

ELIGIBILITY FOR SUING OR DEFENDING AS AN INDIGENT PERSON

per 735 ILCS 5/5-105 (See also Supreme Court Rule 298)

(Based on the 2019 Poverty Guidelines)

He or she receives assistance under any of the following public benefits programs:	
Supplemental Security Income (SSI)	General Assistance (GA)
State Children and Family Assistance	Food Stamps (SNAP)
Aid to the Aged, Blind and Disabled (AABD)	State Transitional Assistance
Temporary Assistance for Needy Families (TANF)	

OR

His or her available income is 125% or less of the current poverty level as established by the United States Department of Health and Human Services, unless the applicant's assets that are not exempt under Part 9 or 10 of Article XII of this Code [735 ILCS 5/12-901a through 735 ILCS 5/12-1006] are of a nature and value that the court determines that the applicant is able to pay the fees, costs, and charges. [Note: based on 735 ILCS 5/5-105.5 (see last paragraph of this sheet), the court may have no discretion to deny eligibility if available income is 125% or less of poverty level.]

2019 Poverty Guidelines for the 48 Contiguous States and the District of Columbia

(found at <http://aspe.hhs.gov/poverty-guidelines>)

Size of family unit	Poverty guideline	125% of guideline
1.....	\$12,490	\$15,612
2.....	16,910	21,137
3.....	21,330	26,662
4.....	25,750	32,187
5.....	30,170	37,712
6.....	34,590	43,237
7.....	39,010	48,762
8.....	43,430	54,287

For family units with more than 8 members, add \$4,420 to the first column and add \$5,525 to the second column for each additional family unit member.

OR

He or she is, in the discretion of the court, unable to proceed in an action without payment of fees, costs, and charges and whose payment of those fees, costs, and charges would result in substantial hardship to the person or his or her family.

OR

He or she is an indigent person pursuant to 735 ILCS 5/5-105.5 which states: "Indigent person" means a person whose income is 125% or less of the current official federal poverty income guidelines or who is otherwise eligible to receive civil legal services under the Legal Services Corporation Act of 1974. [Note: among other things, this appears to mean if Legal Services accepts or determines the person as indigent, then the court must do so.]