

**Rule 280.5. Identity Theft Relating to Credit Card or Debt Buyer Collection Actions.**

(a) A defendant in a credit card or debt buyer collection action who asserts that he or she is a victim of identity theft with respect to the consumer debt that is the subject of the action, must serve the following on the plaintiff:

(1) An Identity Theft Affidavit in accordance with the form approved by the Illinois Attorney General; and

(2) An Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action) in accordance with the form approved by the Illinois Supreme Court, which can be found in the Article II Forms Appendix.

Of these two affidavits, only the Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action) must be filed with the court. Within 90 days of service of the Identity Theft Affidavit (Credit Card or Debt Buyer Collection Action) on the plaintiff, the plaintiff or the court, on its motion, shall dismiss the case unless the plaintiff files an affidavit asserting facts that indicate the defendant is not the victim of identity theft and is responsible for the consumer debt at issue.

[Adopted June 8, 2018, eff. Oct. 1, 2018.](#)