

# Getting Started

## Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)

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**IMPORTANT:** This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to do a *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)* in order to tell the court and the other party that you are not responsible for the debt that is the subject of the lawsuit. Your use of the form does not guarantee you will be successful in court.

To learn how to fill out the form and file it with the court, read the *How to File an Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)* instruction sheet and the instructions on the form.

<b>Name of form:</b>	<i>Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)</i>
<b>Purpose of the form:</b>	To tell the court and the other party that debt you are being sued about is not your debt.
<b>Types of cases the form CAN be used for:</b>	Cases where other party is either a credit card company or a debt buyer. This means that the other party purchased the debt from another company or person.
<b>Types of cases the form CANNOT be used for:</b>	Any other types of cases.
<b>Cost to file the form:</b>	None.
<b>Special information or papers needed to complete the form:</b>	<ul style="list-style-type: none"><li>• <i>Illinois Attorney General Identity Theft Affidavit</i> available here: <a href="http://illinoisattorneygeneral.gov/consumers/ID_Theft_Affidavit_Instructions_and_Form.pdf">illinoisattorneygeneral.gov/consumers/ID_Theft_Affidavit_Instructions_and_Form.pdf</a></li><li>• A copy of the police report relating to the identity theft, if applicable.</li></ul>
<b>Supreme Court Rules covering the form:</b>	Illinois Supreme Court Rule 280
<b>Where to find the form and instruction sheet:</b>	<a href="http://www.illinoiscourts.gov/Forms/approved/">http://www.illinoiscourts.gov/Forms/approved/</a>
<b>For more information:</b>	Read the <i>How to File an Identity Theft Affidavit (Credit Card or Debt Buyer Action)</i> instruction sheet that comes with this form. You may also find more information, resources, and the location of your local county self help center at: <a href="https://www.illinoislegalaid.org">https://www.illinoislegalaid.org</a> .

# 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](http://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](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.

- 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.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>IDENTITY THEFT AFFIDAVIT (Credit Card or Debt Buyer Collection Action)</b>	For Court Use Only
<b>Instructions ▼</b> Directly above, enter the name of the county where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff. Enter the name of the person being sued as Defendant. Enter the Case Number given by the Circuit Clerk.	_____ <b>Plaintiff</b> <i>(First, middle, last name)</i>  V.  _____ <b>Defendant</b> <i>(First, middle, last name)</i>	_____ <b>Case Number</b>

Complete this form and file it with the Circuit Clerk.

You must also complete the Illinois Attorney General Identity Theft Affidavit and send it to the other party.

You can find it here: [illinoisattorneygeneral.gov/consumers/ID\\_Theft\\_Affidavit\\_Instructions\\_and\\_Form.pdf](http://illinoisattorneygeneral.gov/consumers/ID_Theft_Affidavit_Instructions_and_Form.pdf)

Do not file it with the Circuit Clerk.

1. I am the defendant in this lawsuit.
2. This lawsuit is about a debt that I did not create. Someone stole my identity and used my identity to create the debt.
3. I have completed an Illinois Attorney General Identity Theft Affidavit. I am mailing the Illinois Attorney General Identity Theft Affidavit, along with all required documentation, to the plaintiff.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address and telephone number.

**I certify that everything above is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

\_\_\_\_\_  
*/s/*  
 Your Signature

\_\_\_\_\_  
 Street Address

\_\_\_\_\_  
 Print Your Name

\_\_\_\_\_  
 City, State, ZIP

\_\_\_\_\_  
 Telephone

### PROOF OF DELIVERY

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

**CAUTION:** If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

1. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email \_\_\_\_\_

- b. By:  Personal hand delivery
- Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

- Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
- Email (*not through an EFM or EFSP*)
- Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

At: \_\_\_\_\_  a.m.  p.m.  
*Time*

2. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email \_\_\_\_\_

- b. By:  Personal hand delivery
- Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

- Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

- The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
- Email (*not through an EFM or EFSP*)
- Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
Date

At: \_\_\_\_\_  a.m.  p.m.  
Time

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To: Name: \_\_\_\_\_  
First Middle Last

Address: \_\_\_\_\_  
Street, Apt # City State ZIP

Email address: \_\_\_\_\_

b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:

\_\_\_\_\_  
Address of Post Office or Mailbox

Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
Name (for example, FedEx or UPS) and office address

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (not through an EFM or EFSP)

Mail from a prison or jail at:

\_\_\_\_\_  
Name of prison or jail

c. On: \_\_\_\_\_  
Date

At: \_\_\_\_\_  a.m.  p.m.  
Time

If you sent your document to more than 3 parties or lawyers, check the box and insert the *Additional Proof of Delivery* form after this page.

I have attached an *Additional Proof of Delivery* form.

**I certify that everything in the Proof of Service is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

\_\_\_\_\_  
/s/  
Your Signature

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
Print Your Name

\_\_\_\_\_  
City, State, ZIP

\_\_\_\_\_  
Telephone

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ <b>COUNTY</b>	<b>ADDITIONAL PROOF OF DELIVERY</b>	<i>For Court Use Only</i>
<b>Instructions ▼</b> Directly above, enter the name of the county where the case was filed. Enter the name of the person or company that filed this case as Plaintiff/Petitioner. Enter the name of the Defendants/ Respondents. Enter the Case Number given by the Circuit Clerk.	_____ <b>Plaintiff / Petitioner</b> <i>(First, middle, last name or Company)</i>  v.  _____ <b>Defendants / Respondents</b> <i>(First, middle, last name, or business name)</i>	_____ <b>Case Number</b>

In **1**, enter the name of each court document you are sending.

In **1a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **1b**, check the box to show how you are sending the document.  
**CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the other options.

In **c**, fill in the date and time that you are sending the document.

**1. I am sending the following court document:** \_\_\_\_\_

a. To: \_\_\_\_\_

Name: \_\_\_\_\_

*First Middle Last*

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

*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

b. By:

- An approved electronic filing service provider (EFSP)
- Email *(not through an EFSP)*

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

- Personal hand delivery to:
  - The party
  - The party's family member who is 13 or older, at the party's residence
  - The party's lawyer
  - The party's lawyer's office
- Mail or third-party carrier

c. On: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.

*Date Time*

In **2**, if you are sending the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

In **2a**, enter the name, mailing address, and email address of the party you are sending the document to. If they have a lawyer, you **must** enter the lawyer's information.

In **2b**, check the box to show how you are sending the document. **CAUTION:** If you and the person you are sending the document to have an email address, you **must** use one of the first two options. Otherwise, you may use one of the

In **c**, fill in the date and time that you are sending the document.

**2. I am sending this document:**

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

Address: \_\_\_\_\_  
*Street, Apt # City State ZIP*

Email address: \_\_\_\_\_

b. By:

An approved electronic filing service provider (EFSP)

Email (*not through an EFSP*)

*Only use one of the methods below if you do not have an email address, or the person you are sending the document to does not have an email address.*

Personal hand delivery to:

The party

The party's family member who is 13 or older, at the party's residence

The party's lawyer

The party's lawyer's office

Mail or third-party carrier

c. On: \_\_\_\_\_ at: \_\_\_\_\_  a.m.  p.m.  
*Date Time*

**I certify that everything in the *Proof of Delivery* is true and correct. I understand that a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

    /s/      
*Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Print Your Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Telephone*

\_\_\_\_\_  
*Email*

\_\_\_\_\_  
*Attorney # (if any)*

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

Enter your complete address, telephone number, and email address, if you have one.

**GETTING COURT DOCUMENTS BY EMAIL:** You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.