

Getting Started

Appellate Motion

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use the *Motion* forms. Your use of the forms does not guarantee you will be successful in court.

To learn how to fill out the forms and file them with the court, read the *HOW TO FILE AN APPELLATE MOTION* instruction sheet and the instructions on the forms.

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| Names of forms: | <ul style="list-style-type: none"> • <i>Motion</i> • <i>Order</i> • <i>Proof of Service & Affidavit of Mailing (Appeal)</i> |
| Purpose of the forms: | Use these forms when you want the appellate court to take action on your appeal. |
| Types of cases the forms CAN be used for: | Any civil or criminal case where you have filed a <i>Notice of Appeal</i> . |
| Types of cases the forms CANNOT be used for: | Cases that are not filed in the appellate court. |
| Cost to File the forms: | None. |
| Special information or papers needed to complete the forms: | <p>You will need:</p> <ul style="list-style-type: none"> • copies of the <i>Motion</i> and <i>Order</i> for each of the other parties or lawyers; • the names and addresses of the other parties or lawyers; • the name and address of the court where the document is being filed; and • the appellate court case number. <p>Businesses other than sole proprietorships cannot represent themselves in the appellate court. Please talk to a lawyer.</p> |
| Statutes and rules covering the forms: | Illinois Supreme Court Rules 11 , 12 , 361 |
| Where to find the forms and instruction sheet: | http://www.illinoiscourts.gov/Forms/approved/ |
| For more information: | <p>Read the <i>HOW TO FILE AN APPELLATE MOTION</i> instruction sheet that comes with these forms. You may also find more information at:</p> <p>http://www.illinoiscourts.gov/CivilJustice/Resources/Guide_f_or_Appeals_to_the_IL_Appellate_Court_rev_093016.pdf</p> |

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.
- ***Proof of Service & Affidavit of Mailing (Appeal)***: indicates the date on which you sent the original *Motion* and *Order* to the court and copies to all other parties.

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.

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, e.g., "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 copies to all other parties.

- You must send 1 copy to each party. Do not send the original to a party.
- Fill out the 1st part, "Proof of Service to the Parties," of the *Proof of Service & Affidavit of Mailing (Appeal)* form to show how you will send the copy, according to the instructions for that form. Then send the copy according to those same instructions.

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

- To file your *Motion* and *Order*, deliver them to the appellate court clerk's office. Unless the appellate court's local rules say otherwise, deliver it in person, by U.S. mail, or by third-party commercial carrier. You can find the local rules here:

<http://www.illinoiscourts.gov/AppellateCourt/rulesdefault.asp>

The address for the appellate court for your appeal may be on the court papers you received. You can also find the address at:

<http://www.illinoiscourts.gov/AppellateCourt/ClerksDefault.asp>

- If you will file your *Motion* and *Order* by U.S. mail or by third-party commercial carrier, fill out the 2nd part, "Affidavit of Mailing to the Court," of the *Proof of Service & Affidavit of Mailing (Appeal)* form to show how you will file it, according to the instructions for that form. Then file your *Motion* and *Order*, according to those same instructions.
- File your original *Motion* and *Order* and 3 copies of each, along with your *Proof of Service & Affidavit of Mailing (Appeal)*. Keep another copy for yourself.

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*.

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| <p>Instructions ▼</p> <p>Check the box to the right only if it applies to your case.</p> | <p><input type="checkbox"/> THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS OR OTHER MATTER AFFECTING THE BEST INTERESTS OF A CHILD.</p> <p style="text-align: center;">Appellate Case No.: _____</p> <p style="text-align: center;">IN THE APPELLATE COURT OF ILLINOIS</p> <p style="text-align: center;">_____ District</p> |
| <p>Enter the appellate court case number.</p> | <div style="display: flex; justify-content: space-between;"> <div style="width: 65%;"> <p>In re _____</p> <hr/> <p>Plaintiff/Petitioner <i>(First, middle, last names)</i></p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <p>v.</p> <hr/> <p>Defendant/Respondent <i>(First, middle, last names)</i></p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> </div> <div style="width: 30%; padding-left: 20px;"> <p>Appeal from the Circuit Court of _____ County</p> <p>Trial Court Case No.:</p> <p>_____</p> <p>Honorable</p> <p>_____</p> <p>Judge, Presiding</p> </div> </div> |
| <p>Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed.</p> | |
| <p>If the case name in the trial court began with "In re" (e.g., "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee").</p> | |
| <p>To the far right, enter the trial court county, trial court case number, and trial judge's name.</p> | |

MOTION

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| <p>In 1, check the box that identifies who is filing the <i>Motion</i>.</p> | <p>1. <input type="checkbox"/> Plaintiff/Petitioner-Appellant <input type="checkbox"/> Plaintiff/Petitioner-Appellee</p> <p> <input type="checkbox"/> Defendant/Respondent-Appellant <input type="checkbox"/> Defendant/Respondent- Appellee</p> |
| <p>In 2, state specifically what you want the court to give you (e.g., "35 more days to file my brief"). This should be a short statement. You will give your reasons in the next</p> | <p>2. State what you want the court to do for you: _____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p> |

Enter the Case Number given by the Appellate Court Clerk: _____

In 3, write down the reasons why the court should give the relief you are asking for (e.g. "I need more time to finish and file my brief, because [insert reasons]").

3. State the reasons why the court should do what you have asked it to do:

Multiple horizontal lines for writing the reasons.

Under the Code of Civil Procedure, [735 ILCS 5/1-109](#), making a statement on this form that you know to be false is perjury, a Class 3 Felony.

I certify that everything in the *Motion* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

After you finish this form, sign and print your name.

Enter your complete current address and telephone number.

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| <p>Instructions ▼</p> <p>Check the box to the right only if it applies to your case.</p> | <input type="checkbox"/> THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS OR OTHER MATTER AFFECTING THE BEST INTERESTS OF A CHILD. | |
| <p>Enter the appellate court case number.</p> | <p>Appellate Case No.: _____</p> | |
| <p>Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed.</p> | <p>IN THE APPELLATE COURT OF ILLINOIS</p> <p>_____ District</p> | |
| <p>If the case name in the trial court began with "In re" (e.g., "In re Marriage of Jones"), enter that name. Below that, enter the names of the parties in the trial court, and check the correct boxes to show which party filed the appeal ("appellant") and which party is responding to the appeal ("appellee").</p> | <p>In re _____</p> <hr/> <p>Plaintiff/Petitioner <i>(First, middle, last names)</i></p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> <p>v.</p> <hr/> <p>Defendant/Respondent <i>(First, middle, last names)</i></p> <p><input type="checkbox"/> Appellant <input type="checkbox"/> Appellee</p> | <p>Appeal from the Circuit Court of _____ County</p> <p>Trial Court Case No.: _____</p> <p>Honorable _____</p> <p>Judge, Presiding</p> |
| <p>To the far right, enter the trial court county, trial court case number, and trial judge's name.</p> | | |

ORDER

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| <p>In 1, check the box that identifies who is filing the <i>Motion</i>.</p> |
| <p>In 2, enter what you are asking the court to do in response to your <i>Motion</i>. This should be the same as what you asked for in Section 2 of the <i>Motion</i>.</p> |
| <p>DO NOT complete Section 3 or Section 4. The court will complete these sections.</p> |

1. **Motion by:** Plaintiff/Petitioner-Appellant Plaintiff/Petitioner-Appellee
 Defendant/Respondent-Appellant Defendant/Respondent- Appellee

2. **Motion for:** _____

3. **The motion is:** Allowed Denied

4. **It is further ordered** *(if applicable)*: _____

ENTERED

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| <p>DO NOT complete this section. The justices will sign and date here.</p> |
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|---------|------|
| Justice | Date |
| Justice | Date |
| Justice | Date |