

HOW TO FILE AN APPELLATE MOTION

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. 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.

More information and resources for civil appeals are available at: ilcourts.info/appl-resources. There is also a Guide for Appeals to the Illinois Appellate Court for Self-Represented Litigants at: ilcourts.info/aoic-appl-guide.

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.

Some **common examples** of why you would file a motion include: motions to stay a circuit court judgment, to extend deadlines, to file overdue documents, or to supplement the record.

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: ilcourts.info/forms.

What costs will I need to pay to file my *Motion* form?

None, if you file in person or e-file; 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 your case involves parental responsibility or parenting time (custody/visitation rights), or relocation 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

- Next to the title of "Motion", explain in a few words what you are asking the appellate court to do.
- Then, 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.
- You may need to support your *Motion* with documents filed in the circuit court. For the steps necessary to do this, see Supreme Court Rule [328](#).

Proof of Delivery

- 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. If any party has a lawyer, you must send your *Motion* to the lawyer.

- If you and the person you're sending the *Motion* 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 *Motion* 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 *Motion* to each party. The Proof of Delivery 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 Delivery* forms into the *Motion* form.

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

- You must file a *Motion* with the appellate court before the filing deadlines for your case. Check with your local Appellate Clerk for the deadlines that apply to 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.
 - Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at 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 Clerk's office. These places offer public computers where you can e-file your forms. Librarians and courthouse staff are not able to provide legal advice.
 - Depending on your courthouse, you can bring your forms on paper and there may be public computers with 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. 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. **NOTE:** Your appellate district's local rules may require a different number of paper copies. Check the local rules for your district at 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 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*.