

Notes:

Frequently Asked Questions

Q: I didn't personally go to court; why do I have to pay court costs?

A: Your case went to court regardless of whether you personally attended court. Your attorney is present in your stead.

Q: I didn't use the jail, so why should a portion of my court costs be used for inmate medical care?

A: The "common good" is determined by elected representatives; a portion of court costs go to things you may not have personally used. Most citizens of Illinois are never students at the University of Illinois; however, they all pay taxes to support the University of Illinois for the general welfare of the society.

Q: What happens if I refuse to pay the court costs on my traffic ticket?

A: Eventually, a "notice to pay" will issue, and if you continue to refuse to pay, an arrest warrant will be issued and/or your license will be suspended

UNIVERSITY OF ILLINOIS
STUDENT LEGAL SERVICE

324 Illini Union
1401 West Green Street
Urbana, IL 61801

[Http://www.uiuc.edu/unit/SLS](http://www.uiuc.edu/unit/SLS)

333-9053

Paid for by S.O.R.F.



The information contained herein is not intended as a substitute for legal advice. Students who are confronted with legal problems or who need specific advice are encouraged to seek assistance from a licensed attorney.

UNIVERSITY OF ILLINOIS
STUDENT LEGAL SERVICE

COURT COSTS AND FILING FEES



Student Legal Service

Paid for by S.O.R.F.

COURT COSTS AND FILING FEES

*"There ain't no such thing as
a free lunch."*

WHAT ARE FILING FEES?

Whenever an attorney or a person not represented by an attorney (Pro Se) files an action in court, there is a mandatory fee assessed. Fees are set by the General Assembly and Champaign County Board. In small claims cases, the fee is based, in part, on the amount of recovery being sought.

The filing fees change periodically and the amount will depend on the type of case being filed. Consult:

[Http://www.cccircuitcourt.com](http://www.cccircuitcourt.com)
for an up-to-date fee schedule.

WHAT OTHER CIVIL FEES MIGHT HAVE TO BE PAID?

In a civil case, a written answer to a complaint will usually be required. A fee for this answer must be paid before the answer will be accepted. Motions of any sort will usually require a fee payable to the Circuit Clerk.

If you are the plaintiff and win your case, the defendant can be required to pay your filing fee, service of

process fee (the cost of having an officer serve the complaint on the defendant) and any other necessary fees. If you are the defendant and you prevail at trial, it is rare that you will be able to recover the fees that you have expended.

IS THERE A WAY TO AVOID FILING FEES?

The best way to avoid having to pay filing fees and other fees as part of litigation is to settle your claim before it ever gets as far as the courthouse door. In the absence of an out-of-court settlement, in some cases, the Court will permit the waiver of fees. To have fees excused, you must fill out an "Application for Fee Waiver" which is available at Student Legal Service and at the office of the Circuit Clerk. The applicant's signature must be notarized.

The decision by the Court on whether to waive fees will be based on the applicant's lack of income. Generally, the income with assets needs to be below the current Federal poverty level.

UNIVERSITY OF ILLINOIS
STUDENT LEGAL SERVICE

324 Illini Union
1401 West Green Street
Urbana, IL 61801
[Http://www.uiuc.edu/unit/SLS](http://www.uiuc.edu/unit/SLS)
333-9053

Paid for by S.O.R.F.

COURT COSTS: CRIMINAL, TRAFFIC, QUASI CRIMINAL

In all criminal, quasi criminal (city offenses), and traffic cases, upon a finding or plea of guilty, the defendant is usually required to pay court costs in addition to any other penalty issued by the plea agreement or verdict. If you appear in court to contest a traffic ticket and are given a \$75.00 fine, your court costs may be \$74.00 or more.

Think of court costs as a tax on your use of the justice system. Court costs in such cases are a means to financially support court security, crime victim's funds, document storage, automation, the medical costs of jail inmates, etc.

In non-felony cases, it is extremely rare for the judge to waive the imposition of court costs. Court costs cannot be imposed if you are found "not guilty" or where there is a dismissal of all charges. A negotiated plea to a lesser offense or a non-moving violation will result in assessment of court costs even if you did not physically appear in court.