



ADMINISTRATIVE OFFICE OF THE ILLINOIS COURTS CIVIL APPEALS – FAQ

This document provides information for self-represented litigants in filing an appeal from a circuit court order or judgment in a civil case to the Illinois Appellate Court. It does not discuss how to file an appeal in a criminal case or in federal court.

The civil appeals process is difficult. The process involves many strict deadlines and adherence to [Illinois Supreme Court Rules](#) ("Rules"). You are strongly encouraged to speak to a lawyer about your appeal. Should you decide to appeal your case without a lawyer, you will need to follow the Rules just like those parties who have an attorney. You will also need to do a significant amount of legal research and write lengthy briefs in order to convince the appellate court that your position is correct. You can search for a lawyer with experience in appeals to represent you at [Illinois Lawyer Finder](#) (outside Cook) or [Chicago Bar Association Lawyer Referral Service](#) (in Cook).

The material presented herein is legal information and aims to provide general resources for you. This FAQ is not a substitute for legal counsel and does not constitute legal advice. You must speak with a lawyer to receive legal advice. This resource is neither legal authority nor a substitute for the requirements found in the Rules.

SECTION FOUR: NOTICE OF APPEAL

1. **How do I start my appeal?**

To start an appeal, the appellant must file a Notice of Appeal in the circuit court where the case was decided. The Notice of Appeal tells the court and other parties on your case that you are appealing the circuit court's order or judgment, and says what relief you will be seeking from the appellate court.

Generally, the circuit court must be finished with your case before you can appeal. This means the judge in your case will have issued a final judgment. In most civil cases, you have **30 days** from the date that final judgment is issued to file a Notice of Appeal.

However, the Illinois Supreme Court Rules say that some orders can be appealed *prior* to the circuit court issuing a final judgment. Some examples include:

- a. [Rule 304\(a\)](#) – When the circuit court 1) enters a final judgment that ends only part of the case; and 2) makes a written finding that this judgment can be appealed.
- b. [Rule 304\(b\)](#) – When the circuit court 1) enters a final judgment that ends only part of the case; and 2) the judgment is one that is listed in Rule 304(b), such as a judgment for child custody, administration of an estate, guardianship, or contempt



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of court. See Rule 304(b) for the complete list of judgments to which this Rule applies.

- c. [Rule 307\(a\)](#) – You may appeal some orders that do not end any part of the case, such as termination of parental rights. See Rule 307(a) for the complete list of orders to which this Rule applies.
 - d. To appeal a temporary restraining order (or denial), you must file your Notice of Appeal within 2 days after the date of the order or denial. See Supreme Court [Rule 307\(d\)](#) for further information.
2. **How do I calculate the due date for filing my Notice of Appeal?**
To figure out the deadline to file your Notice of Appeal, count from the day after the circuit court entered the order or judgment. You must count weekends and holidays. If the deadline to file falls on a weekend or holiday, you may file the Notice of Appeal on the next business day. If you file it by mail or by third-party commercial carrier (because you have an exemption from e-filing), the date you send it is also the date of filing, as long as you follow the instructions for the Proof of Service.

3. **What if I missed the deadline to file my Notice of Appeal?**

You may ask for more time to file your Notice of Appeal. To do so, file a motion for leave to file a late Notice of Appeal with the appellate court **within 30 days** of when your Notice of Appeal was originally due ([Rule 303\(d\)](#)). You must attach your Notice of Appeal to the motion and pay a \$50 filing fee. If you cannot afford to pay the filing fee, you can ask the court to file for free by filing the Application for Waiver of Court Fees (Appellate) found at: <http://www.illinoiscourts.gov/Forms/approved/>.

However, please note that the appellate court does not have to give you more time to file your Notice of Appeal. The appellate court may dismiss your appeal if you do not have a “reasonable excuse” for filing a late Notice of Appeal.

You can find a general motion form to use to request an extension of time here – <http://www.illinoiscourts.gov/Forms/approved/appellate/appellate.asp>

4. **How much does it cost to file the Notice of Appeal?**

There are no fees associated with filing a Notice of Appeal. But you will have to pay a fee when you file your Docketing Statement in the appellate court and pay any fees associated with requesting preparation of the Record on Appeal and for the Report of Proceedings (Transcripts).



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5. What are the steps necessary for filing a Notice of Appeal?

Generally, the steps for filing the Notice of Appeal are:

- a. You must send your Notice of Appeal to the other parties in the case. However, if any party has a lawyer, you must send your Notice of Appeal to the lawyer.
- b. File a Notice of Appeal with the circuit court where your case was decided (generally, the deadline is 30 days after entry of a final judgment). Complete the Proof of Service section with information to show how you sent your Notice of Appeal to each party. The Proof of Service has room for 3 parties. If you are sending your Notice of Appeal to more than 3 parties, fill out and insert one or more Additional Proof of Service forms into the Notice of Appeal form.

6. If I file the Notice of Appeal, do I still have to do what the trial court ordered me to do?

Yes, you are responsible for following all circuit court judgments and orders even though you filed an appeal. Filing a Notice of Appeal does not automatically suspend the circuit court's judgment or order, such as those ordering one party to pay another party money or to deliver property to another party. You must request a "stay" to stop the other party from enforcing the judgment or order during an appeal.

Stay of money judgments

If you wish to stop the other party from enforcing a circuit court's judgment involving money while your appeal is pending, you must comply with [Rule 305\(a\)](#). A timely Notice of Appeal and Appeal Bond must be filed in the circuit court. The bond must be enough to cover the judgment, interest, and any costs. You must notify the other party of the filing of the bond. If the circuit court denies the stay, you may file a Motion for a stay, along with a supporting record under [Rule 328](#), in the appellate court.

Stay of non-money judgments and other appealable orders

If you wish to stop the other party from enforcing a circuit court's judgment that does not involve money, you must comply with [Rule 305\(b\)](#). You must file a Motion in the circuit court and serve the other party. The circuit court may require you to file an appeal bond. If the circuit court denies the stay, you may file a Motion for a stay, along with a supporting record under [Rule 328](#), in the appellate court.

Automatic Stay Pending Appeal of Termination of Parental Rights

An order terminating parental rights is automatically stayed for 60 days under [Rule 305\(e\)](#). Therefore, no final order of adoption can be entered during this period. If a Notice of Appeal is filed within 60 days, the stay continues until the appeal is complete.



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or the stay is lifted by the court. If a Notice of Appeal is not filed within 60 days, the stay expires. An appeal bond is not required in these cases.

NOTE: The circuit court maintains jurisdiction over the care, custody, visitation, and support of the child.