

**STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT
WINNEBAGO COUNTY**

FILE STAMP

Plaintiff
vs.

Defendant

Case No. _____

Judge Assigned: _____

**SUPPLEMENTAL FORM
(APPLICATION FOR WAIVER OF FEES)**

Application Requested By:

Name: _____

Home Phone: _____

Cell Phone: _____

TO REQUEST A WAIVER OF COURT FEES DUE TO FINANCIAL HARDSHIP, YOU MUST SUBMIT THE FOLLOWING DOCUMENTS IN SUPPORT OF YOUR APPLICATION.

IF YOU ARE CLAIMING ELIGIBILITY BECAUSE: You Receive:	THEN PROVIDE:
<input type="checkbox"/> Supplemental Security Income (SSI); <input type="checkbox"/> Aid to the Aged, Blind and Disabled (AABD); <input type="checkbox"/> Temporary Assistance for Needy Families (TANF); <input type="checkbox"/> Food Stamps (SNAP); <input type="checkbox"/> General Assistance, Transitional Assistance, or State Children and Family Assistance.	<input type="checkbox"/> Copies of documents showing your <u>current</u> eligibility
<input type="checkbox"/> Your household income is less than 125% of the current poverty level.	<p style="text-align: center;">(at least one, but as many as are available)</p> <input type="checkbox"/> Copy of a year-to-date paystub <input type="checkbox"/> Copy of Last year's W2; and/or 1099s <input type="checkbox"/> Copy of Last year's tax return.

NOTICE TO APPLICANT

**The Circuit Clerk's office will contact you by phone 1-4 business days from the date of filing with the judge's decision.
A voicemail message will constitute proper notification by this office.**

IF YOUR WAIVER IS GRANTED The following applies:	IF YOUR WAIVER IS DENIED The following applies:
<input type="checkbox"/> You will be required to return to the Circuit Clerk's Office within 5 business days of our phone notification to pick up your personal documentation, receive copies, and to complete any necessary paperwork for your court case.	<input type="checkbox"/> You will be required to return to the Circuit Clerk's Office within 5 business days of our phone notification to pick up your personal documentation, and receive copies; <input type="checkbox"/> Instructions on the payment of filing fees will be given by the Circuit Clerk's office; <input type="checkbox"/> Failure to pay the appropriate filing fees as instructed by the court may result in a judgment against you or the dismissal of your case.

Clerk's Office is NOT responsible for retaining original documents. All supplemental income verification documents will be shredded if not picked up within the allotted 5 day time period.

Litigants Signature _____

Deputy Circuit Clerk _____

Pursuant to Illinois Statute (705 ILCS 110 / 1) the Circuit Clerk's Office is unable to assist in the preparation of documents or give any legal advice.

In **4a**, check "Yes" if you applied for at least 1 of the benefits listed in 3.

In **4b**, check the box for each type of money you or the person on whose behalf this Application is being filed have received in the past month. Enter the gross (before taxes) amount for each type.

Under **Other** in **4b** and **4c**, include any money received from family or friends.

In **4c**, check the box for each type of money you or the person on whose behalf this Application is being filed have received in the past 12 months. Enter the total gross (before taxes) amount for each type.

In **4d**, check all of your debts and expenses for the past month and list the amount of money you pay each month for that expense.

4. I checked "No" in section 3, so I am providing the following financial information:

- a. I have a pending application for 1 or more of the benefits listed in section 3:
 Yes No
- b. I received the following money in the past month. *(check all that apply)*
- | | | | |
|--|----------|---|----------|
| <input type="checkbox"/> My employment: | \$ _____ | <input type="checkbox"/> Social Security (not SSI): | \$ _____ |
| <input type="checkbox"/> Child support: | \$ _____ | <input type="checkbox"/> Unemployment: | \$ _____ |
| <input type="checkbox"/> Pension: | \$ _____ | | |
| <input type="checkbox"/> Money from other household members: | | | \$ _____ |
| <input type="checkbox"/> Other <i>(list type and amount)</i> : | _____ | | \$ _____ |
| <input type="checkbox"/> No income | | | |
- Total of all money received in the past month: \$ _____
- c. I received the following total amount of money in the past 12 months. *(check all that apply)*
- | | | | |
|--|----------|---|----------|
| <input type="checkbox"/> My employment: | \$ _____ | <input type="checkbox"/> Social Security (not SSI): | \$ _____ |
| <input type="checkbox"/> Child support: | \$ _____ | <input type="checkbox"/> Unemployment: | \$ _____ |
| <input type="checkbox"/> Pension: | \$ _____ | | |
| <input type="checkbox"/> Money from other household members: | | | \$ _____ |
| <input type="checkbox"/> Other <i>(list type and amount)</i> : | _____ | | \$ _____ |
| <input type="checkbox"/> No income | | | |
- Total of all money received in the past 12 months: \$ _____
- d. My current monthly expenses are listed below. *(check all that apply)*
- | | | |
|--|----------|-----------|
| <input type="checkbox"/> Rent: | \$ _____ | per month |
| <input type="checkbox"/> Home Mortgage: | \$ _____ | per month |
| <input type="checkbox"/> Other Mortgage: | \$ _____ | per month |
| <input type="checkbox"/> Utilities: | \$ _____ | per month |
| <input type="checkbox"/> Food: | \$ _____ | per month |
| <input type="checkbox"/> Medical: | \$ _____ | per month |
| <input type="checkbox"/> Car Loan: | \$ _____ | per month |
| <input type="checkbox"/> Childcare: | \$ _____ | per month |
| <input type="checkbox"/> Child Support: | \$ _____ | per month |
| <input type="checkbox"/> Other <i>(list type and amount)</i> : | _____ | \$ _____ |
| <input type="checkbox"/> I have no expenses. | | |
- Total of all expenses: \$ _____ per month

Getting Started

Application for Waiver of Criminal Court Assessments

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use the *Application for Waiver of Criminal Court Assessments* and *Order for Waiver of Criminal Court Assessments* forms. Your use of the forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *How to Ask the Court to Waive Criminal Court Assessments* instruction sheet and the instructions on the forms.

Names of the forms:	<ul style="list-style-type: none">• <i>Application for Waiver of Criminal Court Assessments</i>• <i>Order for Waiver of Criminal Court Assessments</i>
Purpose of the forms:	To ask the court to excuse you from having to pay all or any part of the fee assessments in your case.
Types of cases the forms CAN be used for:	All criminal cases, including felony and misdemeanor cases.
Types of cases the forms CANNOT be used for:	All civil and juvenile cases and fee assessments resulting from violations of the Illinois Vehicle Code. If you need to ask for a fee waiver in a civil case, you can use the <i>Application for Waiver of Court Fees</i> form found here: illinoiscourts.gov/Forms/approved/Circuit.asp
Cost to File the forms:	None.
Special information or papers needed to complete the forms:	<ul style="list-style-type: none">• You will need to know your income and expense information for the past 12 months. You also need to know the value of your belongings, including any real estate.• If you are filling this form out on behalf of a minor, you will need that person's information.• If you get public benefits, you may want to bring current proof of eligibility and a 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, value of belongings (including real estate) and expense information when you file your forms.
Statutes and court rules covering the forms:	<ul style="list-style-type: none">• 725 ILCS 5/124A-20 and 705 ILCS 135/Article 15• Illinois Supreme Court Rule 404
Where to find the forms and instruction sheet:	illinoiscourts.gov/Forms/approved/Circuit.asp
For more information:	Read the <i>How to Ask the Court to Waive Criminal Court Assessments</i> instruction sheet that comes with these forms. You may also find more information, resources, and the location of your local county self help center at: illinoislegalaid.org/FeeWaiver .

HOW TO ASK THE JUDGE TO WAIVE CRIMINAL COURT ASSESSMENTS

What are criminal court assessments?

Assessments are costs charged to a defendant in a criminal case once found guilty. They do not include fines or restitution ordered by the judge to be paid by the defendant. They also do not include costs in civil and juvenile cases and fee assessments resulting from violations of the Illinois Vehicle Code. The waiver may not apply to some court costs and fees associated with your case.

Who can ask the judge to waive a criminal court assessment?

Anyone who must pay an assessment as part of a court case. You can ask for yourself or a minor child, but not for anyone else.

How will I know if there is an assessment?

You will get a document that tells you if you owe an assessment.

What forms do I need to fill out to ask the judge to waive or reduce assessments?

- **Application for Waiver of Criminal Court Assessments:** Is used to tell the judge whether you get any public benefits and your income and expense information so they can decide if you are eligible for a waiver of court fee assessments.
- **Order for Waiver of Criminal Court Assessments:** Is used by the judge to say your application is granted or denied.

Where can I find the forms I need?

The Office of the Circuit Clerk in the county where the criminal charges were filed. You can also find the forms at: illinoiscourts.gov/Forms/approved/Circuit.asp

Do I have to pay to file an Application for Waiver of Criminal Court Assessments?

No, there is no cost for filing an *Application for Waiver of Criminal Court Assessments*.

Is there a deadline for filing an Application for Waiver of Criminal Court Assessments?

- Yes, in criminal cases you must file an *Application for Waiver of Criminal Court Assessments* no later than 30 days after the sentencing date.

How do I prove I cannot afford to pay court assessments?

The judge may require you to prove the information in your *Application*. If you get public benefits you may want to bring current proof of eligibility and a benefits statement from the agency providing the benefit.

Examples of public benefits are:

- Supplemental Security Income (SSI, Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- SNAP (Food Stamps)
- General Assistance (GA)
- Transitional Assistance; State Children and Family Assistance

If you don't get public benefits, you may want to bring documents showing your income, value of belongings (for example, real estate), and expenses.

Can the judge make me pay back assessments after I have been granted a waiver?

If the judge grants your *Application* and later decides that the information you put in your *Application* was false, the judge can make you pay any assessments that were waived.

What happens if my Application is granted?

Depending upon your circumstances, the judge may order that:

- All of your assessments are waived;
- You must pay 25% of any assessment;
- You must pay 50% of any assessment; OR
- You must pay 75% of any assessment.

What do I do after I fill out the Application for Waiver of Criminal Court Assessments and Order for Waiver of Criminal Court Assessments?

Step 1: File the Application and Order with the Circuit Clerk in the county where the charges were filed.

- The courthouse address should be on the court papers you received. Or, you can find the courthouse address, online, at: illinoiscourts.gov/CircuitCourt/default.asp.
- Make a copy of your original *Application* for yourself.
- The Circuit Clerk will stamp and keep the original.
- How to File In Person
 - Go to the courthouse in the county where your court case is filed.
 - Give the Circuit Clerk your original forms and

the copies to stamp.

- The Circuit Clerk will keep the original forms and give back your copies.
- How to File By Mail
 - If you do not need to appear in person, mail your *Application for Waiver of Criminal Court Assessments* and *Order for Waiver of Criminal Court Assessments* and one copy of each to the Circuit Clerk.
 - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy back to you.

Step 2: Wait for a decision.

- The judge will review your *Application for Waiver of Criminal Court Assessments* and decide whether you have to pay the assessments.
- The judge may need more information from you. If so, the judge may want to have a hearing on your *Application*. The judge will notify you if you need to give more information or documents, or go to see the judge.
- After the judge makes a decision, the judge will fill out the *Order for Waiver of Criminal Court Assessments*. The *Order for Waiver of Criminal Court Assessments* will say if you have to pay any assessments.
- The Circuit Clerk will tell you how and when you will get a copy of the *Order for Waiver of Criminal Court Assessments*.
- If the judge decides you have to pay all or some of the court assessments, they also may allow you to defer payment to a later date, make installment payments, or make payment upon other terms and conditions stated in the order. If you fail to pay as ordered by the judge, the matter may be referred for collection, a Petition to Revoke the Sentence may be filed, or the judge may hold you in contempt. If you are sentenced to probation, conditional discharge, or supervision and fail to pay the assessment before the end of your sentence, the court could extend your period of probation, conditional discharge, or supervision until you pay the assessment.
- If a cash bond has been posted in the case, then the cash bond may be used to pay the assessments if it has not been applied to other fines or fees.