

**IN THE
SUPREME COURT
OF
THE STATE OF ILLINOIS**

Order entered September 25, 2014.

(Deleted material is struck through and new material is underscored.)

Effective immediately, Supreme Court Rule 298 is amended, as follows.

Amended Rule 298

Rule 298. Application to Sue or Defend as an Indigent Person for Waiver of Court Fees

(a) Contents. An Application for leave to sue or defend as an indigent person Waiver of Court Fees in a civil action pursuant to 735 ILCS 5/5-105 shall be in writing and supported-signed 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, stating:

(1) The contents of the Application must be sufficient to allow a court to determine whether an applicant qualifies for waiver of fees pursuant to 735 ILCS 5/5-105, and shall include information regarding the applicant's household composition; receipt of need-based public benefits; income; expenses; and nonexempt assets.

(2) The court shall provide and applicants shall be required to use a standardized form expressly titled "Application for Waiver of Court Fees" adopted by the Illinois Supreme Court Access to Justice Commission.

~~(1) whether the applicant 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;~~

~~(2) whether the applicant's available income is 125% or less of the current poverty level as established by the United States Department of Health and Human Services;~~

- ~~(3) the nature and value of the applicant's assets;~~
- ~~(4) whether the applicant is eligible to receive civil legal services as defined in section 5-105.5 of the Code of Civil Procedure (735 ILCS 5/5-105.5);~~
- ~~(5) whether the applicant is unable to proceed in an action without payment of fees, costs, and charges and the applicant's payment of those fees, costs, and charges would result in substantial hardship to the applicant or the applicant's family;~~
- ~~(6) the employment status of the applicant and the applicant's spouse;~~
- ~~(7) the current income of the applicant and the applicant's spouse;~~
- ~~(8) whether the applicant is receiving or paying child support;~~
- ~~(9) the applicant's monthly living expenses (exclusive of payment of debts and child support); and~~
- ~~(10) that the applicant, in good faith, believes that he or she has a meritorious claim or defense.~~

(b) Ruling. The court shall either enter a ruling on the Application or shall set the Application for a hearing requiring the applicant to personally appear in a timely manner. The court may order the applicant to produce copies of certain documents in support of the Application at the hearing. The court's ruling on an Application for Waiver of Court Fees shall be made according to standards set forth in 735 ILCS 5/5-105. If the Application is denied, the court shall enter an order to that effect stating the specific reason for the denial. If the Application is granted, the court shall enter an order permitting the applicant to sue or defend without payment of fees, costs or charges.

(c) Filing. No fee may be charged for filing an Application for Waiver of Court Fees. The clerk must allow an applicant to file an Application for Waiver of Court Fees in the court where his case will be heard.

(b)(d) Cases involving representation by civil legal services provider or lawyer in court-sponsored pro bono program. In any case where a party is represented by a civil legal services provider or attorney in a court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5, the attorney representing that party shall file a certification with the court in the form attached to this rule and that party shall be allowed to sue or defend without payment of fees, costs or charges as defined in 735 ILCS 5/5-105(a)(1) without necessity of an Application under this rule.

RULE 298 CERTIFICATION FOR WAIVER OF FEES REPRESENTATION BY CIVIL LEGAL SERVICES PROVIDER OR COURT-SPONSORED PRO BONO PROGRAM

Pursuant to Supreme Court Rule 298, the undersigned counsel hereby certifies that he/she is an attorney for _____ (name of organization or court program), a civil legal services provider or court-sponsored pro bono program as defined in 735 ILCS 5/5-105.5(a), and that _____ (name of organization or court program) has made the determination that _____ (name of party) has income of 125% or less of the current official poverty guidelines or is otherwise eligible to receive services under the eligibility guidelines of the civil legal services provider or court-sponsored pro bono program. As a result, under Supreme Court Rule 298, _____ (name of party) is eligible to sue or defend without payment of fees, costs or charges as defined at 735 ILCS 5/5-105(a)(1).

Attorney Certification

Name of Organization or Court Program: _____
Attorney Name _____
Attorney No. _____
Address _____
City, State, Zip _____
Telephone _____

Amended October 20, 2003, effective November 1, 2003; amended September 25, 2014, eff. immediately.