

Getting Started

Application for Waiver of Court Fees (Appellate Court)

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 in the appellate court. Your use of the forms 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 Appellate Court to Participate in an Appeal for Free* instruction sheet and the instructions on the forms.

Names of the forms:	<ul style="list-style-type: none"> • <i>Application for Waiver of Court Fees (Appellate Court)</i> • <i>Order for Waiver of Court Fees (Appellate Court)</i>
Purpose of the forms:	To ask the court to let you participate in an appeal for free. If you previously obtained a trial court fee waiver, it does not apply to fees owed to the appellate court.
Types of cases the forms CAN be used for:	All cases filed with the appellate court.
Types of cases the forms CANNOT be used for:	This form cannot be used to waive fees owed to the trial court or court reporters for preparation of a record on appeal.
Cost to file the forms:	None.
Special information or papers needed to complete the forms:	<p>You will need to know income and expense information for the past 12 months and the value of belongings, including real estate, for:</p> <ul style="list-style-type: none"> • yourself, • the people you support who live with you, and • If you are filling this form out on behalf of a minor or incompetent adult, you will need that person's information. <p>If you get public benefits, you may want to bring a current proof of eligibility and benefits statement from the agency providing the benefit when you file your forms.</p> <p>If you don't get public benefits, you may want to bring documents showing your income and expense information when you file your forms.</p>
Statutes covering the forms:	There are no statewide rules covering the forms, but each appellate court will grant an <i>Application for Waiver of Court Fees</i> in appropriate circumstances.
Where to find the forms and instruction sheet:	http://www.illinoiscourts.gov/Forms/approved/ .
For more information:	<p>Read the <i>How to Ask the Appellate Court to Participate in an Appeal for Free</i> instruction sheet that comes with these forms. You may also contact the appellate court where you are filing your case. You can find the contact information for the appropriate appellate court at:</p> <p>http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp</p> <p>Find more information at:</p> <p>http://illinoiscourts.gov/CivilJustice/LanguageAccess/Guide_for_Appeals_to%20the_Illinois_Appellate_Court.pdf</p>

HOW TO ASK THE APPELLATE COURT TO PARTICIPATE IN AN APPEAL FOR FREE

Who can ask the court to participate in an appeal for free?

Anyone who must pay a fee in the appellate court as part of an appeal can ask the court to participate for free. You can ask for yourself, your minor child, or an incompetent adult, but not for anyone else. **NOTE:** this form cannot be used to waive fees owed to the trial court or court reporters for preparation of a record on appeal.

How will I know if there are fees for filing documents in the appellate court?

The Appellate Clerk can tell you if there is a fee for filing a document with the court. [Supreme Court Rule 313](#) requires the person who files an appeal to pay a \$50 fee. Rule 313 requires all other parties to pay a \$30 fee.

What forms do I need to fill out to ask the appellate court to let me participate in an appeal for free?

There are two forms:

- **Application for Waiver of Court Fees (Appellate Court)** gives your income and expense information to the court so it can decide if you can participate in an appeal for free.
- **Order for Waiver of Court Fees (Appellate Court)** to be used by the court to say whether your application is granted or denied. Complete the top half of the *Order* and attach to the *Application for Waiver of Court Fees*.

Where can I find the forms I need?

- You can find forms at: www.illinoiscourts.gov/Forms/approved/.
- You can also ask the Appellate Clerk for a copy.

When do I have to file an *Application for Waiver of Court Fees*?

- At the time you file your first document with the appellate court, you must file a completed *Application for Waiver of Court Fees*.
- It might take the appellate court a couple of weeks to review your application and decide whether you have to pay the appellate court fees, so do not wait until the last minute.

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

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

How do I prove I cannot afford to pay court fees?

The judge may require you to prove what you have written in your *Application*.

- If you get public benefits (Supplemental Security Income; Aid to the Aged, Blind and Disabled; Temporary Assistance to Needy Families; State Children & Family Assistance; Food Stamps; General Assistance; OR Transitional Assistance), you may want to bring a current proof of eligibility and benefits statement from the agency providing the benefit when you file your forms.

If you don't get public benefits, you may want to bring documents showing your income and expense information when you file your forms.

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

No. Once the appellate court grants an *Order for Waiver of Court Fees*, you do not have to fill out another *Application* during the appeal. Show the *Order for Waiver of Court Fees* to the Appellate Clerk whenever a fee is required in the case.

However, if you file another case with the appellate court, you will need to file a separate *Application*.

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 your forms with the Appellate Clerk.

- You must file your forms with the appellate court where your appeal will be heard. Your appeal will be heard in the appellate court district where the trial court that ruled on your case is located. For help determining which appellate court your appeal should be filed in click here: https://en.wikipedia.org/wiki/Illinois_Appellate_Court
- The address for the appellate court for your appeal may be on the court papers you received. You can also find the address at: <http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>
- Make a copy of the completed *Application for Waiver of Court Fees* for yourself.
- File your forms with the Appellate Clerk in person or by mail.
- You will also need to file in person or mail any other forms you are planning to file, such as *Docketing Statement*, *Motion*, or *Brief* when you file your *Application for Waiver of Court Fees*. You can find these forms at: www.illinoiscourts.gov/Forms/approved/
- How to File in Person
 - Go to the appellate court in the district where your appeal has been filed.
 - Give the Appellate Clerk your original forms and the copies to stamp.
 - The Appellate Clerk will keep the original forms and give back your copies.

- How to File by Mail
 - Mail your original forms and one copy to the Appellate Clerk in the district where your appeal has been filed.

Step 2 – Wait for a decision.

- The appellate court will review your *Application for Waiver of Court Fees* and decide whether you have to pay the appellate court fees.
- The appellate court may need more information from you. The appellate court will notify you if you need to give more information or go to court.

After the court makes a decision, the court will complete the *Order for Waiver of Court Fees*. The *Order for Waiver of Court Fees* will show if you have to pay court fees. The Appellate Clerk will mail you a copy of the *Order*.

<p>Instructions ▼</p> <p>Check if applicable.</p> <p>Enter the Appellate Court case number.</p> <p>Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed.</p> <p>If the case caption in the trial court says "In Re:", fill in the blank line to match the trial court caption. If not, leave blank.</p> <p>Below that, enter the name of the person who filed the appeal as the "appellant" and the person responding to the appeal as the "appellee." Check the correct box for each person.</p> <p>At the far right, enter the trial court county the trial court case number, and trial judge's name.</p>	<p><input type="checkbox"/> THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS OR OTHER MATTER AFFECTING THE BEST INTEREST OF THE CHILD.</p> <p style="text-align: center;">Appellate Case No.: _____</p> <p style="text-align: center;">IN THE APPELLATE COURT OF ILLINOIS</p> <p style="text-align: center;">_____ District</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%; padding: 5px;"> <p>In Re: _____</p> <p>_____</p> <p style="text-align: center;"><i>(First, middle, last name)</i></p> <p><input type="checkbox"/> Plaintiff <input type="checkbox"/> Petitioner <i>Choose one</i></p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee <i>Choose one</i></p> <p>v.</p> <p>_____</p> <p style="text-align: center;"><i>(First, middle, last name)</i></p> <p><input type="checkbox"/> Defendant <input type="checkbox"/> Respondent <i>Choose one</i></p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee <i>Choose one</i></p> </td> <td style="width: 40%; padding: 5px;"> <p>Appeal from the Circuit Court of _____ County</p> <p>Trial Court Case No: _____</p> <p>Honorable _____</p> <p>Judge, Presiding</p> </td> </tr> </table>	<p>In Re: _____</p> <p>_____</p> <p style="text-align: center;"><i>(First, middle, last name)</i></p> <p><input type="checkbox"/> Plaintiff <input type="checkbox"/> Petitioner <i>Choose one</i></p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee <i>Choose one</i></p> <p>v.</p> <p>_____</p> <p style="text-align: center;"><i>(First, middle, last name)</i></p> <p><input type="checkbox"/> Defendant <input type="checkbox"/> Respondent <i>Choose one</i></p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee <i>Choose one</i></p>	<p>Appeal from the Circuit Court of _____ County</p> <p>Trial Court Case No: _____</p> <p>Honorable _____</p> <p>Judge, Presiding</p>
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**APPLICATION FOR WAIVER OF
COURT FEES
(APPELLATE COURT)**

<p>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.</p>
<p>In 1b, only enter the year you were born. DO NOT enter your entire date of birth.</p>
<p>In 1c, enter your complete current address.</p>
<p>In 2, if you are currently incarcerated, attach a copy of your inmate trust fund ledger for the last 6 months or your <i>Application</i> will be rejected.</p>

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 cannot afford to pay the court fees in this case.
 - e. Email address: _____ Telephone number: _____

2. I am currently incarcerated. Yes No If yes, inmate I.D. # _____
If yes, I am attaching a copy of my inmate trust fund ledger for the last six (6) months.

****If you answered "Yes" in section 2, skip section 3, 4, and 5 and sign below.****

In **3a**, 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 **3b**, enter the number of people under age 18 living in your house who you support.

In **4**, check "Yes" if you have received at least 1 of the benefits listed in the past 4 weeks.

If you check "Yes" in **4**, skip **5** and sign below.

In **5a**, check "Yes" if you have applied for at least 1 of the benefits listed in section 4.

In **5b**, 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 **5c**, 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.

In **5d**, 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.

3. 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.

4. 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 4, skip section 5 and sign below.****

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

- a. I have applied for 1 or more of the benefits listed in section 4:
 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. My current monthly expenses are listed below. This includes the monthly expenses of 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: \$ _____

- d. 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: \$ _____
 - 1st vehicle worth: \$ _____ The 1st vehicle is paid off: Yes No

Enter the Case Number given by the Appellate Court Clerk: _____

- 2nd vehicle worth: \$ _____ The 2nd vehicle is paid Yes No
 Other (list items and value): _____ \$ _____
 None of the above

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.

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

I certify that everything in the *Application for Waiver of Court Fees (Appellate Court)* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Your Signature

Street Address

Print Your Name

City, State, ZIP

Relationship to Minor or Incompetent Adult (if applicable)

Telephone

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**ORDER FOR
WAIVER OF COURT FEES
(APPELLATE COURT)**

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 Appellate Court 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.
- 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 appeal without payment of fees, costs, or charges.
- 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)*:

Enter the Case Number given by the Appellate Court Clerk: _____

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

ENTERED:

Justice

Date