

INSTRUCTIONS FOR FILLING OUT A PETITION TO SUE OR DEFEND  
AS A POOR PERSON – LEE COUNTY

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**Purpose**

The purpose of the Petition to Sue or Defend as a Poor Person is to waive the court filing fees. You can qualify to waive the filing fees if your income is 125% or less of the federal poverty level, you are receiving certain public benefits, or payment of the filing fees would be a “substantial hardship” for you and your family, as decided by the court.

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**What You Have to Do**

You must complete the form entitled “APPLICATION TO SUE OR DEFEND AS AN INDIGENT PERSON” and file it with the Clerk of the Court for Lee County. Much of the work has been done for you. However, each blank on the form calls for information about you and your case. Make sure the information you put in the blanks is true and accurate. (NOTE: This form is may be completed within Adobe Acrobat Reader or filled in by hand).

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**How to Complete the Application**

Print the form from your computer and fill it in using a pen or a typewriter, or fill in the form through Adobe Acrobat (*Please realize that the information is not transmitted through the computer or the internet – It must be mailed in as a hardcopy no matter which method of completion you use*). Follow the instructions below to fill out the form.

- 1) At the top of the form, if you are the party bringing the case to court, fill in your name on the line labeled “PLAINTIFF / PETITIONER.” If you are not the party bringing the case, fill in the name of the other party on this line.
- 2) Fill in the case number on the line above “CASE NUMBER”, but only if you have actually been given a case number; otherwise, leave it blank.
- 3) If you are not the party bringing the case to court, fill in your name on the line labeled “DEFENDANT / RESPONDENT”. If you are the party bringing the case to court, fill in the name of the other party on this line.
- 4) Fill in your name after “I,”
- 5) If you are filing this form for yourself (you are either the Plaintiff/Petitioner or Defendant/Respondent), check the box labeled “On my own behalf.”
- 6) If you are filing for someone else, check the box labeled “Parent” or “Guardian” depending on your relationship to the person for whom you are filing. If you are neither the parent nor guardian of that person, check the box labeled “Other.”
  - a. If you checked the box labeled “Other,” insert your relationship to the person for whom you are bringing the case after the word “Other.” After “on behalf of” insert the name of the person for whom you’re bringing the case.
- 7) If you are filing for someone else, check the box labeled “Minor” or “Incompetent Adult” depending for whom you are filing.
- 8) In #1, fill in your current job title and employer.
  - a. In #1.A., Fill in your spouse’s employment information, too, if (s)he contributes to your income in any way.
- 9) In #1.B., fill in any other type of income or assistance that you are receiving; if the agency is not listed, you must fill in the agency name after the “Other” indicator.
- 10) In #2, fill in the total family income from all sources for the prior year and the current year.

- 11) In #3, fill in the names of any people who depend on you for support, their ages, as well as your relationship to each person. (For example, "My son, Richard Anderson, age 8, and my daughter, Kelly Anderson, age 12"). Be sure to list any child support that you are obligated to pay and the amount.
  - 12) In #4, list the total monthly expenses for which you are responsible, excluding payment of debts and child support.
  - 13) In #5(A), list any real estate that you own with its location and current market value (what could you sell it for today).
  - 14) In #5(B), list the total value of your personal property (including clothes, furniture and the like; *be sure to list any and all motor vehicles*). (NOTE: This is the current market value meaning what you could sell that property for today).
  - 15) In #5, after "Personal:" list any personal property, such as a car, clothes or furniture that you own. Fill in the amount that each type of property is worth. Your property is worth the amount you could sell it for, not what you paid for it.
  - 16) In #6, check the appropriate box as to whether your income is 125% or less of the current poverty level as established by the U.S. Dept. of Health and Human Services (*See attached schedule*).
  - 17) In #7, check the appropriate box as to whether you are eligible or not for civil legal services. If you do not know, simply check, "I don't know".
  - 18) Thoroughly read #8 and #9.
  - 19) **DO NOT SIGN** the form *until* you can sign it in front of the Circuit Clerk or a Notary Public. *When you do decide to sign the Application, be certain you have read the entire Application and preceding statement above your signature line. Sign only if you know all of the information is true, accurate, and correct.*
  - 20) On the bottom left, fill in your name, address, and phone number.
  - 21) **IMPORTANT:** *Do not fill in the Bottom Right Space or the Top Right Space. Those areas are reserved for either the judge, circuit clerk, and/or notary public.*
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### **Annual Guidelines - Federal Poverty Level**

<b><u>Family Size</u></b>	<b><u>125%</u></b>
1	12,762.50
2	17,112.50
3	21,462.50
4	25,812.50
5	30,162.50
6	34,512.50
7	38,862.50
8	43,212.50

**IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT**

**LEE COUNTY, ILLINOIS**

PLAINTIFF / PETITIONER

v.

DEFENDANT / RESPONDENT

CASE NUMBER

Order

Application Granted

Application Denied

Judge

Date

**APPLICATION TO SUE OR DEFEND AS AN INDIGENT PERSON**

I, \_\_\_\_\_, pursuant to Supreme Court Rule 298, on oath state  
 On my own behalf, or as:  Parent  Guardian  Other \_\_\_\_\_ of  
(name) \_\_\_\_\_  a minor  Incompetent Adult

1. I have the following occupation or means of subsistence:

A. I am employed as (job) \_\_\_\_\_ by (employer) \_\_\_\_\_

B. My spouse is employed as (job) \_\_\_\_\_ by (employer) \_\_\_\_\_

C. My other sources of income or support are:

- Child Support  SSI (Supplemental Security Income)  Food Stamps  State Transitional Assistance
- TANF (Temporary Assistance for Needy Families)  Maintenance  AABD (Aid to the Aged, Blind and Disabled)
- General Assistance  State Children and Family Assistance  Other \_\_\_\_\_

2. My family income from all sources, including all sources listed above,  
(A) for the preceding year was \$ \_\_\_\_\_ (B) currently is \$ \_\_\_\_\_

3. The persons dependent on me for support are: \_\_\_\_\_  
I am obligated to pay child support in the amount of \$ \_\_\_\_\_

4. My monthly living expenses (exclusive of payment of debts and child support) are \$ \_\_\_\_\_

5. I own (A) no real estate except: (location and value) \$ \_\_\_\_\_; (B) personal property which in total does not  
exceed \$ \_\_\_\_\_ including a motor vehicle valued at \$ \_\_\_\_\_

6. My available income is 125% or less of the current poverty level as established by the U.S. Dept. of Health and Human  
Services: (see attached schedule):  Yes  No

7. I am eligible to receive civil legal services (e.g. Legal Aid, or Prairie State Legal Services):  Yes  No  Not sure

8. I believe in good faith that I have a meritorious claim or defense.

9. I am unable to proceed in this action without payment of fees and costs, and my payment of these fees, costs and charges  
would result in substantial hardship to my family or me.

Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that s/he verily believes the same to be true.

\_\_\_\_\_  
Signature of Applicant

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Signed and sworn to before me

\_\_\_\_\_  
Date

\_\_\_\_\_  
Circuit Clerk or Notary Public

(735 ILCS 5/5-105) Leave to sue or defend as an indigent person.

(a) As used in this Section:

(1) "Fees, costs, and charges" means payments imposed on a party in connection with the prosecution or defense of a civil action, including, but not limited to: filing fees; appearance fees; fees for service of process and other papers served either within or outside this State, including service by publication pursuant to Section 2-206 of this Code and publication of necessary legal notices; motion fees; jury demand fees; charges for participation in, or attendance at, any mandatory process or procedure including, but not limited to, conciliation, mediation, arbitration, counseling, evaluation, "Children First", "Focus on Children" or similar programs; fees for supplementary proceedings; charges for translation services; guardian ad litem fees; charges for certified copies of court documents; and all other processes and procedures deemed by the court to be necessary to commence, prosecute, defend, or enforce relief in a civil action.

(2) "Indigent person" means any person who meets one or more of the following criteria:

(i) He or She is receiving assistance under one or more of the following public benefits programs: Supplemental Security Income (SSI), Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Food Stamps, General Assistance, State Transitional Assistance, or State Children and Family Assistance.

(ii) His or Her available income is 125% or less of the current poverty level as established by the United States Department of Health and Human Services, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of Code are of a nature and value that the court determines that the applicant is able to pay the fees cost, and charges.

(iii) He or She, is in the discretion of the court, unable to proceed in an action without payment of fees, costs, and charges and whose payment of those fees, cost, and charges would result in substantial hardship to the person or his or her family.

(iv) He or She is an indigent person pursuant to Section 5-105.5 of this Code.

(b) On the application of any person, before, or after the commencement of an action, a court, on finding that the applicant is an indigent person, shall grant the applicant leave to sue or defend the action without payment of the fees, costs, and charges of the action.

(c) An application for leave to sue or defend an action as an indigent person shall be in writing and supported by the affidavit of the applicant or, if the applicant is a minor or an incompetent adult, by the affidavit of another person having knowledge of the facts. The contents of the affidavit shall be established by Supreme Court Rule. The court shall provide, through the office of the clerk of the court, simplified forms consistent with the requirements of this Section and applicable Supreme Court Rules to any person seeking to sue or defend an action who indicates an inability to pay the fees, costs, and charges of the action. The application and supporting affidavit may be incorporated into a simplified form. The clerk of the court shall post in a conspicuous place in the courthouse a notice no smaller than 8.5 x 11 inches, using no smaller than 30-point typeface printed in English and in Spanish, advising the public that they may ask the court for

permission to sue or defend a civil action without payment of fees, costs, and charges. The notice shall be substantially as follows: "If you are unable to pay the fees, costs, and charges of an action you may ask the court to allow you to proceed without paying them. Ask the clerk of the court for forms."

(d) The court shall rule on application under this Section in a timely manner based on information contained in the application unless the court, in its discretion, requires the applicant to personally appear to explain or clarify information contained in the application. If the court finds that the applicant is an indigent person, the court shall enter an order permitting the applicant to sue or defend without payment of fees, costs, or charges. If the application is denied, the court shall enter an order to that effect stating the specific reasons for the denial. The clerk of the court shall promptly mail or deliver a copy of the order to the applicant.

(e) The clerk of the court shall not refuse to accept and file any complaint, appearance, or other paper presented by the applicant if accompanied by an application to sue or defend in forma pauperis, and those papers shall be considered filed on the date the application is presented. If the application is denied, the order shall state a date certain by which the necessary fees, costs, and charges must be paid. The court, for good cause shown, may allow an applicant whose application is denied to defer payment of fees, costs, and charges, make installment payments, or make payment upon reasonable terms and conditions stated in the order. The court may dismiss the claims or defenses of any party failing to pay the fees, costs, or charges within the time and in the manner ordered by the court. A determination concerning an application to sue or defend in forma pauperis shall not be construed as a ruling on the merits.

(f) The court may order an indigent person to pay all or a portion of the fees, costs, or charges waived pursuant to this Section out of the moneys recovered by the indigent person pursuant to a judgment or settlement resulting from the civil action. However, nothing in this Section shall be construed to limit the authority of a court to order another party to the action to pay the fees, costs, or charges of the action.

(g) A court, in its discretion, may appoint counsel to represent an indigent person, and that counsel shall perform his or her duties without fees, charges, or reward.

(h) Nothing in this Section shall be construed to affect the right of a party to sue or defend an action in forma pauperis without the payment of fees, costs or charges, or the right of party to court-appointed counsel, as authorized by any other provision of law or by the rules of the Illinois Supreme Court.

(i) The provisions of this Section are severable under Section 1.31 of the Statute on Statutes.