

Proposal 25-08

Offered by the Illinois Supreme Court Commission on Access to Justice

**Illinois Supreme Court Rule 10-101. Standardized Court Forms.**

**(a) Development of Forms.** The Illinois Supreme Court Commission on Access to Justice shall establish a process to develop and approve standardized, legally sufficient forms for areas of law and practice where the Commission determines that there is a high volume of self-represented litigants or that standardized court forms will enhance access to justice or court efficiency. For purposes of this rule, form means any standardized court form including additional or related forms, instructions, or other informational materials developed or provided by the Commission.

**(b) Approval and Publication.** The Commission shall establish a process for publication, review, and approval of any proposed standardized court form in accordance with the Supreme Court's administrative order, M.R. 25401, ~~regarding standardized court forms.~~

**(c) Use by Litigants and Lawyers.** Standardized court forms may be used by any litigant or lawyer ~~whenever they are applicable. All courts must accept standardized court forms. Use of a~~ standardized court form is required only in certain instances, when specifically mandated by statute or Supreme Court Rule.

**(d) Responsibilities of Clerks and Courts.** After a standardized court form is published, no court may ~~(1) maintain, create, or disseminate alternate court forms that seek the same legal remedy; (2) require, promote, or encourage the use of any other court form that seeks the same legal remedy; (3) require that a standardized court form be used in a matter that is contrary to its intended purposes of enhancing access to justice; or (4) require that litigants or lawyers use a modified standardized court form, except as permitted in paragraph (e).~~

**(1) Availability of Forms.** All clerks and courts must promote and encourage the use of standardized court forms in English and promote the published instructional material and the translated versions of the standardized court forms for assistance, by making the most current version of standardized court forms available to the public—in both electronic and paper formats as appropriate—by clerks, law libraries, self-help centers, judicial websites, and through other reasonable methods. Clerks and courts are encouraged to print standardized court forms for litigants upon request, rather than in bulk, to ensure the most current versions are used. Standardized court forms can be found on the Illinois Courts' website at [ilcourts.info/forms](http://ilcourts.info/forms).

**(2) Cost of forms.** Forms should be provided at no cost to the litigant. Clerks or courts may charge for excessive copies beyond the scope of what is necessary to complete a filing.

**(3) Promotion of Forms.** Courts and clerk offices and their websites must use the promotional materials designed and distributed by the Illinois Supreme Court Commission on Access to Justice to promote standardized court forms to litigants or lawyers.

**(4) Acceptance of Forms.** All clerks and courts must accept standardized court forms. Clerks may not reject the filing of any standardized court form solely on the grounds that it is not the most current version. This does not preclude a judge from requiring the filing of a more recent version of a standardized court form due to legal sufficiency.

**(5) Restrictions.** After a standardized court form is published, clerks and courts shall not:

- (i) maintain, create, or disseminate alternate court forms in electronic or paper format that seek the same legal remedy;
- (ii) require, promote, or encourage the use of any other court form that seeks the same legal remedy;
- (iii) require that a standardized court form be used in a manner that is contrary to its intended purpose of enhancing access to justice; or
- (iv) modify a standardized court form or require a litigant or lawyer to use a modified standardized court form, except as permitted in paragraphs (e) and (f).

**(e) Supplementing Orders.** A court may supplement a standardized court order as necessary or appropriate.

**(f) Modifying Forms.** ~~A litigant or lawyer No one may digitally alter the underlying statewide standardized court form. Anyone may add additional material information to a standardized court form, such as writing in an attorney registration number or clarifying the title of a motion by adding text, so long as the underlying form is not digitally altered. Handwritten or typed additions are permitted. Impermissible modifications include, but are not limited to, electronically changing the form's text or layout, or removing required sections.~~

~~(g) All courts must promote and encourage the use of standardized court forms in English and promote the published instructional material and the translated versions of the standardized court forms for assistance, by making them available to the public in both electronic and paper formats as appropriate by clerks, law libraries, self help centers, judicial websites, and through other reasonable methods.~~

~~(h) Courts and clerk offices and their websites must use the promotional materials designed and distributed by the Illinois Supreme Court Commission on Access to Justice to promote standardized court forms to litigants or lawyers.~~

Committee Comment

(November 28, 2012)

(Revised March 26, 2021)

(a) This rule and the Court's accompanying administrative order, M.R. 25401, were adopted to set out a formal process for the development, review and approval of standardized court forms for use in the Illinois courts. Utilizing standardized court forms in areas of law and practice where there is a high volume of self-represented litigants in the Illinois courts will enhance access to justice for these litigants and at the same time will improve the overall administration of justice.

(b) An open and inclusive process for the development and improvement of standardized court forms will be necessary to achieve the goals of this rule.

(c) Standardized court forms can only be effective if they are required to be accepted by all courts in the state. Technology and assistance that can make forms more user-friendly and accessible for people without lawyers and allow for necessary translations into other languages and formats cannot be efficiently provided if courts modify standardized forms or develop local forms that

seek the same remedy ~~there are multiple variations of the same forms. There may be different versions of a standardized court form as standardized forms are updated over time. A list of currently published forms, including mandatory use forms, can be found at [ilcourts.info/current-forms](http://ilcourts.info/current-forms).~~

~~(d) For the same reasons noted in comment (c), allowing courts to require alterations of standardized court forms would defeat the purposes of having standardized court forms. The one exception is for court orders where findings or particular rulings from the court may need to be added to standard court form orders. In addition, a court cannot require the litigant to use a standardized court form in a way that defeats its intended purpose of enhancing access to justice for litigants.~~

(ed) In some cases, such as an action involving a written contract, an exhibit may be necessary for a pleading to be legally sufficient. Litigants may wish to include other exhibits or supporting information with a complaint or filing as well. For privacy and other practical reasons, it also may be advisable that certain confidential, personal or private information be submitted through a supplementary process rather than included in a standardized court form. All pleadings, exhibits or other supporting information filed with the court must be consistent with the requirements of Supreme Court Rule 15 (social security numbers in pleadings and related matters) and Supreme Court Rule 138 (personal identity information).

(e) Providing forms is a permitted service according to the Illinois Supreme Court Policy on Assistance to Court Users by Circuit Clerks, Court Staff, Law Librarians, and Court Volunteers. This policy allows circuit clerks, court staff, law librarians and court volunteers to assist users in identifying relevant approved forms and related instructions based on the court user's request, regardless of whether the court user asks for the form by name. Providing the forms is not advice or the unauthorized practice of law.