

Illinois Court \$ Waivers Overview

Civil Court fees, costs, and charges (including filing fees, costs of service of process, charges for mandatory processes or procedures to start, defend, or enforce a case) and Criminal Court assessments (not punitive fines/restitution and not fees for violations of the Vehicle Code) may be fully or partially waived by a judge for those that qualify because:

(1) they receive a means-based public benefit, OR (2) they have income within certain limits of the Federal Poverty Line (FPL), OR (3) it would be a substantial hardship to pay the fees or assessments.

For more information about Civil Court Waivers, go to 735 ILCS 5/5-105 and Illinois Supreme Court Rule 298
For more information about Criminal Court Waivers, go to 725 ILCS 5/124A-20 and Illinois Supreme Court Rule 404



Required Forms

Everyone **MUST** use the statewide standardized waiver forms. There is one forms suite for civil cases and one for criminal cases. Forms can be found at the circuit clerk's office or online at illinoiscourts.gov/documents-and-forms/approved-forms/

Clerks and Courts **MUST** accept these forms and any accompanying court documents.



Means-Based Public Benefits

Judges **MUST** grant full waivers for applicants who receive one or more of the following means-based public benefits:

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

Benefit recipient's income has already been fully vetted by the government.



Income

Judges **MUST** grant waivers for applicants whose income qualifies as follows:

Civil Cases

- **100%** Waiver if income is up to 125% of FPL
- **75%** Waiver if income is 125-150% of FPL
- **50%** Waiver if income is 150-175% of FPL
- **25%** Waiver if income is 175-200% of FPL

Criminal Cases

- **100%** Waiver if income is up to 200% of FPL
- **75%** Waiver if income is 200-250% of FPL
- **50%** Waiver if income is 250-300% of FPL
- **25%** Waiver if income is 300-400% of FPL



Substantial Hardship

Judges **MAY** grant a full waiver if applicants show that paying court fees or assessments would be a substantial hardship for them or their family.

For reference, 100% of the 2022 FPL for one person is \$13,590 and \$27,750 for a family of four annually.

NOTE: FPL changes every year. For current levels check: <https://aspe.hhs.gov/poverty-guidelines>.



What to Expect

- Every courthouse processes applications differently.
- Judges may require applicants to come to an in-person hearing or show documentation.
- Judges must state a reason for denial in the order if they deny the application.
- If judge later finds that an applicant wasn't actually eligible or that their financial circumstances have changed, they may order fees be paid in civil cases.
- Waivers in civil cases expire after one year.



ILLINOIS OFFICIAL COURT DOCUMENT

ACCESS
TO JUSTICE
FOUNDATION SUPPORT EMPOWERMENT

UPDATED
01/22