HOW TO FILE & SEND A MOTION & NOTICE OF COURT DATE FOR 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 illinoislegalaid.org/lexicon/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.

Who can file a *Motion*?

Any person who is involved in a court case and wants to ask the judge to do something can file a *Motion*. For example, you might file a *Motion* to: schedule a new court date, ask for more time to move in an eviction, change an earlier order, or to explain why you missed court so you can ask for a new court date.

What forms do I need to fill out?

- ***Motion***: use this form to explain what you want the judge to do and any reasons why the judge should say yes to your request. The email address (if you have one) and mailing address you put on the *Motion* is where important legal documents will be sent to you. You should use 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, notice of court dates, or documents from other parties.
- ***Order:*** is used by the judge to say if your *Motion* is granted or denied.
- ***Notice of Court Date for Motion***: use this form to schedule the court date when you will see the judge. This form also:
  - Lists the date, time, and place where you will see the judge;
  - Lists the names and addresses of the other parties or the names and addresses of their lawyers; AND
  - Lets the other parties in the case know about the court date.

Where can I find the forms I need?

You can find the forms at: ilcourts.info/forms.

Are there any costs to file a *Motion*?

- Some *Motions* require a filing fee but there are many *Motions* where the filing is free.
- The Circuit Clerk will let you know if there is a fee for your *Motion*. Also, many courts have the court fees listed on their websites.
- If you cannot afford to pay the filing fee, you can ask the court to file for free or at a reduced cost by filing an *Application for Waiver of Court Fees* found at ilcourts.info/forms.

What do I do after I fill out my forms?

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

Filing your court forms

- After you fill out your court forms, file them with the Circuit Court Clerk. This is done 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/EfileHowTo.
- 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 Clerks' office. These places offer public computers where you can to e-file your forms. Librarians and courthouse staff are not able to provide legal advice.
  - You can bring your forms on paper or saved on a flash drive. The public computer will have 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/ExemptionCircuit. 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 Circuit Clerk's office or by mail.
  - Bring or send your signed court forms and at least two copies of your forms to the Circuit Clerk's office. Ask them to stamp your copies and return them to you.
  - If you need to make copies of your forms, you can do that at the Circuit Clerk's office. They may charge you to make copies.
  - If you mail your court forms to the Circuit Clerk's office, include a stamped envelope addressed to you. The Circuit Clerk will file your forms then send your copies back to you in the envelope.

Step 2: Ask for a court date.

- Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date or you may have to speak with other court staff.
- When you get your court date, ask if the court will send notice of the court date to the other party or if you need to.
- If you need to send notice, complete the *Notice of Court Date for Motion*.

Make sure you know how you are to attend your court date.

Your court date could be in person, by phone or by video. If it is by phone or video it is called a "Remote Appearance." Call the Circuit Clerk or visit their website for more information. To find the phone number for your Circuit Clerk, visit ilcourts.info/CircuitClerks.

Step 3: Send a copy of your *Motion* forms to the other party.

- You must send your forms to the other parties in the case. If a party has a lawyer, send the forms 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).

Step 4: Get ready for your court date.

- Decide and write down:
  - What you want to ask the judge to do for you;
  - What you will say to the judge if asked to tell your side of the case; AND
  - Questions you have for witnesses, if there are any.
- Gather and make copies of pictures and documents you want the judge to see. Bring the original for the judge and one copy for you and each of the people in the case. If your court date is by phone or video, contact the Circuit Clerk and ask how you can get a copy of these items to the judge. You might have to e-file them like your other documents. You will also have to get a copy of these items to the other parties.
- If you want the judge to hear from other people, those people will have to attend court and be witnesses (in most cases, you cannot bring in written statements of witnesses). If your court date is by phone or video, you will have to arrange for your witnesses to attend by phone or video.

Step 5: Attend your court date.

- You must attend the court date if one is scheduled. If you do not, the judge could enter an order or judgment against you.
- If your court date is by phone or video:
  - Make sure to have the call-in or login information for your court date and make sure your technology is working.
  - Follow the instructions on the court notice you received. Call the Circuit Clerk or Circuit Court or visit their websites for specific technology instructions.
  - Follow these recommendations to appear by phone or video: ilcourts.info/AllRemoteCourtResources.
- Have these items with you on your court date:
  - Photo I.D.;
  - Copies of all the documents you filed with the Circuit Clerk;
  - Copy of your *Order*; and
  - Other papers or proof related to your *Motion.*
- Arrive for your court date at least 15 minutes early. If you are going in person to court, add more time for going through security.
- If your hearing is in person, find the courtroom number listed on your court forms. If your forms do not have a courtroom number look for a list of cases at the courthouse or ask the Circuit Clerk.
- You may need to check in with the courtroom staff. Then, wait for your name and case number to be called.

- When your case is called, introduce yourself to the judge. If you are attending by phone or video, remember to unmute yourself.

How do I present my case to the judge and what happens after?

Step 1: Tell the judge your side of the case and answer questions.

- Show evidence including documents and photos.
  - Give a copy to the judge and a copy to the other party. Be prepared to explain why the document or photo is important.
- Question your witnesses.
  - Tell the judge the name of your witnesses.
  - Ask the witnesses questions you prepared in advance.
  - The judge and the other party can ask questions of your witnesses when you are done.
- The judge decides whether the documents, photos, or witness testimony can be considered in making a decision about your case.

Step 2: The other party presents their case.

- The other party will also get to present their case by testifying, giving the judge evidence, and questioning witnesses.
- You will get to see any documents and photos the other party brings to court. If you do not think the judge should consider them in making a decision about your case, tell the judge why.
- You may ask questions of the other party's witnesses. Write down your questions while they are speaking to the other party or judge.

Step 3: The judge makes a decision after both sides present their case.

- The judge has to make a decision. The decision is called a court order.
- If the judge needs more information to make a decision, the judge may set up another court date. Make sure you understand what information is needed and get it before the new court date.
- If the judge needs to think about it more, the judge may let you know the decision later by sending a court order or at another court date.
- If the judge has enough information, the judge may decide right then and fill out a court order.
  - Get a copy of the order that has the court stamp on it.
  - If the other party was not in court to get a copy, you must send them a copy by 5:00 p.m. on the date you get the order. Fill out and file a *Proof of Delivery* court form with the Circuit Clerk to show that you sent the copy. You may find the *Proof of Delivery* at ilcourts.info/forms.

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