

### Note to Internet User:

If you are acting as your own attorney (that is, if you are "Pro Se"), scroll down to find blank forms you may use.

#### **The following forms are available below:**

1. Motion form (and an instruction form).
2. Answer forms (for civil or family case)
3. Affidavit and Application to Sue or Defend as Indigent Person (and instructions)

#### About the forms:

A motion may be filed for a variety of reasons, depending on what type of case you are involved in. For example, you may need to ask the court to change a hearing date if you are put in the hospital unexpectedly. In such an instance, you would request through your motion that the case be continued to a later date.

Motions may also ask to vacate a judgment, to modify a child custody arrangement, to dismiss a case, and so on. Some motions have requirements about what they must say. If you are acting as your own attorney, you must follow the law just as an attorney must.

An answer is filed in response to a complaint or other pleading filed by a petitioner. As respondent, you may complete the "Answer" form by stating your position regarding the allegation or claim. There is an answer form for family cases and a separate one for all other civil cases. For family cases, use the Answer/Entry form. For other civil cases, use the Answer form.

An affidavit and application to sue or defend as an indigent (poor or low-income) person may be completed by a party to a case when the party believes he cannot afford to pay court fees. For instance, if you wish to answer an allegation made against you in a case, there is an \$119.00 answer fee. A judge will decide whether to allow you to proceed without paying a fee after you complete the affidavit. You may also be required to provide a tax return, paycheck stub, or other documents or testimony before a judge rules on your request.

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

CASE NUMBER \_\_\_\_\_

**Plaintiff(s)**  
**Name** \_\_\_\_\_  
**Address** \_\_\_\_\_  
\_\_\_\_\_  
**Phone** \_\_\_\_\_

**Defendant(s)**  
**Name** \_\_\_\_\_  
**Address** \_\_\_\_\_  
\_\_\_\_\_  
**Phone** \_\_\_\_\_

**PRO SE MOTION**

Now comes the (Plaintiff/Defendant) \_\_\_\_\_

Pro Se, and in his/her motion to \_\_\_\_\_

states as follows:

- 1)
  
  
  
  
  
  
  
  
  
  
- 2)
  
  
  
  
  
  
  
  
  
  
- 3)
  
- (etc.)

Therefore, (Plaintiff/Defendant) requests the Court to grant the motion to \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

*I mailed a copy of this pleading to the other party (or the attorney) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at the post office at \_\_\_\_\_ in a postage-paid envelope.  
(city/state)*

**Signed:** \_\_\_\_\_  
**By person completing this form**



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

\_\_\_\_\_  
Petitioner(s)

vs.

Case No. \_\_\_\_\_  
Family Division

\_\_\_\_\_  
Respondent(s)

ANSWER/ENTRY

I, \_\_\_\_\_ appears and  
(Print your name on above line)

admits / denies the allegations contained in the petition on file herein.  
(circle one of above)

\_\_\_\_\_  
Sign Your Full Name on Line Above

\_\_\_\_\_  
Street Address on Line Above

\_\_\_\_\_  
City, State and Zip Code

(     )  
\_\_\_\_\_  
Area Code and Phone Number

*I mailed a copy of this answer/entry to the other party (or his/her attorney) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at the post office at \_\_\_\_\_ in a postage-paid envelope.  
(city/state)*

**Signed:** \_\_\_\_\_

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

\_\_\_\_\_  
Plaintiff(s)

vs.

Case No. \_\_\_\_\_  
Civil Cases

\_\_\_\_\_  
Defendant(s)

ANSWER

Defendant(s) \_\_\_\_\_ appear(s) and  
(Print name(s) on above line)

deny/denies the allegations of the Plaintiff's complaint and request/s case be set

for (check one):       Jury Trial       Non-Jury Trial

Name: \_\_\_\_\_  
Print Name Here

Signature: \_\_\_\_\_  
(Sign Name Here)

Address: \_\_\_\_\_

City/State/zip: \_\_\_\_\_

Phone: (     ) \_\_\_\_\_

*I mailed a copy of this answer to the other party (or his/her attorney) on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at the post office at \_\_\_\_\_ in a postage-paid envelope.*  
*(city/state)*

**Signed:** \_\_\_\_\_

## ***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.