

# 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 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 Participate in a Court Case for Free* instruction sheet and the instructions on the forms.

<b>Names of the forms:</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 forms:</b>	To ask the court to let you participate in a court case for free.
<b>Types of cases the forms 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 forms CANNOT be used for:</b>	All criminal, traffic, and juvenile justice cases.
<b>Cost to File the forms:</b>	None.
<b>Special information or papers needed to complete the forms:</b>	<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"><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> <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>
<b>Statutes covering the forms:</b>	<ul style="list-style-type: none"><li>• <a href="#">735 ILCS 5/5-105 and 5/5-105.5</a></li><li>• <a href="#">Illinois Supreme Court Rule 298</a></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>	<p>Read the <i>How to Ask the Court to Participate in a Court Case for Free</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:</p> <p><a href="http://www.illinoislegalaid.org/FeeWaiver">www.illinoislegalaid.org/FeeWaiver</a>.</p>

# 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 delivering (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. Show the *Order for Waiver of Court Fees* to the Circuit Clerk or sheriff whenever a fee is required in the case.

## 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 Circuit Clerk in the county where your court case was filed.

- Make a copy of your forms for yourself.
- File your forms with the Circuit Clerk in person. You may be able to file by mail or online depending on the county where you are filing your court case.
- In most counties it is best to file your forms with the Circuit Clerk in person but in certain counties, you must file online. Check with your Circuit Clerk: <http://www.ilcourtclerks.org/illinois-court-clerks/>
- The Circuit Clerk will stamp your forms. This stamp is your proof that the forms were filed with the court.
- How to File In Person
  - Go to the courthouse in the county where your court case should be 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
  - There may be local rules requiring you to file your *Application for Waiver of Court Fees* in person. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.
  - In Cook County, you must go in person to have your fees waived.
  - If you do not need to appear in person, mail your original forms and one copy to the Circuit Clerk to stamp.
  - Include the *Letter to the Circuit Clerk* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
  - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the copy to you.
- How to File Online
  - Check your local Circuit Clerk's website to see if online filing is an option for you at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.
  - Follow the instructions for filing online provided by the Circuit Clerk.
  - Even if you can file online, you may have to appear in person to apply for a fee waiver. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.

### 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.

### **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.

<b>STATE OF ILLINOIS, 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: \$ \_\_\_\_\_

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.

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 **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

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.

**I certify that everything in the *Application For Waiver Of Court Fees* 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*

After you finish this form, sign and print your name.

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.

<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> 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>

Enter your full name as "Applicant."

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

**DO NOT** check any boxes or fill in any more blanks on this form. The judge will complete the rest of the 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 must **provide additional information and attend a hearing** before the court decides if 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 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 **SET FOR HEARING** on \_\_\_\_\_ at \_\_\_\_\_  
*Date*
*Time*

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

in court room: \_\_\_\_\_ The applicant must bring the following documents: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

*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*