



Rep. Karen A. Yarbrough

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LRB097 03873 AJ0 53339 a

1 AMENDMENT TO HOUSE BILL 898

2 AMENDMENT NO. _____. Amend House Bill 898 by replacing
3 everything after the enacting clause with the following:

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

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

1 pleading initiating a civil action, with the following
2 exceptions, shall be a minimum of \$190 and a maximum of
3 \$240.

4 (A) When the amount of money or damages or the
5 value of personal property claimed does not exceed
6 \$250, a minimum of \$15 and a maximum of \$22.

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

9 (C) When that amount exceeds \$1000 but does not
10 exceed \$2500, a minimum of \$50 and a maximum of \$80.

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

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

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

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

26 (H) No fees shall be charged by the clerk to a

1 petitioner in any order of protection including, but
2 not limited to, filing, modifying, withdrawing,
3 certifying, or photocopying petitions for orders of
4 protection, or for issuing alias summons, or for any
5 related filing service, certifying, modifying,
6 vacating, or photocopying any orders of protection.

7 (b) Forcible Entry and Detainer.

8 In each forcible entry and detainer case when the
9 plaintiff seeks possession only or unites with his or her
10 claim for possession of the property a claim for rent or
11 damages or both in the amount of \$15,000 or less, a minimum
12 of \$75 and a maximum of \$140. When the plaintiff unites his
13 or her claim for possession with a claim for rent or
14 damages or both exceeding \$15,000, a minimum of \$225 and a
15 maximum of \$335.

16 (c) Counterclaim or Joining Third Party Defendant.

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

26 (d) Confession of Judgment.

1 In a confession of judgment when the amount does not
2 exceed \$1500, a minimum of \$60 and a maximum of \$70. When
3 the amount exceeds \$1500, but does not exceed \$5000, a
4 minimum of \$75 and a maximum of \$150. When the amount
5 exceeds \$5000, but does not exceed \$15,000, a minimum of
6 \$175 and a maximum of \$260. When the amount exceeds
7 \$15,000, a minimum of \$250 and a maximum of \$310.

8 (e) Appearance.

9 The fee for filing an appearance in each civil case
10 shall be a minimum of \$75 and a maximum of \$110, except as
11 follows:

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

15 (B) When the amount in the case does not exceed
16 \$1500, a minimum of \$40 and a maximum of \$80.

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

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

20 In garnishment affidavit, wage deduction affidavit,
21 and citation petition when the amount does not exceed
22 \$1,000, a minimum of \$15 and a maximum of \$25; when the
23 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
24 of \$30 and a maximum of \$45; and when the amount exceeds
25 \$5,000, a minimum of \$50 and a maximum of \$80.

26 (g) Petition to Vacate or Modify.

1 (1) Petition to vacate or modify any final judgment or
2 order of court, except in forcible entry and detainer cases
3 and small claims cases or a petition to reopen an estate,
4 to modify, terminate, or enforce a judgment or order for
5 child or spousal support, or to modify, suspend, or
6 terminate an order for withholding, if filed before 30 days
7 after the entry of the judgment or order, a minimum of \$50
8 and a maximum of \$60.

9 (2) Petition to vacate or modify any final judgment or
10 order of court, except a petition to modify, terminate, or
11 enforce a judgment or order for child or spousal support or
12 to modify, suspend, or terminate an order for withholding,
13 if filed later than 30 days after the entry of the judgment
14 or order, a minimum of \$75 and a maximum of \$90.

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

17 (h) Mailing.

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

21 (i) Certified Copies.

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

25 (j) Habeas Corpus.

26 For filing a petition for relief by habeas corpus, a

1 minimum of \$125 and a maximum of \$190.

2 (k) Certification, Authentication, and Reproduction.

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

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

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

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

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

18 (A) First page, \$2.

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

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

21 (l) Remands.

22 In any cases remanded to the Circuit Court from the
23 Supreme Court or the Appellate Court for a new trial, the
24 clerk shall file the remanding order and reinstate the case
25 with either its original number or a new number. The Clerk
26 shall not charge any new or additional fee for the

1 reinstatement. Upon reinstatement the Clerk shall advise
2 the parties of the reinstatement. A party shall have the
3 same right to a jury trial on remand and reinstatement as
4 he or she had before the appeal, and no additional or new
5 fee or charge shall be made for a jury trial after remand.

6 (m) Record Search.

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

10 (n) Hard Copy.

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

15 (o) Index Inquiry and Other Records.

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

26 (p) (Blank).

1 (q) Alias Summons.

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

4 (r) Other Fees.

5 Any fees not covered in this Section shall be set by
6 rule or administrative order of the Circuit Court with the
7 approval of the Administrative Office of the Illinois
8 Courts.

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

19 (s) Jury Services.

20 The clerk shall be entitled to receive, in addition to
21 other fees allowed by law, the sum of a minimum of \$212.50
22 and maximum of \$230, as a fee for the services of a jury in
23 every civil action not quasi-criminal in its nature and not
24 a proceeding for the exercise of the right of eminent
25 domain and in every other action wherein the right of trial
26 by jury is or may be given by law. The jury fee shall be

1 paid by the party demanding a jury at the time of filing
2 the jury demand. If the fee is not paid by either party, no
3 jury shall be called in the action or proceeding, and the
4 same shall be tried by the court without a jury.

5 (t) Voluntary Assignment.

6 For filing each deed of voluntary assignment, a minimum
7 of \$20 and a maximum of \$40; for recording the same, a
8 minimum of 50¢ and a maximum of \$0.80 for each 100 words.
9 Exceptions filed to claims presented to an assignee of a
10 debtor who has made a voluntary assignment for the benefit
11 of creditors shall be considered and treated, for the
12 purpose of taxing costs therein, as actions in which the
13 party or parties filing the exceptions shall be considered
14 as party or parties plaintiff, and the claimant or
15 claimants as party or parties defendant, and those parties
16 respectively shall pay to the clerk the same fees as
17 provided by this Section to be paid in other actions.

18 (u) Expungement Petition.

19 The clerk shall be entitled to receive a fee of a
20 minimum of \$60 and a maximum of \$120 for each expungement
21 petition filed and an additional fee of a minimum of \$4 and
22 a maximum of \$8 for each certified copy of an order to
23 expunge arrest records.

24 (v) Probate.

25 The clerk is entitled to receive the fees specified in
26 this subsection (v), which shall be paid in advance, except

1 that, for good cause shown, the court may suspend, reduce,
2 or release the costs payable under this subsection:

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

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

10 (B) When (i) proof of heirship alone is made, (ii)
11 a domestic or foreign will is admitted to probate
12 without administration (including proof of heirship),
13 or (iii) letters of office are issued for a particular
14 purpose without administration of the estate, the fee
15 shall be a minimum of \$40 and a maximum of \$65.

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

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

22 (B) When (i) letters of office are issued to a
23 guardian of the person or persons, but not of the
24 estate or (ii) letters of office are issued in the
25 estate of a ward without administration of the estate,
26 including filing or joining in the filing of a tax

1 return or releasing a mortgage or consenting to the
2 marriage of the ward, the fee shall be a minimum of \$20
3 and a maximum of \$40.

4 (3) In addition to the fees payable under subsection
5 (v) (1) or (v) (2) of this Section, the following fees are
6 payable:

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

10 (B) For filing a claim in an estate when the amount
11 claimed is \$150 or more but less than \$500, a minimum
12 of \$20 and a maximum of \$40; when the amount claimed is
13 \$500 or more but less than \$10,000, a minimum of \$40
14 and a maximum of \$65; when the amount claimed is
15 \$10,000 or more, a minimum of \$60 and a maximum of \$90;
16 provided that the court in allowing a claim may add to
17 the amount allowed the filing fee paid by the claimant.

18 (C) For filing in an estate a claim, petition, or
19 supplemental proceeding based upon an action seeking
20 equitable relief including the construction or contest
21 of a will, enforcement of a contract to make a will,
22 and proceedings involving testamentary trusts or the
23 appointment of testamentary trustees, a minimum of \$60
24 and a maximum of \$90.

25 (D) For filing in an estate (i) the appearance of
26 any person for the purpose of consent or (ii) the

1 appearance of an executor, administrator,
2 administrator to collect, guardian, guardian ad litem,
3 or special administrator, no fee.

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

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

9 (G) For disposition of the collection of a judgment
10 or settlement of an action or claim for wrongful death
11 of a decedent or of any cause of action of a ward, when
12 there is no other administration of the estate, a
13 minimum of \$50 and a maximum of \$80, less any amount
14 paid under subsection (v) (1) (B) or (v) (2) (B) except
15 that if the amount involved does not exceed \$5,000, the
16 fee, including any amount paid under subsection
17 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$20 and a
18 maximum of \$40.

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

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

25 (4) The executor, administrator, guardian, petitioner,
26 or other interested person or his or her attorney shall pay

1 the cost of publication by the clerk directly to the
2 newspaper.

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

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

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

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

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

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

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

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

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

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

26 (G) Motions to vacate or amend final orders, a

1 minimum of \$40 and a maximum of \$80.

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

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

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

8 (K) Motions to vacate "failure to appear" or
9 "failure to comply" notices sent to the Secretary of
10 State, a minimum of \$40 and a maximum of \$50.

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

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

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

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

1 jury.

2 (x) Transcripts of Judgment.

3 For the filing of a transcript of judgment, the clerk
4 shall be entitled to the same fee as if it were the
5 commencement of a new suit.

6 (y) Change of Venue.

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

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

14 (z) Tax objection complaints.

15 For each tax objection complaint containing one or more
16 tax objections, regardless of the number of parcels
17 involved or the number of taxpayers joining in the
18 complaint, a minimum of \$50 and a maximum of \$100.

19 (aa) Tax Deeds.

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

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

24 (bb) Collections.

25 (1) For all collections made of others, except the
26 State and county and except in maintenance or child support

1 cases, a sum equal to 3.0% of the amount collected and
2 turned over.

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

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

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

26 The clerk shall also be entitled to a fee of \$5 for

1 certifications made to the Secretary of State as provided
2 in Section 7-703 of the Family Financial Responsibility Law
3 and these fees shall also be deposited into the Separate
4 Maintenance and Child Support Collection Fund.

5 (cc) Corrections of Numbers.

6 For correction of the case number, case title, or
7 attorney computer identification number, if required by
8 rule of court, on any document filed in the clerk's office,
9 to be charged against the party that filed the document, a
10 minimum of \$25 and a maximum of \$40.

11 (dd) Exceptions.

12 (1) The fee requirements of this Section shall not
13 apply to police departments or other law enforcement
14 agencies. In this Section, "law enforcement agency" means
15 an agency of the State or a unit of local government which
16 is vested by law or ordinance with the duty to maintain
17 public order and to enforce criminal laws or ordinances.
18 "Law enforcement agency" also means the Attorney General or
19 any state's attorney.

20 (2) No fee provided herein shall be charged to any unit
21 of local government or school district. The fee
22 requirements of this Section shall not apply to any action
23 instituted under subsection (b) of Section 11-31-1 of the
24 Illinois Municipal Code by a private owner or tenant of
25 real property within 1200 feet of a dangerous or unsafe
26 building seeking an order compelling the owner or owners of

1 the building to take any of the actions authorized under
2 that subsection.

3 (3) The fee requirements of this Section shall not
4 apply to the filing of any commitment petition or petition
5 for an order authorizing the administration of
6 psychotropic medication or electroconvulsive therapy under
7 the Mental Health and Developmental Disabilities Code.

8 (ee) Adoption.

9 (1) For an adoption \$65

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

15 (ff) Adoption exemptions.

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

21 (gg) Unpaid fees.

22 Unless a court ordered payment schedule is implemented
23 or the fee requirements of this Section are waived pursuant
24 to court order, the clerk of the court may add to any
25 unpaid fees and costs under this Section a delinquency
26 amount equal to 5% of the unpaid fees that remain unpaid

1 after 30 days, 10% of the unpaid fees that remain unpaid
2 after 60 days, and 15% of the unpaid fees that remain
3 unpaid after 90 days. Notice to those parties may be made
4 by signage posting or publication. The additional
5 delinquency amounts collected under this Section shall be
6 used to defray additional administrative costs incurred by
7 the clerk of the circuit court in collecting unpaid fees
8 and costs.

9 (hh) Processing fee.

10 Except as otherwise provided in this Section, the clerk
11 shall be entitled to receive a minimum of \$.50 and a
12 maximum of \$1 for each separately titled document filed.

13 (Source: P.A. 95-172, eff. 8-14-07.)".