

How to serve someone by Publication in Illinois -- Supplement©

This supplement includes a forms guide as well as forms. The forms guide is for use only in filling out the forms. For more information about what these forms mean or are used for, consult the appropriate Self Help packet.

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Forms that are included in this supplement:

Application To Sue As A Poor Person

Affidavit For Service By Publication

Motion to Waive Publication Costs

Order Waiving Publication Costs

Notice of Publication

Certificate of Mailing of Notice of Publication

Letter to Newspaper

FORMS GUIDE

ALL FORMS:

At the top of each form is the "caption". It is completed as follows:

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE **(number of circuit)** JUDICIAL CIRCUIT
(name of county) COUNTY

(your name))	
)	
Plaintiff,)	
)	
and)	No. (get from Clerk at the time you
)	file)
)	
(the name of the person you are suing))	
)	
Defendant.)	

Determine the number of the "Circuit" according to the chart on the next page. If your county does not appear in the chart, call the Circuit Clerk in the county in which you will be filing your case and ask for the number of the Circuit.

Circuit Courts in Illinois

Cook County is its own judicial circuit. The rest of the counties in Illinois fall into one of 22 circuits.

First Circuit -	The counties of Alexander, Pulaski, Massac, Pope, Johnson, Union, Jackson, Williamson and Saline.
Second Circuit -	The counties of Hardin, Gallatin, White, Hamilton, Franklin, Wabash, Edwards, Wayne, Jefferson, Richland, Lawrence and Crawford.
Third Circuit -	The counties of Madison and Bond.
Fourth Circuit -	The counties of Clinton, Marion, Clay, Fayette, Effingham, Jasper, Montgomery, Shelby and Christian.
Fifth Circuit -	The counties of Vermilion, Edgar, Clark, Cumberland and Coles.
Sixth Circuit -	The counties of Champaign, Douglas, Moultrie, Macon, DeWitt and Piatt.
Seventh Circuit -	The counties of Sangamon, Macoupin, Morgan, Scott, Greene and Jersey.
Eighth Circuit -	The counties of Adams, Schuyler, Mason, Cass, Brown, Pike, Calhoun and Menard.
Ninth Circuit -	The counties of Knox, Warren, Henderson, Hancock, McDonough and Fulton.
Tenth Circuit -	The counties of Peoria, Marshall, Putnam, Stark and Tazewell.
Eleventh Circuit -	The counties of McLean, Livingston, Logan, Ford and Woodford.
Twelfth Circuit -	The county of Will.
Thirteenth Circuit	The counties of Bureau, LaSalle and Grundy.
Fourteenth Circuit -	The counties of Rock Island, Mercer, Whiteside and Henry.
Fifteenth Circuit -	The counties of JoDaviess, Stephenson, Carroll, Ogle and Lee.
Sixteenth Circuit -	The counties of Kane, DeKalb and Kendall.
Seventeenth Circuit -	The counties of Winnebago and Boone.
Eighteenth Circuit -	The county of DuPage.
Nineteenth Circuit -	The county of Lake.
Twentieth Circuit -	The counties of Randolph, Monroe, St. Clair, Washington and Perry.
Twenty-first Circuit -	The counties of Iroquois and Kankakee.
Twenty-second Circuit-	The county of McHenry.

FORM: Application to Sue as a Poor Person

- Introduction:** Your name
- Paragraph 1:** Your address, include street and city.
- Paragraph 2:** The amount and source of your income, for example, \$339.00 per month in AFDC, supplemented by Food Stamps.
- Paragraph 3:** List other sources of income not listed in 2.
- Paragraph 4:** The amount of income you had in the last year.
- Paragraph 5:** Should be the same as 2, unless you expect your income to go up or down, in which case you should list what you expect your income to be.
- Paragraph 6:** List the names and birthdates of your children and/or others you support financially.
- Paragraph 7:** First blank: total value of your possessions;
Second blank: year and make of your car; if you do not have a car, simply put "none";
Third blank: value of your car;

***Before** you sign your name on the blank line where it says “Plaintiff” you will need to locate a notary public to watch you sign the form. Notary publics can probably be found at the Circuit Clerk’s Office or at your local bank. Make sure you bring identification with you so that the notary can verify that you are the person you claim to be in the document.

FORM: Affidavit For Service By Publication

- Introduction:** Your name.
- Paragraph 1:** The document that you have filed and are trying to serve on the Defendant. For example, a Petition For Dissolution of Marriage.
- Paragraph 3:** The last address you had for the party you are suing. (include street, city, and state)

Sign your name on both blank lines next to where it says "Plaintiff" and print your name below each signature.

FORM: Motion to Waive Publication Costs (use only if you want to apply for a waiver of the costs of publication)

- First blank:** Your name.
Second blank: Name of county in which you filed your case.

Sign your name on both blank lines next to where it says "Plaintiff" and print your name below each signature.

FORM: Order Waiving Publication Costs (use only if you are submitting the Motion To Waive Publication Costs)

- First blank:** Name of county in which your case is filed.

DO NOT FILL IN THE DATE OR THE SIGNATURE LINE FOR THE JUDGE.

FORM: Notice of Publication

- First blank:** The party you are suing's name.
Second blank: What it is you are asking the court for (for example, a divorce)
Third blank: Name of the county in which you filed your case.
Fourth blank: Name of the city in which the courthouse is located.
Fifth, Sixth, and Seventh blank: Put a date at least 45 days after the date you send the Notice to the Newspaper. Put the day, month, and year.
Eighth blank: Print the name of the Circuit Clerk in the county in which you filed your case above the line where it says "CIRCUIT CLERK".

FORM: Letter to Newspaper

- First blank:** Name and address of newspaper in your town or county.
Second blank: Your case name. (for example, In Re The Marriage Of Jones)

Third blank: Your case number (for example 96-D-67)

If your Motion To Waive Publication Costs was denied or you did not ask for a waiver then check box 1. If your Motion To Waive Publication Costs was approved, check box 2 and list the name of the county in which your case was filed in the first two blanks and the name of the city in which the courthouse is located in the third blank.

Sign your name and print your name, address, and telephone number where you can be reached. Don't forget to include a self-addressed, stamped envelope.

FORM: Certificate of Mailing Of Notice of Publication

First blank: Your name.

Second blank: Name of city in which you mailed a copy of the Publication Notice to the party you are suing.

Third blank: Date you mailed a copy of the Publication Notice to the party you are suing.

Sign your name on both blank lines above or next to where it says "Plaintiff" and print your name below each signature.

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____.)	
)	
Plaintiff,)	
)	
and)	No. _____
)	
_____.)	
)	
Defendant.)	

AFFIDAVIT FOR SERVICE BY PUBLICATION

_____, on oath states as follows:

1. The Defendant has gone out of this State or has concealed her/himself within the State such that I cannot serve him with a copy of my _____.
2. Upon diligent search and inquiry, I cannot discover the Defendant=s address.
3. The last known address I know of for the Defendant was:

_____.

_____,Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

_____,Plaintiff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____ ,)	
)	
Plaintiff,)	
)	
and)	No. _____
)	
_____ ,)	
)	
Defendant.)	

MOTION TO WAIVE PUBLICATION COSTS

I, _____, state the following facts are true:

1. I have filed an Application to Sue as a Poor Person, which lists my income, resources and assets.
2. An order was entered by this Court which allowed me to pursue this action without payment of costs.
3. I am unable to determine where the Defendant is living. Consequently, I am unable to serve process on the Defendant personally.
4. If I knew where the Defendant was, a sheriff would serve process without charge.
5. I have filed a Publication Affidavit which states that I cannot discover the Defendant's address and the Defendant's last known address.

6. Illinois case law recognizes that publication costs of persons like myself are a local obligation and that service by publication is a constitutional right under due process of law.

King v. King, 21 Ill. App.3d 1062, 316 N.E.2d 555 (4th Dist. 1974).

WHEREFORE, I ask that the Court waive publication costs and order the _____ County Treasurer to pay the costs of publication to the newspaper which publishes the required Publication Notice.

_____, Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

_____, Plaintiff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____,)	
)	
Plaintiff,)	
)	
and)	No. _____
)	
_____,)	
)	
Defendant.)	

ORDER WAIVING PUBLICATION COSTS

The Court, having considered the Motion to Waive Publication Costs filed herein by Plaintiff and having previously allowed Plaintiff to pursue this action as a poor person, finds that Plaintiff is indigent.

IT IS HEREBY ORDERED that the Clerk of the Circuit Court shall cause publication to be made on behalf of Plaintiff and the Treasurer of _____ County pay costs of publication upon presentation of a statement by the newspaper wherein such notice was published and upon filing and allowance of claim. The County Treasurer shall pay for such necessary and proper expenses pursuant to 55 ILCS 5/ 5-1106.

DATE: _____

ENTER: _____

JUDGE

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____,)	
)	
Plaintiff,)	
)	
and)	No. _____
)	
_____,)	
)	
Defendant.)	

NOTICE OF PUBLICATION

Notice is given you, _____, Defendant, that this cause has been commenced against you in this Court asking for _____ and other relief.

Unless you file your response or otherwise file your appearance in this cause in the office of the Circuit Clerk of _____ County, Courthouse, _____, Illinois, on or before the _____ day of _____, 20____, a _____ and other relief may be granted as prayed for by the Plaintiff.

CIRCUIT CLERK

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE _____ JUDICIAL CIRCUIT

_____ COUNTY

_____ ,)	
)	
Plaintiff,)	
)	
vs.)	No. _____
)	
_____ ,)	
)	
Defendant.)	

CERTIFICATE OF MAILING OF NOTICE OF PUBLICATION

I, _____, hereby certify that I mailed a copy of the Notice of Publication to the Defendant at his/her last known address by depositing the same in the United States mail at _____, Illinois, postage fully prepaid on _____, 20____.

_____, Plaintiff

Under penalties as provided by law pursuant to Section 5/1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that she/he verily believes the same to be true.

_____, Plaintiff

LETTER TO NEWSPAPER

DATE: _____

_____ Newspaper

Dear Sir or Madam:

Re: _____, Case number: _____

Enclosed you will find a publication notice in the above referenced case. Please run this Notice once a week for 3 weeks. After publication has been completed, please send the Certificate of Publication to me in the enclosed self addressed stamped envelope.

() Please bill me for the cost of publication. If you have any questions, please feel free to contact me. _____

() Please bill the office of the Treasurer in _____ County, _____ County Courthouse, _____, Illinois for the cost of publication. I have enclosed a court order requiring the Treasurer to pay the cost of publication in my case. If you have any questions, please feel free to contact me.

I thank you for your cooperation

Sincerely,

