

# HOW TO SERVE A SUMMONS

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## What is a *Summons* and when do I use it?

- The *Summons* is the court paper that tells a person they are being sued and where and when to respond to the lawsuit.
- When you file a lawsuit against someone, you must fill out a *Summons* and have it delivered to the person you are suing. The person you are suing is called the Defendant/Respondent.
- The judge in your case cannot decide your case until you have properly served the *Summons* on the Defendant/Respondent.

## What does it mean to serve a *Summons*?

- To “serve” a *Summons* means to have it delivered to the person you are suing.
- 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 an *Affidavit of Service of Summons and Complaint/Petition*?

- The *Affidavit of Service of Summons and Complaint/Petition* is the part of the form you will give to the court to prove that your *Summons* and *Complaint/Petition* were served on the Defendant/Respondent.
- The sheriff will fill out the rest of the form. The sheriff will complete an affidavit for each Defendant/Respondent served, if there are more than 1.

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

- There is a fee to file your *Complaint* with the Circuit Court.
- You must also pay the sheriff who serves the *Summons* for you.
- If you cannot afford to pay the fees, you can ask the court to file and serve the Defendant/Respondent for free. Fill out the *Application for Waiver of Court Fees* to ask the court for a fee waiver. This is a separate set of forms you can find at: [illinoiscourts.gov/Forms/approved/](http://illinoiscourts.gov/Forms/approved/)

## Where can I find the form I need?

You can find the form at:

[illinoiscourts.gov/Forms/approved/](http://illinoiscourts.gov/Forms/approved/)

## 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.

- File your case in the proper court. The proper court could be in the county where the defendant lives or the incident took place.
- File your case in the county you live in or the county your spouse lives in.
- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, or (2) 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 a disability that keeps you from e-filing, or (3) you have trouble reading or speaking in English.
  - Fill out a *Certification for Exemption from E-Filing* found here: [illinoiscourts.gov/Forms/approved/](http://illinoiscourts.gov/Forms/approved/)
  - File the original and 1 copy of your forms, 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 while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: [illinoiscourts.gov/CivilJustice/Resources/Self-Represented\\_Litigants/self-represented.asp](http://illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp)
- If you do not have access to a computer or if you need help e-filing, take your form to the Circuit Clerk’s office where you can use a public computer terminal to e-file your form.
  - You can bring your form 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.
- In person or by mail, ask the sheriff in the county where each person to be served lives to serve your *Summons* and your forms.

- Take it to the sheriff in person
  - Bring copies of your *Summons* and your forms to the sheriff's office.
  - Pay the sheriff's fees for each party OR give the sheriff a copy of your *Order for Waiver of Court Fees* (if you have one) and you will not be charged a fee.
- Mail it to the sheriff
  - Mail copies of your *Summons* and your forms to the sheriff's office.
  - Include the *Letter to the Sheriff* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
  - Include a self-addressed and stamped envelope for the sheriff to mail the *Affidavit 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 you have one) and you will not be charged a fee.
- 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 4: Wait for the other party to file a response with the Circuit Clerk.**

- 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 or 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.

**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 *Affidavit of Service of Summons and Complaint/Petition* section of your *Summons* form and file it with the Circuit Clerk OR mail it to you.
- If the sheriff files the completed *Affidavit of Service of Summons and Complaint/Petition* directly with the Circuit Clerk, call the Circuit Clerk to find out if it has been filed. If it has been filed, ask the Circuit Clerk how to get a copy.
- If the sheriff mails the *Summons* with the completed *Affidavit of Service of Summons and Complaint/Petition* to you, make a copy for yourself, file the original with the Circuit Clerk, and have the Clerk file stamp your 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* and ask the sheriff to try to serve the other party again.