

# Getting Started

## Proof of Service and Affidavit of Mailing (Appeal)

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

To learn how to fill out the form and file it with the court, read the *How to Prepare and File a Proof of Service & Affidavit of Mailing* instruction sheet and the instructions on the form.

<b>Names of forms:</b>	<ul style="list-style-type: none"><li>• <i>Proof of Service &amp; Affidavit of Mailing (Appeal)</i></li><li>• <i>Additional Service List</i> (if needed)</li></ul>
<b>Purpose of the forms:</b>	<ul style="list-style-type: none"><li>• Use the <i>Proof of Service</i> to prove you sent a document to the parties in the appeal.</li><li>• Use the <i>Affidavit of Mailing</i> ONLY when you are filing a document with the court by U.S. Mail or third-party commercial carrier.</li></ul>
<b>Types of cases the forms CAN be used for:</b>	This form may be used in all civil and criminal appeals.
<b>Types of cases the forms CANNOT be used for:</b>	This form may not be used for filings in the trial court other than a <i>Notice of Appeal</i> .
<b>Cost to File the forms:</b>	None, although you will have to pay any fees the court may charge for the filing of the document you are sending to the other party.
<b>Special information or papers needed to complete the forms:</b>	Your signature on the form must be notarized unless you are incarcerated. You will need: <ul style="list-style-type: none"><li>• the original court document you are filing;</li><li>• copies of the court document for each of the other parties or lawyers;</li><li>• the names and addresses of the other parties or lawyers;</li><li>• the name and address of the court where the document is being filed; and</li><li>• the court case number.</li></ul>
<b>Rules covering the forms:</b>	Illinois Supreme Court Rules <a href="#">11</a> , <a href="#">12</a> , and <a href="#">373</a> .
<b>Where to find the forms and instruction sheet:</b>	<a href="http://www.illinoiscourts.gov/Forms/approved/">http://www.illinoiscourts.gov/Forms/approved/</a>
<b>For more information:</b>	Read the <i>How To Prepare and File a Proof of Service &amp; Affidavit of Mailing (Appeal)</i> instruction sheet that comes with this form. You may also find more information at: <a href="http://illinoiscourts.gov/CivilJustice/LanguageAccess/Guide_f_or_Appeals_to%20the_Illinois_Appellate_Court.pdf">http://illinoiscourts.gov/CivilJustice/LanguageAccess/Guide_f_or_Appeals_to%20the_Illinois_Appellate_Court.pdf</a>

# HOW TO PREPARE AND FILE A PROOF OF SERVICE & AFFIDAVIT OF MAILING (APPEAL)

---

## What is a *Proof of Service & Affidavit of Mailing*?

- Before you file a document with the court, you must send a copy to each of the other parties, and you must send it in one of several particular ways. A *Proof of Service* shows the court how you sent a copy of a document to each of the other parties in the case.
- An *Affidavit of Mailing* shows that you are filing an original document with the court by U.S. Mail or by third-party commercial carrier (e.g., FedEx or UPS). When using a third-party commercial carrier, you must request delivery within 3 business days.
  - So long as you send the document to the court on or before the due date, the *Affidavit of Mailing* will show that you filed the document on time, even if it arrives at the court after the due date.
  - **NOTE:** If you file the document by going to the clerk's office, you do not need to fill out the *Affidavit of Mailing* section.
- By signing the *Proof of Service & Affidavit of Mailing*, you are making a sworn statement under penalty of perjury that you have told the truth.

## When do I use the *Proof of Service & Affidavit of Mailing* form?

- A *Proof of Service & Affidavit of Mailing* must be used whenever a document is filed in the appellate court.

## What forms do I need to fill out to file the *Proof of Service & Affidavit of Mailing*?

- The *Proof of Service & Affidavit of Mailing* form.

## What costs will I need to pay to file my *Proof of Service & Affidavit of Mailing*?

- None, although you will have to pay any fees the court may charge for the filing of the document you are sending to the other party.
- You must pre-pay any postage or delivery costs.

## How do I fill out the *Proof of Service & Affidavit of Mailing*?

The form contains instructions for each section. Following is a summary of those sections:

### Section 1

- Fill in the name of the document you are filing with the court and sending to the other parties.

### Section 2

- Fill in the date you are sending the document to the other parties.

### Section 3

- Fill in the time you are sending the document to the other parties.

### Section 4

- Fill in the names and addresses of all the parties to whom you are sending the document.
- If a party has a lawyer, you must send the document to the lawyer.
- Check the box for the method you are using to send the document to each party. You must use one of the methods listed. Include additional details in the space provided, such as the address of the post office, mailbox, or third-party commercial carrier you are using to send the document.
- You may send a document by email or fax only if that party has agreed to receive documents by email or fax.

**NOTE: Fill out sections 5 through 9 only if you are filing the document with the court by U.S. Mail or by third-party commercial carrier.**

### Section 5

- Fill in the name of the document you are sending to the court clerk's office for filing.

### Section 6

- Fill in the date you are sending the document to the court clerk's office for filing.

### Section 7

- Fill in the time you are sending the document to the court clerk's office for filing.

### Section 8

- Check the method you are using to send the document to the court clerk's office for filing.

### Section 9

- Fill in the court's name and the address of the court clerk's office where you are sending the document for filing.

### Page 4- Certification

- Provide your name, address, and telephone number and sign the form. By signing your name, you certify that the information provided on the form is true and correct to the best of your knowledge and belief. It is a Class 3 felony to knowingly make a false statement on the form.

**What do I do after I have filled out the form?**

- Make a copy of the form for each party to whom you are sending the document you intend to file with the court. Make another copy of the form for yourself.
- Send a copy of the form to each party, according to the time, place, and method you specified on the *Proof of Service*, together with a copy of the document you intend to file with the court.
- File the original form and the original document with the court clerk's office. If you are filing by U.S. Mail or by third-party commercial carrier, send them according to the time, place, and method you specified on the *Affidavit of Mailing*.
- If you want to get a court-stamped copy of your document back from the clerk's office, enclose an extra copy of the document and a self-addressed and stamped envelope with the original document.

<b>Instructions</b> ▼	<input type="checkbox"/> <b>THIS APPEAL INVOLVES A QUESTION OF CHILD CUSTODY, ALLOCATION OF PARENTAL RESPONSIBILITIES, ADOPTION, TERMINATION OF PARENTAL RIGHTS, OR OTHER MATTER AFFECTING THE BEST INTEREST OF THE CHILD.</b>	
Use white paper for this cover page.	Appellate Case No.: _____	
Check the box to the right if applicable.	<b>IN THE APPELLATE COURT OF ILLINOIS</b>	
Enter the Appellate Court case number.	_____ <b>District</b>	
Just below "In the Appellate Court of Illinois," enter the number of the appellate district where the appeal was filed.	_____ <b>Plaintiff/Petitioner</b> ( <i>First, middle, last names</i> ) <input type="checkbox"/> <b>Appellant</b> <input type="checkbox"/> <b>Appellee</b>  v.  _____ <b>Defendant/Respondent</b> ( <i>First, middle, last names</i> ) <input type="checkbox"/> <b>Appellant</b> <input type="checkbox"/> <b>Appellee</b>	<b>Appeal from the Circuit Court</b> of _____ <b>County</b>  <b>Trial Court Case No.:</b> _____  <b>Honorable</b> _____ <b>Judge, Presiding</b>
Enter the names of the parties as they appear on the trial court order being appealed.		
The person who filed the appeal is the "appellant" and the person responding to the appeal is the "appellee." Check the correct box for each person.		
To the far right, enter the trial court county, trial court case number, and trial judge's name.		

See *How To Prepare and File a Proof of Service & Affidavit of Mailing* for the difference between *Proof of Service* and *Affidavit of Mailing*.

In 1, fill in the name of the document you are sending to the other parties.

In 2, fill in the date you are sending the document to the other parties.

In 3, fill in the time you are sending the document to the other parties.

In 4, fill in the full name and address of the party or lawyer to whom you are sending the document and check the box to show how you are sending it.

### PROOF OF SERVICE & AFFIDAVIT OF MAILING (APPEAL)

#### PROOF OF SERVICE TO THE PARTIES

1. I am sending the \_\_\_\_\_ .
  2. On: \_\_\_\_\_ , 20 \_\_\_\_\_  
*Date*
  3. At: \_\_\_\_\_  a.m.  p.m.  
*Time*
  4. To:  
Name: \_\_\_\_\_  
*First* *Middle* *Last*
- Address: \_\_\_\_\_  
*Street, Apt #* *City* *State* *ZIP*
- By:  Personal hand delivery  
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Enter the Case Number given by the Appellate Court Clerk: \_\_\_\_\_

Third-party commercial carrier, delivered to:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

Email

Sender's address: \_\_\_\_\_ @ \_\_\_\_\_

Recipient's address: \_\_\_\_\_ @ \_\_\_\_\_

Fax

Sender's number: \_\_\_\_\_

Recipient's number: \_\_\_\_\_

Mail from a correctional institution, deposited into:

\_\_\_\_\_  
*Place of deposit into institutional mail*

**CAUTION:** You may send the document by email or fax only if the other party has agreed to receive documents in the lawsuit by email or fax.

If there is a second party or lawyer to send the document to, fill in their name and address here and check the box to show how you are sending it.

To:

Name:

\_\_\_\_\_  
*First Middle Last*

Address:

\_\_\_\_\_  
*Street, Apt # City State ZIP*

By:

Personal hand delivery

Regular, First-Class Mail, deposited into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Third-party commercial carrier, delivered to:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

Email

Sender's address: \_\_\_\_\_ @ \_\_\_\_\_

Recipient's address: \_\_\_\_\_ @ \_\_\_\_\_

Fax

Sender's number: \_\_\_\_\_

Recipient's number: \_\_\_\_\_

Mail from a correctional institution, deposited into:

\_\_\_\_\_  
*Place of deposit into institutional mail*

I have listed additional parties or lawyers on the attached *Additional Service List* form.

If there are more than 2 parties or lawyers to whom you must send the document, fill out and attach an *Additional Service List* and check to box.

**Stop!**

Fill out the *Affidavit of Mailing* only if you are filing the document with the court clerk by U.S. Mail or third-party commercial carrier.

In **5**, fill in the name of the document you are sending to the court clerk's office for filing.

**AFFIDAVIT OF MAILING TO THE COURT**

**\*\*Fill in sections 5-9 only if you are filing the document with the court clerk by U.S. Mail or third-party commercial carrier\*\***

5. I filed the \_\_\_\_\_.

In 6, fill in the date you are depositing the document in the U.S. Mail, or giving the document to a third-party commercial carrier, or depositing the document into institutional mail.

In 7, fill in the time you are depositing the document in the U.S. Mail, or giving the document to a third-party commercial carrier, or depositing the document into institutional mail.

In 8, check the method you are using to send the document to the court clerk's office for filing.

In 9, fill in the court's name and the address of the court clerk's office where you are sending the document for filing.

6. On: \_\_\_\_\_, 20 \_\_\_\_ .  
*Date*

7. At: \_\_\_\_\_  a.m.  p.m.  
*Time*

8. By:  Regular, First-Class Mail, deposited into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

Third-party commercial carrier, delivered to:

\_\_\_\_\_  
*Name (for example, FedEx or UPS) and office address*

Mail from a correctional institution, deposited into:

\_\_\_\_\_  
*Place of deposit into institutional mail*

9. To:

Clerk of the \_\_\_\_\_  
*Name of Court*

Address of Clerk's Office: \_\_\_\_\_  
*Street City State ZIP*

**CERTIFICATION**

**I certify that everything in the *Proof Of Service & Affidavit Of Mailing (Appeal)* 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*

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.

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

Enter your complete current address and telephone number.

**PROOF OF SERVICE AND AFFIDAVIT OF MAILING (APPEAL)**

**ADDITIONAL SERVICE LIST**

In 1, fill in the full name and address of the party or lawyer to whom you are sending the document and check the box to show how you are sending it.

1. To:

Name:

\_\_\_\_\_  
*First Middle Last*

Address:

\_\_\_\_\_  
*Street, Apt # City State ZIP*

By:

- Personal hand delivery
- Regular, First-Class Mail, deposited into the U.S. Mail with postage paid at:

\_\_\_\_\_  
*Address of Post Office or Mailbox*

- Third-party commercial carrier, delivered to:

\_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*

- Email

Sender's address: \_\_\_\_\_ @ \_\_\_\_\_

Recipient's address: \_\_\_\_\_ @ \_\_\_\_\_

- Fax

Sender's number: \_\_\_\_\_

Recipient's number: \_\_\_\_\_

- Mail from a correctional institution, deposited into:

\_\_\_\_\_  
*Place of deposit into institutional mail*

**CAUTION:** You may send the document by email or fax only if the other party has agreed to receive documents in the lawsuit by email or fax.

If you are serving additional parties or lawyers, fill out and attach additional copies of this form to the *Proof of Service & Affidavit of Mailing (Appeal)*.