

HOW TO FILE AND SEND A MOTION TO APPROVE PROCESS SERVER WHO IS NOT LICENSED

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FILL OUT AND FILE THE FORMS.

A private process server is someone other than the sheriff who can serve legal papers. If you want to use someone who is **not** a licensed process server to serve the *Summons* and Complaint/Petition on the defendants/respondents in your case, you must ask the judge for permission by filing the *Motion to Approve Process Server Who Is Not Licensed* form. You do not need permission to use the sheriff or a licensed process server to serve your documents ([735 ILCS 5/2-202](#)).

File your *Motion to Approve Process Server Who Is Not Licensed* with the Circuit Clerk in the county where your court case is taking place. When you file your *Motion*, ask the Circuit Clerk if you need to schedule a court date or if one will be scheduled automatically. In some counties, you may get the court date when you e-file. Include that court date in your *Notice of Court Date for Motion*.

Use these Forms

- *Motion to Approve Process Server Who Is Not Licensed*

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SEND FORMS TO THE OTHER PARTY.

You must send your forms to the other people in the case. If a person in the case has a lawyer, send the forms to the lawyer. Make sure you have completed the Proof of Delivery section on your forms to show how you sent your documents.

Use these Forms

- *Notice of Court Date for Motion*

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PREPARE AND ATTEND COURT.

Your court date may be in person, by phone, or by video.

At your court date, tell the judge why you want a private process server who is not licensed to serve the defendants/respondents. The judge might make a decision on your *Motion* in court, or they might decide after court. Make sure to get a copy of the *Order on Motion to Approve Process Server Who Is Not Licensed* signed by the judge.

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IF THE JUDGE GRANTS THE MOTION TO APPROVE PROCESS SERVER WHO IS NOT LICENSED.

If the judge grants your *Motion to Approve Process Server Who Is Not Licensed*, give the *Summons* and Complaint/Petition to the private process server so they can serve the defendants/respondents in your case. You may need to fill out and file a new *Summons*.

Laws covering these forms: Illinois Supreme Court Rule [102](#), [735 ILCS 5/2-202](#).



STEP 1

FILL OUT AND FILE FORMS.

ARE THESE FORMS FOR ME?

You may **use these forms** when:

- You want to ask the judge for permission to use a private process server who is **not a licensed** process server to serve your *Summons* and Complaint/Petition on the defendants/respondents in your case.
- Your case is a **civil case**. For example, divorce, family, guardianship, eviction, small claims, foreclosure, and cases for injury or property damage.

Do not use these forms if:

- You want to use the sheriff or a licensed process server to serve the defendants/respondents. You do not need permission to use the sheriff or a licensed private process server.
- Your case is a **criminal, traffic, or juvenile court case**.

In Illinois, court documents can be served by one of the following:

- The **sheriff** in the county where the defendant/respondent lives. You do not need permission from the judge to use the sheriff to serve court documents. If the judge has entered an order granting your *Application for Waiver of Court Fees*, your fee waiver includes the fee for an Illinois sheriff to serve your court documents.
- A **licensed private process server**, who is a licensed private detective or a registered employee of a licensed private detective agency. You do not need permission from the judge to use a licensed private process server to serve court documents. Licensed process servers are private businesses and charge a fee. They do not have to waive or lower their fees if you have an approved *Application for Waiver of Court Fees*.
- A **private process server who is not licensed**, who can be any person over 18 years old and not a party to the court case. You must have permission from the judge to use a private process server who is not licensed.

Forms Required

- *Motion to Approve Process Server Who Is Not Licensed*: Use this form to ask for permission to use someone who is not a licensed private process server to serve the defendants/respondents. Your *Motion* must list the specific person you are asking the judge to appoint as the private process server.
- *Notice of Motion for Court Date*: Use this form to notify the other people in the case of the court date for your *Motion*.
- *Order on Motion to Process Server Who Is Not Licensed*: This form is used by the judge to say if your *Motion* is granted or denied.

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

EXTRA HELP WITH THE FORMS

Motion to Approve Process Server Who Is Not Licensed Easy Form

Illinois Legal Aid Online has an Easy Form program that helps you complete your forms. Easy Forms ask simple questions and put your answers in the right places on the forms. At the end of the program, you can download or email your forms to e-file or print them.



Easy Forms are free to use. Visit ilao.info/sps-easy-form or scan the QR code to use the Easy Form.



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.



COSTS AND FEES

There may be costs and fees to take part in a court case. These fees and costs can include fees for filing court documents and Sheriff's fees for providing notice. Depending on the type of court case, there may be other costs and fees charged. 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.



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 if your county has local rules and, if so, where you can get a copy.

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.
- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile.
- There may be fees to file your forms. See the previous Costs & Fees page for more information.
- 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.
- 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.
 - Depending on your courthouse, you can bring your forms on paper and there may be 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, and it is hard for you to travel.
 - Have trouble reading, writing, or speaking English.
 - Are filing documents in a sensitive case, such as an order of protection.
 - 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/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 previous Costs & Fees page 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.



WHAT'S NEXT



STEP 2

SEND FORMS TO THE OTHER PARTY.

- Make sure that you have a court date and that you have filed the *Notice of Court Date for Motion*.
- Send a copies of your *Motion to Approve Process Server Who Is Not Licensed* and *Notice* forms to the other party.
 - You must send your forms to the other people in the case. If a person in the case has a lawyer, send the forms to the lawyer.
- If you and the person you're sending the *Motion* to each have an email address, you must send it by email or electronically through the e-filing system. If either you or the person you're sending the *Motion* to do not have an email address, you may give it to the other person by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).
 - The email address (if you have one) and mailing address you put on the form is where important court documents will be sent to you. You should list an email address 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.



STEP 3

PREPARE AND ATTEND COURT.

Your court date could be in person, by phone or by video.

- If your court date is in person:
 - Get to the courthouse at least 30 minutes early so you have enough time to get through security.
 - 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 someone at the Circuit Clerk's office.
 - Check in with the courtroom staff and wait for your name and case number to be called.
- 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.
 - Start trying to log-in to your courtroom at least 15 minutes before the start time in case you have any problems with technology.
 - Follow these tips to attend court by phone or video: ilcourts.info/remote-resources.
- When your case is called, introduce yourself to the judge. If you are attending by phone or video remember to unmute yourself.
- Have these items with you on your court date:
 - Photo I.D.;
 - Copy of your *Order on Motion to Approve Process Server Who Is Not Licensed*.
 - Other papers or proof related to your *Motion to Approve Process Server Who Is Not Licensed*.
 - Check with the Circuit Clerk for any other local requirements.



Make sure you know how 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/clerks.

Talk to the judge and get a signed copy of the final order.

Present your *Motion to Approve Process Server Who Is Not Licensed* to the judge.

- Tell the judge why you want a private process server who is not licensed 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* or other documents showing the sheriff was not able to serve the forms on the defendants/respondents.

STEP 4



IF THE JUDGE GRANTS THE MOTION TO APPROVE PROCESS SERVER WHO IS NOT LICENSED.

The judge decides whether to grant your *Motion to Approve Process Server Who Is Not Licensed*.

- If the judge grants your *Motion to Approve Process Server Who Is Not Licensed*, you may need to fill out and file a new *Summons*.
 - The *Summons* and *How to Serve a Summons* are available at ilcourts.info/summons-forms.
 - 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*.
- Give the *Summons* and *Complaint/Petition* to the process server so they can serve your forms.



YOU’VE COMPLETED THE STEPS TO APPROVE PROCESS SERVER WHO IS NOT LICENSED!