

This is for information and instruction. Do not file it.

HOW TO USE DIFFERENT TYPES OF ORDERS IN EVICTION CASES

These instructions explain how to choose the right court order to use in an eviction case that has already been filed. Do not use these forms to start a new eviction case.

1 FILL OUT THE FORM.

Eviction cases may end by agreement, or after a hearing or trial. If the Plaintiff and the Defendant reach an agreement, they can fill out an agreed order form.

There are 3 types of agreed order forms. Include every detail of the agreement between the Plaintiff and the Defendant in the order.

Choose 1 of the 3 forms to write up an agreement.

Definitions:

- **Plaintiff** files the eviction case and is usually the landlord or owner of the property.
- **Defendants** are being sued and are the tenants or occupants of the property.

Agreed Order Forms:

- *Agreed Dismissal Order (Case May Be Reinstated if Defendants Violate Agreement)*
- *Agreed Settlement Order with Status Date (Defendants Will Pay & Stay)*
- *Agreed Settlement Order with Status Date (Defendants Will Move)*

2 PREPARE & ATTEND THE COURT DATE.

Your court date may be in person, by phone, or by video. Make notes for yourself about what you want to say to the judge. Bring any additional documents needed.

Read the agreement carefully before giving it to the judge. If you do not want to make an agreement or have changed your mind before signing an agreed order, remember that either side can say no to any agreement and ask for a trial.

Make sure to get a copy of the order signed by the judge.

Definitions:

- A **status date** is a court date to check in on the case.
- A **compliance date** is a court date to make sure the Defendants have followed the agreement.

3 AFTER THE COURT DATE.

If your court date ended with an agreement signed by the judge, you may have another court date to make sure the Defendants have followed the agreement. This is called a "compliance" court date.

If your court date ended with a trial and an *Eviction Order* was signed by the judge, the Plaintiff can then contact the Sheriff's Office to schedule the eviction date.

Forms You May Need:

- *Dismissal After Compliance with Agreement*
- *Eviction Order*
- *Judgment for Money Only in Eviction Case*
- *Judgment for Defendant in Eviction Case*

Laws covering these forms: 735 ILCS 5/9-101; Illinois Supreme Court Rule 139

If you **cannot pay for a lawyer**, you can contact the following referrals to request legal assistance for free or at a reduced rate:

- If you live in Cook County, contact Cook County Legal Aid for Housing and Debt:
  Telephone: (855) 956-5763
  Website: www.cookcountylegalaid.org
- If you live outside of Cook County**,** contact Eviction Help Illinois:
  Telephone: (855) 631-0811
  Website: evictionhelpillinois.org
  Text: Text "Eviction" to (844) 938-4280 for English and (844) 938-4289 para español

IL Court Help

For more information about going to court, including how to fill out and file forms, **call or text Illinois Court Help** at 833-411-1121 or go to ilcourthelp.gov.

If there are any words or terms used in these instructions that you do not understand, please **visit Illinois Legal Aid Online** at ilao.info/glossary. You may also find more information, resources, and the location of your local legal self-help center at ilao.info/lshc-directory.

ILAO LEGAL HELP. ANYTIME. ANYWHERE.

This packet is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk's office if your county has local rules and, if so, where you can get a copy.

WHEN TO USE DIFFERENT EVICTION ORDERS



AGREEMENT

If there is agreement between Plaintiff and Defendants, fill out one of the following orders:

Agreed Dismissal Order (Case May Be Reinstated if Defendants Violate Agreement)
Plaintiff agrees to dismiss the case but has the right to bring it back to court if the Defendants do not follow the agreement. No future court dates unless Plaintiff files a motion to reinstate.

Agreed Settlement Order with Status Date (Defendants Will Move)
Parties agree on a date when Defendants will move out.

Agreed Settlement Order with Status Date (Defendants Will Pay & Stay)
Parties agree Defendants can stay in the property and make a payment plan.

Sealing an Eviction Case
Parties can agree to seal the eviction case in an agreed order. This will hide the case from public view in the court's records.



NO AGREEMENT

If there is no agreement between Plaintiff and Defendants:

Judge Decides
The judge makes one of the following decisions:

Eviction Order
Plaintiff wins a judgment against Defendants for either possession, money (rent owed), or both.

Judgment for Money Only in Eviction Case
Defendants have moved out, but Plaintiff wins a judgment against Defendants for money only.

Judgment for Defendants in Eviction Case
Defendants win and do not owe money or have to move out. Defendants may also win a money judgment against Plaintiffs for counterclaims.



VOLUNTARY DISMISSAL

If the Plaintiff dismisses case against the Defendants, fill out:

Order Granting Plaintiff's Motion to Dismiss
Plaintiff wants to dismiss their own case and the judge agrees.



STEP 1

FILL OUT THE FORM.

ARE THESE FORMS FOR ME?

You may **use these forms when an eviction case has been filed with the court** and the judge has not signed an order deciding this case yet. The forms will help you:

- Create an agreement for the Defendants to stay or leave the property.
- Resolve issues about whether the Defendants owe any money.
- Notify the court that the eviction case has been resolved.
- Update the court about the status of any agreement.

Do not use these forms if:

- Your case is not an eviction case (any other type of civil, criminal, traffic, or juvenile justice case).

Names of Agreed Order Forms:
The form you use will depend on what kind of agreement you have with the other party.

- *Agreed Dismissal Order (Case May Be Reinstated if Defendants Violate Agreement)*
- *Agreed Settlement Order with Status Date (Defendants Will Pay & Stay)*
- *Agreed Settlement Order with Status Date (Defendants Will Move)*

After an agreement has been reached and you are following up with the court regarding the agreement status, you may need to complete:

- *Dismissal After Compliance with Agreement*
- *Eviction Order*
- *Judgment for Money Only in Eviction Case*
- *Judgment for Defendant in Eviction Case*

You can find all of the statewide forms online at ilcourts.info/forms.

IMPORTANT INFORMATION

Eviction cases may end by agreement, or after a hearing or trial. The following information will help you determine which order you should use in your case.

Definitions

- **Plaintiff** files the eviction case and is usually the landlord or owner of the property.
- **Defendants** are being sued and are the tenants or occupants of the property.

Orders to Use When You Have an Agreement

- ***Agreed Dismissal Order (Case May Be Reinstated if Defendants Violate Agreement)***
  Use this order when:
  - Plaintiff agrees to dismiss the case if the Defendant agrees to do certain things like move out or pay money by a certain date

    - AND -
  - Plaintiff wants the right to bring the case back to court by a certain date if Defendants do not do what they agreed to.

Dismissing the case means the case will end. Permission to reinstate means the case could be brought back to court if the Defendant does not do what they agreed to do.

- ***Agreed Settlement Order with Status Date (Defendants Will Move)***
  Use this order when:
  - Plaintiff agrees to dismiss the case if Defendants move out by a certain date.
  - Parties can agree to a payment plan for the money owed (optional).
- ***Agreed Settlement Order with Status Date (Defendants Will Pay & Stay)***
  Use this order when:
  - Plaintiff agrees to let Defendants stay if Defendants pay a specific amount of money by a certain date.
- ***Dismissal After Compliance with Agreement***
  Use this order when:
  - Defendants have done everything they agreed to do.
  - The compliance order dismisses the case for good. After a compliance order is entered the case cannot be brought back to court.

Order for Plaintiff to Use to Dismiss Their Own Case

- ***Order Granting Plaintiff's Motion to Dismiss***
  Use this order when:
  - Plaintiff no longer wants to pursue the case. Defendants do not have to agree to this order, but in most cases, Defendants would have no reason to object.

Orders to Use After a Hearing or Trial

- ***Eviction Order***
  Use this order when:
  - Plaintiff has won the case,
  - Plaintiff is entitled to possession of the property, and
  - (*optional*) Plaintiff is awarded a money judgment by the judge.
- ***Judgment for Money Only in Eviction Case***
  Use this order when:
  - Defendants have moved out of the property, and
  - Plaintiff is awarded a money judgment by the judge.
- ***Judgment for Defendant in Eviction Case***
  Use this order when:
  - Defendants have won the case,
  - Defendants do not have to move, and
  - (*optional*) Defendants are awarded a money judgment by the judge.

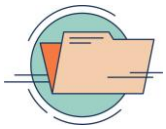
A money judgment can include rent/assessments, court costs, and attorneys' fees.

HOW TO FILE THE FORMS



E-Filing

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called "e-filing." You do not have to e-file if:
  - You qualify for an exemption (see the Not E-filing section below) or
  - Your case involves a criminal matter or is filed under the Juvenile Court Act of 1987.
- There may be fees to file your forms. See the Costs & Fees section for more information.
- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/efile-info.
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- Original wills may not be e-filed.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerk's office. These places offer public computers where you can e-file your forms.
  - Your courthouse may offer public computers with a scanner where you can turn your paper forms into electronic files.
  - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.



Not E-Filing

- Some people are not required to e-file, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
  - Inmates in prison or jail who do not have a lawyer.
  - People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if you:
  - Do not have internet or computer access in your home or can't meaningfully use it.
  - Do not have an email account.
  - Do not have a credit card, debit card, or bank account.
  - Have trouble reading, writing, or speaking English.
  - Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
  - Are filing an emergency case as allowed by local rule or order.
- To ask for an exemption from e-filing, use the form at ilcourts.info/exempt. If you cannot print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form along with your other court forms at the Circuit Clerk's office or by mail.
  - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
  - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you a fee to make copies.
- There may be fees to file your forms. See the Costs & Fees section for more information.
- If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms and then send your copies back to you in the envelope.



STEP 2

PREPARE & ATTEND THE COURT DATE.



Make sure you know how to attend your court date.

Your court date could be in person, by phone, or by video. If it is by phone or video, it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit ilcourts.info/clerks.

Attend Your Court Date

Your court date could be in person, by phone or by video. Even if you have reached an agreement, you still need to attend your next court date.

- If your court date is in person:
  - Get to the courthouse at least 30 minutes early so you have enough time to get through security.
  - Go to the courtroom number listed on your court form.
  - If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask someone at the Circuit Clerk's office.
  - Check in with the courtroom staff and wait for your name and case number to be called.
- If your court date is by phone or video:
  - Make sure to have the call-in or login information for your court date and make sure your technology is working.
  - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.
  - Start trying to log in to your courtroom at least 15 minutes before the start time in case you have any problems with technology.
  - Follow these tips to attend court by phone or video: ilcourts.info/remote-resources.
- When your case is called, introduce yourself to the judge. If you are attending by phone or video remember to unmute yourself.
- Have these items with you on your court date:
  - Photo I.D.
  - Copies of all the documents you filed with the Circuit Clerk.
  - Other papers or proof related to your case.
  - If you are having a hearing or trial, bring your witnesses and evidence.
- Check with the Circuit Clerk for any other local requirements.



STEP 3

AFTER THE COURT DATE.

If the Judge Entered the Agreed Order at Your Court Date

Get a signed copy of the Agreed Order.

- After the court date, ask the clerk for a copy of the Agreed Order with the judge's signature on it.

Understand all deadlines and requirements that are included in the Agreed Order.

- Make payments exactly as specified and keep proof.
- Move out by the date listed, if required.
  - Take pictures to prove the condition of the unit at move-out.

- Follow the Agreed Order for how to return the keys.
- Follow any other requirements that were written in the Agreed Order.

Attend any future court dates.

- There may be another court date scheduled to make sure the Defendants have complied with the terms of the agreed order.
  - This is called a **"compliance"** court date.
- The agreement may include the Plaintiff's ability to **"reinstate"** the case. This means that the Plaintiff can bring the case back to court by filing a Motion.

Keep all of the documents.

- Save the Agreed Order, receipts, communications, and move out documentation.

If the Court Date Ended with an *Eviction Order*

If the court date ended with a trial and an *Eviction Order* was signed by the judge, the Plaintiff can then contact the Sheriff's Office to schedule the eviction date.

Get a signed copy of the *Eviction Order*

- The *Eviction Order* says when the sheriff can enforce the eviction.

Check the "stay" period (how long before the sheriff can enforce the eviction.)

- In some cases the judge will "stay" the eviction for a number of days. A "stay" is a grace period before the sheriff can come out to remove you from the unit.
- The *Eviction Order* will say the date when the sheriff may proceed.
- During the stay you can still move out voluntarily.

Make a plan to move out

- Remove all your belongings and return the condition of the apartment to be like when you moved in.
- Figure out how to return the keys and any other remotes that stay with the unit.
- Take pictures to document your move out as necessary. You may want to record when you return your keys or the condition of your unit at move out.

Know what happens when the sheriff arrives

- Only the sheriff can legally carry out the *Eviction Order* and remove you from the property.
- When the sheriff arrives:
  - You must leave immediately. If you do not leave, the sheriff can physically remove you.
  - The Plaintiff can then take possession of the unit.
- Even if you are evicted, you are responsible for removing your personal belongings. If you leave belongings behind after the sheriff has evicted you, they are at risk of being lost, stolen, or thrown away.

Confirm whether the Plaintiff received a money judgment in the *Eviction Order*

- Read the *Eviction Order* to find out what is owed.
- The Plaintiff can take additional steps to collect a money judgment from you if the money is not paid. You may have defenses to collection, including being in a collection-proof status.
  - Find out more about collection-proof status at ilao.info/collect-proof-basics.
- Keep receipts if payments are made.