

ACCESS TO JUSTICE

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Access to Justice Articles January-July 2024

Disability Pride Month a Perfect Time for First Court Disability Coordinator Training Sessions – July 2024

By August Hieber, Senior Program Manager

July is Disability Pride Month, a time to celebrate the achievements, history, and contributions of people with disabilities. This month reminds us of the ongoing fight for people with disabilities to secure full participation and equal access in our communities and in our courts. As we celebrate, it's important to reflect on the landmark events that have shaped the disability rights movement and consider the work that we continue to embark on to ensure full accessibility and inclusion.

One of the most significant milestones in the disability rights movement is the [Americans with Disabilities Act](#) (ADA), signed into law on July 26, 1990. The ADA is a comprehensive civil rights law that prohibits discrimination based on disability. It mandates equal access to employment, public accommodations, transportation, telecommunications, and crucially, government spaces. This groundbreaking legislation has been instrumental in breaking down barriers and fostering more inclusive communities.



The fight for the ADA culminated with the “Capitol Crawl,” a disability justice demonstration held on March 12, 1990. On this day, hundreds of disability rights activists gathered in Washington, D.C., to urge Congress to pass the ADA. In a dramatic and symbolic act of protest, dozens of individuals with disabilities left their mobility aids and crawled up the steps of the U.S. Capitol.

Photo Credit: Jeff Markowitz/AP

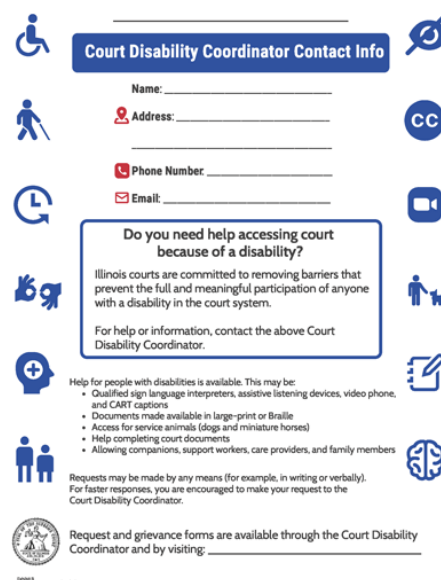
Despite significant progress since the ADA’s enactment, work remains to be done to achieve full accessibility in all areas of society. Courts, as fundamental institutions of justice, must be accessible to everyone, including people with disabilities. Ensuring

accessibility in courts is not only crucial for upholding dignity for all but mandated for all court employees under Title II of the ADA.

Earlier this month, the Access to Justice Division of the Administrative Office of the Illinois Courts and the Illinois Attorney General's Office concluded the first Court Disability Coordinator Training under the newly updated [Illinois Supreme Court Policy on Access for People with Disabilities](#) (Policy), with 104 trainees attending three sessions around Illinois. The training educated attendees on their obligations as Court Disability Coordinators under Title II of the ADA, shared updated requirements of the Policy, and provided cultural responsiveness tools when supporting people with disabilities.

Attendees left equipped with the following resources:

- [Court Disability Coordinator Information Sign](#)
- [Fillable Reasonable Accommodation Request Form](#)
- [Illinois Judicial Branch Bench Card: Access for People with Disabilities](#)
- [One-pager titled: Reasonable Accommodations: Everyone Has a Role](#)
- [The Illinois Attorney General's Office's Manual for Court Disability Coordinators titled: Opening the Bench and Bar with People with Disabilities](#)



The image shows a 'Court Disability Coordinator Contact Info' form. It includes fields for Name, Address, Phone Number, and Email. Below these fields is a section titled 'Do you need help accessing court because of a disability?' which states that Illinois courts are committed to removing barriers and provides a list of available accommodations: Qualified sign language interpreters, assistive listening devices, video phone, and CART captions; Documents made available in large-print or Braille; Access for service animals (dogs and miniature horses); Help completing court documents; and Allowing companions, support workers, care providers, and family members. It also mentions that requests may be made by any means (writing or verbally) and that request and grievance forms are available through the Court Disability Coordinator.

On this Disability Pride Month, it is important to honor the progress made since the passage of the ADA and to remember the tireless efforts of activists who fought for equality and accessibility. As we celebrate these achievements, we must also recognize the work that remains, particularly in making our systems, institutions, and courts open and usable by all.

New eviction form sets enhance access to justice for self-represented litigants in Illinois – July 2024

By: Lillie Schneyer, Program Coordinator, Forms, Access to Justice Division

After several years of development, the Eviction Subcommittee and the Forms Committee of the Illinois Supreme Court Commission on Access to Justice were pleased to publish two new eviction form sets this year. These forms, the *Motion to Remove an Eviction Court File from Public Record* and the *Eviction Answer, Defenses, and Counterclaims*, offer self-represented litigants the tools to understand and participate more fully in their court cases.

Since 2012, the Illinois Supreme Court Commission on Access to Justice (ATJ Commission) has charged its Forms Committee with creating accessible, plain language forms for use by self-represented litigants. “The Standardized Statewide Forms are at the core of our mission, and I am extremely grateful for the committee’s continuing efforts to modernize our forms suite,” said Judge Jorge Ortiz, Chair of the Access to Justice Commission and Circuit Court Judge, Nineteenth Judicial Circuit. “Resources like the forms make access to justice possible for self-represented litigants throughout the state.”

The Forms Committee and its subject matter specific subcommittees, comprised of experts from around the state, are regularly adding to the many forms already published. The need for a new form set is identified by those subcommittees or from comments submitted directly by court stakeholders and the public to the Access to Justice Forms Committee. The subcommittee then creates the first draft of the forms and incorporates comments from user testing, the public, and Forms Committee into the final product.

The Eviction Subcommittee consists of attorneys and non-attorneys, including some who work with tenants and others who work with landlords. “Eviction courts are the busiest courtrooms in the state, dealing with housing issues that are of critical importance both to the parties and their communities. Since its creation, the Eviction Subcommittee has worked with a sense of purpose to create forms that assist litigants in navigating the eviction court process,” said Mark Swartz, Chair of the Eviction Subcommittee and Executive Director of Law Center for Better Housing.

Before this year, the subcommittee had published an *Eviction Complaint* form set and a set of Eviction Orders, including *Agreed Orders* and the *Eviction Order*. Swartz notes, “After completing the two most common eviction forms—the complaint and eviction order—the subcommittee felt a renewed sense of urgency to design an answer to the complaint. This allows tenants to respond, raise defenses, and present counterclaims. Additionally, tenant advocates have highlighted how having an eviction on record often hinders housing applications. Therefore, we also created the sealing motion to help tenants request removal of eviction records from the public domain, as allowed by the Eviction Act.”

This form is approved by the Illinois Supreme Court and must be accepted in all Illinois Circuit Courts.
Forms are free at ilcourts.info/forms.

STATE OF ILLINOIS, CIRCUIT COURT COUNTY		EVICTION ANSWER, DEFENSES, AND COUNTERCLAIMS		For Court Use Only
Instructions ▼ Directly above, enter the name of the county where the case was filed. Enter the full names of Plaintiffs, Defendants, and the case number as listed on the <i>Eviction Complaint</i> . Check the box for Unknown Occupants if it was checked on the <i>Eviction Complaint</i> . Enter the address of the property that Plaintiff wants to evict you from.		Plaintiffs (The landlord or owner): _____ _____ v. Defendants (The tenants or occupants): _____ _____ ☐ Unknown Occupants		Case Number _____
		Property Address: _____ Address, Unit # City State Zip		

NOTE:

- You do not have to file an *Eviction Answer, Defenses, and Counterclaims* form unless a judge orders you to. If you are ordered to file an *Eviction Answer*, or if you decide to file one even though you were not ordered to, then you may use this form.
- If you do file this form, **state all affirmative defenses** (see Section 2 below) and **counterclaims** (see Section 4 below) you want to claim at the trial.
- For more information about evictions, see: ilao.info/understand-eviction.

Check **1a** if you want to make a general denial of the claims of the *Eviction Complaint*.
 Fill in **1b** if you want to respond to what is alleged in each paragraph. To do this

1. ANSWER (Your response to the Eviction Complaint):
 Defendant responds to the *Eviction Complaint* as follows: (select a or b)
☐ a. **I deny the claims** made by the Plaintiff (landlord) in their *Eviction Complaint* ([735 ILCS 5/9-106](#))
OR
☐ b. My Answer to each paragraph of the Complaint is:



Like all forms published by the ATJ Commission, the new eviction forms are in plain language, which requires defining legal jargon in the forms, if not replacing it altogether—remove eviction court file from the public record instead of “seal,” for example. In addition to the plain language forms, through the Commission’s partnership with Illinois Legal Aid Online (ILAO), ILAO staff created and published guided interviews for the eviction form sets, including the [Eviction Answer](#), [Motion to Remove](#), and [Eviction Complaint](#). These interviews ask the user a series of questions and turn their responses into completed forms. The guided interviews offer self-represented litigants even more support in participating in an eviction case.

The Access to Justice Forms Project is currently in the process of redesigning its published forms. The new design restructures the appearance of the form, clarifies instructions for the user, and adds white space and icons as visual cues to make the forms even easier to understand and complete. In the coming months, the Eviction Subcommittee will transfer its existing eviction forms into the new format, continuing their work on the forefront of creating access to justice for self-represented litigants in eviction cases in Illinois. “I take pride in the subcommittee’s work. Collaborating with advocates from both sides and members of the judiciary, we share the common goal of making eviction court more equitable and accessible to all,” said Swartz.

New civil fee waiver forms reflect recent amendments to Rule 298 – March 2024

By Judge Jorge L. Ortiz, Chair of the Commission on Access to Justice, and the Access to Justice Division, AOIC

One of the core functions of the Illinois Supreme Court Commission on Access to Justice is the creation of certain statewide standardized court forms. Hopefully you have heard (or seen) that our statewide courts forms are undergoing a big graphic redesign that will improve their usability and make them easier on the eyes. The statewide [Application for Waiver of Court Fees](#) in civil cases was among the first redesigned forms released in January 2024. In addition to incorporating new design elements, the new Application incorporates recent amendments to Supreme Court Rule 298, which governs civil fee waivers and requires all civil fee waiver applicants to use the statewide Application form.

The amendments to Rule 298, which took effect on September 1, 2023, clarify certain procedures for filing and deciding civil fee waiver applications. Perhaps more significantly, a new comment to the Rule provides: “Paragraph (b)(1). Applicants receiving assistance under one or more of the means-based governmental public benefits programs are **not required to provide any additional financial information** because they have been



screened, reviewed, and approved by the relevant government agency and regular recertification is required to maintain that benefit” (emphasis added).

An applicant who attests on Section 3 of their Application that they receive means-based government benefits is doing so under penalty of perjury pursuant to 735 ILCS 5/1-109, and they qualify for a full fee waiver based on their receipt of these benefits alone. The new comment makes clear that applicants who indicate that they receive means-based public benefits are not required to provide any additional financial information and should not be required to complete Section 4 Financial Information. The Supreme Court has approved the statewide Application for Fee Waiver form, which clearly instructs applicants not to complete Section 4 if they have indicated they receive one of the benefits listed in Section 3.

The new comment acknowledges the realities of receiving means-based government benefits. To receive these benefits, a recipient must meet strict financial and other eligibility criteria. Recipients are screened, reviewed, and approved by the relevant government agency, and are required to regularly recertify to maintain that benefit. Obtaining current documentation of a means-based government benefit is not always an easy feat and may require a lengthy in-person visit to a Department of Human Services or Social Security Administration office, particularly for recipients who are not tech savvy.

Among the other changes to Rule 298, which took effect on September 1, 2023:

- Paragraph (a) specifies that the Application for Waiver of Court fees must be **signed under penalty of perjury** and requires the statewide Application form to include a certification under 735 ILCS 5/1-109.
- Paragraph (b)(2) provides that applicants must be allowed to file an Application for Waiver of Court Fees **in the court where the applicant’s case will be heard**.
- Paragraph (c)(1) requires courts to rule on the Application on the basis of the information contained on the face of the Application, **without conducting a hearing**, unless the court determines that relevant sections of the Application are incomplete or give rise to a factual issue regarding the applicant’s satisfaction of the conditions for a waiver.
- Paragraph (c)(2) prohibits outright denial of an Application when the court determines that relevant sections are incomplete or there is a factual issue regarding the applicant’s entitlement to a waiver. In those instances, the applicant must be notified of the deficiencies and given the **opportunity to amend** the Application and/or be given a **remote hearing** in accordance with Rule 45, unless the applicant requests an in-person hearing or will already be present in the courthouse on the date of the hearing.



Judges may be happy to learn that the statewide [Order on Application for Waiver of Court Fees](#) has been streamlined, and the [fee waiver judicial bench card](#) was updated in January 2024. The fee waiver bench card and many other bench cards can be found on the Commission on Access to Justice's website at <https://atjil.org/>.