

Getting Started

Motion

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use a *Motion* form in your case. Your use of these forms 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 & Send a Motion & Notice of Court Date for Motion* instruction sheet and the instructions on the forms.

Names of the forms:	<ul style="list-style-type: none"> • <i>Motion</i> • <i>Order</i> • <i>Notice of Court Date for Motion</i> (if needed, read <i>Getting Started Notice of Court Date for Motion</i>)
Purpose of the forms:	Use these forms when you need to see the judge and ask for something in your case. For example, if you want to change a court date or change a previous order.
Types of cases the forms CAN be used for:	All civil cases. For example, divorce cases, family cases, eviction cases, small claims cases, lawsuits for injury or property damage, and contract disputes.
Types of cases the forms CANNOT be used for:	All criminal, traffic, and juvenile justice cases.
Special information or papers needed to complete the forms:	<ul style="list-style-type: none"> • You may need a <i>Notice of Court Date for Motion</i> form, but some courts do not require it. • You may need a <i>Proof of Delivery</i> for the <i>Order</i>. • See <i>How to File & Send a Motion & Notice of Court Date for Motion</i>.
Rules and statutes covering the forms:	IL Supreme Court Rules 11 , 12 , 104 , 105 , 106 , 137 , 182 , 184 , 191 , 192 , 274 , 287 735 ILCS 5/2-601 <i>et seq</i>
Where to find the forms and instruction sheet:	http://www.illinoiscourts.gov/Forms/approved/
For more information:	Read the <i>How To File & Send a Motion & Notice of Court Date for Motion</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 www.illinoislegalaid.org/Motion .

Getting Started

Notice of Court Date for Motion

IMPORTANT: This getting started guide and the instructions are not legal advice. They are only meant to help you learn how to use a *Notice of Court Date for Motion* in your case. 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 File & Send a Motion & Notice of Court Date for Motion* instruction sheet and the instructions on the forms.

Name of the form:	<i>Notice of Court Date for Motion</i>
Purpose of the form:	This form is used with the <i>Motion</i> form. The <i>Notice of Court Date for Motion</i> is used to schedule a court date for your <i>Motion</i> with the judge. This is called a hearing date. This form is also used to let the other people in your case know about the hearing date so they can come to court too. Some courts may not require the <i>Notice of Court Date for Motion</i> form, but many do require that it be filed and delivered to the other parties ALONG WITH your <i>Motion</i> form.
Types of cases the form CAN be used for:	All civil cases. For example, divorce cases, family cases, eviction cases, small claims cases, lawsuits for injury or property damage, and contract disputes.
Types of cases the form CANNOT be used for:	All criminal, traffic, and juvenile justice cases.
Special information or papers needed to complete the form:	You will need: <ul style="list-style-type: none"> • The date and time of the court hearing when you will be seeing the judge. • The court address and court room number where the judge is located. You can get this information from a Circuit Clerk. • The names and addresses of the other people in the case, or their attorney's name and address. • A copy of your <i>Motion</i> form.
Rules and statutes covering the form:	IL Supreme Court Rules <u>11</u> , <u>12</u> , <u>104</u> , <u>105</u> , <u>106</u> , <u>137</u> , <u>182</u> , <u>184</u> , <u>191</u> , <u>192</u> , <u>274</u> , <u>287</u> <u>735 ILCS 5/2-601 et seq</u>
Where to find the forms and instruction sheet:	http://www.illinoiscourts.gov/Forms/approved/
For more information:	Read the <i>How To File & Send a Motion & Notice of Court Date for Motion</i> instruction sheet that comes with this. You may also find more information, resources, and the location of your local county self help center at www.illinoislegalaid.org/Motions .

HOW TO FILE & SEND A MOTION & NOTICE OF COURT DATE FOR MOTION

Who can file a *Motion*?

Any person can file a motion who is involved in a court case and wants to see the judge to ask the judge to do something in the case. 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 to file a *Motion*?

- **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.
- **Order:** is used by the judge to say if your *Motion* is granted or denied.
- **Proof of Delivery:** you may need this to show how you delivered a copy of the judge's *Order* to the parties or their lawyers.
- **Notice of Court Date for Motion:** use this form to schedule the court date when you will see the judge; this is called the hearing date. 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:

<http://www.illinoiscourts.gov/Forms/approved/>.

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. Fill out the *Application for Waiver of Court Fees* to ask the court for a fee waiver. This is a separate set of forms you can find at <http://www.illinoiscourts.gov/Forms/approved/>.

How do I get my forms notarized?

- To get your forms notarized, you must sign them in front of an official Illinois notary public.
- You can often find a notary public at your local bank, county courthouse, or town/city hall. Some currency exchanges, real estate offices, and law firms offer this service. You may also find an independent notary public by searching online or the phone book yellow pages.

- Call ahead to find out if the location has a notary public and if you need an appointment.
- There may be a small fee for getting your form notarized.
- You must bring your photo I.D. to the notary public. Your I.D. cannot be expired and must show your current address.

What do I do after I fill out my forms?

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

- Make copies of your forms for yourself and each party in the case.
- Call the Circuit Clerk and ask how much it will cost to file your forms and the types of payment (cash, check, credit, online) they take.
- If you cannot afford the fee, fill out and file an *Application for Waiver of Court Fees* found at: <http://www.illinoiscourts.gov/Forms/approved/>. If you already have a fee waiver for this court case, you do not need do this.
- File your forms with the Circuit Clerk in person. You may be able to file by mail or online depending on the county where the court case is filed.
- The Circuit Clerk will stamp your forms. This stamp is your proof that the forms were filed with the court.
- How to File In Person
 - Go to the courthouse in the county where your court case is filed.
 - Give the Circuit Clerk your original forms and the copies to stamp.
 - The Circuit Clerk will keep the original forms and give back your copies.
 - Pay the filing fee or file your *Application for Waiver of Court Fees*.
- How to File By Mail
 - If you will be asking for a fee waiver, there may be local rules requiring you to file your *Application for Waiver of Court Fees* in person. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.
 - In Cook County, you must go in person to have your fees waived.
 - If you do not need to appear in person, mail your original forms including your *Application for Waiver of Court Fees* and one copy to the Circuit Clerk to stamp.
 - If you do not need to have your fees waived, mail your original forms and one copy to the Circuit Clerk to stamp.
 - Include the *Letter to the Circuit Clerk* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
 - Include a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy to you.

- How to File Online
 - Check your local Circuit Clerk's website to see if online filing is an option for you at: <http://www.ilcourtclerks.org/illinois-court-clerks/>.
 - Follow the instructions for filing online provided by the Circuit Clerk.
 - Pay the filing fee as instructed online or file your *Application for Waiver of Court Fees*.
 - Even if you can file online, you may have to appear in person to apply for a fee waiver. Ask the Circuit Clerk if you have to file your *Application for Waiver of Court Fees* in person.

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*.

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

- After filing, you must send a copy of your forms to each party in the case.
- If a party has a lawyer, send the copies to the lawyer.
- You may hand-deliver or mail your forms to the other parties. If they have agreed, you may email your forms. The *Notice of Court Date for Motion* must state the way you sent them.
- **NOTE:** There may be local rules about how many days before the court date you have to give notice to the other party. Ask the Circuit Clerk where to find these rules. Look for rules about motions and notice of hearing.
- Keep one copy of the forms that were stamped by the Circuit Clerk for your own records.

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 you want the judge to hear from other people, those people will have to come to court and be witnesses (in most cases, you cannot bring in written statements of witnesses).

Step 5: Go to your court date.

- Bring these items with you to court:
 - 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*.
- Get to the courthouse at least 30 minutes early.
- 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 the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- When your case is called, walk to the judge and introduce 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 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.

**LETTER TO THE CIRCUIT CLERK
(FILING FORMS IN AN EXISTING CASE)**

Instructions to User

1. Complete this letter. **NOTE:** Do not use this letter if you are filing a new case. Instead, use a *Letter to the Circuit Clerk (Filing Forms to Start a New Case)* found at: <http://www.illinoiscourts.gov/Forms/approved/>.
2. With this letter, include your original *Motion* and one copy, payment or an *Application for Waiver of Court Fees* (unless no fee will be charged or you have already been granted a fee waiver), and a self-addressed and stamped envelope for the Circuit Clerk to mail the file stamped copy to you. You may need to file your *Application for Waiver of Court Fees* in person. Call the Circuit Clerk and ask if that is necessary.
3. Send your letter and the documents listed above to the Circuit Clerk in the county where your case is filed.

Date: _____

Circuit Clerk of _____ County

Address of Circuit Clerk _____

Dear Clerk:

Re: _____ v. _____ Case Number: _____
Plaintiff/Petitioner *Defendant/Respondent*

Enclosed you will find the original and one copy of the *Motion*.

(Check the boxes that apply)

- I have enclosed an *Application for Waiver of Court Fees*. Please present this to a Judge and, if granted, return a copy of the *Order for Waiver of Court Fees* to me.
- I have already received an *Order for Waiver of Court Fees* so no fee is included.
- I have enclosed the cost of filing these documents \$ _____.

Please file the documents and return the file-stamped copies to me in the enclosed self-addressed and stamped envelope.

Thank you for your attention to this matter.

Sincerely,

Signature

Printed Name

Street Address, Apt #

City *State* *Zip*

Phone

- If the judge needs to think about it more, the judge may let you know the decision later by mailing 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.

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.

I certify that everything in the *Motion* 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

In 2, enter the date you send the *Motion* to the other parties. You must send this form by 5:00 p.m. on the same day it was filed with the Circuit Clerk.

NOTE: There may be local rules about how many days before the court date you have to give notice to the other party. Ask the Circuit Clerk where to find these rules. Look for rules about motions and notice of hearing.

In 3, enter the full name and address of the parties or lawyers you are sending a copy of the *Motion*, and check if you will send copies of this form by hand, by mail, or by email.

If a party has a lawyer, you must send a copy of the *Motion* to the lawyer.

CAUTION: You may only send this form by email if the other party has agreed to receive documents in the lawsuit by email.

Proof of Delivery

1. I sent the *Motion*

2. At or before 5:00 p.m. on _____, 20____
Date

3. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

By: Hand Delivery
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
 Email

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

By: Hand Delivery
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
 Email

Name: _____
First Middle Last

Enter the Case Number given by the Circuit Clerk: _____

Address: _____
Street, Apt # *City* *State* *ZIP*

Email: _____

By: Hand Delivery
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
 Email

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.

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.

Your Signature *Street Address*

Print Your Name *City, State, ZIP*

Telephone

DO NOT complete this section. The notary will complete it.

Notary Public

State of Illinois
County of _____

Signed and sworn to before me on _____ by _____
Date *Name*

Seal

Signature of Notary

This form is approved by the Illinois Supreme Court and is required to be accepted in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	ORDER	<i>For Court Use Only</i>
Instructions ▼ Enter above the county name where the case was filed. Enter the name of the person who started the lawsuit as Plaintiff/Petitioner. Enter the name of the person being sued as Defendant/Respondent. Enter the Case Number given by the Circuit Clerk.	_____ Plaintiff / Petitioner <i>(First, middle, last name)</i> v. _____ Defendant / Respondent <i>(First, middle, last name)</i>	_____ Case Number

In 1, check if you are the Plaintiff/Petitioner or Defendant/Respondent.

In 2, enter the date you filed this *Motion*.

In 3, enter what you are asking the court for with this *Motion*.

DO NOT complete this section. The judge will complete it at the hearing.

1. **Motion by:** Plaintiff/Petitioner Defendant/Respondent

2. **Date Motion filed:** _____, 20____

3. **Motion for:** _____

People in court Plaintiff/Petitioner Plaintiff Attorney Defendant/Respondent
 Defendant Attorney Other: _____

The Court orders:

ENTERED:

Judge

Date

DO NOT complete this section. The judge will sign and date here.

In 2, enter the date you send the *Motion* to the other parties. You must send this form by 5:00 p.m. on the same day it was filed with the Circuit Clerk.

NOTE: There may be local rules about how many days before the court date you have to give notice to the other party. Ask the Circuit Clerk where to find these rules. Look for rules about motions and notice of hearing.

In 3, enter the full name and address of the parties or lawyers you are sending a copy of the *Motion*, and check if you will send copies of this form by hand, by mail, or by email.

If a party has a lawyer, you must send a copy of the *Motion* to the lawyer.

CAUTION: You may only send this form by email if the other party has agreed to receive documents in the lawsuit by email.

Proof of Delivery

1. I sent the *Motion and Notice of Court Date for Motion*

2. At or before 5:00 p.m. on _____, 20 _____
Date

3. To:

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

By: Hand Delivery
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
 Email

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

By: Hand Delivery
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
 Email

Name: _____
First Middle Last

Address: _____
Street, Apt # City State ZIP

Email: _____

By: Hand Delivery
 Regular, First-Class Mail, deposited into the U.S. Mail with postage paid
 Email

Enter the Case Number given by the Circuit Clerk: _____

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.

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.

Your Signature

Street Address

Print Your Name

City, State, ZIP

Telephone

DO NOT complete this section. The notary will complete it.

Notary Public

State of Illinois

County of _____

Signed and sworn to before me on _____ by _____
Date *Name*

Seal

Signature of Notary