

Getting Started Summons

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use the *Summons* form. Your use of the form does not guarantee you will be successful in court.

To learn how to fill out the form and file it with the court, read the *How to Serve a Summons* instruction sheet and the instructions on the form.

Name of the form:	<i>Summons</i>
Purpose of the form:	The <i>Summons</i> tells a person they are being sued and where and when to respond to the lawsuit.
Types of cases the form CAN be used for:	Most civil cases, for example: lawsuits for injury or property damage.
Types of cases the form CANNOT be used for:	Criminal cases and some civil cases including eviction, divorce, foreclosure, paternity, small claims, orders of protection, stalking no contact orders, and civil no contact orders.
Cost to file the form:	There is a fee to file your Complaint with the court. You must also pay the sheriff who serves the <i>Summons</i> for you. If you cannot afford to pay the fees, fill out the <i>Application for Waiver of Court Fees</i> to ask the court for a fee waiver. illinoiscourts.gov/documents-and-forms/approved-forms
Special information or papers needed to complete the form:	You will need the other parties' names and addresses. You will also need your Complaint/Petition to attach to the <i>Summons</i> . Check with the Circuit Clerk if there are any additional local notices or documents that are required to be attached to the <i>Summons</i> .
Statutes and rules covering the form:	IL Code of Civil Procedure Sections 2-201 through 2-211; 735 ILCS 5/2-201 et seq. Illinois Supreme Court Rules 101, 102, 103, 104, 131, 283, and 284.
For more information:	Read the <i>How to Serve a Summons</i> instruction sheet that comes with the form. You may also find more information and resources at the courthouse or by going to: illinoislegalaid.org/legal-information/serving-summons .

HOW TO SERVE A SUMMONS

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/glossary. 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.

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

- A *Summons* is a court paper that tells a person they are being sued. It tells them where and when to respond to the lawsuit.
- When you file a lawsuit against someone, you must fill out a *Summons*. You must have it delivered to the person you are suing. This is called serving the *Summons*. You must also serve a copy of the *Complaint/Petition*. The person you are suing is called the Defendant/Respondent.
- The judge in your case cannot decide your case until you have had the *Summons* properly served.

What if I am suing more than one person?

- 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 a *Proof of Service of Summons and Complaint/Petition*?

- The *Proof of Service of Summons and Complaint/Petition* proves that your *Summons* and *Complaint/Petition* were served on the Defendant/Respondent.
- The sheriff or process server will fill out the *Proof of Service of Summons and Complaint/Petition*.

Is there a cost to serve a *Summons*?

- You must pay the sheriff or process server who serves the *Summons* for you.
- If you cannot afford to pay the fees, you can apply for a fee waiver. Fill out the *Application for Waiver of Court Fees*. This is a separate set of forms you can find at: illinoiscourts.gov/documents-and-forms/approved-forms.

What forms do I need to fill out?

- The *Summons*.
- The *Letter to the Sheriff*.

Where can I find the forms I need?

You can find the forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

Where will I receive court papers?

The email address (if you have one) and mailing address you put on the form is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

How do I fill out my *Summons*?

- If you are suing more than 1 Defendant, complete a separate *Summons* for each Defendant.
- The *Summons* must include your contact information and the address where the Defendant can be served with the *Summons*.
- Ask the Circuit Clerk for the court date, time, and location (including courtroom or phone or video conference information) and enter that date in Section 4.
- Ask the Circuit Clerk for the phone number and website for their office to list in Section 4
- To find the phone number for your Circuit Clerk, visit illinoiscourts.gov/courts/circuit-court/circuit-court-clerks/
- **If you are suing a business:**
 - *First*, find out if it is incorporated. Do this by going to the Illinois Secretary of State's website at cyberdriveillinois.com/departments/business_services/corp.html. If you find the business in the database, look for the full legal name of the business.
 - The business may also have a Registered Agent. A Registered Agent is a person or company who agrees to accept legal papers for an Illinois business. If a business has a Registered Agent, you must serve the Registered Agent.
 - Put the name of the business and the name of the Registered Agent, if any, on the *Summons* below "Defendant's address and service information."
 - *Second*, if the business is not in this database, you must serve the owner. The owner can be served at their place of business or home. Put the name of the owner on the *Summons* below "Defendant's address and service information."

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.

- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and

Find Illinois Supreme Court approved forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) 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 trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
- If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/documents-and-forms/approved-forms.
- File the original and 1 copy of your *Summons* 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 to select a service provider. Some service providers are free. Others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileLL, see the self-help user guides here: illinoiscourts.gov/self-help/how-to-e-file/.
- If you need help e-filing, take your forms to the Circuit Clerk's office. They have a public computer terminal to e-file your forms.
 - You can bring your forms 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.
- Do one of the following:
 - Bring copies of your *Summons* and your forms to the sheriff's office in person. Pay the sheriff's fees for each party OR give the sheriff a copy of your *Order for Waiver of Court Fees*.
 - Mail copies of your *Summons* and your forms to the sheriff
 - Include the *Letter to the Sheriff* found at: illinoiscourts.gov/documents-and-forms/approved-forms.
 - Include a self-addressed and stamped envelope for the sheriff to mail the *Proof 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 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 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 *Proof of Service of Summons and Complaint/Petition* section of your *Summons* form. Then they will file it with the Circuit Clerk OR mail it to you.
- If the sheriff mails the *Summons* with the completed *Proof of Service of Summons and Complaint/Petition* to you, make a copy for yourself. Then file the original with the Circuit Clerk, and have the Clerk file stamp your copy.
- If you do not receive a *Proof of Service of Summons* in the mail from the sheriff, you can call the Circuit Clerk to see if it has been filed and how to get a 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*. Then ask the sheriff to try to serve the other party again.

Step 4: Going to Court

- 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. You can also 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.

Find Illinois Supreme Court approved forms at: illinoiscourts.gov/documents-and-forms/approved-forms.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	SUMMONS	<i>For Court Use Only</i>
Instructions ▼ Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/ Respondents. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff / Petitioner (<i>First, middle, last name</i>) v. _____ Defendant / Respondent (<i>First, middle, last name</i>) <input type="checkbox"/> Alias Summons (<i>Check this box if this is not the 1st Summons issued for this Defendant.</i>)	_____ Case Number

IMPORTANT INFORMATION:

There may be court fees to start or respond to a case. If you are unable to pay your court fees, you can apply for a fee waiver. You can find the fee waiver application at: illinoiscourts.gov/documents-and-forms/approved-forms/.

E-filing is now mandatory with limited exemptions. To e-file, you must first create an account with an e-filing service provider. Visit efile.illinoiscourts.gov/service-providers.htm to learn more and to select a service provider. If you need additional help or have trouble e-filing, visit illinoiscourts.gov/faq/gethelp.asp or talk with your local circuit clerk’s office. If you cannot e-file, you may be able to get an exemption that allows you to file in-person or by mail. Ask your circuit clerk for more information or visit illinoislegalaid.org.

Call or text Illinois Court Help at 833-411-1121 for information about how to go to court including how to fill out and file forms. You can also get free legal information and legal referrals at illinoislegalaid.org.

Plaintiff/Petitioner: Do not use this form in an eviction, small claims, detinue, divorce, or replevin case. Use the *Eviction Summons, Small Claims Summons, or Summons Petition for Dissolution of Marriage / Civil Union* available at illinoiscourts.gov/documents-and-forms/approved-forms. If your case is a detinue or replevin, visit illinoislegalaid.org for help.

If you are suing more than 1 Defendant/Respondent, fill out a *Summons* form for each Defendant/Respondent.

In **1a**, enter the name and address of a Defendant/ Respondent. If you are serving a Registered Agent, include the Registered Agent’s name and address here.

In **1b**, enter a second address for Defendant/ Respondent, if you have one.

In **1c**, check how you are sending your documents to Defendant/ Respondent.

1. Defendant/Respondent's address and service information:

- a. Defendant/Respondent's primary address/information for service:

Name (*First, Middle, Last*): _____

Registered Agent’s name, if any: _____

Street Address, Unit #: _____

City, State, ZIP: _____

Telephone: _____ Email: _____
- b. If you have more than one address where Defendant/Respondent might be found, list that here:

Name (*First, Middle, Last*): _____

Street Address, Unit #: _____

City, State, ZIP: _____

Telephone: _____ Email: _____
- c. Method of service on Defendant/Respondent:

Sheriff Sheriff outside Illinois: _____
County & State

Special process server Licensed private detective

In 2, enter the amount of money owed to you.

In 3, enter your complete address, telephone number, and email address, if you have one.

2. Information about the lawsuit:

Amount claimed: \$ _____

3. Contact information for the Plaintiff/Petitioner:

Name (First, Middle, Last): _____
 Street Address, Unit #: _____
 City, State, ZIP: _____
 Telephone: _____ Email: _____

GETTING COURT DOCUMENTS BY EMAIL: You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

Important information for the person getting this form

You have been sued. Read all of the documents attached to this *Summons*. To participate in the case, you must follow the instructions listed below. If you do not, the court may decide the case without hearing from you and you could lose the case. *Appearance* and *Answer/Response* forms can be found at: illinoiscourts.gov/documents-and-forms/approved-forms/.

Check 4a or 4b. If Defendant/Respondent only needs to file an *Appearance* and *Answer/Response* within 30 days, check box 4a. Otherwise, if the clerk gives you a court date, check box 4b.

4. Instructions for person receiving this *Summons* (Defendant):

a. To respond to this *Summons*, you must file *Appearance* and *Answer/Response* forms with the court within 30 days after you have been served (*not counting the day of service*) by e-filing or at:
 Address: _____
 City, State, ZIP: _____

b. Attend court:
 On: _____ at _____ a.m. p.m. in _____
Date Time Courtroom

In-person at:

Courthouse Address City State ZIP
 OR

Remotely (You may be able to attend this court date by phone or video conference.

This is called a "Remote Appearance"):

By telephone: _____
Call-in number for telephone remote appearance

By video conference: _____
Video conference website

Video conference log-in information (meeting ID, password, etc.)

Call the Circuit Clerk at: _____ or visit their website
Circuit Clerk's phone number

at: _____ to find out more about how to do this.
Website

In 4a, fill out the address of the court building where the Defendant may file or e-file their *Appearance* and *Answer/Response*.

In 4b, fill out:
 •The court date and time the clerk gave you.
 •The courtroom and address of the court building.
 •The call-in or video information for remote appearances (if applicable).
 •The clerk's phone number and website. All of this information is available from the Circuit Clerk.

STOP!
 The Circuit Clerk will fill in this section.

Witness this Date: _____

Seal of Court

Clerk of the Court: _____

STOP!
 The officer or process server will fill in the Date of Service.

This *Summons* must be served within 30 days of the witness date.

Date of Service: _____
(Date to be entered by an officer or process server on the copy of this *Summons* left with the Defendant or other person.)

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	PROOF OF SERVICE OF SUMMONS AND COMPLAINT/PETITION	<i>For Court Use Only</i>
Instructions Enter above the county name where the case was filed. Enter your name as Plaintiff/Petitioner. Enter the names of all people you are suing as Defendants/ Respondents. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff / Petitioner (<i>First, middle, last name</i>) v. _____ Defendant / Respondent (<i>First, middle, last name</i>) <input type="checkbox"/> Alias Summons (<i>Check this box if this is not the 1st Summons issued for this Defendant.</i>)	_____ Case Number

****Stop. Do not complete the form. The sheriff or special process server will fill in the form.****

My name is _____ **and I state**
First, Middle, Last

I served the Summons and Complaint/Petition on the Defendant/Respondent

as follows:

First, Middle, Last

- Personally on the Defendant/Respondent:
 Male Female Non-Binary Approx. Age: _____ Race: _____
 On this date: _____ at this time: _____ a.m. p.m.
 Address, Unit#: _____
 City, State, ZIP: _____

- On someone else at the Defendant/Respondent's home who is at least 13 years old and is a family member or lives there:
 On this date: _____ at this time: _____ a.m. p.m.
 Address, Unit#: _____
 City, State, ZIP: _____
 And left it with: _____
First, Middle, Last
 Male Female Non-Binary Approx. Age: _____ Race: _____
 and by sending a copy to this defendant in a postage-paid, sealed envelope to the above address on _____, 20 _____.

- On the Corporation's agent, _____
First, Middle, Last
 Male Female Non-Binary Approx. Age: _____ Race: _____
 On this date: _____ at this time: _____ a.m. p.m.
 Address: _____
 City, State, ZIP: _____

I was not able to serve the *Summons* and Complaint/Petition on Defendant/Respondent:

First, Middle, Last

I made the following attempts to serve the *Summons* and Complaint/Petition on the Defendant/Respondent:

1. On this date: _____ at this time: _____ a.m. p.m.
Address: _____
City, State, ZIP: _____
Other information about service attempt: _____

2. On this date: _____ at this time: _____ a.m. p.m.
Address: _____
City, State, ZIP: _____
Other information about service attempt: _____

3. On this date: _____ at this time: _____ a.m. p.m.
Address: _____
City, State, ZIP: _____
Other information about service attempt: _____

DO NOT complete this section. The sheriff or private process server will complete it.

If you are a special process server, sheriff outside Illinois, or licensed private detective, your signature certifies that everything on the *Proof of Service of Summons* is true and correct to the best of your knowledge. You understand that making a false statement on this form could be perjury.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

By: _____
Signature by: Sheriff
 Sheriff outside Illinois:

County and State
 Special process server
 Licensed private detective

FEES
Service and Return: \$ _____
Miles _____ \$ _____
Total \$ _____

Print Name

If *Summons* is served by licensed private detective or private detective agency:
License Number: _____

**LETTER TO THE SHERIFF
(SERVING A SUMMONS AND FORMS)**

Instructions to User

1. Complete this letter. If there is more than one defendant/respondent and they do not all live in the same county, you will need to complete this letter for each sheriff that you will be asking to serve a *Summons*.
2. With this letter, include the *Summons* and a copy of your forms for each of the other parties in your case that live in that county, payment or *Order for Waiver of Court Fees*, and a self-addressed and stamped envelope for the sheriff to mail the Affidavit of Service to you.
3. Send your letter and the documents listed above to the sheriff 's office in the county and state where the other party lives.

Date: _____

Sheriff of _____ County State of _____

Address of Sheriff _____

Dear Sheriff:

Re: _____ v. _____ Case Number: _____
Plaintiff/Petitioner *Defendant/Respondent*

I am enclosing the *Summons*:

to be served on: _____
Name of Other Party

Street, Apt # *City* *State* *Zip*

to be served on: _____ *(fill in only if there is more than 1 other party)*
Name of Other Party

Street, Apt # *City* *State* *Zip*

to be served on: _____ *(fill in only if there are more than 2 other parties)*
Name of Other Party

Street, Apt # *City* *State* *Zip*

Check the box that applies:

- I have enclosed an *Order for Waiver of Court Fees* entered by the Court in _____ County, Illinois, which waives the cost of service; **OR**
- I have enclosed the cost of service \$ _____.

Once you have served the enclosed documents, please complete the Affidavit of Service and return it to me in the enclosed self-addressed stamped envelope.

Thank you for your attention to this matter.

Sincerely,

Signature

Printed Name

Street Address, Apt #

City State Zip

Phone