

**ORDINANCE ESTABLISHING A JUDICIAL FACILITIES FEE AND  
AMENDING THE CIRCUIT CLERK FEES SCHEDULE IN  
ACCORDANCE THEREWITH**

WHEREAS, Kendall County Ordinance 2021-12 ("Fees Ordinance") established the Civil, Criminal, and Traffic Assessments to be charged by the Clerk of the Circuit Court in accordance with the Illinois Criminal and Traffic Assessment Act and the Clerks of the Courts Act, as amended; and

WHEREAS, Kendall County (population 131,869) was the fastest growing county in the United States from 2000 to 2010, and the fastest growing county in Illinois from 2010 to 2020, having grown its population by 141% since 2000; and

WHEREAS, the current courthouse cannot accommodate the need for additional courtrooms, and the courthouse second floor was not built with plumbing accommodations and security features required of a modern facility. To design and build-out the second floor of the current courthouse, the County of Kendall needs to generate additional revenue from various sources; and

WHEREAS, the Kendall County Board, believes that the users of the court facilities should directly contribute to construction of new judicial facilities; and

WHEREAS, Public Act 102-1021 amended 55 ILCS 5/5-1101.3 to include the County of Kendall; and

WHEREAS, the County of Kendall is authorized pursuant to 55 ILCS 5/5-1101.3 of the Illinois Compiled Statutes to impose a Judicial Fee to be used for the costs associated the building of new judicial facilities; and

NOW THEREFORE BE IT ORDAINED by the Kendall County Board that the Kendall County Board confirms the establishment of a Thirty Dollar (\$30) fee to finance new judicial facilities to be paid as follows: 1) in civil cases, the fee shall be paid by each party at the time of filing the first pleading paper or other appearance; provided that no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance; (2) In felony, misdemeanor, local or county ordinance, traffic, and conservation cases, the fee shall be assessed against the defendant upon the entry of a judgment of conviction, an order of supervision, or a sentence of probation without entry of judgment pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 70 of the Methamphetamine Control and Community Protection Act, Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 or the Criminal Code of 2012, Section 10-102 of the Illinois Alcoholism and Other Drug Dependency Act, or Section 10 of the Steroid Control Act; (3) In local or county ordinance, traffic, and conservation cases, if fines

are paid in full without a court appearance, then the fee shall not be imposed or collected.

BE IT FURTHER ORDAINED that said funds shall be collected by the Kendall County Circuit Clerk and deposited into the Judicial Facilities Construction Fund.

BE IT FURTHER ORDAINED, The proceeds of all fees enacted under this Section must be deposited into the county's Judicial Department Facilities Construction Fund and used for the sole purpose of funding in whole or in part the costs associated with building new judicial facilities within the county, which shall be designed and constructed by the county board with the concurrence of the Chief Judge of the applicable judicial circuit or the presiding judge of the county in a multi-county judicial circuit.

BE IT FURTHER ORDAINED, in compliance therewith, the Civil Fees portion of the Fees Ordinance is amended as follows:

**Civil Fees.**

Fees in civil matters shall be assessed and distributed as set forth herein, in compliance with Section 27.1b of the Clerks of Courts Act, 705 ILCS 105/27.1b.

A. The fees for filing a complaint, petition or other pleading initiating a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

**SCHEDULE 1: \$336.00 to be divided as follows:**

a. \$75.00 to be retained by the Clerk of the Circuit Court and deposited as follows:

Court Automation Fund - \$20.00

Court Document Storage Fund - \$20.00

Circuit Court Clerk Operation and Administrative Fund - \$5.00

Judicial Facilities Fee - \$30.00

b. \$11.00 to be remitted to the State Treasurer and deposited as follows:

Access to Justice Fund - \$2.00

Supreme Court Special Purposes Fund - \$9.00

c. \$250.00 to be remitted to the County Treasurer and deposited as follows:

Circuit Clerk Fees - \$250.00

**SCHEDULE 2: \$286.00 to be divided as follows:**

a. \$75.00 to be retained by the Clerk of the Circuit Court and deposited as follows:

Court Automation Fund - \$20.00

Court Document Storage Fund - \$20.00

Circuit Court Clerk Operation and Administrative Fund - \$5.00  
Judicial Facilities Fee- \$30.00

- b. \$11.00 to be remitted to the State Treasurer and distributed as follows:  
Access to Justice Fund - \$2.00  
Supreme Court Special Purposes Fund - \$9.00
- c. \$200.00 to be remitted to the County Treasurer and deposited as follows:  
Circuit Clerk Fees - \$200.00

**SCHEDULE 3: \$119.00 to be divided as follows:**

- a. \$52.00 to be retained by the Clerk of the Circuit Court and deposited as follows:  
Court Automation Fund - \$10.00  
Court Document Storage Fund - \$10.00  
Circuit Court Clerk Operation and Administrative Fund - \$2.00  
Judicial Facilities Fee- \$30.00
- b. \$11.00 to be remitted to the State Treasurer and distributed as follows:  
Access to Justice Fund - \$2.00  
Supreme Court Special Purposes Fund - \$9.00
- c. \$56.00 to be remitted to the County Treasurer and deposited as follows:  
Circuit Clerk Fees - \$56.00

**SCHEDULE 4: \$0.00**

B. The fees for filing an appearance in a civil action shall be as set forth in the schedules below in accordance with case categories established by the Illinois Supreme Court:

**SCHEDULE 1: \$211.00 to be divided as follows:**

- a. \$75.00 to be retained by the Clerk of the Circuit Court and distributed as follows:  
Court Automation Fund - \$20.00  
Court Document Storage Fund - \$20.00  
Circuit Court Clerk Operation and Administrative Fund - \$5.00  
Judicial Facilities Fee- \$30.00
- b. \$11.00 to be remitted to the State Treasurer and distributed as follows:  
Access to Justice Fund - \$2.00  
Supreme Court Special Purposes Fund - \$9.00
- c. \$125.00 to be remitted to the County Treasurer and deposited as follows:  
Circuit Clerk Fees - \$125.00

**SCHEDULE 2: \$139.00 to be divided as follows:**

- a. \$40.00 to be retained by the Clerk of the Circuit Court and distributed as follows:
  - Court Automation Fund - \$4.00
  - Court Document Storage Fund - \$4.00
  - Circuit Court Clerk Operation and Administrative Fund - \$2.00
  - Judicial Facilities Fee- \$30.00
- b. \$9.00 to be remitted to the State Treasurer and distributed as follows:
  - Supreme Court Special Purposes Fund - \$9.00
- c. \$90.00 to be remitted to the County Treasurer for purposes related to the operation of the court system.

**SCHEDULE 3 & 4: \$0**

C. Except as otherwise specifically provided, the following miscellaneous fees are to be deposited in the County General Fund to be used for purposes related to the operation of the court system in the County:

- 1. Law Library Fee: (Deposited in the Law Library Fund) \$20.00
- 2. Alias summons or citation: \$5.00
- 3. Jury services: \$212.50
- 4. Change of venue: \$40.00
- 5. Petition to vacate or modify:
  - If filed within 30 days: \$50.00
  - If filed after 30 days: \$75.00
- 6. Notice sent to Secretary of State: \$40.00
- 7. Appeals preparation:
  - If record is 100 pages or less: \$50.00
  - If record is between 100 and 200 pages: \$100.00
  - If record is 200 pages or more: \$00.25/addtl pg
- 8. Garnishment, wage deduction, and citation proceedings:
  - Amount in controversy \$1,000 or less: \$15.00
  - Amount in controversy \$1,000.01 - \$5,000: \$30.00
  - Amount in controversy greater than \$5,000: \$50.00
- 9. Mailing: \$10.00 + postage
- 10. Certified copy of a judgment, following the first copy: \$10.00
- 11. Certification, authentication, and reproduction: \$6.00
- 12. Reproduction of any document contained in the Clerk's files:
  - \$2.00 for the first page
  - \$0.50 per page for the next 19 pages
  - \$0.25 per page for all additional pages

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| 13. Record search:                            | \$6.00/year searched   |
| 14. Hard copy print output:                   | \$6.00   |
| 15. Performing a marriage in court:           | \$10.00  |
| 16. Filing each deed of voluntary assignment: | \$20.00  |
| 17. Recording a deed of voluntary assignment: | \$0.50/100 words   |
| 18. Expungement petition:                     | \$60.00  |
|   | Plus \$4.00 per certified copy of an order to expunge arrest records   |
| 19. Collections:                              |  |
|   | All collections (except State and County and maintenance and child support cases): 2.5% of the amount collected and turned over.   |
|   | In child support and maintenance cases: \$36 annually to be deposited in the Child Support Maintenance Fund  |
|   | Certifications to Secretary of State pursuant to Section 7-703 of the Family Financial Responsibility Law: \$5.00  |
|   | In proceedings to foreclose a delinquent real estate tax lien the State's Attorney may receive a fee of 10% of the total amount realized from the sale of real estate sold in the proceedings  |
| 20. Counterclaim or third-party complaint:    | When any defendant files a counterclaim or third-party complaint, as part of the defendant's answer or otherwise, the defendant shall pay a filing fee for each counterclaim or third-party complaint in an amount equal to the filing fee the defendant would have had to pay had the defendant brought a separate action for the relief sought in the counterclaim or third-party complaint, less the amount of the appearance fee, if any, that the defendant has already paid in the action in which the counterclaim or third-party complaint is filed. |
| 21. Probate filings:                          | For each account (other than one final account) filed in the estate of a decedent or ward: \$25.00   |
|   | Filing a claim:  |
|   | Amount claimed < \$150 and > \$500: \$25.00  |
|   | Amount claimed < \$500 and > \$10,000: \$40.00   |
|   | Amount claimed < \$10,000: \$60.00   |
| 22. Equitable Relief:                         | For filing a claim, petition, or supplemental proceeding based upon an action seeking equitable relief: \$60.00  |
|   | For a jury demand: \$137.50  |
| 23. Certified Copies:                         | For each certified copy of letters of office, of court orders or other certifications: \$2.00 per page   |
| 24. Exemplification:                          | \$2.00 + certification fee   |
| 25. Case Correction:                          | \$25.00  |

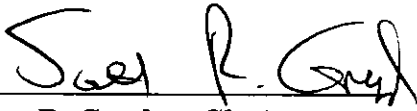
26. Unpaid Fees: Unless a court ordered payment schedule is implemented or the fee requirements of this Section are waived by court order, the Clerk is may add to any unpaid fees and costs a delinquency amount equal to 15% of the unpaid fees that remain unpaid after 90 days.

Delinquency amounts collected pursuant to this provision shall be deposited into the Circuit Court Clerk Operation and Administrative Fund to defray additional administrative costs incurred by the Clerk in collecting unpaid fees and costs.

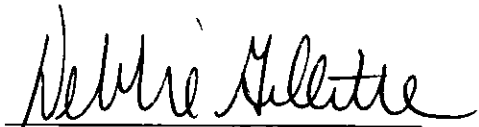
This ordinance shall be effective 1<sup>st</sup> day of November, 2022. APPROVED and ADOPTED by a majority vote of the County Board of Kendall County, Illinois this 6<sup>th</sup> day of September 2022.

County Board Chairman Signature:

Attest:



Scott R. Gryder, Chairman  
County Board



Debbie Gillette  
County Clerk and Recorder

Ayes 8 Nays 1  
Absent 0

