

**ORDINANCE DECREASING COUNTY LAW LIBRARY FUND FEES
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, 55 ILCS 5/5-39001 permits the County Board to establish and maintain a county law library to be located in any county building or privately or publicly owned building at the county seat of government; and

WHEREAS, the facilities of those libraries shall be freely available to all licensed Illinois attorneys, judges, other public officers of the county, and all members of the public, whenever the courthouse is open, and may include self-help centers and other legal assistance programs for the public as part of the services it provides on-site and on-line; and

WHEREAS, the County Board has established a county law library located in the Kendall County Courthouse and wishes to continue to maintain and improve the law library for the benefit of the community; and

WHEREAS, 55 ILCS 5/5-39001 requires the Clerk of the Court to charge and collect a county law library fee of \$2.00 and authorizes the County Board to approve a county law library fee not to exceed \$21 through December 31, 2021 and \$20.00 on and after January 1, 2022, to defray the expense of maintaining the library, including the expense of any attendant, self-help centers, and legal assistance programs; and

WHEREAS, 55 ILCS 5/5-39001 requires the Law Library Fee to be paid at the time of filing the first pleading, paper, or other appearance filed by each party in all civil cases, except no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance; and

WHEREAS, the Fees Ordinance established \$10 of the County’s distribution of certain scheduled civil fees under 705 ILCS 105/27.1b was to be placed in the Law Library Fund; and

WHEREAS, the County Board had set the Law Library Fee at \$21, now seeks to decrease the Law Library Fee to \$20.00, to charge it as a separate County fee, as authorized by 55 ILCS 5/5-39001, and to reduce the relevant scheduled civil fees, as set forth in the Fees Ordinance, to reflect the removal of the Law Library Fee from the scheduled civil fees.

NOW, THEREFORE, BE IT ORDAINED by the County Board of Kendall County that the fees to be collected by the Circuit Clerk for the County Law Library Fund shall be decreased to \$20.00, charged as an independent County fee for all civil cases pursuant to 55 ILCS 5/5-39001, separate from the Court fees established by the Illinois Criminal and Traffic Assessment Act and the Clerks of the Courts Act, as amended.

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: \$306.00 to be divided as follows:

- a. \$45.00 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
- 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: \$256.00 to be divided as follows:

- a. \$45.00 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
- 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: \$89.00 to be divided as follows:

- a. \$22.00 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
- 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: \$181.00 to be divided as follows:

- a. \$45.00 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
- 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: \$109.00 to be divided as follows:

- a. \$10.00 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
- 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
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 1st day of January, 2022. APPROVED and ADOPTED by a majority vote of the County Board of Kendall County, Illinois this ___ day of _____, 2021.

County Board Chairman Signature:

Attest:

Scott R. Gryder, Chairman
County Board

Debbie Gillette
County Clerk and Recorder

Ayes _____ Nays _____
Absent _____