

M.R. 3140

IN THE  
SUPREME COURT  
OF  
THE STATE OF ILLINOIS

Order entered April 24, 2023.

(Deleted material is struck through, and new material is underscored.)

Effective immediately, Illinois Supreme Court Rule 102 is amended, as follows.

**Amended Rule 102**

**Rule 102. Service of Summons and Complaint; Return**

(a) **Placement for Service.** Promptly upon issuance, summons (together with copies of the complaint as required by Rule 104) shall be placed for service with the sheriff or other officer or person authorized to serve process.

(b) **When Service Must Be Made.** No summons in the form provided in paragraph (d) of Rule 101 may be served later than 30 days after its date. A summons in the form provided in paragraph (b)(1) of Rule 101 may not be served later than 21 days before the day for appearance. A summons in the form provided in paragraph (b)(2) or (b)(3) of Rule 101 may not be served later than three days before the day of appearance.

(c) **Indorsement Showing Date of Service.** The officer or other person making service of summons shall indorse the date of service upon the copy left with the defendant/respondent or other person. Failure to indorse the date of service does not affect the validity of service.

(d) **Return.** The officer or person making service shall make a return by filing proof of service immediately after service on all defendants/respondents has been had, and, in any event, shall make a return: (1) in the case of a summons in the form provided in Rule 101(b)(1), not less than 21 days before the day of appearance; (2) in the case of a summons in the form provided in Rule 101(b)(2) or (b)(3), not less than 3 days before that day; (3) in other cases, immediately after the last day fixed for service. If there is more than one defendant/respondent, the proof of service may be filed immediately after service on each defendant/respondent. The proof of service need not state whether a copy of the complaint was served. A party who has placed a summons with an officer or other person who is authorized to serve process, but who does not have access to the court filing system, shall file the proof of service obtained from the officer. Failure to return the summons or file proof of service does not invalidate the summons or the service thereof, if had.

(e) **Post Card Notification to Plaintiff/Petitioner.** If the plaintiff/petitioner furnishes a post card, the officer or other person making service of the summons, immediately upon return of the summons, shall mail to the plaintiff/petitioner or his or her attorney the post card indicating whether or not service has been had, and if so on what date.

**FILED**

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**(f) Service by Special Order of Court.** Upon motion brought pursuant to Section 2-203.1 of the Illinois Code of Civil Procedure, the court may order service of summons and complaint to be made in a manner consistent with due process and subject to provisions of this paragraph.

(1) If the court is satisfied that the defendant/respondent has access to and the ability to use the necessary technology to receive and read the summons and documents electronically, the following alternative methods of service or combination of methods of service may be ordered by the court when granting a motion brought pursuant to Section 2-203.1 of the Illinois Code of Civil Procedure (735 ILCS 5/2-203.1).

(A) Service by social media. Service by social media shall be made by (i) sending a direct message to the defendant/respondent on a social media platform on which the defendant/respondent has an active profile; (ii) attaching a copy of the summons, complaint/petition, and any other required documents to the direct message; and (iii) stating in the body of the direct message: “Important information—You have been sued. Read all of the documents attached to this message. To participate in the case, you must follow the instructions listed in the attached summons. If you do not, the court may decide the case without hearing from you, and you could lose the case.”

(B) Service by e-mail. Service by e-mail shall be made by (i) sending an e-mail to the defendant/respondent at his or her current e-mail address; (ii) attaching a copy of the summons, complaint/petition, and any other required documents to the e-mail; (iii) stating in the subject line of the e-mail message : “Important information—You are being sued”; and (iv) stating in the body of the e-mail: “You have been sued. Read all of the documents attached to this e-mail. To participate in the case, you must follow the instructions listed in the attached summons. If you do not, the court may decide the case without hearing from you, and you could lose the case.”

(C) Service by Text Message. Service by text message shall be made by (i) sending a text message to the defendant/respondent’s cellular telephone number; (ii) attaching a copy of the summons, complaint/petition, and any other required documents to the text message; and (3) stating in the body of the text message: “Important information—You have been sued. Read all of the documents attached to this message. To participate in the case, you must follow the instructions listed in the attached summons. If you do not, the court may decide the case without hearing from you, and you could lose the case.”

(2) In addition to the affidavit requirements of section 2-203.1 of the Illinois Code of Civil Procedure, a movant requesting service by text message, e-mail, or social media shall include in the supporting affidavit the reasons the movant believes the defendant/respondent has recently sent and received transmissions from a specific e-mail address or telephone number or the defendant/respondent maintains an active social media account on the specific platform utilized for service.

(3) Within 10 days of service of notice by special order of Court, the plaintiff/petitioner shall send a copy of the summons, complaint/petition, and any other required documents by mail, to the address of defendant’s/respondent’s last known residence.

(4) Return of Service by Special Order of Court. The person serving defendant/respondent pursuant to special order of court shall file a proof of service as directed by the court. If service

is by social media, e-mail, or text message as described in paragraph (f)(1), the proof of service shall contain, at a minimum, the following:

(A) The details of how service was made, including the date service was made; the identity of the social media platform, cellular telephone number, and/or e-mail address used; the address of defendant's/respondent's last known residence; that a copy of the summons, complaint/petition, and any other required documents were attached to the message; and the date on which a copy of the summons, complaint/petition, and any other required documents were mailed to defendant's/respondent's last known residence; and

(B) A screen print of the social media direct message, a copy of the sent e-mail transmission, a screen print of the text message, and/or any other evidence of proof of service the court determines to be equivalent.

Amended Dec. 29, 2017, eff. Jan. 1, 2018; amended Apr. 20, 2023, eff. immediately; amended Apr. 24, 2023, eff. immediately.

#### Committee Comments

(April 24, 2023)

Paragraph (f) is adopted in recognition of society's increased use of electronic methods to communicate. The methods included in this paragraph are not exclusive, and upon a motion brought pursuant to section 2-203.1 of the Code of Civil Procedure, the court may order a method not mentioned in this paragraph but in a manner the court finds is consistent with due process. However, should the court order any of the methods of service included in paragraph (f), litigants must comply with the provisions of paragraph (f) in addition to any other legal requirements.

(Revised July 1, 1971)

This is former Rule 3, as it existed prior to January 1, 1964, without change of substance, except for the deletion of the last paragraph, which provided for writs made returnable to justices of the peace, *etc.*, during the transition into practice under the 1964 judicial article and is no longer necessary.