

TITLE 74: PUBLIC FINANCE
CHAPTER VI: COURT OF CLAIMS

PART 790
COURT OF CLAIMS REGULATIONS

SUBPART A: COURT OF CLAIMS RULES

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SUBPART B: ADOPTION AND EFFECTIVE DATES

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Section
790.280 Adoption and Effective Dates

AUTHORITY: Authorized by Section 9A and implementing the Court of Claims Act [705 ILCS 505].

SOURCE: Rules of the Court of Claims, filed and effective July 1, 1975; codified at 6 Ill. Reg. 2111; recodified at 6 Ill. Reg. 2594; amended at 24 Ill. Reg. 8228, effective July 1, 2000; amended at 32 Ill. Reg. 12315, effective July 18, 2008; amended at 40 Ill. Reg. 7314, effective April 29, 2016; emergency amendment at 44 Ill. Reg. 5815, effective March 20, 2020, for a maximum of 150 days; emergency expired August 16, 2020; amended at 44 Ill. Reg. 16482, effective September 25, 2020; amended at 50 Ill. Reg. _____, effective _____.

SUBPART A: COURT OF CLAIMS RULES

Section 790.5 Definitions

"Case Participant" means any individual participating in a court proceeding including, but not limited to, the parties, lawyers, guardians, witnesses, experts, interpreters, court reporters, and the Commissioner presiding over the case.

"Clerk" means the Clerk of the Illinois Court of Claims.

"Court" means the Illinois Court of Claims.

"In-person" means the participation of all or some case participants in a court proceeding by being physically present in the courtroom.

"Remote" or "remotely" means the participation of all or some case participants in a court proceeding by telephone, video conference, or other electronic means. A remote appearance or court proceeding shall be equivalent to an in-person appearance or court proceeding for all purposes.

(Source: Added at 50 Ill. Reg. _____, effective _____)

Section 790.10 Terms of Court

The Court shall hold sessions at such places, or remotely, as it deems necessary to expedite the business of the Court. [705 ILCS 505/6]

(Source: Amended at 50 Ill. Reg. _____, effective _____)

87 **Section 790.30 Pleadings – Forms**

- 88
- 89 a) Electronic Filing. Unless excepted or exempt, all documents to be filed in the
- 90 Court of Claims shall be electronically filed with the Clerk of the Court using an
- 91 electronic filing system approved by the Court of Claims. The filer is responsible
- 92 for the accuracy of data entered in an approved electronic filing system and the
- 93 accuracy of the content of any document submitted for electronic filing. The
- 94 Court of Claims and the Clerk of Court are not required to ensure the accuracy of
- 95 such data and content.
- 96
- 97 b) Paper Filing. Paper filings received by the Court without an exception granted
- 98 pursuant to paragraph (c) shall be rejected by the Clerk. If an exception to the
- 99 mandatory filing requirement of paragraph (a) is granted by the Clerk pursuant to
- 100 paragraph (c), and the filing is made by paper, ~~four~~ four copies of all
- 101 filings~~pleadings~~ shall be filed with the office of the Clerk. The filings made
- 102 pursuant to this paragraph~~pleadings~~ shall be produced on quality~~good~~ white paper
- 103 by a typing, printing, duplicating, or copying process that provides a clear image.
- 104 If photocopies are used, the original must also be filed. In order that the files of
- 105 the Clerk's office may be kept under the system commonly known as "flat filing",
- 106 all papers presented to the Clerk shall be flat and unfolded. Such papers need not
- 107 have a cover.
- 108
- 109 c) The Clerk may grant an exception from electronic filing requirements, due to
- 110 circumstances particular to a filer, document, or case. In these instances, the filer
- 111 must submit the Clerk of the Court of Claims E-File Exemption Request to the
- 112 Clerk including the reason for the requested exemption.

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114 (Source: Amended at 50 Ill. Reg. _____, effective _____)

115

116 **Section 790.40 Procedure**

- 117
- 118 a) Electronic Filing. Cases shall be commenced by the electronic filing of a verified
- 119 complaint with the Court's electronic filing system~~Clerk of the Court~~. A party
- 120 filing a case shall be designated as the claimant, and either the State of Illinois or
- 121 the appropriate State agency (Section 8(d), Court of Claims Act [705 ILCS
- 122 505/~~8(d)~~]) shall be designated as the respondent. The electronic filing
- 123 system~~Clerk~~ will note on the complaint, and each copy, the date of filing. The;
- 124 ~~and deliver one of the copies to the~~ Attorney General or ~~to~~ the legal counsel of the
- 125 appropriate State agency shall be notified of the electronic filing. Documents filed
- 126 electronically must conform to the technical specifications contained in the
- 127 electronic filing system acceptable to the Court. ~~Joinder of claimants in one case~~
- 128 is permitted, as provided by the Code of Civil Procedure [735 ILCS 5].
- 129

130 b) Paper Filing. In the event an exception is granted pursuant to 790.30(c) and paper
131 filing is allowed, cases shall be commenced by the filing of a verified complaint
132 with the Clerk of the Court. A party filing a case shall be designated as the
133 claimant, and either the State of Illinois or the appropriate State agency (Section
134 8(d), Court of Claims Act [705 ILCS 505/8(d)]) shall be designated as the
135 respondent. The Clerk will note on the complaint, and each copy, the date of
136 filing, and deliver one of the copies to the Attorney General or to the legal counsel
137 of the appropriate State agency.

138
139 c) Attorney of Record. In all cases filed in this Court, all claimants not appearing pro
140 se must be represented by an attorney of record by a member of the Illinois bar.
141 Permission for an out-of-state attorney to appear will require compliance with
142 Supreme Court Rules 707, 718 and 756, governing out-of-state attorneys'
143 authorization to practice. A corporation, association, limited liability company or
144 partnership must appear by legal counsel, licensed to practice in the State of
145 Illinois or appearing pro hac vice. If the name, address, and telephone number of
146 an attorney, ~~his address, and telephone number~~ appear on a complaint, no written
147 appearance for such attorney need be filed, but withdrawal and substitution of
148 attorneys shall be by written motion, with proof of service upon the claimant, and
149 filed in the case.

150
151 de) Complaint-form. The complaint shall be captioned substantially as follows:
152

IN THE COURT OF CLAIMS OF THE
STATE OF ILLINOIS

A.B.,))
Claimant))
vs.) No. _____)
) \$ _____)
STATE OF ILLINOIS (or) Amount Claimed
the appropriate)
State Agency),)
))
Respondent)

153
154 ed) Required information. Parties or their attorneys must include on the appearance
155 and all pleadings filed with the Court of Claims an email address to which
156 documents and notices will be served. A self-represented litigant must also
157 include the email address on the appearance and on all pleadings filed with the
158 Court to which documents and notices will be served.~~Pursuant to the disaster~~
159 ~~proclaimed by the Governor in Gubernatorial Proclamation number 2020-038, the~~
160 ~~statute of limitations for filing claims in the Illinois Court of Claims, as referenced~~

~~in 705 ILCS 22, and the Notice provision of 705 ILCS 22-1 is tolled for the pendency of this disaster and for a period of 30 days thereafter.~~

- f) Method of Service. Unless otherwise specified by rule or order of the Court, all filings shall be served electronically through the Court's electronic filing system. If service other than electronic service is specified by order of the Court or an exception to the electronic filing requirements has been granted pursuant to 790.30(c), service of documents may be made by depositing the filing in a United States post office or post office box, enclosed in an envelope to the party's address, as identified by the party's appearance in the matter, with postage fully prepaid.
- g) Notice of Email Rejection. If a party serving a document filing via-email receives a rejection message or similar notification suggesting that transmission was not successful, the party serving the document shall take reasonable steps to ensure actual service of the document.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 790.50 Complaint-Required Provisions

- a) General. A complaint shall be verified by the Claimant or counsel and must set forth fully in the following order:
- 1) Nature of the Claim. A statement of the nature of the claim, its basis (tort, contract, etc.) and each State officer or agency that is alleged to be responsible, in whole or in part, for the liability asserted in the claim; if the claim is against a State employee, the basis upon which liability is claimed against the State must be specifically stated;
 - 2) Jurisdiction. The Section of the Court of Claims Act under which jurisdiction is asserted;
 - 3) Fact Allegations. All allegations of fact required to set forth the claimant's cause of action;
 - 4) History of Claim. Whether the claim has been presented to any State department or officer, or has been the subject of administrative proceedings, and if so:
 - A) when and to whom or which administrative body the claim was presented;

- 204 B) the action taken on behalf of the claim by the State or the
205 appropriate State agency or officer and by each administrative
206 body that has considered the claim;
207
- 208 5) Ownership. What persons are owners of the claim or interested therein,
209 and when and upon what consideration such persons became interested;
210
- 211 6) Assignments. That no assignment or transfer of the claim, or any part
212 thereof or interest therein, has been made except as stated in the
213 complaint;
214
- 215 7) Entitlement. That claimant is justly entitled to the amount claimed from
216 the State of Illinois or the appropriate State agency after allowing all just
217 credits;
218
- 219 8) Verification. That the facts stated in the complaint are true;
220
- 221 9) Whether this claim or any other claim arising out of the same occurrence
222 (against any person, firm or governmental agency other than the State of
223 Illinois or any of its officers or agencies) has been previously presented to
224 any person, firm, court or administrative tribunal other than the State of
225 Illinois, and, if so:
226
- 227 A) when, to whom, and what action was taken by each person, firm,
228 court or administrative tribunal; and
229
- 230 B) what payments or other considerations, if any, have been received.
231 Claimant must file with the Clerk of the Court copies of all
232 instruments evidencing such payment or consideration;
233
- 234 10) Status of Respondent. If a State officer or agency or department of the
235 State is sued in a capacity as holder, administrator or trustee of a fund, or
236 as executor or administrator of a trust or estate, or as a guardian,
237 conservator or any similar capacity, the complaint shall identify:
238
- 239 A) the fund, estate, trust or other entity involved;
240
- 241 B) the statute or principle of law governing the creation of the fund or
242 other entity; and
243
- 244 C) any instrument or order of court or administrative or governmental
245 agency creating such capacity or fund or entity;
246

- 247 11) Damages. A bill of particulars, stating in detail each item of damages, and
248 the amount claimed;
249
- 250 12) If the claimant is an executor, administrator, guardian or other
251 representative appointed by a judicial tribunal, a duly certified copy of the
252 record of appointment must be filed with the complaint.
253
- 254 b) Personal injuries. Where a complaint alleges damages as a result of personal
255 injuries, claimant shall:
256
- 257 1) Attach to the complaint, as a separate item, copies of the notices served as
258 required by Sec. 22-1 of the Court of Claims Act [705 ILCS 505/22-1],
259 showing how and when the notices were served.
260
- 261 2) Include with the bill of particulars, as required by subsection(a)(11), the
262 names and addresses of all persons providing medical services; if
263 hospitalized, name of hospital and dates of hospitalization; name of
264 claimant's employer, place of employment, and dates of time lost, if any.
265
- 266 c) Contracts. If the claimant bases the complaint upon a contract, or other instrument
267 in writing, a copy shall be attached for reference.
268
- 269 d) Lapsed appropriations. All claims for services or materials furnished to the State
270 of Illinois, payment of which has been denied solely because of a lapsed
271 appropriation, shall be filed with the Clerk of the Court of Claims in the following
272 manner:
273
- 274 1) Claims shall be initiated by filing with the Clerk electronically, or if
275 granted an exception to file by paper~~of the Court of Claims~~ 4 copies of a
276 verified lapsed appropriation claim form online at
277 www.ilsos.gov/publications/courtclaimspub.html~~(available upon request~~
278 ~~from the Clerk's office) or a facsimile.~~
279
- 280 2) Respondent shall confirm or deny that such sum of money or any sum of
281 money is due the claimant.
282
- 283 3) Claims against no more than one department or State agency shall be
284 included in each complaint.
285
- 286 4) Claimant's name and address, or that of his or her attorney, shall appear at
287 the bottom of the complaint.
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289 (Source: Amended at 50 Ill. Reg. _____, effective _____)

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Section 790.70 General Continuance – Status Report

When a cause of action has been continued generally the claimant shall file annually, between April 1 and May 31, an electronic notice, or if granted an exception pursuant to 790.30(c), a notice in duplicate, with the Clerk of the Court of Claims, advising the Court of the following:

- a) The status of the action giving rise to the continuance.
- b) Whether the claim in the Court of Claims should be further continued, placed back on the active calendar or dismissed.
- c) If said action has been disposed of, the date and result of said disposition must be filed within 30 days thereafter, and the Court be advised as to whether the claim should be placed back on the active calendar or dismissed.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 790.115 Electronic Appearance

- a) A Commissioner presiding over a case shall have sole discretion in determining whether to require remote or in-person attendance for a court proceeding. A Commissioner may require a case participant to attend a court proceeding in person for reasons particular to the specific case, including the failure of a case participant to follow applicable standards of decorum. When exercising such discretion, the Commissioner shall inform case participants on the record if they are required to attend a future court proceeding in person.
- b) When a case participant testifies or otherwise participates in a trial or evidentiary hearing remotely, appropriate safeguards must be in place to ensure accurate identification of the case participant and to protect against inappropriate influences, including, but not limited to: persons communicating with the case participant without the court's knowledge and the case participant's inappropriate access to materials or information (such as documents or the Internet) during the case proceedings. The Commissioner presiding over the matter shall confirm that such safeguards are available and operational prior to permitting the case participant to participate remotely.
- c) All summons and notices for court proceedings that case participants are permitted to attend remotely shall include information necessary for a case participant to appear in person or remotely, including any information necessary for case participants to access the applicable technology platform to appear remotely.

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- d) The Court shall ensure that any fees associated with the remote appearance technology platform utilized by the court, if any, are not a barrier to accessing the Court.

(Source: Added at 50 Ill. Reg. _____, effective _____)

Section 790.120 Transcript of Evidence

- a) Filing. All evidence shall be taken in writing or subject to the discretion of the Commissioner, by an electronic recording system, and in the manner in which depositions in civil actions are usually taken. When the evidence is taken, and the proofs in a case are closed, the evidence shall be transcribed, and the transcript shall be filed by the court reporter with the clerk within 30 days after the completion of the hearing.
- b) Form. The format of the transcript of evidence shall conform to that of court reporters as nearly as practicable. Double spacing shall be used for each question and answer. Letter ~~or legal~~-size paper shall be used, and margins shall be of suitable size.
- c) Index – witnesses. An index identifying the names of the witnesses shall be included in the transcript of evidence. The index shall further disclose the pages on which the testimony of each witness appears.
- d) Index – exhibits. An index identifying exhibits and reflecting the pages on which the exhibits are marked for identification shall be included in the transcript of evidence. The index shall further disclose the pages on which the exhibits are admitted into evidence or whereon admission thereof is denied.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 790.140 Departmental Records and Reports – Prima Facie Evidence

All records and files maintained in the regular course of business by any department, commission, board, agency or authority of the State of Illinois, and all departmental reports made by any officer thereof relating to any matter or case pending before the Court shall be prima facie evidence of the facts set forth therein; provided, a copy thereof shall have been first duly electronically~~mailed or~~ delivered by the Attorney General or the legal counsel of the appropriate State agency to the claimant, or his attorney of record, and electronically~~2 copies~~ filed with the Clerk.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

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Section 790.160 Excerpts from the Record

In all cases where the transcript of the evidence exceeds 100 pages, the Court, a Judge thereof, or a Commissioner may order that the claimant electronically file ~~6 copies of~~ excerpts from the record, which shall contain the parts of the record deemed essential for the Judges to read in order to decide the issues presented. The excerpts shall refer to the pages of the record by numerals on the margin. This document (entitled Excerpts from the Record), which is to be filed with the claimant's brief, is in lieu of the abstract formerly required, and shall be prepared in conformity with Supreme Court Rule 342 to the extent that rule may be applicable.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 790.170 Briefs

The Court, a Judge thereof, or a Commissioner may order the filing of briefs in a case where the filing of briefs may enlighten the Court. If so ordered, each party shall electronically file with the Clerk ~~2 copies of a typewritten or printed~~ brief setting forth the points of law upon which reliance is had, with reference made to the authorities sustaining their contentions. Citation of numerous authorities in support of the same point is not favored. Accompanying the briefs, there shall be a statement of the facts and an argument in support of the briefs. Wherever facts from the record are restated, there shall be a reference to the pages of the record and not to the pages of the excerpts.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 790.190 Extension of Time

Where a case has been assigned to a Commissioner, either party, upon notice to the other party, may make application to the Commissioner for an extension of time within which to file any pleadings, documents, abstracts or briefs. A party filing such a motion shall electronically submit ~~therewith 3 copies of~~ a proposed order. In all other cases such application for extension of time shall be made to the Court.

(Source: Amended at 50 Ill. Reg. _____, effective _____)

Section 790.200 Motions

- a) General. All motions and objections shall comply with Section 790.30 of this Part.
- b) Motions. All motions shall be made electronically in writing. If an exception is awarded pursuant to 790.30(c) and the participant is permitted to file by paper

419 filing, four~~Four~~ copies of all motions, and suggestions in support of the motion,
 420 shall be filed with the Clerk of the Court and the assigned Commissioner, together
 421 with proof of service upon counsel for the other party. When the motion is based
 422 upon matter that does not appear of record, it shall be supported by an affidavit. A
 423 copy of the motion, suggestions in support of the motion, and affidavit, if any,
 424 shall be served upon counsel for the opposing party at the time the motion is filed
 425 with the Clerk.

426
 427 c) Objections. Objections to motions, and suggestions in support of the objection,
 428 must be filed electronically, unless an exception has been granted pursuant to
 429 790.30(c), in writing and filed within 21 days after the filing of the original
 430 motion. Upon the filing, within 21 days after the filing of the motion, of a request
 431 for an extension of time supported by an affidavit that an objection will be filed
 432 within the extended time, the time shall be automatically extended for an
 433 additional 21 days. No other extensions will be allowed except in compelling
 434 circumstances. All~~Four copies of all~~ objections to motions shall be filed
 435 electronically with the Clerk ~~of the Court~~, together with proof of service upon
 436 counsel for the other party. When motions are filed by either the claimant or the
 437 respondent, the moving party shall also submit a proposed order.

438
 439 d) Rulings by Commissioners. After a case~~cause~~ has been assigned to a
 440 Commissioner, all motions during the course of the hearings, except motions to
 441 dismiss, motions for summary judgment, or other dispositive motions, may be
 442 determined by the Commissioner. The Commissioner shall cause to be filed with
 443 the Clerk of the Court any order so issued.

444
 445 e) Oral argument on motions. There shall be no oral argument on motions or
 446 objections to motions, except on motions where, in the Court's discretion, oral
 447 arguments thereon would be of value to the Court.

448
 449 (Source: Amended at 50 Ill. Reg. _____, effective _____)

450
 451 **Section 790.220 Rehearing or New Trial**

452
 453 A party desiring a rehearing or new trial in any case shall, within 30 days after the filing of the
 454 opinion or order, file electronically with the Clerk a~~4 copies of the~~ petition for rehearing, unless
 455 an exception has been granted pursuant to 790.30(c). The petition shall state briefly the points
 456 supposed to have been overlooked or misapprehended by the Court, with authorities and
 457 suggestions concisely stated in support of the points. A copy of the petition shall be served on
 458 counsel for the other party and proof of service shall be shown in the petition. Any petition
 459 violating this Section will be stricken. The opposite party shall have 20 days from the date of
 460 filing of the petition for rehearing to answer the petition, and the petitioner shall have 10 days
 461 thereafter within which to file a reply. The granting of a petition for rehearing can result in such

462 relief as the Court deems appropriate. Neither the claimant, nor the respondent, shall be
463 permitted to file more than one application or petition for rehearing.

464

465 (Source: Amended at 50 Ill. Reg. _____, effective _____)

466

467 **Section 790.250 Records – Calendar**

468

469 a) Records. The Clerk shall record all orders of the Court, including the final
470 disposition of cases. The Clerk shall keep all required dockets in which all claims
471 shall be entered ~~all claims filed~~, together with their number, dates of filing, the
472 name of claimants, their attorneys of record and respective addresses.

473

474 b) Timely Filing – Paper Filings. As paper filings~~papers~~ are received, the Clerk shall
475 stamp the filing date thereon, and forthwith mail to opposing counsel a copy of all
476 orders entered, pleadings, motions, notices and briefs as filed. Such mailing shall
477 constitute due notice and service thereof.

478

479 c) Timely Filing – Electronic Filings. Unless a statute, rule or court order requires
480 that a document be filed by a certain time of day, a document electronically filed
481 is considered timely if submitted before midnight (in the court's time zone) on or
482 before the date on which the document is due. A document electronically filed on
483 a day when the Clerk's office is not open for business will, unless rejected, be file
484 stamped as filed on the next day the Clerk's office is open for business. The
485 electronically filed document shall be endorsed with the Clerk's electronic file
486 mark setting forth, at a minimum, the date, and the time of filing. If a corrected
487 version of the rejected document is filed but would be deemed untimely as a result
488 of the earlier rejection, the filing party may file a motion for original submission
489 date as follows:

490

491 1) Rejection.

492

493 A) If a document is rejected for any reason, the electronically filing
494 party may, within five court days of the notice of rejection,
495 electronically file a motion requesting that the later-filed document
496 be deemed to have been electronically filed on the original
497 submission date. The motions shall set forth the following:

498

499 i) The date of the original submission;

500

501 ii) The date of the rejection;

502

503 iii) The reason for the rejection; and

504

505 iv) The document to be deemed electronically filed on the date
506 of the failed submission, attached as an exhibit. The
507 document shall contain no changes from the original except
508 to correct the error identified by the Clerk as the reason for
509 the rejection, if applicable.

510
511 B) The Court shall grant a timely motion for original submission date
512 that satisfies the foregoing requirements and enter an order
513 establishing that the effective date of filing of the corrected
514 document shall be the date of the original submission. If the filer
515 establishes that the original file was rejected for reasons not in
516 conformity with those permitted under this Title, the corrected
517 document need not vary from the original submission.

518
519 2) Technical Failure.

520
521 A) If a document is untimely due to a technical failure of the court-
522 approved electronic filing system, the filing party may request that
523 the later-filed document be deemed filed as of the date of the
524 technical failure by filing a motion within five business days of the
525 date of the technical failure that includes:

526
527 i) The date of the technical failure;

528
529 ii) The circumstances of the technical failure; and

530
531 iii) The documents to be deemed filed on the date of the
532 technical failure, attached as an exhibit.

533
534 B) Upon a showing that the technical failure prevented the timely
535 filing of the document, the court shall grant a timely motion for
536 original submission date and enter an order establishing that the
537 effective date of filing of the corrected document shall be the date
538 of the failed submission attempt.

539
540 d) The Court shall have jurisdiction to rule on any timely motion for original
541 submission date.

542
543 (Source: Amended at 50 Ill. Reg. _____, effective _____)

544
545 **Section 790.270 Fees and Costs**

546
547 a) In claims based upon lapsed appropriations, ~~or~~ lost warrant, recoupment, medical

548 assistance program, certificate of innocence, Line of Duty Compensation Act,
549 National Guardsman's Compensation Act, and Crime Victim's Compensation Act,
550 no filing fee shall be required. In all other claims the following fees shall apply:
551

Filing of complaint in which amount of claim is less
than \$1,000..... \$15

Filing of complaint in which amount of claim is
\$1,000 or more \$35

552
553 b) Filing fees may be waived for an indigent person upon application provided and
554 approved by the Court of Claims.
555

556 ~~1) All applications shall be notarized and include: the name and address of~~
557 ~~the applicant; applicant's occupation and employer; income from the~~
558 ~~previous year; sources and amount of income expected in the future;~~
559 ~~persons dependent on the applicant for support; a brief statement of any~~
560 ~~real estate or personal property (including any motor vehicles) and the~~
561 ~~value of the real estate, personal property and motor vehicle held by the~~
562 ~~applicant; a statement (and any government issued documentation) of~~
563 ~~receiving assistance under one or more of the following public benefits~~
564 ~~programs (Supplemental Security Income (SSI), Aid to the Aged, Blind~~
565 ~~and Disabled (AABD), Temporary Assistance for Needy Families~~
566 ~~(TANF), Supplemental Nutritional Assistance Program (SNAP), etc.), or~~
567 ~~documentation of receiving unemployment insurance benefits; a statement~~
568 ~~of any applications filed on behalf of the applicant for leave to sue or~~
569 ~~defend as an indigent person during the previous year; and a statement that~~
570 ~~the applicant is unable to pay the cost of the case and has a meritorious~~
571 ~~claim or defense.~~

572
573 ~~2) The Court, considering the information of the application as a whole, shall~~
574 ~~determine whether the information contained in the application~~
575 ~~demonstrates to the Court that an inability to pay exists, and if so, will~~
576 ~~waive the fees. Receipt of public benefit program assistance or~~
577 ~~unemployment insurance benefits stated in subsection (b)(1) shall result in~~
578 ~~waiver of fees, irrespective of other information provided.~~

579
580 c) Filing fees shall be paid electronically unless an exception is granted pursuant to
581 790.30(c).
582

583 de) Certified copies of documents filed in the Court of Claims may be obtained upon
584 application to the Secretary of State pursuant to the Illinois Freedom of
585 Information Act [5 ILCS 140] and payment of any fees prescribed therein

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588

~~prescribed costs.~~

(Source: Amended at 50 Ill. Reg. _____, effective _____)