

# HOW TO ASK THE COURT TO PARTICIPATE IN A COURT CASE FOR FREE

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## Who can ask the court to participate in a court case for free?

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 (service of) court papers.

## What forms do I need to fill out to ask the court to let me participate in a case for free?

- **Application for Waiver of Court Fees:** to give your income and expense information to the court so it can decide if you can participate in a court case for free.
- **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:

<http://www.illinoiscourts.gov/Forms/approved/>.

## 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.
- But it might take the court a couple of days to review your application and to decide whether you have to pay the filing fees, so don't wait until the last minute.
- You are responsible for knowing if there are other deadlines to file documents.

## 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*.

## Do I have to file an *Application for Waiver of Court Fees* each time I want to file something?

No. Once the court grants an *Order for Waiver of Court Fees*, you should not have to fill out another application during the court case, unless the court requests more information from you. Show the *Order for Waiver of Court Fees* to the Circuit Clerk or sheriff whenever a fee is required in the case.

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

The judge may require you to prove what you have written in your *Application*.

- If you get public benefits (Supplemental Security Income; Aid to the Aged, Blind and Disabled; Temporary Assistance to Needy Families; State Children & Family Assistance; Food Stamps; General Assistance; OR Transitional Assistance), you may want to bring a current proof of eligibility and benefits statement from the agency providing the benefit when you file your forms.
- If you don't get public benefits, you may want to bring documents showing your income and expense information when you file your forms.

## 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* with the Circuit Clerk in the county where your court case was filed.

- If you are an inmate in a prison or jail and don't have an attorney, you may file your forms by mail. Otherwise, you must electronically file (e-file) your forms.
- If you are unable to e-file for other reasons, you can ask the court to file by mail or in person. To ask the court for approval to file this way, you can use the *Certification for Exemption from E-Filing* form found here: <http://www.illinoiscourts.gov/Forms/approved/default.asp>.
- To e-file, create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free, while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see *Odyssey File & Serve: Individual Filer User Guide* here: <https://tylertech.egain.cloud/kb/ilh5/content/PROD-16579/HTML-5-Individual-Filer-User-Guide-20170>
- If you do not have access to a computer, or if you need help e-filing, take your *Application* to the Circuit Clerk's office, where you can use a public computer to e-file your *Application*. You can bring your paper *Application*, or bring them saved on a flash drive. The terminal will have a scanner and computer that you can use to scan, save, and e-file your *Application*.

### Step 2: Wait for a decision.

- The court will review your *Application for Waiver of Court Fees* and decide whether you have to pay the court fees.

- The court may need more information from you. The court may want to have a hearing on your *Application*. The court will notify you if you need to give more information or documents, or go to court.
- After the court makes a decision, the court will fill out the *Order for Waiver of Court Fees*. The *Order for Waiver of Court Fees* will say if you have to pay court fees. The court will give you a copy of this *Order*.
- The Circuit Clerk will tell you how and when you will get a copy of the *Order for Waiver of Court Fees*.
- If the court decides you have to pay the court fees and you do not pay by the deadline in the *Order for Waiver of Court Fees*, the court may dismiss your case or find against you.
- If the court decides you do not have to pay 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.