



DOROTHY BROWN
CLERK OF THE CIRCUIT COURT OF COOK COUNTY

JUVENILE EXPUNGEMENT

INFORMATION, COURT ORDERS, AND FORMS PACKET

JUVENILE JUSTICE DIVISION

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Chicago, IL 60612

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Juvenile Expungement Guidelines for the Circuit Court of Cook County

1. I WAS FOUND NOT DELINQUENT. DO I STILL HAVE TO PETITION TO HAVE MY RECORD EXPUNGED?

Yes. Your juvenile record contains all your arrests, whether you were found delinquent or not.

2. IF I WAIT LONG ENOUGH, WON'T MY JUVENILE RECORDS BE AUTOMATICALLY EXPUNGED?

No. There is no such thing as an “automatic” expungement. Once you get arrested, you **will** have an arrest record even if:

- you were never charged;
- the case was dismissed;
- you were found not delinquent;
- you successfully completed court supervision.

The only way to remove the arrest from your record is to file a petition to expunge your record.

3. WHAT JUVENILE CASES CAN BE EXPUNGED?

- Pursuant to 705 ILCS 405/5-915, *the following juvenile incidents may be expunged* when the person has attained the age of 17 **or** when all juvenile court proceedings have been terminated, whichever is later:
- Juvenile was arrested but no petition for delinquency was filed **or** where person was found not delinquent for incidents occurring before 17th birthday.

- Supervision pursuant to 705 ILCS 405/5-615 for crimes committed before 17th birthday, where supervision has been successfully terminated.
- Adjudications for offenses which would be Class B misdemeanors, Class C misdemeanors, or a petty or business offenses if committed by an adult.
- Any person may petition the court to expunge all law enforcement records relating to any incidents occurring before his or her 17th birthday (which did not result in proceedings in adult criminal court) and all juvenile court records with respect to any adjudications (except those based upon first degree murder and sex offenses which would be felonies if committed by an adult),

if the person for whom expungement is sought has had no convictions for any crime since his or her 17th birthday and:

- (a) has attained the age of 21 years; **or**
- (b) 5 years have elapsed since all juvenile court proceedings relating to him or her have been terminated **or**
- (c) his or her commitment to the Department of Juvenile Justice (Corrections) has been terminated, **whichever is later of (a), (b) or (c).**

4. WHAT JUVENILE RECORDS CANNOT BE EXPUNGED?

- Adjudication in a case involving first degree murder or criminal sexual assault (which would be felonies if committed by an adult).
- Any offense (such as **Driving Under the Influence**) where your case did not proceed in juvenile court.
- If your case proceeded in an adult criminal or traffic court, please review the ***Adult Expungement and Sealing*** packet to determine if your offense is eligible for expungement or sealing. **Driving Under the Influence (DUI)**

supervision, probation, or conviction is not expungable or sealable.

- If one or more of your juvenile cases cannot be expunged, the other qualifying juvenile cases on your record, if any, may still be expunged.

5. HOW DO I BEGIN THE EXPUNGEMENT PROCESS?

The person whose juvenile record(s) are to be expunged must petition the court using the appropriate forms containing his/her current address and **shall promptly** notify the Clerk of the Circuit Court of any change of address.

In addition to a copy of your arrest report or delinquency history report (commonly known as a “**rap sheet**”), you will need the **titles and addresses** of all legal entities involved in your case, even if you were never prosecuted. These entities include:

- **The arresting authority:** The law enforcement agency that arrested you. This is usually a police department or sheriff’s department. If you were never arrested and were instead only given a notice to appear in court, there will not be an arresting authority. *If you were arrested by the City of Chicago Police Department*, you do not need to locate their address because it is pre-printed on the Notice of Filing form available from the Clerk’s Office.
- **The “chief legal officer of the unit of local government that affected the arrest:”** This is usually the attorney who represents the municipality or county that arrested you (it is NOT the Chief of Police.) This attorney usually is called the “Corporation Counsel,” “Village Attorney,” or “City Attorney.” For example, if you were arrested by the Skokie Police Department, you will need the name and address of the Corporation Counsel for the Village of Skokie. *If you were arrested in the City of Chicago*, you do not need to locate the Corporation Counsel’s address because it is pre-printed on the Notice of Filing form available from the Clerk’s Office.
- **The State’s Attorney/Prosecutor that prosecuted your case:** If charges were brought against you, you will need to know the address for the State’s

Attorney or prosecutor that prosecuted the case. You only need the office and the address – you do not need the name of the particular individual who prosecuted your case. If you are unclear about which office prosecuted your case, check your paperwork from the Clerk’s Office. *If you were prosecuted in Cook County*, you do not need to locate the Cook County State’s Attorney’s address because it is available to you on the Notice of Filing form available from the Clerk’s Office.

- **The Illinois State Police:** The law requires that the Illinois State Police receive notice of your petition to expunge, even if you were never charged. The address for the Illinois State Police is pre-printed on the Notice of Filing form available from the Clerk’s Office.

Once you have completed your forms, mail or bring them to the Clerk’s Office for processing and assignment of a court date.

- File the original Expungement Notice and Petition in the Office of the Clerk of the Circuit Court at 1100 S. Hamilton, Room 13, Chicago, IL 60612. There is a \$64.00 fee (includes the certification charge of \$4.00) for filing each expungement petition, required by state statute. (705 ILCS 105/27.2a)
- Payable by cash, cashier’s check, or personal check.
- The Clerk of the Circuit Court will deliver copies of your Expungement Notice and Petition to the State’s Attorney’s Office, the Illinois State Police, and to the Arresting Police Agency related to your case.
- The Illinois State Police **also charges \$60.00 per court order** to Expunge/Seal your records. Please see question 8 below for more information.

6. I HEARD THERE IS A NEW JUVENILE LAW REGARDING AGE OF THE MINOR, IS THIS TRUE AND WHAT DOES IT MEAN TO ME?

Effective January 1, 2010, 705 ILCS 405/5-105 (3) was modified to define “delinquent minor” as any minor who prior to his or her 18th birthday (previously

17th birthday) has violated or attempted to violate, regardless of where the act occurred, any federal, State, county or municipal law or ordinance classified as a **misdemeanor offense**.

This law is important because if you were charged with a misdemeanor after turning 17, you would have gone to an adult court and been subject to adult expungement laws. However, this new law allows a Juvenile to be tried in Juvenile court for misdemeanors committed prior to his or her 18th birthday.

7. WHY CAN'T EMPLOYEES OF THE CLERK'S OFFICE GIVE ME LEGAL ADVICE OR HELP ME FILL OUT THE EXPUNGEMENT FORMS?

Employees of the Clerk's Office are absolutely prohibited by law from giving legal advice or assisting customers to fill out court forms. Only Illinois licensed attorneys are permitted by law to give you legal advice (705 ILCS 110/1; 705 ILCS 205/10; Illinois Supreme Court Rule 756).

As the official keeper of the record for the Circuit Court, the Clerk's Office can provide you with copies of your dispositions and provide the expungement forms for you to fill out. Our office can also provide you a listing of legal agencies that you may call for assistance. Please ask for a listing at our customer service counter in Room 13.

8. HOW MUCH DOES IT COST TO FILE MY EXPUNGEMENT PETITION AT THE CLERK'S OFFICE?

The filing fee of \$64.00 per petition is payable to the Clerk of the Circuit Court. (705 ILCS 105/27.2a) You may pay by money order, certified check, or cashier's check. Your Driver's License, State I.D., or Matricular Consular number, telephone number, and case number should be written on the face of the check. Once the expungement order has been signed by the judge, the Clerk's Office will forward it to the Illinois State Police for processing. Keep in mind that the **Illinois State Police also charge a fee of \$60.00 per court order** to Expunge/Seal your records, which can be paid to the Clerk of the Circuit Court at the time of the filing

of your petition or on your scheduled hearing date. When the Illinois State Police receives your payment from us, it will process the court order and send you a letter notifying you that your Illinois State Police records have been expunged.

- Contact the Clerk’s Office staff at 312-433-4941 if you have any questions.
- Please make sure you provide a **current** address and telephone number.

9. WHAT IF I CANNOT AFFORD THE FILING FEE?

If you qualify based on your personal financial circumstances, you may ask the court for an indigent person “298” **fee waiver** (735 ILCS 5/5-105). **Complete and file** the “*Application and Affidavit to Sue or Defend as an Indigent Person*” and the “*Order to Sue or Defend as an Indigent Person*”. If your fee waiver petition is granted by a judge, you will not have to pay. In other words, you won’t have to pay the \$60.00 filing fee to the Clerk’s office nor will you have to pay the \$60.00 Illinois State Police fee. A “298” Petition form is available from the Clerk’s Office or online at www.cookcountyclerkofcourt.org. Please be advised that a “298” fee waiver petition **must be filed in person**. An individual cannot file a “298” fee waiver via mail, fax, etc. **Fee waivers are not available in Traffic Division cases.**

10. ONCE I’VE FILED MY PETITION(S) WITH THE COURT, WHO SENDS COPIES TO THE LAW ENFORCEMENT ENTITIES?

The Clerk of the Circuit Court will serve copies of the expungement petition on the following entities:

- ✓ The State’s Attorney or Prosecutor(s) charged with the duty of prosecuting each offense;
- ✓ The Department of Illinois State Police;
- ✓ The arresting agency or agencies; and
- ✓ The chief legal officer(s) of the unit(s) of local government where you were arrested.

The Clerk’s Office has provided a “Notice of Filing” form for you to list all the

agencies that must be served. The Clerk will send the Petition to all of the agencies **you** list on the Notice.

11. WHY ARE THE LAW ENFORCEMENT AGENCIES SERVED WITH A COPY OF THE PETITION?

Once they receive notice of your Expungement Petition, the Cook County State's Attorney/Prosecutor, Illinois State Police, the Arresting Agency and the chief legal officer(s) of the unit(s) of local government where you were arrested **have 45 days within which to file a *Notice of Objection*.**

If an objection is not filed by the Cook County State's Attorney/Prosecutor, Illinois State Police, Arresting Agency, or the Chief Legal Officer(s) of the unit(s) of local government within 45 days of notice of the expungement petition, the court may enter an order granting expungement.

If an objection is filed within 45 days of the notice of the expungement petition, the clerk of the circuit court shall set a date for hearing after the 45 day objection period. At the expungement hearing, **the court shall hear evidence on whether the expungement should or should not be granted.**

Though not exhaustive, the judge may consider the following factors when deciding whether to expunge your record:

- Your age, delinquency record, and employment history;
- The adverse consequences you may suffer if an expungement is not granted;
- The State's reasons for wishing to retain the records;
- The length of time between the arrest and the expungement petition;

12. DO I HAVE TO BE IN COURT ON MY COURT DATE?

Yes. Even if you do not hear from the Clerk's Office or the law enforcement agencies involved, you are to appear on the court date given for your expungement hearing.

Expungement petitions are heard in Calendar 59 before the Honorable Judge of the Juvenile Justice Division, Circuit Court of Cook County, 1100 S. Hamilton Ave., Courtroom 1, Chicago, IL 60612

13. WHAT DO I DO AFTER MY EXPUNGEMENT PETITION IS GRANTED?

After your Petition for Expungement is granted, go directly to the Clerk's Office in Room 13 to obtain certified copies of your Expungement Order:

■ You will need a cashier's check, cash, or personal check to pay for any additional certified copies (\$4.00 per copy).

■ The Clerk's Office will send the certified copies to the following agencies, where applicable:

- The Police Department that has the records relating to your case.
- The Illinois State Police.

14. DO I NEED A "CERTIFIED" COPY OF MY EXPUNGEMENT ORDER?

A "certified" copy is a copy containing a Clerk's Office seal verifying it to be an authentic court document. Since your record will be unavailable to you after it is expunged, it is a good idea to keep a certified copy of your expungement order for your records. For some unforeseen reason, a person may need a certified copy of their expungement order. It will save you time and money if you already have a certified copy in a secure place. In addition, a court order is necessary to temporarily unseal a record.

For some, immigration is sometimes an issue. You may need a certified copy of your expungement order to provide to the Immigration and Naturalization Services (INS) for naturalization purposes.

15. IF MY JUVENILE RECORD IS EXPUNGED, DO I HAVE TO REVEAL IT ON MY JOB APPLICATIONS?

NO. Once a court file has been expunged, for the purposes of prospective employers and the general public, the record is treated as though it never existed. (705 ILCS 405/5-915 (8) (a))

This means that:

- You are not required to disclose to anyone that a juvenile record existed, employers are not allowed to ask you, and you do not have to reveal that a juvenile record existed on any job application.
- Employers are required to include language on job applications that applicants are not obligated to disclose whether they have any expunged juvenile records. Even if a job application does not contain this language, the applicant still does not have to disclose the existence of an expunged juvenile record.
- An expunged juvenile record may not be considered by any private or public entity (except for law enforcement agencies, the Department of Corrections, or by Prosecutors) in employment matters, certifications, licensures, revocation of certification of licensure, or registration.

16. DO I NEED A LAWYER?

No, you can file your juvenile expungement petition on your own (“pro se”), without an attorney. If you wish, you may also hire an attorney. *A Guide to Legal Services in Cook County* brochure is available from the Clerk’s Office containing a list of legal agencies and lawyers.

To receive free legal assistance (“pro-bono”), please call:

The Bluhm Legal Clinic

Northwestern University School of Law

(312) 503-8576

Monday - Friday, 9:00 a.m. - 5:00 p.m.

Any court filing fees, certification fees, and Illinois State Police expungement fees are the responsibility of the petitioner.

17. WHAT IF I WAS FOUND DELINQUENT AS A JUVENILE SEX OFFENDER (under the age of 17), IS IT POSSIBLE TO GET MY NAME OFF THE SEX OFFENDER REGISTRY IF I WAS CHARGED WITH A SEX OFFENSE AS A JUVENILE?

It **may** be possible to get your name off the sex offender registry. Please contact the **Bluhm Legal Clinic** for further information regarding their “*Off the Record*” program. (Also see 730 ILCS 150/3-5 regarding the criteria considered by the judge)

18. WHAT IS A CERTIFICATE OF INNOCENCE?

A *Certificate of Innocence* applies to any person found delinquent (convicted) and subsequently imprisoned for one or more felonies (by the State of Illinois) which he or she did not commit. To receive a *Certificate of Innocence* finding, the petitioner must prove by a preponderance of the evidence that the judgment of delinquency/conviction was reversed or vacated and that the finding of delinquency (or the indictment or information) was dismissed -- or if a new trial had been ordered, that the petitioner was found not delinquent (or not guilty) at the new trial. Moreover, that the petitioner did not, by his or her own conduct, voluntarily cause or bring about his or her conviction.

You may file a petition for a *Certificate of Innocence* in the circuit court of the county in which you were convicted. The petition shall request a *Certificate of Innocence* finding that the petitioner was innocent of all offenses for which he/she was incarcerated. (735 ILCS 5/2-702)



If you have any questions about the juvenile expungement process, please contact the Clerk of the Circuit Court Juvenile Justice Division at 312 433-4941.



SAVE THE DATE!!

Your expungement hearing is on

at _____

in Courtroom _____

You must be present. Please be on time. If you have any questions about your court date, please call 312-433-4941.

Juvenile Justice Division
Clerk of the Circuit Court of Cook County
1100 S. Hamilton Ave., Chicago, IL 60612

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
JUVENILE JUSTICE DIVISION

IN THE INTEREST OF

_____ } No. _____
Petitioner

PETITION TO EXPUNGE JUVENILE RECORDS
(705 ILCS 405/5-915 (Subsection 1))
(Please prepare a separate petition for each offense)

Now comes _____, Petitioner, and respectfully requests that this Honorable Court enter an order expunging all Juvenile Law Enforcement and Court records of Petitioner and in support thereof states that: Petitioner has attained the age of 17, his/her birth date being _____, or all Juvenile Court proceedings terminated as of _____, whichever occurred later.

Petitioner was arrested on _____, _____ by the _____ Police Department for the offense of _____, and (check one)

- a. no petition was filed with the Clerk of the Circuit Court.
b. was charged with _____ and was found not delinquent of the offense.
c. a petition was filed and the petition was dismissed without a finding of delinquency on _____, _____
d. on _____, _____ placed under supervision pursuant to Section 5-615 of the Juvenile Court Act of 1987 and such order of supervision successfully terminated on _____, _____
e. was adjudicated for the offense, which would have been a Class B misdemeanor, a Class C misdemeanor, or a petty offense or business offense if committed by an adult.

Petitioner [] has [] has not been arrested on charges in this or any county other than the charges listed above. If Petitioner has been arrested on additional charges, please list the charges below: Charge(s): _____.

Arresting Agency or Agencies: _____.

Disposition/Result: (choose from a through e, above): _____.

WHEREFORE, the Petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of Petitioner to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the petitioner regarding this incident.

Petitioner Address: _____
City/State/Zip Code: _____
Telephone: _____
Petitioner Signature

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this petition are true and correct, or on information and belief I believe the same to be true.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
JUVENILE JUSTICE DIVISION

IN THE INTEREST OF

_____ } No. _____
Petitioner

PETITION TO EXPUNGE JUVENILE RECORDS
(705 ILCS 405/5-915 (Subsection 2))
(Please prepare a separate petition for each offense)

Now comes _____, Petitioner, and respectfully requests that this Honorable Court enter an Order expunging all Juvenile Law Enforcement and Court records of Petitioner and in support thereof states that: The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and did not result in proceedings in criminal court and the Petitioner has not had any convictions for any crime since his/her 17th birthday; and The incident for which the Petitioner seeks expungement occurred before the Petitioner's 17th birthday and the adjudication was not based upon first-degree murder or sex offenses which would be felonies if committed by an adult, and the Petitioner has not had any convictions for any crime since his/her birthday.

Petitioner was arrested on _____, _____ by the _____ Police Department for the offense of _____, and

(check whichever one occurred the latest):

- [] a. The Petitioner has attained the age of 21 years, his/her birthday being _____; or
[] b. 5 years have elapsed since all juvenile court proceedings relating to the Petitioner have been terminated; or the Petitioner's commitment to the Department of Corrections, Juvenile Division, pursuant to the expungement of juvenile law enforcement and court records provisions of the Juvenile Court Act of 1987 has been terminated.

Petitioner [] has [] has not been arrested on charges in this or any other county other than the charge listed above. If Petitioner has been arrested on additional charges, please list the charges below:

Charge(s): _____.

Arresting Agency or Agencies: _____.

Disposition/Result: (choose from a or b, above): _____.

WHEREFORE, the Petitioner respectfully requests this Honorable Court to (1) order all law enforcement agencies to expunge all records of Petitioner related to this incident, and (2) to order the Clerk of the Court to expunge all records concerning the Petitioner regarding this incident.

Petitioner Signature

Petitioner Address: _____

City/State/Zip Code: _____

Telephone: _____

Pursuant to the penalties of perjury under the Code of Civil Procedure, 735 ILCS 5/1-109, I hereby certify that the statements in this Petition are true and correct, or on information and belief I believe the same to be true.

Petitioner Signature

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
JUVENILE JUSTICE DIVISION

IN THE INTEREST OF

_____ } No. _____
Petitioner

NOTICE

To: State's Attorney: _____
Address: _____
City/State/Zip Code: _____
Telephone: _____

To: Arresting Agency: _____
Address: _____
City/State/Zip Code: _____
Telephone: _____

To: Illinois State Police: _____
Address: _____
City/State/Zip Code: _____
Telephone: _____

ATTENTION: Expungement

You are hereby notified that on _____, _____ at _____, a.m./p.m. in
courtroom _____, located at _____, before the Honorable
_____, Judge, or any judge sitting in his/her stead, I shall then and there present a Petition
to Expunge Juvenile records in the above-entitled matter, at which time and place you may appear.

Petitioner's Address: _____
City/State/Zip Code: _____
Telephone: _____

Petitioner Signature

PROOF OF SERVICE

On the _____ day of _____, _____ I on oath state that I served this notice and true and
correct copies of the above-checked documents by:

(check one)

- delivering copies personally to each entity to whom they are directed;
or
by mailing copies to each entity to whom they are directed by depositing the same in the U.S. Mail, proper postage fully prepaid,
before the hour of 5:00 p.m., at the United States Postal Depository located at _____.

Clerk of the Circuit Court

Print Name of Delinquent Minor/Petitioner

Address: _____

Telephone: _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
DEPARTMENT OF JUVENILE JUSTICE AND CHILD PROTECTION
JUVENILE JUSTICE DIVISION

IN THE INTEREST OF

_____ } No. _____
} Date of Birth: _____
Petitioner

Arresting Agency/Agencies: _____

ORDER OF EXPUNGEMENT
(705 ILCS 405/5-915 Subsection 3)

This matter having been heard on the Petitioner's motion and the Court being fully advised in the premises does find that the Petitioner is indigent or has presented reasonable cause to waive all costs in this matter.

IT IS HEREBY ORDERED that:

- 1. Clerk of Court and Department of State Police costs are hereby waived in this matter.
2. The Illinois State Police Bureau of Identification and the following law enforcement agencies expunge all records of Petitioner relating to an arrest dated _____, _____ for the offense of _____.

Law Enforcement Agencies: _____

Address: _____

Telephone: _____

- IT IS FURTHER ORDERED that the Clerk of the Circuit Court expunge all records regarding the above-captioned case.

ENTERED:

Dated: _____, _____

Judge Judge's No.

Atty. No.: _____

Name: _____

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Plaintiff/Petitioner

v.

No. _____

Calendar _____

Defendant/Respondent

APPLICATION AND AFFIDAVIT TO SUE OR DEFEND AS AN INDIGENT PERSON

1. My Name is _____ and I am _____ years old.

I live at (do not provide a P.O. Box #) _____

My phone number is (_____) _____ - _____.

2. I am filing this application for (check one):

- Myself
- A minor whose name is _____ and who is _____ years old.
- An incompetent adult whose name is _____ and who is _____ years old.
- Other (Please explain) _____.

3. I have retained an attorney to represent me in this matter (check one): Yes No The attorney's name is: _____.

4. Assets:

I own (check all that apply):

- Real Estate, which is located at _____.
- I estimate the value of the property to be \$ _____.
- Automobile or other vehicle - Make _____ Year _____ Estimated Value \$ _____
- Jewelry, estimated value \$ _____
- Cash and/or bank accounts in the amount of \$ _____
- Any other property value, estimated value \$ _____

5. Fill out this section (and skip section #6, below) if you are currently employed:

I am employed as a(n) _____ and the name of my employer is _____.

My employer can be reached by telephone at (_____) _____. During the last year I earned \$ _____ (before taxes). I expect to earn \$ _____ (before taxes) in the upcoming year.

My other sources of income are (check all that apply): SSI Public Aid Food Stamps or Illinois LINK Card Family Assistance Child Support or Spousal Support (alimony) Disability Pension Social Security Other (Please specify) _____.

The total income from these sources is \$ _____ per month.

6. Fill out this section if you are currently not working:

I have been unemployed or retired since ____/____/____. My last job was as a(n) _____ and my former employer was _____.

My sources of income are (check all that apply): Unemployment SSI Public Aid Food Stamps or Illinois LINK Card Family Assistance Child Support or Spousal Support (alimony) Disability Pension Social Security Other (Please specify) _____.

The total income from these sources is \$ _____ per month.

735 ILCS 5/5-105

**INFORMATION SHEET FOR
LEAVE TO SUE OR DEFEND AS AN INDIGENT PERSON**

(a) As used in this section:

(1) *"Fees, costs, and charges"* means payments imposed on a party in connection with the prosecution or defense of a civil action, including, but not limited to: filing fees; appearances fees; fees for service of process and other papers served either within or outside this State, including service by publication pursuant to Section 2-206 of this Code and publication of necessary legal notices; motion fees; jury demand fees; charges for participation in, or attendance at, any mandatory process or procedure including, but not limited to, conciliation, mediation, arbitration, counseling, evaluation, "Children First", "Focus on Children" or similar programs; fees for supplementary proceedings; charges for translation services; guardian ad litem fees; charges for certified copies of court documents; and all other processes and procedures deemed by the court to be necessary to commence, prosecute, defend, or enforce relief in a civil action.

2) *"Indigent person"* means any person who meets one or more of the following criteria:

(i) He or she is receiving assistance under one or more of the following public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Food Stamps, General Assistance, State Transitional Assistance, or State Children and Family Assistance.

(ii) His or her available income is 125% or less of the current poverty level as established by the United States Department of Health and Human Services, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code are of nature and value that the court determines that the applicant is able to pay the fees, costs and charges.

(iii) He or she is, in the discretion of the court, unable to proceed in an action without payment of fees, costs, and charges and whose payment of those fees, costs, and charges would result in substantial hardship to the person or his or her family.

(iv) He or she is an indigent person pursuant to Section 5-105.5 of this Code. [This states that "indigent person" means a person whose income is 125% or less of the current official federal poverty guidelines or who is otherwise eligible to receive civil legal services under the Legal Services Corporation Act of 1974. (42 U.S.C.A. Sec. 2996 et. seq.)]

(b) On the application of any person, before or after the commencement of an action, a court, on finding that the applicant is an indigent person, shall grant the applicant leave to sue or defend the action without payment of the fees, costs and charges of the action.

(c) An application for leave to sue or defend an action as an indigent person shall be in writing and supported by the affidavit of the applicant or, if the applicant is a minor or an incompetent adult, by the affidavit of another person having knowledge of the facts. The contents of the affidavit shall be established by Supreme Court Rule.

(d) The court shall rule on applications under this Section in a timely manner based on information contained in the application unless the court, in its discretion, requires the applicant to personally appear to explain or clarify information contained in the application. If the court finds that the applicant is an indigent person, the court shall enter an order permitting the applicant to sue or defend without payment of fees, costs or charges. If the application is denied, the court shall enter an order to that effect stating the specific reasons for the denial. The clerk of the court shall promptly mail or deliver a copy of the order to the applicant.

(e) The clerk of the court shall not refuse to accept and file any complaint, appearance, or other paper presented by the applicant if accompanied by an application to sue or defend in forma pauperis, and those papers shall be considered filed on the date the application is presented. If the application is denied, the order shall state a date certain by which the necessary fees, costs, and charges must be paid. The court, for good cause shown, may allow an applicant whose application is denied to defer payment of fees, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order. The court may dismiss the claims or defenses of any party failing to pay the fees, costs, or charges within the time and in the manner ordered by the court. A determination concerning an application to sue or defend in forma pauperis shall not be construed as a ruling on the merits.

(f) The court may order an indigent person to pay all or a portion of the fees, costs, or charges waived pursuant to this Section out of monies recovered by the indigent person pursuant to a judgment or settlement resulting from the civil action. However, nothing in this Section shall be construed to limit the authority of a court to order another party to the action to pay the fees, costs, or charges of the action.

(g) A court, in its discretion, may appoint counsel to represent an indigent person, and that counsel shall perform his or her duties without fees, charges, or reward.

(h) Nothing in this Section shall be construed to affect the right of a party to sue or defend an action in forma pauperis without the payment of fees, costs, or charges, or the right of a party to court appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court.

(i) The provisions of this Section are severable under Section 1.31 the Statute on Statutes. See (5 ILCS 70/1.31)

7. Fill out this section if you are currently married.

My spouse's name is _____ . My spouse is (check one):

Employed as a(n) _____ and the name of his/her employer is _____ .

During the last year my spouse earned \$ _____ (before taxes). My spouse expects to earn \$ _____ (before taxes) in the upcoming year.

Unemployed as of _____ .

Retired and is receiving social security benefits and/or a pension in the amount of \$ _____ per month.

8. Dependents:

The following are the names and ages of the minor children and any other people who are dependent on me for support (List full name and age):

_____/_____/_____/_____ / _____/_____/_____/_____ / _____/_____/_____/_____ / _____/_____/_____/_____

9. Other Expenses:

I am paying child support in the amount of \$ _____ per month.

I am paying spousal support (alimony) in the amount of \$ _____ per month.

My monthly living expenses (not including child or spousal support payments) in the amount of \$ _____ per month.

10. Under the penalty of perjury (a Class 3 Felony), I, the undersigned, certify (answer yes or no to each statement and sign your name.)

<p>1) This application must be completely filled out.</p> <p>2) Please also submit:</p> <p style="padding-left: 20px;">a. Order to Sue or Defend as an Indigent Person</p> <p style="padding-left: 20px;">b. Legible copy of all pleadings (Not required in Domestic Relations cases)</p> <p>3) You may be required to submit:</p> <p style="padding-left: 20px;">a. Photo ID</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No I have knowledge of the facts stated in this application.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No To the best of my knowledge, the statements set forth in this application are true and correct.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No I believe in good faith that I have a meritorious claim or defense.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No I am unable to proceed in this action if required to pay the fees, costs, and charges</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No I and/or my family will suffer substantial hardship if required to pay the fees, costs, and charges.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No I have reviewed the United States Department of Health and Human Services Poverty Guidelines and believe my income is 125% or less of the current poverty level.</p>
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Atty. No.: _____

Name: _____

Atty. for: _____

Address: _____

City/State/Zip: _____

Telephone: _____

Signature of Applicant

Dated: _____, _____

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Plaintiff/Petitioner v. Defendant/Respondent	}	No. _____ Calendar _____
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ORDER

This matter coming before the Court on an Application and Affidavit to Sue or Defend as an Indigent Person, the Court being fully advised in the premises, **IT IS HEREBY ORDERED;**

Pursuant to Supreme Court Rule 298 and 735 ILCS 5/5-105:

- The applicant is permitted to sue or defend without payment of fees, costs or charges. Fees for the reproduction of any documents contained in the court file or the electronic docket are not waived without specific order of court. The applicant may be ordered to pay any portion of the waived fees or costs out of a settlement or judgment resulting from this action.

- The application is denied for the following reason(s): _____

- Payment shall be: made by _____ (date) OR deferred until _____ (date) OR other _____

ENTERED:

Dated: _____, _____

Judge	Judge's No
-------	------------

Payment should be made by cash, money order or cashier's check, directly to the Clerk of the Circuit Court of Cook County at the courthouse where you filed your application.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Plaintiff/Petitioner

v.

Defendant/Respondent



No. _____

Calendar _____

ORDER

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_____.

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_____.

ENTERED:

Dated: _____, _____

Judge Judge's No

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DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Plaintiff/Petitioner v. Defendant/Respondent	}	No. _____ Calendar _____
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ENTERED:

Dated: _____, _____

_____ Judge	_____ Judge's No
----------------	---------------------

Payment should be made by cash, money order or cashier's check, directly to the Clerk of the Circuit Court of Cook County at the courthouse where you filed your application.

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Civil/Chancery/Domestic Relations/Law Codes

3387 - Application to Sue or Defend as Indigent Person Petitioner - Filed
3388 - Petition for Refund of Fees Collected in Error - Filed
3487 - Application to Sue or Defend as Indigent Person Respondent - Filed
3388 - Application to Sue or Defend as Indigent Person Co-Petitioner - Filed
4385 - Order Deferral of Fee Payment - Allowed
4386 - Order to Pay Fees - Allowed
4387 - Sue or Defend as Indigent - Allowed
4388 - Indigent Person Application - Denied/Billing Allowed
4670 - Order Fees Waived - Allowed
5387 - Sue or Defend as Indigent Person - Denied

Criminal Codes

876 - Petition to Defend as an Indigent Person - Filed
878 - Petition/Waiver to Defend as an Indigent Person - Granted