

# HOW TO ASK THE JUDGE TO PARTICIPATE IN A COURT CASE FOR FREE OR AT A REDUCED COST

**NOTE:** If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at [illinoislegalaids.org/lexicon/glossary](http://illinoislegalaids.org/lexicon/glossary). 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).

## Who can ask the judge to participate in a court case for free or at a reduced cost?

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

## 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.

## What forms do I need to fill out?

- **Application for Waiver of Court Fees:** 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. The email address (if you have one) and mailing address you put on the *Application* is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.
- **Order for Waiver of Court Fees:** Is used by the judge to say your application is granted or denied.

## Where can I find the forms I need?

- You can find forms at: [ilcourts.info/forms](http://ilcourts.info/forms).

## Do I have to pay to file an *Application for Waiver of Court Fees*?

No, there is no cost for filing an *Application for Waiver of Court Fees*.

## Is there a deadline for filing an *Application for Waiver of Court Fees*?

- No. You can file an *Application for Waiver of Court Fees* 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.

## How do I prove I cannot afford to pay court fees?

The judge may require you to prove the information in your *Application*. If you get public benefits you may want to bring proof of current eligibility and benefits statement from the agency providing the benefit.

Examples of public benefits are:

- Supplemental Security Income (SSI) (Not Social Security)
- Aid to the Aged, Blind, and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- SNAP (Food Stamps)
- General Assistance (GA), Transitional Assistance, or State Children & Family Assistance

If you do not get public benefits, you may want to bring documents showing your income, value of belongings (for example, real estate), and expenses.

## What happens if my *Application* is granted?

Depending upon your circumstances, the judge may order that:

- You may participate for free;
- You must pay 25% of any fee charged;
- You must pay 50% of any fee charged; OR
- You must pay 75% of any fee charged.

## If my *Application* is granted, will I ever have to pay fees?

- If the judge grants your *Application* and later decides that the information you put in your *Application* was incorrect and you were ineligible, the judge can make you pay back any fees that were waived.
- If the court believes that your financial situation has changed and you are no longer eligible for a full or partial fee waiver, the court can hold a hearing to decide whether you are still eligible. If you are no longer eligible, you will have to pay future fees.
- If the court decides you do not have to pay all or some of the court fees and you win your case and get money from the other side, the court may make you use all or part of this money to pay the court fees.

## When does my fee waiver expire?

It is good for one year. If you still need the fee waiver after it expires, you will need to file a new *Application*. However, this does not mean you have to pay back fees that were already waived.

## What do I do after I fill out the *Application for Waiver of Court Fees* and *Order for Waiver of Court Fees*?

### Step 1: File your *Application for Waiver of Court Fees* and *Order for Waiver of Court Fees* with the Circuit Clerk in the county where your court case was filed.

- After you fill out your court forms, file them with the Circuit Court Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
  - you qualify for an exemption or
  - your case involves a criminal matter.
- 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/EfileHowTo](http://ilcourts.info/EfileHowTo).
- E-filing may not work on a cell phone or tablet. You may need to use a computer to e-file.
- 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. Librarians and courthouse staff are not able to provide legal advice.
  - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.
- Some people are exempt from e-filing, 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, and it is hard for you to travel.
  - You have trouble reading, writing, or speaking English.
  - You are filing documents in a sensitive case, such as an order of protection.
  - You tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at [ilcourts.info/ExemptionCircuit](http://ilcourts.info/ExemptionCircuit). If you can't print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form 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 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 then send your copies back to you in the envelope.

### Step 2: Wait for a decision.

- The judge will review your *Application for Waiver of Court Fees* and decide whether you have to pay the court fees.
- The judge may need more information from you. The judge may want to have a hearing on your *Application*. The judge will notify you if you need to give more information or documents, or if you have to go to court.
- 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](http://ilcourts.info/CircuitClerks).
  - 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.
    - Follow these recommendations to appear by phone or video: [ilcourts.info/AllRemoteCourtResources](http://ilcourts.info/AllRemoteCourtResources).
- After the judge decides, they will fill out the *Order for Waiver of Court Fees*. This *Order* will say if you have to pay any court fees.
- The judge or the Circuit Clerk will tell you:
  - How you will get a copy of the *Order for Waiver of Court Fees*.
  - When you will get a copy of the *Order for Waiver of Court Fees*.
- If the judge decides you have to pay all or some of the court fees, you have to pay by the deadline set in the *Order for Waiver of Court Fees*. If you do not pay by the deadline, the judge may dismiss your case or enter a judgment against you.