

## Appearance- Family and Divorce

Illinois Legal Aid Online provides a guided interview at [www.illinoislegalaid.org](http://www.illinoislegalaid.org) that will ask you a series of questions related to this topic and then the program will complete the forms for you. It is free to use.

# Getting Started

## Appearance

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**IMPORTANT:** This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use the *Appearance* form. Your use of the form 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 Appearance* instruction sheet and the instructions on the forms.

<b>Name of the form:</b>	<i>Appearance</i>
<b>Purpose of the form:</b>	Use this form to tell the court and the other parties that you are participating in the case and going to represent yourself in the case. Also use this form to ask the court for a trial with a judge or a judge and jury.
<b>Types of cases the form CAN be used for:</b>	All civil cases. For example in divorce cases, family cases eviction cases, small claims cases, and law suits for injury or property damage.
<b>Types of cases the form CANNOT be used for:</b>	All criminal cases.
<b>Special information or papers needed to complete the forms:</b>	<p>You will need:</p> <ul style="list-style-type: none"> <li>• names and addresses of the other parties;</li> <li>• names and addresses of the other parties' lawyers; AND</li> <li>• the court case number.</li> </ul> <p>You can find this information on other court papers you have about this case.</p>
<b>Rules and statutes covering the form:</b>	<ul style="list-style-type: none"> <li>• Illinois Supreme Court Rules <a href="#">13</a>, <a href="#">181</a>, <a href="#">286</a></li> <li>• <a href="#">735 ILCS 5/2-1105</a></li> </ul>
<b>Where to find the form and instruction sheet:</b>	<a href="http://www.illinoiscourts.gov/Forms/approved/">http://www.illinoiscourts.gov/Forms/approved/</a>
<b>For more information:</b>	<p>Read the <i>How to File an Appearance</i> instruction sheet that comes with these forms. You may also find more information, resources, and the location of your local county self help center at:</p> <p><a href="http://www.illinoislegalaid.org/legal-information/appearance">www.illinoislegalaid.org/legal-information/appearance</a>.</p>

# HOW TO FILE AN APPEARANCE

## What is an *Appearance*?

- An *Appearance* is a form you file with the Circuit Clerk to tell the court and the other parties that you are participating in the court case.
- The *Appearance* also tells the court whether you want your case decided by a judge or a judge and jury. You do not have a right to a jury trial in every case.
- It also gives the court and other parties your name and address so they may contact you about the case.

## Who can use the *Appearance* form?

- You can only file an *Appearance* for yourself, not for anyone else.
- In most cases, companies must have attorneys and should not use this *Appearance* form.

## When do I need to use the *Appearance* form?

The *Appearance* form is required in most civil court cases. For example, you must file an *Appearance* when:

- Someone sues you and you want to participate in the court case. If you do not file an *Appearance* and go to court as needed, the court case might go ahead without you and the court might rule against you.
- You had a lawyer but your lawyer stops representing you, and you are now going to represent yourself.

You do NOT need to file an *Appearance* when you start a new court case by yourself without a lawyer.

## Why does the *Appearance* form ask for my email address?

- Providing an email address is optional. If you provide an email address, you agree to accept court documents by email.
- **Important:** You should only agree to get court documents by email if you have an email account that you do not share with anyone else and that you check every day. If you do not check your email every day, you may miss important information or notice of court dates.

## Is there a deadline for filing an *Appearance*?

- The deadline for filing an *Appearance* is different depending on the type of case.
- You might have received other court papers, like a *Summons*, that give you a deadline for filing your *Appearance*.
- You might give up your right to participate in the court case if you do not file your *Appearance* on time.

## 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 an *Appearance*?

- There is a fee for filing an *Appearance* with the Circuit Clerk. The fee will be higher if you ask for a jury.
- If you cannot afford to pay the filing fee, you can ask the court to file for free. You will have to apply for a fee waiver by filling out the *Application for Waiver of Court Fees*. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

## What do I do after I fill out the *Appearance* form?

### Step 1: File the *Appearance* with the Circuit Clerk in the county where your court case is filed.

- 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 here: [www.illinoiscourts.gov/Forms/approved/default.asp](http://www.illinoiscourts.gov/Forms/approved/default.asp).
  - File the original and 1 copy of your *Appearance*, and the *Certification*, with the Circuit Clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
  - Visit <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: [http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented\\_Litigants/self-represented.asp](http://www.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, take your form to the Circuit 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 2: Send a copy of your *Appearance* to the other parties in the case.

- You must send your *Appearance* to the other parties in the case. If a party has a lawyer, send the forms to the lawyer.
- You may send your *Appearance* to the other parties by personal hand delivery, by mail, 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 e-mail your *Appearance* to a party if they have listed their e-mail address on a court document. Complete the proof of delivery with information to show how you sent the forms to each party. It has room for 3 parties. If you are sending forms to more than 3 parties, fill out and file one or more *Additional Proof of Delivery* forms with your *Appearance*.



### PROOF OF DELIVERY

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

**CAUTION:** If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a**, **b**, and **c**. Otherwise leave **2** blank.

1. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

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

Email address: \_\_\_\_\_

b. By:  Personal hand delivery

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

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

Third-party commercial carrier, with delivery paid for at:

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

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (*not through an EFM or EFSP*)

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

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

2. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

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

Email address: \_\_\_\_\_

b. By:  Personal hand delivery

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

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

Third-party commercial carrier, with delivery paid for at:

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

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (*not through an EFM or EFSP*)

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
Date

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

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:  
Name: \_\_\_\_\_  
          First                                  Middle                                  Last  
Address: \_\_\_\_\_  
          Street, Apt #                                  City                                  State                                  ZIP  
Email address: \_\_\_\_\_

b. By:  Personal hand delivery  
 Regular, First-Class Mail, put into the U.S. Mail with postage paid at:  
          \_\_\_\_\_  
          Address of Post Office or Mailbox  
 Third-party commercial carrier, with delivery paid for at:  
          \_\_\_\_\_  
          Name (for example, FedEx or UPS ) and office address  
 The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)  
 Email (not through an EFM or EFSP)  
 Mail from a prison or jail at:  
          \_\_\_\_\_  
          Name of prison or jail

c. On: \_\_\_\_\_  
Date

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

If you sent your document to more than 3 parties or lawyers, check the box and file *Additional Proof of Delivery* with this form.

I have completed an *Additional Proof of Delivery* form.

**I certify that everything in the Proof of Delivery 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](#).**

\_\_\_\_\_  
/s/  
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.

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.

<b>STATE OF ILLINOIS, CIRCUIT COURT</b>  _____ COUNTY	<b>ADDITIONAL PROOF OF DELIVERY</b>	For Court Use Only
Instructions ▼	_____ <b>Plaintiff / Petitioner</b> <i>(First, middle, last name)</i>  v.  _____ <b>Defendant / Respondent</b> <i>(First, middle, last name)</i>	_____ <b>Case Number</b>
Directly above, enter county where the case is filed.		
Enter the name of the Plaintiff/ Petitioner.		
Enter the name of the Defendant/Respondent.		
Enter the Case Number given by the Circuit Clerk.		

In **1a**, enter the name, mailing address, and email address of the party or lawyer to whom you sent the document.

In **1b**, check the box to show how you sent the document, and fill in any other information required on the blank lines.

**CAUTION:** If the other party does not have a lawyer, you may send the document by email only if the other party has listed their email address on a court document.

In **c**, fill in the date and time that you sent the document.

In **2**, if you sent the document to more than 1 party or lawyer, fill in **a, b**, and **c**. Otherwise leave **2** blank.

1. I sent this document:
  - a. To:
 

Name: \_\_\_\_\_  
*First Middle Last*

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

Email address: \_\_\_\_\_
  - b. By:
    - Personal hand delivery
    - Regular, First-Class Mail, put into the U.S. Mail with postage paid at: \_\_\_\_\_  
*Address of Post Office or Mailbox*
    - Third-party commercial carrier, with delivery paid for at: \_\_\_\_\_  
*Name (for example, FedEx or UPS ) and office address*
    - The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)
    - Email *(not through an EFM or EFSP)*
    - Mail from a prison or jail at: \_\_\_\_\_  
*Name of prison or jail*
  - c. On: \_\_\_\_\_  
*Date*  
 At: \_\_\_\_\_  a.m.  p.m.  
*Time*
  
2. I sent this document:
  - a. To:
 

Name: \_\_\_\_\_  
*First Middle Last*

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

Email address: \_\_\_\_\_
  - b. By:
    - Personal hand delivery
    - Regular, First-Class Mail, put into the U.S. Mail with postage paid at: \_\_\_\_\_  
*Address of Post Office or Mailbox*



Third-party commercial carrier, with delivery paid for at:

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

The court's electronic filing manager (EFM) or an approved electronic filing service provider (EFSP)

Email (*not through an EFM or EFSP*)

Mail from a prison or jail at:

\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

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

In 3, if you sent the document to more than 2 parties or lawyers, fill in a, b, and c. Otherwise leave 3 blank.

3. I sent this document:

a. To:

Name: \_\_\_\_\_  
*First Middle Last*

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

Email address: \_\_\_\_\_

b. By:  Personal hand delivery

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

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

Third-party commercial carrier, with delivery paid for at:

\_\_\_\_\_  
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\_\_\_\_\_  
*Name of prison or jail*

c. On: \_\_\_\_\_  
*Date*

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

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 *Additional Proof of Delivery* is true and correct. I understand a false statement on this form is perjury and has penalties provided by law under [735 ILCS 5/1-109](#).**

\_\_\_\_\_  
*/s/ Your Signature*

\_\_\_\_\_  
*Street Address*

\_\_\_\_\_  
*Print Your Name*

\_\_\_\_\_  
*City, State, ZIP*

\_\_\_\_\_  
*Telephone*

If you are completing this form on a computer, sign your name by typing it. If you are completing it by hand, sign and print your name.