IN THE
SUPREME COURT OF ILLINOIS

---

| | | |
|---|---|---|
| In re: | ) | |
| Illinois Courts Response to | ) | |
| COVID-19 Emergency/ | ) | M.R. 30370 |
| Reduction of Unnecessary | ) | |
| In-Person Court Appearances | ) | |
| | ) | |
| | ) | |

---

Order

Effective immediately, the Court's order of August 27, 2020 regarding Illinois Courts Response to COVID-19 Emergency/Reduction of Unnecessary In-Person Appearances is amended to provide in subparagraph 2.c. that the provisions apply to all civil (non-family) proceedings and to add subparagraph 2.h. as follows (new material is underscored):

1. With respect to Applications for Waiver of Court Fees pursuant to 735 ILCS 5/5-105 and Supreme Court Rule 298:

a. Applications by persons who are exempt from e-filing under Supreme Court Rule 9(c) may be filed by United States Mail, third-party commercial carrier, in person, or utilizing an available dropbox. All other Applications shall be e-filed.

b. Upon filing, an Application shall be transmitted to the judge assigned to rule on it.

c. The court shall enter an order ruling on the Application on the basis of the information contained in the Application, without conducting a hearing, unless the court determines that the Application gives rise to a factual issue regarding the applicant's satisfaction of the conditions for a waiver under section 5-105(b) of the Code of Civil Procedure (735 ILCS 5/5-105(b)).

d. If the court determines there is a factual issue regarding the applicant's entitlement to a waiver, the court shall enter an order (i) stating with specificity the nature of the issue, (ii) scheduling a hearing on the Application by telephone or video conference in accordance with Supreme Court Rule 45 and this Court's Policy on Remote Court Appearances in Civil Proceedings, and (iii) specifying any documents to be submitted in support of the Application at or before the hearing. The hearing shall be scheduled promptly, with due regard for the need to provide reasonable notice to the applicant.

e. The court shall cause the clerk to serve the applicant with a copy of an order entered pursuant to paragraph c. or d. by e-mail (if the applicant

consented, in the Application, to receive court documents by e-mail), or else by United States Mail at the address stated on the Application.

f. In accordance with Supreme Court Rule 298(b), if the court determines, with or without a hearing, that the conditions for a partial assessment waiver under 735 ILCS 5/5-105(b)(2) are satisfied and if necessary to avoid undue hardship on the applicant, the court may allow the applicant to defer payment of assessments, costs, and charges; make installment payments; or make payment upon reasonable terms and conditions stated in the order.

2. With respect to the provisions of Supreme Court Rules 101, 283, and 286(a) regarding summonses:

a. A summons requiring appearance on a specified day may only be used in an action for eviction, replevin, or detinue.

b. A summons in a small claims action shall use a summons requiring each defendant to file an appearance within 30 days after service. The first paragraph of the summons in a small claims action shall include substantially the following language:

> "You have been named a defendant in the complaint in this case, a copy of which is hereto attached. You are summoned and required to file your appearance, in the office of the clerk of this court, within 30 days after service of this summons, not counting the day of service. If you fail to do so, a judgment by default may be entered against you for the relief asked in the complaint."

c. All civil (non-family) proceedings other than those governed by paragraphs a. and b. shall use a summons, under Supreme Court Rule 101(d), requiring each defendant to answer or otherwise file an appearance within 30 days after service.

d. The following Supreme Court Rules are suspended, until further order of this Court, to the extent they authorize use of a summons requiring appearance on a specified day or a trial on a day specified in the summons:

i. Supreme Court Rule 101(b)(1) (actions for money not in excess of $50,000, exclusive of interest and costs, and actions subject to mandatory arbitration where a local rule prescribes a specific date for appearance) and

ii. Supreme Court Rules 283 and 286(a) (small claims actions).

e. In accordance with Supreme Court Rule 101(g), the use of the wrong form of summons, either before or after issuance of this order, shall not affect the jurisdiction of the court.

f. All summonses may include additional information relating to local courthouse access & procedures as provided by order of the circuit's chief judge.

g. In addition to the requirements set forth by Supreme Court Rule 101(a), language that must be contained in all summonses issued in civil cases in Illinois is hereby amended as follows:

"E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit http://efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider.

If you need additional help or have trouble e-filing, visit http://www.illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk's office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit www.illinoislegalaid.org.

If you are unable to pay your court fees, you can apply for a fee waiver. for information about defending yourself in a court case (including filing an appearance or fee waiver), or to apply for free legal help, go to www.illinoislegalaid.org. You can also ask your local circuit clerk's office for a fee waiver application."

h. The provisions of paragraph 2.b. of this Order shall not apply to any first appearance at which the defendant is required or given the option to appear remotely, including by telephone or video conference. In such cases, the remote appearance option must be made clear on the face of the summons.

3. This order is effective immediately and shall remain in effect until further order of this Court.

Order entered by the Court.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the seal of said Court, this 23rd day of September, 2020.

Carolyn Taft Grosboll Clerk,
Supreme Court of the State of Illinois