

HOW TO FILE AND SEND A MOTION AND NOTICE

1

FILL OUT THE REQUIRED FORMS.

If you want to ask the judge to do something in your case – like dismiss the case, change something you already filed, or order the other party to do something – you must file a motion and have a hearing on the motion. Begin by filling out the forms in this form set. Think carefully about what you want to ask the judge to do and explain it clearly on your *Motion* form.

2

FILE AND GET YOUR COURT DATE.

If you do not already have a court date for your *Motion*, you will need to get one and file a *Notice of Motion*. When you file your *Motion*, ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically. In some counties, you may get the court date when you e-file. Include that court date in your *Notice*.

After you fill out your forms, file them with the Circuit Clerk's office in the county where your case is taking place. See the How to File the Form section on page 4 of this packet for more information.

There may be a fee to file your *Motion*. See the Costs and Fees section on page 3 of this packet for information on how to ask to file your forms for free or at a reduced cost.

3

SEND FORMS TO THE OTHER PARTY.

You must send your forms to the other people in the case. If a person in the case has a lawyer, send the forms to the lawyer. Make sure you have completed the Proof of Delivery section on your forms, so the court knows how you sent your documents.

4

PREPARE AND ATTEND COURT.

Your court date may be in person, by phone, or by video.

Make notes for yourself about what you want to say to the judge. Bring any additional documents needed.

Explain your *Motion* to the judge. The judge might make a decision on your *Motion* in court, or they might decide later. Make sure to get a copy of the *Order on Motion* signed by the judge.

Laws covering these forms: Illinois Supreme Court Rules [11](#), [12](#), [104](#), [105](#), [106](#), [137](#), [182](#), [184](#), [191](#), [192](#), [274](#), and [287](#); [735 ILCS 5/2-601](#) *et seq.*



STEP 1

FILL OUT AND FILE FORMS.

ARE THESE FORMS FOR ME?

You may use these **Motion** forms to ask for something in your case when:

- Your case is a **civil case**. For example, divorce, family, guardianship, eviction, small claims, foreclosure cases, and cases for injury or property damage.

Do not use these forms if:

- Your case is a **criminal, traffic, or juvenile court case**.
- You are asking the judge to reschedule a court date that has already been scheduled or to extend a deadline. Use the *Motion to Continue (Reschedule) or Extend Time* found at ilcourts.info/motion-forms.
- You are trying to start a new court case. You cannot use a motion to start a new case.

Forms required:

- **Motion**: use this form to explain what you want the judge to do and any reasons why the judge should agree to your request.
- **Notice of Court Date for Motion**: use this form to notify the other parties in the case about the court date for your **Motion**. This form:
 - Lists the date, time, and place of your court date; and
 - Lists the names and addresses of the other parties or their lawyers.

Some courts will send their own **Notice** to the other parties. Ask the Circuit Clerk whether they will notify the parties, or whether you need to send notice of the court date.

- **Order on Motion**: is used by the judge to say if your **Motion** is granted or denied.

You can find all of the statewide forms online at: ilcourts.info/forms.



This packet is not legal advice. It provides general instructions on how to use these forms in your court case. It cannot and does not try to cover everything that might happen in your court case. Your use of the forms does not guarantee you will be successful in court.

How a judge handles a case can vary from county to county. **Your county may have special requirements that are not covered in these instructions.** Ask the Circuit Clerk if your county has local rules and, if so, where you can get a copy.

EXTRA HELP WITH THE FORMS

Motion Easy Form

Illinois Legal Aid Online has an Easy Form program that helps you complete your forms. Easy Forms ask simple questions and put your answers in the right places on the forms. At the end of the program, you can download or email your forms to e-file or print them.

Easy Forms are free to use. Visit ilao.info/motion-easy-form or scan the QR code to use the Easy Form.



**IL Court
Help**

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.

If there are any words or terms used in these instructions that you do not understand, please **visit Illinois Legal Aid Online** at ilao.info/glossary. You may also find more information, resources, and the location of your local legal self-help center at: ilao.info/lshc-directory.



COSTS AND FEES

There may be costs and fees to take part in a court case. These fees and costs can include fees for filing court documents and Sheriff's fees for providing notice. Depending on the type of court case, there may be other costs and fees charged. If you cannot afford to pay costs and fees, you can ask the court to file for free or at a reduced cost by filing an *Application for Waiver of Court Fees*.

This is a separate form you can find at: ilcourts.info/fee-waiver-forms.

HOW TO FILE THE FORMS



E-filing

- After you fill out your court forms, file them with the Circuit Clerk. This is done by electronic filing, called 'e-filing'. You do not have to e-file if:
 - You qualify for an exemption (see "Not E-filing" below) or
 - Your case involves a criminal matter.
- Most people e-file their forms using Odyssey eFileIL at ilcourts.info/efile.
- There may be fees to file your forms. See the previous Costs & Fees page for more information.
- Follow step-by-step instructions and watch videos that walk you through the steps for e-filing at ilcourts.info/EfileHowTo.
- E-filing is easier on a computer. It may not work on a cell phone or tablet.
- 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 e-file your forms.
 - Depending on your courthouse, you can bring your forms on paper and there may be public computers with a scanner where you can turn your paper forms into electronic files.
 - Librarians and courthouse staff may be able to help you e-file, but they cannot provide legal advice.



Not E-filing

- Some people are not required to e-file, 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.
 - Have trouble reading, writing, or speaking English.
 - Are filing documents in a sensitive case, such as an order of protection.
 - 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 cannot print this form, then ask for it at your local courthouse.
 - File your *Certification for Exemption from E-Filing* form along 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 a fee to make copies.
- There may be fees to file your forms. See the previous Costs & Fees page for more information. 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 and then send your copies back to you in the envelope.



WHAT'S NEXT

STEP 3

Get a court date and send your forms.

- Make sure that you have a court date and that you have filed the *Notice of Court Date for Motion* if it is required.
- Send a copy of your *Motion* forms to the other party.
 - You must send your forms to the other people in the case. If a person in the case has a lawyer, send the forms to the lawyer.
- If you and the person you're sending the *Motion* to each have an email address, you must send it by email or electronically through the e-filing system. If either you or the person you're sending the *Motion* to do not have an email address, you may give it to the other person by personal hand delivery, mail, or third-party commercial carrier (for example, FedEx or UPS).

STEP 4

Prepare and attend court.



Make sure you know how 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.

Your court date could be in person, by phone or by video.

- If your court date is in person:
 - Get to the courthouse at least 30 minutes early so you have enough time to get through security.
 - Go to the courtroom number listed on your court form.
 - If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask someone at the Circuit Clerk's office.
 - Check in with the courtroom staff and wait for your name and case number to be called.
- 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.
 - Start trying to log-in to your courtroom at least 15 minutes before the start time in case you have any problems with technology.
 - Follow these tips to attend court by phone or video: ilcourts.info/AllRemoteCourtResources.
- When your case is called, introduce yourself to the judge. If you are attending by phone or video remember to unmute yourself.
- Have these items with you on your court date:
 - Photo I.D.;
 - Copies of all the documents you filed with the Circuit Clerk;
 - Other papers or proof related to your case; AND
 - If you are having a hearing or trial, bring your witnesses and evidence.
 - Check with the Circuit Clerk for any other local requirements.

Talk to the judge and get a signed copy of the final order.

Present your *Motion* to the judge.

- Be ready to tell the judge what you are asking for and why the judge should agree with your request. The judge might ask you questions about your *Motion*.
 - The judge might give the other party time to respond to your *Motion* in writing and schedule another court date.
- For some motions, you might have 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.
- For some motions, you might have 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.

The other party can respond to your *Motion*.

- The other party will get to respond to your *Motion*. This might include testifying, giving evidence like documents and photos, 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.

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

- The judge will decide whether to grant or deny your *Motion*. The judge might make a decision in court or they might make a decision later.
- If the judge needs more information to make a decision, the judge may schedule 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 you a court order or at another court date.
- If the judge has enough information, the judge may decide in court and fill out the *Order on Motion*.
 - Get a copy of the *Order* signed by the judge.
 - If the other party was not in court, you must send them a copy of the *Order*. Fill out and file a *Proof of Delivery* form to show that you sent the copy. You may find the *Proof of Delivery* at ilcourts.info/forms.