



Supreme Court of Illinois

May 30, 2023

ILLINOIS SUPREME COURT AMENDS RULES ON WAIVERS OF FEES AND ASSESSMENTS

The Illinois Supreme Court announced today amendments to Supreme Court Rules 298 and 404 regarding the application and filing process of waivers of court fees and assessments. These and earlier amendments to Supreme Court Rules make permanent certain temporary measures which were adopted during the COVID-19 pandemic.

The amendments are intended to establish a uniform and consistent procedure across the state governing fee waivers. These amendments provide guidance as to when a remote hearing (or an in-person hearing if requested by the applicant or the applicant will already be in the courthouse on the date of the hearing) can be conducted in civil and criminal cases and prevent the decision on an application for assessment waiver in a criminal case from being deferred until the defendant completes their sentence.

Amended Rule 298 is titled Application for Waiver of Court Fees, Costs, and Charges and addresses the process of waiving court fees, costs, and charges in a civil action pursuant to 735 ILCS 5/5-105.

Amended Rule 404 is titled Application for Waiver of Court Assessments and addresses the process of waiving court assessments in a criminal action pursuant to 725 ILCS 5/124A-20.

The amended rules state that the application for waiver of both court fees and assessments must be signed under penalty of perjury under 735 ILCS 5/1-109.

The amended rules are effective following a three-month period. The Illinois Supreme Court Rules can be found here: <https://www.illinoiscourts.gov/rules-law/supreme-court-rules>

The amendments to Rule 298 were proposed by the Illinois Judicial Conference (IJC) and the amendments to Rule 404 were proposed by the Illinois Supreme Court Statutory Court Fees Task Force (Task Force).

The IJC is comprised of 29 voting members: 15 judges and 14 non-judges, with the Chief Justice serving as Chair. The judicial members include a second member of the Supreme Court, as well as judges from all levels and geographic areas of the state appointed either by nature of their position or individually selected by the Supreme Court.

The Task Force is made up of legislators, judges, lawyers, and circuit clerks from across the state. Steven F. Pflaum, of the Chicago law firm Neal, Gerber and Eisenberg LLP, serves as Chair of the Task Force.

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