

HOW TO FILE A PETITION FOR REHEARING

What is a *Petition for Rehearing*?

- A *Petition for Rehearing* tells the Supreme Court what it overlooked or misunderstood in its decision.

Who can use the *Petition for Rehearing* form?

- After the Supreme Court makes its decision, a *Petition for Rehearing* may be filed by the party who lost.

When do I file the *Petition for Rehearing* form?

- Your *Petition for Rehearing* must be filed within 21 days after the date of the Supreme Court's decision. If you need additional time, you may file a *Motion* with the Supreme Court to ask for more time. However, the Supreme Court will not grant you more time unless you have an extremely good reason.

For more information see the Guide for Appeals to the Illinois Supreme Court for Self Represented Litigants:

illinoiscourts.gov/CivilJustice/Resources/Guide_for_Appeals_to_the_IL_Appellate_Court_rev_093016.pdf

Where can I find the forms I need?

- You can find the forms online at: illinoiscourts.gov/Forms/approved/supreme/supreme.asp
- You can also ask the Supreme Court Clerk for a copy.

What costs will I need to pay to file my *Petition for Rehearing* form?

- None.

Is there a page or word limit?

- Yes. The *Petition for Rehearing*—not including the cover, the certificate of compliance, and the proof of service—must be no more than 27 pages or 8,100 words.
- If you need more than 27 pages or 8,100 words, you may file a *Motion* with the Supreme Court to ask for permission to file a *Petition* with more pages or words.

How do I fill out the *Petition for Rehearing* form?

- Fill out the form online, or print it and fill it out by hand. If you fill it out by hand, you must print neatly.
- You might have to add pages to the form and remove pages from it. If you have access to a computer with a PDF editing program (e.g., Adobe Acrobat), you can add and remove pages electronically. Otherwise, you will have to print out the form and add and remove pages by hand.
- The *Petition for Rehearing* form contains several sections.
- The form contains instructions for each section. The sections are:

Cover

- Check the top box if the appeal involves custody, visitation, or removal of a child.
- Enter the Supreme Court case number if one has been assigned.
- If the case name in the trial and/or appellate court began with “In re” (e.g., “In re Marriage of Jones”), enter that name.
- Provide the names of the parties as they appeared in the trial court or appellate court. Then identify which party is the appellant by checking the appropriate box under that party's name. The appellant is the party who started the appeal. Next, identify which party is the appellee by checking the appropriate box under that party's name. The appellee is the party responding to the appeal.
- The cover must be on light green paper.

Argument

- Do not restate the title of each argument in your original brief.
- Instead, briefly state each point that the Supreme Court overlooked or misunderstood in its decision.
- Then, under each title, do not repeat your original argument. Instead, explain why the Supreme Court's decision was wrong.
- To help you do this, use authorities (cases, statutes (laws), etc.) and references to the pages of the record. Refer to pages of the common law record as “C [page].” Refer to pages of the report of proceedings as “R [page].”
- The form includes room for 3 arguments.

Certificate of Compliance

Certify that you have followed the rules for petitions, especially the page or word limit, by signing the Certificate of Compliance.

Proof of Service

- You must send the other parties a copy of the *Petition*.
- Show how you are sending your *Petition* to the other parties. (see Step 1 below)

What do I do after I fill out the form?

Step 1: Send your *Petition* to all other parties.

- You must send your *Petition* to the other parties in the case. However, if any party has a lawyer, you must send your *Petition* to the lawyer.
- You may send your *Petition* to the other parties by personal hand delivery, by mail, by 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 send your *Petition* to a party by e-mail if they have listed their e-mail address on a court document. Complete the *Proof of Service* with information to show how you sent your *Petition* to each party.

The *Proof of Service* has room for 3 parties. If you are sending your *Petition* to more than 3 parties, fill out and insert one or more *Additional Proof of Service* forms into the main form.

NOTE: Before ruling on your *Petition for Rehearing*, the Supreme Court may send you a notice to appear for oral argument. However, oral argument on a *Petition for Rehearing* is extremely rare.

Step 2: File your *Petition* with the Supreme Court.

- 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: You can find the forms online at: illinoiscourts.gov/Forms/approved/supreme/supreme.asp
 - Deliver the *Certification*, your original *Petition for Rehearing*, and 13 copies to the Supreme Court Clerk's office in person, by mail, or by third-party commercial carrier (e.g., FedEx or UPS).
- To e-file, create an account with an e-filing service provider.
 - Visit 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: 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, bring your form to the Supreme Court 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 3: Wait for a ruling by the Supreme Court.

The Supreme Court will do one of the following:

- Deny your *Petition for Rehearing*. If the Supreme Court sees no merit in your *Petition for Rehearing*, the court will deny it. The denial could take the form of a modified decision, which will reach the same result, or a separate order.
- Grant your *Petition for Rehearing*. If the Supreme Court sees merit in your *Petition for Rehearing*, the court will grant it. Your opponent will have 21 days to file an answer, and you will have 14 days to file, if you wish, a reply to your opponent's answer.

The Supreme Court will then issue a new decision. However, the grant of a *Petition for Rehearing* does not guarantee that the new decision will reach a different result.

- Request an answer from your opponent without granting your *Petition for Rehearing*. If the Supreme Court sees possible merit in your *Petition for Rehearing*, it may request your opponent to file an answer in 21 days or in some other time frame, and it will give you 14 days or in some other time frame to file, if you wish, a reply to your opponent's answer. The Supreme Court will then either deny your *Petition for Rehearing* or grant it and issue a new decision.