

HOW TO FILE AN APPEARANCE IN A CIVIL ASSET FORFEITURE CASE

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.

What is an *Appearance*?

- An *Appearance* is a form you file with the Circuit Clerk to tell the court and the other parties that you are participating in the court case.
- The *Appearance* also tells the court whether you want your case decided by a judge or a judge and jury. You do not have a right to a jury trial in every case.
- It also gives the court and other parties your name and address so they may contact you about the case.

Who can use the *Appearance* form?

- You can only file an *Appearance* for yourself, not for anyone else.
- In most cases, companies must have lawyers and should not use this *Appearance* form.

When do I need to use the *Appearance* form?

The *Appearance* form is required in most civil court cases. For example, you must file an *Appearance* when:

- Someone sues you and you want to participate in the court case. If you do not file an *Appearance* and go to court as needed, the court case might go ahead without you and the court might rule against you.
- You had a lawyer but your lawyer stops representing you, and you are now going to represent yourself.

You do NOT need to file an *Appearance* when you start a new court case by yourself without a lawyer.

What forms do I need to fill out to file an *Answer to Complaint for Forfeiture (Not Involving Drugs or Money Laundering)*?

- ***Appearance (Civil Asset Forfeiture)*:** Use this form to tell the court and other parties that you are participating in the court case. You should file it at the same time you file your *Answer* or *Hardship Motion*. The email address (if you have one) and mailing address you put on the *Appearance* or *Answer* 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.

- ***Additional Proof of Delivery (Civil Asset Forfeiture)*:** Only use this form if you need to send the *Appearance (Civil Asset Forfeiture)* to additional parties.

Is there a deadline for filing an *Appearance*?

- The deadline for filing an *Appearance* is different depending on the type of case.
- You might have received other court papers, like a *Summons*, that give you a deadline for filing your *Appearance*.
- You might give up your right to participate in the court case if you do not file your *Appearance* on time.

Where can I find the forms I need?

You can find the forms at: illinoiscourts.gov/Forms/approved/.

What costs will I need to pay to file an *Appearance*?

- There is a fee for filing an *Appearance* with the Circuit Clerk. The fee will be higher if you ask for a jury.
- 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*. This is a separate set of forms you can find at: illinoiscourts.gov/Forms/approved/.

What do I do after I fill out the *Appearance* form?

Step 1: File the *Appearance* with the Circuit Clerk in the county where your court case is filed.

- You must file the *Appearance (Civil Asset Forfeiture)* with the trial court by the filing deadline that applies to your case.
- 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/Forms/approved/.
- File the original and 1 copy of your forms and the *Certification* with the trial court 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 eFileLL, see the self-help user guides here: http://illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/E-filing_Information.asp.
- If you do not have access to a computer or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your form.
 - You can bring your form 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.

Step 2: Send a copy of your *Appearance* to the other parties in the case.

- You must send your *Appearance* to the other parties in the case. If a party has a lawyer, send the forms to the lawyer. In a civil asset forfeiture case, you must send the *Appearance* to the state's attorney's office, the lien holder (if any), and anyone else who has an interest in the property.
- If you and the person you're sending the *Appearance* 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 *Appearance* 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).
- You must complete the proof of delivery with information to show how you sent the forms to each party. It has room for 3 parties. If you are sending forms to more than 3 parties, fill out and file one or more *Additional Proof of Delivery* forms with your *Appearance*.