

# HOW TO ASK THE APPELLATE COURT TO PARTICIPATE IN AN APPEAL FOR FREE OR AT A REDUCED COST

**NOTE:** If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at [illinoislegalaid.org/lexicon/glossary](http://illinoislegalaid.org/lexicon/glossary). For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov).

**All the Supreme Court Rules mentioned in these instructions can be found at:**

[illinoiscourts.gov/rules/supreme-court-rules](http://illinoiscourts.gov/rules/supreme-court-rules).

**Who can ask the court to participate in an appeal for free or at a reduced cost?**

Anyone who must pay a fee as part of an appellate court case. 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 charged by the trial court or by court reporters for preparation of a record on appeal.

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

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 or at a reduced cost?**

- ***Application for Waiver of Court Fees (Appellate Court)*** is used to tell the court whether you get any public benefits and your income and expense information so it can decide if you can participate in an appeal for free or at a reduced cost.
- ***Order for Waiver of Court Fees (Appellate Court)*** is 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*.

The email address (if you have one) and mailing address you put on the form is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

**Where can I find the forms I need?**

- You can find forms at: [ilcourts.info/forms](http://ilcourts.info/forms).
- You can also ask the Appellate Clerk for a copy.

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

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

**Is there a deadline for filing 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.
- You are responsible for knowing if there are other deadlines to file documents.

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

The court may require you to prove the information in your *Application*. If you get public benefits, you may be asked to provide documents showing you receive public benefits, such as 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)
- Food Stamps (SNAP)
- General Assistance (GA), Transitional Assistance, or State Children & Family Assistance

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

**What happens if my *Application* is granted?**

Depending upon your circumstances, the appellate court may order that:

- You may participate for free;
- You must pay 25% of any fee charged;
- You must pay 50% of any fee charged; OR
- You must pay 75% of any fee charged.

**If my *Application* is granted, will I ever have to pay fees?**

- If the court grants your *Application* and later decides that the information you put in your *Application* was incorrect and you were ineligible, the court can make you pay back any fees that were waived.

- If the court believes that your financial situation has changed and you are no longer eligible for a full or partial fee waiver, the court may ask you to provide documents showing you are still eligible.
- If the court decides you do not have to pay all or some of the 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.

### When does my fee waiver expire?

It is good for one year. If you still need the fee waiver after it expires, you will need to file a new *Application*. However, this does not mean you have to pay back fees that were already waived.

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

#### Step 1: File your *Application* with the appellate court.

- After you fill out your court forms, file them with the appellate court in your district. You can find your district here: [ilcourts.gov/courts/appellate-court/](http://ilcourts.gov/courts/appellate-court/). You must file your court forms by the specific filing deadline that applies to your case. If you are uncertain as to when the filing deadline is, call the Clerk's office.
- Court forms are filed by electronic filing, called 'e-filing'. You do not have to e-file if you qualify for an exemption or your case involves a criminal matter.
  - Most people e-file their forms using Odyssey eFileIL at [ilcourts.info/efile](http://ilcourts.info/efile).
  - Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at [ilcourts.info/EfileHowTo](http://ilcourts.info/EfileHowTo).
- E-filing may not work on a cell phone or tablet. You may need to use a computer to e-file.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library, or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms. Librarians and courthouse staff are not able to provide legal advice.
  - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.
- Some people are exempt from e-filing, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
  - inmates in prison or jail who do not have a lawyer
  - people with a disability that keeps them from e-filing

- You may also qualify for an exemption from e-filing if:
  - You do not have Internet or computer access in your home, and it is hard for you to travel.
  - You have trouble reading, writing, or speaking English.
  - You are filing documents in a sensitive case, such as an order of protection.
  - You tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at [ilcourts.info/ExemptionAppellate](http://ilcourts.info/ExemptionAppellate). If you can't print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form with your other court forms at the Appellate Court Clerk's office or by mail.
  - Bring your signed court forms and at least two copies of your forms to the Appellate Court Clerk's office. Ask them to stamp your copies and return them to you. **NOTE:** Your appellate district's local rules may require additional paper copies. Check the local rules for your district at [ilcourts.gov/courts/appellate-court/appellate-court-local-rules/](http://ilcourts.gov/courts/appellate-court/appellate-court-local-rules/) or call the clerk's office for further instructions.
  - If you need to make copies of your forms, you can do that at the Appellate Court Clerk's office. They may charge you to make copies.

#### 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 Clerk will notify you if you need to give more information.
- After the court makes a decision, the court will complete the *Order for Waiver of Court Fees (Appellate Court)*. The *Order for Waiver of Court Fees* will show if you have to pay any court fees.
- The Appellate Clerk will mail or email you a copy of the *Order*.
- If the court decides you have to pay all or some of the court fees, you have to pay by the deadline set *Order for Waiver of Court Fees (Appellate Court)*. If you do not pay by the deadline, the court may dismiss your case or find against you.