

# HOW TO FILE A PETITION FOR REHEARING

**NOTE:** If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at [ilao.info/glossary](http://ilao.info/glossary). For more information about going to court including how to fill out and file forms, call or text Illinois Court Help at 833-411-1121 or go to [ilcourthelp.gov](http://ilcourthelp.gov).

**All the Illinois Supreme Court Rules mentioned in these instructions can be found at:**  
[ilcourts.info/supreme-court-rules](http://ilcourts.info/supreme-court-rules).

**Additional resources** are available to help self-represented litigants at: [ilcourts.info/appl-resources](http://ilcourts.info/appl-resources).

## 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.

## 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.

## Where can I find the forms I need?

You can find the forms at: [ilcourts.info/forms](http://ilcourts.info/forms).

## 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 page (1<sup>st</sup> page)

- Check the top box if your case involves parental responsibility or parenting time (custody/visitation rights), or relocation 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, check 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 Delivery

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

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

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

- You must send your *Petition for Rehearing* to the other parties in the case. If any party has a lawyer, you must send your *Petition for Rehearing* to the lawyer.
- If you and the person you're sending the *Petition for Rehearing* to have an email address, you must send it by email or by notification through the e-filing system. If you or the person you're sending the *Petition for Rehearing* to does not have an email address, you may give it to the other parties by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).
- Complete the *Proof of Delivery* with information to show how you sent your *Petition for Rehearing* to each party. The Proof of Delivery has room for 3 parties. If you are sending your *Petition for Rehearing* to more than 3 parties, fill out and insert one or more *Additional Proof of Delivery* forms into the *Petition for Rehearing* form.

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

- You must file the *Petition for Rehearing* with the appellate court by the filing deadline for your case.
- Court forms are filed by electronic filing, called "e-filing." You do not have to e-file if you qualify for an exemption or your case involves a criminal matter.
  - Most people e-file their forms using Odyssey eFileIL at [ilcourts.info/efile](http://ilcourts.info/efile).
  - Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at [ilcourts.info/efile-info](http://ilcourts.info/efile-info).
- E-filing may not work on a cell phone or tablet. You may need to use a computer to e-file.
- If you do not have access to a computer or if you need help e-filing, take your completed forms to a public library, or a Circuit Clerk, Appellate Clerk, or Supreme Court Clerks' office. These places offer public computers where you can e-file your forms. Librarians and courthouse staff are not able to provide legal advice.
  - You can bring your forms on paper or saved on a flash drive. The public computer will have a scanner where you can turn your paper forms into electronic files.
- Some people are exempt from e-filing, which means they can file paper forms at the courthouse or by mail. People who do not have to e-file are:
  - Inmates in prison or jail who do not have a lawyer.

- People with a disability that keeps them from e-filing.
- You may also qualify for an exemption from e-filing if:
  - You do not have Internet or computer access in your home, and it is hard for you to travel.
  - You have trouble reading, writing, or speaking English.
  - You are filing documents in a sensitive case, such as an order of protection.
  - You tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.
- To ask for an exemption from e-filing, use the form at [ilcourts.info/appl-exempt](http://ilcourts.info/appl-exempt). If you can't print this form, then ask for it at your local courthouse.
  - File your *Certification for Exemption from E-Filing* form with your other court forms at the Appellate Court Clerk's office or by mail.
  - Bring your signed court forms and at least two copies of your forms to the Appellate Court Clerk's office. Ask them to stamp your copies and return them to you. **NOTE:** Your appellate district's local rules may require additional paper copies. Check the local rules for your district at [ilcourts.info/appl-local-rules](http://ilcourts.info/appl-local-rules) or call the clerk's office for further instructions.
  - If you need to make copies of your forms, you can do that at the appellate court clerk's office. They may charge you to make copies.

### 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.