

Iris Y. Martinez
Cook County Circuit Clerk



A Guide

To

Civil Division

For Plaintiffs

The Civil Division hears the following types of actions in which the amount of the claim is less than \$30,000 and the event surrounding the suit occurred in Chicago:

- **Tort:** A private or civil wrong or injury other than a breach of contract for which the court will provide a remedy in the form of an action for damages. The majority of civil cases involve property or automobile damages resulting from accidents.
- **Contract:** An agreement between two or more persons, which creates an obligation to do a particular thing. The bulk of these cases involve owing money to someone for something (breach of contract.)
- **Personal Injury:** Any wrong or damage done to another person, such as, physical pain, illness, or any impairment of physical condition resulting from the careless or negligent actions of others. The most common cases involve automobile accident injuries.
- **Housing:** A lawsuit which is brought into court by the City of Chicago in reference to housing violations, which include but is not limited to, lead paint, broken windows, broken stairs, heat cases, etc.
- **Eviction and Eviction Joint Action:** A summary proceeding in which the landlord seeks to restore possession of the premises or payment of rent when the tenant has wrongfully withheld rent or possession of the premises.

SUBURBAN DISTRICTS

Suburban Districts may also accept Civil filings and may hear cases as those listed above where the claim is less than \$100,000.

CALLS SCHEDULE

The Civil Division maintains the following calls, among others: Trials, Motions, Default and Status Calls.

COURTROOMS

The Civil Division operates 32 courtrooms. Trial and motion calls are set by the Presiding Judge. Refer to Circuit Court Rule 2.1.

RECORDS MAINTAINED

The Civil Division maintains records for all claims under \$30,000 as listed above, including, but not limited to the following matters: Contracts, Personal Injury/Tort, Administrative Review, Housing and Evictions.

Dates: Civil Division files, with the exception of Housing cases, are retained for 21 years and then destroyed pursuant to statute. A sample of cases is retained from each year for historical purposes.

Frequently Asked Questions

What happens if the Defendant is not served before the status hearing date?

If the defendant is not served before the status hearing date, the first summons (or a previous summons) will then have expired. If this is the case, you must then complete, file and issue a second summons known as an Alias Summons. Thus, if the Defendant has not been served you have three options:

- You may complete an Alias Summons (regular Summons form, with "Alias" checked or written) and serve the Defendant through the Sheriff's Office.
- You may do a motion asking the Judge for a Special Process Server (SPS)
- You may complete an Alias Summons (regular Summons form, with "Alias" checked or written) and serve the Defendant by Certified Mail if your filing qualifies. You may get a Summons form from the Clerk's Office in Room 601 of the Daley Center or you may download the form from our website.



Office of the Clerk of the Circuit Court of Cook County
Civil Division

Richard J. Daley Center
50 West Washington St., Room 601 Chicago, IL 60602
(312) 603-5116

civildivservices@cookcountycourt.com

Hours: 8:30 a.m. to 4:30 p.m.
Monday through Friday, Excluding
Court Holidays

Frequently Asked Questions Continued

If you are filing a lawsuit against someone, you are the Plaintiff. The person or party you are suing is the Defendant.

What forms do I need to file a lawsuit and where can I get them?

To file a lawsuit, you must complete Complaint and Summons forms. You can use the Civil Action Cover Sheet to determine the type of case you are filing. These forms are available from the Civil Division of our Office. Forms may also be obtained from our website. You will have to serve the Defendant either through the Sheriff's Office or through Certified Mail, if you qualify to serve by Certified Mail.

SPECIAL NOTE: CERTIFIED MAIL

You may only choose to serve by Certified Mail if your case is under \$10,000 and the Defendant is in the state of Illinois. You must make service through Certified Mail to an actual address, not a Post Office Box. If your case is an Eviction case or your claim exceeds \$10,000, service may NOT be made by Certified Mail.

Will I have to pay for service by Certified Mail?

Yes, you will be required to pay the Clerk's Office a nominal fee to serve by Certified Mail. NOTE: Certified Mail fee is subject to charge by the U.S. Postal Service. NOTE: If serving by Certified Mail leave the originals and copies of the Complaint and Summons forms with the cashier, and keep a set of copies for your records.

Will I have to pay a filing fee, and if so, for what amount?

Yes, you will be required to pay a filing fee. The fee will vary depending on the amount of your claim. You may pick up a schedule of filing fees at the Customer Service Counter in the Civil Division in Room 601 of the Daley Center, or you may download the schedule from our website on the Civil Division page.

What must I do after I have completed the Complaint, Summons and the Optional Civil Action Cover Sheet forms?

After you have completed the Complaint and Summons forms, get a Status Hearing Date from the blackboard in Room 601 or 602 of the Daley Center. If you are filing your case onsite with an eFile Exemption Form, you will need to put a Status Hearing Date on both the Complaint and Summons forms. If you are filing your case electronically, the system will provide you with the Status Hearing Date which will be placed on the completed forms you must upload.

What must I do next after I get a Status Hearing Date?

You should pay your filing fee and get a case number. Take your completed Complaint forms to the cashier at Station 3 in Room 602 of the Daley Center to pay the proper filing and Certified Mail fees, if you have selected Certified Mail service. You will then be assigned a case number (for example, "2021 M1 123456").

What must I do next after I pay the filing and/or Certified Mailing fee and get a case number?

After you have paid your filing fee and/or Certified Mail fee (if serving by Certified Mail) and have been issued a case number, you must serve the Defendant with a Complaint and Summons. It is important that the Defendant is served with your lawsuit (a copy of the Complaint and Summons) within 50-60 days of the date you filed the lawsuit. Once the Defendant is served with your lawsuit, by law, he or she must file an Answer or Appearance on or before the Hearing Date.

How do I serve the Defendant?

- You may serve the Defendant through the Sheriff's Office or by Certified Mail through the Clerk's Office.
- Service by the Sheriff's Office: If you want the Sheriff's Office to serve the Defendant then you must take one copy of the Complaint and Summons to the Sheriff's Office in Room 701 of the Daley Center, or you may file electronically by going to the Cook County Sheriff's website. You will be required to pay a fee. You may determine the fee by visiting the Sheriff's Office in Room 701 in the Daley Center, calling (312) 603-3365 or visiting the Sheriff's website at www.cookcountysheriff.org/courts/civil-services/.
- Service by Certified Mail: If you qualify and wish the Clerk's Office to serve the Defendant by Certified Mail, leave the originals and copies of the Complaint and Summons forms with the cashier, and keep a set of copies for your records. The Clerk's Office will charge you a nominal fee for service by Certified Mail. If you are filing electronically, you will pay the certified mail fees by selecting Optional Services. You qualify to serve by Certified Mail if your claim is under \$10,000 and the Defendant is in the state of Illinois. You may only serve to an actual address NOT a P.O. Box.

How can I find out if the Defendant was served within the filing period?

If you served through the Sheriff's Office, you may learn if the Defendant was served by calling (312) 603-3365. If you served by Certified Mail through the Clerk's Office, you may find out if the Defendant was served by calling (312) 603-5116 or check your case on our website.

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