



Supreme Court of Illinois

October 28, 2021

ILLINOIS SUPREME COURT CHANGES ACCESS TO EVICTON COURT FILES TO HELP EXPEDITE ASSISTANCE

The Illinois Supreme Court announced today a new order which modifies the Court-Based Rental Assistance Program (CBRAP) in order to grant the Illinois Department of Human Services (IDHS) and Illinois Housing Development Authority (IHDA) access to information in sealed eviction court files. CBRAP is available in all Illinois counties outside Cook and the City of Chicago. Both Cook County and the City of Chicago received separate federal funding and have their own court-based rental assistance program as part of Cook's Early Resolution Program.

The new order is available on the Court website by clicking [here](#).

The IDHS has allocated approximately \$60 million to the CBRAP, which is only available to litigants in eviction court and offers an expedited application process for tenants who are on the brink of eviction. This rental assistance program is not administered by the court.

To qualify for CBRAP funds, applicants must show that they are actively facing eviction with proof of a pending eviction action in circuit court. This has proven difficult for IDHS to verify due to the automatic sealing of all residential eviction case files pursuant to [735 ILCS 5/9-122](#), and the subsequent potential for fraud has led to significantly slowed processing times.

As a result of these issues, the Illinois Judicial Conference Court Operations During COVID-19 Task Force (Task Force) proposed an order granting IDHS and its designated contractors access to information contained in a sealed court file, including identifying information of the parties, in order to fulfill the governmental purpose of administering the CBRAP.

The new order states that all circuit clerks will identify a point of contact who will provide eviction case information to IDHS and its designated contractors. Likewise, IDHS will identify the individuals who will submit inquiries to the circuit clerks for the governmental purpose of administering the CBRAP. As a result, both sides will be able to distribute significant public dollars efficiently and responsibly to the eligible applicants in need.

The Task Force has worked in partnership with representatives from the Governor's office as well as IDHS and IDHA since 2020 in order to help address the eviction crisis. The Chair of the Task Force is J. Timothy Eaton, Partner at Taft Stettinius & Hollister LLP, and the Vice Chair is Chief Judge Eugene Doherty of the 17th Circuit.

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