



Board of Commissioners of Cook County

118 North Clark Street
Chicago, IL

Legislation Text

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PROPOSED ORDINANCE AMENDMENT

FEE DATE MODIFICATIONS

BE IT ORDAINED, by the Cook County Board of Commissioners, that Chapter 18. COURTS, Article II. Fees and Services, Sec. 18-46 of the Cook County Code is hereby amended as Follows:

Sec. 18-46. Civil fees and assessments.

- (a) Fees and assessments in civil matters shall be assessed and distributed as set forth herein, in compliance with Section 27.1b of the Clerks of Courts Act, 705 ILCS 105/27.1b.
- (b) The fees for filing a complaint, petition or other pleading initiating a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:
- (1) *SCHEDULE 1*: \$366.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$190.00 through ~~December 21, 2021~~ December 31, 2021 and \$184.00 on and after January 1, 2022, to be disbursed as follows:
- a. \$55.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
 1. Court Automation Fund: \$25.00.
 2. Court Document Storage Fund: \$25.00.
 3. Circuit Court Clerk Operation and Administrative Fund: \$5.00.
 - b. \$21.00 to be remitted to the State Treasurer and deposited as follows:
 1. Mandatory Arbitration Fund: \$10.00.
 2. Access to Justice Fund: \$2.00.
 3. Supreme Court Special Purposes Fund: \$9.00.
 - c. \$290.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$114.00 through ~~December 21, 2021~~ December 31, 2021 and \$108.00 on and after January 1, 2022, to be remitted to the County Treasurer.
- (2) *SCHEDULE 2*: \$357.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$190.00 through ~~December 21, 2021~~ December 31, 2021 and \$184.00 on and after January 1, 2022, to be disbursed as follows:

- a. \$55.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - 1. Court Automation Fund: \$25.00.
 - 2. Court Document Storage Fund: \$25.00.
 - 3. Circuit Court Clerk Operation and Administrative Fund: \$5.00.
- b. \$21.00 to be remitted to the State Treasurer and distributed as follows:
 - 1. Mandatory Arbitration Fund: \$10.00.
 - 2. Access to Justice Fund: \$2.00.
 - 3. Supreme Court Special Purposes Fund: \$9.00.
- c. \$281.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$114.00 through ~~December 21, 2021~~ December 31, 2021 and \$108.00 on and after January 1, 2022, to be remitted to the County Treasurer.

(3) *SCHEDULE 3*: \$265.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$190.00 through ~~December 21, 2021~~ December 31, 2021 and \$184.00 on and after January 1, 2022, to be disbursed as follows:

- a. \$55.00 to be retained by the Clerk of the Circuit Court and deposited as follows:
 - 1. Court Automation Fund: \$25.00.
 - 2. Court Document Storage Fund: \$25.00.
 - 3. Circuit Court Clerk Operation and Administrative Fund: \$5.00.
- b. \$11.00 to be remitted to the State Treasurer and distributed as follows:
 - 1. Access to Justice Fund: \$2.00.
 - 2. Supreme Court Special Purposes Fund: \$9.00.
- c. \$199.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$114.00 through ~~December 21, 2021~~ December 31, 2021 and \$108.00 on and after January 1, 2022, to be remitted to the County Treasurer.

(4) *SCHEDULE 4*: \$0.00.

(c) The fees for filing an appearance in a civil action shall be as set forth in the applicable schedule under this subsection in accordance with case categories established by the Illinois Supreme Court:

(1) *SCHEDULE 1*: \$230.00, except as applied to units of local government and school districts in Cook

County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$75.00, to be disbursed as follows:

- a. \$50.00 to be retained by the Clerk of the Circuit Court and distributed as follows:
 1. Court Automation Fund: \$25.00.
 2. Court Document Storage Fund: \$25.00.
 3. Circuit Court Clerk Operation and Administrative Fund: \$0.00.
- b. \$21.00 to be remitted to the State Treasurer and distributed as follows:
 1. Mandatory Adecrbitation Fund: \$10.00.
 2. Access to Justice Fund: \$2.00.
 3. Supreme Court Special Purposes Fund: \$9.00.
- c. \$159.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$4.00 to be remitted to the County Treasurer.

(2) *SCHEDULE 2*: \$130.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$75.00, to be disbursed as follows:

- a. \$50.00 to be retained by the Clerk of the Circuit Court and distributed as follows:
 1. Court Automation Fund: \$25.00.
 2. Court Document Storage Fund: \$25.00.
 3. Circuit Court Clerk Operation and Administrative Fund: \$0.00.
- b. \$9.00 to be remitted to the State Treasurer and distributed as follows:
 1. Supreme Court Special Purposes Fund: \$9.00.
- c. \$71.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$16.00 to be remitted to the County Treasurer.

(3) *SCHEDULE 3*: \$0.00.

(d) Counterclaim or third party complaint. When any defendant files a counterclaim or third party complaint, as part of the defendant's answer or otherwise, the defendant shall pay a filing fee for each counterclaim or third party complaint in an amount equal to the filing fee the defendant would have had to pay had the defendant brought a separate action for the relief sought in the counterclaim or third party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third party complaint is filed.

- (e) Except as otherwise specifically provided, pursuant to the provisions of the Clerks of Courts Act 705 ILCS 105/27.1b, the following miscellaneous fees shall be deposited into the General Fund of the County to be used for purposes related to the operation of the court system in the County:
- (1) Alias summons or citation: \$6.00, except as applied to units of local government and school districts in Cook County; in such case, the amount shall be \$5.00.
 - (2) Jury services: \$212.50, as a fee for the services of a jury in every civil action not quasi-criminal in its nature and not a proceeding for the exercise of the right of eminent domain and in every other action wherein the right of trial by jury is or may be given by law. The jury fee shall be paid by the party demanding a jury at the time of filing the jury demand. If the fee is not paid by either party, no jury shall be called in the action or proceeding, and the action or proceeding shall be tried by the court without a jury.
 - (3) Change of venue: The Clerk may charge a fee of \$40.00 for the preparation and certification of the record when transferring a change of venue record to another jurisdiction. The Clerk may charge the same filing fee as if it were the commencement of a new suit when filing a change of venue record that is transferred from another jurisdiction.
 - (4) Petition to vacate or modify any final judgment or order:
 - a. If filed within 30 days: \$60.00, except as applied to units of local government and school districts in Cook County; in such case, the amount shall be \$50.00.
 - b. If filed after 30 days: \$75.00.
 - c. In a proceeding involving a motion to vacate or amend a final order, motion to vacate an ex parte judgment, judgment of forfeiture, or "failure to appear" or "failure to comply" notices sent to the Secretary of State, the fee shall equal \$40.00.
 - (5) Appeals preparation:
 - a. If the record contains 100 pages or less: \$70.00.
 - b. If the record contains between 100 and 200 pages: \$100.00.
 - c. If the record contains 200 or more pages: Additional fee of \$0.25 per page.
 - (6) Remands: In any cases remanded to the circuit court from the Supreme Court or the appellate court for a new trial, the Clerk of the Circuit Court shall reinstate the case with either its original number or a new number. The Clerk shall not charge any new or additional fee for the reinstatement. Upon reinstatement, the Clerk shall advise the parties of the reinstatement. Parties shall have the same right to a jury trial on remand and reinstatement that they had before the appeal, and no additional or new fee or charge shall be made for a jury trial after remand.
 - (7) Garnishment, wage deduction, and citation proceedings:
 - a. If the amount in controversy less than \$1,000.00: \$35.00, except as applied to units of local government and school districts in Cook County; in such case, the amount shall be \$15.00.
 - b. If the amount in controversy greater than \$1,000.00 and not more than \$5,000.00: \$45.00, except as applied to units of local government and school districts in Cook County; in such case, the amount shall be \$30.00.

- c. If the amount in controversy greater than \$5,000.00: \$65.00, except as applied to units of local government and school districts in Cook County; in such case, the amount shall be \$50.00.
- (8) Debt collection. In any proceeding to collect a debt, subject to the exceptions listed in the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the circuit court shall order and the Clerk shall collect from each judgment debtor a fee of:
- a. \$35.00 if the amount in controversy in the proceeding is not more than \$1,000.00;
 - b. \$45.00 if the amount in controversy in the proceeding is greater than \$1,000.00 and not more than \$5,000.00; and
 - c. \$65.00 if the amount in controversy in the proceeding is greater than \$5,000.00.
- (9) Collections:
- a. For all collections made of others, except the State and County and except maintenance or child support cases, the Clerk may collect a fee of two and one-half percent of the amount collected and turned over.
 - b. In child support and maintenance cases: the Clerk may collect an annual fee of \$36.00 annually from the person making payments, to be deposited into a Separate Maintenance and Child Support Collection Fund, of which the Clerk shall be the custodian, ex officio, to be used by the Clerk to maintain child support orders and record all payments issued by the State Disbursement Unit for the official record of the court. The Clerk may recover from the person making the maintenance or child support payment any additional cost incurred in the collection of this annual fee.
 - c. The Clerk may collect a fee of \$5.00 for certifications made to the Secretary of State pursuant to Section 7-703 of the Illinois Vehicle Code, and this fee shall be deposited into the Separate Maintenance and Child Support Collection Fund.
 - d. In proceedings to foreclose the lien of delinquent real estate taxes: the State's Attorney shall receive a fee of ten percent of the total amount realized from the sale of real estate sold in the proceedings. The Clerk shall collect the fee from the total amount realized from the sale of the real estate sold in the proceedings and remit to the County Treasurer to be credited to the earnings of the Office of the State's Attorney.
- (10) Mailing. The fee for the Clerk mailing documents: \$10.00 plus the cost of postage.
- (11) Certified copy of a judgment. The fee for a certified copy of a judgment, after the first copy: \$10.00.
- (12) Certification, authentication, and reproduction.
- a. The fee for each certification or authentication for taking acknowledgement of a deed or other instrument in writing with the seal of office: \$6.00.
 - b. The fee for reproduction of any document contained in the Clerk's files:
 - 1. \$2.00 for the first page;
 - 2. \$0.50 per page for the next 19 pages;
 - 3. \$0.25 per page for all additional pages.

- (13) Record Search. The fee for each record search, within a division or municipal district: \$6.00 for each year searched.
- (14) Hard Copy. For each page of hard copy print output, when case records are maintained on an automated medium: \$10.00, except as applied to units of local government and school districts in Cook County; in such case, in accordance with the provisions of the Clerks of Courts Act, 705 ILCS 105/27.1b, the amount shall be \$6.00.
- (15) Index inquiry and other records. No fee shall be charged for a single plaintiff and defendant index inquiry or single case record inquiry when this request is made in person and the records are maintained in a current automated medium, and when no hard copy print output is requested. The fees to be charged for management records, multiple case records, and multiple journal records may be specified by the Chief Judge pursuant to the guidelines for access and dissemination of information approved by the Supreme Court.
- (16) Performing a marriage in court: \$10.00.
- (17) Voluntary Assignment. The fee for filing each deed of voluntary assignment: \$20.00; for recording a deed of voluntary assignment: \$0.50 for each 100 words.
- (18) Expungement petition: \$60.00 for each expungement petition filed and an additional fee of \$4.00 for each certified copy of an order to expunge arrest records.
- (19) Transcripts of judgment. For the filing of a transcript of judgment, the Clerk may collect the same fee as if it were the commencement of a new suit.
- (20) Probate filings:
- a. For each account (other than one final account) filed in the estate of a decedent or ward: \$25.00.
 - b. Filing a claim in an estate when the amount claimed is:
 1. Greater than \$150.00 and not more than \$500.00: \$40.00.
 2. Greater than \$500.00 and not more than \$10,000.00: \$55.00.
 3. Greater than \$10,000.00: \$75.00.
 - c. For filing a claim, petition, or supplemental proceeding based upon an action seeking equitable relief, including the construction or contest of a will, enforcement of a contract to make a will, and proceedings involving testamentary trusts or the appointment of testamentary trustees: \$60.00.
 - d. For a jury demand: \$137.50.
 - e. For each certified copy of letters of office, of court orders or other certifications: \$2.00 per page.
 - f. For each exemplification: \$2.00 plus the fee for certification.
 - g. There shall be no fee for filing in an estate:
 1. The appearance of any person for the purpose of consent; or
 2. The appearance of an executor, administrator to collect, guardian ad litem, or special administrator.

- h. The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay the cost of publication by the Clerk directly to the newspaper.
 - i. The person on whose behalf a charge is incurred for witness, court reporter, appraiser, or other miscellaneous fees shall pay the same directly to the person entitled thereto.
 - j. The executor, administrator, guardian, petitioner, or other interested person or his or her attorney shall pay to the Clerk all postage charges incurred by the Clerk in mailing petitions, orders, notices, or other documents pursuant to the provisions of the Probate Act of 1975.
- (21) For correction of the case number, case title, or attorney computer identification number, if required by rule of court, on any document filed in the Clerk's Office, to be charged against the party that filed the document: \$25.00.
- (22) For any check, draft, or other bank instrument returned to the Clerk of the Circuit Court for non-sufficient Funds, account closed, or payment stopped, the Clerk shall collect a fee of \$25.00.
- (23) Interest earned on any fees collected by the Clerk shall be turned over to the County General Fund as an earning of the office.
- (24) Other fees. The Clerk may provide services in connection with the operation of the Clerk's office, other than those services mentioned in this section, as may be requested by the public and agreed to by the Clerk and approved by the Chief Judge. Any charges for additional services shall be as agreed to between the Clerk and the party making the request and approved by the Chief Judge.
- (f) Unpaid Fees.
- (1) Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived by court order, the Clerk is authorized to add to any unpaid fees and costs a delinquency amount equal to five percent of the unpaid fees that remain unpaid after 30 days, ten percent of the unpaid fees that remain unpaid after 60 days, and 15 percent of the unpaid fees that remain unpaid after 90 days.
- (2) Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Clerk Operations and Administration Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid fees and costs. 705 ILCS 135/5-10(e).
- (g) Exceptions.
- (1) No fee authorized by this Section shall apply to:
- a. Police departments or other law enforcement agencies. In this Section, "law enforcement agency" means: an agency of the State or agency of a unit of local government which is vested by law or ordinance with the duty to maintain public order and to enforce criminal laws or ordinances; the Attorney General; or any State's Attorney;
 - b. No fee may be charged to any unit of local government or school district in connection with any action which, in whole or in part, is:
 - 1. To enforce an ordinance;
 - 2. To collect a debt; or

3. Under the Administrative Review Law.
 - c. Any action instituted by the corporate authority of a municipality with more than 1,000,000 inhabitants under Section 11-31-1 of the Illinois Municipal Code and any action instituted under subsection (b) of Section 11-31-1 of the Illinois Municipal Code by a private owner or tenant of real property within 1,200 feet of a dangerous or unsafe building seeking an order compelling the owner or owners of the building to take any of the actions authorized under that subsection;
 - d. Any commitment petition or petition for an order authorizing the administration of psychotropic medication or electroconvulsive therapy under the Mental Health and Developmental Disabilities Code;
 - e. A petitioner in any order of protection proceeding, including, but not limited to, fees for filing, modifying, withdrawing, certifying, or photocopying petitions for orders of protection, issuing alias summons, any related filing service, or certifying, modifying, vacating, or photocopying any orders of protection; or
 - f. Proceedings for the appointment of a confidential intermediary under the Adoption Act.
- (2) No fee other than the filing fee contained in the applicable schedule set by the Illinois Supreme Court and the Criminal and Traffic Assessment Act shall be charged to any person in connection with an adoption proceeding;
- (3) Upon good cause shown, the court may waive any fees associated with a special needs adoption. The term "special needs adoption" has the meaning provided by the Illinois Department of Children and Family Services.

Effective date: This ordinance shall be in effect immediately upon adoption.