

Getting Started

Application for Waiver of Criminal Court Assessments

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 Criminal Court Assessments* and *Order for Waiver of Criminal Court Assessments* forms. 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 Court to Waive Criminal Court Assessments* instruction sheet and the instructions on the forms.

Names of the forms:	<ul style="list-style-type: none">• <i>Application for Waiver of Criminal Court Assessments</i>• <i>Order for Waiver of Criminal Court Assessments</i>
Purpose of the forms:	To ask the court to excuse you from having to pay all or any part of the fee assessments in your case.
Types of cases the forms CAN be used for:	All criminal cases, including felony and misdemeanor cases.
Types of cases the forms CANNOT be used for:	All civil and juvenile cases and fee assessments resulting from violations of the Illinois Vehicle Code. If you need to ask for a fee waiver in a civil case, you can use the <i>Application for Waiver of Court Fees</i> form found here: illinoiscourts.gov/Forms/approved/Circuit.asp
Cost to File the forms:	None.
Special information or papers needed to complete the forms:	<ul style="list-style-type: none">• You will need to know your income and expense information for the past 12 months. You also need to know the value of your belongings, including any real estate.• If you are filling this form out on behalf of a minor, you will need that person's information.• If you get public benefits, you may want to bring current proof of eligibility and a 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, value of belongings (including real estate) and expense information when you file your forms.
Statutes and court rules covering the forms:	<ul style="list-style-type: none">• 725 ILCS 5/124A-20 and 705 ILCS 135/Article 15• Illinois Supreme Court Rule 404
Where to find the forms and instruction sheet:	illinoiscourts.gov/Forms/approved/Circuit.asp
For more information:	Read the <i>How to Ask the Court to Waive Criminal Court Assessments</i> instruction sheet that comes with these forms. You may also find more information, resources, and the location of your local county self help center at: illinoislegalaid.org/FeeWaiver .

HOW TO ASK THE JUDGE TO WAIVE CRIMINAL COURT ASSESSMENTS

What are criminal court assessments?

Assessments are costs charged to a defendant in a criminal case once found guilty. They do not include fines or restitution ordered by the judge to be paid by the defendant. They also do not include costs in civil and juvenile cases and fee assessments resulting from violations of the Illinois Vehicle Code. The waiver may not apply to some court costs and fees associated with your case.

Who can ask the judge to waive a criminal court assessment?

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

How will I know if there is an assessment?

You will get a document that tells you if you owe an assessment.

What forms do I need to fill out to ask the judge to waive or reduce assessments?

- **Application for Waiver of Criminal Court Assessments:** Is used to tell the judge whether you get any public benefits and your income and expense information so they can decide if you are eligible for a waiver of court fee assessments.
- **Order for Waiver of Criminal Court Assessments:** Is used by the judge to say your application is granted or denied.

Where can I find the forms I need?

The Office of the Circuit Clerk in the county where the criminal charges were filed. You can also find the forms at: illinoiscourts.gov/Forms/approved/Circuit.asp

Do I have to pay to file an *Application for Waiver of Criminal Court Assessments*?

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

Is there a deadline for filing an *Application for Waiver of Criminal Court Assessments*?

- Yes, in criminal cases you must file an *Application for Waiver of Criminal Court Assessments* no later than 30 days after the sentencing date.

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

The judge may require you to prove the information in your *Application*. If you get public benefits you may want to bring current proof of eligibility and a benefits statement from the agency providing the benefit.

Examples of public benefits are:

- Supplemental Security Income (SSI, Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- SNAP (Food Stamps)
- General Assistance (GA)
- Transitional Assistance; State Children and Family Assistance

If you don't get public benefits, you may want to bring documents showing your income, value of belongings (for example, real estate), and expenses.

Can the judge make me pay back assessments after I have been granted a waiver?

If the judge grants your *Application* and later decides that the information you put in your *Application* was false, the judge can make you pay any assessments that were waived.

What happens if my *Application* is granted?

Depending upon your circumstances, the judge may order that:

- All of your assessments are waived;
- You must pay 25% of any assessment;
- You must pay 50% of any assessment; OR
- You must pay 75% of any assessment.

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

Step 1: File the *Application* and *Order* with the Circuit Clerk in the county where the charges were filed.

- The courthouse address should be on the court papers you received. Or, you can find the courthouse address, online, at: illinoiscourts.gov/CircuitCourt/default.asp.
- Make a copy of your original *Application* for yourself.
- The Circuit Clerk will stamp and keep the original.
- How to File In Person
 - Go to the courthouse in the county where your court case is filed.
 - Give the Circuit Clerk your original forms and

the copies to stamp.

- The Circuit Clerk will keep the original forms and give back your copies.
- How to File By Mail
 - If you do not need to appear in person, mail your *Application for Waiver of Criminal Court Assessments* and *Order for Waiver of Criminal Court Assessments* and one copy of each to the Circuit Clerk.
 - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy back to you.

Step 2: Wait for a decision.

- The judge will review your *Application for Waiver of Criminal Court Assessments* and decide whether you have to pay the assessments.
- The judge may need more information from you. If so, the judge may want to have a hearing on your *Application*. The judge will notify you if you need to give more information or documents, or go to see the judge.
- After the judge makes a decision, the judge will fill out the *Order for Waiver of Criminal Court Assessments*. The *Order for Waiver of Criminal Court Assessments* will say if you have to pay any assessments.
- The Circuit Clerk will tell you how and when you will get a copy of the *Order for Waiver of Criminal Court Assessments*.
- If the judge decides you have to pay all or some of the court assessments, they also may allow you to defer payment to a later date, make installment payments, or make payment upon other terms and conditions stated in the order. If you fail to pay as ordered by the judge, the matter may be referred for collection, a Petition to Revoke the Sentence may be filed, or the judge may hold you in contempt. If you are sentenced to probation, conditional discharge, or supervision and fail to pay the assessment before the end of your sentence, the court could extend your period of probation, conditional discharge, or supervision until you pay the assessment.
- If a cash bond has been posted in the case, then the cash bond may be used to pay the assessments if it has not been applied to other fines or fees.

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

In 4b, check the box for each type of money you or the person on whose behalf this Application is being filed have received in the past month. Enter the gross (before taxes) amount for each type.

Under Other in 4b and 4c, include any money received from family or friends.

In 4c, check the box for each type of money you or the person on whose behalf this Application is being filed have received in the past 12 months. Enter the total gross (before taxes) amount for each type.

In 4d, check all of your debts and expenses for the past month and list the amount of money you pay each month for that expense.

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

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

Yes No

b. I received the following money in the past month. *(check all that apply)*

My employment: \$ _____ Social Security (not SSI): \$ _____
 Child support: \$ _____ Unemployment: \$ _____
 Pension: \$ _____
 Money from other household members: \$ _____
 Other *(list type and amount)*: _____ \$ _____
 No income

Total of all money received in the past month: \$ _____

c. I received the following total amount of money in the past 12 months. *(check all that apply)*

My employment: \$ _____ Social Security (not SSI): \$ _____
 Child support: \$ _____ Unemployment: \$ _____
 Pension: \$ _____
 Money from other household members: \$ _____
 Other *(list type and amount)*: _____
 No income

Total of all money received in the past 12 months: \$ _____

d. My current monthly expenses are listed below. *(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
 Childcare: \$ _____ per month
 Child Support: \$ _____ per month
 Other *(list type and amount)*: _____ \$ _____
 I have no expenses.

Total of all expenses: \$ _____ per month

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

e. I have the belongings listed below. (check all that apply)

Bank accounts and cash totaling: \$ _____

Home 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

2nd vehicle worth: \$ _____ The 2nd vehicle is paid off: Yes No

Other (list items and their value): _____ \$ _____

None of the above

Sign and print your name. Enter your complete current address and telephone number.

If you are filling out this form for a minor, sign and print your name and state your relationship to that minor. Enter your complete current address and telephone number.

I certify that everything in the *Application for Waiver of Criminal Court Assessments* is true and correct.

Your Signature

Street Address

Print Your Name

City, State, ZIP

Relationship to Minor (if applicable)

Telephone

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ORDER FOR WAIVER OF CRIMINAL COURT ASSESSMENTS	<i>For Court Use Only</i>
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the name of the person being charged as Defendant/ Respondent. Enter the Case Number.	The People of the State of Illinois or the charging Municipality or Local Government Unit, Plaintiff v. _____ Defendant / Respondent (<i>First, middle, last name</i>)	_____ Case Number

Enter your full name as "Applicant." If the application was filled out on behalf of a minor, enter the minor's full name.

Applicant Name: _____
First
Middle
Last

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

1. The applicant **qualifies** for a full waiver of all assessments because (*check only one*):
 - a. The applicant receives means-based government assistance under one or more of the following programs:
 - Supplemental Security Income (SSI) (Not Social Security)
 - Aid to the Aged, Blind and Disabled (AABD)
 - Temporary Assistance for Needy Families (TANF)
 - SNAP (Food Stamps)
 - General Assistance (GA), Transitional Assistance, or State Children and Family Assistance
 - OR**
 - b. The applicant's income is **200%** or less of the of the current poverty level as established by the US Department of Health and Human Services and the Applicant's non-exempt assets under 735 ILCS 5/12-901 and 735 ILCS 5/12-1001 are such that the applicant is unable, without undue hardship, to pay the assessments;
 - OR**
 - c. Payment of assessments would result in undue hardship to the applicant or his or her family.
2. The applicant **qualifies** for a **partial** (*75%, 50%, or 25%*) waiver of Criminal Court Assessments because the applicant's household income is (*check only one*):
 - more than **200%** but not greater than **250%** (*75% waived*) ; OR
 - more than **250%** but not greater than **300%** (*50% waived*) ; OR
 - more than **300%** but not greater than **400%** (*25% waived*)
 of the current poverty level as established by the US Department of Health and Human Services and the Applicant's non-exempt assets under 735 ILCS 5/12-901 and 735 ILCS 5/12-1001 are such that the applicant is unable to pay the assessments in full.

DO NOT check any boxes or fill in any more blanks on this form. The judge will complete the rest of the form.

Enter the Case Number given by the Circuit Clerk: _____

- 3. The applicant must **provide additional information and attend a hearing** before the court decides if the applicant qualifies for a waiver of assessments.
- 4. The applicant **does not qualify** for a waiver of assessments because *(must state specific reason)*: _____

IT IS HEREBY ORDERED, pursuant to 725 ILCS 5/124A-20:

- A. *Application for Waiver of Criminal Court Assessments is GRANTED.*
 - i. The applicant qualifies for a **full waiver** and will not be required to pay any assessments.
OR
 - ii. The applicant qualifies for a **partial waiver** of assessments as follows *(check one)*:
 - 75%** of all assessments are **waived** *(and the applicant must pay 25% of all assessments)*.
 - 50%** of all assessments are **waived** *(and the applicant must pay 50% of all assessments)*.
 - 25%** of all assessments are **waived** *(and the applicant must pay 75% of all assessments)*.
 - The applicant must pay assessments by: _____
Date
 - OR
 - Upon good cause shown, the applicant may make payments as follows *(describe deferral, installment plan, or other reasonable terms)*: _____

- B. *Application for Waiver of Criminal Court Assessments is SET FOR HEARING* on _____
 _____ at _____ in courtroom: _____
Date *Time*
 The applicant must bring the following documents: _____

- C. *Application for Waiver of Criminal Court Assessments is DENIED.*
 The applicant must pay assessments by: _____
Date

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

ENTERED:

Judge *Date*