

COUNTY OF KENDALL, ILLINOIS
ORDINANCE 2021- 33

**ORDINANCE IDENTIFYING THE APPLICABLE CASE
CATEGORIES FOR THE CIVL FEE SCHEDULES SETFORTH IN
ORDINANCE 19-13, AS AMENDED BY ORDINANCE 21-33, IN
COMPLIANCE WITH ILLINOIS SUPREME COURT
ADMINISTRATIVE ORDER, M.R. 29741**

WHEREAS, Ordinance 19-13, approved by the County Board on May 21, 2019, and amended by Ordinance 21- 33, approved by the County Board on this 7 of December, 2021, currently sets forth the fees authorized by the County Board to be charged in both civil and criminal cases in Kendall County, in accordance with Public Act 100-0987; and

WHEREAS, the purpose of Public Act 100-0987 is to consolidate fees into unified schedules for all counties, to realign fees to be constitutional, and to provide for fee waivers for low income individuals; and

WHEREAS, in alignment with the comprehensive fee schedule changes set forth in Public Act 100-0987, the Illinois Office of Administrative Courts amended its General Administrative Order on Recordkeeping in the Circuit Courts, effective January 1, 2022, providing revised case categories and abbreviations therefore; and

WHEREAS, the Supreme Court of Illinois, in accordance with these changes, has entered Administrative Order M.R. 29741, In re: Civil Assessment Schedules, establishing the appropriate civil case schedules for each civil case category and requiring county boards to implement, by ordinance, the local fee amounts according to the new schedules; and

WHEREAS, the Kendall County Board and the Kendall County Circuit Clerk seek to bring the current fee schedules in line with the General Administrative Order on Recordkeeping in the Circuit Courts and Illinois Supreme Court Administrative Order M.R. 29741 by identifying the categories of cases which fall under each civil schedule; and

NOW, THEREFORE, BE IT ORDAINED that pursuant to 705 ILCS 105/27.1b, and effective January 1, 2022, the case categories for each existing, civil fee schedule as set forth in County Ordinance 19-13, and as modified by County Ordinance 21-12, shall be as follows:

Fees for filing a complaint, petition or other pleading initiating a civil action:

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;

- 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 105/27.1 b(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 405/11 00);
- TAX (TX) cases;

SCHEDULE 2 (705 ILCS 105/27.1 b(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;

SCHEDULE 3 (705 ILCS 105/27.1 b(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;

SCHEDULE 4 (705 ILCS 105/27.1 b(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 105/27.1 b(z)(1)(A-5)).

Fees for filing an appearance in a civil action:

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 (ON) 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 020/1 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;

SCHEDULE 2 (705 ILCS 105/27.1 b(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;

SCHEDULE 3 (705 ILCS 105/27.1 b(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 27.1 b of the Clerks of Courts Act (705 ILCS 105/27.1b(z)(1)(A-5))

This ordinance does not increase or reduce any existing civil fees, and this ordinance has no impact on the existing fees schedules for criminal cases, with the exception of Miscellaneous Criminal (MX) cases, which the Illinois Supreme Court has placed under the civil fee schedules.

The unenforceability or invalidity of any clause in this ordinance shall not have an impact on the enforceability or validity of any other clause. Any unenforceability or invalid clause shall be regarded as removed from this Ordinance to the extent of its unenforceability and invalidity. Therefore, this Ordinance shall be interpreted and enforced as if it did not contain the said clause to the extent of its unenforceability and invalidity.

APPROVED and ADOPTED by a majority vote of the County Board of Kendall County, Illinois this 7 day of December, 2021

Ayes 9

Nays 0

Absent 1

County Board Chairman Signature:

Scott R. Gryder
Scott R. Gryder, Chairman
County Board

Attest:

Debbie Gillette
Debbie Gillette
County Clerk and Recorder

