



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

HOW TO FILE AN IDENTITY THEFT AFFIDAVIT

(CREDIT CARD OR DEBT BUYER COLLECTION ACTION)

1

FILL OUT AND FILE YOUR FORM.

An *Identity Theft Affidavit* is an official way to tell the other party and the court that you were a victim of identity theft.

You should fill out and file the *Identity Theft Affidavit* as soon as you identify that the debt you are being sued for is not your debt. This may be at the same time you file your Appearance, or later on in the lawsuit once you discover that the debt is not your debt.

After you fill out the *Identity Theft Affidavit*, file it with the Circuit Clerk's office in the county where your case is taking place.

You should also complete the Illinois Attorney General Identity Theft Affidavit, but you should not file it.

Use these forms:

- *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*
- Illinois Attorney General Identity Theft Affidavit
 - Found Here: bit.ly/ID-Theft-AG



Do not file the Illinois Attorney General Identity Theft Affidavit with the Circuit Clerk because it contains personal information that should not be made public.

2

SEND A COPY OF YOUR FORM TO THE OTHER PARTY.

Send a copy of your Identity Theft Affidavit, Illinois Attorney General Affidavit, and any other required documents to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.

Make sure you have completed the Proof of Delivery section on your form, so the court knows how you sent the documents.

Laws covering these forms: Illinois Supreme Court Rule [280](#)



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 YOUR FORM.

ARE THESE FORMS FOR ME?

An *Identity Theft Affidavit* is an official way to tell the court and the other party that the debt you are being sued for is not your debt.

You may use these forms for:

- Cases where the other party is either a **credit card company** or a **debt buyer**. This means that the other party purchased the debt from another company or person.

Forms required:

- **Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)**: This form tells the court and the plaintiff that you are not responsible for the debt because of identity theft.
- **Illinois Attorney General Identity Theft Affidavit**: This form tells the plaintiff specific details about you and your personal information, including details about how and when you believe your identity was stolen, and if a police report was filed.
 - You can find the Illinois Attorney General Identity Theft Affidavit at bit.ly/ID-Theft-AG



Do not file the Illinois Attorney General Identity Theft Affidavit with the Circuit Clerk because it contains personal information that should not be made public.

- You can find all of the statewide forms online at ilcourts.info/forms.

IMPORTANT INFORMATION

Who can file an *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*?

- Anyone who is sued by a credit card company or a debt buyer and is not responsible for the debt that is the subject of the lawsuit because of identity theft.

What is an *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*?

- An *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)* is an official way to tell the other party and the court that you were a victim of identity theft. It also states that you should not be responsible for paying the debt.
- Filling out the forms requires the other party to produce additional information showing that you are the person responsible for the debt.

When should I file the *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*?

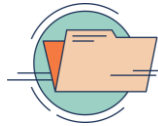
- You should file the *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)* as soon as you identify that the debt you are being sued for is not your debt. This may be at the same time you file your *Appearance*, or later in the lawsuit once you discover that the debt is not yours.

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.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at 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. 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.



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.



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.

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. You may also find more information, resources, and the location of your local legal self-help center at ilao.info/lshc-directory.



STEP 2

SEND A COPY OF YOUR FORMS TO THE OTHER PARTY.

- You must send your *Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action)*, Illinois Attorney General Identity Theft Affidavit, and any other required documents to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
- If both you and the person you're sending the *Affidavit* to have an email address, you must send it by email or by notification through the e-filing system. If you or the person you're sending the *Affidavit* to does not have an email address, you may give it to the other parties by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).
- Complete the *Proof of Delivery* with information to show how you sent the forms to each party.
- If a party has a lawyer, send the forms to the lawyer.