**Section 790.50 Complaint-Required Provisions**

a) General. A complaint shall be verified by the Claimant or counsel and must set forth fully in the following order:

1) Nature of the Claim. A statement of the nature of the claim, its basis (tort, contract, etc.) and each State officer or agency that is alleged to be responsible, in whole or in part, for the liability asserted in the claim; if the claim is against a State employee, the basis upon which liability is claimed against the State must be specifically stated;

2) Jurisdiction. The Section of the Court of Claims Act under which jurisdiction is asserted;

3) Fact Allegations. All allegations of fact required to set forth the claimant's cause of action;

4) History of Claim. Whether the claim has been presented to any State department or officer, or has been the subject of administrative proceedings, and if so:

A) when and to whom or which administrative body the claim was presented;

B) the action taken on behalf of the claim by the State or the appropriate State agency or officer and by each administrative body that has considered the claim;

5) Ownership. What persons are owners of the claim or interested therein, and when and upon what consideration such persons became interested;

6) Assignments. That no assignment or transfer of the claim, or any part thereof or interest therein, has been made except as stated in the complaint;

7) Entitlement. That claimant is justly entitled to the amount claimed from the State of Illinois or the appropriate State agency after allowing all just credits;

8) Verification. That the facts stated in the complaint are true;

9) Whether this claim or any other claim arising out of the same occurrence (against any person, firm or governmental agency other than the State of Illinois or any of its officers or agencies) has been previously presented to any person, firm, court or administrative tribunal other than the State of Illinois, and, if so:

A) when, to whom, and what action was taken by each person, firm, court or administrative tribunal; and

B) what payments or other considerations, if any, have been received. Claimant must file with the Clerk of the Court copies of all instruments evidencing such payment or consideration;

10) Status of Respondent. If a State officer or agency or department of the State is sued in a capacity as holder, administrator or trustee of a fund, or as executor or administrator of a trust or estate, or as a guardian, conservator or any similar capacity, the complaint shall identify:

A) the fund, estate, trust or other entity involved;

B) the statute or principle of law governing the creation of the fund or other entity; and

C) any instrument or order of court or administrative or governmental agency creating such capacity or fund or entity;

11) Damages. A bill of particulars, stating in detail each item of damages, and the amount claimed;

12) If the claimant is an executor, administrator, guardian or other representative appointed by a judicial tribunal, a duly certified copy of the record of appointment must be filed with the complaint.

b) Personal injuries. Where a complaint alleges damages as a result of personal injuries, claimant shall:

1) Attach to the complaint, as a separate item, copies of the notices served as required by Sec. 22-1 of the Court of Claims Act [705 ILCS 505/22-1], showing how and when the notices were served.

2) Include with the bill of particulars, as required by subsection(a)(11), the names and addresses of all persons providing medical services; if hospitalized, name of hospital and dates of hospitalization; name of claimant's employer, place of employment, and dates of time lost, if any.

c) Contracts. If the claimant bases the complaint upon a contract, or other instrument in writing, a copy shall be attached for reference.

d) Lapsed appropriations. All claims for services or materials furnished to the State of Illinois, payment of which has been denied solely because of a lapsed appropriation, shall be filed with the Clerk of the Court of Claims in the following manner:

1) Claims shall be initiated by filing with the Clerk of the Court of Claims 4 copies of a verified lapsed appropriation claim form (available upon request from the Clerk's office) or a facsimile.

2) Respondent shall confirm or deny that such sum of money or any sum of money is due the claimant.

3) Claims against no more than one department or State agency shall be included in each complaint.

4) Claimant's name and address, or that of his or her attorney, shall appear at the bottom of the complaint.

(Source: Amended at 40 Ill. Reg. 7314, effective April 29, 2016)