

What do I do if I Have Been Served?

“Service” is how you are notified that someone has started a court case against you through hand delivery of the Summons and a copy of the Petition. There are two common routes to choose from after you have been served, and you should talk to an attorney* to determine which route is best for you.

1. Participating in the Case by Filing an Appearance and Answer

- Participating in the case requires filing two separate documents – an Appearance to indicate you intend to participate and an Answer to respond to the specific things the other party has alleged.
- An Appearance is a simple fill-in-the-blank form available at illinoislegalaid.org or at the Clerk’s Office.
- An Answer requires a little more writing. You must respond to every paragraph of the Petition by either:
 1. Admitting the information in that paragraph is true,
 2. Denying the information in that paragraph (i.e. saying it is false), or
 3. Saying you do not know if the information in a paragraph is true or not.
- In the Answer, you can also include your defenses to the Petition.
- When you finish your Appearance and your Answer, you have to file them with the Clerk’s Office and send a file-stamped copy to the other party or their attorney if they have one.
- Notably, the Clerk’s Office requires that all documents be filed online (called “e-filing”) with certain exceptions. You can learn more about e-filing in Cook County here: illinoislegalaid.org/legal-information/e-filing-tips-cook-county. The Summons you received when you were served should give you more information on where specifically to file your documents and the deadline you need to file them by.
- Once you have filed both documents, you must keep track of the case by reading everything the other party sends to you, preparing your own motions and responses, and coming to every court date or sending an attorney* on your behalf. See illinoislegalaid.org for more information.
- If you stop participating in the case at any point, you risk a Default Judgment being entered against you.

2. Declining to Participate and Risking the Entry of a Default Judgment

- The case will proceed without you if you do not participate. You cannot prevent that simply by ignoring it.
- If you do not file an Appearance, Answer, or challenge to the court’s authority to hear your case** by the date stated in the Summons, the Judge may enter a Default Judgment against you without hearing your side.
- If a Default Judgment is entered against you and you decide later that you would like an opportunity to present your thoughts on the case, you would have to file a Motion to Vacate the Default Judgment including specific facts that explain your side of the case, why you did not participate before the Default Judgment was entered, and why you waited until now to ask that the judgment be vacated.
- The specific requirements for a Motion to Vacate vary based on how much time has gone by between the entry of the Default Judgment and the filing of your Motion, and you should consult an attorney* to be sure you are complying with the correct requirements.

* You can see if you qualify for free or low-cost legal services here: illinoislegalaid.org/get-legal-help, or if you qualify for free legal advice by calling CARPLS at (312) 738-9200. Active military, retired military, veterans, their spouses, and their qualified dependents can talk to a lawyer for free by calling the Illinois Armed Forces Legal Aid Network at (855) 452-3526.

** In some very unusual circumstances you may be able to argue that this court is not the correct court to hear your case (i.e. neither you or the other party live in this county, the other party lives in Illinois but you do not, etc.). Challenging the court’s authority to hear this case is a very complicated process with serious legal ramifications and if you think this route may be the most appropriate for you, you should contact an attorney*.

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).