

# How Do I Change a Judge's Decision?

**There is no substitute for making a strong argument before a judge makes a decision.**

- To effectively voice your opinion on the outcome of an issue that your judge is asked to decide, write out your argument (in the form of a pleading or response) before an order is entered on the issue. Present the facts and laws which support your position.
- File what you've written with the Clerk's Office, send a copy to the other party (or their attorney if they have one), and provide a courtesy copy to the judge if necessary.

**If the judge disagreed with your argument and ruled against you, you can file a motion and ask the judge to change her mind.**

- Judges are not required to change their rulings based on one party being unhappy with their decision.
- The legislature, Illinois Appellate Courts, and the Supreme Court of Illinois have determined the circumstances under which a judge can change their ruling:
  - If you are filing your motion within 30 days of the entry of the order, your motion must be filed pursuant to 735 ILCS 5/2-1203 and all accompanying case law; or
  - If you are filing your motion more than 30 days after the entry of the order, your motion must be filed pursuant to 735 ILCS 5/2-1401 and all accompanying case law; or
  - If you are filing your motion and did not participate in these proceedings before the order was entered your motion must be filed pursuant to 735 ILCS 5/2-1301 and all accompanying case law.
- Illinois Appellate Courts have determined that the judge who enters the original order which is being questioned is best suited to hear arguments about modifying the order. Consequently, these motions need to be presented before the judge who decided the issue initially.

**Please note that neither the Presiding Judge of any division nor any later assigned judge to the case have the authority to review and reverse the decisions of other circuit court judges, that power is reserved for the Appellate Court.** For more information on civil appeals, please see: [www.illinoiscourts.gov/Forms/approved/appellate/appellate.asp](http://www.illinoiscourts.gov/Forms/approved/appellate/appellate.asp).

**DISCLAIMER:** This guide serves as a court-process navigation tool. It does not contain legal advice. Litigants are encouraged to consult an attorney if possible and the Illinois Marriage and Dissolution of Marriage Act (IMDMA) at 750 ILCS 5/ *et seq.* for more information. Note that the IMDMA and all accompanying statutes have been interpreted and explained by the Illinois Appellate Court and the Supreme Court of Illinois; and their decisions are equally as binding on the trial court as the statute itself. To research and review those cases via a legal research database commonly used by judges and attorneys, please visit any of the Circuit Court of Cook County's Law Libraries (e.g. 29<sup>th</sup> floor of the Daley Center).