

HOW TO FILE & SEND A MOTION TO SEAL COURT FILE IN EVICTION 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. 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 does it mean to seal the court file?

- Normally, all documents in any court file are open to the public and can be viewed or copied by anyone.
 - If you are a defendant in an eviction case, that fact will show up on your background check and it may show up on your credit report. This can make it difficult to rent or buy a home.
- Sealing the court file prevents the case and the documents in the file from being seen by anyone without permission from the judge, including you and your lawyer.
- Sealing the court file should prevent the eviction from showing up on a new background check or credit report. It will not change a background check or credit report that was run before the file was sealed.
- Sealing does not prevent a landlord from reporting a debt is owed or giving a negative reference to a future landlord.
- **NOTE:** The *Motion to Seal Court File in Eviction Case* does not change the outcome of your eviction case; it only changes who can see it.

How do I know if the court file can be sealed in my eviction case?

- The court file in an eviction case **may** be sealed if:
 - The landlord got the facts or law wrong in this case (for example, you can show that the landlord had no reason to file the eviction in the first place or you were not properly served in the case) AND
 - It is more important to keep the court file from being seen by the public than it is to allow the public to see it.
- The court file in an eviction case **must** be sealed if the eviction case was filed because the building was foreclosed on.

When can I file a *Motion to Seal Court File in Eviction Case*?

- You can file at any time during or after the case, including after an *Eviction Order* has been entered.
- The judge may decide to wait until the end of the case before they decide whether to seal the court file.

- In some counties (such as Cook County), the Circuit Clerk may automatically seal an eviction court file at the time the case is filed if it was filed because of a foreclosure. If the clerk has already sealed the court file, you do not need to file a *Motion to Seal Court File in Eviction Case*.

How do I get the court file sealed in my eviction case?

- File a *Motion to Seal Court File in Eviction Case* and a *Notice of Court Date for Motion* with the Circuit Clerk and schedule it for a hearing date, then;
- Send a copy of the *Motion to Seal Court File in Eviction Case* and a *Notice of Court Date for Motion* to all of the other parties in the case to tell them the date and time when your *Motion* will be heard, then;
- Attend the hearing on your *Motion to Seal Court File in Eviction Case* and explain to the judge why they should grant the motion and enter an *Order to Seal Court File in Eviction Case*, then;
- File the *Order to Seal Court File in Eviction Case* signed by the judge so that the Circuit Clerk knows to seal the court file.

What forms do I need to fill out to file a *Motion to Seal Court File in Eviction Case*?

- ***Motion to Seal Court File in Eviction Case:*** Use this form to ask the judge to seal the court file.
- ***Notice of Court Date for Motion:*** 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.
- ***Order to Seal Court File in Eviction Case:*** Is used by the judge to say if your *Motion to Seal Court File in Eviction Case* is granted or denied.
- 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.

Where can I find the forms I need?

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

Are there any costs associated with a *Motion to Seal Court File in Eviction Case*?

- There is usually no cost to file or serve a *Motion to Seal Court File in Eviction Case*. Check with your local Circuit Clerk to be sure.
- If there is a filing fee and you cannot afford it, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees* found at ilcourts.info/forms.

What do I do after I fill out my forms?

Step 1: Get a court date for the *Notice of Court Date for Motion*.

- You must put a court date on your *Notice* before it is filed. How you get a court date depends on the county where your case was filed.
 - **Outside of Cook County:**
 - Before filing your *Motion to Seal*, contact the Circuit Clerk's office where your eviction case was filed and ask how to schedule a hearing. You may be required to file your *Motion to Seal* before you can get a court date. To find the Circuit Clerk's phone number, visit ilcourts.info/CircuitClerks.
 - **Cook County:**
 - If you are e-filing, you will choose your court date when you file your forms. If you need help, contact the Cook County Circuit Clerk's office in the district where your case is filed. To find information about the Cook County Circuit Clerk's office, visit cookcountyclerkofcourt.org/.
 - If you are not e-filing, ask the Circuit Clerk's staff to help you schedule a court date when you go to file your *Motion*. You must e-file your court documents unless you qualify for an exemption. See Step 1 below for a list of exemptions.
- Once you have scheduled your court date and time with the Circuit Clerk, you should write or type the date onto all copies of your *Notice of Court Date for Motion*.

Step 2: File your *Motion to Seal Court File in Eviction Case* and *Notice of Court Date for Motion* with the Circuit Clerk in the county where the eviction 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; or (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: ilcourts.info/forms.
- File the original and 1 copy of your forms 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: ilcourts.info/EfileHowTo
- 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 3: Send a copy of your *Motion to Seal Court File in Eviction Case* and *Notice of Court Date for Motion* to the other party.

- You must send your forms to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
 - Include your court date and time on your *Notice of Court Date for Motion*.
- If you and the person you're sending these forms 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 them 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: Get ready for your court date.

- Decide and write down:
 - What you want to ask the judge to do for you;
 - What you will say to the judge if asked to tell your side of the case; AND
 - Questions you have for witnesses, if there are any.

- Gather and make copies of pictures and documents you want the judge to see. Bring the original for the judge and one copy for you and each of the people in the case. If your court date is by phone or video, contact the Circuit Clerk and ask how you can get a copy of these items to the judge before the hearing date. You might have to e-file them like your other documents. You will also have to get a copy of these items to the other parties.
- If you want the judge to hear from other people, those people will have to attend court and be witnesses (in most cases, you cannot bring in written statements of witnesses). If your court date is by phone or video, you will have to arrange for your witnesses to attend by phone or video.

Step 5: Attend your court date.

- You must attend the court date if one is scheduled. If you do not, the judge could deny your motion.
- 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:
ilcourts.info/AllRemoteCourtResources.
- Have these items with you on your court date:
 - Photo I.D.;
 - Copies of all the documents you filed with the Circuit Clerk;
 - Copy of your *Order*; and
 - Other papers or proof related to your *Motion to Seal Court File in Eviction Case*.
- Arrive for your court date at least 15 minutes early. If you are going in person to court, add more time for going through security.
- If your hearing is in person, find the courtroom number listed on your court forms. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- You may need to check in with the courtroom staff. Then, wait for your name and case number to be called.

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 ilcourts.info/CircuitClerks.

- When your case is called, introduce yourself to the judge. If you are attending by phone or video, remember to unmute yourself.

Present your argument to the judge.

- Tell the judge the reasons why you want the court file to be sealed in your eviction case.
- Tell the judge how your case meets one of the two requirements to have the court file sealed:
 1. If the eviction case was filed because the building was foreclosed, tell the judge that.
 2. If the landlord got the facts or law wrong in this case (for example, you can show that the landlord had no reason to file the eviction in the first place or you were not properly served in the case) AND

If it is more important to keep the court file from being seen by the public than it is to allow the public to see it, explain why to the judge.
- If the parties agree that the court file should be sealed, tell the judge.
- If your eviction case was filed because the building was foreclosed, the judge **must** seal the court file.
- Otherwise, if the judge agrees that the landlord got the facts or law wrong and it is more important to keep the court file from being seen by the public than it is to allow the public to see it, then the judge **may** seal the court file.

What should I do if the judge grants my *Order to Seal Court File in Eviction Case*?

- If the judge grants your *Motion to Seal Court File in Eviction Case*, they may ask you to fill out some or all of the *Order to Seal Court File in Eviction Case*.
 - Make sure to get a copy of the *Order to Seal Court File in Eviction Case* from the judge after they have entered it by signing or stamping the *Order*.
 - Ask the Circuit Clerk what you need to do with the entered *Order to Seal Court File in Eviction Case* to make sure the court file gets sealed. Follow any instructions they give you.
 - Send a copy of the order to any other party that was not in court at the time the order was entered.
- Check back in a few weeks to make sure that the court file was sealed. Follow up with the Circuit Clerk if the file was not sealed.