

HOW TO REQUEST A WAIVER OF CRIMINAL COURT ASSESSMENTS

1

FILL OUT AND FILE THE FORMS.

Criminal court assessments are **costs charged to a defendant in a criminal case once the defendant pleads guilty or is found guilty**. They do **not** include fines or restitution ordered by the judge to be paid by the defendant. This means that this waiver may not apply to some court costs and fees associated with your case.

To ask the judge to waive or reduce your criminal court assessments, start by filling out the *Application for Waiver of Criminal Court Assessments* and *Order on Application for Waiver of Criminal Court Assessments*. These forms tell 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 Criminal Court Assessments*
- *Order on Application for Waiver of Criminal Court Assessments*

2

WAIT FOR A DECISION.

After filing your forms, the judge will review your *Application for Waiver of Criminal Court Assessments* and decide if you have to pay any court assessments. 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, the judge will fill out the *Order on Application for Waiver of Criminal Court Assessments*. This *Order* will say if you must pay none of the court assessments, some of the court assessments, or all of the court assessments.

The judge or the Circuit Clerk will tell you how you will get a copy of the *Order on Application for Criminal Court Assessments*.

Laws covering these forms: [725 ILCS 5/124A-20](#); [705 ILCS 135/Article 15](#); and Supreme Court Rule [404](#).



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 excuse you from having to pay all or part of the fee assessments in your case when:

- Your case is a **criminal case in circuit court**. This includes felony and misdemeanor cases.

Do not use these forms if:

- Your case is a **civil, traffic, or juvenile justice case**. If you need to ask for a fee waiver in a civil case, use the *Application for Waiver of Court Fees (Civil)* form found at: 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.

Forms required:

- *Application for Waiver of Criminal Court Assessments*: used to tell the judge whether you get any public benefits and your income and expense information, so they can decide if you are eligible for a waiver of court fee assessments.
- *Order on Application for Waiver of Criminal Court Assessments*: 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.

Who can ask the judge to waive a criminal court assessment?

- Anyone who must pay an assessment as part of a court case. You can ask for yourself or a minor child, but not for anyone else.

How will I know if there is an assessment?

- You will get a document that tells you if you owe an assessment.

Is there a deadline for filing an *Application for Waiver of Criminal Court Assessments*?

- Yes, in criminal cases you must file an *Application for Waiver of Criminal Court Assessments* **no later than 30 days after the sentencing date**.

You are responsible for knowing if there are other deadlines to file documents.

EXTRA HELP WITH THE FORMS

Fee Waiver 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/crim-fee-waiver-easy-form or scan the QR code to use the Easy Form.



HOW TO FILE THE FORMS



Not E-filing

Preparing to File

- E-filing is not required in criminal cases. You may file your forms in person.
- The courthouse address should be on the court papers you received. You can also find the courthouse address online at: ilcourts.info/CircuitClerks.
- Make a copy of your original *Application* for yourself.

How to File in Person

- Go to the courthouse in the county where your court case is filed.
- Give the Circuit Clerk your original forms and the copies to stamp.
- The Circuit Clerk will keep the original forms and give back your copies.

How to File by Mail

- If you do not need to appear in person, mail your forms and one copy of them to the Circuit Clerk.
- Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy back to you.



E-filing

- In counties that accept e-filing for criminal matters, you may e-file your forms with the trial court. You can go to ilcourts.info/courts-accepting-efiling to see if your court accepts criminal e-filings.
- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile.
- There may be fees to file your forms. See the previous Costs & Fees page for more information.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/EfileHowTo.
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- 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 Clerks' office. These places offer public computers where you can e-file your forms.
 - Depending on your courthouse, you can bring your forms on paper and there may be 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.

IL Court Help

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.

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. You may also find more information, resources, and the location of your local legal self-help center at: 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 ([Supreme Court Rule 404](#)).



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/CircuitClerks.

STEP 3

RECEIVE SIGNED ORDER OR ATTEND COURT.

- 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/AllRemoteCourtResources.
- 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 will fill out the *Order on Application for Waiver of Criminal Court Assessments*.

- This *Order* will say if you have to pay any assessments.
- Depending on your circumstances, the judge may waive all of your assessments, order that you have to pay part of any assessment (from 25%-75%), or pay all of the assessments.
- Even if your application is granted, you may have to pay assessments if the judge orders it later, for example because your financial situation changed.
- The judge or the Circuit Clerk will tell you how and when you will get a copy of the *Order*.
- If the judge decides you have to pay all or some of the court assessments, the judge also may allow you to defer payment to a later date, make installment payments, or make payment upon other terms and conditions stated in the order. If you fail to pay as ordered by the judge, the matter may be referred for collection, a Petition to Revoke the Sentence may be filed, or the judge may hold you in contempt.
 - If you are sentenced to probation, conditional discharge, or supervision and fail to pay the assessment before the end of your sentence, the court could extend your period of probation, conditional discharge, or supervision until you pay the assessment.
- If a cash bond has been posted in the case, then the cash bond may be used to pay the assessments if it has not been applied to other fines or fees.