

# Getting Started

## Application for Waiver of Court Fees

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**IMPORTANT:** This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use the *Application for Waiver of Court Fees* and *Order for Waiver of Court Fees* forms. Your use of the form(s) does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *How to Ask the Court to Participate in a Court Case for Free* instruction sheet and the instructions on the forms.

<b>Name(s) of the form(s):</b>	<ul style="list-style-type: none"><li>• <i>Application for Waiver of Court Fees</i></li><li>• <i>Order for Waiver of Court Fees</i></li></ul>
<b>Purpose of the form(s):</b>	To ask the court to let you participate in a court case for free.
<b>Types of cases the form(s) CAN be used for:</b>	All civil cases. For example, divorce cases, family cases, eviction cases, small claims cases, and lawsuits for injury or property damage.
<b>Types of cases the form(s) CANNOT be used for:</b>	All criminal, traffic, and juvenile justice cases.
<b>Special information or papers needed to complete the form(s):</b>	You will need to know the income and expense information for the past 12 months and the value of belongings, including real estate, for: <ul style="list-style-type: none"><li>• yourself,</li><li>• the people you support who live with you, and</li><li>• If you are filling this form out on behalf of a minor or incompetent adult, you will need that person's information.</li></ul>
<b>Statutes covering the form(s):</b>	<ul style="list-style-type: none"><li>• <u>735 ILCS 5/5-105 and 5/5-105.5</u></li><li>• <u>Illinois Supreme Court Rule 298</u></li></ul>
<b>Where to find the forms and instruction sheet:</b>	<a href="http://www.illinoiscourts.gov/Forms/approved/">http://www.illinoiscourts.gov/Forms/approved/</a> .
<b>For more information:</b>	Read the <i>How to Ask the Court to Participate in a Court Case for Free</i> instruction sheet that comes with these form(s). You may also find more information, resources, and the location of your local county self help center at <a href="http://www.illinoislegalaid.org/FeeWaiver">www.illinoislegalaid.org/FeeWaiver</a> .

# HOW TO ASK THE COURT TO PARTICIPATE IN A COURT CASE FOR FREE

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## Who can ask the court to participate in a court case for free?

Anyone who must pay a fee as part of a court case. You can ask for yourself, your minor child, or an incompetent adult, but not for anyone else.

## How will I know if there is a fee?

The Circuit Clerk can tell you if there is a fee for filing a document with the court. Other fees might come up during the case. For example, the judge might tell you about a fee or the Sheriff's Department might tell you about a fee for service of court papers.

## What forms do I need to fill out to ask the court to let me participate in a case for free?

- **Application for Waiver of Court Fees:** to give your income and expense information to the court so it can decide if you can participate in a court case for free.
- **Order for Waiver of Court Fees:** is used by the judge to say your application is granted or denied.

## Where can I find the forms I need?

You can find forms at:

<http://www.illinoiscourts.gov/Forms/approved/>.

## Is there a deadline for filing an *Application for Waiver of Court Fees*?

- No. You can file an *Application for Waiver of Court Fees* at any time during the court case.
- But it might take the court a couple of days to review your application and to decide whether you have to pay the filing fees, so don't wait until the last minute.
- You are responsible for knowing if there are other deadlines to file documents.

## Do I have to pay to file an *Application for Waiver of Court Fees*?

No, there is no cost for filing an *Application for Waiver of Court Fees*.

## Do I have to file an *Application for Waiver of Court Fees* each time I want to file something?

No. Once the court grants an *Order for Waiver of Court Fees*, you should not have to fill out another application during the court case, unless the court requests more information from you.

## What do I do after I fill out the *Application for Waiver of Court Fees* and *Order for Waiver of Court Fees*?

### Step 1 – File the forms with the Circuit Clerk.

- You must file the forms in the county where the court case is filed.
- The courthouse address may be on court papers you received. Or you can find the courthouse address at: [www.illinoiscourts.gov/circuitcourt/circuitmap/map1.asp](http://www.illinoiscourts.gov/circuitcourt/circuitmap/map1.asp)
- Make a copy of the completed *Application for Waiver of Court Fees* for yourself.
- Bring the original and the copy of: 1) the completed *Application for Waiver of Court Fees*, 2) the *Order for Waiver of Court Fees*, and 3) any other court documents you are filing to the Circuit Clerk at the courthouse.
- The Circuit Clerk will stamp and keep the original *Application for Waiver of Court Fees* and put it in the court file.
- The Circuit Clerk will stamp the extra copy of your *Application for Waiver of Court Fees* and return the copy to you. Keep the copy for your records.
- *Note:* Depending on where you live, you may be able to file online. Check your Circuit Clerk's website to see if online filing is an option. Find your Circuit Clerk's website at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.

### Step 2 – Wait for a decision.

- The court will review your *Application for Waiver of Court Fees* and decide whether you have to pay the court fees.
- The court may need more information from you. The court may want to have a hearing on your application. The court will notify you if you need to give more information or documents, or go to court.
- After the court makes a decision, the court will fill out the *Order for Waiver of Court Fees*. The *Order for Waiver of Court Fees* will say if you have to pay court fees. The court will give you a copy of this *Order*.
- The Circuit Clerk will tell you how and when you will get a copy of the *Order for Waiver of Court Fees*.
- If the court decides you have to pay the court fees and you do not pay by the deadline in the *Order for Waiver of Court Fees*, the court may dismiss your case or find against you.
- If the court decides you do not have to pay court fees and you win your case and get money from the other side, the court may make you use all or part of this money to pay the court fees.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois courts.

<b>STATE OF ILLINOIS,</b> <b>CIRCUIT COURT</b>  _____ COUNTY	<b>APPLICATION FOR WAIVER OF          COURT FEES</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Enter above the county name where the case was filed.  Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.  Enter the name of the person being sued as Defendant/Respondent.  Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.	_____ <b>Plaintiff / Petitioner</b> <i>(First, middle, last name)</i>  v.  _____ <b>Defendant / Respondent</b> <i>(First, middle, last name)</i>	_____ <b>Case Number</b>

In 1a, enter your full name. If you are completing this form on behalf of a minor or an incompetent adult, provide that person's information.
In 1b, only enter the year you were born. DO NOT enter your entire date of birth.
In 1c, enter your complete current address.
In 2a, enter the number of people age 18 and older living in your house who you support. Support means that the people rely on you financially.
In 2b, enter the number of people under age 18 living in your house who you support.
In 3, check "Yes" if you have received at least 1 of the benefits listed in the past 4 weeks.
If you check "Yes" in 3, skip 4 and sign the form.

Pursuant to Illinois Supreme Court Rule 298 and 735 ILCS 5/5-105, I state:

**1. I am providing the following information about myself:**

- a. Name: \_\_\_\_\_  
                                     *First*                                    *Middle*                                    *Last*
- b. Year of Birth: \_\_\_\_\_
- c. Street Address: \_\_\_\_\_  
     City, State, ZIP: \_\_\_\_\_
- d. I believe I cannot afford to pay the court fees in this case.

**2. I am providing the following information about people who live with me:**

- a. I support \_\_\_\_\_ adults *(not counting myself)* who live with me.
- b. I support \_\_\_\_\_ children under 18 who live with me.

**3. I have received 1 or more of the benefits listed below in the past 4 weeks:**

- Yes       No
- Supplemental Security Income (SSI) (Not Social Security)
  - Aid to the Aged, Blind and Disabled (AABD)
  - Temporary Assistance to Needy Families (TANF)
  - State Children & Family Assistance
  - Food Stamps (SNAP)
  - General Assistance (GA)
  - Transitional Assistance

**\*\*If you answered "Yes" in section 3, skip section 4 and sign the form.\*\***

**4. I checked "No" in section 3, so I am providing the following financial information:**

In 4a, check "Yes" if you have applied for at least 1 of the benefits listed in section 3.

a. I have applied for 1 or more of the benefits listed in section 3:

Yes     No

b. I receive the following money each month. This includes money received by people I

support who live with me. *(check all that apply)*

My employment: \$ \_\_\_\_\_  Other people's employment: \$ \_\_\_\_\_

Child support: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_

Pension: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_

Other *(list type and amount)*: \_\_\_\_\_ \$ \_\_\_\_\_

No income

Total of all money received: \$ \_\_\_\_\_

c. I received the following total amount of money in the past 12 months. This includes money received by people I support who live with me. *(check all that apply)*

My employment: \$ \_\_\_\_\_  Other people's employment: \$ \_\_\_\_\_

Child support: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_

Pension: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_

Other *(list type and amount)*: \_\_\_\_\_ \$ \_\_\_\_\_

No income

Total of all money received: \$ \_\_\_\_\_

d. My current monthly expenses are listed below. This includes the monthly expenses of the people I support who live with me. *(check all that apply)*

Rent: \$ \_\_\_\_\_ per month

Home Mortgage: \$ \_\_\_\_\_ per month

Other Mortgage: \$ \_\_\_\_\_ per month

Utilities: \$ \_\_\_\_\_ per month

Food: \$ \_\_\_\_\_ per month

Medical: \$ \_\_\_\_\_ per month

Car Loan: \$ \_\_\_\_\_ per month

Other *(list type and amount)*: \_\_\_\_\_ \$ \_\_\_\_\_ per month

I have no expenses

Total of all expenses: \$ \_\_\_\_\_

In 4b, check the box for each type of money you have received in the past month. Also enter the gross (before taxes) amount for each type.

Include the money received by the people you support who live with you. Support means that the people rely on you financially.

In 4c, check the box for each type of money you have received in the past 12 months. For each type, enter the total amount received in the past 12 months before taxes.

Include the money received by the people you support who live with you.

In 4d, check all of your expenses for the past month and list the monthly amounts. Include the expenses of the people you support who live with you.

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

In 4e, check all of the items owned by you and list the value of each item. Include the items owned by the people you support who live with you.

If you own real estate, include the total you owe on any mortgage.

e. I have the belongings listed below. This includes the belongings of the people I support who live with me. (check all that apply)

Bank accounts and cash totaling: \$ \_\_\_\_\_

Home real estate, worth: \$ \_\_\_\_\_

The total I owe on my home mortgage is: \$ \_\_\_\_\_

Other real estate, not including the house I live in, worth: \$ \_\_\_\_\_

The total I owe on my other mortgage is: \$ \_\_\_\_\_

1<sup>st</sup> vehicle worth: \$ \_\_\_\_\_ The 1<sup>st</sup> vehicle is paid off:  Yes  No

2<sup>nd</sup> vehicle worth: \$ \_\_\_\_\_ The 2<sup>nd</sup> vehicle is paid off:  Yes  No

Other (list items and value): \_\_\_\_\_ \$ \_\_\_\_\_

None of the above

**I certify that everything above is true and correct to the best of my knowledge.**

**I understand that making a false statement in this form could be perjury.**

\_\_\_\_\_  
*Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Print Your Current Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Relationship to Minor or Incompetent Adult (if applicable)*

\_\_\_\_\_  
*Telephone*

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

The person who filled out this form must sign it.

Enter the complete current address and telephone number of the person who filled out this form.

If you are filling out this form for a minor or an incompetent adult, state your relationship.

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois courts.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY		<b>ORDER FOR WAIVER OF COURT FEES</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b>	<p>_____</p> <b>Plaintiff / Petitioner</b> ( <i>First, middle, last name</i> ) <p>v.</p> <p>_____</p> <b>Defendant / Respondent</b> ( <i>First, middle, last name</i> )		<p>_____</p> <b>Case Number</b>
Enter above the county name where the case was filed.			
Enter the name of the person who started the lawsuit as Plaintiff/Petitioner.			
Enter the name of the person being sued as Defendant/Respondent.			
Enter the Case Number given by the Circuit Clerk or leave this blank if you do not have one.			

Enter your full name as "Applicant."

**Applicant Name:** \_\_\_\_\_  
*First Middle Last*

**DO NOT** check any more boxes or fill in any more blanks on this form.  
The Judge will decide if your *Application for Waiver of Court Fees* is granted or denied and complete the rest of this form.

**The Court having reviewed the *Application for Waiver of Court Fees* hereby finds:**

- The applicant **qualifies** for a fee waiver because (*check one*):
- The applicant receives assistance under one or more of the following programs: Supplemental Security Income (SSI); Aid to the Aged, Blind and Disabled (AABD); Temporary Assistance for Needy Families (TANF); Food Stamps (SNAP); General Assistance; Transitional Assistance; or State Children and Family Assistance; **OR**
  - The applicant's household income is 125% or less than the current poverty level as established by the U.S. Department of Health and Human Services; **OR**
  - Payments of fees, costs, and charges would result in substantial hardship to the applicant or his or her family.
- The applicant **does not qualify** for a fee waiver because (*must state specific reason*):
- \_\_\_\_\_

**IT IS HEREBY ORDERED:**

- Application for Waiver of Court Fees* is **GRANTED**. The applicant may participate in this case without payment of fees, costs, or charges including: filing, service of process, publication, mediation, guardian ad litem, or any other court ordered fees as listed in 735 ILCS 5/5-105(a)(1).
- Application for Waiver of Court Fees* is **DENIED** and:
- Applicant must pay all applicable fees, costs, or charges by: \_\_\_\_\_ **OR**  
*Date*
  - Applicant must pay all applicable fees, costs or charges as follows (*describe payment plan*):  
\_\_\_\_\_

**DO NOT** complete this section. The judge will sign and date here.

**ENTERED:**  
\_\_\_\_\_  
*Judge Date*