2016

ILLINOIS COURT OF CLAIMS

Rules and Statutes

JESSE WHITE
Secretary of State

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SUMMARY OF JURISDICTION

The Court has exclusive jurisdiction in the following matters:

1. All claims against the State founded upon any State law or regulation other than Workmen's Compensation claims.
2. All contract claims against the State.
3. All compensation claims against the State for time unjustly served in Illinois prisons, filed by persons who have been pardoned bases on innocence, or have been awarded a Certificate of Innocence.
4. All damage claims against the State for torts "…if a like cause of action would lie against a private person or corporation in a civil suit...." Specifically included are all tort claims against the Medical Center Commission, The Board of Trustees of the University of Illinois, The Board of Trustees of Southern Illinois University, The Board of Trustees of Chicago State University, The Board of Trustees of Eastern Illinois University, The Board of Trustees of Governor's State University, The Board of Trustees of Illinois State University, The Board of Trustees of Northeastern Illinois University, The Board of Trustees of Northern Illinois University, The Board of Trustees of Western Illinois University and The Board of Trustees of the Illinois Mathematics and Science Academy.
5. All claims for recoupment made by the State of Illinois against any claimant.
6. All claims under the Line of Duty Compensation Act.
7. All claims under the Crime Victims Compensation Act.
8. All claims under the Illinois National Guardsman's Compensation Act.
9. Action for recovery of funds deposited with the State pursuant to the Motor Vehicle Financial Responsibility Act.
10. Claims for damages caused by escaped inmates of State institutions.
11. All other claims against the State under related statutes.

COURT OF CLAIMS ACT

(Ill. Comp. Stat. 2010 (as supplemented), 705 ILCS 505/1, et seq.)

AN ACT to create the Court of Claims, to prescribe its powers and duties, and to repeal an Act herein named.

(705 ILCS 505/1) (from Ch. 37, par. 439.1) Sec. 1. Creation of the Court of Claims – Appointment of Judges. The Court of Claims, hereinafter called the court, is created. It shall consist of 7 judges, who are attorneys licensed to practice law in the State of Illinois, to be appointed by the Governor by and with the advice and consent of the Senate, one of whom shall be appointed chief justice. In case of vacancy in such office during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate, when he shall nominate some person to fill such office. If the Senate is not in session at the time this Act takes effect, the Governor shall make temporary appointments as in case of vacancy. (Source: P.A. 84-1240.)

(705 ILCS 505/2) (from Ch. 37, par. 439.2) Sec. 2. Term of Office. Upon the expiration of the terms of office of the incumbent judges the Governor shall appoint their successors by and with the consent of the Senate for terms of 2, 4 and 6 years commencing on the third Monday in January of the year 1953. Of the 2 new members first appointed after the effective date of this amendatory Act of 1983, one shall be appointed to an initial term ending the third Monday in January, 1986, and one shall be appointed to an initial term ending on the third Monday in January, 1988. Of the 2 members first appointed after the effective date of this amendatory Act of 1986, one shall be appointed to an initial term ending the third Monday in January, 1989, and one shall be appointed to an initial term ending on the third Monday in January, 1991. After the expiration of the terms of the judges first appointed, each of their respective successors shall hold office for a term of 6 years and until their successors are appointed and qualified. (Source: P.A. 84-1240.)

(705 ILCS 505/3) (from Ch. 37, par. 439.3) Sec. 3. Oath of Office. Before entering upon the duties of his office, each judge shall take and subscribe the constitutional oath of office and shall file it with the Secretary of State. (Source: Laws 1945, p. 660.)

(705 ILCS 505/4) (from Ch. 37, par. 439.4) Sec. 4. Compensation for Judges. Each judge shall receive an annual salary of: $20,900 from the third Monday in January, 1979 to the third Monday in January, 1980; $22,100 from the third Monday in January, 1980 to the third Monday in January, 1981; $23,400 from the third Monday in January, 1981 to the third Monday in January, 1982, and $25,000 thereafter, or as set by the Compensation Review Board, whichever is greater, payable in equal monthly installments. (Source: P.A. 83-1177.)

(705 ILCS 505/5) (from Ch. 37, par. 439.5) Sec. 5. Seal of Court. The court shall have a seal with such device as it may order. (Source: Laws 1945, p. 660.)

(705 ILCS 505/6) (from Ch. 37, par. 439.6) Sec. 6. Sessions of Court. The court shall hold sessions at such places as it deems necessary to expedite the business of the court. (Source: P.A. 90-492, eff. 8-17-97.)

(705 ILCS 505/6.5) Sec. 6.5. Court of Claims Administration and Grant Fund. The Court of Claims may accept monetary gifts and grants from any source for any purpose necessary or desirable in the exercise of its powers or the administration of its duties upon such terms and conditions as may be in the grant or gift. There is created in the State treasury the Court of Claims Administration and Grant Fund. All moneys received under this Section shall be deposited into the Fund. Subject to appropriation by the General Assembly, moneys in the Fund may be used by the Court of Claims only for the purposes intended under the gift or grant and any associated administrative expenses. (Source: P.A. 89-670, eff. 8-14-96.)

(705 ILCS 505/7) (from Ch. 37, par. 439.7) Sec. 7. Record of Proceedings – Clerk of Court – Court Room, etc. The court shall record its acts and proceedings. The Secretary of State, ex officio, shall be clerk of the court, but may appoint a deputy, who shall be an officer of the court, to act in his stead. The deputy shall take an oath to discharge his duties faithfully and shall be subject to the direction of the court in the performance thereof. The Secretary of State shall provide the court with suitable court rooms, chambers, office space, and computer services as are necessary and proper for the transaction of its business. (Source: P.A. 83-865.)

(705 ILCS 505/8) (from Ch. 37, par. 439.8) Sec. 8. Jurisdiction. Court of Claims jurisdiction; deliberation periods. The court shall have exclusive jurisdiction to hear and determine the following matters:

(a) All claims against the State founded upon any law of the State of Illinois or upon any regulation adopted there under by an executive or administrative officer or agency; provided, however, the court shall not have jurisdiction (i) to hear or determine claims arising under the Workers' Compensation Act or the Workers' Occupational Diseases Act, or claims for expenses in civil litigation, or (ii) to review administrative decisions for which a statute provides that review shall be in the circuit or appellate court.

(b) All claims against the State founded upon any contract entered into with the State of Illinois.

(c) All claims against the State for time unjustly served in prisons of this State when the person imprisoned received a pardon from the governor stating that such pardon is issued on the ground of innocence of the crime for which he or she was imprisoned or he or she received a certificate of innocence from the Circuit Court as provided in Section 2-702 of the Code of Civil Procedure; provided, the amount of the award is at the discretion of the court; and provided, the court shall make no award in excess of the following amounts: for imprisonment of 5 years or less, not more than $85,350; for imprisonment of 14 years or less but over 5 years, not more than $170,000; for imprisonment of over 14 years, not more than $199,150; and provided further, the court shall fix attorney's fees not to exceed 25% of the award granted. On or after the effective date of this amendatory Act of the 95th General Assembly, the court shall annually adjust the maximum awards authorized by this subsection (c) to reflect the increase, if any, in the Consumer Price Index For All Urban Consumers for the previous calendar year, as determined by the United States Department of Labor, except that no annual increment may exceed 5%. For the annual adjustments, if the Consumer Price Index decreases during a calendar year, there shall be no adjustment for that calendar year. The transmission by the Prisoner Review Board or the clerk of the

circuit court of the information described in Section 11(b) to the clerk of the Court of Claims is conclusive evidence of the validity of the claim. The changes made by this amendatory Act of the 95th General Assembly apply to all claims pending on or filed on or after the effective date.

(d) All claims against the State for damages in cases sounding in tort, if a like cause of action would lie against a private person or corporation in a civil suit, and all like claims sounding in tort against the Medical Center Commission, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy; provided, that an award for damages in a case sounding in tort, other than certain cases involving the operation of a State vehicle described in this paragraph, shall not exceed the sum of $100,000 to or for the benefit of any claimant. The $100,000 limit prescribed by this Section does not apply to an award of damages in any case sounding in tort arising out of the operation by a State employee of a vehicle owned, leased or controlled by the State. The defense that the State or the Medical Center Commission or the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy is not liable for the negligence of its officers, agents, and employees in the course of their employment is not applicable to the hearing and determination of such claims.

(e) All claims for recoupment made by the State of Illinois against any claimant.

(f) All claims pursuant to the Line of Duty Compensation Act. A claim under that Act must be heard and determined within one year after the application for that claim is filed with the Court as provided in that Act.

(g) All claims filed pursuant to the Crime Victims Compensation Act.

(h) All claims pursuant to the Illinois National Guardsman's Compensation Act. A claim under that Act must be heard and determined within one year after the application for that claim is filed with the Court as provided in that Act.

(i) All claims authorized by subsection (a) of Section 10-55 of the Illinois Administrative Procedure Act for the expenses incurred by a party in a contested case on the administrative level. (Source: P.A. 95-970, eff. 9-22-08; 96-80, eff. 7-27-09.)

(705 ILCS 505/8.5) Sec. 8.5. (Repealed). (Source: P.A. 95-18, eff. 7-30-07.Repealed by P.A. 97-618,eff.10-26-11.)

(705 ILCS 505/9) (from Ch. 37, par. 439.9) Sec. 9. Rules of Court – Subpoenas. The court may:

A. Establish rules for its government and for the regulation of practice therein; appoint commissioners to assist the court in such manner as it directs and discharge them at will; and exercise such powers as are necessary to carry into effect the powers granted in this Section. Any Commissioner appointed shall be an attorney licensed to practice law in the State of Illinois. The rules established hereunder shall not be waived, and any extension of time authorized by such rules shall only be allowed on motion duly filed within the time limitation for which the extension is requested.

B. Issue subpoenas through the Chief Justice or one of its judges or commissioners to require the attendance of witnesses for the purpose of testifying before it, or before any judge of the court, or before any notary public, or any of its commissioners, and to require the production of any books, records, papers or documents that may be material or relevant as evidence in any matter pending before it. In case any person refuses to comply with any subpoena issued in the name of the chief justice, or one of the judges or commissioners, attested by the clerk, with the seal of the court attached, and served upon the person named therein as a summons in a civil action is served, the circuit court of the proper county, on application of the party at whose instance the subpoena was issued, shall compel obedience by attachment proceedings, as for contempt, as in a case of a disobedience of the requirements of a subpoena from such court on a refusal to testify therein. (Source: P.A. 83-865.)

(705 ILCS 505/9.5) Sec. 9.5. Gold Star and Fallen Heroes Families Assistance Program.

(a) Within the Court of Claims, there is established a Gold Star and Fallen Heroes Families Assistance Program, which is charged with the responsibility of assessing the needs of and providing information to Illinois Gold Star and Fallen Heroes Families with regard to claims filed pursuant to the Line of Duty Compensation Act.

(b) As used in this Section, "Gold Star and Fallen Heroes Family" means the family members of an individual who was killed in the line of duty and who was employed or serving in a capacity defined in Section 2 of the Illinois Line of Duty Compensation Act.

(c) Toll free helpline. The Gold Star and Fallen Heroes Families Assistance Program shall include a toll free helpline dedicated to families seeking information about the Line of Duty Compensation Act, including, but not limited to, the status of claims filed pursuant to that Act. The helpline phone number and information about the Gold Star and Fallen Heroes Families Assistance Program shall be provided to each person filing a claim under the Line of Duty Compensation Act.

(d) On or before January 1 of each year, the Court of Claims shall report to the Governor, both houses of the General Assembly, and the Illinois Department of Veterans' Affairs the following information:

(1) the number of claims filed with the Court of Claims pursuant to the Line of Duty Compensation Act;

(2) the number of Line of Duty Compensation Act claims approved for payment by the Court of Claims during the preceding calendar year;
(3) the number and status of Line of Duty Compensation Act claims pending in the Court of Claims; and
(4) other information as may be requested by the Governor. (Source: P.A. 96-539, eff. 1-1-10; 96-541, eff. 1-1-10; 96-1000, eff. 7-2-10.)

(705 ILCS 505/10) (from Ch. 37, par. 439.10) Sec. 10. Oath and Affirmations – Acknowledgements. The judges, commissioners and the clerk of the court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of them. (Source: Laws 1945, p. 660.)

(705 ILCS 505/11) (from Ch. 37, par. 439.11) Sec. 11. Petition – Requisites. Filing claims.

(a) Except as otherwise provided in subsection (b) of this Section and subsection (4) of Section 24, the claimant shall in all cases set forth fully in his petition the claim, the action thereon, if any, on behalf of the State, what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of the claim or any part thereof or interest therein has been made, except as stated in the petition; that the claimant is justly entitled to the amount therein claimed from the State of Illinois, after allowing all just credits; and that claimant believes the facts stated in the petition to be true. The petition shall be verified, as to statements of facts, by the affidavit of the claimant, his agent, or attorney.

(b) Whenever a person has served a term of imprisonment and has received a pardon by the Governor stating that such pardon was issued on the ground of innocence of the crime for which he or she was imprisoned, the Prisoner Review Board shall transmit this information to the clerk of the Court of Claims, together with the claimant's current address. Whenever a person has served a term of imprisonment and has received a certificate of innocence from the Circuit Court as provided in Section 2-702 of the Code of Civil Procedure, the clerk of the issuing Circuit Court shall transmit this information to the clerk of the Court of Claims, together with the claimant's current address. The clerk of the Court of Claims shall immediately docket the case for consideration by the Court of Claims, and shall provide notice to the claimant of such docketing together with all hearing dates and applicable deadlines. The Court of Claims shall hear the case and render a decision within 90 days after its docketing. (Source: P.A. 95-970, eff. 9-22-08; 96-328, eff. 8-11-09.)

(705 ILCS 505/12) (from Ch. 37, par. 439.12) Sec. 12. Examination of Claimant. The court or a commissioner may direct any claimant to appear, upon reasonable notice, before the court or one of its judges or commissioners or before a notary and be examined on oath or affirmation concerning any matter pertaining to his claim. The examination shall be reduced to writing and be filed with the clerk of the court and remain as a part of the evidence in the case. If any claimant, after being so directed and notified, fails to appear or refuses to testify or answer fully as to any material matter within his knowledge, the court or commissioner may order that the case be not heard or determined until he has complied fully with the direction of the court. (Source: P.A. 83-865.)

(705 ILCS 505/13) (from Ch. 37, par. 439.13) Sec. 13. Place of Holding Court. Any judge or commissioner of the court may sit at any place within the State to take evidence in any case in the court. (Source: Laws 1945, p. 660.)

(705 ILCS 505/14) (from Ch. 37, par. 439.14) Sec. 14. Fraud Against State. Whenever any fraud against the State of Illinois is practiced or attempted by any claimant in the proof, statement, establishment, or allowance of any claim or of any part of any claim, the claim or part thereof shall be forever barred from prosecution in the court. (Source: Laws 1945, p. 660.)

(705 ILCS 505/15) (from Ch. 37, par. 439.15) Sec. 15. New Trials. When a decision is rendered against a claimant, the court may grant a new trial for any reason which, by the law applicable to civil actions between individuals, would furnish sufficient ground for granting a new trial. The court by rule may provide a procedure for review of a decision. (Source: P.A. 83-865.)

(705 ILCS 505/16) (from Ch. 37, par. 439.16) Sec. 16. Concurrence of Judges. Concurrence of 4 judges is necessary to the decision of any case; provided, however, the court in its discretion may assign any case to a commissioner for hearing and final decision, subject to whatever right of review the court by rule may choose to exercise. In matters involving the award of emergency funds under the Crime Victims Compensation Act, the decision of one judge is necessary to award emergency funds. (Source: P.A. 92-286, eff. 1-1-02.)

(705 ILCS 505/17) (from Ch. 37, par. 439.17) Sec. 17. Conclusiveness of Determination. Any final determination against the claimant on any claim prosecuted as provided in this Act shall forever bar any further claim in the court arising out of the rejected claim. (Source: Laws 1945, p. 660.)

(705 ILCS 505/18) (from Ch. 37, par. 439.18) Sec. 18. Separate Record of Claims – Opinions – Compilation and Publication. The court shall provide, by rule, for the maintenance of separate records of claims which arise solely due to lapsed appropriations and for claims for which amount of recovery sought is less than $5,000. In all other cases, the court or Commissioner as the case may be, shall file with its clerk a written opinion in each case upon final disposition thereof. All opinions shall be compiled and published annually by the clerk of the court. (Source: P.A. 90-492, eff. 8-17-97.)

(705 ILCS 505/19) (from Ch. 37, par. 439.19) Sec. 19. Attorney General to Appear in Interest of State. The Attorney General, or his assistants under his direction, shall appear for the defense and protection of the interests of the State of Illinois in all cases filed in the court, and may make claim for recoupment by the State. (Source: Laws 1945, p. 660.)

(705 ILCS 505/20) (from Ch. 37, par. 439.20) Sec. 20. (Repealed).
(Source: P.A. 88-567, eff. 1-1-95. Repealed by P.A. 90-492, eff. 8-17-97.)

(705 ILCS 505/21) (from Ch. 37, par. 439.21) Sec. 21. Fees. The court is authorized to impose, by uniform rules, a fee of $15 for the filing of a petition in any case in which the award sought is more than $50 and less than $1,000 and $35 in any case in which the award sought is

$1,000 or more; and to charge and collect for copies of opinions or other documents filed in the Court of Claims such fees as may be prescribed by the rules of the Court. All fees and charges so collected shall be forthwith paid into the State Treasury. A petitioner who is a prisoner in an Illinois Department of Corrections facility who files a pleading, motion, or other filing that purports to be a legal document against the State, the Illinois Department of Corrections, the Prisoner Review Board, or any of their officers or employees in which the court makes a specific finding that it is frivolous shall pay all filing fees and court costs in the manner provided in Article XXII of the Code of Civil Procedure. In claims based upon lapsed appropriations or lost warrant or in claims filed under the Line of Duty Compensation Act, the Illinois National Guardsman's Compensation Act, or the Crime Victims Compensation Act or in claims filed by medical vendors for medical services rendered by the claimant to persons eligible for Medical Assistance under programs administered by the Department of Healthcare and Family Services, no filing fee shall be required. (Source: P.A. 95-331, eff. 8-21-07.)

(705 ILCS 505/22) (from Ch. 37, par. 439.22) Sec. 22. Limitations. Every claim cognizable by the Court and not otherwise sooner barred by law shall be forever barred from prosecution therein unless it is filed with the Clerk of the Court within the time set forth as follows:

(a) All claims arising out of a contract must be filed within 5 years after it first accrues, saving to minors, and persons under legal disability at the time the claim accrues, in which cases the claim must be filed within 5 years from the time the disability ceases.

(b) All claims cognizable against the State by vendors of goods or services under "The Illinois Public Aid Code", approved April 11, 1967, as amended, must file within one year after the accrual of the cause of action, as provided in Section 11-13 of that Code.

(c) All claims arising under paragraph (c) of Section 8 of this Act must be automatically heard by the court within 120 days after the person asserting such claim is either issued a certificate of innocence from the Circuit Court as provided in Section 2-702 of the Code of Civil Procedure, or is granted a pardon by the Governor, whichever occurs later, without the person asserting the claim being required to file a petition under Section 11 of this Act, except as otherwise provided by the Crime Victims Compensation Act. Any claims filed by the claimant under paragraph (c) of Section 8 of this Act must be filed within 2 years after the person asserting such claim is either issued a certificate of innocence as provided in Section 2-702 of the Code of Civil Procedure, or is granted a pardon by the Governor, whichever occurs later.

(d) All claims arising under paragraph (f) of Section 8 of this Act must be filed within the time set forth in Section 3 of the Line of Duty Compensation Act.

(e) All claims arising under paragraph (h) of Section 8 of this Act must be filed within one year of the date of the death of the guardsman or militiaman as provided in Section 3 of the "Illinois National Guardsman's and Naval Militiaman's Compensation Act", approved August 12, 1971, as amended.

(f) All claims arising under paragraph (g) of Section 8 of this Act must be filed within one year of the crime on which a claim is based as provided in Section 6.1 of the "Crime Victims Compensation Act", approved August 23, 1973, as amended.

(g) All claims arising from the Comptroller's refusal to issue a replacement warrant pursuant to Section 10.10 of the State Comptroller Act must be filed within 5 years after the issue date of such warrant.

(h) All other claims must be filed within 2 years after it first accrues, saving to minors, and persons under legal disability at the time the claim accrues, in which case the claim must be filed within 2 years from the time the disability ceases.

(i) The changes made by this amendatory Act of 1989 shall apply to all warrants issued within the 5 year period preceding the effective date of this amendatory Act of 1989.

(j) All time limitations established under this Act and the rules promulgated under this Act shall be binding and jurisdictional, except upon extension authorized by law or rule and granted pursuant to a motion timely filed. (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08; 96-328, eff. 8-11-09.)

(705 ILCS 505/22-1) (from Ch. 37, par. 439.22-1) Sec. 22-1. Actions for Personal Injuries – Notice – Contents. Within 1 year from the date that such an injury was received or such a cause of action accrued, any person who is about to commence any action in the Court of Claims against the State of Illinois, the Medical Center Commission, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy, for damages on account of any injury to his person shall file in the office of the Attorney General and also in the office of the Clerk of the Court of Claims, either by himself, his agent, or attorney, giving the name of the person to whom the cause of action has accrued, the name and residence of the person injured, the date and about the hour of the accident, the place or location where the accident occurred, a brief description of how the accident occurred, and the name and address of the attending physician, if any, except as otherwise provided by the Crime Victims Compensation Act.

In actions for death by wrongful act, neglect or default, the executor of the estate, or in the event there is no will, the administrator or other personal representative of the decedent, shall file within 1 year of the date of death or the date that the executor or administrator is qualified, whichever occurs later, in the office of the Attorney General and also in the office of the Clerk of the Court of Claims, giving the name of the person to whom the cause of action has accrued, the name and last residence of the decedent, the date of the accident causing death, the date of the decedent's demise, the place or location where the accident causing the death occurred, the date and about the hour of the accident, a brief description of how the accident occurred, and the names and addresses of the attending physician and treating hospital if any, except as otherwise provided by the Crime Victims Compensation Act.

A claimant is not required to file the notice required by this Section if he or she files his or her claim within one year of its accrual. (Source: P.A. 89-4, eff. 1-1-96; 90-492, eff. 8-17-97.)

(705 ILCS 505/22-2) (from Ch. 37, par. 439.22-2) Sec. 22-2. Failure to File Notice – Effect. If the notice provided for by Section 22-1 is not filed as provided in that Section, any such action commenced against the State of Illinois, the Medical Center Commission, the Board of Trustees of the University of Illinois, the Board of Trustees of Southern Illinois University, the Board of

Trustees of Chicago State University, the Board of Trustees of Eastern Illinois University, the Board of Trustees of Governors State University, the Board of Trustees of Illinois State University, the Board of Trustees of Northeastern Illinois University, the Board of Trustees of Northern Illinois University, the Board of Trustees of Western Illinois University, or the Board of Trustees of the Illinois Mathematics and Science Academy, shall be dismissed and the person to whom any such cause of action accrued for any personal injury shall be forever barred from further action in the Court of Claims for such personal injury, except as otherwise provided by the Crime Victims Compensation Act. (Source: P.A. 89-4, eff. 1-1-96.)

(705 ILCS 505/23) (from Ch. 37, par. 439.23) Sec. 23. Award as Condition Precedent to Appropriation. It is the policy of the General Assembly to make no appropriation to pay any claim against the State, cognizable by the court, unless an award there for has been made by the court. (Source: Laws 1945, p. 660.)

(705 ILCS 505/24) (from Ch. 37, par. 439.24) Sec. 24. Claims – Payment. Payment of awards.

(1) From funds appropriated by the General Assembly for the purposes of this Section the Court may direct immediate payment of:
  (a) All claims arising solely as a result of the lapsing of an appropriation out of which the obligation could have been paid.
  (b) All claims pursuant to the Line of Duty Compensation Act.
  (c) All claims pursuant to the "Illinois National Guardsman's and Naval Militiaman's Compensation Act", approved August 12, 1971, as amended.
  (d) All claims pursuant to the "Crime Victims Compensation Act", approved August 23, 1973, as amended.
  (e) All other claims wherein the amount of the award of the Court is less than $5,000.

(2) The court may, from funds specifically appropriated from the General Revenue Fund for this purpose, direct the payment of awards less than $50,000 solely as a result of the lapsing of an appropriation originally made from any fund held by the State Treasurer. For any such award paid from the General Revenue Fund, the court shall thereafter seek an appropriation from the fund from which the liability originally accrued in reimbursement of the General Revenue Fund.

(3) In directing payment of a claim pursuant to the Line of Duty Compensation Act, the Court must direct the Comptroller to add an interest penalty if payment of a claim is not made within 6 months after a claim is filed in accordance with Section 3 of the Line of Duty Compensation Act and all information has been submitted as required under Section 4 of the Line of Duty Compensation Act. If payment is not issued within the 6-month period, an interest penalty of 1% of the amount of the award shall be added for each month or fraction thereof after the end of the 6-month period, until final payment is made. This interest penalty shall be added regardless of whether the payment is not issued within the 6-month period because of the appropriation process, the consideration of the matter by the Court, or any other reason.

(3.5) The interest penalty payment provided for in subsection (3) shall be added to all claims for which benefits were not paid as of the effective date of P.A. 95-928. The interest penalty shall be calculated starting from the effective date of P.A.

95-928, provided that the effective date of P.A. 95-928 is at least 6 months after the date on which the claim was filed in accordance with Section 3 of the Line of Duty Compensation Act. In the event that the date 6 months after the date on which the claim was filed is later than the effective date of P.A. 95-928, the Court shall calculate the interest payment penalty starting from the date 6 months after the date on which the claim was filed in accordance with Section 3 of the Line of Duty Compensation Act. This subsection (3.5) of this amendatory Act of the 96th General Assembly is declarative of existing law.

(3.6) In addition to the interest payments provided for in subsections (3) and (3.5), the Court shall direct the Comptroller to add a "catch-up" payment to the claims of eligible claimants. For the purposes of this subsection (3.6), an "eligible claimant" is a claimant whose claim is not paid in the year in which it was filed. For purposes of this subsection (3.6), “catch-up” payment is defined as the difference between the amount paid to claimants whose claims were filed in the year in which the eligible claimant's claim is paid and the amount paid to claimants whose claims were filed in the year in which the eligible claimant filed his or her claim. The "catch-up" payment is payable simultaneously with the claim award.

(4) From funds appropriated by the General Assembly for the purposes of paying claims under paragraph (c) of Section 8, the court must direct payment of each claim and the payment must be received by the claimant within 60 days after the date that the funds are appropriated for that purpose. (Source: P.A. 95-928, eff. 8-26-08; 95-970, eff. 9-22-08; 96-328, eff. 8-11-09; 96-539, eff. 1-1-10.)

(705 ILCS 505/24.5) Sec. 24.5. Applicability. This amendatory Act of the 95th General Assembly shall apply to causes of action filed on or after its effective date. (Source: P.A. 95-970, eff. 9-22-08.)

(705 ILCS 505/25) (from Ch. 37, par. 439.24-5) Sec. 25. Exhaustion of Other Remedies for Recovery – Exception. Any person who files a claim in the court shall, before seeking final determination of his or her claim exhaust all other remedies and sources of recovery whether administrative or judicial; except that failure to file or pursue actions against State employees, acting within the scope of their employment, shall not be a defense. (Source: P.A. 83-345.)

(705 ILCS 505/26) (from Ch. 37, par. 439.24-6) Sec. 26. Full Accord and Satisfaction – Set-off. The granting of an award under this Act shall constitute full accord and satisfaction. There shall be but one satisfaction of any claim or cause of action and any recovery awarded by the court shall be subject to the right of set-off. (Source: P. A. 78-255.)

(705 ILCS 505/26-1) (from Ch. 37, par. 439.24-6.1) Sec. 26-1. Maximum Contingent Fee – Exceptions. Except as otherwise provided herein, the maximum contingent fee to be charged by an attorney practicing before the Court shall not exceed 20 percent of the amount awarded, which is in excess of the undisputed amount of the claim, unless further fees shall be allowed by the Court. In cases involving lapsed appropriations or lost warrants where there is no dispute as to the liability of the respondent, the fee, if any, for services rendered is to be fixed by the Court at a nominal amount.

Nothing herein applies to awards made under the Line of Duty Compensation Act or the Illinois National Guardsman's Compensation Act or the Illinois Uniform Conviction Information Act. (Source: P.A. 95-331, eff. 8-21-07.)

(705 ILCS 505/27) (from Ch. 37, par. 439.24-7) Sec. 27. Severability. The provisions of this Act shall be severable, and if any provision of this Act is declared unconstitutional or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this Act and the applicability thereof to other persons and circumstances shall not be affected thereby. (Source: P. A. 78-255.)

(705 ILCS 505/28) (from Ch. 37, par. 439.24-8) Sec. 28. Application. This Amendatory Act of 1971 shall apply only to causes of action accruing on or after January 1, 1972. (Source: P. A. 77-1777.)

(705 ILCS 505/29) (from Ch. 37, par. 439.24-9) Sec. 29. Short Title. This Act shall be known and may be cited as the "Court of Claims Act". (Source: P. A. 77-1777.)

CRIME VICTIM'S COMPENSATION ACT – 2004

(740 ILCS 45/1, et seq., 2004)

(740 ILCS 45/1) (from Ch. 70, par. 71) Sec. 1. Short Title. This Act shall be known and may be cited as the "Crime Victims Compensation Act". (Source: P. A. 78-359.)

(740 ILCS 45/2) (from Ch. 70, par. 72) Sec. 2. Definitions. As used in this Act, unless the context otherwise requires:

(a) "Applicant" means any person who applies for compensation under this Act or any person the Court of Claims finds is entitled to compensation, including the guardian of a minor or of a person under legal disability. It includes any person who was a dependent of a deceased victim of a crime of violence for his or her support at the time of the death of that victim.

(b) "Court of Claims" means the Court of Claims created by the Court of Claims Act.

(c) "Crime of violence" means and includes any offense defined in Sections 9-1, 9-1.2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-9,11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-3.4, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or section 12-3.05 except for subdivision (a)(4) or (g)(1),or subdivision (a)(4) of Section 11-14.4, of the Criminal Code of 1961, or the Criminal Code of 2012, Sections 1(a) and 1(a-5) of the Cemetery Protection Act, Section 125 of the Stalking No Contact Order Act, Section 219 of the Civil No Contact Order Act, driving under the influence defined in Section 11-501 of the Illinois Vehicle Code, a violation of Section 11-401 of the Illinois Vehicle Code, provided the victim was a pedestrian or was operating a vehicle moved solely by human power or a mobility device at the time of contact, and a violation of Section 11-204.1 of the Illinois Vehicle Code; so long as the offense did not occur during a civil riot, insurrection or rebellion. "Crime of violence" does not include any other offense or accident involving a motor vehicle except those vehicle offenses specifically provided for in this paragraph. "Crime of violence" does include all of the offenses specifically provided for in this paragraph that occur within this State but are subject to federal jurisdiction and crimes involving terrorism as defined in 18 U.S.C. 2331.

(d) "Victim" means (1) a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against him or her, (2) the spouse or parent of a person killed or injured in this State as a result of a crime of violence perpetrated or attempted against the person, (3) a person killed or injured in this State while attempting to assist a person against whom a crime of violence is being perpetrated or attempted, if that attempt of assistance would be expected of a reasonable person under the circumstances, (4) a person killed or injured in this State while assisting a law enforcement official apprehend a person who has perpetrated a crime of violence or prevent the perpetration of any such crime if that assistance was in response to the express request of the law enforcement official, (5) a person who personally witnessed a violent crime, (5.1) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any other

person under the age of 18 who is the brother, sister, half brother, half sister, child, or stepchild of a person killed or injured in this State as a result of a crime of violence, (6) an Illinois resident who is a victim of a "crime of violence" as defined in this Act except, if the crime occurred outside this State, the resident has the same rights under this Act as if the crime had occurred in this State upon a showing that the state, territory, country, or political subdivision of a country in which the crime occurred does not have a compensation of victims of crimes law for which that Illinois resident is eligible, (7) a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence, or (8) solely for the purpose of compensating for pecuniary loss incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime, any parent, spouse, or child under the age of 18 of a deceased person whose body is dismembered or whose remains are desecrated as the result of a crime of violence.

(e) "Dependent" means a relative of a deceased victim who was wholly or partially dependent upon the victim's income at the time of his or her death and shall include the child of a victim born after his or her death.

(f) "Relative" means a spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, brother-in-law, sister, sister-in-law, half brother, half sister, spouse's parent, nephew, niece, uncle or aunt.

(g) "Child" means an unmarried son or daughter who is under 18 years of age and includes a stepchild, an adopted child or a child born out of wedlock.

(h) "Pecuniary loss" means, in the case of injury, appropriate medical expenses and hospital expenses including expenses of medical examinations, rehabilitation, medically required nursing care expenses, appropriate psychiatric care or psychiatric counseling expenses, expenses for care or counseling by a licensed clinical psychologist, licensed clinical social worker, licensed professional counselor, or licensed clinical professional counselor and expenses for treatment by Christian Science practitioners and nursing care appropriate thereto; transportation expenses to and from medical and counseling treatment facilities; prosthetic appliances, eyeglasses, and hearing aids necessary or damaged as a result of the crime; costs associated with trafficking tattoo removal by a person authorized or licensed to perform the specific removal procedure; replacement costs for clothing and bedding used as evidence; costs associated with temporary lodging or relocation necessary as a result of the crime, including, but not limited to, the first month's rent and security deposit of the dwelling that the claimant relocated to and other reasonable relocation expenses incurred as a result of the violent crime; locks or windows necessary or damaged as a result of the crime; the purchase, lease, or rental of equipment necessary to create usability of and accessibility to the victim's real and personal property, or the real and personal property which is used by the victim, necessary as a result of the crime; the costs of appropriate crime scene clean-up; replacement services loss, to a maximum of $1,250 per month; dependents replacement services loss, to a maximum of $1,250 per month; loss of tuition paid to attend grammar school or high school when the victim had been enrolled as a student prior to the injury, or college or graduate school when the victim had been enrolled as a day or night student prior to the

injury when the victim becomes unable to continue attendance at school as a result of the crime of violence perpetrated against him or her; loss of earnings, loss of future earnings because of disability resulting from the injury, and, in addition, in the case of death, expenses for funeral, burial, and travel and transport for survivors of homicide victims to secure bodies of deceased victims and to transport bodies for burial all of which may not exceed a maximum of $7,500 and loss of support of the dependents of the victim; in the case of dismemberment or desecration of a body, expenses for funeral and burial, all of which may not exceed a maximum of $7,500. Loss of future earnings shall be reduced by any income from substitute work actually performed by the victim or by income he or she would have earned in available appropriate substitute work he or she was capable of performing but unreasonably failed to undertake. Loss of earnings, loss of future earnings and loss of support shall be determined on the basis of the victim's average net monthly earnings for the 6 months immediately preceding the date of the injury or on $1,250 per month, whichever is less or in cases where the absences commenced more than 3 years from the date of the crime, on the basis of the net monthly earnings for the 6 months immediately preceding the date of the first absence, not to exceed $1,250 per month. If a divorced or legally separated applicant is claiming loss of support for a minor child of the deceased, the amount of support for each child shall be based either on the amount of support pursuant to the judgment prior to the date of the deceased victim's injury or death, or, if the subject of pending litigation filed by or on behalf of the divorced or legally separated applicant prior to the injury or death, on the result of that litigation. Real and personal property includes, but is not limited to, vehicles, houses, apartments, town houses, or condominiums. Pecuniary loss does not include pain and suffering or property loss or damage.

(i) "Replacement services loss" means expenses reasonably incurred in obtaining ordinary and necessary services in lieu of those the injured person would have performed, not for income, but for the benefit of himself or herself or his or her family, if he or she had not been injured.

(j) "Dependents replacement services loss" means loss reasonably incurred by dependents or private legal guardians of minor dependents after a victim's death in obtaining ordinary and necessary services in lieu of those the victim would have performed, not for income, but for their benefit, if he or she had not been fatally injured.

(k) "Survivor" means immediate family including a parent, step-father, step-mother, child, brother, sister, or spouse.

(l) “Parent” means a natural parent, adopted parent, step-parent, or permanent legal guardian of another person.

(m) “Trafficking Tattoo” is a tattoo which is applied to a victim in connection with the commission of a violation of Section 10-9 of the Criminal Code of 2012.

(Source: P.A. 97-817, eff. 1-1-13; 97-1109, eff. 1-1-13; 97-1150, eff.1-25-13; 98-435, eff.1-1-14.)

(740 ILCS 45/2.5) Sec. 2.5. Felon as a Victim. Notwithstanding paragraph (d) of Section 2, "victim" does not include a person who is convicted of a felony until that person is discharged from probation or is released from a correctional institution and has been discharged from parole or mandatory supervised release, if any. For purposes of this Section, the death of a felon who is serving a term of parole, probation, or mandatory supervised release shall be considered a discharge from that sentence. No compensation may be granted to an applicant under this Act during a period of time that the applicant is held in a correctional institution.

A victim who has been convicted of a felony may apply for assistance under this Act at any time but no award of compensation may be considered until the applicant meets the requirements of this Section.

The changes made to this Section by this amendatory Act of the 96th General Assembly apply to actions commenced or pending on or after the effective date of this amendatory Act of the 96th General Assembly. (Source: P.A. 96-267, eff. 8-11-09.)

(740 ILCS 45/3.1) (from Ch. 70, par. 73.1) Sec. 3.1. Powers and Duties of Court of Claims. In addition to other powers and duties set forth in the Court of Claims Act and this Act, the Court of Claims shall have power to issue subpoenas, to administer oaths, to conduct hearings required by this Act and to promulgate all rules necessary thereto, and to prepare an annual report. (Source: P.A. 81-1013.)

(740 ILCS 45/4.1) (from Ch. 70, par. 74) Sec. 4.1. **Attorney General**. In addition to other powers and duties set forth in this Act and other powers exercised by the Attorney General, the Attorney General shall investigate all claims and prepare and present a report of each applicant's claim to the Court of Claims prior to the issuance of an order by the Court of Claims, prescribe and furnish all applications and other forms required to be filed in the office of the Attorney General by the terms of this Act, and represent the interests of the State of Illinois in any hearing before the Court of Claims.
(Source: P.A. 97-817, eff. 1-1-13.)

(740 ILCS 45/5.1) (from Ch. 70, par. 75.1) Sec. 5.1. Notice of Act – Hospitals – Law Enforcement Agencies.

(a) Every hospital licensed under the laws of this State shall display prominently in its emergency room posters giving notification of the existence and general provisions of this Act. Such posters shall be provided by the Attorney General.

(b) Any law enforcement agency that investigates an offense committed in this State shall inform the victim of the offense or his dependents concerning the availability of an award of compensation and advise such persons that any information concerning this Act and the filing of a claim may be obtained from the office of the Attorney General. (Source: P.A. 81-1013.)

(740 ILCS 45/6.1) (from Ch. 70, par. 76.1) Sec. 6.1. Right to Compensation – Conditions – Time for Filing. A person is entitled to compensation under this Act if:

(a) Within 2 years of the occurrence of the crime, or within one year after a criminal charge of a person for an offense, upon which the claim is based, he files an application, under oath, with the Court of Claims and on a form prescribed in accordance with Section 7.1 furnished by the Attorney General. If the person

entitled to compensation is under 18 years of age or under other legal disability at the time of the occurrence or is determined by a court to be a legal disability as a result of the occurrence, he may file the application required by this subsection within 2 years after he attains the age of 18 years or the disability is removed, as the case may be. Legal disability includes a diagnosis of posttraumatic stress disorder.

(b) For all crimes of violence, except those listed in subsection (b-1) of this Section, the appropriate law enforcement officials were notified within 72 hours of the perpetration of the crime allegedly causing the death or injury to the victim or, in the event such notification was made more than 72 hours after the perpetration of the crime, the applicant establishes that such notice was timely under the circumstances.

(b-1) For victims of offenses defined in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, or the Criminal Code of 2012, the appropriate law enforcement officials were notified within 7 days of the perpetration of the crime allegedly causing death or injury to the victim or, in the event that the notification was made more than 7 days after the perpetration of the crime, the applicant establishes that the notice was timely under the circumstances. If the applicant or victim has obtained an order of protection, a civil no contact order, or a stalking no contact order, or has presented himself or herself to a hospital for sexual assault evidence collection and medical care, such action shall constitute appropriate notification under this subsection (b-1) or subsection (b) of this Section.

(c) The applicant has cooperated with law enforcement officials in the apprehension and prosecution of the assailant. If the applicant has obtained an order of protection, a civil no contact order, or a stalking no contact order, or has presented himself or herself to a hospital for sexual assault evidence collection and medical care, such action shall constitute cooperation under this subsection (c).

(d) The applicant is not the offender or an accomplice of the offender and the award would not unjustly benefit the offender or his accomplice.

(e) The injury to or death of the victim was not substantially attributable to his own wrongful act and was not substantially provoked by the victim.

(f) For victims of offenses defined in Section 10-9 of the Criminal Code of 2012, the victim submits a statement under oath on a form prescribed by the Attorney General attesting that the removed tattoo was applied in connection with the commission of the offense.

(Source: P.A. 98-435, eff. 1-1-14, 99-143, eff. 7-27-15.)

(740 ILCS 45/7.1) (from Ch. 70, par. 77.1) Sec. 7.1. Contents of Application for Compensation.

(a) The application shall set out:

(1) the name and address of the victim;

(2) if the victim is deceased, the name and address of the applicant and his relationship to the victim, the names and addresses of other persons dependent on the victim for their support and the extent to which each is

so dependent, and other persons who may be entitled to compensation for a pecuniary loss;

(3) the date and nature of the crime on which the application for compensation is based;

(4) the date and place where and the law enforcement officials to whom notification of the crime was given;

(5) the nature and extent of the injuries sustained by the victim, and the names and addresses of those giving medical and hospitalization treatment to the victim;

(6) the pecuniary loss to the applicant and to such other persons as are specified under item (2) resulting from the injury or death;

(7) the amount of benefits, payments, or awards, if any, payable under:

(a) the Workers' Compensation Act,

(b) the Dram Shop Act,

(c) any claim, demand, or cause of action based upon the crime-related injury or death,

(d) the Federal Medicare program,

(e) the State Public Aid program,

(f) Social Security Administration burial benefits,

(g) Veterans administration burial benefits,

(h) life, health, accident or liability insurance,

(i) the Criminal Victims' Escrow Account Act,

(j) the Sexual Assault Survivors Emergency Treatment Act,

(k) restitution, or

(l) any other source;

(8) releases authorizing the surrender to the Court of Claims or Attorney General of reports, documents and other information relating to the matters specified under this Act and rules promulgated in accordance with the Act.

(9) such other information as the Court of Claims or the Attorney General reasonably requires.

(b) The Attorney General may require that materials substantiating the facts stated in the application be submitted with that application.

(c) An applicant, on his own motion, may file an amended application or additional substantiating materials to correct inadvertent errors or omissions at any time before the original application has been disposed of by the Court of Claims. In either case, the filing of additional information or of an amended application shall be considered for the purpose of this Act to have been filed at the same time as the original application. (Source: P.A. 97-817, eff. 1-1-13; 98-463, eff. 8-16-13.)

(740 ILCS 45/8.1) (from Ch. 70, par. 78.1) Sec. 8.1. Substantiation of Claim – Time – Failure to Comply. If an applicant does not submit all materials substantiating his claim as requested of him by the Attorney General, the Attorney General shall notify the applicant in writing of the specific additional items of information or materials required and that he has 30 days in which to furnish those items to the Attorney General. The Attorney General shall report

an applicant's failure to comply within 30 days of the foregoing notice to the Court of Claims. No award of compensation shall be made for any portion of the applicant's claim that is not substantiated by the applicant. An applicant may request an extension of time from the Attorney General prior to the expiration of the 30 day period. (Source: P.A. 81-1013.)

(740 ILCS 45/9.1) (from Ch. 70, par. 79.1) Sec. 9.1. Matters to be Considered by Court of Claims. In determining whether an applicant is entitled to compensation, the Court of Claims shall consider the facts stated in the application and other material and information submitted and the report of the Attorney General. However, the Court of Claims need not consider whether or not the alleged assailant has been apprehended. (Source: P.A. 81-1013.)

(740 ILCS 45/10.1) (from Ch. 70, par. 80.1) Sec. 10.1. Amount of Compensation: Factors. The amount of compensation to which an applicant and other persons are entitled shall be based on the following factors:

(a) A victim may be compensated for his or her pecuniary loss.

(b) A dependent may be compensated for loss of support.

(c) Any person, even though not dependent upon the victim for his or her support, may be compensated for reasonable expenses of the victim to the extent to which he or she has paid or become obligated to pay such expenses and only after compensation for reasonable funeral, medical and hospital expenses of the victim have been awarded may compensation be made for reasonable expenses of the victim incurred for psychological treatment of a mental or emotional condition caused or aggravated by the crime.

(d) An award shall be reduced or denied according to the extent to which the victim's acts or conduct provoked or contributed to his or her injury or death, or the extent to which any prior criminal conviction or conduct of the victim may have directly or indirectly contributed to the injury or death of the victim.

(e) An award shall be reduced by the amount of benefits, payments or awards payable under those sources which are required to be listed under item (7) of Section 7.1(a) and any other sources except annuities, pension plans, Federal Social Security payments payable to dependents of the victim and the net proceeds of the first $25,000 of life insurance that would inure to the benefit of the applicant, which the applicant or any other person dependent for the support of a deceased victim, as the case may be, has received or to which he or she is entitled as a result of injury to or death of the victim.

(f) A final award shall not exceed $10,000 for a crime committed prior to September 22, 1979, $15,000 for a crime committed on or after September 22, 1979 and prior to January 1, 1986, $25,000 for a crime committed on or after January 1, 1986 and prior to August 7, 1998, or $27,000 for a crime committed on or after August 7, 1998. If the total pecuniary loss is greater than the maximum amount allowed, the award shall be divided in proportion to the amount of actual loss among those entitled to compensation.

(g) Compensation under this Act is a secondary source of compensation and the applicant must show that he or she has exhausted the benefits reasonably available under the Criminal Victims' Escrow Account Act or any governmental or medical or health insurance programs, including but not limited to Workers' Compensation, the Federal Medicare program, the State Public Aid program,

Social Security Administration burial benefits, Veterans Administration burial benefits, and life, health, accident or liability insurance. (Source: P.A. 97-817, eff. 1-1-13.)

(740 ILCS 45/10.2) Sec. 10.2. Emergency Awards.

(a) If it appears, prior to taking action on an application, that the claim is one for which compensation is probable, and undue hardship will result to the applicant if immediate payment is not made, the Attorney General may recommend and the Court may make an emergency award of compensation to the applicant, pending a final decision in the case, provided the amount of emergency compensation does not exceed $2,000. The amount of emergency compensation shall be deducted from any final award made as a result of the claim. The full amount of the emergency award if no final award is made shall be repaid by the applicant to the State of Illinois.

(b) Emergency award applicants must satisfy all requirements under Section 6.1 of this Act. (Source: P.A. 97-817, eff. 1-1-13.)

(740 ILCS 45/11.1) (from Ch. 70, par. 81.1) Sec. 11.1. Lump Sum or Installment Payments. The Court of Claims may provide for the payment of an award in a lump sum or in installments. (Source: P.A. 81-1013.)

(740 ILCS 45/12) (from Ch. 70, par. 82) Sec. 12. Fees – Counsels' or Agents' Fees. No fee may be charged to the applicant in any proceeding under this Act except as provided in this Act. If the applicant is represented by counsel or some other duly authorized agent in making application under this Act or in any further proceedings provided for in this Act, that counsel or agent may receive no payment for his services in preparing or presenting the application before the Court of Claims. He may, however, charge fees to the applicant for representing him at a hearing provided for in this Act but only in such an amount as the Court of Claims determines to be reasonable. (Source: P.A. 78-359.)

(740 ILCS 45/12.1) (from Ch. 70, par. 82.1) Sec. 12.1. Awards Without Hearing. The Court of Claims may, without a hearing, make an award to a person who has filed an application or any other person it finds is entitled to compensation, including the guardian or conservator of a minor or incompetent, based upon the application, the other information and materials submitted with the application, and the report of the Attorney General. (Source: P.A. 81-1013.)

(740 ILCS 45/13.1) (from Ch. 70, par. 83.1) Sec. 13.1. Hearings.

(a) A hearing before a Commissioner of the Court of Claims shall be held for those claims in which:

(1) the Court of Claims on its own motion sets a hearing;

(2) the Attorney General petitions the Court of Claims for a hearing;

(3) a claim has been disposed of without a hearing and an applicant has been denied compensation or has been awarded compensation which he thinks is inadequate and he petitions the Court of Claims for a hearing within 30 days of the date of issuance of the order sought to be reviewed. The petition shall set forth the reasons for which review is sought and a recitation of any additional evidence the applicant desires to present to the

Court. A copy of the petition shall be provided to the Attorney General. Documentation to be presented at a hearing of the Court of Claims must be submitted to the Attorney General at least 10 working days before the hearing date. Failure to do so may result in a continuance of the hearing.

(b) At hearings held under this Act before Commissioners of the Court of Claims, any statement, document, information or matter may be received in evidence if in the opinion of the Court or its Commissioner such evidence would contribute to a determination of the claim, regardless of whether such evidence would be admissible in a court of law.

(c) Petition for rehearing.

(1) The Court of Claims may order a rehearing of a matter decided after a hearing, if, in reaching its decision:

(A) the court has overlooked, misapplied, or failed to consider a statute, decision, or directly controlling principle;

(B) the court has overlooked or misconceived some material fact or proposition of law; or

(C) the court has overlooked or misconceived a material question in the case.

(2) A rehearing may not be granted if it is sought merely for the purpose of obtaining a reargument on and reconsideration of matters which have already been fully considered by the court.

(3) The petition shall specify which of the grounds in paragraph (1) of this subsection (c) exists and shall specifically designate that portion of the opinion, or the record, or that particular authority, which the petitioner wishes the court to consider. A copy of the petition shall be served on the opposing party. No petition for rehearing shall exceed 10 typewritten pages. No memoranda or briefs in support of a petition for rehearing, and no response to a petition for rehearing, shall be received unless requested by the court.

(Source: P.A. 97-817, eff. 1-1-13.)

(740 ILCS 45/14.1) (from Ch. 70, par. 84.1) Sec. 14.1. Public or Closed Hearings – Transcripts.

(a) Hearings shall be open to the public unless the Court of Claims determines that a closed hearing should be held because:

(1) the alleged assailant has not been brought to trial and a public hearing would adversely affect either his apprehension or his trial;

(2) the offense allegedly perpetrated against the victim is one defined in Section 11-1.20, 11-1.30, 11-1.40, 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961 or the Criminal Code of 2012 and the interests of the victim or of persons dependent on his support require that the public be excluded from the hearing;

(3) the victim or the alleged assailant is a minor; or

(4) the interests of justice would be frustrated, rather than furthered, if the hearing were open to the public.

(b) A transcript shall be kept of the hearings held before the Court of Claims. No part

of the transcript of any hearing before the Court of Claims may be used for any purpose in a criminal proceeding except in the prosecution of a person alleged to have perjured himself in his testimony before the Court of Claims. A copy of the transcript may be furnished to the applicant upon his written request to the court reporter, accompanied by payment of a charge established by the Court of Claims in accordance with the prevailing commercial charge for a duplicate transcript. Where the interests of justice require, the Court of Claims may refuse to disclose the names of victims or other material in the transcript by which the identity of the victim could be discovered. (Source: P.A. 96-1551, eff. 7-1-11.)

(740 ILCS 45/15) (from Ch. 70, par. 85) Sec. 15. Orders Upon Disposition Without Hearing. When disposition is made without a hearing or at the conclusion of a hearing held under this Act, the Court of Claims shall enter an order stating (1) its findings of fact, (2) its decision as to whether or not compensation is due under this Act, (3) the amount of compensation, if any, which is due under this Act, (4) whether disbursement of the compensation awarded is to be made in a lump sum or in periodic payments, and (5) the person or persons to whom the compensation should be paid. (Source: P.A. 81-1013.)

(740 ILCS 45/16) (from Ch. 70, par. 86) Sec. 16. Modification of Dispositions – Newly Discovered Facts. The Court of Claims, on its own motion or upon the written request of any applicant, may modify an award of compensation made under this Act or reconsider a denial of compensation. No hearing need be held, however, unless the written request states facts which were not known to the applicant or by the exercise of reasonable diligence could not have been ascertained by him at the time of the entry of the order sought to be modified and which would have directly affected the determination of whether or not compensation should be awarded and, if so, the amount of that compensation. (Source: P.A. 81-1013.)

(740 ILCS 45/17) (from Ch. 70, par. 87) Sec. 17. Subrogation – Notice of Civil Actions – Charge in Favor of State Refunds.

(a) Subrogation. The Court of Claims may award compensation on the condition that the applicant subrogate to the State his rights to collect damages from the assailant or any third party who may be liable in damages to the applicant. In such a case the Attorney General may, on behalf of the State, bring an action against an assailant or third party for money damages, but must first notify the applicant and give him an opportunity to participate in the prosecution of the action. The excess of the amount recovered in such action over the amount of the compensation offered and accepted or awarded under this Act plus costs of the action and attorneys' fees actually incurred shall be paid to the applicant.

(b) Nothing in this Act affects the right of the applicant to seek civil damages from the assailant and any other party, but that applicant must give written notice to the Attorney General within 10 days after the making of a claim or the filing of an action for such damages, and within 10 days after the conclusion of the claim or action. The applicant must attach to the written notice a copy of the complaint, settlement agreement, jury verdict, or judgment. Failure to timely notify the Attorney General of such claims and actions is a willful omission of fact and the applicant thereby becomes subject to the provisions of Section 20 of this Act.

(c) The State has a charge for the amount of compensation paid under this Act upon all claims or causes of action against an assailant and any other party to recover for the injuries or death of a victim which were the basis for that payment of compensation. At the time compensation is ordered to be paid under this Act, the Court of Claims shall give written notice of this charge to the applicant. The charge attaches to any verdict or judgment entered and to any money or property which is recovered on account of the claim or cause of action against the assailant or any other party after the notice is given. On petition filed by the Attorney General on behalf of the State or by the applicant, the circuit court, on written notice to all interested parties, shall adjudicate the right of the parties and enforce the charge. This subsection does not affect the priority of a lien under "AN ACT creating attorney's lien and for enforcement of same", filed June 16, 1909, as amended.

Only the Court of Claims may reduce the State's lien under this Act. The Court of Claims may consider the nature and extent of the injury, economic loss, settlements, hospital costs, physician costs, attorney's fees and costs, and all other appropriate costs. The burden of producing evidence sufficient to support the exercise by the Court of Claims of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking such reduction. The charges of the State described in this Section, however, shall take priority over all other liens and charges existing under the laws of the State of Illinois

(d) Where compensation is awarded under this Act and the person receiving same also receives any sum required to be, and that has not been deducted under Section 10.1, he shall refund to the State the amount of compensation paid to him which would have been deducted at the time the award was made.

(e) An amount not to exceed 25% of all money recovered under subsections (b) or (c) of this Section shall be placed in the Violent Crime Victims Assistance Fund to assist with costs related to recovery efforts. "Recovery efforts" means those activities that are directly attributable to obtaining restitution, civil suit recoveries, and other reimbursements.

(f) The applicant must give written notice to the Attorney General within 10 days after an offender is ordered by a court to pay restitution. The applicant shall attach a copy of the restitution order or judgment to the written notice. Failure to timely notify the Attorney General of court-ordered restitution is a willful omission of fact and the applicant thereby becomes subject to the provisions of Section 20 of this Act. The Attorney General may file a written copy of the Court of Claims' decision awarding crime victims compensation in a criminal case in which the offender has been ordered to pay restitution for the victim's expenses incurred as a result of the same criminal conduct. Upon the filing of the order, the circuit court clerk shall send restitution payments directly to the compensation program for any paid expense reflected in the Court of Claims' decision.

(Source: P.A. 97-817, eff. 1-1-13; 98-756, eff. 7-16-14.)

(740 ILCS 45/18) (from Ch. 70, par. 88) Sec. 18. Claims Against Awards of Compensation – Assignments – Joint Awards.

(a) An award is not subject to enforcement, attachment, garnishment, or other process, except that an award is not exempt from a claim of a creditor to the extent that he or she provided products, services, or accommodations the costs of which are included in the award.

(b) An assignment or agreement to assign a right to compensation for loss accruing in the future is unenforceable, except:

(1) an assignment of a right to compensation for work loss to secure payment of maintenance or child support; or

(2) an assignment of a right to compensation to the extent of the cost of products, services, or accommodations necessitated by the injury or death on which the claim is based and are provided or to be provided by the assignee.

(c) The court may order that all or a portion of an award be paid jointly to the applicant and another person or solely and directly to another person to the extent that such other person has provided products, services or accommodations, the costs of which are included in the award. or to another person to the extent that such other person paid or became obligated to pay expenses incurred by the victim or applicant.

(d) If an award under subsection (c) of this Section is offset by the Comptroller, pursuant to the Uncollected State Claims Act, the intended individual or entity must credit the applicant's or victim's account for the amount ordered by the Court of Claims, and the intended individual or entity is prohibited from pursuing payment from the applicant or victim for any portion that is offset. The Comptroller shall provide notice as provided in Section 10.05 of the State Comptroller Act. (Source: P.A. 97-817, eff. 1-1-13.)

(740 ILCS 45/18.5) Sec. 18.5. Restrictions on collection of debts incurred by crime victims.

(a) Within 10 business days after the filing of a claim, the Office of the Attorney General shall issue an applicant a written notice of the crime victim compensation claim and inform the applicant that the applicant may provide a copy of the written notice to vendors to have debt collection activities cease while the claim is pending.

(b) An applicant may provide a copy of the written notice to a vendor waiting for payment of a related debt. A vendor that receives notice of the filing of a claim under this Act with the Court of Claims must cease all debt collection activities against the applicant for a related debt. A vendor that assists an applicant to complete or submit an application for compensation or a vendor that submits a bill to the Office of the Attorney General has constructive notice of the filing of the claim and must not engage in debt collection activities against the applicant for a related debt. If the Court of Claims awards compensation for the related debt, a vendor shall not engage in debt collection activities while payment is pending. If the Court of Claims denies compensation for a vendor's bill for the related debt or a portion thereof, the vendor may not engage in debt collection

activities until 45 days after the date of an order of the Court of Claims denying compensation in whole or in part.

(c) A vendor that has notice of a compensation claim may:
(1) submit a written request to the Court of Claims for notification of the Court's decision involving a related debt. The Court of Claims shall provide notification of payment or denial of payment within 30 days of its decision;
(2) submit a bill for a related debt to the Office of the Attorney General; and
(3) contact the Office of the Attorney General to inquire about the status of the claim.

(d) The statute of limitations for collection of a related debt is tolled upon the filing of the claim with the Court of Claims and all civil actions in court against the applicant for a related debt shall be stayed until 45 days after the Court of Claims enters an order denying compensation for the related debt or portion thereof.

(e) As used in this Section:
(1) "Crime victim" means a victim of a violent crime or an applicant as defined in this Act.
(2) "Debt collection activities" means:
(A) communicating with, harassing, or intimidating the crime victim for payment, including, but not limited to, repeatedly calling or writing to the crime victim and threatening to refer the related debt to a debt collection agency or to an attorney for collection, enforcement, or the filing of other process;
(B) contacting a credit ratings agency or distributing information to affect the crime victim's credit rating as a result of the related debt;
(C) referring a bill, or portion thereof, to a collection agency or attorney for collection action against the crime victim; or
(D) taking any other action adverse to the crime victim or his or her family on account of the related debt.
"Debt collection activities" does not include billing insurance or other government programs, routine inquiries about coverage by private insurance or government programs, or routine billing that indicates that the amount is not due pending resolution of the crime victim compensation claim.
(3) "Related debt" means a debt or expense for hospital, medical, dental, or counseling services incurred by or on behalf of a crime victim as a direct result of the crime.
(4) "Vendor" includes persons, providers of service, vendors' agents, debt collection agencies, and attorneys hired by a vendor.
(Source: P.A. 99-444, eff. 1-1-16.)

(740 ILCS 45/20) (from Ch. 70, par. 90) Sec. 20. Willful Misstatements or Omissions – Penalty.

(a) In addition to any other civil liability or criminal penalties provided by law, a person who the Court of Claims finds has willfully misstated or omitted facts relevant to the determination of whether compensation is due under this Act or of the amount of that compensation, whether in making application for compensation or in the further proceedings provided for in this Act, shall be denied compensation under this Act.

(b) A person who is convicted of having willfully misstated or omitted facts relevant to the determination of whether compensation is due under this Act or of the amount of that compensation, whether in making application for compensation or in the further proceedings provided for in this Act, shall be guilty of a Class A misdemeanor. (Source: P.A. 81-1013.)

COURT OF CLAIMS RULES

Section 790.10 Terms of Court. The Court shall hold sessions at such places as it deems necessary to expedite the business of the Court. [705 ILCS 505/6]

Section 790.20 Pleadings and Practice. Except as otherwise provided by this Part or by the Court of Claims Act [705 ILCS 505], pleadings and practice shall follow the Civil Practice Law [735 ILCS 5/Art II] and the Rules of the Supreme Court of Illinois.

Section 790.25 Rule References. Sections in this Part may be referred to as Rules. For example, Section 790.10 may be referred to as Rule 10, Section 790.20 may be referred to as Rule 20, and so on.

Section 790.30 Pleadings – Forms. Four copies of all pleadings shall be filed with the office of the Clerk. The pleadings shall be produced on good white paper by a typing, printing, duplicating or copying process that provides a clear image. If photocopies are used, the original must also be filed. In order that the files of the Clerk's office may be kept under the system commonly known as "flat filing", all papers presented to the Clerk shall be flat and unfolded. Such papers need not have a cover.
(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.40 Procedure.

a) **Filing.** Cases shall be commenced by the filing of a verified complaint with the Clerk of the Court. A party filing a case shall be designated as the claimant, and either the State of Illinois or the appropriate State agency (Section 8(d), Court of Claims Act [705 ILCS 505/8(d)]) shall be designated as the respondent. The Clerk will note on the complaint, and each copy, the date of filing, and deliver one of the copies to the Attorney General or to the legal counsel of the appropriate State agency. Joiner of claimants in one case is permitted, as provided by the Code of Civil Procedure [735 ILCS 5].

b) **Attorney of Record.** In all cases filed in this Court, all claimants not appearing pro se must be represented of record by a member of the Illinois bar. Permission for an out-of-state attorney to appear will require compliance with Supreme Court Rules 707, 718, and 756, governing out-of-state attorneys' authorization to practice. If the name of an attorney, his address, and telephone number appear on a complaint, no written appearance for such attorney need be filed, but withdrawal and substitution of attorneys shall be by written motion, with proof of service upon the claimant, and filed in the case.

c) **Complaint-form.** The complaint shall be captioned substantially as follows:

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	)	

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;
   B) the action taken on behalf of the claim by the State or the appropriate State agency or officer and by each administrative body that has considered the claim;
5) **Ownership.** What persons are owners of the claim or interested therein, and when and upon what consideration such persons became interested;
6) **Assignments.** That no assignment or transfer of the claim, or any part thereof or interest therein, has been made except as stated in the complaint;
7) **Entitlement.** That claimant is justly entitled to the amount claimed from the State of Illinois or the appropriate State agency after allowing all just credits;
8) **Verification.** That the facts stated in the complaint are true;
9) Whether this claim or any other claim arising out of the same occurrence (against any person, firm or governmental agency other than the State of Illinois or any of its officers or agencies) has been previously presented to

any person, firm, court or administrative tribunal other than the State of Illinois, and, if so:

A) when, to whom, and what action was taken by each person, firm, court or administrative tribunal; and

B) what payments or other considerations, if any, have been received. Claimant must file with the Clerk of the Court copies of all instruments evidencing such payment or consideration;

10) **Status of Respondent.** If a State officer or agency or department of the State is sued in a capacity as holder, administrator or trustee of a fund, or as executor or administrator of a trust or estate, or as a guardian, conservator or any similar capacity, the complaint shall identify:

A) the fund, estate, trust or other entity involved;

B) the statute or principle of law governing the creation of the fund or other entity; and

C) any instrument or order of court or administrative or governmental agency creating such capacity or fund or entity;

11) **Damages.** A bill of particulars, stating in detail each item of damages, and the amount claimed;

12) If the claimant is an executor, administrator, guardian or other representative appointed by a judicial tribunal, a duly certified copy of the record of appointment must be filed with the complaint.

b) **Personal injuries.** Where a complaint alleges damages as a result of personal injuries, claimant shall:

1) Attach to the complaint, as a separate item, copies of the notices served as required by Sec. 22-1 of the Court of Claims Act [705 ILCS 505/22-1], showing how and when the notices were served.

2) Include with the bill of particulars, as required by subsection(a)(11) the names and addresses of all persons providing medical services; if hospitalized, name of hospital and dates of hospitalization; name of claimant's employer, place of employment, and dates of time lost, if any.

c) **Contracts.** If the claimant bases the complaint upon a contract, or other instrument in writing, a copy shall be attached for reference.

d) **Lapsed appropriations.** All claims for services or materials furnished to the State of Illinois, payment of which has been denied solely because of a lapsed appropriation, shall be filed with the Clerk of the Court of Claims in the following manner:

1) Claims shall be initiated by filing with the Clerk of the Court of Claims 4 copies of a verified lapsed appropriation claim form (available upon request from the Clerk's office) or a facsimile.

2) Respondent shall confirm or deny that such sum of money or any sum of money is due the claimant.

3) Claims against no more than one department or State agency shall be included in each complaint.

4) Claimant's name and address, or that of his or her attorney, shall appear at the bottom of the complaint.

(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.55 Discovery. Discovery shall be conducted in accordance with the Civil Practice Law [735 ILCS 5/Art. II] and the Rules of the Supreme Court of Illinois, except as follows:

a) Discovery requests and responses to discovery requests, including interrogatories and requests for production of documents, shall not be filed with the Clerk of the Court unless ordered by the Court, a Judge thereof, or a Commissioner. Requests for admission and the responses thereto shall be filed with the Clerk of the Court.

b) For claims involving property of inmates incarcerated in Illinois Department of Corrections facilities:

1) The respondent shall forward to the claimant, or, if claimant is represented, claimant's attorney, copies of the following documents in the possession or control of the Department of Corrections within 120 days after the filing of the complaint. The complaint is not deemed filed during the pendency of a petition for leave to proceed in forma pauperis.

A) Grievances and appeals of grievances pertaining to the property in question filed by the claimant, and all responses thereto.

B) Any personal property inventory sheets and property permits or contracts that tend to prove or disprove ownership of the property in question.

C) Incident reports, disciplinary reports, and "shakedown" receipts relevant to the subject of the claim.

2) The deadline for forwarding these documents to claimant is tolled during the consideration of a motion to dismiss or any other motion the granting of which would dispose of the case. No other discovery is permitted in these claims except by order of the Court, a Judge thereof, or a Commissioner.

c) For claims involving personal injury of inmates while incarcerated in Illinois Department of Corrections facilities:

1) The respondent shall forward to claimant or, if claimant is represented, claimant's attorney, copies of the following documents in the possession or control of the Department of Corrections within 120 days after the filing of the complaint:

A) Grievances and appeals of grievances pertaining to the injuries in question filed by the claimant, and all responses thereto.

B) All medical records relevant to the subject of the claim.

C) Incident reports relevant to the subject of the claim.

2) The deadline for forwarding these documents to claimant is tolled during the consideration of a motion to dismiss or any other motion the granting of which would dispose of the case. No other discovery is permitted in these claims except by order of the Court, a Judge thereof, or a Commissioner.

d) When complying with the provisions of this Section, the respondent may redact any information including, but not limited to, confidential information such as social security numbers, home telephone numbers, home addresses, and information the disclosure of which would be violation of federal or State law. In the event any information is redacted by the respondent, the respondent shall, in writing, state the reason for the redaction, and forward the statement to the claimant or his attorney within the time allowed in this Section, or any extension authorized under subsection (f).

e) In the event that the claimant disputes the propriety of redaction of any information, the Court, a Judge thereof, or a Commissioner shall be empowered to examine the material in camera and to enter an order requiring the respondent to forward the redacted material to the claimant or his attorney.

f) The Court, a Judge thereof, or a Commissioner may extend the time for compliance with the provisions of this Section.
(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.60 Exhaustion of Remedies. As required by Section 25 of the Court of Claims Act [705 ILCS 505/25], the claimant shall, before seeking final determination of his claim before the Court of Claims, exhaust all other remedies, whether administrative, legal or equitable, against all other sources of recovery for the injury or damages sought to be recovered by the claim, provided that no frivolous or unreasonable action is required to be brought against any third party in order to comply with this exhaustion of remedies requirement.

a) **General continuance.** Any complaint filed or pending in the Court of Claims shall be continued generally subject to the provisions of Section 790.70 of this Part, until the final disposition of all other claims or proceedings arising from the same occurrence or transaction. Claims continued generally shall not proceed to evidentiary hearing, but, upon order of the Court, a Judge thereof, or a Commissioner, discovery may proceed as permitted by Section 790.55 of this Part. (A general continuance granted by this Court is not to be construed as an opinion on the question of jurisdiction in any other court or tribunal.)

b) **Subsequent action or claim.** If the claimant shall, subsequent to the filing of a complaint in the Court of Claims, commence a proceeding in another tribunal, or present a claim to any other person or corporation (e.g., insurance carrier, governmental body, etc.) for damages arising out of the same occurrence or transaction, the claimant shall immediately advise the Court of Claims in writing as to when, where and to whom such claim was presented or proceeding commenced.

c) **Action against State employees.** Failure to file or pursue suits against State employees acting within the scope of their employment shall not be a defense to the respondent.

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, 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.

Section 790.80 Death of Claimant. If the claimant dies pending the suit, the death must be suggested on the record, and the legal representative upon filing a duly certified copy of the

record of appointment as executor or administrator, may be admitted to prosecute the suit by special leave of the Court. It is the duty of the claimant's attorney to notify the Court of the death of the claimant when the fact first becomes known to him.

Section 790.90 Dismissal. Failure to comply with the provisions of Section 790.50, 790.60, 790.70 or 790.80 of this Part shall be grounds for dismissal.

Section 790.100 Answer by Respondent. The respondent shall answer within 60 days after the filing of the complaint, and the claimant may reply within 30 days after the filing of that answer, unless the time for pleadings is extended pursuant to Section 790.55(f); provided however, if the respondent fails to answer, a general denial of the facts set forth in the complaint shall be considered as filed, except as otherwise provided in this Section. Respondent, upon good cause shown, may thereafter, by leave of Court, be permitted to file affirmative pleadings. The Court, a Judge thereof, or a Commissioner may order the respondent to file an answer. Failure to file an answer shall subject the respondent to being held in default and debarred from filing any other pleading or maintaining any defense.

Section 790.110 Hearings – Assignments and Continuances. The Court shall assign the case to a Commissioner who, within a reasonable time, shall set the time and place for hearing, and notify opposing counsel in writing. No continuances shall be granted by the Commissioner except upon good cause shown, supported by affidavit. Any communications between the Commissioner and the Court are deemed preliminary and confidential.
(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.120 Transcript of Evidence.

a) **Filing.** All evidence shall be taken in writing 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 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.130 Costs of Evidence. All costs and expenses of taking evidence required by the claimant shall be borne by the claimant, and the costs and expenses of taking evidence required by the respondent shall be borne by the respondent.

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 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 2 copies filed with the Clerk.
(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.150 Medical Examination of Claimant.

a) **Court order.** In any case in which the physical condition of a claimant or claimants is in controversy, the Court may order claimant(s) to submit to a physical examination by a physician. The order may be made by the Court on its own motion or on motion for good cause shown, and upon notice to the claimant to be examined, or to his attorney, and to all other claimants, or to their attorneys, if any. Said notice shall specify the time, place, manner, conditions and scope of the examination, and the person or persons by whom it is to be made.

b) **Physician's report.** If requested by the claimant examined, respondent shall deliver to him a copy of a detailed written report of the examining physician setting out his findings and conclusions. After such request and delivery to the claimant of such detailed written report, respondent shall be entitled, upon request, to receive from the claimant examined a like report of any examination previously or thereafter made of the same physical condition. If the claimant examined refuses to deliver such report or reports, the Court, on motion and notice, may enter an order requiring delivery on such terms as are just, and, if a physician fails or refuses to make such a report, the testimony of such physician may be excluded, if offered at the hearing of the case.

Section 790.155 Subpoenas.

a) The Court may issue subpoenas through the Chief Justice or one of its Judges or Commissioners to require attendance of witnesses for the purpose of testifying before it, any Judge of the Court, any notary public, or any of its Commissioners, and to require the production of any books, records, papers or documents that may be material or relevant as evidence in any matter pending before it. If any person refuses to comply with any subpoenas issued in the name of the Chief Justice, or one of the Judges or Commissioners, attested to by the Clerk, with the seal of the Court attached, and served upon the person named in the subpoena, as a summons in a civil action is served, the circuit court of the proper county, on application of the party at whose instance the subpoena was issued, shall compel obedience by attachment proceedings, as for contempt, as in a case of a disobedience of the requirements of a subpoena from the circuit court on a refusal to testify.

b) The Clerk of the Court of Claims, when an action is pending, shall, from time to time, issue subpoenas on behalf of the Chief Justice, the Judges or Commissioners, for those witnesses and to those counties in the States as may be required by the attorneys or either party.

c) Every subpoena shall:

1) state that it is issued by the Court of Claims; and
2) state the title of the action and its civil action number; and
3) command each person to whom it is directed to attend and give testimony or to produce or permit inspection and copying of designated books, documents or tangible things in the possession, custody or control of that person. A command to produce evidence shall be joined with a command to appear at trial or hearing or at deposition.

d) The Clerk may issue subpoenas on behalf of a party requesting issuance provided that there is a valid request to the Clerk indicating the information to be subpoenaed. An attorney of record may also issue and sign a subpoena on a form provided by the Clerk.

e) Prior notice of any subpoena for production of documents and things before trial shall be served on each party by mailing or delivering written notice to the other parties to the action, or their attorneys, at the last known address of the attorney or party, with proof of service filed with the Clerk.

f) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to a subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, including being held in default, debarred from filing any other pleading or maintaining any claim or defense.
(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

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 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 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.

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 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 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.180 Excerpts and Briefs – Time for Filing. The excerpts, if any, brief and argument of the claimant must be filed with the Clerk on or before the date ordered by the Court, a Judge thereof, or a Commissioner. The respondent shall file its excerpts, if any, brief and

argument not later than the date ordered by the Court, a Judge thereof, or a Commissioner. Claimant may file a reply brief no later than the date ordered by the Court, a Judge thereof, or a Commissioner. Upon good cause shown, further time to file the abstract or briefs of either party may, upon notice to the other party, be granted by the Commissioner.

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 submit therewith 3 copies of a proposed order. In all other cases such application for extension of time shall be made to the Court.

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

c) **Objections.** Objections to motions, and suggestions in support of the objection, must be in writing and filed within 21 days after the filing of the original motion. Upon the filing, within 21 days after the filing of the motion, of a request for an extension of time supported by an affidavit that an objection will be filed within the extended time, the time shall be automatically extended for an additional 21 days. No other extensions will be allowed except in compelling circumstances. Four copies of all objections to motions shall be filed with the Clerk of the Court, together with proof of service upon counsel for the other party. When motions are filed by either the claimant or the respondent, the moving party shall also submit of a proposed order.

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

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

(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.210 Oral Argument of Case. Oral argument on a matter before the Court, including a petition for rehearing will be permitted only when ordered by the Court. Oral argument may be granted in the discretion of the Court upon request of a party or by Court order. (Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.220 Rehearing or New Trial. A party desiring a rehearing or new trial in any case shall, within 30 days after the filing of the opinion or order, file with the Clerk 4 copies of the petition for rehearing. The petition shall state briefly the points supposed to have been overlooked or misapprehended by the Court, with authorities and suggestions concisely stated in support of the points. A copy of the petition shall be served on counsel for the other party and proof of service shall be shown in the petition. Any petition violating this Section will be stricken. The opposite party shall have 20 days from the date of filing of the petition for rehearing to answer the petition, and the petitioner shall have 10 days thereafter within which to file a reply. The granting of a petition for rehearing can result in such relief as the Court deems appropriate. Neither the claimant, nor the respondent, shall be permitted to file more than one application or petition for rehearing.
(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.230 Rehearing – Procedure (Repealed).
(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.240 New Trial (Repealed).

Section 790.250 Records – Calendar.

Records. The Clerk shall record all orders of the Court, including the final disposition of cases. The Clerk shall keep all required dockets in which shall be entered all claims filed, together with their number, dates of filing, the name of claimants, their attorneys of record and respective addresses. As papers are received, the Clerk shall stamp the filing date thereon, and forthwith mail to opposing counsel a copy of all orders entered, pleadings, motions, notices and briefs as filed. Such mailing shall constitute due notice and service thereof.
(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.260 Dismissal for want of Prosecution. A case may be dismissed for want of prosecution where the Court determines that the claimant has made no attempt in good faith to proceed.

Section 790.270 Fees and Costs.

a) In claims based upon lapsed appropriations or lost warrant no filing fee shall be required. In all other claims the following fees shall apply:

Filing of complaint in which amount of claim is less than $1,000….$15
Filing of complaint in which amount is $1,000 or more……....$35

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

1) All applications shall be notarized and include: the name and address of the applicant; applicant's occupation and employer; income from the previous year; sources and amount of income expected in the future; persons dependent on the applicant for support; a brief statement of any real estate or personal property (including any motor vehicles) and the value of the real estate, personal property and motor vehicle held by the applicant; a

statement (and any government issued documentation) of receiving assistance under one or more of the following public benefits programs (Supplement Security Income (SSI), Aid to the Aged, Blind and Disabled (AABD), Temporary Assistance for Needy Families (TANF), Supplemental Nutritional Assistance Program (SNAP), etc.) or documentation of receiving unemployment insurance benefits; a statement of any applications filed on behalf of the applicant for leave to sue or defend as an indigent person during the previous year; and a statement that the applicant is unable to pay the costs of the case and has a meritorious claim or defense.

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

c) Certified copies of documents filed in the Court of Claims may be obtained upon application to the Secretary of State and payment of the prescribed costs.

(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)

Section 790.280 Adoption and Effective Dates. The above and foregoing rules, as amended, were adopted as rules, as amended, of the Court of Claims of the State of Illinois on the 6th day of June, 1975, to be in full force and effect from and after the 1st day of July, 1975.

RELATED STATUTES

Line of Duty Compensation Act

(820 ILCS 315/1-315/5)

AN ACT concerning certain individuals killed in the line of duty.

(820 ILCS 315/1) Sec. 1. This Act shall be known and may be cited as the Line of Duty Compensation Act. (Source: P.A. 93-1047, eff. 10-18-04.)

(820 ILCS 315/2) Sec. 2. As used in this Act, unless the context otherwise requires:

(a) "Law enforcement officer" or "officer" means any person employed by the State or a local governmental entity as a policeman, peace officer, auxiliary policeman or in some like position involving the enforcement of the law and protection of the public interest at the risk of that person's life. This includes supervisors, wardens, superintendents and their assistants, guards and keepers, correctional officers, youth supervisors, parole agents, aftercare specialists, school teachers and correctional counelors in all facilities of both the Department of Corrections and the Department of Juvenile Justice, while within the facilities under the control of the Department of Corrections or the Department of Juvenile Justice or in the act of transporting inmates or wards from one location to another or while performing their official duties, and all other Department of Correction or Department of Juvenile Justice employees who have daily contact with inmates.

The death of the foregoing employees of the Department of Corrections or the Department of Juvenile Justice in order to be included herein must be by the direct or indirect willful act of an inmate, ward, work-releasee, parolee, aftercare releasee, parole violator, aftercare release violator, person under conditional release, or any person sentenced or committed, or otherwise subject to confinement in or to the Department of Corrections or the Department of Juvenile Justice.

(b) "Fireman" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member or officer of a fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, including volunteer firemen.

(c) "Local governmental entity" includes counties, municipalities and municipal corporations.

(d) "State" means the State of Illinois and its departments, divisions, boards, bureaus, commissions, authorities and colleges and universities.

(e) "Killed in the line of duty" means losing one's life as a result of injury received in the active performance of duties as a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, or chaplain if the death occurs within one year from the date the injury was received and if that injury arose from violence or other accidental cause. In the case of a State employee,

"killed in the line of duty" means losing one's life as a result of injury received in the active performance of one's duties as a State employee, if the death occurs within one year from the date the injury was received and if that injury arose from a willful act of violence by another State employee committed during such other employee's course of employment and after January 1, 1988. The term excludes death resulting from the willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee. However, the burden of proof of such willful misconduct or intoxication of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee is on the Attorney General. Subject to the conditions set forth in subsection (a) with respect to inclusion under this Act of Department of Corrections and Department of Juvenile Justice employees described in that subsection, for the purposes of this Act, instances in which a law enforcement officer receives an injury in the active performance of duties as a law enforcement officer include but are not limited to instances when:

(1) the injury is received as a result of a willful act of violence committed other than by the officer and a relationship exists between the commission of such act and the officer's performance of his duties as a law enforcement officer, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(2) the injury is received by the officer while the officer is attempting to prevent the commission of a criminal act by another or attempting to apprehend an individual the officer suspects has committed a crime, whether or not the injury is received while the officer is on duty as a law enforcement officer;

(3) the injury is received by the officer while the officer is travelling to or from his employment as a law enforcement officer or during any meal break, or other break, which takes place during the period in which the officer is on duty as a law enforcement officer.

In the case of an Armed Forces member, "killed in the line of duty" means losing one's life while on active duty in connection with the September 11, 2001 terrorist attacks on the United States, Operation Enduring Freedom, or Operation Iraqi Freedom.

(f) "Volunteer fireman" means a person having principal employment other than as a fireman, but who is carried on the rolls of a regularly constituted fire department either for the purpose of the prevention or control of fire or the underwater recovery of drowning victims, the members of which are under the jurisdiction of the corporate authorities of a city, village, incorporated town, or fire protection district, and includes a volunteer member of a fire department organized under the "General Not for Profit Corporation Act", approved July 17, 1943, as now or hereafter amended, which is under contract with any city, village, incorporated town, fire protection district, or persons residing therein, for fire fighting services. "Volunteer fireman" does not mean an individual who volunteers assistance without being regularly enrolled as a fireman.

(g) "Civil defense worker" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of a civil defense work

force, including volunteer civil defense work forces engaged in serving the public interest during periods of disaster, whether natural or man-made.

(h) "Civil air patrol member" means any person employed by the State or a local governmental entity as, or otherwise serving as, a member of the organization commonly known as the "Civil Air Patrol", including volunteer members of the organization commonly known as the "Civil Air Patrol".

(i) "Paramedic" means an Emergency Medical Technician-Paramedic certified by the Illinois Department of Public Health under the Emergency Medical Services (EMS) Systems Act, and all other emergency medical personnel certified by the Illinois Department of Public Health who are members of an organized body or not-for-profit corporation under the jurisdiction of a city, village, incorporated town, fire protection district or county, that provides emergency medical treatment to persons of a defined geographical area.

(j) "State employee" means any employee as defined in Section 14-103.05 of the Illinois Pension Code, as now or hereafter amended.

(k) "Chaplain" means an individual who:

(1) is a chaplain of (i) a fire department or (ii) a police department or other agency consisting of law enforcement officers; and

(2) has been designated a chaplain by (i) the fire department, police department, or other agency or an officer or body having jurisdiction over the department or agency or (ii) a labor organization representing the firemen or law enforcement officers.

(l) "Armed Forces member" means an Illinois resident who is: a member of the Armed Forces of the United States; a member of the Illinois National Guard while on active military service pursuant to an order of the President of the United States; or a member of any reserve component of the Armed Forces of the United States while on active military service pursuant to an order of the President of the United States. (Source: P.A. 98-558, eff. 1-1-14.)

(820 ILCS 315/3) Sec. 3. Duty death benefit.

(a) If a claim therefor is made within one year of the date of death of a law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee killed in the line of duty, or if a claim therefor is made within 2 years of the date of death of an Armed Forces member killed in the line of duty, compensation shall be paid to the person designated by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member. However, if the Armed Forces member was killed in the line of duty before October 18, 2004, the claim must be made within one year of October 18, 2004.

(b) The amount of compensation, except for an Armed Forces member, shall be $10,000 if the death in the line of duty occurred prior to January 1, 1974; $20,000 if such death occurred after December 31, 1973 and before July 1, 1983; $50,000 if such death occurred on or after July 1, 1983 and before January 1, 1996; $100,000 if the death occurred on or after January 1, 1996 and before May 18, 2001; $118,000 if the death occurred on or after May 18, 2001 and before July 1, 2002; and $259,038 if the death occurred on or after July 1, 2002 and before

January 1, 2003. For an Armed Forces member killed in the line of duty (i) at any time before January 1, 2005, the compensation is $259,038 plus amounts equal to the increases for 2003 and 2004 determined under subsection (c) and (ii) on or after January 1, 2005, the compensation is the amount determined under item (i) plus the applicable increases for 2005 and thereafter determined under subsection (c).

(c) Except as provided in subsection (b), for deaths occurring on or after January 1, 2003, the death compensation rate for death in the line of duty occurring in a particular calendar year shall be the death compensation rate for death occurring in the previous calendar year (or in the case of deaths occurring in 2003, the rate in effect on December 31, 2002) increased by a percentage thereof equal to the percentage increase, if any, in the index known as the Consumer Price Index for All Urban Consumers: U.S. city average, unadjusted, for all items, as published by the United States Department of Labor, Bureau of Labor Statistics, for the 12 months ending with the month of June of that previous calendar year.

(d) If no beneficiary is designated or if no designated beneficiary survives at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee killed in the line of duty, the compensation shall be paid in accordance with a legally binding will left by the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee. If the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, or State employee did not leave a legally binding will, the compensation shall be paid as follows:

(1) when there is a surviving spouse, the entire sum shall be paid to the spouse;

(2) when there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes;

(3) when there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum; and

(4) when there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims based upon the investigation and report of the Attorney General.

The changes made to this subsection (d) by this amendatory Act of the 94th General Assembly apply to any pending case as long as compensation has not been paid to any party before the effective date of this amendatory Act of the 94th General Assembly.

(d-1) For purposes of subsection (d), in the case of a person killed in the line of duty who was born out of wedlock and was not an adoptive child at the time of the person's death, a person shall be deemed to be a

parent of the person killed in the line of duty only if that person would be an eligible parent, as defined in Section 2-2 of the Probate Act of 1975, of the person killed in the line of duty. This subsection (d-1) applies to any pending claim if compensation was not paid to the claimant of the pending claim before the effective date of this amendatory Act of the 94th General Assembly.

(d-2) If no beneficiary is designated or if no designated beneficiary survives at the death of the Armed Forces member killed in the line of duty, the compensation shall be paid in entirety according to the designation made on the most recent version of the Armed Forces member's Servicemembers' Group Life Insurance Election and Certificate ("SGLI").

If no SGLI form exists at the time of the Armed Forces member's death, the compensation shall be paid in accordance with a legally binding will left by the Armed Forces member.

If no SGLI form exists for the Armed Forces member and the Armed Forces member did not leave a legally binding will, the compensation shall be paid to the persons and in the priority as set forth in paragraphs (1) through (4) of subsection (d) of this Section.

This subsection (d-2) applies to any pending case as long as compensation has not been paid to any party before the effective date of this amendatory Act of the 94th General Assembly.

(e) If there is no beneficiary designated or if no designated beneficiary survives at the death of the law enforcement officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member killed in the line of duty and there is no other person or entity to whom compensation is payable under this Section, no compensation shall be payable under this Act.

(f) No part of such compensation may be paid to any other person for any efforts in securing such compensation.

(g) This amendatory Act of the 93rd General Assembly applies to claims made on or after October 18, 2004 with respect to an Armed Forces member killed in the line of duty.

(h) In any case for which benefits have not been paid within 6 months of the claim being filed in accordance with this Section, which is pending as of the effective date of this amendatory Act of the 96th General Assembly, and in which there are 2 or more beneficiaries, at least one of whom would receive at least a portion of the total benefit regardless of the manner in which the Court of Claims resolves the claim, the Court shall direct the Comptroller to pay the minimum amount of money which the determinate beneficiary would receive together with all interest payment penalties which have accrued on that portion of the award being paid within 30 days of the effective date of this amendatory Act of the 96th General Assembly. For purposes of this subsection (h), "determinate beneficiary" means the beneficiary who would receive any portion of the total benefit claimed regardless of the manner in which the Court of Claims adjudicates the claim.

(i) The Court of Claims shall ensure that all individuals who have filed an application to claim the duty death benefit for a deceased member of the Armed Forces pursuant to this Section or for a fireman pursuant to this Section, or their designated representative, shall have access, on a timely basis and in an efficient manner, to all information related to the court's consideration, processing, or adjudication of the claim, including, but not limited to, the following:

(1) a reliable estimate of when the Court of Claims will adjudicate the claim, or if the Court cannot estimate when it will adjudicate the claim, a full written explanation of the reasons for this inability; and

(2) a reliable estimate, based upon consultation with the Comptroller, of when the benefit will be paid to the claimant.

(j) The Court of Claims shall send written notice to all claimants within 2 weeks of the initiation of a claim indicating whether or not the application is complete. For purposes of this subsection (j), an application is complete if a claimant has submitted to the Court of Claims all documents and information the Court requires for adjudicating and paying the benefit amount. For purposes of this subsection (j), a claim for the duty death benefit is initiated when a claimant submits any of the application materials required for adjudicating the claim to the Court of Claims. In the event a claimant's application is incomplete, the Court shall include in its written notice a list of the information or documents which the claimant must submit in order for the application to be complete. In no case may the Court of Claims deny a claim and subsequently re-adjudicate the same claim for the purpose of evading or reducing the interest penalty payment amount payable to any claimant. (Source: P.A. 95-928, eff. 8-26-08; 96-539, eff. 1-1-10; 96-923, eff. 1-1-11.)

(820 ILCS 315/3.5) Sec. 3.5. Burial benefit. A burial benefit of up to a maximum of $10,000 shall be payable to the surviving spouse or estate of a law enforcement officer or fireman who is killed in the line of duty on or after the effective date of this amendatory Act of 1997. The Attorney General and the Court of Claims may jointly adopt rules and procedures for the implementation of this Section. (Source: P.A. 90-577, eff. 1-1-99.)

(820 ILCS 315/4) Sec. 4. Notwithstanding Section 3, no compensation is payable under this Act unless a claim therefor is filed, within the time specified by that Section with the Court of Claims on an application prescribed and furnished by the Attorney General and setting forth:

(a) the name, address and title or designation of the position in which the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member was serving at the time of his death;

(b) the names and addresses of person or persons designated by the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member to receive the compensation and, if more than one, the percentage or share to be paid to each such person, or if there has been no such designation, the name and address of the personal representative of the estate of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member;

(c) a full, factual account of the circumstances resulting in or the course of events causing the death of the officer, civil defense worker, civil air patrol member, paramedic, fireman, chaplain, State employee, or Armed Forces member; and

(d) such other information as the Court of Claims reasonably requires.

When a claim is filed, the Attorney General shall make an investigation for substantiation of matters set forth in such an application.

For the 2 years immediately following the effective date of this amendatory act of the 96th General Assembly, the Court of Claims shall direct the Comptroller to pay a "Modified-Eligibility Line of Duty Benefit" to eligible late claimants who file a claim for the benefit. A claim for a Modified-Eligibility Line of Duty Benefit must include all the application materials and documents required for all other claims payable under this Act, except as otherwise provided in this Section 4. For purposes of this Section 4 only, an "eligible late claimant" is a person who would have been eligible, at any time after September 11, 2001, to apply for and receive payment of a claim pursuant to this Act in connection with the death of an Armed Forces member killed in the line of duty or a fireman killed in the line of duty, but did not receive the award payment because:

(1) the claim was rejected only because the claim was not filed within the time limitation set forth in subsection (a) of Section 3 of this Act; or

(2) having met all other preconditions for applying for and receiving the award payment, the claimant did not file a claim because the claim would not have been filed within the time limitation set forth in subsection (a) of Section 3 of this Act. For purposes of this Section 4 only, the "Modified-Eligibility Line of Duty Benefit" is an amount of money payable to eligible late claimants equal to the amount set forth in Section 3 of this Act payable to claimants seeking payment of awards under Section 3 of this Act for claims made thereunder in the year in which the claim for the Modified-Eligibility Line of Duty Benefit is made. Within 6 months of receiving a complete claim for the Modified-Eligibility Line of Duty Benefit, the Court of Claims must direct the Comptroller to pay the benefit amount to the eligible late claimant. (Source: P.A. 96-539, eff. 1-1-10; 96-923, eff. 1-1-11.)

(820 ILCS 315/5) Sec. 5. The compensation provided for in this Act is in addition to, and not exclusive of, any pension rights, death benefits or other compensation otherwise payable by law. (Source: P. A. 76-1602.)

Illinois National Guardsman's Compensation Act

(20 ILCS 1825/1-1825/5)

AN ACT in relation to the payment of compensation on behalf of members of the Illinois National Guard killed while on duty and to make appropriations in connection therewith.

(20 ILCS 1825/1) Sec. 1. This Act shall be known as and may be cited as the "Illinois National Guardsman's Compensation Act". (Source: P.A. 85-1241.)

(20 ILCS 1825/2) Sec. 2. As used in this Act, unless the context otherwise requires:

(a) "Illinois National Guardsman" or "guardsman" means any person who is a member of the Illinois National Guard under "The Military Code of Illinois", approved July 8, 1957, as amended.

(b) "Killed in the line of duty" means losing one's life as a result of injury received while on duty as an Illinois national guardsman, if the death occurs within one year from the date the injury was received and if that injury arose from violence or any other accidental cause except that the benefits this Act shall not be provided in the event a guardsman is killed while on active military service pursuant to an order of the President of the United States. The terms excludes death resulting from the willful misconduct or intoxication of the guardsman; however, the burden of proof of such willful misconduct or intoxication of the guardsman is on the Attorney General. (Source: P.A. 85-1241.)

(20 ILCS 1825/3) Sec. 3. If a claim therefor is made within one year of the date of the death of the guardsman, compensation shall be paid to the person designated by such guardsman killed while on duty. The amount of compensation shall be equal to the greater of (i) $100,000 or (ii) the amount of compensation payable under Section 3 of the Line of Duty Compensation Act when an individual to whom that Act applies is killed in the line of duty. If no beneficiary is designated or surviving at the death of the guardsman killed while on duty, the compensation shall be paid as follows:

(a) When there is a surviving spouse, the entire sum shall be paid to the spouse.

(b) When there is no surviving spouse, but a surviving descendant of the decedent, the entire sum shall be paid to the decedent's descendants per stirpes.

(c) When there is neither a surviving spouse nor a surviving descendant, the entire sum shall be paid to the parents of the decedent in equal parts, allowing to the surviving parent, if one is dead, the entire sum.

(d) When there is no surviving spouse, descendant or parent of the decedent, but there are surviving brothers or sisters, or descendants of a brother or sister, who were receiving their principal support from the decedent at his death, the entire sum shall be paid, in equal parts, to the dependent brothers or sisters or dependent descendant of a brother or sister. Dependency shall be determined by the Court of Claims based upon the investigation and report of the Attorney General.

When there is no beneficiary designated or surviving at the death of the guardsman killed while on duty and no surviving spouse, descendant, parent, dependent brother or sister, or dependent descendant of a brother or sister, no compensation shall be payable under this Act.

No part of such compensation may be paid to any other person for any efforts in securing such compensation.

If compensation is payable under the Line of Duty Compensation Act because of the death of a guardsman, the provisions of that Act shall apply to the payment of that compensation. (Source: P.A. 93-1047, eff. 10-18-04; 94-844, eff. 6-8-06.)

(20 ILCS 1825/4) Sec. 4. Notwithstanding Section 3, no compensation is payable under this Act unless a claim therefor is filed, within the time specified by that Section with the Court of Claims on an application prescribed and furnished by the Attorney General and setting forth:

(a) the name, address and rank or grade in which the guardsman was serving at the time of this death;

(b) the names and addresses of person or persons designated by the guardsman to receive the compensation and, if more than one, the percentage or share to be paid to each such person, or if there has been no such designation, the name and address of the personal representative of the estate of the guardsman;

(c) a full, factual account of the circumstances resulting in or the course of events causing the death of the guardsman; and

(d) such other information as the Court of Claims reasonably requires.

When a claim is filed, the Attorney General shall make an investigation for substantiation of matters set forth in such an application. (Source: P.A. 85-1241.)

(20 ILCS 1825/5) Sec. 5. The compensation provided for in this Act is in addition to, and not exclusive of, any pension rights, death benefits or other compensation otherwise payable by law. (Source: P. A. 77-735.)

Military Code, Article XI
Pay and Allowances

(20 ILCS 1805/48) (from Ch. 129, par. 220.48)

Sec. 48. When in active service of the State, under orders of the Commander-in-Chief, officers and warrant officers of the Illinois National Guard shall receive all pay as provided by law for officers and warrant officers of the armed forces of the United States of like grade and longevity.
(Source: P.A. 97-764, eff. 7-6-12.)

(20 ILCS 1805/49) (from Ch. 129, par. 220.49)

Sec. 49. When in active service of the State, under orders of the Commander-in-Chief, enlisted personnel of the Illinois National Guard shall receive all pay as provided by law for enlisted personnel of the armed forces of the United States of like grade and longevity.
(Source: P.A. 97-764, eff. 7-6-12.)

(20 ILCS 1805/50) (from Ch. 129, par. 220.50)

Sec. 50. Transportation and subsistence for all officers, warrant officers and enlisted personnel on duty under Sections 48 and 49 hereof shall be furnished by the State.
(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/51) (from Ch. 129, par. 220.51)

Sec. 51. The Commander-in-Chief may put officers on necessary military duty, with their consent in each case, at less rates than given in Section 48 hereof.
(Source: Laws 1957, p. 2141.)

(20 ILCS 1805/52) (from Ch. 129, par. 220.52)

Sec. 52. Injured personnel or personnel with a disability; treatment; compensation. Officers, warrant officers, or enlisted personnel of the Illinois National Guard who may be injured in any way, including without limitation through illness, while on duty and lawfully performing the same, are entitled to be treated by an officer of the medical or dental department detailed by the Adjutant General, or at the nearest appropriate medical treatment facility if such an officer is not detailed. Officers, warrant officers, or enlisted personnel of the Illinois National Guard who may be wounded or disabled in any way, while on duty and lawfully performing the same, so as to prevent their working at their profession, trade, or other occupation from which they gain their living, are entitled to be treated by an officer of the medical or dental department detailed by the Adjutant General, or at the nearest appropriate medical treatment facility if such an officer is not detailed, and, as long as the Illinois National Guard has not been called into federal service, are entitled to all privileges due them as State employees under the "Workers' Compensation Act", approved July 9, 1951, as now or hereafter amended, and the "Workers' Occupational Diseases Act", approved July 9, 1951, as now or hereafter amended. For purposes of this Section, injured, wounded, or disabled "while on duty and lawfully performing the same" means incurring an injury, wound, or disability while in a State military status pursuant to orders of the Commander-in-Chief, except when the injury, wound, or disability is caused by the officer's, warrant officer's, or enlisted personnel's own misconduct.
(Source: P.A. 99-143, eff. 7-27-15.)

(20 ILCS 1805/53) (from Ch. 129, par. 220.53)

Sec. 53. When officers, warrant officers or enlisted personnel of the Illinois National Guard are injured, wounded or killed while performing duty in pursuance of orders from the Commander-in-Chief, said personnel or their heirs or dependents, shall have a claim against the State for financial help or assistance, and the State Court of Claims shall act on and adjust the same as the merits of each case may demand. Pending action of the Court of Claims, the Commander-in-Chief is authorized to relieve emergency needs upon recommendation of a board of three officers, one of whom shall be an officer of the medical department. (Source: P.A. 85-1241.)

(20 ILCS 1805/54) (from Ch. 129, par. 220.54)

Sec. 54. Officers of the medical and dental departments who attend cases of injury or illness incurred in line of duty under Sections 52 and 53 of this Article shall be entitled to such reasonable compensation in each case as the circumstances may warrant, as approved by The Adjutant General. (Source: Laws 1957, p. 2141.)

(20 ILCS 1805/55) (from Ch. 129, par. 220.55)

Sec. 55. Medical and hospital charges paid by State. Necessary medical treatment and hospital charges incurred in cases stated in Sections 52 and 53 hereof, and for beds in open or general wards shall be paid by the State on proper vouchers made out by the attending medical or dental officers and approved by the Adjutant General. (Source: P.A. 96-509, eff. 1-1-10; 96-733, eff. 1-1-10.)

(20 ILCS 1805/56) (from Ch. 129, par. 220.56) Sec. 56. All payments under Sections 52, 53, 54 and 55 hereof shall be made from appropriated funds on vouchers and bills approved by The Adjutant General. (Source: Laws 1957, p. 2141.)

(20 ILCS 1805/56-1) (from Ch. 129, par. 220.56-1)

Sec. 56-1. Federal Support Agreement Revolving Fund; payment; use. The Federal Support Agreement Revolving Fund shall be initially financed by an appropriation from the General Revenue Fund to the Federal Support Agreement Revolving Fund. Thereafter, all monies received from the federal government that are necessary for the reimbursement of salaries paid to employees hired in reimbursed positions, for facility operations or other programs as provided under the terms of the Federal Support Agreement between the Department of Military Affairs and the United States Property and Fiscal Officer for Illinois shall be paid into the Federal Support Agreement Revolving Fund. The money in this fund shall be used by the Department of Military Affairs only for those expenses necessary to meet all of the terms and obligations of the Federal Support Agreement, except as otherwise provided in this Section. At the request of the Adjutant General, the State Treasurer and the State Comptroller shall transfer to the Illinois National Guard State Active Duty Fund from the Federal Support Agreement Revolving Fund the reimbursement from the federal government for State Fiscal Year 2011 expenditures from the General Revenue Fund in excess of $2,200,000 for expenses related to the Lincoln's Challenge Program.All moneys expended by the Department of Military Affairs from the Federal Support Agreement Revolving Fund shall be appropriated by the General Assembly. Furthermore, any moneys that are appropriated to pay for weekly allowances for students in the Lincoln's Challenge Program may be deposited by the Department of Military Affairs into a savings and loan association or State or national bank in this State. Such funds shall be managed by the Department of Military Affairs in the manner provided by the laws of this State, applicable rules and regulations based thereon, and applicable federal requirements governing the use of such funds. (Source: P.A. 97-639, eff. 12-19-11.)

(20 ILCS 1805/56-2)

Sec. 56-2. Illinois National Guard State Active Duty Fund; payment; use. The Illinois National Guard State Active Duty Fund is created and shall be initially financed by a transfer from the Federal Support Agreement Revolving Fund to the Illinois National Guard State Active Duty Fund as provided in Section 56-1 of this Code. Thereafter, all monies received from any government entity that reimburse costs incurred in the performance of State Active Duty shall be paid into the Illinois National Guard State Active Duty Fund. Disbursement from the Fund for purposes as set forth in this Section shall be by voucher ordered by the Adjutant General and paid by a warrant drawn by the State Comptroller and countersigned by the State Treasurer. The Director shall order disbursements from the Illinois National Guard State Active Duty Fund only for payment of expenses necessary to support the Illinois National Guard in the performance of State Active Duty. Monies in this Fund shall not be subject to appropriation by the General Assembly, but shall be subject to audit by the Auditor General.
(Source: P.A. 97-639, eff. 12-19-11.)

State Government – State of Illinois
May Be Sued Only in Court of Claims
(745 ILCS 5/1)

AN ACT in relation to immunity for the State of Illinois.

Sec. 5/1. Immunity of State as defendant or party in court. Except as provided in the "Illinois Public Labor Relations Act," enacted by the 83rd General Assembly, [1] or except as provided in "AN ACT to create the Court of Claims, to prescribe its powers and duties, and to repeal AN ACT herein named," filed July 17, 1945, as amended,[2] the State of Illinois shall not be made a defendant or party in any court.

[1] 5 ILCS 315/1 *et seq.*
[2] 705 ILCS 505/1 *et seq.*

(745 ILCS 5/1 (from Ch. 127, par. 801)
(Text of Section from P.A. 93-414)
Sec. 1. Except as provided in the Illinois Public Labor Relations Act, the Court of Claims Act, or Section 1.5 of this Act, the Court of Claims Act, or Section 1.5 of this Act, the State of Illinois shall not be made a defendant or party in any court. (Source: P.A. 93-414, eff. 1-1-04.)

(Text of Section from P.A. 93-615)
Sec. 1. Except as provided in the Illinois Public Labor Relations Act, the Court of Claims Act, and the State Officials and Employees Ethics Act, the State of Illinois shall not be made a defendant or party in any court. (Source: P.A. 93-615, eff. 11-19-03.)

AN ACT in relation to immunity for the State of Illinois.

(745 ILCS 5/1) (from Ch. 127, par. 8018) Sec. 1.
Except as provided in the Illinois Public Labor Relations Act, the Court of Claims Act, the State Officials and Employees Ethics Act, and Section 1.5 of this Act, the State of Illinois shall not be made a defendant or party in any court.
(Source: P.A. 97-618, eff. 10-26-11.)

Escaped Inmates Damages Act
(740 ILCS 60/1)

AN ACT concerning damages caused by escaped inmates of charitable, penal, reformatory or other institutions over which the State has control.

Sec. 60/1. Claims. Whenever a claim is filed with the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Department of Children and Family Services or the Department of Corrections for damages

resulting from personal injuries or damages to property, or both, or for damages resulting from property being stolen, heretofore or hereafter caused by an inmate who has escaped from a charitable, penal, reformatory or other institution over which the State of Illinois has control while he was at liberty after his escape, the Department of Human Services, the Department of Children and Family Services, or the Department of Corrections shall conduct an investigation to determine the cause, nature and extent of the damages and if it be found after investigation that the damage was caused by one who had been an inmate of such institution and had escaped, the Department may recommend to the Court of Claims that an award be made to the injured party, and the Court of Claims shall have the power to hear and determine such claims.

Illinois Vehicle Code Article V, Relating to Financial Responsibility

(625 ILCS 5/7-503)

Sec. 5/7-503. Unclaimed security deposits.
During July, annually, the Secretary shall compile a list of all securities on deposit, pursuant to this Article, for more than 3 years and concerning which he has re-ceived no notice as to the pendency of any judicial proceeding that could affect the disposition thereof. Thereupon, he shall promptly send a notice by certified mail to the last known address of each depositor advising him that his deposit will be subject to escheat to the State of Illinois if not claimed within 30 days after the mailing date of such notice. At the expiration of such time, the Secretary of State shall file with the State Treasurer an order directing the transfer of such deposit to the general revenue fund in the State Treasury. Upon receipt of such order, the State Treasurer shall make such transfer, after converting to cash any other type of security. Thereafter, any person having a legal claim against such deposit may enforce it by appropriate proceedings in the Court of Claims subject to the limitations prescribed for such Court. At the expiration of such limitation period such deposits shall escheat to the State of Illinois.

State Comptroller Act

(15 ILCS 405/10.16)

Sec. 405/10.16. Refusal to draw and issue replacement warrant—Action in Court of Claims—Limitation. If the comptroller refuses to draw and issue a replacement warrant under Section 10.10, persons who are entitled under Section 10.10 to request a replacement warrant may file an action in the Court of Claims for the payment of the sum indicated due on the warrant. For the purpose of the limitations prescribed in Section 22 of "An Act to create the Court of Claims, to prescribe its powers and duties, and to repeal an Act herein named", filed July 17, 1945, as now or hereafter amended,[1] the actions created in this Section shall accrue from the date of the Comptroller's refusal.

[1] 705 ILCS 505/22.

Central Management Services Judgment Fund

(20 ILCS 405-105 (13))

Sec. 405-105 (13). Administer a plan the purpose of which is to make payments on final settlements or final judgments for employee wage claims in situations where there was an appropriation relevant to the wage claim, and the fiscal year and lapse period have expired and that sufficient funds were available to pay such claim. The plan shall be funded through appropriations from the General Revenue Fund specifically designated for that purpose.

Subject to sufficient appropriation, the Director of is authorized to pay any wage claim presented to the Director that is supported by a final settlement or final judgment when the chief officer of the State agency employing the claimant certifies to the Director that the claim is a valid wage claim and that the fiscal year and lapse period have expired. Payment for claims that are properly submitted and certified as valid by the Director shall include interest accrued at the rate of 7% per annum from the forty-fifth day after the claims are received by the Department or 45 days from the date on which the amount of payment is agreed upon, whichever is later, until the date the claims are submitted to the Comptroller for payment. When the Attorney General has filed an appearance in any proceeding concerning a wage claim settlement or judgment, the Attorney General shall certify to the Director that the wage claim is valid before any payment is made. In no event shall an amount in excess of $150,000 be paid from this plan to or for the benefit of any claimant. Nothing in Public Act 84-961 shall be construed to affect in any manner the jurisdiction of the Court of Claims concerning wage claims made against the State of Illinois.

(Source: P.A. 96-928, eff. 6-15-10; 97-18, eff. 6-28-11; 97-895, eff. 8-3-12; 97-1143, eff. 12-28-12.)

Illinois Court of Claims

Secretary of State

Illinois Court of Claims, 630 S. College St., Springfield, IL 62756

Application for Death Benefits Pursuant to Line of Duty Compensation Act

Pursuant to provisions of the Line of Duty Compensation Act, application is hereby made for payment of benefits on account of the death of: _____

1. Name of Decedent: _____
2. Address of decedent's Illinois residence at time of death: _____
3. Address at Time of Entry into the U.S. Armed Forces (if on active duty as an Armed Forces member): _____

   _____
4. Place of Birth: _____
5. Date of Death: _____
6. Date of Injury Resulting in Death: _____
7. Branch of Service (if on active duty as an Armed Forces member):_____
8. Employer and Employer's Address (if not an Armed Forces member): _____

   _____

   _____
9. Rank and Title of Position or assignment in which decedent was serving at time of death or at time of injury resulting in death:

   _____

   _____
10. Decedent's Social Security Number: _____
11. Name(s), Address(es) and Social Security Number(s) of all beneficiaries designated by decedent on Line of Duty Compensation Act Designation of Beneficiary Form for receipt of benefits:

Name	Address	Social Security Number	$ amount or % share

12. Attach a copy of Line of Duty Designation of Beneficiary form: _____
13. For claims on deaths of Armed Forces members on active duty, attach copies of the following Department of Defense documents (if available):
    A. Report of Casualty (DD Form 1300)
    B. Certificate of Death (DD form 2064) (if available)
    C. Record of Emergency Data (DD Form 93) (if available)
    D. Servicemember's Group Life Insurance Election and Certificate (SGLV8222)
14. If the decedent left a will, please attach a copy of it. Provide social security numbers and current addresses of every beneficiary designated in the will.

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15. Attach copies of any other form(s) on which decedent designated beneficiaries for receipt of death benefits. Provide Social Security Number of each beneficiary designated.
16. Decedent's Marital Status at time of death: _____
17. (If applicable) Name, Address, Phone Number and Social Security Number of decedent's surviving spouse:

    _____

    _____

    _____

18. Did decedent have children? ❑ Yes ❑ No
19. (If applicable) Name(s), Address(es), Phone Number(s), Social Security Number(s) and Birthdates of decedent's children:

    _____

    _____

    _____

    _____

20. Name(s), Address(es), Phone Number(s) and Social Security Number(s) of other parent(s) of child or children listed in 17:_____

    _____

    _____

    _____

21. (If decedent left no surviving spouse or children) Name(s), Address(es), Phone Number(s) and Social Security Number(s) of decedent's surviving parents: _____

    _____

    _____

    _____

22. (If decedent left no surviving spouse, children or parents) Name(s), Address(es), Phone Number(s) and Social Security Number(s) of decedent's next-of-kin and relationship to decedent: _____

    _____

    _____

    _____

23. Attach copies of any other documents (e.g., incident or investigation reports, statements, newspaper articles, obituaries) that explain the circumstances involved in the decedent's death.
24. Attach copies of any other documents that may be relevant or useful in consideration of this claim.
25. (If decedent was on active duty as an Armed Forces member) Name, Address and Phone Number of the Military Casualty Assistance Officer assigned to assist with matters relating to decedent's death: _____

    _____

    _____

26. (If decedent was not on active duty as an United States Armed Forces member) Name, Title, Employer, Address and Phone Number of decedent's supervisor at time of decedent's death: _____

    _____

    _____

    _____

Applicant Information

Name of Applicant: _____

Address: _____

_____

Relationship, if any, to Decedent: _____

Applicant's Social Security Number: _____

Date of Application: _____

Applicant's Email: _____

_____
Applicant's Signature

TO: Court of Claims, State of Illinois
630 S. College St., Springfield, IL 62756

RE: Application for Death Benefits, pursuant to provisions of the Line of Duty Compensation Act relative to the death of:

_____ _____
Name of Decedent Date of Birth

Statement of Supervisor, Commanding Officer or Military Casualty Assistance Officer

1. Supervisor's Commanding Officer's or Casualty Assistance Officer's Name, Employer, Rank or Title, Address and Telephone Number: _____

   _____

   _____

   _____

2. Decedent's position or assignment at time of death or at time of injury resulting in death:

   _____

   _____

3. Time decedent began duty or assignment on date of death or on date of injury resulting in death:

   _____

4. Approximate time of death or injury resulting in death: _____
5. Statement of circumstances resulting in or events causing the death of a Law Enforcement Officer, Civil Defense Worker, Civil Air Patrol Member, Paramedic, Firefighter, Chaplain, State Employee or Armed Forces member:

   _____

   _____

   _____

6. Attach copies of all documents (e.g., incident or investigation reports, statements, newspaper articles, obituaries, Military Report of Casualty (DD Form 1300), death certificate), which explain the circumstances involved in decedent's death.
7. Is there any indication, inference or evidence that the death or injury resulted from the willful misconduct or intoxication of the decedent? ❑ Yes ❑ No

   If yes, state circumstance(s) and Name(s) and Address(es) of witnesses or persons having knowledge of willful misconduct or intoxication: _____

   _____

   _____

_____

Signature

1. Return original and three copies of Application for Death Benefits and this form, and other materials to substantiate the claim, to the address below. Copies may be Xeroxed and collated.
2. Be sure the Application for Benefits is signed.
3. Be sure to include Claimant's Social Security Number.
4. Be sure the application is filled out completely.

Illinois Court of Claims
630 S. College St.
Springfield, IL 62756

For more information, please call 877-411-2570

Illinois Court of Claims

Office of the Secretary of State

630 S. College St., Springfield, IL 62756

Illinois National Guardsmen's and Naval Militiamen's Compensation Act Form

Pursuant to provisions of the Illinois National Guardsmen's and Navel Militiamen's Compensation Act, application is hereby made for payment of benefits to the death of:

1. Name of Illinois National Guard or Navy Militia Member: _____
2. Address at Death: _____
3. Date of Death: _____
4. Date of Injury Resulting in Death: _____
5. Unit Address: _____

   _____

6. Rank and assignment in which decedent was serving at time of death or at time of injury resulting in death:

   _____

   _____

7. Social Security Number: _____
8. Name(s), Address(es) and Social Security Numbers of all beneficiaries designated by decedent for receipt of benefits.

Name	Address	Social Security Number	$ amount or % share

9. (If no beneficiary designation) Name and Address of personal representative of decedent's estate (administrator, executor), Date of Appointment, Court Appointing and Probate File Number:

   _____

   _____

10. (If no beneficiary designation) Names and Addresses of decedent's heirs or next-of-kin:

    _____

    _____

11. Statement of circumstances resulting in or the events causing the death of the Illinois National Guard or Navy Militia Member (newspaper accounts, death certificate, coroner's certificate or other documentation may be attached, if available):

    _____

    _____

    _____

    _____

(If more space is needed, please attach additional sheets.)

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Illinois Court of Claims

Office of the Secretary of State
630 S. College St., Springfield, IL 62756

(Complete four copies)

Lost Warrant Form

IN THE COURT OF CLAIMS, STATE OF ILLINOIS

_____	)
Claimant	)
	)
vs.	)
	)
Respondent,	)
STATE OF ILLINOIS	)

Pursuant to Illinois Revised Statutes, 15 ILCS 405/10.10 and 405/10.16, Claimant seeks from Respondent the sum of $ _____ for warrant number _____ made payable to _____ , which warrant was _____ .
(To original recipient check\voucher) Lost, Mislaid or Destroyed

Warrant was previously issued on or about _____ , through _____
Date Department, Board, Commission

of the State of Illinois. Claimant is lawfully entitled to the aforementioned amount, having obtained said warrant _____ .
As payee, by negotiation or as heir of payee - Specify

Claimant states that on or about _____ , he/she demanded a replacement warrant be issued by the State
Date

Comptroller, which demand was refused. A copy of the letter or refusal is attached hereto.

Claimant further states that the original warrant was not negotiated to a third party and that the warrant is not in his/her possession; and in the event the warrant comes into his/her possession, he/she will promptly forward same to the Office of the Comptroller.

Claimant further states that no assignment of said claim or any part thereof, or any interest therein, has been made to any person, and the claimant is justly entitled to payment of the same from respondent after allowing all just credits.

_____
Claimant's Signature

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Claimant		Claimant's Attorney	
Street Address	OR	Street Address	
City	State	City	State
ZIP	Telephone Number	ZIP	Telephone Number
Email Address		Email Address	
SSN / FEIN			

1. Complete the attached Court of Claims complaint form in its entirety, including your Social Security Number or your Federal Employee Identification Number (F.E.I.N.).
2. Collate the original complaint form, along with any itemized bills, invoices or other materials that substantiate your claim. **Make three additional copies of the complaint form and attach the supporting documentation to each one of the complaint forms (original plus three copies of each document) and mail to:**

Illinois Court of Claims
630 S. College St.
Springfield, IL 62756

No filing fee is required for Lost Warrant Claims.

Illinois Court of Claims

Office of the Secretary of State
630 S. College St., Springfield, IL 62756

(Complete four copies)

Lapsed Appropriation Form

IN THE COURT OF CLAIMS, STATE OF ILLINOIS

_____	)
Claimant	)
	)
vs.	)
	)
Respondent,	)
STATE OF ILLINOIS	)

Claimant seeks from Respondent payment in the sum of $ _____ for _____
(Services or Materials)
rendered as stated on the attached statement, and made a part thereof as Exhibit "A." Claimant requests payment of the sum of $ _____ , and has made demand for same from _____ of the State of Illinois,
(Department, Board, Commission)
and such demand was refused on the grounds that funds appropriated for the _____
(Services or Materials)
for such payments have lapsed.

Claimant further states that no assignment of said claim, or any interest therein, has been made to any person, and that Claimant is justly entitled to payment of the same from respondent after allowing all just credits.

Claimant further states that the Claimant's Federal Employer Identification Number (F.E.I.N.) is: _____ , or that his/her Social Security Number is: _____ .

_____
(Claimant's Signature)

_____		_____	
Claimant		Claimant's Attorney	
_____		_____	
Street Address		Street Address	
_____	_____	_____	_____
City	State	City	State
_____	_____	_____	_____
ZIP	County	ZIP	County
_____		_____	
Telephone Number		Telephone Number	

OR

The state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under 705 ILCS 505/1 *et. seq.* Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being process.

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Procedures for Filing Lapsed Claims

1. Collate the original complaint form, along with any itemized bills, invoices or other material that substantiate your claim. **Make three additional copies of the complaint form and attach the supporting documentation to each one of the complaint forms (the original and three copies of each document) and mail to the Illinois Court of Claims.**
2. Be sure to include Claimant's Social Security number/FEIN.
3. Be sure the application is filled out completely.

Illinois Court of Claims
Office of the Secretary of State
630 S. College St., Springfield, IL 62756

Property Damage Form

IN THE COURT OF CLAIMS, STATE OF ILLINOIS

_____	)
Claimant	)
vs.	)
Respondent,	)
STATE OF ILLINOIS	)

Claimant seeks from Respondent payment in the sum of $ _____ for property damage received as stated on the attached statement/narrative of events (with attached copies of bills, receipts, etc.), and made a part hereof as Exhibit "A." This property damage has resulted from the actions of the _____
Department, Board, Commission

of the State of Illinois. This is a claim in tort under the provisions of Section 8(d) of the Illinois Court of Claims Act (705 ILCS 505 etc seq.).

1. In support thereof, the Claimant states property damage as follows (attach additional pages if necessary):
   _____
   _____
   _____
   _____
   _____
2. ❑ The Claimant has not previously presented this claim to any State department or officer thereof; or
   ❑ The Claimant did present bills in connection with this claim to _____
   Department, Board, Commission
   on the _____ day of _____ , 20 ___ , and was referred to the Court of Claims for appropriate resolution.
3. The Claimant is the proper owner of this claim.
4. No assignment or transfer of this claim, or any part thereof or interest therein, has been made.
5. The Claimant is entitled to payment in the amount herein claimed from the State of Illinois after allowing just credits.
6. The Claimant believes all the facts stated in this claim to be true.

7. ❑ Neither this claim, nor any claim arising out of the same occurrence, has been presented to any person, corporation or tribunal other than the State of Illinois; or

❑ This claim was presented to _____ , a person, corporation or tribunal not affiliated with the State of Illinois, on the _____ day of _____ , 20 ___, with the following result: (Indicate payments, denials, etc., and attach copies of all documents.)

_____

_____

_____

_____

_____

8. The Claimant further states his/her Social Security Number/F.E.I.N. is: _____

_____
Claimant's Signature

_____ Claimant		_____ Claimant's Attorney	
_____ Street Address	OR	_____ Street Address	
_____ City	_____ State	_____ City	_____ State
_____ ZIP	_____ Telephone Number	_____ ZIP	_____ Telephone Number

Procedures for Filing Property Damage Claims Against the State of Illinois

1. A filing fee is required to file a Property Damage Claim **($15 for claims under $1,000; $35 for claims over $1,000)**. The filing fee must be included when the claim is submitted.

2. Collate the original complaint form, along with any itemized bills, invoices, denial letters or other materials that substantiate your claim. **Make three additional copies of the complaint form and attach the supporting documentation to each one of the complaint forms (original plus three copies of each document) and mail to:**

Illinois Court of Claims
630 S. College St.
Springfield, IL 62756

Illinois Court of Claims
Office of the Secretary of State
630 S. College St., Springfield, IL 62756

Application for Waiver of Filing Fee for an Indigent Person

IN THE COURT OF CLAIMS, STATE OF ILLINOIS

_____	)
Claimant	)
	)
vs.	)
	)
Respondent,	)
STATE OF ILLINOIS	)
	)

I, _____

❑ on my own behalf

❑ as _____ , on behalf of _____ ,
Parent, Guardian, Other — Name

called "applicant" on oath state:

1. Applicant's occupation or means of support:
   a. Applicant is employed as _____ by _____.
   Job — Employer
   b. If unemployed, please provide documentation of receiving unemployment insurance benefits.
2. Applicant's income for the preceding year: $ _____ .
3. Sources and amount of income expected by applicant hereafter: _____
   _____
4. Persons dependent on applicant for support: _____
   _____
5. Applicant owns (a) no real estate except: *(State Address or Location, Nature of Improvements and Value)* _____
   _____
   _____
   and (b) personal property, which in the aggregate does not exceed $ _____ in value and consists of:
   _____ ,
   including a _____ motor vehicle, _____ valued at $ _____.
   Make — Year
6. Provide a statement and any government-issued documentation of receiving assistance under one or more of the following programs: SSI, AABD, TANF, SNAP, etc.
   _____
   _____
   _____
   _____
   _____

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7. No applications were filed by or on behalf of applicant for waiver of filing fee during the preceding year except:

_____

_____

8. Provide a statement as to why the applicant is unable to pay the costs of this case.

_____

_____

_____

9. Applicant has a meritorious _____ _____
Claim Defense

_____
Signature

Signed and sworn to before me

_____ , 20 _____

_____
Notary Public

_____
Name

_____
Attorney for Application

_____
Street Address

_____
City

_____
Telephone

1. Complete the original application and make three additional copies of the application along with any supporting documentation and mail to the address below.
2. Be sure the application is filled out completely and notarized.

Illinois Court of Claims
630 S. College
Springfield, IL 62756

Illinois Court of Claims

Office of the Secretary of State
630 S. College St., Springfield, IL 62756

Notice of Intent of Claim for Personal Injury

IN THE COURT OF CLAIMS, STATE OF ILLINOIS

To: Attorney General Lisa Madigan
100 W. Randolph St.
Chicago, IL 60602

Illinois Court of Claims
Secretary of State Jesse White
Ex Officio Clerk of the Court
630 S. College St.
Springfield, IL 62756

The undersigned hereby serves Notice of Claim for personal injuries upon the State of Illinois pursuant to the Illinois Revised Statutes, Chapter 37, Section 439.22-1.

1) Name of person to whom injuries occurred:

_____

2) Residence of person injured:

_____

3) Place of accident:

_____

4) Brief description of accident:

_____

_____

_____

5) Date and hour of accident:

_____

6) Name and address of attending physician:

_____

7) Name and address of treating hospital:

_____

Signed: _____
Claimant's Signature

_____
Street Address

_____ _____
City State

_____ _____
ZIP Telephone Number

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Illinois Court of Claims

Office of the Secretary of State
630 S. College St., Springfield, IL 62756

(Complete four copies)

Medical Vendors Form

IN THE COURT OF CLAIMS, STATE OF ILLINOIS

_____	)
Claimant	)
	)
vs.	)
	)
Respondent,	)
STATE OF ILLINOIS	)

Claimant seeks from Respondent payment in the sum of $ _____ for _____ rendered by Claimant to persons eligible for Medical Assistance under programs
Type Medical Service

administered by the Illinois Department of Healthcare and Family Services *(hereinafter the Department).* The names of said persons, their Recipient identification numbers as assigned by the Department, the Case names and Case identification numbers assigned by the Department to the persons' family units, the dates of the services, which are the subject of this claim, the amounts invoiced to the Department for such services, the dates and sequence of Claimant's invoices to the Department, and the actions of the Department in response to those invoices *(and the dates of such actions)*, are itemized in Exhibit "A" *(Claimant's Bill of Particulars of the accounts for which Claimant seeks payment)*, hereto attached.

For each service, person and amount identified in Exhibit "A" Claimant has presented claims to the Department by form invoices listed in Exhibit "A," copies of which invoices are attached as Exhibit "B." For each claim itemized in Exhibit "A" payment was disallowed by the Department:

_____ (1) in documents designated by the voucher numbers stated in Exhibit "A," a copy of each such voucher being attached hereto as Exhibit "C," or

_____ (2) by other response, as detailed by Claimant in Exhibit "A."

Exhibits "A," "B" and "C" are made a part of this Complaint.

Claimant is enrolled as a participant in the Department's Medical Assistance Program, and has complied with the Department's requirements and regulations, as applicable to the subject medical services.

Claimant further states that no assignment of said claim, or any part thereof, or any interest therein, has been made to any person, and that Claimant is justly entitled to payment of the same from Respondent after allowing all just credits.

Claimant further states that Claimant's Federal Employer Identification Number (F.E.I.N.) is: _____ , or that his/her Social Security Number is: _____ .

Ref: Section 11-13, Chpt. 23,
Ill. Revised Statutes as amended.
IDPA Medical-Service provider *(Vendor)*

_____
Claimant's Signature

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Claimant		Claimant's Attorney	
Street Address		Street Address	
City	State	City	State
ZIP	Telephone Number	ZIP	Telephone Number

or

Exhibit A

BILL OF PARTICULARS

Claimant *(Provider)* Name	Provider Reference (*PR)* No. *(assigned by Provider)*
Court of Claims Docket No.	Dates of Service *(DOS)*
Patient Name	Provider Billings & IDPA Responses
Patient Date of Birth *(DOB)*	PR #
IDPA Recipient No. *(RIN)*	DOS
(IDPA Case Name/Case No.)	Amount Billed to IDPA

Illinois Court of Claims

Office of the Secretary of State
630 S. College St., Springfield, IL 62756

(Complete four copies)

Reimbursement Form
IN THE COURT OF CLAIMS, STATE OF ILLINOIS

_____	)
Claimant	)
	)
vs.	)
	)
Respondent,	)
STATE OF ILLINOIS	)

Claimant seeks from Respondent payment in the sum of $ _____ for reimbursement rendered as stated on the attached statement and made a part thereof as Exhibit "A." Claimant requests payment of the sum of $ _____ , and has made demand for same from the Illinois Secretary of State, and such demand was refused.

Claimant further states that no assignment of said claim, or any interest therein, has been made to any person, and that the Claimant is justly entitled to payment of the same from Respondent after allowing all just credits.

Claimant further states that the Claimant's Federal Employer Identification Number (F.E.I.N.) is: _____ , or that his/her Social Security Number is: _____ .

_____
Claimant's Signature

_____
Claimant

_____
Street Address

_____ _____
City State

_____ _____
ZIP Telephone Number

The state agency is requesting disclosure of information that is necessary to accomplish the statutory purpose as outlined under 705 ILCS 505/1 *et. seq.* Disclosure of this information is REQUIRED. Failure to provide any information will result in this form not being processed

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Procedures for Filing Reimbursement Claims Against the State of Illinois

1. Complete the attached Court of Claims complaint form in its entirety, including your Social Security Number or your Federal Employee Identification Number (F.E.I.N.).
2. Sign the Claimant's signature line of the complaint form. Please print your name in the space that says Claimant.
3. Collate the original complaint form, along with documents that substantiate your claim. **Make three additional copies of the complaint form and attach the supporting documentation to each one of the complaint forms (original plus three copies of each document) and mail to:**

Illinois Court of Claims
630 S. College St.
Springfield, IL 62756

No filing fee is required for Reimbursement Claims.

CRIME VICTIM COMPENSATION INFORMATION

Crime victim applications and instructions in English, Spanish and Polish can be found by visiting:

http://www.cyberdriveillinois.com/publications/courtclaimspub.html

http://www.ag.state.il.us/victims/cvc.html

You may call the Court of Claims Office at 217-782-7101 or the Attorney General's Office at 800-228-3368 for more information.

APPENDIX

OTHER RELATED STATUTES – BY REFERENCE
(References are to Chapter and Section, Illinois Compiled Status 1998)

Prompt Payment Act, Investigation of Payment Due, 30 ILCS 540/3-1.

Vendors of Goods or Services to Aid Recipients, 305 ILCS 5/11-13.

Healing Arts Malpractice, Affidavit Requirements, 755 ILCS 5/2-622.

State Warrants Escheat Law, Filing Action, 755 ILCS 20/0.01 – 20/7