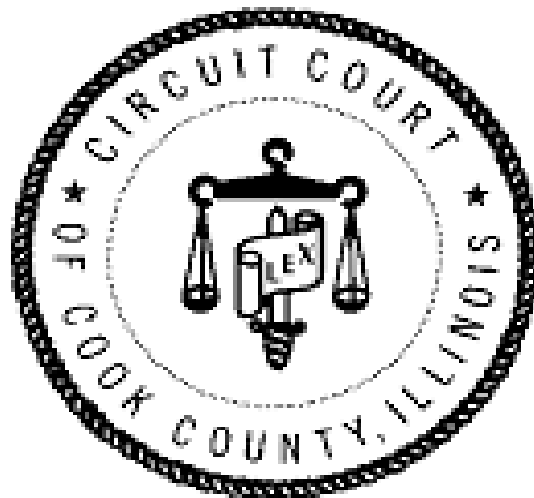


**DOROTHY BROWN
CLERK OF THE CIRCUIT COURT OF COOK COUNTY**

IDENTITY THEFT / FACTUAL INNOCENCE GUIDELINES



Factual Innocence Petitions May Be Filed With or Without An Attorney

If you want an attorney and need assistance locating one, the Clerk's Office has a list of "Legal Service Providers" available for your reference

Visit Us At:

www.cookcountyclerkofcourt.org

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TABLE OF CONTENTS

Page

Introductory Page	1
Frequently Asked Questions	2
1. How Much Does It Cost to File My Factual Innocence Petition?	2
2. How Do I Make Sure I Am Listing All The Cases Where My Identity Was Impersonated on My Petition?	2
3. Which Forms Do I Fill Out?	3
4. How Do I Prove That My Identity Was Impersonated?	3
4. Where Do I Go To File My Petition?	4
5. To What Entities Must I Send Copies of My Petition(s)?	6
6. What Happens After I Have Filed My Petition With the Court?	6
7. If My Petition Is Granted, What Happens Next?	6
8. If My Petition Is Denied, Can I Appeal That Decision?	7
10. Do I Need A "Certified" Copy of the Court's Order?	7
Clerk's Office Forms	8

**DOROTHY BROWN
OFFICE OF THE CLERK OF THE CIRCUIT COURT
COOK COUNTY, ILLINOIS**

IDENTITY THEFT / FACTUAL INNOCENCE GUIDELINES

PLEASE READ CAREFULLY

Beginning January 1, 2004, when someone has falsely identified himself or herself using your identity during his/her criminal arrest, citation, or conviction; if a criminal complaint has been filed against the perpetrator in your name; or if your identity has been mistakenly associated with a criminal conviction; the Illinois Identity Theft Law and the Criminal Identification Act allow for you to clear your name from these records. You may do this by petitioning the court for an expedited judicial determination of your "factual innocence." (720 ILCS 5/16G-30 and 20 ILCS 2630/5(b)) You may file this Petition on your own ("*pro se*") – you are not required to have an attorney.

LAW ENFORCEMENT INVESTIGATION: The Illinois Identity Theft Law requires the local law enforcement agency that has jurisdiction over the area where your residence is located to take a police report regarding the identity theft. You may initiate an investigation by contacting your local law enforcement agency. (You are not required to go to the jurisdiction where the crime was committed to file your police report. If the crime was committed in another jurisdiction, your local police agency will refer the matter to the police agency with jurisdiction over the relevant location for investigation.) (720 ILCS 5/16G-30(a)) The police report you file may be evidence that you wish to attach to your factual innocence Petition in support of your case.

COURT PROCEDURE: The Clerk of the Circuit Court of Cook County will provide Petition forms, schedule a court hearing date, and process the forms when they are filed. It is the responsibility of the party filing the Petition to ensure that the correct form(s) are used, the documents are correctly prepared, the appropriate cases are listed on the Petition, and that all legal requirements have been met. It is the responsibility of the *pro se* person filing the Petition to go to court on the hearing date and to make any necessary arguments on his/her behalf.

It is recommended that the party filing the Petition fully understands the proper procedures and requirements for filing the Petition. If you have any questions regarding any aspect of the process, please contact an attorney or obtain a legal referral from a Bar Association. The Clerk's Office can provide you with a List of Legal Service Providers.

**THE CLERK'S OFFICE IS PROHIBITED FROM GIVING LEGAL ADVICE,
PREPARING THE FORMS, OR ADVISING THE PARTIES
ON HOW TO COMPLETE THE REQUIRED FORMS**

705 ILCS 110/1; 705 ILCS 205/10; Illinois Supreme Court Rule 756(b)

If the court enters an order finding you factually innocent, your name and other personal identifying information contained in the court records, files, and indexes may be ordered sealed, deleted, or labeled to show that the data is impersonated and does not reflect your identity. (720 ILCS 5/16G-30(c) and 20 ILCS 2630/5(b))

If the judge grants your Petition, you must send a copy of your Order to the Illinois State Police, the local arresting police agency/agencies, and the prosecutor. (20 ILCS 2630/5(b)) You must also send the Illinois State Police the fee of \$40.00 to process the court's Order. The local agency/agencies that made the arrest may also request that you pay a fee. Please make sure that you make contact with the Illinois State Police and local arresting agency/agencies and follow their instructions. If necessary in your case, you may also want to send certified copies of your Order to the credit reporting agencies to remove any fraudulent credit information from your credit report.

**DOROTHY BROWN
OFFICE OF THE CLERK OF THE CIRCUIT COURT
COOK COUNTY, ILLINOIS**

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1. HOW MUCH DOES IT COST TO FILE MY FACTUAL INNOCENCE PETITION?

There is no fee for the filing of a factual innocence Petition.

If your Petition is granted, the Illinois State Police will require you to pay a \$40.00 fee, and the local arresting agency may require you to pay an a separate fee to them in order to process the court's Order.

2. HOW DO I MAKE SURE I AM LISTING ALL THE CASES THAT FALSELY CONTAIN MY IDENTITY ON MY PETITION?

You may ask the Chicago Police Department or Illinois State Police to conduct a criminal history record search of your name and other identifying information. This is an effective way to confirm that you are listing ALL of the cases you wish to have corrected.

It is your responsibility to list ALL of the cases you wish to correct on your Petition. The Clerk of the Circuit Court of Cook County is not responsible for confirming that you have listed all pertinent cases on your Petition.

For Records in the City of Chicago Only:

Chicago Police Department

Access and Review Division
3510 South Michigan Avenue, First Floor
Chicago, Illinois 60602
312-745-5570

Fingerprints taken: Monday – Friday, 8:00 a.m. – 12:00 p.m.

Pick-up criminal history results: Monday – Friday, 2:00 p.m. – 3:30 p.m.

Fee: \$16.00

For Records in the State of Illinois:

Illinois State Police (in Joliet, Illinois)

Division of Administration
Bureau of Identification
260 North Chicago Street
Joliet, Illinois 60431

815-740-5160, extension 2743

Order forms online at www.isp.state.il.us

Fee for non-fingerprint conviction information: \$12.00

Fee for fingerprint conviction information: \$14.00

3. WHICH FORMS DO I FILL OUT?

Fill out the following forms, available at the Clerk's Office or online at www.cookcountyclerkofcourt.org:

- | | |
|------------|------------------|
| ✓ Petition | Form #CCCR-_____ |
| ✓ Order | Form #CCCR-_____ |

If you are filing multiple cases on one Petition, please note if one case is denied, all cases filed on that particular Petition will be denied.

If there are separate cases that arose in more than one of the Departments, Divisions, or Districts listed in answer to question #4, below, you should file separate Petitions for each location. (See Circuit Court of Cook County General Order 17.7.)

For every Petition you file, you should also file an Order with your case information on it for the judge to fill-out when s/he has made a decision.

4. HOW DO I PROVE THAT MY IDENTITY WAS IMPERSONATED?

Your factual innocence may be proven by "*declarations, affidavits, police reports, or other material, relevant, and reliable information submitted by the parties or ordered to be part of the record by the court.*" (720 ILCS 5/16G-30(b))

If you have any documents supporting the fact that your identity was impersonated, please **attach copies of these documents to the Petition that you file with the court** so that the judge has the opportunity to review them before making his/her decision. Please keep the original of these documents for yourself.

The documents you attach to your Petition(s) may include, **for example**:

- The police report you filed with your local police agency to commence their investigation of the identity theft;
- The results of the investigation conducted by the local police agency into the identity theft, if completed;
- The results of your fingerprint search with the Chicago Police Department or Illinois State Police to show that your fingerprint does not match the fingerprint of the person arrested;
- A copy of your Driver's License to show that it does not match the physical description of the person arrested;
- A copy of your Social Security Card as evidence that the imposter did not give your correct Social Security number at the time of his/her arrest;
- Evidence that you were at work or out of the city/state/country at the time the offense was committed; and
- Any other document that you believe supports your case.

5. WHERE DO I GO TO FILE MY PETITION?

- ◆ If your identity falsely appears in a **Criminal case** that arose in the **City of Chicago**, your completed forms should be filed in the Criminal Department or in the Criminal Division:

DISTRICT 1 -- CRIMINAL DEPARTMENT – CHICAGO

Richard J. Daley Center
50 West Washington Street
Room 1006
Chicago, Illinois 60602

General Information: 312-603-4641 or -4642
Criminal Manager: 312-603-4648
Traffic Manager: 312-603-2923

DISTRICT 1 -- CRIMINAL DIVISION – CHICAGO

2650 South California Avenue
Chicago, Illinois 60608

General Information: 773-869-3140

- ◆ If your identity falsely appears in a **Traffic case** that arose in the **City of Chicago**, your completed forms should be filed in the Traffic Division:

DISTRICT 1 – TRAFFIC DIVISION – CHICAGO

Richard J. Daley Center
50 West Washington Street
Room LL-20, Lower Level
Chicago, Illinois 60602

General Information: 312-603-2926
Criminal Manager: 312-603-2959
Traffic Manager: 312-603-2924

- ◆ If your identity falsely appears in a **Criminal or Traffic case** that arose in **any of the five Suburban Districts**, the forms should be filed in the respective District:

DISTRICT 2 – SKOKIE

5600 Old Orchard Road
Skokie, Illinois 60077

General Information: 847-470-7250
Criminal Manager: 847-470-7269
Traffic Manager: 847-470-5088
Assistant Traffic Manager: 847-470-7546

Cities and Villages within District 2:

Deerfield, Des Plaines, Evanston, Glencoe, Glenview, Golf, Kenilworth, Lincolnwood, Morton Grove, Niles, Northbrook, Northfield, Park Ridge, Prospect Heights, Skokie, Wilmette, Winnetka, Cook County Sheriff, Cook County Forest Preserve, Illinois State Police Districts 3 and 15.

DISTRICT 3 – ROLLING MEADOWS

2121 Euclid Avenue
Rolling Meadows, Illinois 60008

General Information: 847-818-3000
Criminal Manager: 847-818-2701
Traffic Manager: 847-818-2193
Assistant Traffic Manager: 847-818-2578

Cities and Villages within District 3:

Arlington Heights, Barrington, Barrington Hills, Bartlett, Bensenville, Buffalo Grove, Elgin, Elk Grove Village, Hanover Park, Harwood Heights, Hoffman Estates, Mount Prospect, Rolling Meadows, Roselle, Rosemont, Schaumburg, Schiller Park, South Barrington, Streamwood, Wheeling, Cook County Sheriff, Cook County Forest Preserve, Illinois State Police Districts 2, 3, and 15.

DISTRICT 4 – MAYWOOD

1500 Maybrook Avenue
Maywood, Illinois 60153

General Information :	708-865-4937
Criminal Manager:	708-865-4978
Traffic Manager:	708-865-5195
Assistant Traffic Manager:	708-786-2445

Cities and Villages within District 4:

Animal Control, Bellwood, Berkeley, Berwyn, Broadview, Brookfield, Burlington North/Sante Fe Railroad, Cicero, Cook County Sheriff, Elgin/Joliet, Elmhurst, Elmwood Park, Forest Park, Forest Preserve, Franklin Park, Hillside, Hines Hospital, Illinois Commerce Commission, LaGrange Park, Maywood, Maywood Park District, Melrose Park, Memorial Park, Metra Police Department, Northlake, North Riverside, Public Safety, Oak Park, River Forest, River Grove, Riverside, Secretary of State Police, Stone Park, Triton College, Union Pacific Railroad, Water Reclamation, Westchester.

DISTRICT 5 – BRIDGEVIEW

10220 South 76th Avenue
Bridgeview, Illinois 60455

General Information:	708-974-6500
Criminal Manager:	708-974-6387
Traffic Manager:	708-974-6906
Assistant Traffic Manager:	708-974-6520

Cities and Villages within District 5:

Alsip, Bedford Park, Bridgeview, Burbank, Burr Ridge, Chicago Ridge, Countryside, Crestwood, Evergreen Park, Forest View, Hickory Hills, Hinsdale, Hodgkins, Hometown, Indian Head Park, Justice, LaGrange, Lemont, Lyons, Merrionette Park, McCook, Oak Lawn, Orland Hills, Orland Park, Palos Hills, Palos Park, Stickney, Summit, Tinley Park, Western Springs, West Haven, Willow Springs, Worth, Cook County Sheriff, Cook County Forest Preserve, and Illinois State Police Districts 3 and 15.

DISTRICT 6 – MARKHAM

16501 South Kedzie Parkway
Markham, Illinois 60426

General Information:	708-210-4551
Criminal Manager	708-210-4217
Traffic Manager:	708-210-4486
Assistant Traffic Manager:	708-210-4577

Cities and Villages within District 6:

Blue Island, Burnham, Calumet City, Calumet Park, Chicago Heights, Country Club Hills, Crete, Dixmoor, Dolton, East Hazelcrest, Flossmoor, Ford Heights, Glenwood, Harvey, Hazelcrest, Homewood, Lansing, Lynwood, Markham, Matteson, Midlothian, Oak Forest, Olympia Fields, Park Forest, Phoenix, Posen, Richton Park, Riverdale, Robbins, Sauk Village, South-Chicago Heights, South Holland, Steger, Thornton.

6. ONCE I'VE FILED MY PETITION(S) WITH THE COURT, TO WHAT ENTITIES MUST I SEND COPIES OF MY PETITION(S)?

Once you have filed your Petition and Order with the court, there is no requirement that you send copies of these documents to anyone else. The judge, however, may require you to serve a copy of these documents on an additional party at a later time.

7. WHAT HAPPENS AFTER I HAVE FILED MY PETITION AND ORDER WITH THE COURT?

You will be notified of your hearing date by the Clerk's Office. On your hearing date you should arrive at the courthouse where your case will be heard. Review the computer printout of cases posted outside of your judge's courtroom, and look to see the "line number" assigned to your case. Use this line number to check-in with the Courtroom Clerk so that s/he knows that you are there. Please turn off all cell phones or pagers.

When the Courtroom Clerk announces your line number and case name, please approach the judge's bench, state your name and introduce yourself as the Petitioner. The judge may ask you questions or ask you to make a statement. If you refer to the judge during your presentation, you should respectfully call him/her "Your Honor" or "Judge." Explain to the judge the evidence supporting your factual innocence claim.

8. IF MY PETITION IS GRANTED, WHAT HAPPENS NEXT?

If your Petition is granted, the judge will ask you to complete the Order form in duplicate to reflect his/her ruling. Please write down the judge's ruling in the most accurate way you can and give the completed Order and a copy to the Courtroom Clerk. The Courtroom Clerk will give the original Order to the judge for signature. The Courtroom Clerk will stamp your copy as "entered." Do not leave the Courtroom without a copy of your Order that has the judge's entered stamp on it to take home with you.

After your Petition is granted, you must send a copy of the court's Order to the Illinois State Police, the arresting law enforcement agency/agencies, and the prosecutor in order for them to correct your records. The Illinois State Police will require a \$40.00 fee to process the court's Order. The local arresting agency may also require a fee. Please always keep a copy of the Order for yourself.

In order to ensure that the law enforcement records are corrected, please follow the instructions of the Illinois State Police and local arresting agency. The Illinois State Police will notify you that their record has been corrected within 30-45 days after receiving your \$40.00 fee and paperwork. The Illinois State Police will then forward the material to the FBI so that the FBI can also process the court's Order. In about 30 days, the Illinois State Police will receive notice from the FBI that they have completed their processing. You will not receive anything from the FBI directly. You may call the Illinois State Police to check on the status

of the FBI processing at 815-740-5160. If, at any time, you want to know what is on your FBI record, you may call the FBI at 304-625-3878. (The FBI charges an \$18.00 fee for this service.)

If necessary in your case, you may also want to send certified copies of your Order to the credit reporting agencies. Include a cover letter with your name, address, and Social Security number, and request that any false credit history related to the identity theft be immediately removed from your credit report. If you send a letter alerting one credit reporting agency of the identity theft, that agency will automatically notify the other two.

Equifax Credit Information Services, Inc.

Consumer Fraud Division
 P.O. Box 740256
 Atlanta, GA 30374
 800-525-6285
 Website: www.equifax.com

Experian

Experian's National Consumer Assistance
 P.O. Box 2002
 Allen, TX 75013
 888-397-3742
 Website: www.experian.com

TransUnion

Fraud Victim Assistance Department
 P.O. Box 6790
 Fullerton, CA 92834
 800-680-7289
 E-mail questions to fvad@transunion.com
 Website: www.transunion.com

9. IF MY PETITION IS DENIED, CAN I APPEAL THAT DECISION?

If the judge denies your Petition, you may ask the Presiding Judge of the Division(s), Department(s), or District(s) in which your identity theft case was heard to reconsider your Petition(s). To do this, you can file a Motion and a Notice of Motion and obtain a court date, or you can file a Notice of Appeal. These forms are available in the Criminal Department, Criminal Division, or Suburban District or are available online at www.cookcountyclerkofcourt.org.

10. DO I NEED A "CERTIFIED" COPY OF THE COURT'S ORDER?

A "certified" copy is a copy containing a Clerk's Office seal verifying it to be an authentic court document. You may need a certified copy of your order, for example, to prove to an employer that a criminal record that contained your name does not involve you. The Clerk's Office charges a fee of \$9.00 for a certified copy of your factual innocence Order. (705 ILCS 105/27.2a) You may contact the Clerk's Office in person, by mail, or by phone for a certified copy of your Order. (See Answer to Question # 5, above, for contact information.)

DOROTHY BROWN
OFFICE OF THE CLERK OF THE CIRCUIT COURT
COOK COUNTY, ILLINOIS

The new Identity Theft Petition and Order forms are still under revision.

In the interim, Petitioners should self-draft a Petition and use the General Order Form provided by the Clerk's Office:
Form # CCG 0002.

We apologize for the inconvenience.

If you have questions regarding this process, please contact the location where the case involving your identity theft arose (see answer to Question # 5 for contact information).