

# 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.

## Is there a page or word limit?

- Yes. The *Petition for Rehearing*—not including the cover, the certificate of compliance, and the proof of service—must be no more than 27 pages or 8,100 words.
- If you need more than 27 pages or 8,100 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?

- Fill out the form online, or print it and fill it out by hand. If you fill it out by hand, you must print neatly.
- You might have to add pages to the form and remove pages from it. If you have access to a computer with a PDF editing program (e.g., Adobe Acrobat), you can add and remove pages electronically. Otherwise, you will have to print out the form and add and remove pages by hand.
- 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 custody, visitation, or removal 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 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.

### Proof of Service

Show how you are sending your *Petition* to the other parties. (see Step 1 below)

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

### **Step 1: Send your *Petition* to all other parties.**

- You must send your *Petition* to the other parties in the case. However, if any party has a lawyer, you must send your *Petition* to the lawyer.
- You may send your *Petition* 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 *Petition* 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 *Petition* to each party. The *Proof of Service* has room for 3 parties. If you are sending your *Petition* to more than 3 parties, fill out and insert one or more *Additional Proof of Service* forms into the main form.

Find Illinois Supreme Court approved forms at: <http://www.illinoiscourts.gov/Forms/approved/>.

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

- If you are an inmate in a prison or jail and don't have a lawyer, you may file your *Petition* by mail. Otherwise, you must electronically file (e-file) your *Petition*. 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 eFileL, 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 *Petition* to the appellate court clerk's office, where you can use a public terminal to e-file your *Petition*. You can bring your *Petition* on a flash drive or on paper. The terminal will have a scanner and computer where you can scan, save, and e-file your *Petition*. To locate the clerk of the appellate court district where your appeal has been filed, click here: <http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>

**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.

## 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.