

SPECIAL REPRESENTATIVE – REQUIRED DOCUMENTS

Petitions to appoint a special representative pursuant to 735 ILCS 5/2-1008 (a party to a lawsuit passes away during the pendency of case) or 735 ILCS 5/13-209 (a potential plaintiff or defendant has passed away before a lawsuit has been commenced) may be emailed to Judge Flannery's law clerk at law.cal2005cc@cookcountyil.gov or brought to Room 2003 Monday-Friday.

735 ILCS 5/2-1008(b)(1) and 735 ILCS 5/13-209(a)

In order for an individual to be appointed a special representative for the purpose of prosecuting an action, the movant must provide the Court with:

- The Petition to Appoint Special Representative
- The Complaint the Petitioner seeks to file
- A proposed Order granting the Petition emailed in a Microsoft Word document

Petition:

- The following language MUST be in the petition, pursuant to 735 ILCS 5/13-209(a):
 - “No petition for letters of office have been filed.”
- List the names and last known addresses of all known heirs and legatees, and, if a will has been filed, list the name and last known address of the executor named in the will.
- Notice to the heirs and legatees MUST be provided within 90 days after appointment of the special representative.
- The petition may be brought by any party who appears entitled to participate in the deceased's estate.

Order:

- The order must appoint the individual as special representative to prosecute the action under 735 ILCS 5/2-1008(b)(1) or 735 ILCS 5/13-209(a)(2).
- The order must state that notice will be provided to the heirs and legatees within 90 days in accordance with the statute.

735 ILCS 5/2-1008(b)(2) and 735 ILCS 5/13-209(b)

In order for an individual to be appointed a special representative for the purpose of defending an action, the movant must provide the Court with:

- The Petition to Appoint Special Representative
- The Complaint the Petitioner seeks to file
- A proposed Order granting the Petition emailed in a Microsoft Word document

Petition:

- The following language MUST be in the petition, pursuant to 735 ILCS 5/13-209(b)
 - “No petition for letters of office have been filed.”
 - “The recovery shall be limited to the proceeds of any liability insurance protecting the estate.”
- The petition may be brought by any person bringing the action/entitled to bring the action.

Order:

- The order must appoint the individual as special representative to defend the action under 735 ILCS 5/2-1008(b)(2) or 735 ILCS 5/13-209(b)(2).