

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

---

## 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.
- ***Order Appointing Special Process Server***: 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 is called the hearing date. 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:  
[illinoiscourts.gov/Forms/approved/](http://illinoiscourts.gov/Forms/approved/).

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

- 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, (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; or (2) you have trouble reading or speaking in English.
  - If you qualify for an exemption, 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 *Motion to Appoint Special Process Server*, 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: 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.
- You may be able to attend the court date by phone or video. This is called a "Remote Appearance." Call the Circuit Clerk or visit their website to find out how to do this. To find the phone number for your Circuit Clerk, visit [illinoiscourts.gov/court/CircuitCourt/CircuitCourtJudges/CCC\\_County.asp](http://illinoiscourts.gov/court/CircuitCourt/CircuitCourtJudges/CCC_County.asp).

**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 do not** have to send your *Motion to Appoint Special Process Server* and *Notice of Motion to Appoint Special Process Server* forms to the Defendants/Respondents you want the special process server to serve.
- **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.
- **You may** send your *Motion to Appoint Special Process Server* and *Notice of Motion to Appoint Special Process Server* to the other parties by personal hand delivery, by mail, third-party commercial carrier (for example, FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider.
- **You may** e-mail your form to a party if they have listed their e-mail address on a court document. Complete the proof of delivery with information to show how you sent the forms to each party. It has room for 3 parties. If you are sending forms to more than 3 parties, fill out and file one or more *Additional Proof of Delivery* with the *Motion to Appoint Special Process Server* form.

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

- You may be able to attend the court date by phone or video. This is called a "Remote Appearance." Call the Circuit Clerk or visit their website to find out how to do this. To find the phone number for your Circuit Clerk, visit [illinoiscourts.gov/court/CircuitCourt/CircuitCourtJudges/CCC\\_County.asp](http://illinoiscourts.gov/court/CircuitCourt/CircuitCourtJudges/CCC_County.asp).
- 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 1<sup>st</sup> *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 [illinoiscourts.gov/Forms/approved/default.asp](http://illinoiscourts.gov/Forms/approved/default.asp).
- Give the *Summons* and Complaint/Petition to the special process server. You can use the *Letter to Special Process Server* if you need to.