

**Instructions for Affidavit & Application  
To Sue or Defend as an Indigent Person**

If you claim you are not financially able to pay filing fees and costs, you may apply to the Court for waiver of those charges as an indigent person. To seek waiver of those fees, you must complete and submit the form "Affidavit & Application to Sue or Defend as an Indigent Person." The form follows this page (scroll down).

Please submit the completed form as soon as possible so that the Judge can rule on your request, and you can provide further information if required. You must **PRINT** all of the information required on the form and sign your signature affirming, under penalty of **perjury**, that the information you have given is truthful. Complete all parts of the form.

The Judge will review your completed application and either grant or deny it or require additional information. If you are being sued and the Court denies the application, you will have to pay the filing fees before the answer date or extension. If you do not, a default Judgment may be entered against you.

In order to qualify as indigent, the Court uses income guidelines based on those established by U.S. Department of Health and Human Services:

<b>2009 HHS Poverty Guidelines</b>		
<b>Persons in Family</b>	<b>Monthly 125%</b>	<b>Yearly 125%</b>
1	\$ 1,128.17	\$ 13,538.00
2	\$ 1,517.75	\$ 18,213.00
3	\$ 1,907.33	\$ 22,888.00
4	\$ 2,296.92	\$ 27,563.00
5	\$ 2,686.50	\$ 32,238.00
6	\$ 3,076.08	\$ 36,913.00
7	\$ 3,465.67	\$ 41,588.00
8	\$ 3,855.25	\$ 46,263.00
For each additional person, add	\$ 389.58	\$ 4,675.00

**IN THE CIRCUIT COURT  
FOR THE THIRD JUDICIAL CIRCUIT  
MADISON COUNTY, ILLINOIS**

\_\_\_\_\_  
Plaintiff

vs.

Case No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

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

The undersigned as affiant, **under penalty of perjury** as provided in Section 735 ILCS 5/1-109, **certifies** that the statements in this instrument are true and correct, or made on information and belief and believed to be true:

1.) I am familiar with the facts stated herein and this Application to Sue or Defend as an Indigent Person is brought for:

myself as Applicant

on behalf of a minor or a disabled adult, \_\_\_\_\_.

2.) The applicant is named as a defendant in a pending action or intends to file a lawsuit.

3.)  The applicant receives assistance from the following benefit programs: SSI, AABD, TANF, Food Stamps, General Assistance, State Transitional Assistance, State Children & Family Assistance. **(Circle all benefits received.)**

4.)  The applicant's household income is 125% or less of the current poverty level as established by the United States Department of Health and Human Services.

**(Clerk will provide current chart to make this determination.)**

**(You must also provide the following information to confirm your eligibility.)**

Number of persons in applicant's household \_\_\_\_\_

Household income: \$\_\_\_\_\_ monthly.

The applicant's household income includes  Social Security Disability Payments.

Unemployment compensation benefits.

5.) The applicant is unable to proceed in an action without payment of fees, costs, and charges and the applicant's payment of those fees, costs, and charges would result in substantial hardship to the applicant or the applicant's family.

6.) Applicant is:  unemployed, or  employed, and the applicant's current income is \$\_\_\_\_\_ monthly.

7.) Applicant is  married, or  unmarried. The applicant's spouse's current income is \$\_\_\_\_\_ monthly.

8.) Applicant is  receiving  paying child support in the amount of \$\_\_\_\_\_ monthly.

9.) The applicant has the following assets:

- money in banks, credit unions and savings & loans, in the amount of \$ \_\_\_\_\_
  - real estate with equity of \$ \_\_\_\_\_ located at \_\_\_\_\_
  - automobiles with equity of \$ \_\_\_\_\_
- (Equity is the value of the property minus any mortgage or debt.)**
- other financial assets, including retirement accounts, of \$ \_\_\_\_\_
  - other assets \_\_\_\_\_ in the amount of \$ \_\_\_\_\_

10.) The applicant's total monthly living expenses are \$ \_\_\_\_\_ as follows:

**(Do not include payments for debts or child support.)**

- Rent or mortgage payment: \_\_\_\_\_ Food: \_\_\_\_\_ Clothing: \_\_\_\_\_
- Car payment: \_\_\_\_\_ Car insurance: \_\_\_\_\_ Gasoline & maintenance: \_\_\_\_\_
- Utilities: \_\_\_\_\_ Telephone: \_\_\_\_\_ Child care: \_\_\_\_\_
- Medical, hospital & prescription: \_\_\_\_\_ Insurance: \_\_\_\_\_
- Other: \_\_\_\_\_

11.) The affiant, in good faith, believes that the applicant has a meritorious claim or defense.

Wherefore, the Affiant seeks permission of this Court for the Applicant to sue or defend as an indigent person.

\_\_\_\_\_  
**Affiant**

**ORDER**


Having reviewed the Application to Sue or Defend as an Indigent Person, the Court now enters its Order:

- Application **ALLOWED**. The applicant is allowed to sue or defend as a poor person without payment of fees, costs or charges. Assessment against any other party is reserved pending outcome.
- Application **DENIED** for the following reason(s):
  - Applicant is not indigent.  Other: \_\_\_\_\_
- \_\_\_\_\_ . Applicant granted \_\_\_\_\_ days to pay filing fees.
- Application is **INCOMPLETE**. Default Judgment may be entered if application is not completed by the answer date or extension. Applicant granted \_\_\_\_\_ day extension to submit completed application.
- RULING RESERVED**. Applicant **MUST** submit most recent Federal income tax return along with year-to-date paycheck stub or statement within \_\_\_\_\_ days. Failure to do so may result in entry of Default Judgment.

\_\_\_\_\_  
Date

\_\_\_\_\_  
**Presiding Judge**

Clerk to mail copies of this Application and Order to all parties of record.

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