



*This is for information and instruction. Do not file it.*

# HOW TO FILE A COMPLAINT OR PETITION

## 1

### FILL OUT AND FILE THE FORMS.

To start a lawsuit, you must file a *Complaint or Petition*. Your *Complaint or Petition* lists the person or business you are suing. It also explains the reasons for your lawsuit, including the facts and legal rules that support your case. Finally, it tells the court what you want, such as having the person or business pay you money or return something that belongs to you.

File your *Complaint or Petition* with the Circuit Clerk in the correct location. This is usually the county where any person or business you are suing lives or where the events that led to the case took place.

There may be a fee to file your *Complaint or Petition*. You can ask to file your forms for free or at a lower cost. See the Costs and Fees section on page 3 for more information.

#### Use This Form:

- *Complaint or Petition*

## 2

### HAVE THE OTHER PARTY SERVED.

You must notify the person or business you are suing of the court case by filling out and filing a *Summons* and having it delivered to them with the *Complaint or Petition*. Delivering these forms is called “serving” them. **You cannot serve these forms yourself.** Give the sheriff or a private process server your forms so they can serve them.

You can find the *Summons* at [ilcourts.info/summons-forms](http://ilcourts.info/summons-forms).

#### Use This Form:

- *Summons*

## 3

### PREPARE AND ATTEND COURT.

Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically. Your court date may be in person, by phone, or by video.

Make notes for yourself about what you want to say to the judge. Bring any additional documents needed.

**Laws covering these forms:** [735 ILCS 5/2-101-110](#); [735 ILCS 5/2-201-213](#); [735 ILCS 5/2-401-419](#); [735 ILCS 5/2-601-615](#); [735 ILCS 5/13-101](#) and Illinois Supreme Court Rules: [131](#), [133](#), [135](#), [137](#), [138](#), [181](#), and [222](#).



This packet is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk’s office if your county has local rules and, if so, where you can get a copy.



# STEP 1

## FILL OUT AND FILE THE FORMS.

# ARE THESE FORMS FOR ME?

Use the *Complaint or Petition* to explain to the person or business you are suing, and to the court, why you are filing the lawsuit.

- The person or business you are suing is called the defendant/respondent.
- You also need to file a *Summons* to notify the defendant/respondent about the case. You can file the *Summons* at the same time as the *Complaint or Petition* or after. For more information on filing a *Summons* visit [ilcourts.info/summons-forms](https://ilcourts.info/summons-forms).

You may **use these forms** for:

- **Civil cases** that do not have their own complaint or petition form.

**Do not use these forms** if:

- Your case is a **criminal, traffic, or juvenile case**.
- You are asking for \$10,000 or less and nothing else. File a *Small Claims Complaint* instead which you can find at [ilcourts.info/small-claims-forms](https://ilcourts.info/small-claims-forms).
- Your case type has its own complaint or petition form. This includes **Divorce, Eviction, Name Change**, and **Civil Asset Forfeiture** cases. You can find these forms at [ilcourts.info/forms](https://ilcourts.info/forms).

Forms required:

- *Complaint or Petition*: This document is used to start a lawsuit. It is the first form you file to begin your case. It names the person or business you are suing, explains the facts and legal reasons for your lawsuit, and tells the court what you want it to do to solve the problem.

Forms you might need:

- *Additional Reasons for Lawsuit*: Use this form if you run out of space in Section C to explain the reasons for your lawsuit.
- *Additional Defendant/Respondent Information*: Use this form if you are suing more than 3 people or businesses.
- *Jury Request*: Use this form if you want to request a trial with a judge and a jury (jury trial), available at [ilcourts.info/jury-request](https://ilcourts.info/jury-request).



A jury trial is not automatic. If you want a jury trial, you **must** file a *Jury Request* at the same time that you file the *Complaint or Petition*.

If you want a trial with a judge only (bench trial), do **not** file the separate *Jury Request* form.

You can find all of the statewide forms online at [ilcourts.info/forms](https://ilcourts.info/forms).

You can find more information about starting a lawsuit at [ilao.info/starting-lawsuit](https://ilao.info/starting-lawsuit).



# COSTS AND FEES

There may be costs and fees to take part in a court case. This might include fees for filing court documents. Some case types have no fee for filing. Depending on the type of court case, there may be other costs and fees charged – for example, sheriff's fees for serving documents on the other people in the case. If you cannot afford to pay costs and fees, you can ask the court to file for free or at a reduced cost by filing an *Application for Waiver of Court Fees*.

This is a separate form you can find at [ilcourts.info/fee-waiver-forms](https://ilcourts.info/fee-waiver-forms).

## IMPORTANT INFORMATION

### What should I include in my *Complaint or Petition*?

- **The Facts:** Explain why you are suing. Describe what happened, when it happened, and who was involved. Be specific and focus on the facts.
- **Legal Claim:** Explain the legal reasons for your lawsuit and the law that supports your case. For example, if you are suing for breach of contract, you might talk about what part of the contract was broken and what law applies.
- **What You Want:** Tell the court what you are asking for. This might include asking the court to order the other side to pay you money, return property to you, or do something else.
- **Documents (In Some Cases):** If your lawsuit is based on a written document, like a contract, you must attach a copy of the document to your *Complaint or Petition*. Do not attach other evidence to your complaint. You will present your other evidence later in the case.

### How do I explain the reason for my lawsuit?

- Write the facts and legal reasons for your lawsuit on page 2, section C, Reasons for Lawsuit, in the *Complaint or Petition*.
- Use the numbered lines to state the facts and reasons in short paragraphs. Each paragraph should focus on one separate issue or fact. It is helpful to order your paragraphs by date.
- A paragraph can be as short as one sentence. Sometimes these paragraphs are referred to as your allegations.
- Be specific and include names, dates, places, laws, or rules that support your case, and any other important information. You usually need the judge's permission to update or change the *Complaint or Petition* after you file it.
- An example is below:

1. On March 10, 2024, the defendant and I signed a contract for the defendant to repair my roof.
2. I paid the defendant \$12,000 and he has broken the contract by not completing the roof repair work that we agreed on.
3. On March 30, 2024, the defendant left my house and never came back.
4. Additional facts and reasons for the lawsuit....

### What if I am suing a business?

- If you are suing an incorporated business, use the full legal name and address of the business.
- To find the full legal name and address of an incorporated business, you can search the online database of the Illinois Secretary of State at [bit.ly/Business-Search](http://bit.ly/Business-Search).
- Unincorporated businesses, sole proprietorships, or general partnerships will not appear in this database.

### Can I sue more than one person or business in the same case?

- Yes, you can sue more than one person or business in the same case if the reasons for suing them are connected. This usually means:
  - The defendants/respondents were all involved in the same event or situation that led to your lawsuit, or
  - The reasons for suing each defendant/respondent are based on the same facts or issues.
- You must clearly explain what each defendant/respondent did and why you are including them in the lawsuit.

### How do I know which county to file my *Complaint* or *Petition* in?

- The geographic location where a court case is filed is called “venue.” You must file your *Complaint* or *Petition* in the correct venue for your situation.
- The correct venue for filing a lawsuit is usually the county where any defendant/respondent lives or the county where the events that led to the case took place.
  - For example, if your lawsuit is about a car accident that happened in Cook County, you could file your lawsuit in Cook County.
- If you are suing a corporation, you can file in any county where the corporation has an office or does business.
- If you file your case in the wrong county, the judge might dismiss your case or transfer it to the correct county.
- Find more information on venue at [ilao.info/changing-venue](http://ilao.info/changing-venue).

### Is there a deadline for filing the *Complaint* or *Petition*?

- You usually have a limited amount of time to file a *Complaint* or *Petition* after the events that led to the case. This amount of time is called a “statute of limitations.” How much time you have depends on the type of case.
- Find more information on statute of limitations at [ilao.info/statutes-limitations](http://ilao.info/statutes-limitations).

## EXTRA HELP WITH THE FORMS



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).

If there are any words or terms used in these instructions that you do not understand, please **visit Illinois Legal Aid Online** at [ilao.info/glossary](http://ilao.info/glossary). You may also find more information, resources, and the location of your local legal self-help center at [ilao.info/lshc-directory](http://ilao.info/lshc-directory).

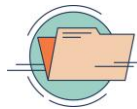


# HOW TO FILE THE FORMS



## E-filing

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called “e-filing.” You do not have to e-file if:
  - You qualify for an exemption (see the Not E-filing section below) or
  - Your case involves a criminal matter or is filed under the Juvenile Court Act of 1987.
- There may be fees to file your forms. See the Costs & Fees section for more information.
- Most people e-file their forms using Odyssey eFileIL at [ilcourts.info/efile](http://ilcourts.info/efile).
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at [ilcourts.info/efile-info](http://ilcourts.info/efile-info).
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- Original wills may not be e-filed.
- 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 Clerk’s office. These places offer public computers where you can e-file your forms.
  - Your courthouse may offer public computers with a scanner where you can turn your paper forms into electronic files.
  - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.



## Not E-filing

- Some people are not required to e-file, 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 or can’t meaningfully use it.
  - Do not have an email account.
  - Do not have a credit card, debit card, or bank account.
  - Have trouble reading, writing, or speaking English.
  - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
  - Are filing an emergency case as allowed by local rule or order.
- To ask for an exemption from e-filing, use the form at [ilcourts.info/exempt](http://ilcourts.info/exempt). If you cannot print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form along 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 a fee to make copies.
- There may be fees to file your forms. See the Costs & Fees section for more information.
- 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 and then send your copies back to you in the envelope.



# WHAT'S NEXT



## STEP 2

### HAVE THE OTHER PARTY SERVED.

- When you file a lawsuit against a person or a business, you must notify them by having the *Summons* and *Complaint or Petition* delivered to them. This is called “serving” them.
- Have the sheriff in the county where the defendant/respondent lives serve your *Complaint or Petition* along with the *Summons*. If you don’t want to use the sheriff, you can hire a licensed private process server or ask the court for permission to have an unlicensed process server deliver the forms for you. You cannot serve the *Summons* yourself.
- For more information on how to fill out and serve a *Summons*, which is delivered with the *Complaint or Petition*, visit [ilcourts.info/summons-instructions](http://ilcourts.info/summons-instructions).



## STEP 3

### PREPARE AND ATTEND COURT.

- Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically.
- When you get your court date, ask whether the court will notify the other side of the date or if you need to do it yourself.



#### **Make sure you know how 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/clerks](http://ilcourts.info/clerks).

#### **Your court date could be in person, by phone, or by video.**

- If your court date is in person:
  - Get to the courthouse at least 30 minutes early so you have enough time to get through security.
  - 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 someone at the Circuit Clerk’s office.
  - Check in with the courtroom staff. Wait for your name and case number to be called.
- 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.
  - Start trying to log-in to your courtroom at least 15 minutes before the start time in case you have any problems with technology.
  - Follow these tips to attend court by phone or video: [ilcourts.info/remote-resources](http://ilcourts.info/remote-resources).
- When your case is called, introduce yourself to the judge. If you are attending by phone or video remember to unmute yourself.
- Have these items with you on your court date:
  - Photo I.D.;
  - Copies of all the documents you filed with the Circuit Clerk;

- Other papers or proof related to your case; AND
- If you are having a hearing or trial, bring your witnesses and evidence.
- Check with the Circuit Clerk for any other local requirements.

**When it's your turn:**

- Be ready to tell the judge what you are asking for. The judge might ask you questions about your *Complaint or Petition* and whether the defendant/respondent has been served.
- Your first trip to court is usually not for a hearing or trial. The judge may give the other party time to respond to your *Complaint or Petition* and schedule another court date.
- It usually takes more than one trip to court before your case is finished.
  - Before you leave court, make sure you know when the next court date is.
  - If there is a court order, get a copy of the order signed by the judge.
- For more information on going to court: [ilao.info/going-court-basics](http://ilao.info/going-court-basics).



**YOU'VE COMPLETED THE STEPS TO FILE  
A COMPLAINT OR PETITION.**