

# 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/lexicon/glossary](http://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](http://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*. You must also serve a copy of the *Complaint/Petition*. The person you are suing is called the Defendant/Respondent.
- 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 Contact Information* form to your *Summons*.

## 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*.

## Is there a cost to serve a *Summons*?

- 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: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-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: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-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*?

- If you are suing more than 1 Defendant, complete a separate *Summons* for each Defendant.
- The *Summons* must include your contact information and the address where the Defendant can be served with the *Summons*.
- 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 [illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/](http://illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/)
- **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](http://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.**

- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and

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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](http://illinoiscourts.gov/documents-and-forms/approved-forms).
- File the original and 1 copy of your *Summons* 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](http://efile.illinoiscourts.gov/service-providers.htm) to select a service provider. Some service providers are free. Others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileLL, see the self-help user guides here: [illinoiscourts.gov/self-help/how-to-e-file/](http://illinoiscourts.gov/self-help/how-to-e-file/).
- If you need help e-filing, take your forms to the Circuit Clerk's office. They have 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.

### 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.
- Staple the *Summons* to the front of the copy of your forms that will go to the other party.
- Do one of the following:
  - Bring copies of your *Summons* and your forms 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 forms to the sheriff
    - Include the *Letter to the Sheriff* found at: [illinoiscourts.gov/documents-and-forms/approved-forms](http://illinoiscourts.gov/documents-and-forms/approved-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 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, and have the Clerk file stamp your copy.
- 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

- Once the sheriff serves your form to the other party, they will have a deadline to file a response with the Circuit Clerk. The deadline will be on the *Summons*.
- 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.

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