

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

In re: Illinois Courts Response to COVID-19 Emergency/Temporarily Amended Rules

Over the course of the COVID-19 pandemic, the Illinois Supreme Court has temporarily altered the operation of certain Illinois Supreme Court Rules. A complete listing can be found on the [Illinois Courts Response to COVID-19 page](#). Those temporary rules changes are collected here for the convenience of the public; the rules changes are governed by the M.R. 30370 orders carrying them out and may be subject to further amendment.

Temporarily Amended Rules 298 and 404

Rules 298 and 404 (governing summonses requiring an appearance on a specific date, applications for waivers of court fees, and applications for waivers of court assessments) are temporarily altered by an [M.R. 30370 of February 10, 2021](#), and an [M.R. 30370 of May 28, 2021](#), as follows:

1. With respect to Applications for Waiver of Court Fees pursuant to 735 ILCS 5/5-105 and Supreme Court Rule 298 and Applications for Waiver of Court Assessments pursuant to 725 ILCS 5/124A-20 and Supreme Court Rule 404 in all matters, including but not limited to civil, criminal, and quasi-criminal matters:

a. Applications for Waiver of Court Fees by persons who are exempt from e-filing under Supreme Court Rule 9(c) may be filed by United States Mail, third-party commercial carrier, in person, or utilizing an available dropbox, or other means, such as e-mail, if permitted by the local court. All other Applications for Waiver of Court Fees shall be e-filed.

b. Applications for Waiver of Court Assessments may be filed by United States Mail, third-party commercial carrier, in person, utilizing an available dropbox, or other means, such as e-mail or e-filing, if permitted by the local court.

c. Upon filing, the Clerk shall transmit an Application for Waiver of Court Fees or for Waiver of Court Assessments (hereinafter “Application”) to the judge assigned to rule on it.

d. The court shall enter an order ruling on the Application on the basis of the information contained in the Application, without conducting a hearing, unless the court determines that the Application gives rise to a factual issue regarding the applicant’s satisfaction of the conditions for a waiver under section 5-105(b) of the Code of Civil Procedure (735 ILCS 5/5-105(b)) or section 124A-20(b) of the Code of Criminal Procedure (725 ILCS 5/124A-20(b)).

e. If the court determines there is a factual issue regarding the applicant’s entitlement to a waiver, the court shall enter an order (i) stating with specificity the nature of the issue, (ii) scheduling a hearing on the Application by telephone or video conference in accordance with Supreme Court Rule 45 and this Court’s Policy on

Remote Court Appearances in Civil Proceedings, where applicable, and (iii) specifying any documents to be submitted in support of the Application at or before the hearing. The hearing on the Application for Waiver of Court Fees shall be scheduled promptly, with due regard for the need to provide reasonable notice to the applicant. The hearing on the Application for Waiver of Court Assessments should be held within 5 to 10 business days unless the defense asks for or agrees to a longer delay.

The court shall cause the clerk to serve the applicant with a copy of an order entered pursuant to paragraph c. or d. by e- mail (if the applicant consented, in the Application, to receive court documents by e- mail), or else by United States Mail at the address stated on the Application.

f. In accordance with Supreme Court Rules 298(b) or 404(b), if the court determines, with or without a hearing, that the conditions for a partial assessment waiver under 735 ILCS 5/5-105(b)(2) or 725 ILCS 5/124A-20(b)(2) are satisfied and if necessary to avoid undue hardship on the applicant, the court may allow the applicant to defer payment of assessments, costs, and charges; make installment payments; or make payment upon reasonable terms and conditions stated in the order.

This order is effective immediately and shall remain in effect until further order of this Court.