

IMPORTANT NOTE: As of July 1, 2017, all documents filed in the Illinois Appellate Court must be filed electronically (“e-filed”). You cannot file in any other way, and any instructions that describe other ways are not up to date.

To e-file, you must 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 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 documents to the appellate court clerk’s office, where you can use a public terminal to e-file your documents. You can bring your documents on a flash drive or on paper. The terminal will have a scanner where you can scan, save, and then use the computer to e-file your documents. To locate the clerk of the appellate court district where your appeal has been filed, click here: <http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>

HOW TO FILE AN APPELLATE MOTION

What is a *Motion*?

- A *Motion* is a form you file any time you want to ask the appellate court to take action related to your appeal. Requests to the appellate court have to be in writing. You will need to tell the court exactly what you want and why you think the court should grant your request. An example of this is a request for more time to file an *Appellant or Appellee Brief*.

Who can use the *Motion* form?

- The *Motion* is used by any party.

What forms do I need to fill out to file the *Motion*?

- ***Motion***: use this form to explain what you want the court to do and any reasons why the court should say yes to your request.
- ***Order***: is used by the court to say if your *Motion* is granted or denied.
- ***Proof of Service & Affidavit of Mailing (Appeal)***: indicates the date on which you sent the original *Motion* and *Order* to the court and copies to all other parties.

Where can I find the forms I need?

You can find the forms at:

<http://www.illinoiscourts.gov/Forms/approved/>

What costs will I need to pay to file my *Motion* form?

- None, if you file in person; if you file by U.S. mail or third-party commercial carrier (e.g., FedEx or UPS), you will need to pay postage or delivery fees.

How do I fill out the *Motion* form?

The *Motion* tells the appellate court and the other parties what you want the appellate court to do.

The form contains instructions for each section. The following is an overview of those sections:

Case Name

- Check the top box if the appeal involves the best interests of a child.
- Enter the appellate court case number assigned by the appellate court clerk's office.
- Enter the appellate district which is hearing your appeal.
- Provide the names of the parties as they appeared in the trial court. Then identify which party is the appellant by checking the appropriate box under that party's name. The appellant is the party who started the appeal. Next, identify which party is the appellee by checking the appropriate box under that party's name. The appellee is the party who won in the trial court.

- Fill in the name of the county in which the trial court matter was heard. Also fill in the trial court case number and the name of the trial court judge.

Section 1

- Check the correct box to identify yourself.

Section 2

- Briefly state the actions you want the appellate court to take

Section 3

- Explain the reasons why you need the appellate court to take action. Provide all facts necessary to help the appellate court understand the situation.

How do I fill out the *Order* form?

Case Name

- Fill out this section the same way you filled out the *Motion* caption. They should look the same.

Body of Order

- In number 1, check the box to identify who is filing the *Motion*.
- In number 2, state the type of *Motion* made, e.g., "Motion for Extension of Time."
- Leave the rest of the form blank.

What do I do after I fill out the *Motion* and *Order*?

Step 1: Send copies to all other parties.

- You must send 1 copy to each party. Do not send the original to a party.
- Fill out the 1st part, "Proof of Service to the Parties," of the *Proof of Service & Affidavit of Mailing (Appeal)* form to show how you will send the copy, according to the instructions for that form. Then send the copy according to those same instructions.

Step 2: File your *Motion* and *Order* with the appellate court.

- To file your *Motion* and *Order*, deliver them to the appellate court clerk's office. Unless the appellate court's local rules say otherwise, deliver it in person, by U.S. mail, or by third-party commercial carrier. You can find the local rules here:

<http://www.illinoiscourts.gov/AppellateCourt/rulesdefault.asp>

The address for the appellate court for your appeal may be on the court papers you received. You can also find the address at:

<http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>

- If you will file your *Motion* and *Order* by U.S. mail or by third-party commercial carrier, fill out the 2nd part, "Affidavit of Mailing to the Court," of the *Proof of Service & Affidavit of Mailing (Appeal)* form to show how you will file it, according to the instructions for that form. Then file your *Motion* and *Order*, according to those same instructions.
- File your original *Motion* and *Order* and 3 copies of each, along with your *Proof of Service & Affidavit of Mailing (Appeal)*. Keep another copy for yourself.

Step 3: Wait for the appellate court to decide.

- The appellate court will decide if your motion will be granted or denied. This might take several weeks.
- You will receive a copy of the *Order*.