make reasonable efforts to provide services to the  
17 recipient in a language that the recipient understands.

18 (b) A recipient of services who is an adherent or a member  
19 of any well-recognized religious denomination, the principles  
20 and tenets of which teach reliance upon services by spiritual  
21 means through prayer alone for healing by a duly accredited  
22 practitioner thereof, shall have the right to choose such  
23 services. The parent or guardian of a recipient of services who  
24 is a minor, or a guardian of a recipient of services who is not  
25 a minor, shall have the right to choose services by spiritual  
26 means through prayer for the recipient of services.

1 (Source: P.A. 90-538, eff. 12-1-97; 91-726, eff. 6-2-00.)

2 (405 ILCS 5/2-107) (from Ch. 91 1/2, par. 2-107)

3 Sec. 2-107. Refusal of services; informing of risks.

4 (a) An adult recipient of services or the recipient's  
5 guardian, if the recipient is under guardianship, and the  
6 recipient's substitute decision maker, if any, must be informed  
7 of the recipient's right to refuse medication or  
8 electroconvulsive therapy. The recipient and the recipient's  
9 guardian or substitute decision maker shall be given the  
10 opportunity to refuse generally accepted mental health or  
11 developmental disability services, including but not limited  
12 to medication or electroconvulsive therapy. If such services  
13 are refused, they shall not be given unless such services are  
14 necessary to prevent the recipient from causing serious and  
15 imminent physical harm to the recipient or others and no less  
16 restrictive alternative is available. The facility director  
17 shall inform a recipient, guardian, or substitute decision  
18 maker, if any, who refuses such services of alternate services  
19 available and the risks of such alternate services, as well as  
20 the possible consequences to the recipient of refusal of such  
21 services.

22 (b) Psychotropic medication or electroconvulsive therapy  
23 ~~Authorized involuntary treatment~~ may be administered ~~given~~  
24 under this Section for up to 24 hours only if the circumstances  
25 leading up to the need for emergency treatment are set forth in

1 writing in the recipient's record.

2 (c) Administration of medication or electroconvulsive  
3 therapy ~~Authorized involuntary treatment~~ may not be continued  
4 unless the need for such treatment is redetermined at least  
5 every 24 hours based upon a personal examination of the  
6 recipient by a physician or a nurse under the supervision of a  
7 physician and the circumstances demonstrating that need are set  
8 forth in writing in the recipient's record.

9 (d) Neither psychotropic medication nor electroconvulsive  
10 therapy ~~Authorized involuntary treatment~~ may ~~not~~ be  
11 administered under this Section for a period in excess of 72  
12 hours, excluding Saturdays, Sundays, and holidays, unless a  
13 petition is filed under Section 2-107.1 and the treatment  
14 continues to be necessary under subsection (a) of this Section.  
15 Once the petition has been filed, treatment may continue in  
16 compliance with subsections (a), (b), and (c) of this Section  
17 until the final outcome of the hearing on the petition.

18 (e) The Department shall issue rules designed to insure  
19 that in State-operated mental health facilities psychotropic  
20 medication and electroconvulsive therapy are ~~authorized~~  
21 ~~involuntary treatment is~~ administered in accordance with this  
22 Section and only when appropriately authorized and monitored by  
23 a physician or a nurse under the supervision of a physician in  
24 accordance with accepted medical practice. The facility  
25 director of each mental health facility not operated by the  
26 State shall issue rules designed to insure that in that

1 facility psychotropic medication and electroconvulsive therapy  
2 are authorized ~~involuntary treatment is~~ administered in  
3 accordance with this Section and only when appropriately  
4 authorized and monitored by a physician or a nurse under the  
5 supervision of a physician in accordance with accepted medical  
6 practice. Such rules shall be available for public inspection  
7 and copying during normal business hours.

8 (f) The provisions of this Section with respect to the  
9 emergency administration of psychotropic medication and  
10 electroconvulsive therapy ~~authorized involuntary treatment~~ do  
11 not apply to facilities licensed under the Nursing Home Care  
12 Act.

13 (g) Under no circumstances may long-acting psychotropic  
14 medications be administered under this Section.

15 (h) Whenever psychotropic medication or electroconvulsive  
16 therapy is refused pursuant to subsection (a) of this Section  
17 at least once that day, the physician shall determine and state  
18 in writing the reasons why the recipient did not meet the  
19 criteria for administration of medication or electroconvulsive  
20 therapy ~~involuntary treatment~~ under subsection (a) and whether  
21 the recipient meets the standard for administration of  
22 psychotropic medication or electroconvulsive therapy  
23 ~~authorized involuntary treatment~~ under Section 2-107.1 of this  
24 Code. If the physician determines that the recipient meets the  
25 standard for administration of psychotropic medication or  
26 electroconvulsive therapy ~~authorized involuntary treatment~~

1 under Section 2-107.1, the facility director or his or her  
2 designee shall petition the court for administration of  
3 psychotropic medication or electroconvulsive therapy  
4 ~~authorized involuntary treatment~~ pursuant to that Section  
5 unless the facility director or his or her designee states in  
6 writing in the recipient's record why the filing of such a  
7 petition is not warranted. This subsection (h) applies only to  
8 State-operated mental health facilities.

9 (i) The Department shall conduct annual trainings for all  
10 physicians and registered nurses working in State-operated  
11 mental health facilities on the appropriate use of emergency  
12 administration of psychotropic medication and  
13 electroconvulsive therapy ~~authorized involuntary treatment~~,  
14 standards for their ~~its~~ use, and the methods of authorization  
15 under this Section.

16 (Source: P.A. 94-1066, eff. 8-1-06.)

17 (405 ILCS 5/2-107.1) (from Ch. 91 1/2, par. 2-107.1)

18 Sec. 2-107.1. Administration of psychotropic medication  
19 and electroconvulsive therapy ~~authorized involuntary treatment~~  
20 upon application to a court.

21 (a) (Blank). ~~An adult recipient of services and the~~  
22 ~~recipient's guardian, if the recipient is under guardianship,~~  
23 ~~and the substitute decision maker, if any, shall be informed of~~  
24 ~~the recipient's right to refuse medication. The recipient and~~  
25 ~~the recipient's guardian or substitute decision maker shall be~~



1 ~~given the opportunity to refuse generally accepted mental~~  
2 ~~health or developmental disability services, including but not~~  
3 ~~limited to medication.~~

4 (a-5) Notwithstanding the provisions of Section 2-107 of  
5 this Code, psychotropic medication and electroconvulsive  
6 therapy ~~authorized involuntary treatment~~ may be administered  
7 to an adult recipient of services without the informed consent  
8 of the recipient under the following standards:

9 (1) Any person 18 years of age or older, including any  
10 guardian, may petition the circuit court for an order  
11 authorizing the administration of psychotropic medication  
12 and electroconvulsive therapy ~~authorized involuntary~~  
13 ~~treatment~~ to a recipient of services. The petition shall  
14 state that the petitioner has made a good faith attempt to  
15 determine whether the recipient has executed a power of  
16 attorney for health care under the Powers of Attorney for  
17 Health Care Law or a declaration for mental health  
18 treatment under the Mental Health Treatment Preference  
19 Declaration Act and to obtain copies of these instruments  
20 if they exist. If either of the above-named instruments is  
21 available to the petitioner, the instrument or a copy of  
22 the instrument shall be attached to the petition as an  
23 exhibit. The petitioner shall deliver a copy of the  
24 petition, and notice of the time and place of the hearing,  
25 to the respondent, his or her attorney, any known agent or  
26 attorney-in-fact, if any, and the guardian, if any, no

1 later than 3 days prior to the date of the hearing. Service  
2 of the petition and notice of the time and place of the  
3 hearing may be made by transmitting them via facsimile  
4 machine to the respondent or other party. Upon receipt of  
5 the petition and notice, the party served, or the person  
6 delivering the petition and notice to the party served,  
7 shall acknowledge service. If the party sending the  
8 petition and notice does not receive acknowledgement of  
9 service within 24 hours, service must be made by personal  
10 service.

11 The petition may include a request that the court  
12 authorize such testing and procedures as may be essential  
13 for the safe and effective administration of the  
14 psychotropic medication or electroconvulsive therapy  
15 ~~authorized involuntary treatment~~ sought to be  
16 administered, but only where the petition sets forth the  
17 specific testing and procedures sought to be administered.

18 If a hearing is requested to be held immediately  
19 following the hearing on a petition for involuntary  
20 admission, then the notice requirement shall be the same as  
21 that for the hearing on the petition for involuntary  
22 admission, and the petition filed pursuant to this Section  
23 shall be filed with the petition for involuntary admission.

24 (2) The court shall hold a hearing within 7 days of the  
25 filing of the petition. The People, the petitioner, or the  
26 respondent shall be entitled to a continuance of up to 7

1 days as of right. An additional continuance of not more  
2 than 7 days may be granted to any party (i) upon a showing  
3 that the continuance is needed in order to adequately  
4 prepare for or present evidence in a hearing under this  
5 Section or (ii) under exceptional circumstances. The court  
6 may grant an additional continuance not to exceed 21 days  
7 when, in its discretion, the court determines that such a  
8 continuance is necessary in order to provide the recipient  
9 with an examination pursuant to Section 3-803 or 3-804 of  
10 this Act, to provide the recipient with a trial by jury as  
11 provided in Section 3-802 of this Act, or to arrange for  
12 the substitution of counsel as provided for by the Illinois  
13 Supreme Court Rules. The hearing shall be separate from a  
14 judicial proceeding held to determine whether a person is  
15 subject to involuntary admission but may be heard  
16 immediately preceding or following such a judicial  
17 proceeding and may be heard by the same trier of fact or  
18 law as in that judicial proceeding.

19 (3) Unless otherwise provided herein, the procedures  
20 set forth in Article VIII of Chapter 3 of this Act,  
21 including the provisions regarding appointment of counsel,  
22 shall govern hearings held under this subsection (a-5).

23 (4) Psychotropic medication and electroconvulsive  
24 therapy may ~~Authorized involuntary treatment shall not~~ be  
25 administered to the recipient if and only if ~~unless~~ it has  
26 been determined by clear and convincing evidence that all

1 of the following factors are present. In determining  
2 whether a person meets the criteria specified in the  
3 following paragraphs (A) through (G), the court may  
4 consider evidence of the person's history of serious  
5 violence, repeated past pattern of specific behavior,  
6 actions related to the person's illness, or past outcomes  
7 of various treatment options.

8 (A) That the recipient has a serious mental illness  
9 or developmental disability.

10 (B) That because of said mental illness or  
11 developmental disability, the recipient currently  
12 exhibits any one of the following: (i) deterioration of  
13 his or her ability to function, as compared to the  
14 recipient's ability to function prior to the current  
15 onset of symptoms of the mental illness or disability  
16 for which treatment is presently sought, (ii)  
17 suffering, or (iii) threatening behavior.

18 (C) That the illness or disability has existed for  
19 a period marked by the continuing presence of the  
20 symptoms set forth in item (B) of this subdivision (4)  
21 or the repeated episodic occurrence of these symptoms.

22 (D) That the benefits of the treatment outweigh the  
23 harm.

24 (E) That the recipient lacks the capacity to make a  
25 reasoned decision about the treatment.

26 (F) That other less restrictive services have been

1 explored and found inappropriate.

2 (G) If the petition seeks authorization for  
3 testing and other procedures, that such testing and  
4 procedures are essential for the safe and effective  
5 administration of the treatment.

6 (5) In no event shall an order issued under this  
7 Section be effective for more than 90 days. A second 90-day  
8 period of involuntary treatment may be authorized pursuant  
9 to a hearing that complies with the standards and  
10 procedures of this subsection (a-5). Thereafter,  
11 additional 180-day periods of involuntary treatment may be  
12 authorized pursuant to the standards and procedures of this  
13 Section without limit. If a new petition to authorize the  
14 administration of psychotropic medication or  
15 electroconvulsive therapy ~~authorized involuntary treatment~~  
16 is filed at least 15 days prior to the expiration of the  
17 prior order, and if any continuance of the hearing is  
18 agreed to by the recipient, the administration of the  
19 treatment may continue in accordance with the prior order  
20 pending the completion of a hearing under this Section.

21 (6) An order issued under this subsection (a-5) shall  
22 designate the persons authorized to administer the  
23 ~~authorized involuntary~~ treatment under the standards and  
24 procedures of this subsection (a-5). Those persons shall  
25 have complete discretion not to administer any treatment  
26 authorized under this Section. The order shall also specify

1 the medications and the anticipated range of dosages that  
2 have been authorized and may include a list of any  
3 alternative medications and range of dosages deemed  
4 necessary.

5 (a-10) The court may, in its discretion, appoint a guardian  
6 ad litem for a recipient before the court or authorize an  
7 existing guardian of the person to monitor treatment and  
8 compliance with court orders under this Section.

9 (b) A guardian may be authorized to consent to the  
10 administration of psychotropic medication or electroconvulsive  
11 therapy ~~authorized involuntary treatment~~ to an objecting  
12 recipient only under the standards and procedures of subsection  
13 (a-5).

14 (c) Notwithstanding any other provision of this Section, a  
15 guardian may consent to the administration of psychotropic  
16 medication or electroconvulsive therapy ~~authorized involuntary~~  
17 ~~treatment~~ to a non-objecting recipient under Article XIa of the  
18 Probate Act of 1975.

19 (d) Nothing in this Section shall prevent the  
20 administration of psychotropic medication or electroconvulsive  
21 therapy ~~authorized involuntary treatment~~ to recipients in an  
22 emergency under Section 2-107 of this Act.

23 (e) Notwithstanding any of the provisions of this Section,  
24 psychotropic medication or electroconvulsive therapy  
25 ~~authorized involuntary treatment~~ may be administered pursuant  
26 to a power of attorney for health care under the Powers of

1 Attorney for Health Care Law or a declaration for mental health  
2 treatment under the Mental Health Treatment Preference  
3 Declaration Act.

4 (f) The Department shall conduct annual trainings for  
5 physicians and registered nurses working in State-operated  
6 mental health facilities on the appropriate use of psychotropic  
7 medication and electroconvulsive therapy ~~authorized~~  
8 ~~involuntary treatment~~, standards for their ~~its~~ use, and the  
9 preparation of court petitions under this Section.

10 (Source: P.A. 93-573, eff. 8-21-03; 94-1066, eff. 8-1-06.)

11 (405 ILCS 5/2-107.2) (from Ch. 91 1/2, par. 2-107.2)

12 Sec. 2-107.2. Review; notice.

13 (a) Whenever any recipient, who is receiving treatment in a  
14 residential mental health facility, has been receiving  
15 psychotropic medication or electroconvulsive therapy  
16 ~~authorized involuntary treatment~~ in that facility continuously  
17 or on a regular basis for a period of 3 months, and, if the  
18 treatment is continued while the recipient is a resident in  
19 that facility, every 6 months thereafter, for so long as the  
20 treatment shall continue, the facility director shall convene a  
21 treatment review panel to review the treatment.

22 (b) At least 7 days prior to the date of the meeting, the  
23 recipient, his or her guardian, if any, and the person  
24 designated under subsection (b) of Section 2-200 shall be given  
25 written notification of the time and place of the treatment

1 review meeting. The notice shall also advise the recipient of  
2 his or her right to designate some person to attend the meeting  
3 and assist the recipient.

4 (c) If, during the course of the review, the recipient or  
5 guardian, if any, advises the committee that he no longer  
6 agrees to continue receiving the treatment, the treatment must  
7 be discontinued except that the treatment may be administered  
8 under either Section 2-107 or 2-107.1. If the recipient and  
9 guardian, if any, continues to agree to the treatment, the  
10 treatment shall be continued if the committee determines that  
11 the recipient is receiving appropriate treatment and that the  
12 benefit to the recipient outweighs any risk of harm to the  
13 recipient.

14 (d) The Department shall issue rules to implement the  
15 requirements of this Section.

16 (Source: P.A. 89-439, eff. 6-1-96; 90-538, eff. 12-1-97.)

17 (405 ILCS 5/2-107.3)

18 Sec. 2-107.3. Reports. Each facility director of a  
19 State-operated mental health facility shall prepare a  
20 quarterly report stating the number of persons who were  
21 determined to meet the standard for administration of  
22 psychotropic medication or electroconvulsive therapy  
23 ~~authorized involuntary treatment~~ but for whom it was determined  
24 that the filing of such a petition was not warranted as  
25 provided for in subsection (h) of Section 2-107 of this Code



1 and the reasons for each such determination. The Department  
2 shall prepare and publish an annual report summarizing the  
3 information received under this Section. The Department's  
4 report shall include the data from each facility filing such a  
5 report and shall separately report the data from each such  
6 facility, identified by facility.

7 (Source: P.A. 94-1066, eff. 8-1-06.)

8 (405 ILCS 5/2-200) (from Ch. 91 1/2, par. 2-200)

9 Sec. 2-200. (a) Upon commencement of services, or as soon  
10 thereafter as the condition of the recipient permits, every  
11 adult recipient, as well as the recipient's guardian or  
12 substitute decision maker, and every recipient who is 12 years  
13 of age or older and the parent or guardian of a minor or person  
14 under guardianship shall be informed orally and in writing of  
15 the rights guaranteed by this Chapter which are relevant to the  
16 nature of the recipient's services program. Every facility  
17 shall also post conspicuously in public areas a summary of the  
18 rights which are relevant to the services delivered by that  
19 facility.

20 (b) A recipient who is 12 years of age or older and the  
21 parent or guardian of a minor or person under guardianship at  
22 any time may designate, and upon commencement of services shall  
23 be informed of the right to designate, a person or agency to  
24 receive notice under Section 2-201 or to direct that no  
25 information about the recipient be disclosed to any person or

1 agency.

2 (c) Upon commencement of services, or as soon thereafter as  
3 the condition of the recipient permits, the facility shall ask  
4 the adult recipient or minor recipient admitted pursuant to  
5 Section 3-502 whether the recipient wants the facility to  
6 contact the recipient's spouse, parents, guardian, close  
7 relatives, friends, attorney, advocate from the Guardianship  
8 and Advocacy Commission or the agency designated by the  
9 Governor under Section 1 of "An Act in relation to the  
10 protection and advocacy of the rights of persons with  
11 developmental disabilities, and amending Acts therein named",  
12 approved September 20, 1985, or others and inform them of the  
13 recipient's presence at the facility. The facility shall by  
14 phone or by mail contact at least two of those people  
15 designated by the recipient and shall inform them of the  
16 recipient's location. If the recipient so requests, the  
17 facility shall also inform them of how to contact the  
18 recipient.

19 (d) Upon commencement of services, or as soon thereafter as  
20 the condition of the recipient permits, the facility shall  
21 advise the recipient as to the circumstances under which the  
22 law permits the use of emergency forced medication or  
23 electroconvulsive therapy under subsection (a) of Section  
24 2-107, restraint under Section 2-108, or seclusion under  
25 Section 2-109. At the same time, the facility shall inquire of  
26 the recipient which form of intervention the recipient would

1 prefer if any of these circumstances should arise. The  
2 recipient's preference shall be noted in the recipient's record  
3 and communicated by the facility to the recipient's guardian or  
4 substitute decision maker, if any, and any other individual  
5 designated by the recipient. If any such circumstances  
6 subsequently do arise, the facility shall give due  
7 consideration to the preferences of the recipient regarding  
8 which form of intervention to use as communicated to the  
9 facility by the recipient or as stated in the recipient's  
10 advance directive.

11 (Source: P.A. 91-726, eff. 6-2-00.)

12 (405 ILCS 5/3-802) (from Ch. 91 1/2, par. 3-802)

13 Sec. 3-802. The respondent is entitled to a jury on the  
14 question of whether he is subject to involuntary admission. The  
15 jury shall consist of 6 persons to be chosen in the same manner  
16 as are jurors in other civil proceedings. A respondent is not  
17 entitled to a jury on the question of whether psychotropic  
18 medication or electroconvulsive therapy ~~authorized involuntary~~  
19 ~~treatment~~ may be administered under Section 2-107.1.

20 (Source: P.A. 93-573, eff. 8-21-03.)

21 (405 ILCS 5/1-121.5 rep.)

22 Section 10. The Mental Health and Developmental  
23 Disabilities Code is amended by repealing Section 1-121.5.

1 Section 15. The Clerks of Courts Act is amended by changing  
2 Sections 27.1a, 27.2, and 27.2a as follows:

3 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

4 Sec. 27.1a. The fees of the clerks of the circuit court in  
5 all counties having a population of not more than 500,000  
6 inhabitants in the instances described in this Section shall be  
7 as provided in this Section. In those instances where a minimum  
8 and maximum fee is stated, the clerk of the circuit court must  
9 charge the minimum fee listed and may charge up to the maximum  
10 fee if the county board has by resolution increased the fee.  
11 The fees shall be paid in advance and shall be as follows:

12 (a) Civil Cases.

13 The fee for filing a complaint, petition, or other  
14 pleading initiating a civil action, with the following  
15 exceptions, shall be a minimum of \$40 and a maximum of  
16 \$160.

17 (A) When the amount of money or damages or the  
18 value of personal property claimed does not exceed  
19 \$250, \$10.

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

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

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

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

7 (a-1) Family.

8 For filing a petition under the Juvenile Court Act of  
9 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 Act  
13 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 minimum  
19 of \$10 and a maximum of \$50. When the plaintiff unites his  
20 or her claim for possession with a claim for rent or  
21 damages or both exceeding \$15,000, a minimum of \$40 and a  
22 maximum of \$160.

23 (c) Counterclaim or Joining Third Party Defendant.

24 When any defendant files a counterclaim as part of his  
25 or her answer or otherwise or joins another party as a  
26 third party defendant, or both, the defendant shall pay a

1 fee for each counterclaim or third party action in an  
2 amount equal to the fee he or she would have had to pay had  
3 he or she brought a separate action for the relief sought  
4 in the counterclaim or against the third party defendant,  
5 less the amount of the appearance fee, if that has been  
6 paid.

7 (d) Confession of Judgment.

8 In a confession of judgment when the amount does not  
9 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
10 the amount exceeds \$1500, but does not exceed \$15,000, a  
11 minimum of \$40 and a maximum of \$115. When the amount  
12 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

13 (e) Appearance.

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

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

20 (B) When the amount in the case does not exceed  
21 \$1500, a minimum of \$10 and a maximum of \$30.

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

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

25 In garnishment affidavit, wage deduction affidavit,  
26 and citation petition when the amount does not exceed

1           \$1,000, a minimum of \$5 and a maximum of \$15; when the  
2           amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
3           of \$5 and a maximum of \$30; and when the amount exceeds  
4           \$5,000, a minimum of \$5 and a maximum of \$50.

5           (g) Petition to Vacate or Modify.

6                   (1) Petition to vacate or modify any final judgment or  
7                   order of court, except in forcible entry and detainer cases  
8                   and small claims cases or a petition to reopen an estate,  
9                   to modify, terminate, or enforce a judgment or order for  
10                  child or spousal support, or to modify, suspend, or  
11                  terminate an order for withholding, if filed before 30 days  
12                  after the entry of the judgment or order, a minimum of \$20  
13                  and a maximum of \$50.

14                   (2) Petition to vacate or modify any final judgment or  
15                   order of court, except a petition to modify, terminate, or  
16                   enforce a judgment or order for child or spousal support or  
17                   to modify, suspend, or terminate an order for withholding,  
18                   if filed later than 30 days after the entry of the judgment  
19                   or order, a minimum of \$20 and a maximum of \$75.

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

22           (h) Mailing.

23                   When the clerk is required to mail, the fee will be a  
24                   minimum of \$2 and a maximum of \$10, plus the cost of  
25                   postage.

26           (i) Certified Copies.

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

4           (j) Habeas Corpus.

5           For filing a petition for relief by habeas corpus, a  
6           minimum of \$60 and a maximum of \$100.

7           (k) Certification, Authentication, and Reproduction.

8           (1) Each certification or authentication for taking  
9           the acknowledgment of a deed or other instrument in writing  
10          with the seal of office, a minimum of \$2 and a maximum of  
11          \$6.

12          (2) Court appeals when original documents are  
13          forwarded, under 100 pages, plus delivery and costs, a  
14          minimum of \$20 and a maximum of \$60.

15          (3) Court appeals when original documents are  
16          forwarded, over 100 pages, plus delivery and costs, a  
17          minimum of \$50 and a maximum of \$150.

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

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

23                  (A) First page, a minimum of \$1 and a maximum of  
24                  \$2.

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

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



## 1 (l) Remands.

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

## 12 (m) Record Search.

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

## 16 (n) Hard Copy.

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

## 21 (o) Index Inquiry and Other Records.

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

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

6 (p) (Blank).

7 ~~a minimum of \$25 and a maximum of \$50~~

8 (q) Alias Summons.

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

11 (r) Other Fees.

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

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

26 (s) Jury Services.

1           The clerk shall be entitled to receive, in addition to  
2           other fees allowed by law, the sum of a minimum of \$62.50  
3           and a maximum of \$212.50, as a fee for the services of a  
4           jury in every civil action not quasi-criminal in its nature  
5           and not a proceeding for the exercise of the right of  
6           eminent domain and in every other action wherein the right  
7           of trial by jury is or may be given by law. The jury fee  
8           shall be paid by the party demanding a jury at the time of  
9           filing the jury demand. If the fee is not paid by either  
10          party, no jury shall be called in the action or proceeding,  
11          and the same shall be tried by the court without a jury.

12       (t) Voluntary Assignment.

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

25       (u) Expungement Petition.

26           The clerk shall be entitled to receive a fee of a

1 minimum of \$15 and a maximum of \$60 for each expungement  
2 petition filed and an additional fee of a minimum of \$2 and  
3 a maximum of \$4 for each certified copy of an order to  
4 expunge arrest records.

5 (v) Probate.

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

10 (1) For administration of the estate of a decedent  
11 (whether testate or intestate) or of a missing person, a  
12 minimum of \$50 and a maximum of \$150, plus the fees  
13 specified in subsection (v) (3), except:

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

17 (B) When (i) proof of heirship alone is made, (ii)  
18 a domestic or foreign will is admitted to probate  
19 without administration (including proof of heirship),  
20 or (iii) letters of office are issued for a particular  
21 purpose without administration of the estate, the fee  
22 shall be a minimum of \$10 and a maximum of \$40.

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

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

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

4 (B) When (i) letters of office are issued to a  
5 guardian of the person or persons, but not of the  
6 estate or (ii) letters of office are issued in the  
7 estate of a ward without administration of the estate,  
8 including filing or joining in the filing of a tax  
9 return or releasing a mortgage or consenting to the  
10 marriage of the ward, the fee shall be a minimum of \$10  
11 and a maximum of \$20.

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

13 (3) In addition to the fees payable under subsection  
14 (v) (1) or (v) (2) of this Section, the following fees are  
15 payable:

16 (A) For each account (other than one final account)  
17 filed in the estate of a decedent, or ward, a minimum  
18 of \$10 and a maximum of \$25.

19 (B) For filing a claim in an estate when the amount  
20 claimed is \$150 or more but less than \$500, a minimum  
21 of \$10 and a maximum of \$25; when the amount claimed is  
22 \$500 or more but less than \$10,000, a minimum of \$10  
23 and a maximum of \$40; when the amount claimed is  
24 \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
25 provided that the court in allowing a claim may add to  
26 the amount allowed the filing fee paid by the claimant.

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

8 (D) For filing in an estate (i) the appearance of  
9 any person for the purpose of consent or (ii) the  
10 appearance of an executor, administrator,  
11 administrator to collect, guardian, guardian ad litem,  
12 or special administrator, no fee.

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

16 (F) For each jury demand, a minimum of \$62.50 and a  
17 maximum of \$137.50.

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

1 maximum of \$20.

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

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

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

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

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

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

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

26 (A) Felony complaints, a minimum of \$40 and a

1 maximum of \$100.

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

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

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

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

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

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

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

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

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

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

21 (2) In counties having a population of not more than  
22 500,000 inhabitants, when the violation complaint is  
23 issued by a municipal police department, the clerk shall be  
24 entitled to costs from each person convicted therein as  
25 follows:

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



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

2 (3) In ordinance violation cases punishable by fine  
3 only, the clerk of the circuit court shall be entitled to  
4 receive, unless the fee is excused upon a finding by the  
5 court that the defendant is indigent, in addition to other  
6 fees or costs allowed or imposed by law, the sum of a  
7 minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
8 services of a jury. The jury fee shall be paid by the  
9 defendant at the time of filing his or her jury demand. If  
10 the fee is not so paid by the defendant, no jury shall be  
11 called, and the case shall be tried by the court without a  
12 jury.

13 (x) Transcripts of Judgment.

14 For the filing of a transcript of judgment, the clerk  
15 shall be entitled to the same fee as if it were the  
16 commencement of a new suit.

17 (y) Change of Venue.

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

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

25 (z) Tax objection complaints.

26 For each tax objection complaint containing one or more

1 tax objections, regardless of the number of parcels  
2 involved or the number of taxpayers joining on the  
3 complaint, a minimum of \$10 and a maximum of \$50.

4 (aa) Tax Deeds.

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

7 (2) For each additional parcel, add a fee of a minimum  
8 of \$10 and a maximum of \$60.

9 (bb) Collections.

10 (1) For all collections made of others, except the  
11 State and county and except in maintenance or child support  
12 cases, a sum equal to a minimum of 2% and a maximum of 2.5%  
13 of the amount collected and turned over.

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

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

20 (4) In child support and maintenance cases, the clerk,  
21 if authorized by an ordinance of the county board, may  
22 collect an annual fee of up to \$36 from the person making  
23 payment for maintaining child support records and the  
24 processing of support orders to the State of Illinois KIDS  
25 system and the recording of payments issued by the State  
26 Disbursement Unit for the official record of the Court.

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

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

16 (cc) Corrections of Numbers.

17 For correction of the case number, case title, or  
18 attorney computer identification number, if required by  
19 rule of court, on any document filed in the clerk's office,  
20 to be charged against the party that filed the document, a  
21 minimum of \$10 and a maximum of \$25.

22 (dd) Exceptions.

23 (1) The fee requirements of this Section shall not  
24 apply to police departments or other law enforcement  
25 agencies. In this Section, "law enforcement agency" means  
26 an agency of the State or a unit of local government which

1 is vested by law or ordinance with the duty to maintain  
 2 public order and to enforce criminal laws or ordinances.  
 3 "Law enforcement agency" also means the Attorney General or  
 4 any state's attorney.

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

7 (3) The fee requirements of this Section shall not  
 8 apply to any action instituted under subsection (b) of  
 9 Section 11-31-1 of the Illinois Municipal Code by a private  
 10 owner or tenant of real property within 1200 feet of a  
 11 dangerous or unsafe building seeking an order compelling  
 12 the owner or owners of the building to take any of the  
 13 actions authorized under that subsection.

14 (4) The fee requirements of this Section shall not  
 15 apply to the filing of any commitment petition or petition  
 16 for an order authorizing the administration of  
 17 psychotropic medication or electroconvulsive therapy  
 18 ~~authorized involuntary treatment in the form of medication~~  
 19 under the Mental Health and Developmental Disabilities  
 20 Code.

21 (ee) Adoptions.

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

23 (2) Upon good cause shown, the court may waive the  
 24 adoption filing fee in a special needs adoption. The term  
 25 "special needs adoption" shall have the meaning ascribed to  
 26 it by the Illinois Department of Children and Family

1 Services.

2 (ff) Adoption exemptions.

3 No fee other than that set forth in subsection (ee)  
4 shall be charged to any person in connection with an  
5 adoption proceeding nor may any fee be charged for  
6 proceedings for the appointment of a confidential  
7 intermediary under the Adoption Act.

8 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,  
9 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;  
10 revised 9-5-03.)

11 (705 ILCS 105/27.2) (from Ch. 25, par. 27.2)

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

25 (a) Civil Cases.

1           The fee for filing a complaint, petition, or other  
2 pleading initiating a civil action, with the following  
3 exceptions, shall be a minimum of \$150 and a maximum of  
4 \$190.

5           (A) When the amount of money or damages or the  
6 value of personal property claimed does not exceed  
7 \$250, a minimum of \$10 and a maximum of \$15.

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

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

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

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

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

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

1           vacating, or photocopying any orders of protection.

2       (b) Forcible Entry and Detainer.

3           In each forcible entry and detainer case when the  
4       plaintiff seeks possession only or unites with his or her  
5       claim for possession of the property a claim for rent or  
6       damages or both in the amount of \$15,000 or less, a minimum  
7       of \$40 and a maximum of \$75. When the plaintiff unites his  
8       or her claim for possession with a claim for rent or  
9       damages or both exceeding \$15,000, a minimum of \$150 and a  
10      maximum of \$225.

11      (c) Counterclaim or Joining Third Party Defendant.

12           When any defendant files a counterclaim as part of his  
13      or her answer or otherwise or joins another party as a  
14      third party defendant, or both, the defendant shall pay a  
15      fee for each counterclaim or third party action in an  
16      amount equal to the fee he or she would have had to pay had  
17      he or she brought a separate action for the relief sought  
18      in the counterclaim or against the third party defendant,  
19      less the amount of the appearance fee, if that has been  
20      paid.

21      (d) Confession of Judgment.

22           In a confession of judgment when the amount does not  
23      exceed \$1500, a minimum of \$50 and a maximum of \$60. When  
24      the amount exceeds \$1500, but does not exceed \$5,000, \$75.  
25      When the amount exceeds \$5,000, but does not exceed  
26      \$15,000, \$175. When the amount exceeds \$15,000, a minimum

1 of \$200 and a maximum of \$250.

2 (e) Appearance.

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

6 (A) When the plaintiff in a forcible entry and  
7 detainer case seeks possession only, a minimum of \$20  
8 and a maximum of \$40.

9 (B) When the amount in the case does not exceed  
10 \$1500, a minimum of \$20 and a maximum of \$40.

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

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

15 In garnishment affidavit, wage deduction affidavit,  
16 and citation petition when the amount does not exceed  
17 \$1,000, a minimum of \$10 and a maximum of \$15; when the  
18 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
19 of \$20 and a maximum of \$30; and when the amount exceeds  
20 \$5,000, a minimum of \$30 and a maximum of \$50.

21 (g) Petition to Vacate or Modify.

22 (1) Petition to vacate or modify any final judgment or  
23 order of court, except in forcible entry and detainer cases  
24 and small claims cases or a petition to reopen an estate,  
25 to modify, terminate, or enforce a judgment or order for  
26 child or spousal support, or to modify, suspend, or



1 terminate an order for withholding, if filed before 30 days  
2 after the entry of the judgment or order, a minimum of \$40  
3 and a maximum of \$50.

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

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

12 (h) Mailing.

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

16 (i) Certified Copies.

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

20 (j) Habeas Corpus.

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

23 (k) Certification, Authentication, and Reproduction.

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

1           \$6.

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

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

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

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

13                   (A) First page, \$2.

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

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

16   (1) Remands.

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

1 (m) Record Search.

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

5 (n) Hard Copy.

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

10 (o) Index Inquiry and Other Records.

11 No fee shall be charged for a single  
12 plaintiff/defendant index inquiry or single case record  
13 inquiry when this request is made in person and the records  
14 are maintained in a current automated medium, and when no  
15 hard copy print output is requested. The fees to be charged  
16 for management records, multiple case records, and  
17 multiple journal records may be specified by the Chief  
18 Judge pursuant to the guidelines for access and  
19 dissemination of information approved by the Supreme  
20 Court.

21 (p) (Blank).

22 (q) Alias Summons.

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

25 (r) Other Fees.

26 Any fees not covered in this Section shall be set by

1 rule or administrative order of the Circuit Court with the  
2 approval of the Administrative Office of the Illinois  
3 Courts.

4 The clerk of the circuit court may provide additional  
5 services for which there is no fee specified by statute in  
6 connection with the operation of the clerk's office as may  
7 be requested by the public and agreed to by the clerk and  
8 approved by the chief judge of the circuit court. Any  
9 charges for additional services shall be as agreed to  
10 between the clerk and the party making the request and  
11 approved by the chief judge of the circuit court. Nothing  
12 in this subsection shall be construed to require any clerk  
13 to provide any service not otherwise required by law.

14 (s) Jury Services.

15 The clerk shall be entitled to receive, in addition to  
16 other fees allowed by law, the sum of a minimum of \$192.50  
17 and a maximum of \$212.50, as a fee for the services of a  
18 jury in every civil action not quasi-criminal in its nature  
19 and not a proceeding for the exercise of the right of  
20 eminent domain and in every other action wherein the right  
21 of trial by jury is or may be given by law. The jury fee  
22 shall be paid by the party demanding a jury at the time of  
23 filing the jury demand. If the fee is not paid by either  
24 party, no jury shall be called in the action or proceeding,  
25 and the same shall be tried by the court without a jury.

26 (t) Voluntary Assignment.

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

13       (u) Expungement Petition.

14           The clerk shall be entitled to receive a fee of a  
15          minimum of \$30 and a maximum of \$60 for each expungement  
16          petition filed and an additional fee of a minimum of \$2 and  
17          a maximum of \$4 for each certified copy of an order to  
18          expunge arrest records.

19       (v) Probate.

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

24           (1) For administration of the estate of a decedent  
25          (whether testate or intestate) or of a missing person, a  
26          minimum of \$100 and a maximum of \$150, plus the fees

1 specified in subsection (v) (3), except:

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

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

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

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

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

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

1 payable:

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

5 (B) For filing a claim in an estate when the amount  
6 claimed is \$150 or more but less than \$500, a minimum  
7 of \$10 and a maximum of \$20; when the amount claimed is  
8 \$500 or more but less than \$10,000, a minimum of \$25  
9 and a maximum of \$40; when the amount claimed is  
10 \$10,000 or more, a minimum of \$40 and a maximum of \$60;  
11 provided that the court in allowing a claim may add to  
12 the amount allowed the filing fee paid by the claimant.

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

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

25 (E) Except as provided in subsection (v) (3) (D),  
26 for filing the appearance of any person or persons, a

1 minimum of \$10 and a maximum of \$30.

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

4 (G) For disposition of the collection of a judgment  
5 or settlement of an action or claim for wrongful death  
6 of a decedent or of any cause of action of a ward, when  
7 there is no other administration of the estate, a  
8 minimum of \$30 and a maximum of \$50, less any amount  
9 paid under subsection (v) (1) (B) or (v) (2) (B) except  
10 that if the amount involved does not exceed \$5,000, the  
11 fee, including any amount paid under subsection  
12 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
13 maximum of \$20.

14 (H) For each certified copy of letters of office,  
15 of court order or other certification, a minimum of \$1  
16 and a maximum of \$2, plus a minimum of 50¢ and a  
17 maximum of \$1 per page in excess of 3 pages for the  
18 document certified.

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

21 (4) The executor, administrator, guardian, petitioner,  
22 or other interested person or his or her attorney shall pay  
23 the cost of publication by the clerk directly to the  
24 newspaper.

25 (5) The person on whose behalf a charge is incurred for  
26 witness, court reporter, appraiser, or other miscellaneous



1 fee shall pay the same directly to the person entitled  
2 thereto.

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

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

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

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

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

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

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

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

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

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

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

26 (I) Motions to vacate ex parte judgments, whenever

1 filed, a minimum of \$20 and a maximum of \$30.

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

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

7 (2) In counties having a population of more than  
8 500,000 but fewer than 3,000,000 inhabitants, when the  
9 violation complaint is issued by a municipal police  
10 department, the clerk shall be entitled to costs from each  
11 person convicted therein as follows:

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

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

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

25 (x) Transcripts of Judgment.

26 For the filing of a transcript of judgment, the clerk

1 shall be entitled to the same fee as if it were the  
2 commencement of new suit.

3 (y) Change of Venue.

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

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

11 (z) Tax objection complaints.

12 For each tax objection complaint containing one or more  
13 tax objections, regardless of the number of parcels  
14 involved or the number of taxpayers joining in the  
15 complaint, a minimum of \$25 and a maximum of \$50.

16 (aa) Tax Deeds.

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

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

21 (bb) Collections.

22 (1) For all collections made of others, except the  
23 State and county and except in maintenance or child support  
24 cases, a sum equal to a minimum of 2.5% and a maximum of  
25 3.0% of the amount collected and turned over.

26 (2) Interest earned on any funds held by the clerk

1 shall be turned over to the county general fund as an  
2 earning of the office.

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

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

23 The clerk shall also be entitled to a fee of \$5 for  
24 certifications made to the Secretary of State as provided  
25 in Section 7-703 of the Family Financial Responsibility Law  
26 and these fees shall also be deposited into the Separate

1 Maintenance and Child Support Collection Fund.

2 (cc) Corrections of Numbers.

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

8 (dd) Exceptions.

9 The fee requirements of this Section shall not apply to  
10 police departments or other law enforcement agencies. In  
11 this Section, "law enforcement agency" means an agency of  
12 the State or a unit of local government which is vested by  
13 law or ordinance with the duty to maintain public order and  
14 to enforce criminal laws or ordinances. "Law enforcement  
15 agency" also means the Attorney General or any state's  
16 attorney. 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 private  
19 owner or tenant of real property within 1200 feet of a  
20 dangerous or unsafe building seeking an order compelling  
21 the owner or owners of the building to take any of the  
22 actions authorized under that subsection.

23 The fee requirements of this Section shall not apply to  
24 the filing of any commitment petition or petition for an  
25 order authorizing the administration of psychotropic  
26 medication or electroconvulsive therapy ~~authorized~~

1       ~~involuntary treatment in the form of medication~~ under the  
2       Mental Health and Developmental Disabilities Code.

3       (ee) Adoptions.

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

5             (2) Upon good cause shown, the court may waive the  
6       adoption filing fee in a special needs adoption. The term  
7       "special needs adoption" shall have the meaning ascribed to  
8       it by the Illinois Department of Children and Family  
9       Services.

10       (ff) Adoption exemptions.

11            No fee other than that set forth in subsection (ee)  
12       shall be charged to any person in connection with an  
13       adoption proceeding nor may any fee be charged for  
14       proceedings for the appointment of a confidential  
15       intermediary under the Adoption Act.

16       (gg) Unpaid fees.

17            Unless a court ordered payment schedule is implemented  
18       or the fee requirements of this Section are waived pursuant  
19       to court order, the clerk of the court may add to any  
20       unpaid fees and costs under this Section a delinquency  
21       amount equal to 5% of the unpaid fees that remain unpaid  
22       after 30 days, 10% of the unpaid fees that remain unpaid  
23       after 60 days, and 15% of the unpaid fees that remain  
24       unpaid after 90 days. Notice to those parties may be made  
25       by signage posting or publication. The additional  
26       delinquency amounts collected under this Section shall be

1 used to defray additional administrative costs incurred by  
2 the clerk of the circuit court in collecting unpaid fees  
3 and costs.

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

6 (705 ILCS 105/27.2a) (from Ch. 25, par. 27.2a)

7 Sec. 27.2a. The fees of the clerks of the circuit court in  
8 all counties having a population of 3,000,000 or more  
9 inhabitants in the instances described in this Section shall be  
10 as provided in this Section. In those instances where a minimum  
11 and maximum fee is stated, the clerk of the circuit court must  
12 charge the minimum fee listed and may charge up to the maximum  
13 fee if the county board has by resolution increased the fee.  
14 The fees shall be paid in advance and shall be as follows:

15 (a) Civil Cases.

16 The fee for filing a complaint, petition, or other  
17 pleading initiating a civil action, with the following  
18 exceptions, shall be a minimum of \$190 and a maximum of  
19 \$240.

20 (A) When the amount of money or damages or the  
21 value of personal property claimed does not exceed  
22 \$250, a minimum of \$15 and a maximum of \$22.

23 (B) When that amount exceeds \$250 but does not  
24 exceed \$1000, a minimum of \$40 and a maximum of \$75.

25 (C) When that amount exceeds \$1000 but does not

1 exceed \$2500, a minimum of \$50 and a maximum of \$80.

2 (D) When that amount exceeds \$2500 but does not  
3 exceed \$5000, a minimum of \$100 and a maximum of \$130.

4 (E) When that amount exceeds \$5000 but does not  
5 exceed \$15,000, \$150.

6 (F) For the exercise of eminent domain, \$150. For  
7 each additional lot or tract of land or right or  
8 interest therein subject to be condemned, the damages  
9 in respect to which shall require separate assessment  
10 by a jury, \$150.

11 (G) For the final determination of parking,  
12 standing, and compliance violations and final  
13 administrative decisions issued after hearings  
14 regarding vehicle immobilization and impoundment made  
15 pursuant to Sections 3-704.1, 6-306.5, and 11-208.3 of  
16 the Illinois Vehicle Code, \$25.

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

24 (b) Forcible Entry and Detainer.

25 In each forcible entry and detainer case when the  
26 plaintiff seeks possession only or unites with his or her



1 claim for possession of the property a claim for rent or  
2 damages or both in the amount of \$15,000 or less, a minimum  
3 of \$75 and a maximum of \$140. When the plaintiff unites his  
4 or her claim for possession with a claim for rent or  
5 damages or both exceeding \$15,000, a minimum of \$225 and a  
6 maximum of \$335.

7 (c) Counterclaim or Joining Third Party Defendant.

8 When any defendant files a counterclaim as part of his  
9 or her answer or otherwise or joins another party as a  
10 third party defendant, or both, the defendant shall pay a  
11 fee for each counterclaim or third party action in an  
12 amount equal to the fee he or she would have had to pay had  
13 he or she brought a separate action for the relief sought  
14 in the counterclaim or against the third party defendant,  
15 less the amount of the appearance fee, if that has been  
16 paid.

17 (d) Confession of Judgment.

18 In a confession of judgment when the amount does not  
19 exceed \$1500, a minimum of \$60 and a maximum of \$70. When  
20 the amount exceeds \$1500, but does not exceed \$5000, a  
21 minimum of \$75 and a maximum of \$150. When the amount  
22 exceeds \$5000, but does not exceed \$15,000, a minimum of  
23 \$175 and a maximum of \$260. When the amount exceeds  
24 \$15,000, a minimum of \$250 and a maximum of \$310.

25 (e) Appearance.

26 The fee for filing an appearance in each civil case

1 shall be a minimum of \$75 and a maximum of \$110, except as  
2 follows:

3 (A) When the plaintiff in a forcible entry and  
4 detainer case seeks possession only, a minimum of \$40  
5 and a maximum of \$80.

6 (B) When the amount in the case does not exceed  
7 \$1500, a minimum of \$40 and a maximum of \$80.

8 (C) When that amount exceeds \$1500 but does not  
9 exceed \$15,000, a minimum of \$60 and a maximum of \$90.

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

11 In garnishment affidavit, wage deduction affidavit,  
12 and citation petition when the amount does not exceed  
13 \$1,000, a minimum of \$15 and a maximum of \$25; when the  
14 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
15 of \$30 and a maximum of \$45; and when the amount exceeds  
16 \$5,000, a minimum of \$50 and a maximum of \$80.

17 (g) Petition to Vacate or Modify.

18 (1) Petition to vacate or modify any final judgment or  
19 order of court, except in forcible entry and detainer cases  
20 and small claims cases or a petition to reopen an estate,  
21 to modify, terminate, or enforce a judgment or order for  
22 child or spousal support, or to modify, suspend, or  
23 terminate an order for withholding, if filed before 30 days  
24 after the entry of the judgment or order, a minimum of \$50  
25 and a maximum of \$60.

26 (2) Petition to vacate or modify any final judgment or

1 order of court, except a petition to modify, terminate, or  
2 enforce a judgment or order for child or spousal support or  
3 to modify, suspend, or terminate an order for withholding,  
4 if filed later than 30 days after the entry of the judgment  
5 or order, a minimum of \$75 and a maximum of \$90.

6 (3) Petition to vacate order of bond forfeiture, a  
7 minimum of \$40 and a maximum of \$80.

8 (h) Mailing.

9 When the clerk is required to mail, the fee will be a  
10 minimum of \$10 and a maximum of \$15, plus the cost of  
11 postage.

12 (i) Certified Copies.

13 Each certified copy of a judgment after the first,  
14 except in small claims and forcible entry and detainer  
15 cases, a minimum of \$15 and a maximum of \$20.

16 (j) Habeas Corpus.

17 For filing a petition for relief by habeas corpus, a  
18 minimum of \$125 and a maximum of \$190.

19 (k) Certification, Authentication, and Reproduction.

20 (1) Each certification or authentication for taking  
21 the acknowledgment of a deed or other instrument in writing  
22 with the seal of office, a minimum of \$6 and a maximum of  
23 \$9.

24 (2) Court appeals when original documents are  
25 forwarded, under 100 pages, plus delivery and costs, a  
26 minimum of \$75 and a maximum of \$110.

1           (3) Court appeals when original documents are  
2 forwarded, over 100 pages, plus delivery and costs, a  
3 minimum of \$150 and a maximum of \$185.

4           (4) Court appeals when original documents are  
5 forwarded, over 200 pages, an additional fee of a minimum  
6 of 25 and a maximum of 30 cents per page.

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

9                   (A) First page, \$2.

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

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

12 (l) Remands.

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

23 (m) Record Search.

24           For each record search, within a division or municipal  
25 district, the clerk shall be entitled to a search fee of a  
26 minimum of \$6 and a maximum of \$9 for each year searched.

1 (n) Hard Copy.

2 For each page of hard copy print output, when case  
3 records are maintained on an automated medium, the clerk  
4 shall be entitled to a fee of a minimum of \$6 and a maximum  
5 of \$9.

6 (o) Index Inquiry and Other Records.

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

17 (p) (Blank).

18 (q) Alias Summons.

19 For each alias summons or citation issued by the clerk,  
20 a minimum of \$5 and a maximum of \$6.

21 (r) Other Fees.

22 Any fees not covered in this Section shall be set by  
23 rule or administrative order of the Circuit Court with the  
24 approval of the Administrative Office of the Illinois  
25 Courts.

26 The clerk of the circuit court may provide additional

1 services for which there is no fee specified by statute in  
2 connection with the operation of the clerk's office as may  
3 be requested by the public and agreed to by the clerk and  
4 approved by the chief judge of the circuit court. Any  
5 charges for additional services shall be as agreed to  
6 between the clerk and the party making the request and  
7 approved by the chief judge of the circuit court. Nothing  
8 in this subsection shall be construed to require any clerk  
9 to provide any service not otherwise required by law.

10 (s) Jury Services.

11 The clerk shall be entitled to receive, in addition to  
12 other fees allowed by law, the sum of a minimum of \$212.50  
13 and maximum of \$230, as a fee for the services of a jury in  
14 every civil action not quasi-criminal in its nature and not  
15 a proceeding for the exercise of the right of eminent  
16 domain and in every other action wherein the right of trial  
17 by jury is or may be given by law. The jury fee shall be  
18 paid by the party demanding a jury at the time of filing  
19 the jury demand. If the fee is not paid by either party, no  
20 jury shall be called in the action or proceeding, and the  
21 same shall be tried by the court without a jury.

22 (t) Voluntary Assignment.

23 For filing each deed of voluntary assignment, a minimum  
24 of \$20 and a maximum of \$40; for recording the same, a  
25 minimum of 50¢ and a maximum of \$0.80 for each 100 words.  
26 Exceptions filed to claims presented to an assignee of a

1 debtor who has made a voluntary assignment for the benefit  
2 of creditors shall be considered and treated, for the  
3 purpose of taxing costs therein, as actions in which the  
4 party or parties filing the exceptions shall be considered  
5 as party or parties plaintiff, and the claimant or  
6 claimants as party or parties defendant, and those parties  
7 respectively shall pay to the clerk the same fees as  
8 provided by this Section to be paid in other actions.

9 (u) Expungement Petition.

10 The clerk shall be entitled to receive a fee of a  
11 minimum of \$60 and a maximum of \$120 for each expungement  
12 petition filed and an additional fee of a minimum of \$4 and  
13 a maximum of \$8 for each certified copy of an order to  
14 expunge arrest records.

15 (v) Probate.

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

20 (1) For administration of the estate of a decedent  
21 (whether testate or intestate) or of a missing person, a  
22 minimum of \$150 and a maximum of \$225, plus the fees  
23 specified in subsection (v) (3), except:

24 (A) When the value of the real and personal  
25 property does not exceed \$15,000, the fee shall be a  
26 minimum of \$40 and a maximum of \$65.

1 (B) When (i) proof of heirship alone is made, (ii)  
2 a domestic or foreign will is admitted to probate  
3 without administration (including proof of heirship),  
4 or (iii) letters of office are issued for a particular  
5 purpose without administration of the estate, the fee  
6 shall be a minimum of \$40 and a maximum of \$65.

7 (2) For administration of the estate of a ward, a  
8 minimum of \$75 and a maximum of \$110, plus the fees  
9 specified in subsection (v) (3), except:

10 (A) When the value of the real and personal  
11 property does not exceed \$15,000, the fee shall be a  
12 minimum of \$40 and a maximum of \$65.

13 (B) When (i) letters of office are issued to a  
14 guardian of the person or persons, but not of the  
15 estate or (ii) letters of office are issued in the  
16 estate of a ward without administration of the estate,  
17 including filing or joining in the filing of a tax  
18 return or releasing a mortgage or consenting to the  
19 marriage of the ward, the fee shall be a minimum of \$20  
20 and a maximum of \$40.

21 (3) In addition to the fees payable under subsection  
22 (v) (1) or (v) (2) of this Section, the following fees are  
23 payable:

24 (A) For each account (other than one final account)  
25 filed in the estate of a decedent, or ward, a minimum  
26 of \$25 and a maximum of \$40.



1 (B) For filing a claim in an estate when the amount  
2 claimed is \$150 or more but less than \$500, a minimum  
3 of \$20 and a maximum of \$40; when the amount claimed is  
4 \$500 or more but less than \$10,000, a minimum of \$40  
5 and a maximum of \$65; when the amount claimed is  
6 \$10,000 or more, a minimum of \$60 and a maximum of \$90;  
7 provided that the court in allowing a claim may add to  
8 the amount allowed the filing fee paid by the claimant.

9 (C) For filing in an estate a claim, petition, or  
10 supplemental proceeding based upon an action seeking  
11 equitable relief including the construction or contest  
12 of a will, enforcement of a contract to make a will,  
13 and proceedings involving testamentary trusts or the  
14 appointment of testamentary trustees, a minimum of \$60  
15 and a maximum of \$90.

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

21 (E) Except as provided in subsection (v)(3)(D),  
22 for filing the appearance of any person or persons, a  
23 minimum of \$30 and a maximum of \$90.

24 (F) For each jury demand, a minimum of \$137.50 and  
25 a maximum of \$180.

26 (G) For disposition of the collection of a judgment

1 or settlement of an action or claim for wrongful death  
2 of a decedent or of any cause of action of a ward, when  
3 there is no other administration of the estate, a  
4 minimum of \$50 and a maximum of \$80, less any amount  
5 paid under subsection (v) (1) (B) or (v) (2) (B) except  
6 that if the amount involved does not exceed \$5,000, the  
7 fee, including any amount paid under subsection  
8 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$20 and a  
9 maximum of \$40.

10 (H) For each certified copy of letters of office,  
11 of court order or other certification, a minimum of \$2  
12 and a maximum of \$4, plus \$1 per page in excess of 3  
13 pages for the document certified.

14 (I) For each exemplification, \$2, plus the fee for  
15 certification.

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

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

24 (6) The executor, administrator, guardian, petitioner,  
25 or other interested person or his or her attorney shall pay  
26 to the clerk all postage charges incurred by the clerk in

1 mailing petitions, orders, notices, or other documents  
2 pursuant to the provisions of the Probate Act of 1975.

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

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

7 (A) Felony complaints, a minimum of \$125 and a  
8 maximum of \$190.

9 (B) Misdemeanor complaints, a minimum of \$75 and a  
10 maximum of \$110.

11 (C) Business offense complaints, a minimum of \$75  
12 and a maximum of \$110.

13 (D) Petty offense complaints, a minimum of \$75 and  
14 a maximum of \$110.

15 (E) Minor traffic or ordinance violations, \$30.

16 (F) When court appearance required, \$50.

17 (G) Motions to vacate or amend final orders, a  
18 minimum of \$40 and a maximum of \$80.

19 (H) Motions to vacate bond forfeiture orders, a  
20 minimum of \$30 and a maximum of \$45.

21 (I) Motions to vacate ex parte judgments, whenever  
22 filed, a minimum of \$30 and a maximum of \$45.

23 (J) Motions to vacate judgment on forfeitures,  
24 whenever filed, a minimum of \$25 and a maximum of \$30.

25 (K) Motions to vacate "failure to appear" or  
26 "failure to comply" notices sent to the Secretary of

1 State, a minimum of \$40 and a maximum of \$50.

2 (2) In counties having a population of 3,000,000 or  
3 more, when the violation complaint is issued by a municipal  
4 police department, the clerk shall be entitled to costs  
5 from each person convicted therein as follows:

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

7 (B) When court appearance required, \$50.

8 (3) In ordinance violation cases punishable by fine  
9 only, the clerk of the circuit court shall be entitled to  
10 receive, unless the fee is excused upon a finding by the  
11 court that the defendant is indigent, in addition to other  
12 fees or costs allowed or imposed by law, the sum of a  
13 minimum of \$112.50 and a maximum of \$250 as a fee for the  
14 services of a jury. The jury fee shall be paid by the  
15 defendant at the time of filing his or her jury demand. If  
16 the fee is not so paid by the defendant, no jury shall be  
17 called, and the case shall be tried by the court without a  
18 jury.

19 (x) Transcripts of Judgment.

20 For the filing of a transcript of judgment, the clerk  
21 shall be entitled to the same fee as if it were the  
22 commencement of a new suit.

23 (y) Change of Venue.

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

1           (2) The fee for the preparation and certification of a  
2 record on a change of venue to another jurisdiction, when  
3 original documents are forwarded, a minimum of \$40 and a  
4 maximum of \$65.

5 (z) Tax objection complaints.

6           For each tax objection complaint containing one or more  
7 tax objections, regardless of the number of parcels  
8 involved or the number of taxpayers joining in the  
9 complaint, a minimum of \$50 and a maximum of \$100.

10 (aa) Tax Deeds.

11           (1) Petition for tax deed, if only one parcel is  
12 involved, a minimum of \$250 and a maximum of \$400.

13           (2) For each additional parcel, add a fee of a minimum  
14 of \$100 and a maximum of \$200.

15 (bb) Collections.

16           (1) For all collections made of others, except the  
17 State and county and except in maintenance or child support  
18 cases, a sum equal to 3.0% of the amount collected and  
19 turned over.

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

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

26           (4) In child support and maintenance cases, the clerk,

1 if authorized by an ordinance of the county board, may  
2 collect an annual fee of up to \$36 from the person making  
3 payment for maintaining child support records and the  
4 processing of support orders to the State of Illinois KIDS  
5 system and the recording of payments issued by the State  
6 Disbursement Unit for the official record of the Court.  
7 This fee shall be in addition to and separate from amounts  
8 ordered to be paid as maintenance or child support and  
9 shall be deposited into a Separate Maintenance and Child  
10 Support Collection Fund, of which the clerk shall be the  
11 custodian, ex-officio, to be used by the clerk to maintain  
12 child support orders and record all payments issued by the  
13 State Disbursement Unit for the official record of the  
14 Court. The clerk may recover from the person making the  
15 maintenance or child support payment any additional cost  
16 incurred in the collection of this annual fee.

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

22 (cc) Corrections of Numbers.

23 For correction of the case number, case title, or  
24 attorney computer identification number, if required by  
25 rule of court, on any document filed in the clerk's office,  
26 to be charged against the party that filed the document, a

1 minimum of \$25 and a maximum of \$40.

2 (dd) Exceptions.

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

11 (2) No fee provided herein shall be charged to any unit  
12 of local government or school district. The fee  
13 requirements of this Section shall not apply to any action  
14 instituted under subsection (b) of Section 11-31-1 of the  
15 Illinois Municipal Code by a private owner or tenant of  
16 real property within 1200 feet of a dangerous or unsafe  
17 building seeking an order compelling the owner or owners of  
18 the building to take any of the actions authorized under  
19 that subsection.

20 (3) The fee requirements of this Section shall not  
21 apply to the filing of any commitment petition or petition  
22 for an order authorizing the administration of  
23 psychotropic medication or electroconvulsive therapy  
24 ~~authorized involuntary treatment in the form of medication~~  
25 under the Mental Health and Developmental Disabilities  
26 Code.

1 (ee) Adoption.

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

3 (2) Upon good cause shown, the court may waive the  
4 adoption filing fee in a special needs adoption. The term  
5 "special needs adoption" shall have the meaning ascribed to  
6 it by the Illinois Department of Children and Family  
7 Services.

8 (ff) Adoption exemptions.

9 No fee other than that set forth in subsection (ee)  
10 shall be charged to any person in connection with an  
11 adoption proceeding nor may any fee be charged for  
12 proceedings for the appointment of a confidential  
13 intermediary under the Adoption Act.

14 (gg) Unpaid fees.

15 Unless a court ordered payment schedule is implemented  
16 or the fee requirements of this Section are waived pursuant  
17 to court order, the clerk of the court may add to any  
18 unpaid fees and costs under this Section a delinquency  
19 amount equal to 5% of the unpaid fees that remain unpaid  
20 after 30 days, 10% of the unpaid fees that remain unpaid  
21 after 60 days, and 15% of the unpaid fees that remain  
22 unpaid after 90 days. Notice to those parties may be made  
23 by signage posting or publication. The additional  
24 delinquency amounts collected under this Section shall be  
25 used to defray additional administrative costs incurred by  
26 the clerk of the circuit court in collecting unpaid fees



1 and costs.

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

4 Section 20. The Health Care Surrogate Act is amended by  
5 changing Section 60 as follows:

6 (755 ILCS 40/60)

7 Sec. 60. Health care surrogate; specific mental health  
8 services.

9 (a) In this Section, "specific mental health services"  
10 means the administration of psychotropic medication or  
11 electroconvulsive therapy under Section 2-107 or 2-107.1  
12 ~~authorized involuntary treatment as defined in Section 1-121.5~~  
13 of the Mental Health and Developmental Disabilities Code or  
14 admission to a mental health facility as defined in Section  
15 1-114 of that Code.

16 (b) A surrogate decision maker, other than a court  
17 appointed guardian, may not consent to specific mental health  
18 services for an adult patient. A surrogate decision maker may,  
19 however, petition for the provision of specific mental health  
20 services pursuant to the Mental Health and Developmental  
21 Disabilities Code.

22 (c) This Section does not grant a court-appointed guardian  
23 any additional authority to consent to specific mental health  
24 services than is permitted by the Mental Health and

1       Developmental Disabilities Code.

2       (Source: P.A. 91-658, eff. 1-1-00.)

3               Section 99. Effective date. This Act takes effect upon  
4       becoming law.