

HOW TO FILE A NOTICE OF APPEAL

NOTE: If there are any words or terms used in these instructions that you do not understand, please visit Illinois Legal Aid Online at illinoislegalaid.org/lexicon/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.

All the Supreme Court Rules mentioned in these instructions can be found at:
illinoiscourts.gov/rules/supreme-court-rules.

What is a *Notice of Appeal*?

- A *Notice of Appeal* is a form you file with the trial court to start the appeal of a trial court order or judgment.

Who can use the *Notice of Appeal* form?

- In a civil case, you can use the *Notice of Appeal* if the trial court entered an order or judgment against you that can be appealed.
- Businesses other than sole proprietorships cannot represent themselves in the appellate court. If you are a business, please talk to a lawyer.

What forms do I need to fill out to file the *Notice of Appeal*?

- ***Notice of Appeal:*** This form tells the trial court that you are appealing its order or judgment.

The email address (if you have one) and mailing address you put on the *Notice of Appeal* is where important legal documents will be sent to you. You should use an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information, notice of court dates, or documents from other parties.

When do I need to use the *Notice of Appeal* form?

- In all cases under Illinois Supreme Court Rule 301, you must file your *Notice of Appeal* within 30 days after the trial court enters the final judgment in your case. But, if any party files a Motion to Reconsider (or similar post-judgment motion) within 30 days after the final judgment, you must file your *Notice of Appeal* within 30 days after the trial court rules on the Motion to Reconsider.
- However, Illinois Supreme Court Rules say that some orders and judgments can be appealed *before* the trial court enters the final judgment. For example:
 - Rule 304(a): When the trial court (1) enters a final judgment that ends only part of the case; *and* (2) says that this judgment can be appealed

(which is called a “special finding”), you must file your *Notice of Appeal* within 30 days after the special finding. But, if any party files a Motion to Reconsider (or similar post-judgment motion) within 30 days after the special finding, you must file your *Notice of Appeal* within 30 days after the trial court rules on the Motion to Reconsider.

- Rule 304(b): When the trial court (1) enters a final judgment that ends only part of the case; *and* (2) the judgment is one that is listed in Rule 304(b), such as a child custody order, you must file your *Notice of Appeal* within 30 days after the trial court enters that judgment. But, if any party files a Motion to Reconsider (or similar post-judgment motion) within 30 days after the judgment, you must file your *Notice of Appeal* within 30 days after the trial court rules on the Motion to Reconsider.
- Rule 307: You may appeal some orders that do not end any part of the case. Those orders are listed in this rule.
- Rule 307(a): To appeal an order listed in Rule 307(a) (such as a termination of parental rights), you must file your *Notice of Appeal* within 30 days after the trial court enters the order.
- To appeal an order under Rule 307(a) that was entered without notice to you, you must first file a Motion to Vacate the order in the trial court. If the trial court denies your Motion to Vacate, you must file your *Notice of Appeal* within 30 days after your Motion is denied. But, if the trial court does not rule on your Motion to Vacate within 7 days after you file it, you must file your *Notice of Appeal* within 30 days after those 7 days are up.
- Rule 307(d): To appeal a temporary restraining order (or the denial of one), you must file your *Notice of Appeal* within 2 days after the date of the order (or denial).
- To figure out the deadline to file your *Notice of Appeal*, count from the day after the trial court entered the order or judgment. You must count weekends and holidays. If the deadline to file falls on a weekend or holiday, you may file the *Notice of Appeal* on the next business day. If you file it by mail or by third-party commercial carrier (because you have an exemption from e-filing, see Step 2 below), the date you send it is also the date of filing, as long as you follow the instructions for the Proof of Service.
- You may ask for more time to file your *Notice of Appeal* by filing a Motion for Extension of Time with the appellate court within 30 days after your *Notice of Appeal* was originally due. You must attach your *Notice of Appeal* to the Motion and pay a filing fee. If

you cannot afford to pay the filing fee, you can ask the court to file for free by filing the *Application for Waiver of Court Fees (Appellate)* found at: illinoiscourts.gov/documents-and-forms/approved-forms. You can also find a *Motion* form you can use at this link.

- The appellate court does not have to give you more time to file your *Notice of Appeal*. The appellate court may dismiss your appeal if you do not have a “reasonable excuse” for filing a late *Notice of Appeal*.

What costs will I need to pay to file my *Notice of Appeal* form?

- Some trial courts charge a fee for filing a *Notice of Appeal*. Ask the trial court clerk’s office whether there is a fee and whether you qualify for a waiver of the fee.

How do I fill out the *Notice of Appeal* form?

- The *Notice of Appeal* tells the trial court, the appellate court, and the other party (or parties) that you are appealing one or more trial court orders. The *Notice of Appeal* also says what relief you are seeking from the appellate court.

The *Notice of Appeal* form contains instructions for each section. See below for more instructions on how to fill out each section on the *Notice of Appeal* form:

Case Name

- Check the top box if the appeal involves the best interests of a child.
- Enter the appellate district that will hear your appeal. There are five appellate districts in the State of Illinois. The appellate district that will hear your appeal is the one where the trial court (that ruled on your case) is located. For help determining which appellate district will hear your appeal, click here: en.wikipedia.org/wiki/Illinois_Appellate_Court.
- Enter the county where the trial court is located.
- Some cases, like marriage cases, are given titles beginning with “In re” (e.g., “In re Marriage of Jones”). If your case had such a title in the trial court, enter it after “In re.” Then, whether or not your case had such a title, enter the names of the parties as they appeared in the trial court. (Some cases, like name-change cases, have only one party.)
- Do not enter the full name of a child or a recipient of mental-health services; instead, use that person’s first name and last initial.
- Identify which party is the appellant by checking the “appellant” 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 “appellee” box under that party’s name (the appellee is the party who is responding to the appeal).

- Enter the trial court case number, the name of the trial court judge, and the Supreme Court Rule that allows the appellate court to hear the appeal.

Section 1

- Check the box to indicate the type of appeal you are filing:
 - Check “Appeal” if you are the first appellant and you are appealing a final judgment that ended all or part of the case.
 - Check “Interlocutory Appeal” if you are the first appellant and you are appealing an order under Rule 307.
 - Check “Joining Prior Appeal” if you are the second appellant and you are adding your name to the first appellant’s *Notice of Appeal*. In this appeal, two appellants proceed together against the appellee. For example, if two roommates are evicted and one roommate appeals the eviction, the other roommate can join the appeal.
 - Check “Separate Appeal” if you are the second appellant but you are not joining the first appellant’s *Notice of Appeal*. In this appeal, you can go against different appellees or attack different orders than the first appellant. For example, if two roommates are evicted and one roommate appeals only the eviction order, the other roommate can file a separate appeal to attack an order for past-due rent.
 - Check “Cross Appeal” to respond to the appellant’s appeal and also file your own appeal against the appellant. In this appeal, you are the “cross appellant” and can attack an order or part of an order that wrongly gave relief to the appellant. For example, if a landlord gets an eviction order against a tenant but the court does not award past-due rent, the tenant can appeal the eviction and the landlord can cross appeal the denial of rent.

Section 2

- Fill in the name of every person who is filing the appeal. Check the box to show if that person was a plaintiff/petitioner or defendant/respondent in the trial court case.

Section 3

- Fill in the date of the order or judgment you are appealing from. You may also challenge any other order that led to the entry of the order or judgment you are appealing from. Fill in the dates of any such orders you wish to challenge. If you do not, the court may not consider them.

Section 4

Say what type of relief you want from the appellate court. In general, the types of relief are:

- “Reverse the judgment.” This means the appellate court changes the judgment in your opponent’s favor into a judgment in your favor. For example, if you were the defendant and you argue that the plaintiff (who won the case) failed to prove his case, you want the appellate court to change the judgment in the plaintiff’s favor into a judgment in your favor. If other hearings are needed, you may also ask the court to send the case back to the trial court for those hearings.
- “Vacate the judgment.” This means the appellate court erases the judgment in your opponent’s favor. Usually, the appellate court then sends the case back to the trial court for a new hearing. For example, if you were the defendant and you argue that the trial was unfair, you are arguing that the appellate court should erase the judgment in the plaintiff’s favor and send the case back to the trial court for a new trial and a new judgment.
- “Change the judgment.” This means the appellate court changes what the judgment says. For example, if you argue that the trial court awarded you an amount that was too low, you may ask the appellate court to change the award to a higher amount.

You may also ask the appellate court to give (or to tell the trial court to give) any other relief you think is proper.

After you say what relief you want, sign and print your name and fill in your address, phone number, and email address, if you have one. If anyone else is appealing with you, they must sign and print their own name; you cannot do it for them.

Proof of Service

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

What do I do after I fill out the form?

Step 1: Serve the *Notice of Appeal* on all other parties.

- You must send your *Notice of Appeal* to the other parties in the case. However, if any party has a lawyer, you must send your *Notice of Appeal* to the lawyer.
- If you and the person you’re sending the *Notice of Appeal* 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 *Notice of Appeal* 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 Service with information to show how you sent your *Notice of Appeal* to each party. The Proof of Service has room for 3 parties. If

you are sending your *Notice of Appeal* to more than 3 parties, fill out and insert one or more *Additional Proof of Service* forms into the *Notice of Appeal* form.

Step 2: File the *Notice of Appeal* with the clerk of the trial court where your trial court case was heard.

- You must file the *Notice of Appeal* with the trial court by the filing deadline that applies to your case. For examples of filing deadlines, see the section above titled “When do I need to use the *Notice of Appeal* form?”.
- You must electronically file (e-file) court documents unless (1) you are an inmate in a prison or jail and you do not have a lawyer, (2) you have a disability that keeps you from e-filing, or (3) you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer; (2) you have trouble reading or speaking in English, or (3) you tried to e-file your documents, but you were unable to complete the process because the equipment or assistance you need is not available.
 - If you qualify for an exemption, fill out a *Certification for Exemption from E-Filing* found here: illinoiscourts.gov/documents-and-forms/approved-forms.
 - File the original and 1 copy of your forms and the *Certification* with the trial court clerk’s office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit efile.illinoiscourts.gov/service-providers.htm to select a service provider. Some service providers are free while others charge a processing fee. For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here: illinoiscourts.gov/self-help/how-to-e-file/.
- If you do not have access to a computer or if you need help e-filing, bring your form to the trial court clerk’s office or appellate court clerk’s office where you can use a public computer terminal to e-file your form.
 - You can bring your forms on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

Step 3: You must file a Docketing Statement, along with an appearance fee, in the appellate court within 14 days after filing the *Notice of Appeal*.