

**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 A PETITION FOR REHEARING

## What is a *Petition for Rehearing*?

- A *Petition for Rehearing* tells the appellate court what it overlooked or misunderstood in its decision.

## Who can use the *Petition for Rehearing* form?

- After the appellate court makes its decision, a *Petition for Rehearing* may be filed by the party who lost.

## When do I file the *Petition for Rehearing* form?

- Your *Petition for Rehearing* must be filed within 21 days after the date of the appellate court's decision. If you need additional time, you may file a *Motion* with the appellate court to ask for more time. However, the appellate court will not grant you more time unless you have an extremely good reason.
- For more information see the Guide for Appeals to the Illinois Appellate Court for Self Represented Litigants:  
[http://www.illinoiscourts.gov/CivilJustice/Resources/Guide for Appeals to the IL Appellate Court rev 093016.pdf](http://www.illinoiscourts.gov/CivilJustice/Resources/Guide%20for%20Appeals%20to%20the%20IL%20Appellate%20Court%20rev%20093016.pdf)

## What costs will I need to pay to file my *Petition for Rehearing* 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.

## Is there a page or word limit?

- Yes. The *Petition for Rehearing* must be no more than 27 pages or 8,000 words.
- If you need more than 27 pages or 8,000 words, you may file a *Motion* with the appellate court to ask for permission to file a *Petition* with more pages or words.

## How do I fill out the *Petition for Rehearing* form?

- If you can't fill out the form online, and if you must fill it out by hand, you must print neatly.
- The *Petition for Rehearing* form contains several sections.
- The form contains instructions for each section. The sections are:

### Cover

- Check the top box if the appeal involves the best interests of a child.
- Enter the appellate court case number (the same one that was assigned to the original appeal) and the appellate court district.

- Provide the name of the trial court case. If the case was given a name beginning with "In re" (e.g., "In re Marriage of Jones"), enter that name. Then, enter the names of the plaintiff/petitioner (the party who filed the trial court case) and the defendant/respondent (the party against whom the case was filed). Finally, show which party is the appellant (the party who filed the appeal) and which party is the appellee (the party responding to the appeal).
- Enter the trial court county, case number, and judge's name.
- Enter your name, address, and phone number. You may also enter your email address, but, if you do, the court may use it to send you important documents. Therefore, you should enter your email address only if you check your email frequently.
- The cover must be printed on light green paper.

### Argument

- Do not restate the title of each argument in your original brief.
- Instead, briefly state each point that the appellate court overlooked or misunderstood in its decision.
- Then, under each title, do not repeat your original argument. Instead, explain why the appellate court's decision was wrong.
- To help you do this, use authorities (cases, statutes (laws), etc.) and references to the pages of the record. Refer to pages of the common law record as "C. [page]." Refer to pages of the report of proceedings as "R. [page]."
- The form includes room for 3 arguments.

### Certificate of Compliance

Certify that you have followed the rules for petitions, especially the page or word limit, by signing the Certificate of Compliance.

## What do I do after I fill out the form?

### Step 1: Send copies to all other parties.

- You must send 3 copies to each party, unless you are sending by e-mail, in which case you may send only 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 copies, according to the instructions for that form. Then send the copies, according to those same instructions.

## Step 2: File your *Petition* with the appellate court.

- To file your *Petition*, deliver it 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. 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 *Petition* 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 *Petition*, according to those same instructions.
- File your original *Petition* and 8 copies (a total of 9 petitions), along with your *Proof of Service & Affidavit of Mailing (Appeal)*. Each *Petition* must be safely and securely bound on the left side, in a way that does not block the language. Keep another copy for yourself.

**NOTE:** If you checked out the record on appeal to complete your *Petition*, return the record to the clerk of the appellate court by mail, third-party commercial carrier, or personal delivery when you file your *Petition*. The court will then use the same record on appeal to rule on the *Petition for Rehearing*. Therefore, while the record is in your possession, do not remove any document from the record or mark any page of the record in any way. Return the record to the appellate court clerk exactly as it was checked out to you.

## Step 3: Wait for a ruling by the appellate court.

The appellate court will do one of the following:

- Deny your *Petition for Rehearing*. If the appellate court sees no merit in your *Petition for Rehearing*, the court will deny it. The denial could take the form of a modified decision, which will reach the same result, or a separate order.
- Grant your *Petition for Rehearing*. If the appellate court sees merit in your *Petition for Rehearing*, the court will grant it. The court will give your opponent 21 days to file an answer, and it will give you 14 days to file, if you wish, a reply to your opponent's answer. The appellate court will then issue a new decision. However, the grant of a *Petition for Rehearing* does not guarantee that the new decision will reach a different result.
- Request an answer from your opponent without granting your *Petition for Rehearing*. If the appellate court sees possible merit in your *Petition for Rehearing*, it will give your opponent 21 days to file an answer, and it will give you 14 days to file, if you

wish, a reply to your opponent's answer. The appellate court will then either deny your *Petition for Rehearing* or grant it and issue a new decision.

**NOTE:** Before ruling on your *Petition for Rehearing*, the appellate court may send you a notice to appear for oral argument. However, oral argument on a *Petition for Rehearing* is extremely rare.