

ORDINANCE RE: ESTABLISHING CIVIL FEES CATEGORIES FOR PURPOSES OF THE CIRCUIT CLERK FEES AS SET BY THE ILLINOIS SUPREME COURT

WHEREAS, Vermilion County currently set forth the fees authorized by the County Board to be charged in both civil and criminal cases in Vermilion County; and

WHEREAS, the Illinois General Assembly passed comprehensive legislation in 2018, which completely overhauls the civil fee structures in the circuit courts throughout the State of Illinois; and

WHEREAS, the purpose of the legislation was to consolidate fees into unified schedules for all counties, to realign fees to be constitutional; and

WHEREAS, effective July 1, 2019, Section 27.1b of the Clerks of Courts Act, 705 ILCS 105/27.1b, sets out the fees to be charged in all counties in the State of Illinois by the Clerks of the Circuit Court for the filing of pleadings and for other services provided by the Clerks in civil cases; and

WHEREAS, Section 27.1b of the Clerks of Courts Act creates four schedules for civil filing fees, three schedules for civil appearance fees, and establishes various other fees that Clerks of the Circuit Court are authorized to assess in civil cases, all of which are generally classified as “not to exceed” amounts; and

WHEREAS, Section 27.1b provides that, unless otherwise specified, the amount of the fees shall be determined by ordinance or resolution of the county board and remitted to the county treasurer to be used for purposes related to the operation of the court system in the county; and

WHEREAS, Sections 15-5 through 15-65 break down how the assessment amounts are to be distributed to various County funds, if those funds are in existence; otherwise, the amounts designated for funds that are not in existence are to be placed in the County’s general fund for purposes related to operation of the court system in the County and such fees are controlled by a case category system established by the Illinois Supreme Court; and

WHEREAS, the Illinois Supreme Court has set a Civil Assessment Schedule for various civil case categories in their General Administrative Order on Record Keeping in the Circuit Courts, such updated order now effective January 1, 2022.

NOW THEREFORE, BE IT ORDAINED by the County Board for the County of Vermilion, Illinois, that the Illinois Supreme Court Administrative Order in M.R. 29741 be recognized by Vermilion County as setting the civil fees schedules by category and such category and schedule be followed by the County of Vermilion and the Vermilion County Circuit Clerk as shown by the attached Exhibit “A” which is incorporated herein by reference, and as such Administrative Order as might be hereinafter amended or re-entered by the Supreme Court, such ordinance to be effective on the effective date of the Illinois Supreme Court Order, to-wit: January 1, 2022.

DATED this 14th day of September 2021 A.D.

IN THE
SUPREME COURT OF ILLINOIS

In re: Civil Assessment Schedules)
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M.R. 29741

ORDER

The General Assembly enacted Public Act 100-0987, effective July 1, 2019, which streamlined the statutory fee provisions into a framework of fee schedules identifying the maximum amounts which can be assessed in each civil case category as established by Supreme Court Order.

This Court has approved updates to the General Administrative Order on Recordkeeping in the Circuit Courts to be effective January 1, 2022. Accordingly, the civil fee schedules are amended in accordance with the new case category assignments. In the coming months, the county boards will implement, by ordinance, the local fee amounts according to these new schedules.

THEREFORE, IT IS ORDERED that:

The following civil case schedules are established in conformance with approved updates to the General Administrative Order on Recordkeeping in the Circuit Courts effective January 1, 2022. The case categories referenced herein refer to those identified in the Supreme Court's General Administrative Order on Recordkeeping in the Circuit Courts, as amended.

For the assessment of civil filing fees pursuant to subsection (a) of section 27.1b of the Clerks of Courts Act (705 ILCS 105/27.1b(a)):

- 317- **SCHEDULE 1 (705 ILCS 105/27.1b(a)(1))** shall include the following case categories:
- ARBITRATION (AR) cases where the amount in controversy is \$15,000.01 or more;
 - CHANCERY (CH) cases;
 - DISSOLUTION WITH CHILDREN (DC) cases;
 - DISSOLUTION NO CHILDREN (DN) cases;
 - EMINENT DOMAIN (ED) cases;
 - FAMILY (FA) cases, except:
 - Petitions filed pursuant to the Parental Notice of Abortion Act of 1995 (750 ILCS 70/1 *et seq.*);
 - Voluntary petitions to determine parentage filed pursuant to section 309 of the Illinois Parentage Act of 2015 (750 ILCS 46/309);
 - FORECLOSURE (FC) cases;
 - GOVERNMENTAL CORPORATION (GC) cases;

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- LAW (LA) cases;
- LAW-MAGISTRATE (LM) cases where the amount in controversy is \$15,000.01 or more;
- MISCELLANEOUS CRIMINAL (MX) cases, except:
 - Petitions for Expungement pursuant to (705 ILCS 105/27.1b(t))
- MISCELLANEOUS REMEDY (MR) cases, except:
 - Cases filed pursuant to the Estrays and Lost Property Act (765 ILCS 1020/1 *et seq.*);
 - Petitions seeking administrative review of unemployment decisions filed pursuant to Section 1100 of the Unemployment Insurance Act (820 ILCS 405/1100);
- TAX (TX) cases;

2.4.1 **SCHEDULE 2 (705 ILCS 105/27.1b(a)(2))** shall include the following case categories:

- ARBITRATION (AR) cases where the amount in controversy is \$15,000.00 or less;
- EVICTION (EV) cases, except:
 - Cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- GUARDIANSHIP (GR) cases;
- PROBATE (PR) cases, except:
 - The filing of a will pursuant to Section 6-1 of the Probate Act of 1975 (755 ILCS 5/6-1);
- LAW-MAGISTRATE (LM) cases where the amount in controversy is \$15,000.00 or less;
- SMALL CLAIM (SC) cases where the amount in controversy is \$2,500.01 or more;

2.4.2 **SCHEDULE 3 (705 ILCS 105/27.1b(a)(3))** shall include the following case categories:

- ADOPTION (AD) cases, except:
 - Petitions for appointment of a confidential intermediary filed pursuant to Section 18.3a of the Adoption Act (750 ILCS 50/18.3a);
- The following EVICTION (EV) cases:
 - Cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- SMALL CLAIM (SC) cases where the amount in controversy is \$2,500.00 or less;

2.4.3 **SCHEDULE 4 (705 ILCS 105/27.1b(a)(4))** shall include the following case categories:

- The following ADOPTION (AD) cases:
 - Petitions for appointment of a confidential intermediary filed pursuant to Section 18.3a of the Adoption Act (750 ILCS 50/18.3a);
- The following PROBATE (PR) cases:
 - The filing of a will pursuant to Section 6-1 of the Probate Act of 1975 (755 ILCS 5/6-1);
- The following FAMILY (FA) cases:
 - Petitions filed pursuant to the Parental Notice of Abortion Act of 1995 (750 ILCS 70/5 *et seq.*);
 - Voluntary petitions to determine parentage filed pursuant to Section 309 of the Illinois Parentage Act of 2015 (750 ILCS 46/309);

- MENTAL HEALTH (MH) cases;
- The following MISCELLANEOUS REMEDY (MR) cases:
 - Cases filed pursuant to the Estrays and Lost Property Act (765 ILCS 1020/1 *et seq.*)
 - Petitions seeking administrative review of unemployment decisions filed pursuant to Section 1100 of the Unemployment Insurance Act (820 ILCS 405/1100);
- ORDER OF PROTECTION (OP) cases;
- All cases filed by units of local government or school districts, except in counties having a population of 500,000 or more where the county board has, by resolution, set reduced filing fees for such units of local government or school districts, pursuant to subsection (z)(1)(A-5) of Section 27.1b of the Clerks of Courts Act (705 ILCS 105/27.1b(z)(1)(A-5)).

For the assessment of civil appearance fees pursuant to subsection (b) of Section 27.1b of the Clerks of Courts Act (705 ILCS 105/27.1b(b)):

192* **SCHEDULE 1 (705 ILCS 105/27.1b(b)(1))** shall include the following case categories:

- ARBITRATION (AR) cases;
- CHANCERY (CH) cases;
- DISSOLUTION WITH CHILDREN (DC) cases;
- DISSOLUTION NO CHILDREN (DN) cases;
- EMINENT DOMAIN (ED) cases;
- EVICTION (EV) cases, except:
 - Cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
- FAMILY (FA) cases, except:
 - Petitions filed pursuant to the Parental Notice of Abortion Act of 1995 (750 ILCS 70/1 *et seq.*);
 - Voluntary petitions to determine parentage filed pursuant to Section 309 of the Illinois Parentage Act of 2015 (750 ILCS 46/309);
- FORECLOSURE (FC) cases;
- GOVERNMENTAL CORPORATION (GC) cases;
- GUARDIANSHIP (GR) cases;
- LAW (LA) cases;
- LAW-MAGISTRATE (LM) cases;
- MISCELLANEOUS CRIMINAL (MX) cases;
- MISCELLANEOUS REMEDY (MR) cases, except:
 - Cases filed pursuant to the Estrays and Lost Property Act (765 ILCS 1020/1 *et seq.*);
 - Petitions seeking administrative review of unemployment decisions filed pursuant to Section 1100 of the Unemployment Insurance Act (820 ILCS 405/1100);
- PROBATE (PR) cases;
- SMALL CLAIM (SC) cases where the amount in controversy is \$2,500.01 or more;
- TAX (TX) cases;

- 109' **SCHEDULE 2 (705 ILCS 105/27.1b(b)(2))** shall include the following case categories:
- The following EVICTION (EV) cases:
 - Cases filed pursuant to Article IX of the Code of Civil Procedure (735 ILCS 5/9-101 *et seq.*) seeking possession only;
 - SMALL CLAIM (SC) cases where the amount in controversy is \$2,500.00 or less;

- 10' **SCHEDULE 3 (705 ILCS 105/27.1b(b)(3))** shall include the following case categories:
- ADOPTION (AD) cases;
 - The following FAMILY (FA) cases:
 - Petitions filed pursuant to the Parental Notice of Abortion Act of 1995 (750 ILCS 70/5 *et seq.*);
 - Voluntary petitions to determine parentage filed pursuant to Section 309 of the Illinois Parentage Act of 2015 (750 ILCS 46/309);
 - MENTAL HEALTH (MH) cases;
 - The following MISCELLANEOUS REMEDY (MR) cases:
 - Cases filed pursuant to the Estrays and Lost Property Act (765 ILCS 1020/1 *et seq.*)
 - Petitions seeking administrative review of unemployment decisions filed pursuant to Section 1100 of the Unemployment Insurance Act (820 ILCS 405/1100);
 - ORDER OF PROTECTION (OP) cases;
 - All appearances filed by units of local government or school districts, except in counties having a population of 500,000 or more where the county board has, by resolution, set reduced appearance fees for such units of local government or school districts, pursuant to subsection (z)(1)(A-5) of Section 27.1b of the Clerks of Courts Act (705 ILCS 105/27.1b(z)(1)(A-5)).

A complete list of electronic filing configuration codes for each filing and appearance schedule shall be provided by the Administrative Office of the Illinois Courts.

Pursuant to Section 27.1b of the Clerks of Courts Act (705 ILCS 105/27.1b), effective July 1, 2019, distribution of the portion of filing and appearance fees retained by the clerks of the circuit court for deposit into the Court Automation Fund, Court Document Storage Fund and Circuit Clerk Operations and Administration Fund shall be approved by the Supreme Court's Administrative Director upon the chief judge and the circuit clerk's execution and submission of the County Civil Fee Case Schedule Breakdown Form.

Order Entered by the Court.

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Ordinance # 21-0910



Chairman, Vermilion County Board

ATTEST:

Cathy Jenkins (10)

Clerk of the County Board

APPROVED BY Judicial and Rules Committee August 24, 2021:

<u>Mary Ellen Surprenant</u>	<u>(Y)</u> N A
Committee Chairperson	
Phearn Butler	<u>Y</u> N A
Natalie Duncan	Y N <u>A</u>
Breannah Haton	<u>Y</u> N A
Steve Miller	Y N <u>A</u>
Tom Morse	Y N <u>A</u>
Nancy O'Kane	Y N <u>A</u>
Larry Baughn	<u>Y</u> N a