

# HOW TO FILE A SUPREME COURT MOTION

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## What is a *Motion*?

- A *Motion* is a form you file any time you want to ask the Supreme Court to take action related to your appeal. Requests to the Supreme Court have to be in writing.
- You will need to tell the Supreme 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 in a case.

## 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. You will receive an official notice of the order.

## Where can I find the forms I need?

- You can find the forms online at: [illinoiscourts.gov/Forms/approved/supreme/supreme.asp](http://illinoiscourts.gov/Forms/approved/supreme/supreme.asp)
- You can also ask the Supreme Court Clerk for a copy.

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

- None, if you file in person in an existing case; 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.
- If your *Motion* will start a new case, Supreme Court Rule [313](#) requires the person who files an appeal to pay a \$50 fee. Rule [313](#) requires all other parties to pay a \$30 fee.

## How do I fill out the *Motion* form?

The *Motion* tells the Supreme Court and the other parties what you want the Supreme 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 Supreme Court case number if one has been assigned by the Supreme Court Clerk's office.
- If the case name in the trial and/or appellate court began with "In re" (e.g., "In re Marriage of Jones"), enter that name.

- Provide the names of the parties as they appeared in the trial court or appellate 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 responding to the appeal.
- 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 Supreme Court to take

### Section 3

- Explain the reasons why you need the Supreme Court to take action. Provide all facts necessary to help the Supreme Court understand the situation.

### Proof of Service

- You must send the other parties a copy of the *Motion*.
- 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. However, if any party has a lawyer, you must send your *Motion* to the lawyer.
- You may send your *Motion* to the other parties by personal hand delivery, by mail, by third-party commercial carrier (for example, FedEx or UPS), or through the court's electronic filing manager or an approved e-filing service provider.

You may send your *Motion* to a party by e-mail if they have listed their e-mail address on a court document.

- Complete the *Proof of Service* with information to show how you sent your *Motion* to each party. The *Proof of Service* 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 Service* forms into the *Motion* form.

### **Step 2: File your *Motion* with the Supreme Court.**

- 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; or (2) 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 a disability that keeps you from e-filing, or (3) you have trouble reading or speaking in English.
  - Fill out a *Certification for Exemption from E-Filing* found online here: You can find the forms online at:  
[illinoiscourts.gov/Forms/approved/supreme/supreme.asp](http://illinoiscourts.gov/Forms/approved/supreme/supreme.asp)
  - Deliver your original *Motion* and the *Certification* to the Supreme Court Clerk's office in person, by mail, or by third-party commercial carrier (e.g., FedEx or UPS).
- To e-file, create an account with an e-filing service provider.
  - Visit [efile.illinoiscourts.gov/service-providers.htm](http://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/CivilJustice/Resources/Self-Represented\\_Litigants/self-represented.asp](http://illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp)
- If you do not have access to a computer or if you need help e-filing, bring your form to the Supreme Court Clerk's office where you can use a public computer terminal to e-file your form.
  - You can bring your form 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: Wait for the Supreme Court to decide.**

- The Supreme Court will decide if your motion will be granted or denied. This might take several weeks.
- The Supreme Court Clerk will mail or email you an official notice of the *Order*.