

# Service of Summons



**TWENTY-FIRST JUDICIAL CIRCUIT: Kankakee County**  
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# Service of Summons

**Service** is the formal delivery of a **summons** and a legal document to an opposing party. The reason for serving a summons is to tell the other party that a lawsuit has started against them. Proper service is important because the court can **dismiss** lawsuits that do not properly notify the other side.

## How Do I Serve a Summons?

When you start a case, you file the **petition** at the courthouse. The clerk stamps a copy of the petition to deliver to the other party. You will have to take this copy and your **summons** forms to the Kankakee County Sheriff's Office. There are usually two copies of the summons form: one that the sheriff leaves with the other party and one the sheriff brings back to the courthouse. On the summons forms, you write in the **first and last name** of the other party and their **address**.

The sheriff will take the petition to the address you've written on the summons form. If you want, you can leave some instructions with the sheriff, like what time of day you think the other party would be at home.

## Cost

Fees for service depend on where the address is within Kankakee County. A list of current civil process fees is online at the sheriff's website here:

<http://kankakeecountysheriff.com/info/wp-content/uploads/2013/09/New-Civil-Process-Fees-6-1-11.pdf>

## Timeline

The sheriff has a time limit to serve the summons. The clerk of court should call you to tell you when it was served, but if you don't hear back after a week or two, call the court and ask whether the summons was returned **served** or **not served**. If not served, ask why.

## When the Summons is Not Served

Sometimes no one answers the door. The summons cannot be served if there is no one to leave it with. If this happens in your case, you can go back to court and fill out an **alias summons**, which is a second try at serving the summons.

## Alternatives to Service

If the parties agree on everything, the respondent can fill out an **appearance and consent** form. In these situations, the respondent does not want to be actively involved. This means the respondent will not fight the case, and will instead accept whatever judgment the court decides.