

Getting Started

Motion to Appoint Special Process Server

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use a *Motion to Appoint Special Process Server* form in your case. Your use of these forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *HOW TO FILE & SEND A MOTION TO APPOINT SPECIAL PROCESS SERVER* instruction sheet and the instructions on the forms.

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| Names of the forms: | <ul style="list-style-type: none">• <i>Motion to Appoint Special Process Server</i>• <i>Order Appointing Special Process Server</i>• <i>Notice of Motion to Appoint Special Process Server</i> (if needed)• <i>Additional Proof of Delivery</i> (if needed)• <i>Letter to Special Process Server</i> (if needed) |
| Purpose of the forms: | Use these forms when you need to see the judge to ask for a special process server to serve the Defendants/Respondents. |
| Types of cases the forms CAN be used for: | All civil cases. For example, divorce cases, family cases, eviction cases, small claims cases, lawsuits for injury or property damage, and contract disputes. |
| Types of cases the forms CANNOT be used for: | All criminal, traffic, and juvenile justice cases. |
| Special information or papers needed to complete the forms: | <ul style="list-style-type: none">• Information about any previous attempts to serve the Defendants/Respondents• The name of the person or company you want the judge to appoint as special process server |
| Rules and statutes covering the forms: | <ul style="list-style-type: none">• 735 ILCS 5/2-202• Illinois Supreme Court Rule 102 |
| Where to find the forms and instruction sheet: | illinoiscourts.gov/documents-and-forms/approved-forms |
| For more information: | Read the <i>HOW TO FILE & SEND A MOTION TO APPOINT SPECIAL PROCESS SERVER</i> instruction sheet that comes with these forms. You may also find more information, resources, and the location of your local legal self-help center at illinoislegalaid.org . |

HOW TO FILE & SEND A *MOTION TO APPOINT SPECIAL PROCESS SERVER*

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary. For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to ilcourthelp.gov.

What is a special process server?

- A special process server is someone other than the sheriff who can serve legal papers. A *Motion to Appoint Special Process Server* is a written request to use one.

When can I use a special process server?

- If you are serving the Defendants/Respondents **outside of Cook County:**
 - You can use a licensed private detective to serve the Defendants/Respondents. Contact your local Circuit Clerk to find out if you need to file a *Motion to Appoint Special Process Server* first.
 - You can use anyone who is 18 years old or over and not a party in the case. You must file a *Motion to Appoint Special Process Server* first.
- If you are serving the Defendants/Respondents **in Cook County:**
 - You must use the sheriff to make the first attempt at service.
 - If the Cook County Sheriff is unable to serve the Defendants/Respondents, then you may file a *Motion to Appoint Special Process Server*.
 - You can use a licensed private detective or anyone who is 18 years old or over and not a party to the case.

What forms do I need to fill out to file a *Motion to Appoint Special Process Server*?

- ***Motion to Appoint Special Process Server:*** Use this form to ask permission to use a special process server. The email address (if you have one) and mailing address you put on the *Motion* is where important legal documents will be sent to you. 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.
- ***Order Appointing Special Process Server:*** Is used by the judge to say if your *Motion to Appoint Special Process Server* is granted or denied.

- ***Notice of Motion to Appoint Special Process Server:*** Use this form to schedule the court date when you will see the judge. This form also:
 - Lists the date, time, and place where you will see the judge;
 - Lists the names and addresses of the other parties, or the names and addresses of their lawyers; AND
 - Tells the other parties in the case about the court date.
- ***Letter to Special Process Server:*** Use this form to tell the special process server what documents to serve and where to serve the Defendants/Respondents.

Where can I find the forms I need?

You can find the forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

Are there any costs associated with a *Motion to Appoint Special Process Server*?

- There may be a fee to file a *Motion to Appoint Special Process Server*.
- Ask the Circuit Clerk if there is a fee for your *Motion to Appoint Special Process Server*. Also, many courts have the court fees listed on their websites.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees* which you can find at illinoiscourts.gov/documents-and-forms/approved-forms.
- The special process server typically charges a fee and does not have to honor your *Order for Waiver of Court Fees*.

What do I do after I fill out the *Motion to Appoint Special Process Server*?

Step 1: File your *Motion to Appoint Special Process Server* forms with the Circuit Clerk in the county where the court case is filed.

- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; (2) you have trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because

the equipment or assistance you need is not available.

- If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/documents-and-forms/approved-forms.
- File the original and 1 copy of your *Motion* and the *Certification* with the Circuit Clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit 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 eFileIL, see the self-help user guides here: illinoiscourts.gov/self-help/how-to-e-file/.
- 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 terminal to e-file your forms.
 - You can bring your forms on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

Make sure you know how you are to attend your court date.

Your court date could be in person, by phone or by video. If it is by phone or video it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/.

Process Server and Notice of Motion to Appoint Special Process Server to the lawyer.

- If you and the person you're sending the *Motion to Appoint Special Process Server and Notice of Motion to Appoint Special Process Server* to have an email address, you must send them by email or by notification through the e-filing system. If you or the person you're sending the *Motion to Appoint Special Process Server and Notice of Motion to Appoint Special Process Server* to does not have an email address, you may give them to the other parties by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).

Step 4: Go to your court date.

- If your court date is by phone or video:
 - Make sure to have the call-in or login information for your court date and make sure your technology is working.

- Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.

- Follow these recommendations to appear by phone or video: illinoiscourts.gov/self-help/court-by-phone-or-video.

- Bring these items with you to court:

- Photo I.D.;
- Copies of all the documents you filed with the Circuit Clerk;
- Copy of your *Order Appointing Special Process Server*; AND
- Other papers or proof related to your *Motion to Appoint Special Process Server*.
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form. If your forms do not have a courtroom number, look for a list of cases at the courthouse, or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk up to the judge and introduce yourself.

Step 2: Ask for a court date.

- Ask the Circuit Clerk whether you need a court date for your *Motion to Appoint Special Process Server* or whether the judge will decide on your *Motion* without a hearing.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date, or you may have to speak with other court staff.

Step 3: Send a copy of your *Motion to Appoint Special Process Server and Notice of Motion to Appoint Special Process Server* forms to the other parties who have filed an *Appearance* in the case.

- **You do not** have to send your *Motion to Appoint Special Process Server and Notice of Motion to Appoint Special Process Server* forms to the Defendants/Respondents you want the special process server to serve.
- **You must** send your *Motion to Appoint Special Process Server and Notice of Motion to Appoint Special Process Server* to the other parties who have filed an *Appearance* in the case. If a party has a lawyer, send the *Motion to Appoint Special*

How do I present a *Motion to Appoint Special Process Server* to the judge?

- Tell the judge why you want a special process server to serve the Defendants/Respondents.
- If the sheriff has attempted service but was not able to serve the Defendants/Respondents, bring the *Proof of Service of Summons* and Complaint/Petition showing the sheriff's attempt at service was not successful.

- The judge decides whether to grant your *Motion to Appoint Special Process Server*.

What should I do if the judge grants my *Order to Appoint Special Process Server*?

- If the judge grants your *Motion for Appointment of Special Process Server*, you need to fill out and file another *Summons*.
- Follow the instructions for how to fill out and file the new *Summons*. If this is not the 1st *Summons* issued for these Defendants/Respondents in this case, check the box for Alias *Summons*. The *Summons* and *How to Serve a Summons* are available at illinoiscourts.gov/documents-and-forms/approved-forms.
- Give the *Summons* and Complaint/Petition to the special process server. You can use the *Letter to Special Process Server* if you need to.

| | | |
|---|---|---------------------------|
| STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY | MOTION TO APPOINT SPECIAL PROCESS SERVER | <i>For Court Use Only</i> |
|---|---|---------------------------|

Instructions ▼

Directly above, enter the name of the county where you are filing the case.

Enter your name as Plaintiff/Petitioner.

Enter the names of all people you are suing as Defendants/Respondents.

Enter the case number the Circuit Clerk has given you.

Plaintiff/Petitioner (*First, middle, last name*)

v.

Defendants/Respondents (*First, middle, last name*):

Case Number

In 1, check 1a or 1b.

Check **1a** if you had the sheriff attempt to serve and enter the names of the Defendants/ Respondents who were not served.

Check **1b** if you did not have the sheriff attempt to serve and enter the reasons you need a special process server.

In 2, enter the name and address of the person or company who will serve the Complaint/Petition.

1. Service in this case (check one):

a. Was attempted by the sheriff but they were unable to serve these Defendants/Respondents: _____

The sheriff filed a report confirming this fact; OR

b. Has not been attempted by the sheriff, but I need a special process server because: _____

2. The Plaintiff/Petitioner asks the court to appoint the following person or company to serve the *Summons* and Complaint/Petition:

Name of Person or Company

Street Address, Unit # *City* *State* *ZIP*

In 3, check only one box. If you check 3a, enter the license number.

3. The above-named special process server:

a. is a licensed private detective or private detective agency, license _____

Number

b. is over age 18 and is neither a party to this case nor a licensed private detective or private detective agency.

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.

I certify that everything in this *Motion to Appoint Special Process Server* 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](#).

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 it.

_____/s/_____
Your Signature *Street Address, Unit #*

Print Your Name *City, State, ZIP*

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

Email *Telephone* *Attorney # (if any)*

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.

PROOF OF DELIVERY

1. I am sending Notice and Motion to Appoint Special Process Server

In **1a**, enter the name, mailing address, and email address of the party you are sending the documents 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 documents. **CAUTION:** If you and the person you are sending the documents 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 documents.

In **2**, if you are sending the document(s) 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(s) 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 documents. **CAUTION:** If you and the person you are sending the documents 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 documents.

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 documents 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*

2. I am sending this document(s):

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 documents 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*

If you are sending your documents to more than 2 parties or lawyers, check the box and file the *Additional Proof of Delivery* with this form.

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

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.

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

Email

Telephone

Attorney # (if any)

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.

| | | |
|---|---|-----------------------------|
| STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY | ADDITIONAL PROOF OF DELIVERY | <i>For Court Use Only</i> |
| Instructions ▼ 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. | _____ Plaintiff / Petitioner <i>(First, middle, last name or Company)</i> v. _____ Defendants / Respondents <i>(First, middle, last name, or business name)</i> | _____ Case Number |

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|---|
| 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

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.

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)

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.

| | | |
|--|---|-----------------------------|
| STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY | ORDER APPOINTING SPECIAL PROCESS SERVER | <i>For Court Use Only</i> |
| Instructions ▼ Directly above, enter the name of the county where you are filing the case. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/Respondents. Enter the case number the Circuit Clerk has given you. | _____ Plaintiff/Petitioner (<i>First, middle, last name</i>) v. Defendants/Respondents (<i>First, middle, last name</i>): _____ _____ _____ | _____ Case Number |

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|---|
| In 1 , enter the date the <i>Motion</i> was filed. |
| In 2 , enter the name of the person or company who will serve the Complaint/Petition, and the Defendants/Respondents to be served. |

1. Plaintiff/Petitioner's *Motion to Appoint Special Process Server* was filed on: _____ .
Date

2. The *Motion* is granted. _____
Name of Person or Company
 is appointed to serve these Defendants/Respondents: _____
 _____ .

- The *Motion* is denied. It is denied because (*state specific reason*): _____

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| DO NOT complete this section. The judge will sign and date here. |
|---|

ENTERED:

Judge

Date

This form is approved by the Illinois Supreme Court.
LETTER TO THE SPECIAL PROCESS SERVER
(SERVING A SUMMONS AND FORMS)

Instructions

1. Complete this letter. If you are using more than 1 special process server, complete this letter for **each one**.
2. If you are suing more than 1 Defendant/Respondent, include a separate *Summons* form for each Defendant.
3. With this letter, include:
 - The original and 1 copy of the *Summons* for **each** Defendant/Respondent to be served;
 - 1 copy of your Complaint/Petition for **each** Defendant/Respondent to be served;
 - Self-addressed and stamped envelope.The special process server will mail you back the *Proof of Service* that they served the *Summons* and Complaint/Petition on the Defendants/Respondents.
4. Send your letter and the documents listed above to the special process servers you are using.

Date: _____

Name of Special Process Server: _____

License Number: _____
(Applicable if Summons is served by licensed private detective or private detective agency.)

Address of Special Process Server: _____

Re: _____ v. _____ Case Number: _____
Plaintiff/Petitioner Defendant/Respondent

Dear Special Process Server:

I am enclosing a *Summons* and the Complaint/Petition to be served on each Defendant/Respondent. Name of each Defendant/Respondent to be served: _____

Check the box that applies:

I have enclosed the cost of service \$ _____ .
(To determine how much to send, contact the special process server and ask how much is charged for service.)

Once you have served the enclosed documents, please complete the *Proof of Service* and return it to me in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Sincerely,

/s/
Signature (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).

Printed Name

Street Address, Unit #

City State ZIP

Phone

Email