# HOW TO FILE & SEND A *MOTION TO APPOINT SPECIAL PROCESS SERVER*

**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 special process server?**

- A special process server is someone other than the sheriff who can serve legal papers. A *Motion to Appoint Special Process Server* is a written request to use one.

**When can I use a special process server?**

- If you are serving the Defendants/Respondents **outside of Cook County**:
  - You can use a licensed private detective to serve the Defendants/Respondents. Contact your local Circuit Clerk to find out if you need to file a *Motion to Appoint Special Process Server* first.
  - You can use anyone who is 18 years old or over and not a party in the case. You must file a *Motion to Appoint Special Process Server* first.
- If you are serving the Defendants/Respondents in **Cook County**:
  - You must use the sheriff to make the first attempt at service.
  - If the Cook County Sheriff is unable to serve the Defendants/Respondents, then you may file a *Motion to Appoint Special Process Server*.
  - You can use a licensed private detective or anyone who is 18 years old or over and not a party to the case.

**What forms do I need to fill out to file a *Motion to Appoint Special Process Server*?**

- ***Motion to Appoint Special Process Server:*** Use this form to ask permission to use a special process server.
  - The email address (if you have one) and mailing address you put on the *Motion* 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.
- ***Order Appointing Special Process Server:*** This is used by the judge to say if your *Motion to Appoint Special Process Server* is granted or denied.
- ***Notice of Motion to Appoint Special Process Server*:** Use this form to schedule the court date when you will see the judge. This form also:
  - Lists the date, time, and place where you will see the judge;
  - Lists the names and addresses of the other parties, or the names and addresses of their lawyers; AND
  - Tells the other parties in the case about the court date.
- ***Letter to Special Process Server*:** Use this form to tell the special process server what documents to serve and where to serve the Defendants/Respondents.

**Where can I find the forms I need?**

You can find the forms at: ilcourts.info/forms.

**Are there any costs associated with a *Motion to Appoint Special Process Server*?**

- There may be a fee to file a *Motion to Appoint Special Process Server.*
- Ask the Circuit Clerk if there is a fee for your *Motion to Appoint Special Process Server*. Also, many courts have court fees listed on their websites.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees* which you can find at ilcourts.info/forms.
- The special process server typically charges a fee and does not have to honor your *Order for Waiver of Court Fees*.

**What do I do after I fill out the *Motion to Appoint Special Process Server*?**

**Step 1: File your *Motion to Appoint Special Process Server* forms with the Circuit Clerk in the county where the court case is filed.**

- After you fill out your court forms, file them with the Circuit Court Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
  - you qualify for an exemption or
  - your case involves a criminal matter.
- 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/EfileHowTo.
- E-filing may not work on a cell phone or tablet. You may need to use a computer to e-file.

- 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 Clerks' office. These places offer public computers where you can e-file your forms. Librarians and courthouse staff are not able to provide legal advice.
  - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.
- Some people are exempt from e-filing, 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, and it is hard for you to travel.
  - You have trouble reading, writing, or speaking English.
  - You are filing documents in a sensitive case, such as an order of protection.
  - You tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at ilcourts.info/ExemptionCircuit. If you can't print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form 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 to make copies.

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 then send your copies back to you in the envelope.

**Step 2: Ask for a court date.**

- Ask the Circuit Clerk whether you need a court date for your *Motion to Appoint Special Process Server* or whether the judge will decide on your *Motion* without a hearing.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date, or you may have to speak with other court staff.

**Step 3: Send a copy of your *Motion to Appoint Special Process Server* and *Notice of Motion to Appoint Special Process Server* forms to the other parties who have filed an *Appearance* in the case.**

- **You must** send your *Motion to Appoint Special Process Server* and *Notice of Motion to Appoint Special Process Server* to the other parties who have filed an *Appearance* in the case. If a party has a lawyer, send the *Motion to Appoint Special Process Server* and *Notice of Motion to Appoint Special Process Server* to the lawyer.
- If you and the person you're sending the *Motion to Appoint Special Process Server* and *Notice of Motion to Appoint Special Process Server* to have an email address, you must send them by email or by notification through the e-filing system. If you or the person you're sending the *Motion to Appoint Special Process Server* and *Notice of Motion to Appoint Special Process Server* to does not have an email address, you may give them to the other parties by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).

**Step 4: Go to your court date.**

- 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.
  - Follow these recommendations to appear by phone or video: ilcourts.info/AllRemoteCourtResources.

**Make sure you know how you are 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/CircuitClerks.

- Bring these items with you to court:
  - Photo I.D.;
  - Copies of all the documents you filed with the Circuit Clerk;
  - Copy of your *Order Appointing Special Process Server*; AND
  - Other papers or proof related to your *Motion to Appoint Special Process Server.*
- Get to the courthouse at least 30 minutes early.

- 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 the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk up to the judge and introduce yourself.

**How do I present a *Motion to Appoint Special Process Server* to the judge?**

- Tell the judge why you want a special process server to serve the Defendants/Respondents.
- If the sheriff has attempted service but was not able to serve the Defendants/Respondents, bring the *Proof of Service of Summons* and Complaint/Petition showing the sheriff's attempt at service was not successful.
- The judge decides whether to grant your *Motion to Appoint Special Process Server.*

**What should I do if the judge grants my *Order to Appoint Special Process Server*?**

- If the judge grants your *Motion for Appointment of Special Process Server*, you need to fill out and file another *Summons.*
- Follow the instructions for how to fill out and file the new *Summons.* If this is not the 1st *Summons* issued for these Defendants/Respondents in this case, check the box for Alias Summons. The *Summons* and *How to Serve a Summons* are available at ilcourts.info/forms.
- Give the *Summons* and Complaint/Petition to the special process server. You can use the *Letter to Special Process Server* if you need to.