

**ILLINOIS SUPREME COURT RULE 102.**  
**Service of Summons and Complaint; Return**

**(a) Placement for Service.** Promptly upon issuance, summons (together with copies of the complaint ...) shall be placed for service with the sheriff or other officer or person authorized to serve process.

**(b) When Service Must Be Made.** No summons ... may be served later than 30 days after its date. ...

**(d) Return.** The officer or person making service shall make a return by filing proof of service immediately after service on all defendants has been had, and, in any event ... immediately after the last day fixed for service. ...

**ILLINOIS CODE OF CIVIL PROCEDURE**  
**[735 Illinois Compiled Statutes 5/]**  
**Part 2. Process**

**735 ILCS 5/2-201. Commencement of actions - Forms of process.**

(a) Every action, unless otherwise expressly provided by statute, shall be commenced by the filing of a complaint. The clerk shall issue summons upon request of the plaintiff. The form and substance of the summons ... and the service of copies of pleadings shall be according to [S. Ct. Rules 101 and 102]. \* \* \*

**735 ILCS 5/2-202. Persons authorized to serve process ...**

(a) Process shall be served by a sheriff, or if the sheriff is disqualified, by a coroner of some county of the State. In matters where the county or State is an interested party, process may be served by a special investigator appointed by the State's Attorney of the county, as defined in Section 3-9005 of the Counties Code. A sheriff of a county with a population of less than 2,000,000 may employ civilian personnel to serve process. In counties with a population of less than 2,000,000, process may be served, without special appointment, by a person who is licensed or registered as a private detective .... The court may, in its discretion upon motion, order service to be made by a private person over 18 years of age and not a party to the action. ....

(a-5) Upon motion and in its discretion, the court may appoint as a special process server a private detective agency certified under the Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004. ...

**Sec. 2-203. Service on individuals.**

(a) ... service of summons upon an individual defendant shall be made (1) by leaving a copy of the summons with the defendant personally, [or] (2) by leaving a copy at the defendant's usual place of abode, with some person of the family or a person residing there, of the age of 13 years or upwards, and informing that person of the contents of the summons, provided the officer or other person making service shall also send a copy of the summons in a sealed envelope with postage fully prepaid, addressed to the defendant at his or her usual place of abode ....

(b) The officer, in his or her certificate ... or other person making service, in his or her affidavit ... shall (1) identify as to sex, race, and approximate age the defendant or other person with whom the summons was left and (2) state the place where (whenever possible in terms of an exact street address) and the date and time of the day when the summons was left with the defendant or other person. \* \* \*

**735 ILCS 5/ 2-203.1. Service by special order of court.**

If service upon an individual defendant is impractical under items (1) and (2) of subsection (a) of Section 2-203, the plaintiff may move, without notice, that the court enter an order directing a comparable method of service. The motion shall be accompanied with an affidavit stating the nature and extent of the investigation made to determine the whereabouts of the defendant and the reasons why [ordinary] service is impractical ... including a specific statement showing that a diligent inquiry as to the location of the individual defendant was made and reasonable efforts to make service have been unsuccessful. The court may order service to be made in any manner consistent with due process.

**735 ILCS 5/ 2-204. Service on private corporations.**

A private corporation may be served (1) by leaving a copy of the process with its registered agent or any officer or agent of the corporation found anywhere in the State; or (2) in any other manner now or hereafter permitted by law....

**735 ILCS 5/ 2-205. Service on partnership and partners.**

(a) A partnership sued in its firm name may be served by leaving a copy of the process with any partner personally or with any agent of the partnership found anywhere in the State....

**735 ILCS 5/2-208. Personal service outside State.**

(a) Personal service of summons may be made upon any party outside the State. If upon a citizen or resident of this State or upon a person who has submitted to the jurisdiction of the courts of this State, it shall have the force and effect of personal service of summons within this State ...

(b) The service of summons shall be made in like manner as service within this State, by any person over 18 years of age not a party to the action. No order of court is required....

**735 ILCS 5/2-209. Act submitting to jurisdiction - Process.**

(a) Any person, whether or not a citizen or resident of this State, who in person or through an agent does any of the acts hereinafter enumerated, thereby submits such person, and, if an individual, his or her personal representative, to the jurisdiction of the courts of this State as to any cause of action arising from the doing of any of such acts:

- (1) The transaction of any business within this State;
- (2) The commission of a tortious act within this State;

- (3) The ownership, use, or possession of any real estate situated in this State;
- (4) Contracting to insure any person, property or risk located within this State at the time of contracting;

\* \* \*

- (7) The making or performance of any contract or promise substantially connected with this State;

\* \* \*

- (10) The acquisition of ownership, possession or control of any asset or thing of value present within this State ...;

- (11) The breach of any fiduciary duty within this State;

- (12) The performance of duties as a director or officer of a corporation organized under the laws of this State or having its principal place of business within this State;

- (13) The ownership of an interest in any trust administered within this State;

or

- (14) The exercise of powers granted under the authority of this State as a fiduciary.

(b) A court may exercise jurisdiction in any action arising within or without this State against any person who:

- (1) Is a natural person present within this State when served;
- (2) Is a natural person domiciled or resident within this State when the cause of action arose, the action was commenced, or process was served;
- (3) Is a corporation organized under the laws of this State; or
- (4) Is a natural person or corporation doing business within this State.

\* \* \*

**(c) A court may also exercise jurisdiction on any other basis now or hereafter permitted by the Illinois Constitution and the Constitution of the United States.** *[Ed note: Why are subsections (a) and (b) necessary in light of the addition of this subsection (c)? Does the long-arm statute add anything?]*

(d) Service of process upon any person who is subject to the jurisdiction of the courts of this State ... may be made by personally serving the summons upon the defendant outside this State, as provided in this Act, with the same force and effect as though summons had been personally served within this State. \* \* \*

### **735 ILCS 5/2-213. Waiver of service.**

**(a) Notice and request for waiver.** A plaintiff may notify a defendant of the commencement of an action and request that the defendant waive service of a summons. The notice and request shall be in writing in a form prescribed by Supreme Court rule. The notice and request shall:

- (1) be addressed to an individual who is the defendant or who could be served as representative of an entity that is the defendant;
- (2) be dispatched through first class U.S. mail or other equally reliable means;

(3) contain a copy of the complaint and identify the court in which it has been filed;

(4) inform the defendant of the consequences of compliance and of a failure to comply with the request;

(5) allow the defendant a reasonable time to return the waiver, which shall be at least (i) 30 days from the date on which the request is sent or (ii) 60 days if the defendant is addressed outside the United States; and

(6) provide the defendant with an extra copy of the notice and request and prepaid means of compliance in writing.

**(b) Limits on waiver.** A defendant who waives service of a summons in the manner provided in subsection (a) does not thereby waive any objection to the venue or to the jurisdiction of the court over the person of the defendant.

**(c) Time to appear or answer.** A defendant who returns a timely waiver of service is not required to appear or serve an answer to the complaint until (i) 60 days from the date on which the request for waiver of service was sent or (ii) 90 days if the defendant was addressed outside of the United States.

**(d) Effect of filing.** When a waiver of service is filed by the plaintiff with the court, the action shall proceed as if a summons and complaint had been served at the time of filing of the waiver, and no proof of service shall be required.

**(e) Right to refuse to waive service; effect of refusal.** A defendant may refuse to waive service of a summons. If a defendant does not return the waiver provided for in subsection (a), the plaintiff must serve summons on that defendant as otherwise provided by this Code and Supreme Court rules.