

HOW TO FILE & SEND A MOTION TO REMOVE EVICTION COURT FILE FROM PUBLIC RECORD

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 does it mean to remove my eviction court file from the public record?

- Normally, all documents in any court file are open to the public and can be viewed or copied by anyone.
 - If you are a defendant in an eviction case, that fact will show up on your background check and it may show up on your credit report. This can make it difficult to rent or buy a home.
- Removing the court file from the public record should prevent the eviction from showing up on a new background check or credit report. It will not change a background check or credit report that was run before the file was removed from the public record.
- Removing the court file from the public record does not prevent a landlord from reporting a debt is owed or giving a negative reference to a future landlord.
- This motion is brought under [735 ILCS 5/9-121](#) (called “Sealing of Court File”). Some judges and court staff may use the word “impound” instead of “seal.”
- **NOTE:** The *Motion to Remove Eviction Court File from Public Record* does not change the outcome of your eviction case; it only asks the court to change who can see the court file.

How do I know if my eviction court file can be removed from the public record?

- The court file in an eviction case **may** be removed from the public record if:
 - The landlord got the facts or law wrong in the eviction case (for example, you can show that the landlord had no reason to file the eviction in the first place or you were not properly served in the case) AND
 - It is more important to keep the court file from being seen by the public than it is to allow the public to see it.
- The court file in an eviction case **must** be removed from the public record if the eviction case was filed because the building was foreclosed on.

When can I file a *Motion to Remove Eviction Court File from Public Record*?

- You can file at any time during or after the case, including after an *Eviction Order* has been entered.

- The judge may wait until the end of the case before they decide whether to remove the court file from the public record.
- Get copies of everything in the court file before you ask the court to remove it from the public record. Once the judge orders the case removed from the public record, it may be harder to see the file.
- In some counties (such as Cook County), the Circuit Clerk may automatically remove an eviction court file from the public record at the time the case is filed if it was filed because of a foreclosure. If the clerk has already hidden the court file, you do not need to file a *Motion to Remove Eviction Court File from Public Record*.

How do I get my eviction court file removed from the public record?

- File a *Motion to Remove Eviction Court File from Public Record* with the Circuit Clerk and request a court date, then file a *Notice of Court Date for Motion*.
- Send a copy of the *Motion to Remove Eviction Court File from Public Record* and a *Notice of Court Date for Motion* to all of the other parties in the case to tell them the date and time when your *Motion* will be heard, then;
- Attend the hearing on your *Motion to Remove Eviction Court File from Public Record* and explain to the judge why they should grant the motion and enter an *Order to Remove Eviction Court File from Public Record*, then;
- If the judge grants your *Motion*, file the *Order to Remove Eviction Court File from Public Record* signed by the judge so that the Circuit Clerk knows to remove the court file from the public record. Keep a copy of the signed order for your own records.

What forms do I need to fill out to file a *Motion to Remove Eviction Court File from Public Record*?

- ***Motion to Remove Eviction Court File from Public Record:*** Use this form to ask the judge to remove the court file from the public record.
- ***Notice of Court Date for Motion*** 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 email or street addresses of the other parties or their lawyers; AND
 - Tells the other parties in the case about the court date.

- **Order to Remove Eviction Court File from Public Record:** Is used by the judge to say if your *Motion to Remove Eviction Court File from Public Record* is granted or denied.
- 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.

Where can I find the forms I need?

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

Are there any costs associated with a *Motion to Remove Eviction Court File from Public Record*?

- There is usually no cost to file a *Motion to Remove Eviction Court File from Public Record*. Check with your local Circuit Clerk to be sure.
- If there is a filing fee and you cannot afford it, you can ask the court to file for free or at a reduced cost by filing the *Application for Waiver of Court Fees* found at ilcourts.info/forms.

What do I do after I fill out my forms?

Step 1: Get a court date for the *Notice of Court Date for Motion*.

- You must put a court date on your *Notice* before it is filed. How you get a court date depends on the county where your case was filed.
 - **Outside of Cook County:**
 - Before filing your *Motion to Remove Eviction Court File from Public Record*, contact the Circuit Clerk's office where your eviction case was filed and ask how to schedule a hearing. You may be required to file your *Motion to Remove Eviction Court File from Public Record* before you can get a court date. To find the Circuit Clerk's phone number, visit ilcourts.info/CircuitClerks.
 - **Cook County:**
 - If you are e-filing, you will choose your court date when you file your forms. If you need help, contact the Cook County Circuit Clerk's office in the district where your case is filed. To find information about the Cook County Circuit Clerk's office, visit cookcountyclerkofcourt.org/.
 - If you are not e-filing, ask the Circuit Clerk's staff to help you schedule a court date when you go to file your *Motion*. You must e-file your court documents unless you qualify for an exemption. See Step 2 below for a list of exemptions.

- Once you have scheduled your court date and time with the Circuit Clerk, write or type the date onto all copies of your *Notice of Court Date for Motion*.

Step 2: File your *Motion to Remove Eviction Court File from Public Record* and *Notice of Court Date for Motion* with the Circuit Clerk in the county where the eviction case is filed.

- There may be fees to file your forms. Contact your Circuit Clerk's Office for more information: ilcourts.info/CircuitClerks

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 "Not E-Filing" below) 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 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.
 - 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.
 - 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/ExemptionCircuit. If you cannot 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 3: Send a copy of your *Motion to Remove Eviction Court File from Public Record and Notice of Court Date for Motion* to the other parties.

- You must send your forms to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
 - Include your court date and time on your *Notice of Court Date for Motion*.
- If you and the person you're sending these forms 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 them 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: Get ready for your court date.

- Decide and write down:
 - What you want to ask the judge to do for you;
 - What you will say to the judge if asked to tell your side of the case; AND
 - Questions you have for witnesses, if there are any.
- Gather and make copies of pictures and documents you want the judge to see. Bring the original for the judge and one copy for you and each of the people in the case. If your court date is by phone or video, contact the Circuit Clerk and ask how you can get a copy of these items to the judge before the hearing date. You might have to e-file them like your other documents. You will also have to get a copy of these items to the other parties.
- If you want the judge to hear from other people, those people will have to attend court and be

witnesses (in most cases, you cannot bring in written statements of witnesses). If your court date is by phone or video, you will have to arrange for your witnesses to attend by phone or video.

Step 5: Attend your court date.

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/CircuitClerks.

- You must attend the court date if one is scheduled. If you do not, the judge could deny your motion.
- 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.
- Have these items with you on your court date:
 - Photo I.D.;
 - Copies of all the documents you filed with the Circuit Clerk;
 - Copy of your *Order*; and
 - Other papers or proof related to your *Motion to Remove Eviction Court File from Public Record*.
- Arrive for your court date at least 15 minutes early. If you are going in person to court, add more time for going through security.
- If your hearing is in person, find the courtroom number listed on your court forms. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- You may need to check in with the courtroom staff. Then, wait for your name and case number to be called.
- When your case is called, introduce yourself to the judge. If you are attending by phone or video, remember to unmute yourself.

Present your argument to the judge.

- Tell the judge the reasons why you want the court file in your eviction case to be removed from the public record

- Tell the judge how your case meets one of the two requirements to have the court file removed from the public record:
 1. If the eviction case was filed because the building was foreclosed, tell the judge that.
 2. If the landlord got the facts or law wrong in this case (for example, you can show that the landlord had no reason to file the eviction in the first place or you were not properly served in the case) **AND**
 - it is more important to keep the court file from being seen by the public than it is to allow the public to see it, explain why to the judge.
- If the parties agree that the court file should be removed from the public record, tell the judge.
- If your eviction case was filed because the building was foreclosed, the judge **must** remove the court file from the public record.
- Otherwise, if the judge agrees that the landlord got the facts or law wrong and it is more important to keep the court file from being seen by the public than it is to allow the public to see it, then the judge **may** remove the court file from the public record.

What should I do if the judge grants my *Order to Remove Eviction Court File from Public Record*?

- If the judge grants your *Motion to Remove Eviction Court File from Public Record*, they may ask you to fill out some or all of the *Order to Remove Eviction Court File from Public Record*.
- Make sure to get a copy of the *Order to Remove Eviction Court File from Public Record* from the judge after they have entered it by signing or stamping the *Order*.
- Ask the Circuit Clerk what you need to do with the entered *Order to Remove Eviction Court File from Public Record* to make sure the court file gets hidden. Follow any instructions they give you.
- Send a copy of the order to any other party that was not in court at the time the order was entered.
- Check back in a few weeks to make sure that the court file was removed from the public record. Follow up with the Circuit Clerk if the file was not removed.