

HOW TO ASK THE APPELLATE COURT TO PARTICIPATE IN AN APPEAL FOR FREE

Who can ask the court to participate in an appeal for free?

Anyone who must pay a fee in the appellate court as part of an appeal can ask the court to participate for free. You can ask for yourself, your minor child, or an incompetent adult, but not for anyone else. **NOTE:** this form cannot be used to waive fees owed to the trial court or court reporters for preparation of a record on appeal.

How will I know if there are fees for filing documents in the appellate court?

The Appellate Clerk can tell you if there is a fee for filing a document with the court. [Supreme Court Rule 313](#) requires the person who files an appeal to pay a \$50 fee. Rule 313 requires all other parties to pay a \$30 fee.

What forms do I need to fill out to ask the appellate court to let me participate in an appeal for free?

There are two forms:

- **Application for Waiver of Court Fees (Appellate Court)** gives your income and expense information to the court so it can decide if you can participate in an appeal for free.
- **Order for Waiver of Court Fees (Appellate Court)** to be used by the court to say whether your application is granted or denied. Complete the top half of the *Order* and attach to the *Application for Waiver of Court Fees*.

Where can I find the forms I need?

- You can find forms at: www.illinoiscourts.gov/Forms/approved/.
- You can also ask the Appellate Clerk for a copy.

When do I have to file an *Application for Waiver of Court Fees*?

- At the time you file your first document with the appellate court, you must file a completed *Application for Waiver of Court Fees*.
- It might take the appellate court a couple of weeks to review your application and decide whether you have to pay the appellate court fees, so do not wait until the last minute.

Do I have to pay a fee to file an *Application for Waiver of Court Fees*?

No, there is no cost for filing an *Application for Waiver of Court Fees*.

How do I prove I cannot afford to pay court fees?

The judge may require you to prove what you have provided in your *Application*.

- If you get public benefits (Supplemental Security Income; Aid to the Aged, Blind and Disabled; Temporary Assistance to Needy Families; State Children & Family Assistance; Food Stamps; General Assistance; OR Transitional Assistance), you may want to file a current proof of eligibility and benefits statement from the agency providing the benefit along with your forms.

If you don't get public benefits, you may want to file documents showing your income and expense information along with your forms.

Do I have to file an *Application for Waiver of Court Fees* each time I want to file something?

- No. Once the appellate court grants an *Order for Waiver of Court Fees* in a case, you do not have to file out another *Application* during the appeal. File the *Order for Waiver of Court Fees* to the Appellate Clerk whenever a fee is required in the case.
- However, if you file another case with the appellate court, you will need to file a separate *Application*.

What do I do after I fill out the *Application for Waiver of Court Fees* and *Order for Waiver of Court Fees* form?

Step 1: Send your *Application* to all other parties.

- You must send your *Application* to the other parties in the case. However, if any party has a lawyer, you must send your *Application* to the lawyer.
- You may send your *Application* to the other parties by personal hand delivery, by mail, by third-party commercial carrier (for example, FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider. You may send your *Application* to a party by e-mail if they have listed their e-mail address on a court document. Complete the *Proof of Service* with information to show how you sent your *Application* to each party. The *Proof of Service* has room for 3 parties. If you are sending your *Application* to more than 3 parties, fill out and insert one or more *Additional Proof of Service* forms into the main form.

Step 2: File your *Application* with the appellate court.

- You must file your forms with the appellate court where your appeal will be heard. Your appeal will be heard in the appellate court district where the trial court that ruled on your case is located. For help determining which appellate court your appeal should be filed in click here: https://en.wikipedia.org/wiki/Illinois_Appellate_Court

- If you are an inmate in a prison or jail and don't have a lawyer, you may file your *Application* by mail. Otherwise, you must electronically file (e-file) your *Application*. If you are unable to e-file, you can ask the court for permission to file in person, by mail, or by third-party commercial carrier. To ask the court for approval to file this way, you can use the *Appellate Motion* form found here: <http://www.illinoiscourts.gov/Forms/approved/default.asp>. You must have a good reason that prevents you from e-filing.
- To e-file, create an account with an e-filing service provider. Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some are free, while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see *Odyssey File & Serve: Individual Filer User Guide* here: <https://tylertech.egain.cloud/kb/ilh5/content/PROD-16579/HTML-5-Individual-Filer-User-Guide-20170>
- If you do not have access to a computer, or if you need additional help, you may take your *Application* to the appellate court clerk's office, where you can use a public terminal to e-file your *Application*. You can bring your *Application* on a flash drive or on paper. The terminal will have a scanner and computer where you can scan, save, and e-file your *Application*. To locate the clerk of the appellate court district where your appeal has been filed, click here: <http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>
- At the same time you file your *Application*, you will also need to file any other forms you are planning to file, such as *Docketing Statement*, *Motion*, or *Brief* when you file your *Application for Waiver of Court Fees*. You can find these forms at: www.illinoiscourts.gov/Forms/approved/

Step 3 – Wait for a decision.

- The appellate court will review your *Application for Waiver of Court Fees* and decide whether you have to pay the appellate court fees.
- The appellate court may need more information from you. The appellate court will notify you if you need to give more information or go to court.
- After the court makes a decision, the court will complete the *Order for Waiver of Court Fees*. The *Order for Waiver of Court Fees* will show if you have to pay court fees. The Appellate Clerk will mail or email you a copy of the *Order*.