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Work on Illinois standardized court forms continues

By Matthew Hector

The supreme court's Access to Justice Commission is creating standardized court forms aimed primarily at pro se litigants. Here's an update on the Standardized Forms Committee's progress.

On June 13, 2012, the Illinois Supreme Court adopted Rule 10-100, which established the Illinois Supreme Court Commission on Access to Justice. The commission was created to "promote, facilitate, and enhance equal access to justice with an emphasis on access to the Illinois civil courts...." As part of that mandate, the commission has created several committees, including the Standardized Forms Committee. The committee was created by Rule 10-101, which was adopted on November 28, 2012.

Since its inception, the committee has formed several subcommittees, all of which are tasked with developing various standardized forms for use by pro se litigants. These forms, once approved by the committee and the commission, are required to be accepted in all Illinois courts.

Currently, forms related to adult name changes and some procedural forms are approved for use and on the supreme court website at <http://www.state.il.us/court/Forms/forms.asp>. Additional procedural forms and those related to divorce cases are in the final stages of approval. More forms in additional practice areas are being drafted by several subcommittees.

Each form is accompanied by a "getting started" guide and a "how to" guide. The "getting started" guide tells pro se litigants what information they may need to use the forms. It also states the types of cases the form applies to and which section of the Illinois Compiled Statutes governs its use. The "how to" guide is a Q&A that walks pro se litigants through the form step by step.

At present, three procedural forms are approved for use: an application for waiver of court fees, an order waiving court fees, and a pro se appearance. The forms are fillable PDFs that can be saved for later use or printed out and filled in by hand.

Form creation and approval

According to Michael Fiello, managing attorney of Land of Lincoln Legal Assistance Foundation's Carbondale office and an Access to Justice Commission member, the committee's goal is to make the standardized forms legally sufficient and as easy as possible for the general public to use. Each form-drafting subcommittee is tasked with determining what types of forms are most needed, then generating the forms and their accompanying instructions.

Once a subcommittee has drafted forms, it publishes them to the Administrative Office of the Illinois Courts' website. The forms are then open for public comment for 45 days. During that 45-day period, the Conference of Chief Judges also reviews the forms and suggests revisions.

Once the comment period closes, the commission reviews the comments, makes any necessary revisions to the forms, and then grants final approval. Fiello says subcommittees release new forms as they can but that members are all volunteers and include lawyers, clerks, judges, and staff from Illinois Legal Aid Online. The process makes it difficult to state with certainty dates on which forms will be released, he said.



The procedural forms subcommittee has released a form motion, which also includes a notice of motion and a proposed order. The divorce forms subcommittee has released its first set of forms. They include two different petitions for dissolution of marriage (one for couples with children and one for couples without children). They also include an irreconcilable differences two-year separation waiver and a parenting/visitation schedule. Fiello says that he expects the divorce form subcommittee to move on to drafting more forms related to child support, visitation, and custody.

Other committees are also at various stages of the drafting process. The name change form committee is working on developing name change forms for minors. A set of expungement forms for adults is coming soon, with expungement forms for juveniles to follow. Two new committees are working on foreclosure forms and appellate forms, Fiello said.

Fiello also says that, because the subcommittees are solely staffed by volunteers, members drop out from time-to-time based on their other professional commitments. He invites interested lawyers to contact the commission to learn about volunteer opportunities (for more information on the commission, visit <http://www.state.il.us/court/CivilJustice/AccessToJustice.asp>).

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