



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

# HOW TO ANSWER OR RESPOND TO A CIVIL COMPLAINT FOR FORFEITURE (PROPERTY TAKEN BECAUSE OF A DRUG AND/OR MONEY LAUNDERING CASE)

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## FILL OUT AND FILE THE FORMS.

The *Answer to Complaint for Forfeiture (Property Taken Because of a Drug and/or Money Laundering Case)* form is your written response to the claims in the Complaint for Forfeiture.

The Complaint for Forfeiture is the document that the government filed with the court and served on you with the Notice of Forfeiture. It explains why the government thinks it can permanently take the property.

The *Answer* tells the court whether you agree or disagree with the information in the Complaint for Forfeiture. Don't explain why you agree or disagree in the *Answer*. You will explain your reasons later in the case.

In Cook County, if you submitted a *Verified Claim* to the State's Attorney's Office, you may not need to file a separate *Answer* form.

Use these forms:

- *Answer to Complaint for Forfeiture (Property Taken Because of a Drug and/or Money Laundering Case)*
- *Appearance (Civil Asset Forfeiture)*
- *Additional Proof of Delivery (Civil Asset Forfeiture)* (if needed)
- *Application for Waiver of Court Fees* (if needed)

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## SEND YOUR FORMS TO OTHER PARTIES.

You must send a copy of your *Answer to Complaint for Forfeiture* and *Appearance* to all the other parties in the case. If a party has a lawyer, send the *Answer to Complaint for Forfeiture* and *Appearance* to the lawyer.

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## PREPARE AND ATTEND COURT.

You may appear in person or by Zoom, if the court allows remote participation. Follow the instructions on the Complaint or Notice you received about how to attend your court date.

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

Explain your side of the case to the court. The court might make a decision that day, or at a later date.

Laws covering these forms: Illinois Supreme Court Rules [131](#), [137](#), and [138](#);  
Illinois Statutes [720 ILCS 570/505](#), [720 ILCS 570-100](#), [720 ILCS 5/29B-1](#), [725 ILCS 150/1](#) and [410 ILCS 620/1](#).

# CHOOSE THE CORRECT FORM TO RESPOND TO YOUR CIVIL ASSET FORFEITURE CASE

LOOK AT THE DOCUMENTS YOU RECEIVED FROM  
THE GOVERNMENT TO CONFIRM WHAT TYPE OF  
CIVIL ASSET FORFEITURE CASE YOU HAVE. PICK THE  
BOX THAT FITS YOUR SITUATION.

If your car was taken under  
**Article 36** and you received a  
**Complaint for Forfeiture**.

Follow the directions to file an  
**ANSWER TO COMPLAINT  
OR FORFEITURE**  
**(Article 36 – No Drugs or  
Money Laundering)**  
form found at:  
[ilcourts.info/caf-forms](http://ilcourts.info/caf-forms)

If you received a **Notice of  
Pending Forfeiture** and the  
property taken is **less than  
\$150,000**

Follow the directions to fill out and  
submit a  
**VERIFIED CLAIM**  
form found at:  
[ilcourts.info/caf-forms](http://ilcourts.info/caf-forms)

The government will review  
your *Verified Claim* and  
decide whether to start a  
court case.

If the government  
decides to start a court  
case, they will file a  
**Complaint for Forfeiture**  
in court, then:

You must file your *Verified Claim*  
with the court. In Cook County,  
the State's Attorney will file the  
*Verified Claim* you already sent  
them.

If you received a **Complaint for  
Forfeiture** and the property  
that was taken:

- is worth **more than  
\$150,000**, OR
- is a **home or land**.

Follow the directions to file an  
**ANSWER TO COMPLAINT  
FOR FORFEITURE**  
**(Property Taken Because  
of a Drug and/or Money  
Laundering Case)**  
form found at:  
[ilcourts.info/caf-forms](http://ilcourts.info/caf-forms)

If the government  
decides **NOT** to  
start a court case,  
you will get the  
property back.



# STEP 1

## FILL OUT AND FILE THE FORMS.



## ARE THESE FORMS FOR ME?

In a civil asset forfeiture case, the government is trying to keep property it took from you, like a car, money, or other belongings. It is a **separate court process** from a criminal court case, even if both are about the same event. This civil case has its own case number, deadlines, and notices. If you do not participate in this civil asset forfeiture case, you will lose your property. This can happen even if you win the related criminal case or if you were not the person accused of the crime.

Use these forms to **respond to the claims the government made in the Complaint for Forfeiture**. The *Answer to Complaint for Forfeiture* is where you say if you agree or disagree with what the government is claiming.

- The Complaint for Forfeiture is the document that the government filed and served on you.
- The Complaint for Forfeiture explains why the government can permanently take the property.



### Read this box before you continue.

- If your case is in Cook County, you can have the *Verified Claim* you delivered to the State's Attorney's Office become your *Answer*. You can choose to file an *Answer* in addition, but it is not required.
- If your case is outside of Cook County, contact the State's Attorney's Office in your county to see if they will accept your *Verified Claim* as your *Answer*.

### Definitions:

- **Seizure**
  - When the police **take** your property because they believe it's connected to a crime.
- **Forfeiture**
  - When the government **keeps** your property **permanently** after going through a legal process.

### Forms required:

- *Answer to Complaint for Forfeiture (Property Taken Because of a Drug and/or Money Laundering Case)*: Use this form to respond to the claims made by the government in the Complaint for Forfeiture.
- *Appearance (Civil Asset Forfeiture)*: Use this form to tell the court and other parties that you are participating in the court case.
  - File it at the same time you file your *Answer to Complaint for Forfeiture (Property Taken Because of a Drug and/or Money Laundering Case)*.
  - The *Appearance* form can be found online at: [ilcourts.info/caf-forms](http://ilcourts.info/caf-forms).

### Forms you may need:

- *Additional Proof of Delivery*: Only use this form if you need to send additional parties the *Appearance (Civil Asset Forfeiture)* and *Answer to Complaint for Forfeiture (Drug Asset Forfeiture Procedure Act)*.
- *Certification for Exemption from E-Filing*: If you cannot file your forms using electronic filing (or "e-filing"), you can ask the court for an exemption from e-filing by using the *Certification for Exemption from E-Filing* form.

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



# IMPORTANT INFORMATION

If you would like to learn more about civil asset forfeiture, go to [ilao.info/get-forfeit-property](http://ilao.info/get-forfeit-property).

## What is civil asset forfeiture?

- A civil asset forfeiture case is when the government tries to keep someone's property (like money or a car) because they believe it is connected to a crime.
- The person does not have to be charged with a crime or convicted of a crime.
- For the property to be permanently taken, the government must go to court and prove that the property was used in a crime or came from a crime.

## If I already completed a *Verified Claim* form and delivered it to the State's Attorney's Office, do I need to fill out this form too?

- If you have already filled out and delivered a *Verified Claim*, you can usually use that form as your *Answer to Complaint for Forfeiture*.
- Contact the State's Attorney's Office to see if they will file your *Verified Claim* for you or if you need to file it yourself with the Circuit Clerk.

## Is there a deadline for filing an *Answer*?

- Yes. The Notice you received will tell you the deadline for filing your *Answer*. By law, you have 45 days from the date you receive the Complaint for Forfeiture to file an *Answer*.
- You must also file an *Appearance (Civil Asset Forfeiture)*. For instructions on how to file your *Appearance*, see How to File an Appearance in a Civil Asset Forfeiture Case at [ilcourts.info/forms](http://ilcourts.info/forms).
  - Your *Appearance* and *Answer* are usually due at the same time.
  - The Notice and Complaint for Forfeiture will also tell you the date and time you must appear in court. If you miss the deadline, you should still attend the court date and ask for additional time to file your *Answer* and *Appearance*.
  - Contact the State's Attorney's Office that filed the Complaint for Forfeiture if you have questions about deadlines for the *Answer* and *Appearance*.

## What happens if I don't file an *Answer to Complaint for Forfeiture*?

- If you do not file an *Answer to Complaint for Forfeiture* and you have not already filled out and delivered a *Verified Claim* form to the State's Attorney's Office, the case will keep going without you and end in a default. This means that you will permanently lose your property.
- You must file an *Answer to Complaint for Forfeiture*, if you want to try to get the property back.

## What if I think I may have affirmative defenses or counterclaims?

- An affirmative defense is a legal reason why your property should not permanently taken (forfeited). If you have any affirmative defenses, you must include them in your *Answer to Complaint for Forfeiture*. Examples include being an innocent owner, claiming the forfeiture would be an excessive fine, or showing the property is used as a common carrier for business. You may have other affirmative defenses besides the ones listed above.
- The judge will decide if the affirmative defense is valid based on the evidence that you show the court.
- Counterclaims are legal claims that you have against the government regarding the issues in this case. The counterclaim **must be filed at the same time** as your *Answer*.
- You should talk to a lawyer about whether you have any affirmative defenses or counterclaims.

### Is there a cost to participate in the case?

- Yes. To file an *Answer*, you must also file an *Appearance (Civil Asset Forfeiture)*, and there is a fee to file an *Appearance (Civil Asset Forfeiture)*.
  - If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost. Fill out the *Application for Waiver of Court Fees* to ask the court for a fee waiver.
  - You can find the *Appearance* and *Application for Waiver of Court Fees* forms at: [ilcourts.info/forms](http://ilcourts.info/forms).



## 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](http://ilcourts.info/fee-waiver-forms).

## 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).



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.

# 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.





## STEP 2

### SEND YOUR ANSWER TO THE OTHER PARTIES.

- After filing the form, you must send your forms to the other people in the case. This includes:
  - The **State's Attorney's Office**;
  - The **lien holder of the property** (for example, the person or company you make car payments to); and
  - **Anyone else with an interest in the property taken** (for example, a co-owner).
- If a person with a claim to the property has a lawyer, send the forms to the lawyer instead of the person.
- How to send the forms:
  - If both you and the other person have an email address, you must send the forms by email or through the e-filing system.
  - If either of you does not have an email address, you can deliver the forms by hand, by mail, or by a commercial carrier (like FedEx or UPS).
- You must complete the *Proof of Delivery* at the end of the *Appearance (Civil Asset Forfeiture)* and *Answer to Complaint for Forfeiture* forms. This shows how you sent the forms to each party. If you are sending the *Answer* to more than 3 parties, fill out and add 1 or more *Additional Proof of Delivery* forms.
- If your case is in **Cook County**, you should mail or drop off a copy of your forms to the State's Attorney's Office.

## STEP 3

### PREPARE AND ATTEND COURT.



In a civil asset forfeiture case, the government is trying to keep property it took from you, like a car, money, or other belongings. It is a **separate court process** from a criminal court case, even if both are about the same event. This civil case has its own case number, deadlines, and notices. If you do not participate in this civil asset forfeiture case, you will lose your property. This can happen even if you win the related criminal case or if you were not the person accused of the crime.



#### 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 and 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.
- If you know your case number, put that next to your name when you log in to your court date.
- Follow these tips to attend court by phone or video: [ilcourts.info/remote-resources](https://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:
  - Copies of all the documents you filed with the Circuit Clerk.
  - Other papers or proof related to your *Answer*, for example proof of ownership of the property.
  - You can check with the Circuit Clerk for any other local requirements.

## **What to Expect at a Trial.**

### **The Government will present their case first.**

- The government will call witnesses to testify and give the judge evidence, like documents and photos.
- You will get to see all the evidence the government uses. If you think the judge should not consider something, you can object and tell the judge why.

### **Then you will present your side of the case.**

- Follow the court's instructions on how to get your documents to the judge and State's Attorney's Office before trial.
- Show your evidence, which can include documents, photos, and recordings.
  - Print out copies of your evidence to give to the judge and to the State's Attorney's Office.
  - Be prepared to explain why the document, photo, or recording is important.
  - You may be asked questions about what you say and the evidence that you bring.
- Question witnesses.
  - Tell the judge the name of your witnesses.
  - Ask the witnesses questions you prepared ahead of time.
  - The judge and the other side can ask questions of your witnesses when you are done.
- The judge will decide which documents, photos, recordings, or witness testimony can be considered in making a decision about your case.

### **The judge makes a decision after both sides present their case.**

- The judge's decision is called a court order.
- If the judge has enough information, they will fill out an order.
  - Get a copy of the order that has the court stamp on it.
- If the judge needs more information to make a decision, the judge may set up another court date. Make sure you understand what information is needed and get it before the new court date.
- If you disagree with the judge's decision, you can file a Motion to Reconsider with the circuit court or file an appeal with the appellate court. You have 30 days to file these motions from the date of the last court order.