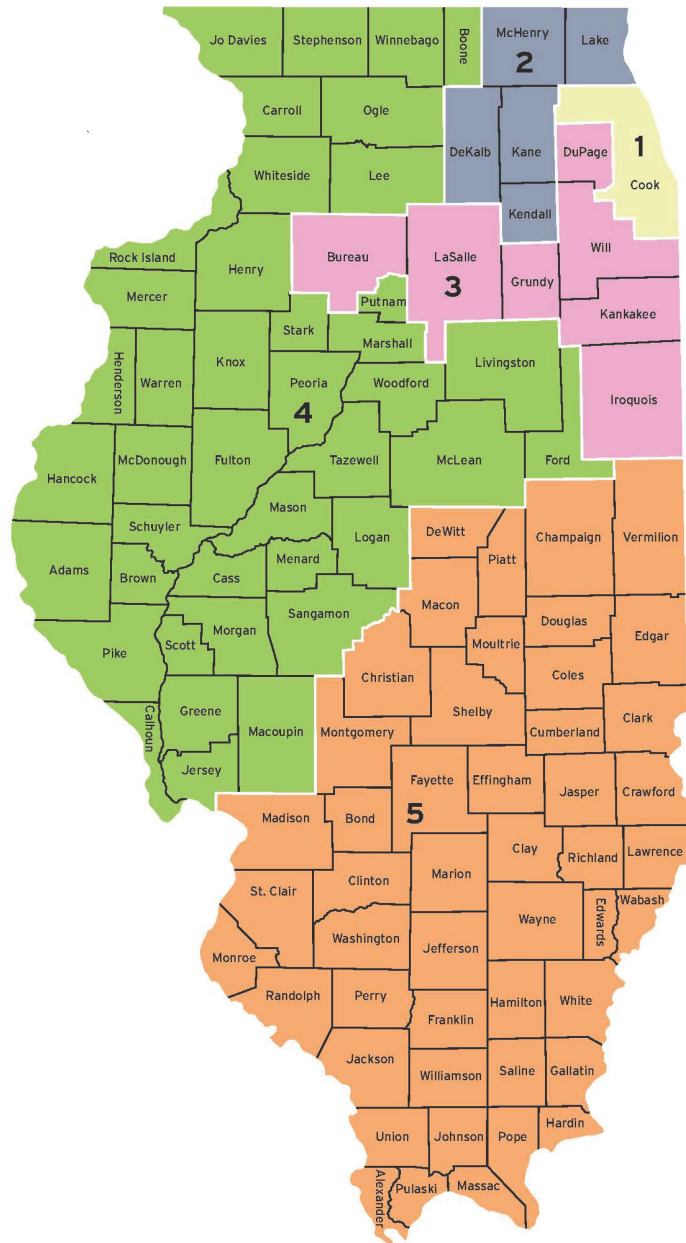


**ACCESS**  
**TO JUSTICE**  
EDUCATION. SUPPORT. EMPOWERMENT.

# GUIDE FOR APPEALS TO THE ILLINOIS APPELLATE COURT



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## **Guide for Appeals to the Illinois Appellate Court For Self-Represented Litigants**

This guide has information on how to file an appeal from a judgment or order entered by a circuit court in Illinois. It does not cover direct appeals of administrative agency orders. It includes a timeline of the process, frequently asked questions, and a checklist to consult when preparing the documents you need.

The party filing an appeal is the “appellant.” The party responding to an appeal is the “appellee.”

The number of steps to the appeals process varies, and may include:

1. File a notice of appeal with the circuit court clerk.
2. Submit written requests to the circuit court clerk to request preparation of the record on appeal, and to the court reporter (either in your circuit court or through a private service) to prepare transcripts of the hearings held in your case and pay the fees for that preparation. If you cannot afford the fees for the preparation of the record on appeal, file an [Application for Waiver of Court Fees \(Circuit Court\)](#) with the circuit court clerk to ask the court to excuse you from paying the fees.
3. Once you receive an appellate court case number, file a notice of filing of the notice of appeal with the clerk of the appellate court. Include proof of service that says you have sent a copy of the notice of appeal to the other party or parties.
4. File a docketing statement with the appellate court, together with copies of your requests to the circuit court and the court reporter for preparation of the record on appeal and the transcripts. Pay the \$50 filing fee to the appellate court or, if you qualify, you may file an [Application for Waiver of Court Fees \(Appellate Court\)](#) with the appellate court to ask to have the fee waived. The circuit court clerk will file the record on appeal with the appellate court.<sup>1</sup>
5. File your appellant’s brief.
6. The other side (the appellee) files its answering brief if they choose to do so.
7. If the appellee files a brief, file your appellant’s reply brief if you choose to do so.
8. The appellate court issues its decision.
9. File a petition for rehearing if you believe the appellate court should reconsider its decision because the court overlooked or misunderstood important facts or the law. (optional)
10. File a petition for leave to appeal to the Illinois Supreme Court. (optional)

<sup>1</sup> Please note that [Rule 323\(b\)](#) provides that court reporting personnel must file the transcripts directly with the circuit court, rather than provide them to the appellant. Court reporting personnel will notify all parties that the transcripts have been filed with the circuit court. [Rule 325](#) states that in general the circuit court clerk, not the appellant, must file the record on appeal with the appellate court.

## IMPORTANT NOTICE

This resource lists the steps involved in an appeal in the Illinois state courts and it focuses on appeals from a final judgment or order. It is a guide for self-represented litigants. The guide refers you to the Illinois Supreme Court [Rules](#) (the “Rules”) for further information about the various steps in an appeal. Interlocutory appeals under Rules [306](#), [307](#), and [308](#) are mentioned only briefly in this guide; be sure to check the Rules for specific deadlines and requirements. You must also comply with each appellate district’s [local rules](#). This resource is not legal advice, and it is neither legal authority nor a substitute for the requirements found in the Rules.

## RESOURCES

You are strongly advised to speak to a lawyer about your appeal. The appeals process can be lengthy and difficult. Should you decide to appeal your case without a lawyer, you will need to follow the Rules just like those parties who have a lawyer.

The Administrative Office of the Illinois Courts, Illinois Supreme Court Commission on Access to Justice, and the Public Interest Law Initiative have partnered to provide a free legal advice help desk for civil appeals. If you are representing yourself and have a question about your civil appeal, you can submit your question to the Illinois Free Legal Answers for Civil Appeals [website](#) and have it answered by a pro bono lawyer. There is a [FAQ](#) page and a [postcard](#) about the program.

Additional resources for civil appeals, including a general timeline, FAQ, videos, one-page overviews, other appellate guides, and resources on how to conduct legal research are also available on the Illinois Courts’ [website](#).

Statewide standardized forms and instructions for your civil appeal are on the Illinois Courts’ [website](#). You are strongly encouraged to use these forms when filing or responding to an appeal, although you are not required to do so.

## E-FILING

In general, documents filed in the Illinois Appellate Court and Illinois Supreme Court **must** be electronically filed (e-filed). Most people e-file using [Odyssey EFileIL](#), which is **free** to use. You are not required to e-file if you:


- Are filing into a criminal case;
- Are an inmate in prison or jail and do not have a lawyer;
- Are filing documents under the Juvenile Court Act of 1987; or
- Have a disability that keeps you 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;
- Have trouble reading, writing, or speaking English;
- Are filing documents in a sensitive case, such as a request for an order of protection; or
- Tried to e-file your forms, but you were not able to because the equipment or help you needed was not available.

To get an exemption for one of the four reasons listed above, you must fill out and file a [Certification for Exemption from E-Filing](#) with the appellate court. Contact your local appellate clerk’s office to find out how to file paper forms at the courthouse or by mail or email.

## Timeline of Events in an Appeal to the Illinois Appellate Court

<p><b>STEP 1</b></p> <p><b>File Notice of Appeal</b></p> <p><b>Deadline:</b> Date of Entry of Final Order + 30 days</p> <p><b>Fees:</b> There may not be a fee, but it depends on the circuit where filed. Contact your circuit clerk's office for more information.</p> <p><b>Rules:</b> <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, <a href="#">303</a>, <a href="#">306</a>, <a href="#">307</a>, <a href="#">308</a>, and <a href="#">311</a></p> <p><b>Cross-Appeals:</b> See Question #9 in the FAQ for more information and deadlines.</p>  <p><b>Find Notice of Appeal Forms &amp; Instructions <a href="#">here</a>.</b></p>	<p><b>What is the notice of appeal?</b></p> <p>The notice of appeal tells the court and other parties in your case that you are appealing the circuit court's order or judgment and says what relief you will be seeking from the appellate court.</p> <p><b>Deadlines</b></p> <p>You must file your notice of appeal with the circuit court clerk within <b>30 days</b><sup>2</sup> after a final order is entered by the circuit court.</p> <p>You must serve the notice of appeal on all other parties in your case. If you e-file by using Odyssey EFileIL, you can serve the other parties through that platform. Otherwise, you can serve the other parties by sending the document to the e-mail address listed on their previous filings in the circuit court. If the other parties are represented by a lawyer, you must serve the lawyer. If they are not represented by a lawyer, you can serve the parties themselves.</p> <p>If you are not e-filing and do not have an email address, you may serve the other parties by the methods listed in <a href="#">Rule 11(c)(2)</a>.</p> <p>Within <b>7 days</b> after filing the notice of appeal, you must (1) serve the notice of appeal on all other parties, and (2) file a notice of filing with the clerk of the appellate court and include proof of service that says you have sent copies of the notice of appeal to the other parties or their lawyers.</p> <p><b>Cannot pay the fees?</b></p> <p>Be sure to contact the circuit court clerk to determine if there is a fee. If so, and if you are unable to pay the fee for filing the notice of appeal, you must file a request for a fee waiver in the <b>circuit court</b> using the <a href="#">Application for Waiver of Court Fees (Circuit Court)</a>.</p> <p><b>Cases with shorter deadlines</b></p> <p>You may have a shorter deadline for filing your appeal if your appeal involves:</p> <ul style="list-style-type: none"><li>• Certain orders made before the case is finally resolved involving custody or care of children (<b>14 days</b>). These appeals require a petition for leave to appeal with certain special requirements. [<a href="#">Rule 306(b)</a>]</li><li>• Temporary restraining orders (TROs) (<b>2 days</b>). [<a href="#">Rule 307(d)</a>]</li></ul> <p><b>Need more time?</b></p> <p>Consult <a href="#">Rule 303(d)</a> and your district's <a href="#">local rules</a> to determine how you may request an extension of time to file a notice of appeal. See the FAQ below for more information.</p> <p><b>If you do not file your notice of appeal before the expiration of the deadline, the appellate court cannot hear your appeal.</b></p>
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<sup>2</sup> When measuring a deadline set by a number of days, the court includes Saturdays, Sundays, and holidays. If a deadline falls on a weekend or holiday, the deadline is extended to the next business day. For example, if the circuit court entered its order on August 2, 2024, an appellant's notice of appeal would be due 30 days after, which is September 1, 2024. However, September 1 is a Sunday and September 2 is a holiday (Labor Day). Therefore, the deadline for filing a notice of appeal would be extended to September 3, 2024.

## STEP 2A

### File Request for Preparation of the Record on Appeal

#### Deadline:

The appellant should file the request within 14 days after filing the notice of appeal.

The circuit court must provide the record on appeal to the appellate court within 63 days after the notice of appeal.

#### Fees:

Depends on length of the record. Contact your circuit clerk's office for more information.

#### Rules:

[9](#), [10](#), [11](#), [12](#), [312](#), [321](#), [323](#), [325](#), [326](#), [327](#), [328](#), and [329](#)



Find Request for Preparation of the Record on Appeal Forms and Instructions [here](#).

### What is the record on appeal?

The record on appeal includes the common law record, the exhibits, and the report of proceedings. The appellant is responsible for the fees involved in preparing the record on appeal (or applying for a fee waiver if they cannot afford the fees).

- The *common law record* includes all the written documents filed with the circuit court during your case.
- *Exhibits* include any physical objects, photographs, or video used at trial.
- The *report of proceedings* is a record of what was said at any hearings held at the circuit court during your case. **See Step 2B** for more information.

Together, the common law record, exhibits, and report of proceedings are the source of all the facts the appellate court can look at when deciding your appeal. The record on appeal must include everything that was before the circuit court when the decision you are appealing was made.

#### Deadlines

The appellant **must request** the record on appeal no later than **14 days** after filing the notice of appeal. You must include a copy of your request with the docketing statement that is filed with the appellate court clerk. (More information about filing the docketing statement is below, at **Step 3**.)

#### Who prepares the record on appeal?

Once you have requested the record on appeal and paid any fees, the clerk of the circuit court will then prepare the record on appeal and transmit it to the appellate court.

#### Cannot pay the fees?

Be sure to contact the circuit court clerk to determine how much the record on appeal will cost. If you are unable to pay the fees for preparation of the record on appeal, you must file a request for a fee waiver in the **circuit court** using the [Application for Waiver of Court Fees \(Circuit Court\)](#).

#### Supplementing the record

The appellate court will not consider anything that is not in the record on appeal. If you think something is missing from the record, you must ask the clerk of the circuit court to prepare the additional material. Check with your appellate court clerk's office on the process for filing a motion to supplement the record in your district. You cannot simply attach extra material to your brief. **Nothing can be included in the record or in your brief that was not part of your case in the circuit court.** Review Rule [329](#), your district's [local rules](#), and Question #10 in the FAQ section below for more information.

#### Using the record to write your brief

The Rules require that you provide a citation to the record for every fact in your brief. After the circuit court clerk files the record with the appellate court clerk, the appellate court clerk will tell you how to access the record. Use the page numbers in the record to cite to the record in your brief.

## STEP 2B

### File Request for Report of Proceedings (Transcripts)

#### Deadline:

The appellant should file the request within 14 days after filing the Notice of Appeal.

The court reporter must provide the report of proceedings to the circuit court within 49 days after filing of the notice of appeal.

#### Fees:

Depends on the number of pages. Fees are outlined in the [Administrative Regulations for Court Reporting Services](#).

#### Rules:

[323](#)



Find Request for Report of Proceedings (Transcripts) Forms and Instructions [here](#).

### What is the report of proceedings?

The report of proceedings is a record of what was said at any hearings held at the circuit court during your case. You will often hear it referred to as transcripts. You will have transcripts only if a court reporter was present during your circuit court case or if your court digitally recorded the hearings. If a court reporter was not present and if your court did not record the hearings, you may file a bystander's report or an agreed statement of facts (see below).

#### Deadlines

The appellant must request the report of proceedings no later than **14 days** after filing the notice of appeal. You must include a copy of your request with the docketing statement that is filed with the appellate court clerk. (More information about filing the docketing statement is below, at **Step 3**.)

### Who prepares the report of proceedings (transcripts)?

The court reporter (either through the circuit court or a private court reporting service) will prepare transcripts upon receipt of the request for the report of proceedings and payment of the fees to prepare the transcripts.

#### Cannot pay the fees?

Generally, fees for transcripts cannot be waived. This is because a statute, [735 ILCS 5/5-105](#), does not specifically allow for fee waivers to be applied toward the fees for transcripts for indigent litigants in civil cases.

However, by filing a motion in the circuit court, you may ask the judge to waive fees for transcripts that "are necessary to commence, prosecute, defend, or enforce relief in a civil action." (*In re Marriage of Main*, 2020 IL App (2d) 200131). The circuit court judge may determine what transcripts, if any, are necessary for an appeal and whether the fees will be waived.

### What if a transcript is not available?

You have the option of preparing either a bystander's report [[Rule 323\(c\)](#)] or an agreed statement of facts [[Rule 323\(d\)](#)]. There are instructions and forms on the Illinois Courts' [website](#) for how to do this. Also see #11 in the FAQ section of this Guide below and the FAQ on the Illinois Courts' self-help [page](#) for more information and for deadlines.

## STEP 3

### File Docketing Statement

#### Deadline:

Date of Filing the Notice of Appeal + 14 days

#### Fees:

\$50

#### Rules:

[9](#), [10](#), [11](#), [12](#), [46](#), [312](#), and [313](#)



Find Docketing Statement Forms and Instructions [here](#).

### What is the docketing statement?

The docketing statement is a snapshot of the case you are appealing. It tells the court and other parties that you have taken the steps necessary to begin an appeal.

#### You must first file requests for the record on appeal and for transcripts

Before you file your docketing statement, you must submit a request to the circuit court clerk for the preparation of the record on appeal. If transcripts are available, you must also file a request for the report of proceedings with the court reporter in your circuit court or with a private court reporter. You must request these **before** filing your docketing statement because you have to certify that you made the requests, provide the date those requests were submitted, and attach copies of the requests to your docketing statement form. See **Steps 2A and 2B** above for more information.

#### Deadlines

Within **14 days** after filing your notice of appeal, you must file the docketing statement with the appellate court. When you file the docketing statement, you must also pay the appellate court filing fee. This fee is in addition to any fees you paid in the circuit court.

You must serve a copy of the docketing statement on all other parties in your case (or their lawyer if they have one).

#### Cannot pay the fees?

If you are unable to pay the \$50 filing fee, you must file a request for a fee waiver in the **appellate court** using the [Application for Waiver of Court Fees \(Appellate Court\)](#).

#### Cases with shorter deadlines

You must file a docketing statement and pay the fee **at the time you file** your petition or application for leave to appeal if your appeal involves one of the following:

- A petition for leave to appeal a non-final order regarding the custody or care of children, the allocation of parental responsibilities for unemancipated minors, or the relocation of unemancipated minors [[Rule 306](#)].
- An application for leave to appeal a non-final order that involves a new question of law [[Rule 308](#)].

You must file a docketing statement and pay the fee within **7 days** after filing your notice of appeal if your appeal involves one of the following non-final orders under [Rule 307](#):

- An order granting, modifying, refusing, dissolving, or refusing to dissolve or modify an injunction.
- An order appointing or refusing to appoint a receiver or sequestrator.
- An order giving or refusing to give other or further powers or property to a receiver or sequestrator already appointed.
- An order placing a mortgage lender in possession of a mortgaged property.
- An order terminating parental rights or granting, denying, or revoking temporary commitment in certain adoption proceedings.



## STEP 4

### File Appellant's Brief

#### Deadline:

Date of Filing of the Record on Appeal + 35 days

#### Fees:

None

#### Rules:

[9](#), [10](#), [11](#), [12](#), [341](#), [342](#), and [343](#)



Find Appellant's Brief Forms and Instructions [here](#).

### What is the appellant's brief?

The appellant's brief (sometimes called the opening brief) is a written argument of why the circuit court or jury made a mistake and why that decision should be overturned. The brief describes the facts of the case, presents your arguments about the issues on appeal, and supports those arguments with legal authority (such as statutes, rules, and cases).

#### Deadlines

The appellant must file the appellant's brief with the clerk of the appellate court no more than **35 days** after the record on appeal is filed in the appellate court. You must serve a copy of the brief on the other party (or their lawyer, if they have one). If you need more time, you may file a motion for an extension in the appellate court.

#### Cases with shorter deadlines

You might have shorter deadlines for filing your brief if your appeal involves one of the following cases. The overall briefing schedule is provided below:

- Appeals concerning the custody or care of children. In these appeals, the appellant's brief is due **21 days** after the record on appeal is filed in the appellate court. The appellee's brief is due **21 days** after the appellant's brief is due, and any reply brief by the appellant is due **7 days** after the appellee's brief is due. See [Rule 311\(a\)](#) for additional information on the procedures that apply in these appeals.
- Appeals from final judgments in delinquent minor proceedings. In these appeals, the appellant's brief is generally due **28 days** after the filing of the record on appeal, and the appellee's brief is due **28 days** after the due date of the appellant's brief. The appellant's reply brief is due within **7 days** after the due date of the appellee's brief. See [Rule 660A](#) for additional information on the procedures that apply in these appeals.

#### Requirements

The appellant's brief cannot be longer than 50 pages or 15,000 words. The cover must be white. Briefs must follow very strict rules, which include deadlines, formatting, page and word limits, and service of the brief on the other party or parties. Failure to follow these rules may result in your brief being stricken or your appeal being dismissed. Illinois Supreme Court Rules 341-343 cover the specific requirements for appellate briefs, and the forms available at the links to the left include further instructions.

The appellate court where you are filing your appeal may have local rules requiring paper filing in addition to electronic filing. [Local rules](#) regarding paper copies, if any, are available on the Illinois Courts' website. You should also speak with your local appellate clerk's office.

See the **Checklist for Filings in the Appellate Court** section at the end of this guide. It may help guide you through the requirements for your brief.

## STEP 5

### File Appellee's Brief (other party)

#### Deadline:

Due Date of Appellant's Brief + 35 days

#### Fees:

None (if the \$30 fee was paid upon entry of appearance or the filing of any document prior to filing of the appellee's brief).

#### Rules:

[9](#), [10](#), [11](#), [12](#), [341](#), [342](#), and [343](#)



Find Appellee's Brief Forms and Instructions [here](#).

### What is the appellee's brief?

The appellee's brief is a written argument of why the circuit court or jury made the correct decision and why that decision should not be overturned. The brief describes the facts of the case, presents the appellee's arguments about the issues on appeal, and supports those arguments with legal authority (such as statutes, rules, and cases).

An appellee is not required to file a brief. If the appellee chooses not to file one, the appellant will not automatically win the appeal.

#### Deadlines

If the appellee chooses to file a brief, it must be filed with the clerk of the appellate court within **35 days** after the due date of the appellant's brief. The appellee must serve a copy of the brief on the other party (or their lawyer, if they have one). If the appellee needs more time, they may file a motion for an extension in the appellate court.

#### Cannot pay the fees?

If the appellee is unable to pay the \$30 filing fee (at the time of filing an appearance or any document with the appellate court) they must file a request for a fee waiver in the **appellate court** using the [Application for Waiver of Court Fees \(Appellate Court\)](#).

#### Cases with shorter deadlines

The appellee might have shorter deadlines for filing the appellee's brief if the appeal involves one of the following:

- Appeals concerning the custody or care of children. The appellee's brief is due **21 days** after the appellant's brief is due. See [Rule 311\(a\)](#) for additional information on the procedures that apply in these appeals.
- Appeals from final judgments in delinquent minor proceedings. The appellee's brief is due **28 days** after the due date of the appellant's brief. See [Rule 660A](#) for additional information on the procedures that apply in these appeals.

#### Requirements

The appellee's brief cannot be longer than 50 pages or 15,000 words. The cover must be light blue. Briefs must follow very strict rules, which include deadlines, formatting, page and word limits, and service of the brief on the other party or parties. Failure to follow these rules may result in your brief being stricken. Illinois Supreme Court Rules 341-343 cover the specific requirements for appellate briefs, and the forms available at the links to the left include further instructions.

The appellate court where you are filing your appeal may have local rules requiring paper filing in addition to electronic filing. [Local rules](#) regarding paper copies, if any, are available on the Illinois Courts' website. You should also speak with your local appellate clerk's office.

See the **Checklist for Filings in the Appellate Court** section at the end of this guide. It may help guide you through the requirements for your brief.

## STEP 6

### File Appellant's Reply Brief

#### Deadline:

Due Date of Appellee's Brief + 14 days

#### Fees:

None

#### Rules:

[9](#), [10](#), [11](#), [12](#), [341](#), [342](#), and [343](#)



Find Appellant's Reply Brief Forms and Instructions [here](#).

### What is the appellant's reply brief?

The appellant's reply brief tells the appellate court why you disagree with the arguments in the appellee's brief. It must contain only argument. You do not need to file a reply brief.

#### Deadlines

If the appellant chooses to file a reply brief, it must be filed with the clerk of the appellate court no more than **14 days** after the appellee's brief is due. You must serve a copy of the brief on the other party (or their lawyer if they have one). If you need more time, you may file a motion for an extension in the appellate court.

#### Cases with shorter deadlines


You might have shorter deadlines for filing your brief if your appeal involves one of the following:

- Appeals concerning the custody or care of children. The reply brief by the appellant is due **7 days** after the appellee's brief is due. See [Rule 311\(a\)](#) for additional information on the procedures that apply in these appeals.
- Appeals from final judgments in delinquent minor proceedings. The appellant's reply brief is due **7 days** after the due date of the appellee's brief. See [Rule 660A](#) for additional information on the procedures that apply in these appeals.

#### Requirements

The appellant's reply brief cannot be longer than 20 pages or 6,000 words. The cover must be light yellow. Remember to check Illinois Supreme Court Rules 341-343 for the specific requirements for appellate briefs. The forms available to the left include further instructions as well. Be sure to check with your local appellate court again about their [local rules](#) regarding briefs and paper copy requirements.

See the **Checklist for Filings in the Appellate Court** section at the end of this guide. It may help guide you through the requirements for your brief.

<p><b>STEP 7</b></p> <p><b>Appellate Court's Decision</b></p>	<p><b>When will I hear about a decision on my appeal?</b></p> <p>The appellate court will consider the record on appeal, the parties' briefs, and (in certain cases) the parties' oral argument. The appellate court decides whether oral argument is needed in a case. If the appellate court decides to hear oral argument, the appellate court clerk will notify the parties of the date and time of the hearing.</p> <p>The appellate court clerk will notify the parties when the court issues a decision.</p>
<p><b>STEP 8</b></p> <p><b>Petition for Rehearing</b></p> <p><b>Deadline:</b> Date of the Appellate Court Decision + 21 days</p> <p><b>Fees:</b> None</p> <p><b>Rules:</b> <a href="#">9</a>, <a href="#">10</a>, <a href="#">11</a>, <a href="#">12</a>, <a href="#">341</a>, and <a href="#">367</a></p>  <p><b>Find Petition for Rehearing Forms and Instructions <a href="#">here</a>.</b></p>	<p><b>What is a petition for rehearing?</b></p> <p>If the appellate court's decision was against you, you may ask for a rehearing in a petition describing the errors that you think the appellate court made. A petition for rehearing must outline the points you believe the appellate court overlooked or misunderstood, the reconsideration of which could lead to a different outcome. You may <b>not</b> reargue the same facts and arguments you already made in your brief.</p> <p><b>Deadlines</b></p> <p>The petition must be filed with the clerk of the appellate court within <b>21 days</b> after the appellate court's written decision is filed. If you need more time, you may file a motion for an extension in the appellate court.</p> <p><b>Requirements</b></p> <p>The petition must be no more than 27 pages or 8,100 words. The petition must include a proof of service on the other party. The cover of your petition must be light green.</p> <p><b>If you do not file your petition for rehearing on time, the appellate court cannot consider your petition.</b></p>

## STEP 9

### Petition for Leave to Appeal to the Illinois Supreme Court

#### Deadline:

Date of the Appellate Court Decision + 35 days

#### Fees:

\$50

#### Rules:

[9](#), [10](#), [11](#), [12](#), [315](#), [317](#), and [341](#)



Petition for Leave to Appeal Forms and Instructions will be forthcoming on the Illinois Courts' [website](#).

### What is a petition for leave to appeal?

If you lost the appeal, you may file a petition for leave to appeal (PLA) to ask the Illinois Supreme Court to change a decision by the appellate court.

You may file **both** a petition for rehearing in the appellate court and a PLA in the Illinois Supreme Court. However, if you file a petition for rehearing, you cannot file a PLA until **after** the appellate court has ruled on your petition for rehearing.

#### Deadlines

The PLA must be filed with the clerk of the Illinois Supreme Court within **35 days** after the appellate court's written decision is filed.

However, if you file a petition for rehearing with the appellate court and that request is denied, you must file your PLA no more than **35 days** after the appellate court denies your petition for rehearing. If the appellate court grants your petition for rehearing, you must file your PLA no more than **35 days** after the appellate court enters its judgment on rehearing.

#### Requirements

The PLA must be no more than 20 pages (or 6,000 words), not including the appendix.

All PLAs need a proof of service attached to the back of the petition. There is a [template](#) for the PLA and an [overview](#) of the PLA process on the Illinois Courts' resource [page](#) for civil appeals. Statewide forms are forthcoming in 2024 and will be published on the Illinois Courts' [website](#).

#### Cannot pay the fees?

If you are unable to pay the \$50 filing fee, you must file a request for a fee waiver in the Supreme Court using the [Application for Waiver of Court Fees \(Supreme Court\)](#).

## Frequently Asked Questions by Self-Represented Litigants (Pro Se)

This section includes some commonly asked questions about the appeals process (called an FAQ). A comprehensive FAQ that provides more information is available on the self-help page for civil appeals [here](#).

### 1. Are there special rules for the court where my case is being heard?

There are five appellate districts in Illinois, and you must follow the rules of your district. If you don't know which district you are in, view [this map](#) to find out. Be sure to check your district's local rules to see if there are any special requirements. Click on your district's number to read their rules:

- [District 1](#)
- [District 2](#)
- [District 3](#)
- [District 4](#)
- [District 5](#)

### 2. Is the circuit court's decision in effect while my appeal is pending?

In general, yes. If you wish to halt enforcement of the circuit court's judgment while your appeal is pending, you must file a motion to request a "stay" of the judgment. You must comply with the requirements in [Rule 305](#). If the circuit court's decision is a judgment for money, you must file an appeal bond.

An order terminating parental rights is automatically stayed (halted) for 60 days. If a notice of appeal is filed, the automatic stay continues until the appeal is decided or the stay is lifted by the appellate court.

Your appellate district may have specific local rules relating to motions for stay. Be sure to check your district's local rules to determine whether there are any special requirements.

### 3. What are the filing fees in the appellate court?

Every appellant must pay a \$50 docketing fee, and all other parties must pay a \$30 appearance fee [[Rule 313](#)]. If a party cannot afford its fees, that party may file an [Application for Waiver of Court Fees \(Appellate Court\)](#).

Parties must pay these fees when they file the docketing statement or entry of appearance (the docketing statement serves as an appellant's entry of appearance). If you are seeking a fee waiver, you must file your application for a fee waiver with your docketing statement or entry of appearance. No other filings will be accepted until either you pay the fee or the fee waiver is allowed.

### 4. What is a motion and are there rules for filing one in the appellate court?

Any time you want to make a request to the appellate court, you must do so in writing, and that written request is called a "motion." [Rule 361](#) covers the rules for filing a motion in the appellate court. You can find a general motion form for the appellate court [here](#).

Often a motion will ask for an exception to a Rule, like an extension of a deadline. When you write your motion, you will need to tell the court exactly what you want and why you think the court should grant your motion.

The Rules require that you file the motion with the clerk of the appellate court. Any document, including a motion, filed in the appellate court must be accompanied by a document called a “proof of service,” which states how the opposing party was served. [Rule 11](#) describes the methods of serving documents, and [Rule 12](#) describes the accepted formats for proofs of service.

You must also submit a proposed order along with your motion. The proposed order should include (1) the case caption (see [Rule 303\(b\)\(1\)](#)); (2) a brief statement identifying the motion and giving the court the choice to grant or deny it; and (3) signature and date lines for the judge to complete.

The [local rules](#) for your appellate district may have other requirements for what must be included in your motion.

#### **5. Can I respond to a motion by the other party?**

Yes. You can file a written response to the motion with the clerk of the appellate court. Generally, you must file the response within 7 days after you receive the motion by email or personal service, or 10 days after the motion was served on you by mail. You must file a proof of service along with your response to the motion.

#### **6. How do I receive my appellate court case number?**

The appellate court will notify you of your appellate court case number after you file your notice of appeal with the circuit clerk, and after the circuit clerk electronically files the notice of appeal with the appellate court.

#### **7. How do I serve documents?**

Motions and other documents filed in the appellate court must be “served on,” or sent to, the other parties in your case, and a proof of service must be attached to your document at the time of filing to tell the court you have served it. If the other party has a lawyer, you must serve that party’s lawyer instead of the party.

[Rule 11](#) describes the kinds of service that are allowed. The proof of service lays out (1) what document you served (e.g., your motion or brief), (2) to whom you sent the document (e.g., the appellee’s lawyer), (3) the date you sent the document, and (4) how you sent it.

[Rule 12](#) describes the requirements for proofs of service. Standardized forms for proofs of service are available on the [Illinois Courts’ website](#).

**8. It's too late for me to file a notice of appeal. What can I do?**

You may file a motion for leave to file a late notice of appeal with the clerk of the appellate court.

This motion must comply with the rules for filing motions set forth in [Rule 361](#) and summarized in the answer to Question #4 above. You must attach your notice of appeal to the motion. A proposed order must be filed with the motion.

In civil cases, you must follow [Rule 303\(d\)](#). A motion for leave to file a late notice of appeal must be filed with the clerk of the appellate court no later than 30 days after the time for filing the notice of appeal has passed.

In criminal cases, you must follow [Rule 606\(c\)](#). A motion for leave to file a late notice of appeal must be filed with the clerk of the appellate court within 30 days after the time to file an appeal has passed. If you also file an affidavit showing there is merit to the appeal and that the failure to meet the deadline for filing an appeal was not due to your “culpable negligence,” you must file your motion for leave to file a late notice of appeal no later than six months after the time to file an appeal has passed.

**9. Can another party appeal a different part of the circuit court's judgment?**

Yes, if some aspect of the circuit court's decision was not in their favor, another party can file a cross-appeal by filing a separate notice of appeal and indicating on the first page of the form they are filing a “cross-appeal.” All instructions must then be followed for filing a notice of appeal.

Under [Rule 303\(a\)\(3\)](#), a party must file a notice of appeal for their cross-appeal by whatever date is later: (1) 10 days after being served with the other party's notice of appeal; (2) 30 days after entry of the judgment or order being appealed; or (3) 30 days after entry of an order disposing of the last pending post-judgment motion. However, if the appellate court granted an extension of time for the appellant to file a late notice of appeal, the due date for filing a cross-appeal is within 10 days of the order allowing the filing of the late notice of appeal (see [Rule 303\(d\)](#)).

**10. Will the circuit court send the record to the appellate court once it is ready?**

Yes. Provided that the appellant has submitted the request and paid the fee for the preparation of the report of proceedings, the court reporter will electronically file the report of proceedings with the circuit court clerk within 49 days after the filing of the notice of appeal. The court reporter will then notify all parties that the report of proceedings has been filed with the circuit court. [Rule 323\(b\)](#) governs this step in the process.

Next, the appellant must have submitted the request for the preparation of the record on appeal and paid the circuit court clerk the required fee. The circuit court clerk will then file the record with the appellate court pursuant to [Rule 325](#). If an extension of time for filing the record on appeal is necessary, the appellant must file a motion in the appellate court seeking that extension **before the due date** for the record on appeal. If it is already past the due date for filing the record on appeal, then the appellant must file a motion for leave to file the record on appeal *instanter* (which means immediately or without delay) no later than 35 days after the due date and must also show a “reasonable excuse” for failing to file the motion sooner. These motions are governed by [Rule 326](#).



**11. If the record is missing a key item, can I add it?**

Yes. If the key item was before the circuit court when the court entered the order being appealed, you may ask for permission to supplement the record on appeal under [Rule 329](#). To do so, you must file a motion to supplement the record on appeal. Any supplements to the record must be documents that were reviewed by the circuit court, and the circuit court clerk must prepare these supplements. Review [Rule 329](#), consult the [local rules](#) for your appellate district, and contact the appellate court clerk's office in your district for any specific procedures you must follow to supplement the record on appeal.

**12. How can I submit a report of proceedings if there was no court reporter present during my case?**

If there was no court reporter transcribing the proceedings as they occurred in the circuit court, you may prepare either an agreed statement of facts or a bystander's report reflecting what occurred during your case. You can find forms and instructions for submitting either an agreed statement of facts or a bystander's report on the Illinois Courts' [website](#).

If you and the appellee(s) can agree on the material facts of your case, then you may submit an agreed statement of facts following [Rule 323\(d\)](#). You do not need to have the agreed statement of facts certified by the circuit court. However, it must be signed by all parties.

Another option is to file a bystander's report following [Rule 323\(c\)](#). To pursue this option, you must serve a copy of this report on all parties to the case no later than 28 days after filing your notice of appeal. The other parties then have 14 days to send you suggested changes to the report, or a different report altogether. You must file the proposed report, together with any proposed amendments, to the circuit court within 21 days after you sent your initial report to the other parties. For more information on how to send the report to the other parties, see the discussion in Question #7 about serving documents. After you have submitted the proposed report and any proposed amendments to the circuit court, the court will certify the report if it concludes that the report is accurate. The court may decide to hold hearings before certifying the report.

Once you have a signed agreed statement of facts or a certified bystander's report, it must be filed with the circuit clerk by the deadline for the report of proceedings.

**13. I need more time to file my record or file my brief. What should I do?**

You may file a motion with the clerk of the appellate court asking for an extension of the deadline to file your record or brief. Under [Rule 361\(f\)](#), you must file a motion for an extension of time **on or before the due date** of the document you are seeking an extension of time to file. The [local rules](#) for your appellate district may have additional requirements for a motion for an extension of time. Please refer to Question #4 for how to file motions in the appellate court.

**14. How long does the appeals process take?**

It can take several months to complete an appeal. Some factors that impact the amount of time the appellate court needs to decide your case include the issues involved, how long it took the parties to submit the record and their briefs to the appellate court, and the number of cases pending before the appellate court.

**15. How will I know when the court has made a decision on my appeal?**

The clerk of the appellate court will notify all parties when the court has issued its decision.

**16. What can I do if I don't agree with the court's decision?**

You may file a petition for rehearing in the appellate court within 21 days after the decision, and you may also file a petition for leave to appeal to the Illinois Supreme Court. You may file both a petition for rehearing and a petition for leave to appeal. If you file a petition for rehearing, you cannot file a petition for leave to appeal until after the appellate court has ruled on your petition for rehearing.

You should use these options **only** if the appellate court overlooked or misunderstood important facts or the law in its decision, the reconsideration of which would lead to a different decision. It is **not** an opportunity to have the court take another look at your case because the court disagreed with you or to reargue the same facts and arguments you already made in your brief.

**17. I received a notice stating that the appellate court issued the mandate. What is the mandate?**

The mandate is the order that officially finalizes the decision of the appellate court and transfers the case back to the circuit court for any additional action. The appellate court will send the mandate to the clerk of the circuit court and to the parties.

## Checklist for Filings in the Appellate Court

1. The *Notice of Appeal* form and instructions are on the Illinois Courts' [website](#), and see Step 1 within this Guide. It must include:
  - A case caption ([Rule 303\(b\)\(1\)](#))
  - If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the front must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a)
  - If you appeal a delinquent minor case, the front must state in bold type at the top of the page ([Rule 660A](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT
  - Identification of the judgment appealed from and the relief sought in the reviewing court ([Rule 303\(b\)\(2\)](#))
  - If you are appealing the circuit court's holding that a state or federal statute is unconstitutional, a copy of the circuit court's finding (Rules [18](#) and [303\(b\)\(3\)](#)) (**Note** that if you are arguing that a statute, ordinance, administrative regulation, or other law is unconstitutional or preempted by federal law, you must file and serve a notice in accordance with [Rule 19](#) on the State or the political subdivision, agency, or officer affected via the Attorney General, State's Attorney, municipal counsel, or agency attorney, as appropriate.)
  - The name and address of the appellant (the party filing the appeal) or the appellant's lawyer ([Rule 303\(b\)\(4\)](#))
  - A proof of service ([Rule 12](#))
  
2. You must submit written requests and pay the preparation fees for the record on appeal and for the report of proceedings. You can find forms and instructions for the [Request for Preparation of the Record on Appeal](#) and the [Request for Report of Proceedings \(Transcripts\)](#) on the Illinois Courts' website, and see Steps 2A and 2B within this Guide. The circuit court clerk will prepare the record on appeal upon written request, and you will also need to request any transcripts from the court reporter. The record on appeal must include:
  - The entire **original** common law record, which includes every document filed, every judgment and order entered, and any documentary exhibits offered and filed by any party in the circuit court ([Rule 321](#))
  - A report of proceedings (e.g., a transcript) including testimony, oral rulings of the trial judge, any statement by the trial judge of the reasons for the court's decision, and any other proceedings that should be incorporated in the record on appeal ([Rule 323\(a\)](#))
    - If a court reporter was present during proceedings in the circuit court or if the proceedings were digitally recorded, you must order a copy of the transcript
    - If not, you may prepare a bystander's report ([Rule 323\(c\)](#)) or an agreed statement of facts ([Rule 323\(d\)](#))

3. The *Docketing Statement* form and instructions are on the Illinois Courts' [website](#), and see Step 3 within this Guide. You must include (per [Rule 312\(a\)](#)):
  - The case caption
  - Whether the appeal is a cross-appeal
  - If any party is a corporation or association, the identity of any affiliate, subsidiary, or parent group
  - The full names and addresses of the parties and any lawyers on appeal
  - The name and contact information of court reporting staff
  - If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the front page must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a)
  - If you appeal a delinquent minor case, the front page must state in bold type at the top of the page ([Rule 660A](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT
  - A statement of the issues to be discussed in the appeal
  - Copies of your written requests for the preparation of the record on appeal and request for report of proceedings
  - Your certification
  - A proof of service ([Rule 12](#))
  
4. All appellate briefs and instructions are on the Illinois Courts' website under the "Appellate Court Forms" [tab](#), and see Steps 4-6 within this Guide. In particular, the Appellant's Brief must include:
  - A colored cover sheet, as specified in [Rule 341\(d\)](#), containing:
    - The case number in the reviewing court and the name of that court
    - The name of the circuit court
    - The name of the case as it appeared in the circuit court
    - The status of each party in the appellate court (e.g., plaintiff-appellant)
    - The name of the trial judge
    - The name and address of any lawyer representing you or, if you do not have a lawyer, your name and address
    - If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold at the top of the page ([Rule 311\(a\)\(1\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a)
    - If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 660A](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT
    - If you are seeking oral argument, you must note this at the bottom of the cover page of your brief*** ([Rule 352\(a\)](#))
  - A statement of "Points and Authorities" consisting of the headings of the points and subpoints in your argument, with citations under each heading to the authorities relied upon or distinguished, and a reference to the page of the brief on which each heading and authority may be found ([Rule 341\(h\)\(1\)](#))
  - An introductory paragraph ([Rule 341\(h\)\(2\)](#)) stating:
    - The nature of the action

- The judgment appealed from
  - Whether the judgment is based upon a jury verdict
  - Whether any question is raised on the pleadings and, if so, the nature of the question
  - A statement of the issue(s) presented for review ([Rule 341\(h\)\(3\)](#))
  - A statement of jurisdiction ([Rule 341\(h\)\(4\)](#))
  - The text of any statutes, constitutional provisions, treaties, ordinances, or regulations at issue in the appeal ([Rule 341\(h\)\(5\)](#))
  - A statement of the facts of the case, without argument, and with citations to the corresponding pages of the record on appeal ([Rule 341\(h\)\(6\)](#))
  - A statement of the applicable standard of review for each issue, with citation to legal authority ([Rule 341\(h\)\(3\)](#))
  - Argument, with citations to legal authorities and to the pages of the record relied upon ([Rule 341\(h\)\(7\)](#)). ***If you are the appellant and do not raise a point of argument in your opening brief, you may not raise it in the reply brief, in oral argument, or in a petition for rehearing. If you are the appellee and do not raise a point of argument in your response brief, you may not raise it in oral argument or in a petition for rehearing. (Generally, appellees do not get to file reply briefs.)***
  - A conclusion stating the relief you are seeking, followed by the name of your lawyer, or your name, as on the cover of the brief ([Rule 341\(h\)\(8\)](#))
  - A certificate of compliance with the requirements of Rule 341(a) and (b) ([Rule 341\(c\)](#))
  - A proof of service ([Rule 12](#))
  - An appendix ([Rule 342](#)) containing:
    - A table of contents to the appendix
    - A complete table of contents, with page references, of the record on appeal
    - The judgment appealed from
    - Any opinion, memorandum, or findings of fact made by the circuit court
    - Any pleadings or other materials from the record pertinent to the appeal
    - The notice of appeal
5. The *Petition for Rehearing* form and instructions are on the Illinois Courts' [website](#), and see Step 8 within this Guide. It must include (under [Rule 367\(b\)](#)):
- A brief statement of the points you believe were overlooked or misunderstood by the appellate court
  - References to portions of the record and briefs relied upon in the petition
  - Citations to legal authorities in support of your argument
  - A proof of service ([Rule 12](#))
6. A *Petition for Leave to Appeal* to the Illinois Supreme Court template is on the Illinois Courts' [website](#), and see Step 9 within this Guide. It must include (under [Rule 315](#)):
- A cover sheet, as specified in [Rule 330\(a\)](#), containing:
    - A placeholder for the case number in the Supreme Court of Illinois (to be completed by the clerk's office)
    - The name of the case as it appeared in the trial court
    - The status of each party in the trial court (e.g., plaintiff/petitioner)
    - The appellate court district whose decision is being reviewed

- The name of the circuit court judge, the circuit court and appellate court case numbers, and the circuit court where your case was originally filed
- The name and address of any lawyer representing you or, if you do not have a lawyer, your name and address
- If you appeal a case involving child custody, allocation of parental responsibilities, or the relocation of unemancipated minors, the cover sheet must state in bold type at the top of the page ([Rule 315\(i\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 311(a)
- If you appeal a delinquent minor case, the cover sheet must state in bold type at the top of the page ([Rule 315\(j\)](#)): THIS APPEAL INVOLVES A DELINQUENT MINOR PROCEEDING UNDER THE JUVENILE COURT ACT
- If you appeal a pretrial release case under article 110 of the Code of Criminal Procedure of 1963, the cover sheet must state in bold type at the top of the page ([Rule 315\(k\)](#)): THIS APPEAL INVOLVES A MATTER SUBJECT TO EXPEDITED DISPOSITION UNDER RULE 604(h)
- A prayer for leave to appeal ([Rule 315\(c\)\(1\)](#))
- A statement ([Rule 315\(c\)\(2\)](#)) of:
  - The date upon which the appellate court's judgment was entered
  - Whether a petition for rehearing was filed and, if so, the date of the denial of the petition or the judgment on rehearing
- A statement of points relied upon ([Rule 315\(c\)\(3\)](#))
- A statement of the facts, without argument, with citations to the record on appeal ([Rule 315\(c\)\(4\)](#))
- A short argument, with citations to legal authorities, stating why review is warranted and why the appellate court's judgment should be reversed ([Rule 315\(c\)\(5\)](#))
- A certificate of compliance with the requirements of Rule 341(a) and (b) ([Rule 341\(c\)](#))
- An appendix ([Rule 315\(c\)\(6\)](#)) containing:
  - A copy of the appellate court's decision
  - Any documents from the record necessary for consideration of the petition
- A proof of service ([Rule 12](#))