

How Do I Serve the Other Party?

“Service” is how a person who you are filing a lawsuit against is notified that a case has been started and told how they can participate in that case. There are essentially two ways to obtain “service”:

1. By Placing a Summons for Service

- The most common way to do this is to place your summons for service with the Sheriff’s Office This step may be completed electronically by going to sheriffefile.ccsheriff.org or in person at the Daley Center in Room 801 upon payment of a \$60.00 fee.
- The Sheriff will need a copy of your summons and a copy of the pleading which initiated the case (“Petition”), and the Sheriff may request further information.
- Once you have issued your summons, the Sheriff will try to serve your documents via either personal service¹ or substitute service² and then the Sheriff will file a document with the court indicating whether they were able to serve the other party.³

2. By Filing an Affidavit for Service by Publication

- Service by publication is not available in every case. Pursuant to 735 ILCS 5/2-206, it is only appropriate when you can show that one of the following circumstances applies:
 - i. A defendant resides or has gone out of State, or
 - ii. On due inquiry a defendant cannot be found, or
 - iii. A defendant is concealed within this State.
- Service by Publication can be achieved by drafting and filing an affidavit showing that one of the above circumstances applies to your case. The affidavit must also state the defendant’s place of residence, if known, or that the defendant’s place of residence cannot be ascertained.
- If you think one of those circumstances applies to your case, you may want to use the worksheet available at tinyurl.com/SearchAttempts to help you draft the affidavit.
- Once you have filed an Affidavit for Service by Publication, the Clerk’s Office will give notice by publication in a local newspaper, such as the Law Bulletin. A \$250.00 dollar fee is associated with publication via the Law Bulletin.

Note that you may need to attempt service multiple times or via both methods. Consequently, it is often best to keep a detailed record of your attempts to obtain service.

¹ Leaving a copy of the summons and petition with the defendant personally pursuant to 735 ILCS 5/2-203.

² Leaving a copy of the summons and the Petition at the defendant’s usual residence, with a family member or resident over the age of 13 pursuant to 735 ILCS 5/2-203, if the Defendant is not present when personal service is attempted.

³ If the Sheriff is unable to serve the opposing party via personal or substitute service, you will need to complete an alias summons (a second notice), prepare a motion, and schedule a time to present your motion to your judge. The motion should ask for leave to serve by special order of court pursuant to 735 ILCS 5/2-203.1, and must be accompanied with an affidavit stating the nature and extent of the investigation you made to determine the defendant’s whereabouts. You also must state the reasons why personal or substitute service is impractical, including a specific statement showing that a diligent inquiry as to the defendant’s location was made and reasonable efforts to make service have been unsuccessful.

DISCLAIMER: This guide serves as a court-process navigation tool. It does not contain legal advice. Litigants are encouraged to consult an attorney if possible and the Illinois Marriage and Dissolution of Marriage Act (IMDMA) at 750 ILCS 5/ et seq. for more information. Note that the IMDMA and all accompanying statutes have been interpreted and explained by the Illinois Appellate Court and the Supreme Court of Illinois; and their decisions are equally as binding on the trial court as the statute itself. To research and review those cases via a legal research database commonly used by judges and attorneys, please visit any of the Circuit Court of Cook County’s Law Libraries (e.g. 29th floor of the Daley Center).