IN THE
SUPREME COURT OF
ILLINOIS

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

Corrected
Amended Order

In the exercise of the general administrative and supervisory authority over the courts of Illinois conferred on this Court pursuant to article VI, section 16, of the Illinois Constitution of 1970 (Ill. Const. 1970, art. VI, sec. 16); in view of the outbreak of the novel coronavirus (COVID-19); and in accordance with the efforts of this Court to reduce unnecessary in-person court appearances and to promote remote court appearances,

The Court's order of August 27, 2020 (amended on September 23, 2020) regarding Illinois Courts Response to COVID-19 Emergency/Reduction of Unnecessary In-Person Appearances is further amended as shown below (new material is underscored and deleted material is struck through),

IT IS HEREBY ORDERED:

1. With respect to Applications for Waiver of Court Fees pursuant to 735 ILCS 5/5-105 and Supreme Court Rule 298 and Applications for Waiver of Court Assessments pursuant to 725 ILCS 5/124A-20 and Supreme Court Rule 404 in all matters, including but not limited to civil, criminal, and quasi-criminal matters:

a. Applications for Waiver of Court Fees 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, or other means, such as e-mail, if permitted by the local court. All other Applications for Waiver of Court Fees shall be e-filed.

b. Applications for Waiver of Court Assessments may be filed by United States Mail, third-party commercial carrier, in person, utilizing an available dropbox, or other means, such as e-mail or e-filing, if permitted by the local court.

c. Upon filing, the Clerk shall transmit an Application for Waiver of Court Fees or for Waiver of Court Assessments (hereinafter "Application") ~~shall be transmitted~~ to the judge assigned to rule on it.

d. 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)) or section 124A-20(b) of the Code of Criminal Procedure (725 ILCS 5/124A-20(b)).

e. 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, where applicable, and (iii) specifying any documents to be submitted in support of the Application at or before the hearing. The hearing on the Application for Waiver of Court Fees shall be scheduled promptly, with due regard for the need to provide reasonable notice to the applicant. The hearing on the Application for Waiver of Court Assessments should be held within 5 to 10 business days unless the defense asks for or agrees to a longer delay.

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 Rules 298(b) or 404(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) or 725 ILCS 5/124A-20(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 temporary amendments to Supreme Court Rules 101, 283, and 286(a) regarding summonses requiring appearance on a specified day (issued on August 27, 2020 and amended on September 23, 2020), all provisions are hereby vacated and replaced with the following:

a. Supreme Court Rule 101(b)(1) is hereby amended as follows:

In an action for money not in excess of $50,000, exclusive of interest and costs, or in any action subject to mandatory arbitration where local rule prescribes a specific date for appearance, the summons shall require each defendant to appear, either in person or remotely, on a day specified in the summons not less than ~~21~~ 40 or more than ~~40~~61 days after the issuance of the summons (see Rule 181(b)), and shall be prepared by utilizing, or substantially adopting the appearance and content of, the form provided in the Article II Forms Appendix. The court shall make every reasonable effort to accommodate the defendant appearing via telephone or video conference.

b. Supreme Court Rule 102(b) is hereby amended as follows:

No summons in the form provided in paragraph (d) of Rule 101 may be served later than 30 days after its date. A summons in the form provided in paragraph (b)(1) of Rule 101 may not be served later than 21 days before the day of appearance. A summons in the form provided in paragraph (b)(2) or (b)(3) of Rule 101 may not be served later than three days before the day of appearance.

c. Supreme Court Rule 102(d) is hereby amended as follows:

The officer or person making service shall make a return by filing proof of service immediately after service on all defendants has been had, and, in any event, shall make a return: (1) in the case of a summons ~~bearing a specific return day or day for appearance, not less than 3 days before that day~~in the form provided in paragraph (b)(1) of Rule 101, not less than 21 days before the day of appearance; (2) in the case of a summons in the form provided in paragraph (b)(2) or (b)(3) of Rule 101, not less than three days before the day of appearance; (3) in other cases, immediately after the last day fixed for service. If there is more than one defendant, the proof of service may be filed immediately after service on each defendant. The proof of service need not state whether a copy of the complaint was served. A party who has placed a summons with an officer or other person who is authorized to serve process, but who does not have access to the court filing system, shall file the proof of service obtained from the officer. Failure to return the summons or file proof of service does not invalidate the summons or the service thereof, if had.

d. Supreme Court Rule 284(c) is hereby amended as follows:

The return receipt, when returned to the clerk, shall be filed by the clerk. If the receipt shows delivery at least ~~3~~21 days before the day for appearance, the receipt shall constitute proof of service.

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

3. With respect to the provisions of Supreme Court Rule 101 regarding all summons issued in civil cases in Illinois:

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

b. 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:

"You may be able to attend this court date by phone or video conference. This is called a 'Remote Appearance.' Call the Circuit Clerk at _____ or visit their website at _____ to find out how to do this.

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."

~~c. 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.~~

4. Paragraphs 1 and 3 of ~~T~~this order ~~is~~are effective immediately, and paragraph 2 of this order is effective 60 days from the entry of this order. This order shall remain in effect until further order of this Court.

Order entered by the Court.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of said Supreme Court, in Springfield, in said State, this 10th day of February, 2021.

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