

<p>Instructions ▼</p> <p>Use light blue paper for this cover page.</p> <p>Check the box to the right only if it applies to your case.</p> <p>Enter the Appellate Court case number.</p> <p>Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed.</p> <p>If the case name in the trial court began with "In re" (e.g., "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee").</p> <p>To the far right, enter the trial court county, trial court case number, and trial judge's name.</p>	<p><input type="checkbox"/> THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS OR OTHER MATTER AFFECTING THE BEST INTERESTS OF A CHILD.</p> <p style="text-align: center;">Appellate Case No.: _____</p> <p style="text-align: center;">IN THE APPELLATE COURT OF ILLINOIS</p> <p style="text-align: center;">_____ District</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 60%; border: none; vertical-align: top; padding: 10px;"> <p>In re _____</p> <p>_____</p> <p>Plaintiff/Petitioner (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <p>v.</p> <p>_____</p> <p>Defendant/Respondent (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> </td> <td style="width: 40%; border: none; vertical-align: top; padding: 10px;"> <p>Appeal from the Circuit Court of _____ County</p> <p>Trial Court Case No.: _____</p> <p>Honorable _____</p> <p>Judge, Presiding</p> </td> </tr> </table>	<p>In re _____</p> <p>_____</p> <p>Plaintiff/Petitioner (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <p>v.</p> <p>_____</p> <p>Defendant/Respondent (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p>	<p>Appeal from the Circuit Court of _____ County</p> <p>Trial Court Case No.: _____</p> <p>Honorable _____</p> <p>Judge, Presiding</p>
<p>In re _____</p> <p>_____</p> <p>Plaintiff/Petitioner (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <p>v.</p> <p>_____</p> <p>Defendant/Respondent (<i>First, middle, last names</i>)</p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p>	<p>Appeal from the Circuit Court of _____ County</p> <p>Trial Court Case No.: _____</p> <p>Honorable _____</p> <p>Judge, Presiding</p>		

APPELLEE'S BRIEF

<p>Add your:</p> <ol style="list-style-type: none"> 1) Name; 2) Address; 3) Phone number; and 4) Email address. <p>NOTE: insert your email address only if you agree to receive court documents by email.</p>
<p>Check "Requested" if you want oral argument OR check "Not Requested" if you do not want oral argument. See <i>How to File an Appellee's Brief</i> for a discussion of oral arguments.</p>

Your Information

Name: _____
First
Middle
Last

Address: _____
Street, Apt #
City
State
ZIP

Phone: _____

Email: _____

Oral Argument

Requested Not Requested

POINTS AND AUTHORITIES

[Refer to [Illinois Supreme Court Rule 341\(h\)\(1\)](#)]

Page of
Brief

You may have to complete the Argument section before completing the Points and Authorities section.

State the title of your 1st argument here and list the page where the argument starts later in the brief. Make the title responsive to the title of the 1st argument in the appellant's brief.

1. The trial court or jury (*check one*) was right to _____

Authorities:

In the formats provided by [Illinois Supreme Court Rule 6](#), list the authorities (cases, statutes (laws), etc.) that you refer to in your 1st argument, in order of their importance, and the pages on which they will appear.

Add pages as necessary to list your authorities.

You may have to complete the Argument section before completing the Points and Authorities section.

If the appellant makes a 2nd argument, state the title of your 2nd argument here and list the page where the argument starts later in the brief. Make the title responsive to the title of the appellant's 2nd argument. If the appellant doesn't make a 2nd argument, remove this page.

2. The trial court or jury (*check one*) was right to _____

Authorities:

In the formats provided by [Illinois Supreme Court Rule 6](#), list the authorities (cases, statutes (laws), etc.) that you refer to in your 2nd argument, in order of their importance, and the pages on which they will appear.

Add pages as necessary to list your authorities.

You may have to complete the Argument section before completing the Points and Authorities section.

If the appellant makes a 3rd argument, state the title of your 3rd argument here and list the page where the argument starts later in the brief. Make the title responsive to the title of the appellant's 3rd argument. If the appellant doesn't make a 3rd argument, remove this page.

3. The trial court or jury (*check one*) was right to _____

Authorities:

In the formats provided by [Illinois Supreme Court Rule 6](#), list the authorities (cases, statutes (laws), etc.) that you refer to in your 3rd argument, in order of their importance, and the pages on which they will appear.

Add pages as necessary to list your authorities.

If the appellant is raising additional arguments, add an *Additional Points and Authorities* form after this page.

NATURE OF THE CASE

[Refer to [Illinois Supreme Court Rule 341\(h\)\(2\)](#)]

You do not need to include this section, but you may do so if you disagree with the appellant's version.

State the kind of case that was in the trial court (e.g., "This case was filed in the trial court to recover damages caused by the alleged negligence of the defendant in driving his automobile.").

This case was filed in the trial court to _____

Check boxes to designate:

(1) whether or not the judgment being appealed was based on a jury's verdict;
(2) whether the judgment was in favor of the plaintiff/petitioner or the defendant/respondent; and
(3) whether or not the judgment said there was a problem in the pleadings (meaning the complaint or petition). If the judgment did find a problem, describe the problem.

(1) The trial court judgment was based on a jury verdict

Yes No

(2) The trial court entered a judgment in favor of

Plaintiff/Petitioner Defendant/Respondent

(3) A question is raised on the pleadings

Yes No

If a question is raised on the pleadings, describe it: _____

Starting with this page, number the pages of your brief 1, 2, 3, etc. (This page is numbered for you.)

ISSUES PRESENTED FOR REVIEW
[Refer to [Illinois Supreme Court Rule 341\(h\)\(3\)](#)]

You do not need to include this section, but you may do so if you disagree with the appellant's version.

In 1, state the title of your 1st argument as you wrote it in the Points and Authorities section above.

1. Whether the trial court or the jury (*check one*) was right to _____

If you are making more than 1 argument, use 2 and 3 (if necessary) to state the titles of those arguments. If not, leave the rest of this section blank.

2. Whether the trial court or the jury (*check one*) was right to _____

3. Whether the trial court or the jury (*check one*) was right to _____

If you are making more than 3 arguments, add an *Additional Issues Presented for Review* form as the next page.

JURISDICTION

[Refer to [Illinois Supreme Court Rule 341\(h\)\(4\)\(ii\)](#)]

You do not need to include this section, but you may do so if you disagree with the appellant's version. In 1, state the Illinois Supreme Court Rule, if any, under which the appellate court has jurisdiction, and explain why the trial court's judgment is appealable under that rule. If no rule applies, explain why not.

- 1. This court has jurisdiction under Illinois Supreme Court Rule
 - 301, because the trial court's judgment ended a civil (non-criminal) case.
 - 304, because the trial court's judgment
 - ended only part of a civil (non-criminal) case but included a special finding of appealability under Rule 304(a).
 - ended only part of a civil (non-criminal) case but is one of the judgments listed in Rule 304(b), such as a child custody order.

Specifically, the judgment _____

- 307, because the trial court's judgment did not end any part of a civil (non-criminal) case but is one of the judgments listed in Rule 307, such as a termination of parental rights or a restraining order.

Specifically, the judgment _____

- Other: _____

- None: _____

In 2, 3, 4, and 5, referring to the pages of the common law record where the documents appear, fill in the dates of the documents that show whether the appeal is timely. Specifically, fill in the date of the judgment, the dates of any post-judgment motions, the dates of the rulings on those motions, and the date of the Notice of Appeal. State whether the Notice of Appeal was timely.

- 2. On _____, the trial court entered the judgment (C. _____)
Enter Date *Enter page(s) of record*

- 3. On _____, post-judgment motion(s) was/were filed
Enter Date(s)
(C. _____).
Enter page(s) of record

- 4. On _____, the trial court ruled on the post-judgment
Enter Date(s)
motion(s) (C. _____).
Enter page(s) of record

- 5. On _____, the Notice of Appeal was filed (C. _____).
Enter Date

- The Notice of Appeal was timely. The Notice of Appeal was untimely.

Enter the Case Number given by the Appellate Court Clerk: _____

STATUTES (LAWS) INVOLVED
[Refer to [Illinois Supreme Court Rule 341\(h\)\(5\)](#)]

You do not need to include this section, but you may do so if you disagree with the appellant’s version.

If the case involves the meaning or validity of a statute (law), constitutional provision, treaty, ordinance, or regulation, provide the language and the number (for example, 735 ILCS 5/2-615) for each.

If the case does not involve a statute (law) or other provision, leave this page blank.

If the language is too long to fit here, provide only the number here and provide the language in the appendix below.

If you need more room, add 1 or more *Additional Statutes (Laws) Involved* forms after this page.

STATEMENT OF FACTS

[Refer to [Illinois Supreme Court Rule 341\(h\)\(6\)](#)]

You do not need to include this section, but you may do so if you disagree with the appellant's version.

Tell the story of what happened in the trial court, with references to the specific pages of the record where each fact appears. Refer to pages of the common law record as "C. [page]." Refer to pages of the report of proceedings as "R. [page]." For example, "On January 2, 2015, the plaintiff filed his complaint. C.1."

You should describe the following:

- what was said in the complaint or petition,
- anything relevant that happened in court before the trial,
- the testimony of all witnesses,
- how the judge ruled, any findings by the jury, and anything that happened in court after the trial.

Refer to the specific pages of the record where each fact appears.

Tell the story correctly and fairly. Do not make arguments or comments here.

ARGUMENT

[Refer to [Illinois Supreme Court Rule 341\(h\)\(7\)](#)]

State the title of your 1st argument here as you wrote it in the Points and Authorities section above.

1. The trial court or jury (*check one*) was right to _____

Standard of review (*Check all that apply to your 1st argument*)

The trial court correctly applied the law. (This is **de novo** review. The appellate court must give **no** deference to the trial court);

The trial court or the jury correctly decided the facts. (This is **manifest weight of the evidence** review. The appellate court must give **great** deference to the trial court or the jury);

The trial court correctly conducted the trial procedure. (This is **abuse of discretion** review. The appellate court must give **extreme** deference to the trial court); and/or

other: _____

Authority for standard of review: _____

Explain your argument, using the law to demonstrate why, under the facts of your case, the appellant's argument is wrong. (*Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.*) _____

Using the authorities from your Points and Authorities section, and with references to the pages of the record for facts within your argument, explain:

- the standard of review you want the appellate court to apply;
- the law that you want the appellate court to apply;
- how the law applies to your case; and
- the relief you want from the appellate court.

State the title of your 2nd argument here as you wrote it in the Points and Authorities section above.

If you don't have a 2nd argument, remove this page and the following argument pages.

2. The trial court or jury (*check one*) was right to _____

Standard of review (*Check all that apply to your 2nd argument*)

- The trial court correctly applied the law. (This is **de novo** review. The appellate court must give **no** deference to the trial court);
- The trial court or the jury correctly decided the facts. (This is **manifest weight of the evidence** review. The appellate court must give **great** deference to the trial court or the jury);
- The trial court correctly conducted the trial procedure. (This is **abuse of discretion** review. The appellate court must give **extreme** deference to the trial court); and/or
- other: _____

Authority for standard of review: _____

Explain your argument, using the law to demonstrate why, under the facts of your case, the appellant's argument is wrong. (*Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.*) _____

Using the authorities from your Points and Authorities section, and with references to the pages of the record for facts within your argument, explain:

- the standard of review you want the appellate court to apply;
- the law that you want the appellate court to apply;
- how the law applies to your case; and
- the relief you want from the appellate court.

Enter the Case Number given by the Appellate Court Clerk: _____

Multiple horizontal lines for case number entry.

Enter the Case Number given by the Appellate Court Clerk: _____

Lined writing area consisting of 30 horizontal lines.

Enter the Case Number given by the Appellate Court Clerk: _____

State the title of your 3rd argument here as you wrote it in the Points and Authorities section above.

If you don't have a 3rd argument, remove this page and the following argument pages.

3. The trial court or jury (*check one*) was right to _____

Standard of review (*Check all that apply to your 3rd argument*)

- The trial court correctly applied the law. (This is **de novo** review. The appellate court must give **no** deference to the trial court);
- The trial court or the jury correctly decided the facts. (This is **manifest weight of the evidence** review. The appellate court must give **great** deference to the trial court or the jury);
- The trial court correctly conducted the trial procedure. (This is **abuse of discretion** review. The appellate court must give **extreme** deference to the trial court); and/or
- other: _____

Authority for standard of review: _____

Explain your argument, using the law to demonstrate why, under the facts of your case, the appellant's argument is wrong. (*Use the facts of the case and your authorities (cases and statutes (laws)) to help you do this.*) _____

Using the authorities from your Points and Authorities section, and with references to the pages of the record for facts within your argument, explain:

- the standard of review you want the appellate court to apply;
- the law that you want the appellate court to apply;
- how the law applies to your case; and
- the relief you want from the appellate court.

Enter the Case Number given by the Appellate Court Clerk: _____

CONCLUSION

[Refer to [Illinois Supreme Court Rule 341\(h\)\(8\)](#)]

State what you want the court to do. You may check as many as apply.

The appellee respectfully requests that this court:

affirm the trial court's judgment;

other: _____

and grant any other relief that the court finds appropriate.

Sign and print your name.

Respectfully submitted,

Signature

Print Name

CERTIFICATE OF COMPLIANCE

[Refer to [Illinois Supreme Court Rule 341\(c\)](#)]

Rule 341(a) governs the form of briefs, and Rule 341(b) governs the length. Unless a motion to file a longer *Brief* is granted, the *Appellee's Brief* (not counting the pages listed) must contain no more than 50 pages OR no more than 15,000 words.

If your *Brief* is within the page limit, add the number of pages in your *Brief* (not counting the pages listed).

If your *Brief* is not within the page limit, but is within the word limit, add the number of words in your *Brief* (not counting the pages listed).

I certify that this *Brief* conforms to the requirements of Supreme Court Rules 341(a) and (b).

The length of this *Brief*, excluding the pages or words contained in the Rule 341(d) cover, the Rule 341(h)(1) statement of points and authorities, the Rule 341(c) certificate of compliance, the certificate of service, and those matters to be appended to the brief under Rule 342(a), is _____ pages or words.

Sign and print your name.

Signature

Print Name

Enter the Case Number given by the Appellate Court Clerk: _____

You do not need to include this section, but you may do so if you disagree with the appellant's version.

APPENDIX
[Refer to [Illinois Supreme Court Rule 342\(a\)](#)]

This is a Table of Contents for the Appendix.

- In addition to the materials listed, list any other materials from the record that are relevant to the appeal. Do not list materials that are not in the record.
- Attach copies of those materials to the end of the Appendix, in the order in which you list them. Do not remove and attach originals from the record.
- Number the pages of the Appendix A-1, A-2, A-3, etc.
- Fill in the appropriate page numbers on the Table of Contents.

- 1. Index to the record A- ____
- 2. Complaint or Petition A- ____
- 3. Judgment A- ____
- 4. *Notice of Appeal* A- ____

Report of Proceedings ("R")

[Refer to [Illinois Supreme Court Rule 323](#)]

[Rule 323](#) discusses reports of proceedings. List each hearing in the report of proceedings (the transcript of the trial court hearings), the date on which each hearing occurred, and the page of the transcript on which the report of each hearing begins.

Proceeding	Date	Page
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
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_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

If you need more room, add 1 or more *Additional Report of Proceedings* forms after this page.

Enter the Case Number given by the Appellate Court Clerk: _____

[Copy of the Complaint or Petition]

After this page, add a copy of the complaint or petition that was filed in the trial court.

A- _____

Enter the Case Number given by the Appellate Court Clerk: _____

After this page, add a copy of the trial court's written judgment that the appellant is saying was wrong (including any opinion, memorandum, or findings of fact).

[Copy of the Judgment]

A- _____

Enter the Case Number given by the Appellate Court Clerk: _____

After this page, add a copy of the *Notice of Appeal*.

Attach copies of any other materials from the record that are relevant to the appeal. Number those pages. List the additional materials and page numbers in the Table of Contents for the Appendix, in the order in which you attach them.

[Copy of the *Notice of Appeal*]

A- _____