



This is for information and instruction. Do not file it.

# HOW TO REQUEST A FEE WAIVER (CIVIL)

# 1

## FILL OUT AND FILE THE FORMS.

To start or respond to most court cases in Illinois, there are fees and other costs including:

- Filing Fees: The fees charged by the Circuit Clerk of the Court to file documents in a court case.
- Other Fees and Costs: Other parts of the case may have costs which may be waivable, like having the sheriff serve a court document on the other side, or going to mediation.

To ask the judge to let you participate in a court case for free or at a reduced cost, start by filling out the *Application for Waiver of Court Fees (Civil)* and *Order on Application for Waiver of Court Fees (Civil)*. This form tells the judge about your income, expenses, and any public benefits you receive so that they can decide whether you qualify for a fee waiver.

Use these forms:

- *Application for Waiver of Court Fees (Civil)*
- *Order on Application for Waiver of Court Fees (Civil)*

# 2

## WAIT FOR A DECISION.

After filing your forms, the judge will review your *Application for Waiver of Court Fees (Civil)* and decide if you have to pay any court fees. Usually, the judge will be able to make a decision by reviewing your *Application* without a court hearing.

# 3

## RECEIVE SIGNED ORDER OR ATTEND COURT.

The court will notify you if you need to provide more information or attend court for a hearing on your *Application*. You may need to bring more information about your financial circumstances to a hearing.

After the judge decides, they will fill out the *Order on Application for Waiver of Court Fees (Civil)*. This *Order* will say if you must pay none of the court fees, some of the court fees, or all of the court fees.

The judge or the Circuit Clerk will tell you how you will get a copy of the *Order on Application for Waiver of Court Fees (Civil)*.

Laws covering these forms: [735 ILCS 5/5-105 and 5/5-105.5](#); Illinois Supreme Court Rule [298](#).



This packet is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk if your county has local rules and, if so, where you can get a copy.



# STEP 1

## FILL OUT AND FILE FORMS.

### ARE THESE FORMS FOR ME?

You may use these forms to ask the judge to let you, your minor child, or an incompetent adult participate in a case for free or at a reduced cost when:

- Your case is a **civil case in circuit court**. For example, divorce cases, family cases, eviction cases, small claims cases, foreclosure cases, and lawsuits for injury or property damage.
- You are asking the judge to expunge or seal a criminal case.

**Do not use these forms if:**

- Your case is a **criminal, traffic, or juvenile justice case**. If you need to ask for a fee waiver in a criminal case, use the *Application for Waiver of Criminal Court Assessments* form found at: [ilcourts.info/forms](http://ilcourts.info/forms).
- Your case is in the Appellate or Supreme Court. Use the *Application for Waiver of Court Fees, Appellate or Supreme Court* found at: [ilcourts.info/forms](http://ilcourts.info/forms).

Forms required:

- **Application for Waiver of Court Fees (Civil)**: Is used to tell the judge whether you get any public benefits and your income and expense information, so they can decide if you can participate in a court case for free or at a reduced cost.
- **Order on Application for Waiver of Court Fees (Civil)**: Is used by the judge to say whether your *Application* is granted or denied.

You can find all of the statewide forms online at: [ilcourts.info/forms](http://ilcourts.info/forms).

**How will I know if there is a fee?**

- The Circuit Clerk can tell you if there is a fee for filing a document with the court. Other fees might come up during the case. For example, the judge might tell you about a fee or the sheriff's department might tell you about a fee for delivering (serving) court papers.

**Is there a deadline for filing an *Application for Waiver of Court Fees (Civil)*?**

- No. You can file an *Application for Waiver of Court Fees (Civil)* at any time during the court case.
- It might take the judge a couple of days to review your *Application* and to decide whether you have to pay fees, so don't wait until the last minute.
- You are responsible for knowing if there are other deadlines to file documents.

### EXTRA HELP WITH THE FORMS

#### Easy Form

Illinois Legal Aid Online has an Easy Form program that helps you complete your forms. Easy Forms ask simple questions and put your answers in the right places on the forms. At the end of the program you can download or email your forms to e-file or print them.

Easy Forms are free to use. Visit [ilao.info/fee-waiver-easy-form](http://ilao.info/fee-waiver-easy-form) or scan the QR code to use the Easy Form.



# HOW TO FILE THE FORMS



## E-filing

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called “e-filing.” You do not have to e-file if:
  - You qualify for an exemption (see the Not E-filing section below) or
  - Your case involves a criminal matter or is filed under the Juvenile Court Act of 1987.
- Most people e-file their forms using Odyssey eFileIL at [ilcourts.info/efile](http://ilcourts.info/efile).
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at [ilcourts.info/efile-info](http://ilcourts.info/efile-info).
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- Original wills may not be e-filed.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerk’s office. These places offer public computers where you can e-file your forms.
  - Your courthouse may offer public computers with a scanner where you can turn your paper forms into electronic files.
  - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.



## Not E-filing

- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
  - Inmates in prison or jail who do not have a lawyer.
  - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
  - Do not have internet or computer access in your home or can’t meaningfully use it.
  - Do not have an email account.
  - Do not have a credit card, debit card, or bank account.
  - Have trouble reading, writing, or speaking English.
  - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
  - Are filing an emergency case as allowed by local rule or order.
- To ask for an exemption from e-filing, use the form at [ilcourts.info/exempt](http://ilcourts.info/exempt). If you cannot print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form along with your other court forms at the Circuit Clerk's office or by mail.
  - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk’s office. Ask them to stamp your copies and return them to you.
  - If you need to make copies of your forms, you can do that at the Circuit Clerk’s office. They may charge you a fee to make copies.
- If you mail your court forms to the Circuit Clerk’s office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms and then send your copies back to you in the envelope.



For more information about going to court, including how to fill out and file forms, **call or text Illinois Court Help** at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov).

If there are any words or terms used in these instructions that you do not understand, please **visit Illinois Legal Aid Online** at [ilao.info/glossary](http://ilao.info/glossary). You may also find more information, resources, and the location of your local legal self-help center at: [ilao.info/lshc-directory](http://ilao.info/lshc-directory).





# WHAT'S NEXT

## STEP 2

### WAIT FOR A DECISION.

After filing your forms, the judge will review your *Application*. The court will notify you if you need to give more information or documents, or if you have to attend court. Usually, the judge will be able to decide if you qualify for a fee waiver just by reviewing your *Application*. You should only have to attend court if the judge needs more information from you (Illinois Supreme Court Rule [298](#)).



#### Make sure you know how to attend your court date.

Your court date could be in person, by phone, or by video. If it is by phone or video, it is called a “Remote Appearance.” Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit [ilcourts.info/clerks](http://ilcourts.info/clerks).

## STEP 3

### RECEIVE SIGNED ORDER OR ATTEND COURT.

**If needed, attend court and bring any requested documents.**

- If your court date is in person:
  - Get to the courthouse at least 30 minutes early so you have enough time to get through security.
  - Go to the courtroom number listed on your court form.
  - If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask someone at the Circuit Clerk’s office.
  - Check in with the courtroom staff and wait for your name and case number to be called.
- If your court date is by phone or video:
  - Make sure to have the call-in or login information for your court date and make sure your technology is working.
  - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.
  - Start trying to log-in to your courtroom at least 15 minutes before the start time in case you have any problems with technology.
  - Follow these tips to attend court by phone or video: [ilcourts.info/remote-resources](http://ilcourts.info/remote-resources).
- When your case is called, introduce yourself to the judge. If you are attending by phone or video remember to unmute yourself.

**After the judge makes a decision, they fill out the *Order on Application for Waiver of Court Fees (Civil)*.**

- This *Order* will say if you have to pay any court fees.
- Depending on your circumstances, the judge may order that you participate for free, pay part of the fees (from 25%-75%), or pay all of the fees.
- Even if your application is granted, you may have to pay fees if the judge orders it later, for example, because your financial situation changed.
- The judge or the Circuit Clerk will tell you:
  - How you will get a copy of the *Order*.
  - When you will get a copy of the *Order*.
- If the judge decides you have to pay all or some of the court fees, you have to pay by the deadline listed in the *Order on Application for Waiver of Court Fees*. If you do not pay by the deadline, the judge may dismiss your case or find against you.
- If the judge decides you qualify for a fee waiver, the order is good for one year. If you still need the fee waiver after it expires, you will need to file a new *Application*.