

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 PREPARE AND FILE A PROOF OF SERVICE & AFFIDAVIT OF MAILING (APPEAL)

What is a *Proof of Service & Affidavit of Mailing*?

- Before you file a document with the court, you must send a copy to each of the other parties, and you must send it in one of several particular ways. A *Proof of Service* shows the court how you sent a copy of a document to each of the other parties in the case.
- An *Affidavit of Mailing* shows that you are filing an original document with the court by U.S. Mail or by third-party commercial carrier (e.g., FedEx or UPS). When using a third-party commercial carrier, you must request delivery within 3 business days.
 - So long as you send the document to the court on or before the due date, the *Affidavit of Mailing* will show that you filed the document on time, even if it arrives at the court after the due date.
 - **NOTE:** If you file the document by going to the clerk's office, you do not need to fill out the *Affidavit of Mailing* section.
- By signing the *Proof of Service & Affidavit of Mailing*, you are making a sworn statement under penalty of perjury that you have told the truth.

When do I use the *Proof of Service & Affidavit of Mailing* form?

- A *Proof of Service & Affidavit of Mailing* must be used whenever a document is filed in the appellate court.

What forms do I need to fill out to file the *Proof of Service & Affidavit of Mailing*?

- The *Proof of Service & Affidavit of Mailing* form.

What costs will I need to pay to file my *Proof of Service & Affidavit of Mailing*?

- None, although you will have to pay any fees the court may charge for the filing of the document you are sending to the other party.
- You must pre-pay any postage or delivery costs.

How do I fill out the *Proof of Service & Affidavit of Mailing*?

The form contains instructions for each section. Following is a summary of those sections:

Section 1

- Fill in the name of the document you are filing with the court and sending to the other parties.

Section 2

- Fill in the date you are sending the document to the other parties.

Section 3

- Fill in the time you are sending the document to the other parties.

Section 4

- Fill in the names and addresses of all the parties to whom you are sending the document.
- If a party has a lawyer, you must send the document to the lawyer.
- Check the box for the method you are using to send the document to each party. You must use one of the methods listed. Include additional details in the space provided, such as the address of the post office, mailbox, or third-party commercial carrier you are using to send the document.
- You may send a document by email or fax only if that party has agreed to receive documents by email or fax.

NOTE: Fill out sections 5 through 9 only if you are filing the document with the court by U.S. Mail or by third-party commercial carrier.

Section 5

- Fill in the name of the document you are sending to the court clerk's office for filing.

Section 6

- Fill in the date you are sending the document to the court clerk's office for filing.

Section 7

- Fill in the time you are sending the document to the court clerk's office for filing.

Section 8

- Check the method you are using to send the document to the court clerk's office for filing.

Section 9

- Fill in the court's name and the address of the court clerk's office where you are sending the document for filing.

Page 4- Certification

- Provide your name, address, and telephone number and sign the form. By signing your name, you certify that the information provided on the form is true and correct to the best of your knowledge and belief. It is a Class 3 felony to knowingly make a false statement on the form.

What do I do after I have filled out the form?

- Make a copy of the form for each party to whom you are sending the document you intend to file with the court. Make another copy of the form for yourself.
- Send a copy of the form to each party, according to the time, place, and method you specified on the *Proof of Service*, together with a copy of the document you intend to file with the court.
- File the original form and the original document with the court clerk's office. If you are filing by U.S. Mail or by third-party commercial carrier, send them according to the time, place, and method you specified on the *Affidavit of Mailing*.
- If you want to get a court-stamped copy of your document back from the clerk's office, enclose an extra copy of the document and a self-addressed and stamped envelope with the original document.