

HOW TO FILE AN IDENTITY THEFT AFFIDAVIT (CREDIT CARD OR DEBT BUYER COLLECTION ACTION)

Who can file an *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*?

Anyone who is sued by a credit card company or a debt buyer and is not responsible for the debt that is the subject of the lawsuit because of identity theft.

What is an *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*?

An *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)* is an official way to tell the other party and the court that you were a victim of identity theft. It also states that you should not be responsible for paying the debt. Filling out the forms requires the other party to produce additional information showing that you are the person responsible for the debt.

When should I file the *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*?

You should file the *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)* as soon as you identify that the debt you are being sued for is not your debt. This may be at the same time you file your appearance, or later on in the lawsuit once you discover that the debt is not yours.

What forms do I need for the *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*?

- ***Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)***: This form tells the court and the plaintiff that you are not responsible for the debt because of identity theft.
- **Illinois Attorney General Identity Theft Affidavit**: This form tells the plaintiff specific details about you and your personal information, including details about how and when you believe your identity was stolen, and if a police report was filed.

Where can I find the forms I need?

- You can find the *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)* and an *Appearance* (if needed) at:
<http://www.illinoiscourts.gov/Forms/approved/>.
- You can find the Illinois Attorney General Identity Theft Affidavit at:
illinoisattorneygeneral.gov/consumers/ID_Theft_Affidavit_Instructions_and_Form.pdf.

Does it cost to file an *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*?

No.

What do I do after I fill out the *Identity Theft Affidavit (Credit Card or Debt Buyer Action)*?

Step 1: File the *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)* with the Circuit Clerk in the county where the court case is filed.

- If you are an inmate in a prison or jail and don't have an attorney, you may file your forms by mail. Otherwise, you must electronically file (e-file) your forms. If you are unable to e-file for other reasons, you can ask the court to file by mail or in person. To ask the court for approval to file this way, you can use the *Motion* form found here: <http://www.illinoiscourts.gov/Forms/approved/default.asp>. You must have a good reason that prevents you from e-filing.
- To e-file, create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free, while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileLL, see *Odyssey File & Serve: Individual Filer User Guide* here: http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- If you do not have access to a computer, or if you need help e-filing, take your forms to the Circuit Clerk's office, where you can use a public computer to e-file your forms. You can bring your paper forms, or bring them saved on a flash drive. The terminal will have a scanner and computer that you can use to scan, save, and e-file your forms.

NOTE: Do not file the Illinois General Identity Theft Affidavit with the Circuit Clerk because it contains personal information that should not be made public.

Step 2: Send a copy of your *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*, Illinois Attorney General Identity Theft Affidavit, and any other required documents to the other party.

- You must send your *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*, Illinois Attorney General Identity Theft Affidavit, and any other required documents to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
- You may send forms to the other parties by personal hand delivery, by mail, third-party commercial carrier (for example, FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider.
- You may e-mail your form to a party if they have listed their e-mail address on a court document. Complete the *Proof of Delivery* with

information to show how you sent the forms to each party.

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