

Resolution

JPS-R-0276-19

DOMESTIC RELATIONS LEGAL FUNDING FEE

WHEREAS, in accordance with 705 ILCS 13/et seq., the Domestic Relations Legal Funding Act, the County of DuPage has established and does maintain a domestic relations legal fund administered by the Chief Judge of the 18th Judicial Circuit; and

WHEREAS, as such law provided under 705 ILCS 13/, Section 15 of the Domestic Relations Legal Funding Act, the County Board may authorize a fee to be paid when filing civil case actions and for appearances in civil case actions; and

WHEREAS, the Domestic Relations Legal Funding Fee is necessary to meet the demand for legal representation for indigent individuals in domestic relations matters; and

WHEREAS, Public Act 100-987 took effect on July 1, 2019 and created 705 ILCS 105/27.1b within the Clerk of Courts Act to establish four Schedules of fees for the filing of pleadings to initiate new civil actions, and three Schedules of fees for the filing of appearances in civil actions;

NOW, THEREFORE BE IT RESOLVED by the DuPage County Board that, effective on July 9, 2019, the Domestic Relations Legal Funding Fee charged by the Clerk of the Circuit Court shall be;

- (a) Schedule 1 New Case Civil Action - \$8.00
- (b) Schedule 2 New Case Civil Action - \$8.00
- (c) Schedule 3 New Case Civil Action - \$8.00
- (d) Schedule 1 Appearance in a Civil Action - \$8.00
- (e) Schedule 2 Appearance in a Civil Action - \$8.00

BE IT FURTHER RESOLVED that the Code of Ordinances of DuPage County is hereby amended by adding a section, to be numbered as Chapter 9-41, which reads as follows:

9-41 : - DOMESTIC RELATIONS LEGAL FUNDING FEE IN CIVIL CASES.

The fees of the Clerk of the Eighteenth Judicial Circuit shall include these fees to be collected in addition to the following Civil Case Schedules by the Clerk of the Circuit Court for funding the Domestic Relations Legal Fund.

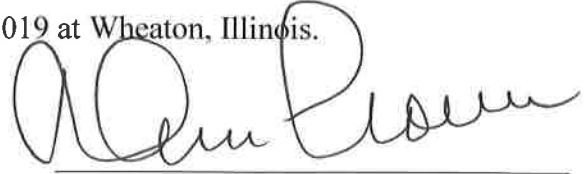
- (a) In addition to Schedule 1 New Case Civil Action - \$8.00
- (b) In addition to Schedule 2 New Case Civil Action - \$8.00
- (c) In addition to Schedule 3 New Case Civil Action - \$8.00
- (d) In addition to Schedule 1 Appearance in a Civil Action - \$8.00
- (e) In addition to Schedule 2 Appearance in a Civil Action - \$8.00

Resolution

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BE IT FURTHER RESOLVED that the County Clerk transmit certified copies of this ordinance to the Auditor, the Treasurer, the Finance Director, the Chief Judge of the Eighteenth Judicial Circuit, the State Attorney, the Circuit Court Clerk and the County Administrator.

Enacted and approved this 16th day of July, 2019 at Wheaton, Illinois.



DANIEL J. CRONIN, CHAIRMAN
DU PAGE COUNTY BOARD

Attest:



JEAN KACZMAREK, COUNTY CLERK

Ayes 16
Absent 2



Office of the Circuit Court Clerk
18th Judicial Circuit Court · DuPage County, Illinois

Chris Kachiroubas
Circuit Clerk

Robert Keltner
Chief Deputy Circuit Clerk

July 5, 2019

Honorable Members of the DuPage County Board,

On April 23, 2019, resolutions were introduced to repeal ordinances that allowed for the collection of certain civil fees because of uncertainty regarding our authority to collect them under the Criminal and Traffic Assessment Act (705 ILCS 135) that took effect July 1, 2019.

Absent any clear legal guidance, our office felt that repealing the fees was the most conservative approach.

An Attorney General opinion was requested to provide guidance on this issue, and the opinion was published on June 28, 2019. The guidance from the Attorney General was that the clerk of the circuit court may continue to assess and collect the following fees, as enacted by ordinance of the County Board.

These fees are to support:

- The DuPage County Law Library
- The DuPage County Neutral Site Custody Exchange
- The DuPage County Domestic Relations Legal Fund

Along with the Chief Judge of the 18th Judicial Circuit, we propose the attached three resolutions for your consideration.

Thank you,

Chris Kachiroubas
Clerk of the 18th Judicial Circuit



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

KWAME RAOUL
ATTORNEY GENERAL

June 28, 2019

I - 19-006

FEES:

Whether Certain Filing Fees May
Continue to be Assessed after the
New Court Fee Assessment Schedule
Takes Effect on July 1, 2019

The Honorable Marilyn Hite Ross
State's Attorney, Winnebago County
400 West State Street, Suite 619
Rockford, Illinois 61101

Dear Ms. Hite Ross:

I have your letter inquiring whether certain, currently authorized statutory fees related to a civil action may continue to be assessed upon the effective date of the new court fee assessment schedules provided for in section 27.1b of the Clerks of Courts Act (added by Public Act 100-987, effective July 1, 2019, as amended by Public Acts 100-994, effective July 1, 2019; 100-1161, effective July 1, 2019, to be codified at 705 ILCS 105/27.1b). For the reasons stated below, effective July 1, 2019, clerks of the circuit court may collect the fees established by section 27.1b of the Clerks of Courts Act for the services described therein. Section 27.1b is the exclusive authority to assess fees related to the clerks' services. The six identified fees which are the subject of your inquiry, however, are not for "services" of the clerk's office. Accordingly, absent a repeal of the statutory language authorizing those fees, the clerks of the circuit court may continue to assess and collect the six fees that are the subject of your request on and after July 1, 2019.

BACKGROUND

Statutory Court Fee Task Force

In 2013, the General Assembly enacted the Access to Justice Act (705 ILCS 95/1 *et seq.* (West 2016)), which, among other things, established the Statutory Court Fee Task Force (the Task Force). The Task Force was charged with conducting a review of the various statutory fees imposed or assessed upon criminal defendants and civil litigants, and submitting a report with findings and recommendations to the General Assembly and the Illinois Supreme Court related to the effectiveness of those fees. 705 ILCS 95/25 (West 2016).

The Task Force released its report in 2016,¹ which included: (1) a summary of the problems or findings to be addressed related to the assessment of filing and appearance fees and court costs (Task Force Report at 1-2); (2) the guiding principles for addressing the findings (Task Force Report at 2-3); and (3) the recommendations to simplify the imposition, collection, and distribution of assessments while making them more transparent, affordable, and fair (Task Force Report at 3-4). Relevant to your inquiry, the Task Force recommended uniform court assessment schedules for civil proceedings. Task Force Report at 3. Specifically, the Task Force recommended "simplifying and streamlining the current system by creating a new Court Clerk Assessment Act that replaces all statutory fees currently scattered throughout the Illinois Compiled Statutes." Task Force Report at 33.

The Task Force's Court Clerk Assessment Act proposed "four assessment schedules [for civil actions], each with a maximum filing fee, appearance fee, and other authorized fees" to which the Supreme Court would assign types of cases. Task Force Report at 33. Each filing and appearance fee authorized under the proposed Act "would be broken down into three components: the Court Fee; the County Fee; and the State Fee." Task Force Report at 33. The Task Force recommended that "the amounts set forth in the Act serve as maximums, rather than fixed amounts, thereby authorizing the counties to charge less if they wish to do so." Task Force Report at 33. The Task Force intended to provide broader discretion in setting the amount of each fee within overall limits for the filing fee and appearance fee and in allocating those fees among different purposes authorized by the Act, rather than having assessments earmarked by State law for special funds or projects. Task Force Report at 33. The proposed Act also included some assessments to offset specific operational costs of the circuit clerk's office (*e.g.*, fees for copying court records, providing certified copies, and mailing documents). Task Force Report at 33.

¹Statutory Court Fee Task Force, Illinois Court Assessments, Findings and Recommendations for Addressing Barriers to Access to Justice and Additional Issues Associated with Fees and Other Court Costs in Civil, Criminal, and Traffic Proceedings (June 1, 2016) (the Task Force Report), *available at* http://www.illinoiscourts.gov/2016_Statutory_Court_Fee_Task_Force_Report.pdf.

Section 27.1b of the Clerks of Courts Act

In response to the Task Force's recommendations, the General Assembly enacted Public Act 100-987, effective July 1, 2019, which adds section 27.1b of the Clerks of Courts Act. *See* Remarks of Rep. Andersson, April 27, 2018, House Debate on House Bill No. 4594 (which upon enactment became Public Act 100-987), at 6-7 ("[t]his [bill] is a result of the Statutory Fees Task Force"). Section 27.1b was subsequently amended by two trailer bills. *See* Public Acts 100-994, effective July 1, 2019; 100-1161, effective July 1, 2019.

Section 27.1b establishes the uniform assessment schedules of fees to be charged by the clerks of the circuit court for services provided in civil cases effective July 1, 2019, and provides for distribution of assessments, once collected, to the circuit clerk, the county, and the State. Subsections 27.1b(a) and (b) (added by Public Act 100-987, effective July 1, 2019, as amended by Public Acts 100-994, effective July 1, 2019; 100-1161, effective July 1, 2019, to be codified at 705 ILCS 105/27.1b(a), (b)) respectively establish four assessment schedules for filing a complaint, petition, or other pleading initiating a civil action and three assessment schedules for filing an appearance. Each assessment schedule provides for a fee "not to exceed" a specified amount in Cook County (the only county with a population of 3,000,000 or more) and a fee "not to exceed" a second amount in Illinois' other counties. Section 27.1b also provides that, unless otherwise specified in that section, the county board, by ordinance or resolution, determines the amount of the fee, which may not exceed the statutory maximum. Subsections 27.1b(c) through 27.1b(y) (added by Public Act 100-987, effective July 1, 2019, as amended by Public Acts 100-994, effective July 1, 2019; 100-1161, effective July 1, 2019, to be codified at 705 ILCS 105/27.1b(c) through 27.1b(y)) set out other assessments related to the services of the circuit clerk's office. Subsection 27.1b(b-5) (added by Public Act 100-987, effective July 1, 2019, as amended by Public Acts 100-994, effective July 1, 2019; 100-1161, effective July 1, 2019) permits the continued assessment of an additional fee in Kane and Will Counties to finance new judicial facilities.

Consistent with the Task Force's recommendations (*see* Task Force Report at 3), subsection 27.1b(a) provides for the Supreme Court to assign each type of civil case to one of the schedules. On February 13, 2019, the Supreme Court of Illinois entered an order assigning specific categories of civil cases (*e.g.*, eminent domain, order of protection, and tax cases) to each schedule provided for in section 27.1b. Ill. S. Ct. M.R. 29741 (effective July 1, 2019).

Additional Fee Provisions Remaining in Statute

Although Public Act 100-987 repealed a number of existing statutory provisions imposing court fees in civil cases,² your inquiry concerns six specific statutory provisions which impose additional fees that were not repealed by Public Act 100-987 or either of its trailer bills. Specifically, you inquire regarding: (1) the guardianship and advocacy operations fee imposed

²*See* 55 ILCS 5/5-1101, 5-1103 (West 2016) (repealed by Public Act 100-987, effective July 1, 2019); 705 ILCS 105/27.1a, 27.2, 27.2a, 27.3a, 27.3c, 27.3e, 27.3g, 27.4, 27.5, 27.6, 27.7 (West 2016) (repealed by Public Act 100-987, effective July 1, 2019).

by section 27.3f of the Clerks of Courts Act (705 ILCS 105/27.3f (West 2016)) "on all matters filed in probate cases" in order to defray the expense of maintaining and operating the divisions and programs of the Guardianship and Advocacy Commission and to support guardianship and advocacy programs in Illinois; (2) the foreclosure related fees established by subsection 15-1504.1(a) of the Code of Civil Procedure (735 ILCS 5/15-1504.1(a) (West 2017 Supp.), as amended by Public Act 101-010, effective June 5, 2019), which are imposed when a residential real estate foreclosure complaint is filed and are used for specified foreclosure prevention programs; (3) additional foreclosure related fees which are assessed upon the filing of a foreclosure complaint (735 ILCS 5/15-1504.1(a-5) (West 2017 Supp.), as amended by Public Act 101-010, effective June 5, 2019) and are used for foreclosure prevention and relief programs (20 ILCS 3805/7.30 (West 2017 Supp.)); (4) the county law library fee imposed under section 5-39001 of the Counties Code (55 ILCS 5/5-39001 (West 2016)) in those counties which maintain law libraries which may be used by all licensed attorneys, judges, public officers of the county, and all members of the public and which must be paid at the time of the filing of the first pleading, paper, or other appearance by each party in all civil cases; (5) the neutral site custody exchange fee authorized by section 15 of the Neutral Site Custody Exchange Funding Act (55 ILCS 82/15 (West 2016)), which permits the county board to set a fee to be used for grants to qualified not-for-profit organizations to provide a place not under the ownership or control of a party to a child custody or visitation order where parents may exchange the physical custody of a child for purposes of visitation and which is collected by the clerk of the circuit court at the time of the filing of a civil case or appearance; and (6) the fee established by section 15 of the Domestic Relations Legal Funding Act (705 ILCS 130/15 (West 2016)), which permits a county board in a county with a population of over 650,000 and less than 1,000,000 inhabitants to establish a fee to be used for grants to "domestic relations legal charities," as that term is defined in the Domestic Relations Legal Funding Act (705 ILCS 130/10 (West 2016)) and which is collected by the clerk of the circuit court at the time of the filing of a civil case or appearance.

ANALYSIS

Section 27.1b of the Clerks of Courts Act sets out the new court fee assessment schedule for civil cases and provides, in pertinent part:

*Notwithstanding any other provision of law, all fees charged by the clerks of the circuit court for the services described in this Section shall be established, collected, and disbursed in accordance with this Section. Except as otherwise specified in this Section, all fees under this Section shall be paid in advance and disbursed by each clerk on a monthly basis. * * * Unless otherwise specified in this Section, the amount of a fee shall be determined by ordinance or resolution of the county board and remitted to the county treasurer to be used for purposes related to the operation of the court system in the county. In a county with population of over 3,000,000, any amount retained by the clerk of the circuit court or remitted to the county treasurer shall be subject to appropriation by the county board. (Emphasis added.)*

The primary purpose of statutory construction is to ascertain and give effect to the intent of the General Assembly. *Valfer v. Evanston Northwestern Healthcare*, 2016 IL 119220, ¶22, 52 N.E.3d 319, 326 (2016). Legislative intent is best evidenced by the language used in the statute. *Illinois State Treasurer v. Illinois Workers' Compensation Comm'n*, 2015 IL 117418, ¶21, 30 N.E.3d 288, 294 (2015). Where statutory language is clear and unambiguous it must be given effect as written. *Klaine v. Southern Illinois Hospital Services*, 2016 IL 118217, ¶14, 47 N.E.3d 966, 970 (2016). However, if the language of a statute is ambiguous and is susceptible to more than one reasonable interpretation, resort may be had to extrinsic aids of construction. *People v. Boyce*, 2015 IL 117108, ¶22, 27 N.E.3d 77, 83 (2015).

Section 27.1b provides that "[n]otwithstanding any other provision of law, all fees charged by the clerks of the circuit court for the services described in this Section shall be established, collected, and disbursed in accordance with this Section." In addition, the fees collected under section 27.1b are to be used "for purposes related to the operation of the court system in the county." Under the plain and unambiguous language of section 27.1b, the clerks of the circuit court may charge and collect only the fees established in section 27.1b for the services described therein. The inclusion of the phrase "[n]otwithstanding any other provision of law" makes clear that the General Assembly intended that, effective July 1, 2019, clerks of the circuit court may not collect other fees which appear in other statutory provisions for the services described in section 27.1b. Therefore, it is necessary to determine which "services" are described in section 27.1b.

Nothing in the language of section 27.1b expressly addresses the assessment and collection of the six fees that underlie your inquiry. Moreover, section 27.1b does not define the term "services." It is well-established, however, that undefined statutory terms must be given their ordinary and popularly understood meaning. *Skaperdas v. Country Casualty Insurance Co.*, 2015 IL 117021, ¶15, 28 N.E.3d 747, 751 (2015). The term "services" commonly refers to "the work performed by one that serves * * * [;] [or] * * * the act of serving: such as * * * useful labor that does not produce a tangible commodity * * * [;][e.g.,] [a] charge for professional services[.]" Merriam-Webster Online Dictionary, <https://www.merriam-webster.com/dictionary/services>: Based on this commonly understood meaning of the term "services," the fees charged by the clerks for the services described in section 27.1b include those fees related to administrative acts performed by the clerk of the circuit court necessary for the operation of a county's court system. This understanding of the fees included within section 27.1b is consistent with the Task Force Report. The Task Force defined the term "fees" to include "charges imposed on a party to reimburse the cost of a specific court activity or program." Task Force Report at 9. The Task Force then noted that "[t]he Illinois Supreme Court has held that some charges labeled as 'fees' truly function as taxes because '...a charge having no relation to the services rendered, assessed to provide general revenue rather than compensation, is a tax.' Fees are assessed by a clerk." (Emphasis added.) Task Force Report at 9, quoting *Crocker v. Finley*, 99 Ill. 2d 444, 452, 459 N.E.2d 1346, 1350 (1984). The six fees that are the subject of your inquiry are not for the services of the clerk of the circuit court as contemplated in section 27.1b. Consequently, the enactment of 27.1b of the Clerks of Court Act does not bar the continued collection of those fees.

This construction of the "services described in this Section" language of section 27.1b of the Clerks of Courts Act is consistent with the surrounding history of the issue. First, the relevant language of subsection 27.1b is identical to the Task Force's proposed language. Task Force Report, Appendix A, at 38-45. The Task Force Report included the following explanation before setting out the language of a new Court Clerk Assessment Act, "(This Act replaces the provisions of the Clerk of Courts Act that authorize fees for the services performed by clerks of the circuit court described in this statute)[.]" (Emphasis added.) Task Force Report, Appendix A, at 39.

Additionally, the Task Force Report specifically referenced five of the six fees that are the subject of your inquiry. The Task Force described the previous formula used by each county to calculate civil assessments as a "recipe" that combines a number of ingredients, including: a base filing or appearance fee which was intended to reimburse the court for the cost of adding one more case to the docket; a jury demand fee if either party elects to request a jury trial; court add-on fees; and local and State add-on fees. Task Force Report at 10-11. The Task Force Report notes that the county law library fee, the domestic relations fee, and the neutral site custody exchange fee are examples of local add-on fees and that the mortgage foreclosure fee is an example of a State add-on fee. Task Force Report at 10-11. Although not referenced in the Task Force Report, the guardianship and advocacy operations fee was enacted just prior to the Task Force's creation (*see* Public Act 98-351, effective August 15, 2013) and would likely be considered a State add-on fee. *See* Public Act 97-1093, effective January 1, 2013 (adding section 27.3f to the Clerks of Courts Act, which established the guardianship and advocacy fee). These add-on fees are not part of the costs assessed to reimburse the county for the administrative actions of the clerk of the circuit court related to various cases. Further, had the Task Force or the General Assembly intended to repeal or prohibit the collection of the statutory fees that are the subject of your inquiry, they could have done so expressly, as they did with other local and State add-ons. *See, e.g.,* 705 ILCS 105/27.7 (West 2016), repealed by Public Act 100-987, effective July 1, 2019 (children's waiting room fee); 705 ILCS 27.3g (West 2016), repealed by Public Act 100-987, effective July 1, 2019 (Access to Justice Act fee); 55 ILCS 5/5-1101(b) (West 2016), repealed by Public Act 100-987, effective July 1, 2019 (county fee to finance the court system). They did not.

Your letter suggests that the language of subsection 27.1b(y) (added by Public Act 100-987, effective July 1, 2019, as amended by Public Acts 100-994, effective July 1, 2019; 100-1161, effective July 1, 2019, to be codified at 705 ILCS 105/27.1b(y)) might provide the requisite authority for the continued assessment of the six fees that underlie your inquiry. Subsection 27.1b(y) provides:

(y) Other fees. Any fees not covered in this Section shall be set by rule or administrative order of the circuit court with the approval of the Administrative Office of the Illinois Courts. The clerk of the circuit court may provide services in connection with the operation of the clerk's office, other than those services mentioned in this Section, as may be requested by the public and

agreed to by the clerk and approved by the Chief Judge. Any charges for additional services shall be as agreed to between the clerk and the party making the request and approved by the Chief Judge. Nothing in this subsection shall be construed to require any clerk to provide any service not otherwise required by law.

The first sentence of subsection 27.1b(y) authorizes "fees not covered in this Section" to be imposed by rule or administrative order of the circuit court with the approval of the Administrative Office of the Illinois Courts (AOIC). If read in isolation, the first sentence could be construed to grant authority to the clerks of the circuit courts to assess the additional fees to which your inquiry relates, if set by rule or administrative order of the circuit court and approved by the AOIC. The second sentence, however, suggests that the other fees assessed must be for services in connection with the operation of the clerk's office "other than those services mentioned in [section 27.1b], as may be requested by the public and agreed to by the clerk and approved by the Chief Judge."³ Because the language of subsection 27.1b(y) may reasonably be interpreted in more than one manner, it is appropriate to review the legislative history of subsection 27.1b(y).

The first sentence of subsection 27.1b(y) was added by one of the trailer bills to Public Act 100-987. *See* Public Act 100-1161, effective July 1, 2019. The remainder of the subsection's language was contained in the original enactment. During the legislative debates on Senate Bill 1328, which was enacted as Public Act 100-1161, the House sponsor, who also served as a member of the Task Force, indicated that the changes made by the bill "are all technical Amendments that were discovered by the Administrative Office of the Illinois Court[s]. So, they are very much just cleanup items. The only substantive addition is a reporting requirement where we report the results of the impact of the various fee changes to the AOIC from the various clerks." Remarks of Rep. Andersson, November 28, 2018, House Debate on

³Similar language to subsection 27.1b(y) can be found in soon-to-be-repealed subsections 27.1a(r), 27.2(r), and 27.2a(r) of the Clerks of Courts Act (705 ILCS 105/27.1a, 27.2, 27.2a (West 2016) (repealed by Public Act 100-987, effective July 1, 2019)), concerning circuit clerk fees in counties of various populations. The sentence "[a]ny fees not covered in this Section shall be set by rule or administrative order of the Circuit Court with the approval of the Administrative Office of the Courts" was in the original language of sections 27.1 and 27.2 of the Clerks of Courts Act (*see* Public Act 79-1445, effective September 30, 1976). Similar language to that in the remaining sentences of subsection 27.1b(y) was added to the above three provisions by Public Act 87-1230, effective July 1, 1993. Specifically House Amendment No. 3 to House Bill 4188 proposed to add similar language that did not require the approval of the Chief Judge. Governor Jim Edgar submitted an amendatory veto to House Bill 4188, which as enacted became Public Act 87-1230, where he stated as follows:

the bill amends several sections of the Clerk of Court Act to permit circuit court clerks to negotiate on an ad hoc basis charges for additional services provided by the clerk. To assure that circuit clerk activities fully address the operational needs and priorities of the court, rather than revenue generating services initiated by individual clerks, such fee arrangements should also be approved by the chief judge. X House Journal, 87th Ill. Gen. Assem., November 5, 1992, at 9106 (Governor's recommendations to House Bill 4188).

Senate Bill No. 1328, at 27-28.⁴ Given the sponsor's description of the changes made by Public Act 100-1161 as "technical Amendments" and "cleanup items," the language of the first sentence of subsection 27.1b(y) cannot be construed as permitting the collection of the additional fees which are the subject of your inquiry. Rather, subsection 27.1b(y) is intended to permit the assessment of other fees related to services provided by the clerk of the circuit court.

CONCLUSION

Section 27.1b of the Clerks of Courts Act provides that "[n]otwithstanding any other provision of law, all fees charged by the clerks of the circuit court for the services described in this Section shall be established, collected, and disbursed in accordance with this Section." Under the plain and unambiguous language of the section, the clerks of the circuit court may charge and collect only the fees established in section 27.1b for the services described therein. The term "services" is not defined in section 27.1b of the Act. However, applying the popularly understood meaning of the term, it is clear that section 27.1b is the exclusive statutory authorization for fees imposed for the work of the circuit clerk's office. The additional fees which are the subject of your inquiry are not for services of the clerk's office described in section 27.1b and are expressly in addition to other fees and charges collected by the clerk. *See* 705 ILCS 105/27.3f(c)(2) (West 2016); 55 ILCS 5/5-39001 para. 5 (West 2016); 55 ILCS 82/15(c) (West 2016); 705 ILCS 130/15(c) (West 2016). Unlike other statutory provisions in place before the enactment of section 27.1b, the General Assembly has not repealed the six additional fees which are the subject of your inquiry. Consequently, section 27.1b does not bar the collection of the guardianship and advocacy operations fee, the two foreclosure fees provided for in section 15-1504.1 of the Code of Civil Procedure, the county law library fee, the neutral site custody exchange fee, or the fee established by section 15 of the Domestic Relations Funding Act.

This is not an official opinion of the Attorney General. If we may be of further assistance, please advise.

Very truly yours,



LYNN E. PATTON
Chief, Public Access and Opinions Division
and Administrative Counsel

LEP:KMC:LAS:lh

⁴Public Act 100-1161 added section 27.1c of the Clerks of Courts Act (added by Public Act 100-1161, effective July 1, 2019, to be codified at 705 ILCS 105/27.1c), which requires the clerks of the circuit court to submit to the AOIC a report for the period July 1, 2019, through December 31, 2019, containing certain information with respect to each of the assessment schedules under section 27.1b. Notably, such reports must set out "the nature and amount of any fees collected pursuant to subsection (y) of Section 27.1b[.]"



Office of the Circuit Court Clerk
18th Judicial Circuit Court · DuPage County, Illinois

Chris Kachiroubas
Circuit Clerk

Robert Keltner
Chief Deputy Circuit Clerk

April 23, 2019

Chief Judge Guerin,

The Criminal and Traffic Assessment Act (705 ILCS 135, effective July 1, 2019) has made significant changes to the fees charged by the Clerk of the Court. As a result of this legislation, there is a suite of county ordinances and resolutions that must be repealed as they are no longer dependent on county board approval or they have been repealed in their entirety or replaced by the Act.

We realize that there are some outstanding questions with respect to the Law Library and other fees currently being assessed, but Winnebago County requested an opinion from the Attorney General to resolve these questions. That opinion has not been delivered, but we cannot wait to get these resolutions adopted.

The AOIC has informed us that without a county board resolution, we will not be able to charge a civil filing fee at all after July 1, 2019.

While we have left the funds and their purposes intact, our office felt that repealing the fees in these ordinances and/or resolutions would be the most conservative approach at this time, and then when the AG opinion is issued, we would be more than happy to revisit the approach and introduce new resolutions as needed with modern language.

The Winnebago AG request is attached.

Thank you,

Chris Kachiroubas
Clerk of the 18th Judicial Circuit