

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.

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.

Proof of Service

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

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, for example, "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 your *Motion* to all other parties.

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

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

- If you are an inmate in a prison or jail and don't have a lawyer, you may file your *Motion* by mail. Otherwise, you must electronically file (e-file) your *Motion*.

- 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 *Certification for Exemption from E-Filing* form found here: <http://www.illinoiscourts.gov/Forms/approved/default.asp>.
- 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://www.tylertech.com/CourtsJusticeSupportDocuments/FileAndServe/Release-3.10/HTML5/OFS-HTML5-Filer-User-Guide-Rel-3.10.pdf>
- If you do not have access to a computer, or if you need additional help, you may take your *Motion* to the appellate court clerk's office, where you can use a public terminal to e-file your *Motion*. You can bring your *Motion* on a flash drive or on paper. The terminal will have a scanner and computer where you can scan, save, and e-file your *Motion*. To locate the clerk of the appellate court district where your appeal has been filed, click here: <http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>

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*.