

# HOW TO ASK THE JUDGE TO WAIVE CRIMINAL COURT ASSESSMENTS

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**NOTE:** If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at [illinoislegalaid.org/lexicon/glossary](http://illinoislegalaid.org/lexicon/glossary). For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov).

## What are criminal court assessments?

Assessments are costs charged to a defendant in a criminal case once found guilty. They do not include fines or restitution ordered by the judge to be paid by the defendant. They also do not include costs in civil and juvenile cases and fee assessments resulting from violations of the Illinois Vehicle Code. The waiver may not apply to some court costs and fees associated with your case.

## Who can ask the judge to waive a criminal court assessment?

Anyone who must pay an assessment as part of a court case. You can ask for yourself or a minor child, but not for anyone else.

## How will I know if there is an assessment?

You will get a document that tells you if you owe an assessment.

## What forms do I need to fill out to ask the judge to waive or reduce assessments?

- **Application for Waiver of Criminal Court Assessments:** Is used to tell the judge whether you get any public benefits and your income and expense information so they can decide if you are eligible for a waiver of court fee assessments.
- **Order for Waiver of Criminal Court Assessments:** Is used by the judge to say your application is granted or denied.
- The email address (if you have one) and mailing address you put on the forms is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

## Where can I find the forms I need?

The Office of the Circuit Clerk in the county where the criminal charges were filed. You can also find the forms at: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms).

## Do I have to pay to file an Application for Waiver of Criminal Court Assessments?

No, there is no cost for filing an *Application for Waiver of Criminal Court Assessments*.

## Is there a deadline for filing an Application for Waiver of Criminal Court Assessments?

- Yes, in criminal cases you must file an *Application for Waiver of Criminal Court Assessments* no later than 30 days after the sentencing date.

## How do I prove I cannot afford to pay court assessments?

The judge may require you to prove the information in your *Application*. If you get public benefits you may want to bring current proof of eligibility and a benefits statement from the agency providing the benefit.

Examples of public benefits are:

- Supplemental Security Income (SSI, Not Social Security)
- Aid to the Aged, Blind and Disabled (AABD)
- Temporary Assistance to Needy Families (TANF)
- SNAP (Food Stamps)
- General Assistance (GA)
- Transitional Assistance; State Children and Family Assistance

If you don't get public benefits, you may want to bring documents showing your income, value of belongings (for example, real estate), and expenses.

## Can the judge make me pay back assessments after I have been granted a waiver?

If the judge grants your *Application* and later decides that the information you put in your *Application* was false, the judge can make you pay any assessments that were waived.

## What happens if my Application is granted?

Depending upon your circumstances, the judge may order that:

- All of your assessments are waived;
- You must pay 25% of any assessment;
- You must pay 50% of any assessment; OR
- You must pay 75% of any assessment.

## What do I do after I fill out the *Application for Waiver of Criminal Court Assessments and Order for Waiver of Criminal Court Assessments*?

### Step 1: File the *Application* and *Order* with the Circuit Clerk in the county where the charges were filed.

- The courthouse address should be on the court papers you received. Or, you can find the courthouse address, online, at: [illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/](http://illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/).
- Make a copy of your original *Application* for yourself.
- The Circuit Clerk will stamp and keep the original.
- How to File in Person
  - Go to the courthouse in the county where your court case is filed.
  - Give the Circuit Clerk your original forms and the copies to stamp.
  - The Circuit Clerk will keep the original forms and give back your copies.
- How to File by Mail
  - If you do not need to appear in person, mail your *Application* and *Order* and one copy of each to the Circuit Clerk.
  - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy back to you.
- How to electronically file (E-file)
  - In counties that accept e-filing for criminal matters (you can go to [efile.illinoiscourts.gov/active-courts.htm](http://efile.illinoiscourts.gov/active-courts.htm) to see if your court accepts criminal e-filings) you may electronically file (e-file) the *Application* and *Order* with the trial court.
  - To e-file, create an account with an e-filing service provider.
  - Visit [efile.illinoiscourts.gov/service-providers.htm](http://efile.illinoiscourts.gov/service-providers.htm) to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: [illinoiscourts.gov/self-help/how-to-e-file/](http://illinoiscourts.gov/self-help/how-to-e-file/)
  - If you do not have access to a computer or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your forms. You can bring your forms on paper or saved on a flash drive. The terminal will have a scanner and computer that you can use to e-file your form.
  - If your court requires that all *Application* and *Order* be e-filed, you are exempt from e-filing if (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability

that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.

- You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; (2) you have trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
- If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-forms).
- File the original and 4 copies of your forms and the *Certification* with the trial court clerk's office in person or by mail.

### Step 2: Wait for a decision.

- The judge will review your *Application for Waiver of Criminal Court Assessments* and decide whether you have to pay the assessments.
- The judge may need more information from you. If so, the judge may want to have a hearing on your *Application*. The judge will notify you if you need to give more information or documents, or go to see the judge.
- After the judge makes a decision, the judge will fill out the *Order for Waiver of Criminal Court Assessments*. The *Order for Waiver of Criminal Court Assessments* will say if you have to pay any assessments.
- The Circuit Clerk will tell you how and when you will get a copy of the *Order for Waiver of Criminal Court Assessments*.
- If the judge decides you have to pay all or some of the court assessments, they also may allow you to defer payment to a later date, make installment payments, or make payment upon other terms and conditions stated in the order. If you fail to pay as ordered by the judge, the matter may be referred for collection, a Petition to Revoke the Sentence may be filed, or the judge may hold you in contempt. If you are sentenced to probation, conditional discharge, or supervision and fail to pay the assessment before the end of your sentence, the court could extend your period of probation, conditional discharge, or supervision until you pay the assessment.
- If a cash bond has been posted in the case, then the cash bond may be used to pay the assessments if it has not been applied to other fines or fees

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>APPLICATION FOR WAIVER OF CRIMINAL COURT ASSESSMENTS</b>	<i>For Court Use Only</i>
Instructions ▼	<b>The People of the State of Illinois or the charging Municipality or Local Governmental Unit, Plaintiff,</b>  v.  _____ <b>Defendant</b> ( <i>First, middle, last name</i> )	_____ <b>Case Number</b>
Directly above, enter the name of the county where the case was filed.		
Enter the name of the person being charged as Defendant.		
Enter the Case Number.		

**NOTE:** If you are completing this form on behalf of a minor, provide that person's information on this form instead of your own information.

Pursuant to [Illinois Supreme Court Rule 404](#) and [725 ILCS 5/124A-20](#), I state:

In **1a**, enter your full name.

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In **1b**, only enter the year you were born. **DO NOT** enter your entire date of birth.

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In **1c**, enter your complete current address.

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In **2a**, enter the number of people aged 18 and older living in your house who you support. Support means that the people rely on you financially.

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In **2b**, enter the number of people under age 18 living in your house who you support.

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In **3**, check "Yes" if you are currently receiving 1 or more of the benefits listed below. Be prepared to provide proof that you are currently receiving 1 of these benefits.

**1. I am providing the following information about myself:**

- a. Name: \_\_\_\_\_  

First
Middle
Last
- b. Year of Birth: \_\_\_\_\_
- c. Street Address: \_\_\_\_\_  
 City, State, ZIP: \_\_\_\_\_
- d. I believe I cannot afford to pay the court fee assessments in this case.

**2. I am providing the following information about people who live with me:**

- a. I support \_\_\_\_\_ adults (*not counting myself*) who live with me.
- b. I support \_\_\_\_\_ children under 18 who live with me.

**3. I am receiving 1 or more of the benefits listed below:**

- Yes  No
- Supplemental Security Income (SSI) (Not Social Security)
  - Aid to the Aged, Blind and Disabled (AABD)
  - Temporary Assistance to Needy Families (TANF)
  - SNAP (Food Stamps)
  - General Assistance (GA), Transitional Assistance, or State Children and Family Assistance

If you check "Yes" in **3**, skip **4** and sign the form. You do not have to complete **4**.

**\*\*If you answered "Yes" in section 3, you qualify for a waiver of criminal court assessments under [725 ILCS 5/124A-20](#). You can skip section 4 and sign the form.\*\***

In **4a**, check "Yes" if you applied for at least 1 of the benefits listed in **3**.

In **4b**, check the box for each type of money you or the person on whose behalf this Application is being filed have received in the past month. Enter the gross (before taxes) amount for each type.

Under **Other** in **4b** and **4c**, include any money received from family or friends.

In **4c**, check the box for each type of money you or the person on whose behalf this Application is being filed have received in the past 12 months. Enter the total gross (before taxes) amount for each type.

In **4d**, check all of your debts and expenses for the past month and list the amount of money you pay each month for that expense.

In **4e**, check all of the items owned by you and list the value of each item. If you own real estate, include the total you owe on any mortgage.

Be prepared to provide documents showing your income, value of belongings (including real estate) and expense information when you file your forms.

**4 I checked "No" in section 3, so I am providing the following financial information:**

a. I have a pending application for 1 or more of the benefits listed in section 3:

Yes  No

b. I received the following money in the past month. *(check all that apply)*

- My employment: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_
- Child support: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_
- Pension: \$ \_\_\_\_\_
- Money from other household members: \$ \_\_\_\_\_
- Other *(list type and amount)*: \_\_\_\_\_ \$ \_\_\_\_\_
- No income

Total of all money received in the past month: \$ \_\_\_\_\_

c. I received the following total amount of money in the past 12 months. *(check all that apply)*

- My employment: \$ \_\_\_\_\_  Social Security (not SSI): \$ \_\_\_\_\_
- Child support: \$ \_\_\_\_\_  Unemployment: \$ \_\_\_\_\_
- Pension: \$ \_\_\_\_\_
- Money from other household members: \$ \_\_\_\_\_
- Other *(list type and amount)*: \_\_\_\_\_ \$ \_\_\_\_\_
- No income

Total of all money received in the past 12 months: \$ \_\_\_\_\_

d. My current monthly expenses are listed below. *(check all that apply)*

- Rent: \$ \_\_\_\_\_ per month
- Home Mortgage: \$ \_\_\_\_\_ per month
- Other Mortgage: \$ \_\_\_\_\_ per month
- Utilities: \$ \_\_\_\_\_ per month
- Food: \$ \_\_\_\_\_ per month
- Medical: \$ \_\_\_\_\_ per month
- Car Loan: \$ \_\_\_\_\_ per month
- Childcare: \$ \_\_\_\_\_ per month
- Child Support: \$ \_\_\_\_\_ per month
- Other *(list type and amount)*: \_\_\_\_\_ \$ \_\_\_\_\_
- I have no expenses.

Total of all expenses: \$ \_\_\_\_\_ per month

e. I have the belongings listed below. *(check all that apply)*

- Bank accounts and cash totaling: \$ \_\_\_\_\_
- Home worth: \$ \_\_\_\_\_  
The total I owe on my home mortgage is: \$ \_\_\_\_\_
- Other real estate, not including the house I live in, worth: \$ \_\_\_\_\_  
The total I owe on my other mortgage is: \$ \_\_\_\_\_
- 1<sup>st</sup> vehicle worth: \$ \_\_\_\_\_ The 1<sup>st</sup> vehicle is paid off:  Yes  No
- 2<sup>nd</sup> vehicle worth: \$ \_\_\_\_\_ The 2<sup>nd</sup> vehicle is paid off:  Yes  No
- Other *(list items and their value)*: \_\_\_\_\_ \$ \_\_\_\_\_
- None of the above



<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>ORDER FOR WAIVER OF CRIMINAL COURT ASSESSMENTS</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Directly above, enter the name of the county where the case was filed.  Enter the name of the person being charged as Defendant/ Respondent.  Enter the Case Number.	<b>The People of the State of Illinois or the charging Municipality or Local Government Unit, Plaintiff</b>  v.  _____ <b>Defendant / Respondent</b> ( <i>First, middle, last name</i> )	_____ <b>Case Number</b>

Enter your full name as "Applicant." If the application was filled out on behalf of a minor, enter the minor's full name.

**Applicant Name:** \_\_\_\_\_  
*First*
*Middle*
*Last*

**The Court having reviewed the *Application for Waiver of Criminal Court Assessments* hereby finds:**

**DO NOT** check any boxes or fill in any more blanks on this form. The judge will complete the rest of the form.

1.  The applicant **qualifies** for a **full** waiver of all assessments because (*check only one*):
  - a.  The applicant receives means-based government assistance under one or more of the following programs:
    - Supplemental Security Income (SSI) (Not Social Security)
    - Aid to the Aged, Blind and Disabled (AABD)
    - Temporary Assistance for Needy Families (TANF)
    - SNAP (Food Stamps)
    - General Assistance (GA), Transitional Assistance, or State Children and Family Assistance
  - OR**
  - b.  The applicant's income is **200%** or less of the of the current poverty level as established by the US Dept. of Health & Human Services and the Applicant's non-exempt assets under [735 ILCS 5/12-901](#) and [735 ILCS 5/12-1001](#) are such that the applicant is unable to pay the assessments;
    - OR**
  - c.  Payment of assessments would result in undue hardship to the applicant or his or her family.
  
2.  The applicant **qualifies** for a **partial** (*75%, 50%, or 25%*) waiver of Criminal Court Assessments because the applicant's household income is (*check only one*):
  - more than **200%** but not greater than **250%** (*75% waived*) ; OR
  - more than **250%** but not greater than **300%** (*50% waived*) ; OR
  - more than **300%** but not greater than **400%** (*25% waived*)
 of the current poverty level as established by the US Dept. of Health & Human Services and the Applicant's non-exempt assets under [735 ILCS 5/12-901](#) and [735 ILCS 5/12-1001](#) are such that the applicant is unable to pay the assessments in full.
  
3.  There is a factual issue regarding the applicant's entitlement to a waiver. The nature of the factual issue is: \_\_\_\_\_

Enter the Case Number given by the Circuit Clerk: \_\_\_\_\_

4.  The applicant **does not qualify** for a waiver of assessments because *(must state specific reason)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**IT IS HEREBY ORDERED, pursuant to [725 ILCS 5/124A-20](#):**

- A.  *Application for Waiver of Criminal Court Assessments* is **GRANTED**.
- i.  The applicant qualifies for a **full waiver** and will not be required to pay any assessments.
- ii.  The applicant qualifies for a **partial waiver** of assessments as follows *(check one)*:
- 75%** of all assessments are **waived** *(and the applicant must pay 25% of all assessments)*.
- 50%** of all assessments are **waived** *(and the applicant must pay 50% of all assessments)*.
- 25%** of all assessments are **waived** *(and the applicant must pay 75% of all assessments)*.
- The applicant must pay assessments by: \_\_\_\_\_  
*Date*
- Upon good cause shown, the applicant may make payments as follows *(describe deferral, installment plan, or other reasonable terms)*: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- B.  *Application for Waiver of Criminal Court Assessments* is **SET FOR HEARING** on \_\_\_\_\_ at \_\_\_\_\_  
*Date Time*
- in person at \_\_\_\_\_  
*Courthouse address Courtroom*
- remotely by telephone at \_\_\_\_\_  
*Call-in number for telephone remote appearance*
- remotely by video conference at \_\_\_\_\_  
*Video conference website*
- \_\_\_\_\_ *Video conference log-in information (meeting ID, password, etc)*

The applicant must bring the following **documents** to the hearing: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- C.  *Application for Waiver of Criminal Court Assessments* is **DENIED**.
- The applicant must pay assessments by: \_\_\_\_\_  
*Date*

**DO NOT** complete this section. The judge will sign and date here.

**ENTERED:**

\_\_\_\_\_  
*Judge*

\_\_\_\_\_  
*Date*