

HOW TO SERVE A SUMMONS

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/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 *Summons* and when do I use it?

- A *Summons* is a court paper that tells a person they are being sued. It tells them where and when to respond to the lawsuit.
- When you file a lawsuit against someone, you must fill out a *Summons*. You must have it delivered to the person you are suing. This is called serving the *Summons*. The person you are suing is called the Defendant/Respondent. You must also serve a copy of the Complaint/Petition with the *Summons*.
- The judge in your case cannot decide your case until you have had the *Summons* properly served.

What if I am suing more than one person?

- If you are suing more than 1 person, every person you are suing has to be served. You must name them all on your *Summons*.
- If you are suing more than 1 person in your case, attach an *Additional Defendant/Respondent Address and Service Information* form to your *Summons* for each additional Defendant/Respondent.

What is a *Proof of Service of Summons and Complaint/Petition*?

- The *Proof of Service of Summons and Complaint/Petition* proves that your *Summons* and Complaint/Petition were served on the Defendant/Respondent. The sheriff or process server will fill out the *Proof of Service of Summons and Complaint/Petition*.
- If you are serving more than 1 person, you must provide a blank *Proof of Service* for each person.

Is there a cost to serve a *Summons*?

- Yes. You must pay the sheriff or process server who serves the *Summons* for you.
- If you cannot afford to pay the fees, you can apply for a fee waiver. Fill out the *Application for Waiver of Court Fees*. This is a separate set of forms you can find at: ilcourts.info/forms.

What forms do I need to fill out?

- The *Summons*.
- The *Letter to the Sheriff*.

Where can I find the forms I need?

You can find the forms at: ilcourts.info/forms.

Where will I receive court papers?

The email address (if you have one) and mailing address you put on the form 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.

How do I fill out my *Summons*?

- The *Summons* must include your contact information and the address where the Defendant/Respondent can be served with the *Summons*.
- If you are suing more than 1 Defendant/Respondent, attach an *Additional Defendant/Respondent Address and Service Information* form for each additional Defendant/Respondent.
- Ask the Circuit Clerk for the court date, time, and location (including courtroom or phone or video conference information) and enter that date in Section 4.
- Ask the Circuit Clerk for the phone number and website for their office to list in Section 4.
- To find the phone number for your Circuit Clerk, visit ilcourts.info/CircuitClerks.
- **If you are suing a business:**
 - *First*, find out if it is incorporated. Do this by going to the Illinois Secretary of State's website at cyberdriveillinois.com/departments/business_services/corp.html. If you find the business in the database, look for the full legal name of the business.
 - The business may also have a Registered Agent. A Registered Agent is a person or company who agrees to accept legal papers for an Illinois business. If a business has a Registered Agent, you must serve the Registered Agent.
 - Put the name of the business and the name of the Registered Agent, if any, on the *Summons* below "Defendant's address and service information."
 - *Second*, if the business is not in this database, you must serve the owner. The owner can be served at their place of business or home. Put the name of the owner on the *Summons* below "Defendant's address and service information."

What do I do after I fill out the form?

Step 1: File your *Summons* and Complaint/Petition with the Circuit Clerk in the county where your court case should be filed.

After you fill out your court forms, file them with the Circuit Court Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:

- you qualify for an exemption or
- your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/EfileHowTo.
- E-filing may not work on a cell phone or tablet. You may need to use a computer to e-file.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library, or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms. Librarians and courthouse staff are not able to provide legal advice.
 - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.
- Some people are exempt from e-filing, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
 - inmates in prison or jail who do not have a lawyer
 - people with a disability that keeps them from e-filing
- You may also qualify for an exemption from e-filing if:
 - You do not have Internet or computer access in your home, and it is hard for you to travel.
 - You have trouble reading, writing, or speaking English.
 - You are filing documents in a sensitive case, such as an order of protection.
 - You tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at ilcourts.info/ExemptionCircuit. If you can't print this form, then ask for it at your local courthouse.
 - File your *Certification for Exemption from E-Filing* form with your other court forms at the Circuit Clerk's office or by mail.
 - Bring or send your signed court forms and at least two copies of your forms to the Circuit

Clerk's office. Ask them to stamp your copies and return them to you.

- If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you to make copies.
- If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms then send your copies back to you in the envelope.

Step 2: Serve the other party with copies of your form.

- Have the sheriff or a private process server serve the *Summons*. You cannot serve the *Summons* yourself.
- The following requirements apply to most counties in Illinois. You may want to contact your local sheriff's office to ask if they have any additional instructions.
- Staple the *Summons* to the front of the copy of the Complaint/Petition that will go to the other party.
- **Note:** You will need a copy of the *Summons* and Complaint/Petition for each Defendant/Respondent who will be served.
- Do one of the following:
 - Bring copies of your *Summons* and your Complaint/Petition to the sheriff's office in person. Pay the sheriff's fees for each party OR give the sheriff a copy of your *Order for Waiver of Court Fees*.
 - Mail copies of your *Summons* and your Complaint/Petition to the sheriff
 - Include the *Letter to the Sheriff* found at: ilcourts.info/forms.
 - Include a self-addressed and stamped envelope for the sheriff to mail the *Proof of Service of Summons and Complaint/Petition* to you.
 - Pay the sheriff's fees for each party OR mail the sheriff a copy of your *Order for Waiver of Court Fees*.
- If any party does NOT live in the same county or state where the case was filed:
 - Get the name, address, and telephone number of the sheriff for the county or the state where that party lives.
 - Call the sheriff in that county or state to find out:
 - If it is the correct sheriff's department for the address where you want that party served;
 - The address where you should bring or mail your *Summons* and forms;
 - The number of copies of your *Summons* and forms to bring or send; AND
 - The sheriff's fees for service or if they will honor your *Order for Waiver of Court Fees* (if you have one).

Step 3: Confirm the sheriff served your form on the other party.

- After the sheriff serves the other party with your court forms, they will fill out the *Proof of Service of Summons and Complaint/Petition* section of your *Summons* form. Then they will file it with the Circuit Clerk OR mail it to you.
- If the sheriff mails the *Summons* with the completed *Proof of Service of Summons and Complaint/Petition* to you, make a copy for yourself. Then file the original with the Circuit Clerk.
- If you do not receive a *Proof of Service of Summons* in the mail from the sheriff, you can call the Circuit Clerk to see if it has been filed and how to get a copy.
- If the sheriff is not able to serve the other party, ask them why. You should try to fix the problem and fill out another *Summons*. Then ask the sheriff to try to serve the other party again.

Step 4: Going to Court

- The *Summons* either lists a deadline for the other party to file a response after they are served, or a court date.
- If the *Summons* lists a deadline for the other party to file a response:
 - If you do not get a copy of the other party's response by the deadline, call the Circuit Clerk to ask if there is a response in the file. If there is, ask the Circuit Clerk to send you a copy. You can also go to the Circuit Clerk's office to pick it up.
 - If the other party files a response, you may then ask for a court date.
 - After the deadline, you may ask the court for a date whether or not the other party filed a response.
- If the *Summons* lists a court date, you should attend that court date whether or not the other party has been served.