

**RULES OF PRACTICE  
FOR THE  
FIFTH JUDICIAL CIRCUIT OF ILLINOIS**

**RULE I. JUDICIAL ADMINISTRATION**

(A) Chief Judge.

(1) Selection of the Chief Judge. A majority of the Circuit Judges shall select on a nonpartisan basis one of their number to serve as Chief Judge for a term of two years commencing on the last Friday of January of each odd-numbered year. The balloting shall be at least two weeks prior to the conclusion of the term but after the first Monday in December. A Circuit Judge elected to the office of Chief Judge may not serve more than two consecutive two-year terms and no Circuit Judge who was elected to fill a vacancy the term of which will not expire for 12 months or more shall be elected to more than one succeeding two-year term.

(2) Acting Chief Judge. The Chief Judge shall designate one of the circuit judges to act as Chief Judge in the event of the Chief Judge's absence or inability to serve. The Acting Chief Judge shall have the same powers and duties as Chief Judge.

(3) Vacancy in the Office of Chief Judge. Whenever a vacancy occurs in the office of Chief Judge, any two circuit judges shall call a meeting of the circuit judges for the purpose of electing a Chief Judge to fill the unexpired term of office. The election shall be within three weeks of the occurrence of the vacancy and at least five days notice shall be given to all circuit judges.

(B) Presiding Judge.

(1) Designation of Presiding Judge. The Chief Judge shall appoint, by written administrative order, one circuit judge within each county of the circuit as Presiding Judge of that county, who shall sit at the pleasure of the Chief Judge. The Chief Judge may serve as Presiding Judge of the county in which he or she sits.

(2) Duties of the Presiding Judge. The Presiding Judge shall call and impanel grand and petit juries when necessary, submit budgets, administer the judicial department of the county in which he or she is presiding and perform such other duties as may be required for the proper administration of justice. The Presiding Judge is authorized to promulgate administrative orders not inconsistent with these rules. All administrative orders shall be approved by the Chief Judge prior to becoming effective.

(C) Judicial Assignments.

(1) Assignments by the Chief Judge. The Chief Judge shall assign circuit judges and associate judges to the various counties within the circuit and may further assign all judges on a case-by-case basis.

(2) Assignments by the Presiding Judge. The Presiding Judge within each county shall assign judicial duties to the circuit and associate judges regularly assigned to that county by the Chief Judge.

(3) Assignments of Successor Judge. If the judge assigned to any proceeding before the circuit court recuses himself or herself, is subject to a successful motion for substitution, or is otherwise disqualified from proceedings, the judge shall refer the matter to the Presiding Judge. The Presiding Judge of the county shall assign the cause to a successor judge or refer the cause to the Chief Judge.

(D) Judicial Meetings.

(1) Circuit Judges. The circuit judges shall meet each year to discuss and take such action as may be required in connection with the business of the court. A quorum, consisting of two-thirds of the circuit judges within the circuit, must be present to conduct business and any matters affecting the circuit must pass by a majority of those present.

(2) Associate Judges. The Chief Judge or a designee thereof may meet with the associate judges, separately or with the other judges, to discuss and take such action as may be required in connection with the business of the court.

(3) Special Meetings. Special meetings may be called at any time by the Chief Judge or by two circuit judges upon five days notice to all circuit judges.

(E) Court Personnel.

(1) Court Complement. A full court complement consists of the judge, clerk and bailiff when court is in session. A full complement should be maintained at all times unless excused by the court for good cause.

(2) Duties of Bailiff. The bailiff shall open and close court, preserve order in the courtroom, attend to the jury when it is placed in the bailiff's custody, and perform such other duties as may be directed by the court.

(3) Duties of Clerk. The courtroom clerk shall have all necessary files and docket sheets in the proper courtroom, shall swear witnesses, maintain custody of exhibits during trial and perform such other duties as may be directed by the court.

(4) Duties of Court Reporters. The duties of the reporters shall be in accordance with the administrative regulations adopted by the Chief Judges as Public Employer and Employer Representative.

## RULE II. JURORS, TERMS OF SERVICE, SUMMONS & EXCUSE

(A) Grand Jurors. Grand jurors shall be called by the Presiding Judge or a designee thereof. Each grand jury and its members shall serve until the impaneling of the next subsequent grand jury, unless sooner discharged. If any day upon which a grand jury is to be called is a legal holiday, such grand jurors shall be called to serve the next court date. After being impaneled, instructed and sworn by the court, the grand jury shall sit at such time as the court may order and may be recessed from time to time to a day certain, or subject to recall.

(B) Petit Jurors. The Presiding Judge or a designee thereof shall certify to the clerk of the court the number of petit jurors required, and the date, time and place at which they shall be summoned. The notice to each juror shall state the period of service for which he or she shall be summoned.

(C) Assessment of Costs for Unnecessary Call of Jury Panel. If for any reason attributable to counsel or parties, including a settlement or change of plea, the court is unable to commence a jury trial as scheduled, and a panel of prospective jurors has reported to the courthouse for voir dire, the court may assess against counsel or parties responsible all or part of cost of the panel.

(D) Jury Excuses. The Presiding Judge or a designee thereof shall have charge of excusing summoned jurors from service and regulating their assignments to the various judges.

(E) Jury Commission. The grand jury and petit jury are subject to the rules of the County Jury Commission, if a commission has been established.

## RULE III. APPEARANCES, TIME TO PLEAD & WITHDRAWAL

(A) Written Appearances. If a written appearance, general or special, is filed, copies of the appearance shall be served in the manner required for the service of copies of pleadings.

(B) Time to Plead. A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he or she appears.

(C) Appearance and Withdrawal of Attorneys.

(1) Written Appearance. An attorney shall file a written appearance or other pleading before addressing the court, unless presenting a motion for leave to appear by intervention or otherwise.

(2) Withdrawal of Attorney. Withdrawal of attorneys shall be in compliance with Supreme Court Rule 13.

(D) Admission of Foreign Attorneys in Isolated Cases.

(1) Application for Admission. An attorney from any other jurisdiction in the United States, or foreign country, shall not file any pleading, or participate before the court in the trial or argument of any particular cause in which, for the time being, he or she is employed, without having first obtained an order for admission pro hac vice. An application for admission pro hac vice shall be submitted to the Presiding Judge.

(2) Order for Admission. The Presiding Judge of the county wherein permission is sought shall rule on the request for admission pro hac vice. Admission is in the court's discretion and then only upon such terms and conditions as prescribed. An order authorizing admission shall be filed in the case in which practice is permitted.

(3) Contents of Application. A form of application for admission pro hac vice is available in the office of the circuit clerk.

#### RULE IV. MOTIONS

(A) Motion Practice.

(1) Notice. Written notice of the hearing of all motions shall be given by the party requesting hearing to all parties who have appeared and have not theretofore been found by the court to be in default for failure to plead, and to all parties whose time to appear has not expired on the date of notice. Notice of motion made within a court day of trial shall be given as directed by the court. Notice that additional relief has been sought shall be given in accordance with Supreme Court Rule 11.

(2) Content of Notice. The notice of hearing shall designate the motion judge, show the title and number of the action, the date and time when the motion shall be presented and a short statement of the nature of the motion. A copy of any written motion and of all papers presented therewith or a statement that they previously have been served, shall be served with the notice.

(3) Service of Notice. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

(4) Time of Notice. If notice of hearing is given by personal service, the notice shall be delivered at least 72 hours preceding the hearing of the motion. If notice is given by mail, it shall be in accordance with Supreme Court Rule 12.

(5) Summary Judgment. Unless by leave of court for good cause shown, a motion for summary judgment shall not be heard until 10 days after service of notice of motion under Supreme Court Rule 11.

(6) Coordination of Hearing Date. It is the responsibility of counsel preparing the notice of hearing to make a good faith effort to coordinate with the court and all opposing counsel the setting of a hearing at a time that is mutually convenient. The filing of the notice of hearing shall constitute a certification of compliance with this rule.

(7) Failure to Call Motions for Hearing. The burden of calling for hearing any motion previously filed is on the party making the motion. If any such motion is not called for hearing within 90 days from the date it is filed, the court may strike the motion or set the motion for hearing. This shall not prevent any other party from calling any motion for hearing.

(8) Memoranda of Law and Authorities. Except for good cause shown, all Memoranda of Law and Authorities shall be on file at least two court days prior to the hearing.

(B) Ex Parte and Emergency Motions.

(1) Ex Parte Applications. Every complaint or petition seeking an ex parte order for the appointment of a receiver, a temporary restraining order, a temporary injunction, an emergency order of protection or a writ of ne exeat republica shall be filed in the office of the circuit clerk, if that office is open, before application is made to a judge for the order.

(2) Notice Not Required. Emergency motions and motions which by law may be ex parte may, in the discretion of the court, be heard without giving notice of hearing. Emergency motions shall, so far as possible, be given precedence.

(3) Notice After Hearing. If a motion is heard without prior notice under this rule, written notice of the hearing of the motion showing the title and number of the action, the name of the judge who heard the motion, date of the hearing, and the order of the court thereon, whether granted or denied, shall be served by the attorney obtaining the order upon all parties not theretofore found by the court to be in default for failure to plead and proof of service thereof shall be filed with the clerk within two days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

## RULE V. DISCOVERY PRACTICE

(A) Written Interrogatories. The party serving written interrogatories shall provide two legible copies to each party required to answer the same. The interrogatories shall be reasonably spaced so as to permit the answering party to make his or her answer on the copies served. The answering party may attach an addendum to the copies if the space provided is found to be insufficient.

(B) Days for Taking Depositions. Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays or court holidays.

(C) Restrictive Filing. Unless otherwise ordered by the court, notices of depositions, transcripts of discovery depositions, interrogatories, requests pursuant to Supreme Court Rules 214 or 216, answers or responses thereto and other discovery documents shall not be filed with the clerk of the court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 207(b)(1).

(D) Criminal Cases. Unless otherwise ordered by the court, discovery materials, answers, or responses need not be filed with the clerk of the court, except as necessary to resolve disputes, issues of procedure, facts or substantive law or pursuant to Supreme Court Rules 411 through 415.

## RULE VI. PRE-TRIAL PROCEDURE

### (A) Supreme Court Rule 222.

(1) Compliance with Rule 222. Supreme Court Rule 222 applies to all civil cases, except those specifically excluded by paragraph (a) of the rule.

(2) Affidavit re Damages Sought. When filing a complaint, failure to file an affidavit regarding damages sought as required by the rule shall require the Court to consider that the damages sought do not exceed \$50,000.

### (B) Case Management Conferences.

(1) Compliance with Supreme Court Rule 218. Supreme Court Rule 218 applies to all civil cases except small claim cases and cases where a progress call date has been assigned at the time the complaint was filed.

(2) Initial Case Management Conference. The parties shall schedule a case management conference within 35 days after the parties are at issue and in no event more than 182 days following the filing of the complaint, unless earlier required by Supreme Court Rule. Failure to timely schedule a conference shall be cause for dismissal for want of prosecution.

(3) Necessity and Purpose of Case Management Conferences. Case management conferences shall be held in all cases where required by Supreme Court Rules 218, 923, or other Rule or statute. Upon motion of any party or on its own motion, the court may order that a case management conference be held in any civil action. A discovery calendar and trial date shall be set at the case management hearing. Discovery deadlines and trial settings may not be changed except by leave of court.

(4) Case Management Memorandum. In actions in which a case management conference is held, the attorneys for each of the parties shall prepare a full and complete

typewritten case management memorandum substantially in the form set forth in Appendix A (if applicable) and shall deliver to the judge at the time of the conference the original and sufficient copies for all parties.

(C) Settlement Prior to Trial. In the event of settlement prior to trial, the attorneys for the parties shall notify the judge or in the judge's absence, the clerk of the court, immediately.

(D) Pre-trial Marking of Exhibits. At a conference with the court preceding the trial, the parties shall produce all of the exhibits they expect to offer in evidence. Each of such exhibits shall thereupon be marked for identification either by the court reporter or the attorneys as the court shall direct. The parties shall then stipulate as to the exhibits to which there is no objection and such exhibits shall be admitted into evidence without the necessity of any further foundation.

(E) Trial Memorandum.

(1) Preparation and Use. In jury cases, to assist the court in its voir dire examination of juries under Supreme Court Rule 234, plaintiff's attorney shall submit to the court, at the time the case is called for trial, a brief trial memorandum (Suggested Form, Appendix B) and furnish a copy to opposing counsel who may suggest amendments thereto. The court shall exercise its discretion in its use of the trial memorandum.

(2) Unusual Statutes. If the application of or interpretation of a statute or rule of law is deemed of particular significance by counsel for any party, counsel shall call the court's attention to the same in writing either in the trial memorandum or at the case management conference.

## RULE VII. RECEIVERS

(A) Disqualifications. Except as provided in (B) of this rule or any applicable statute, an appointment as receiver shall not be granted to an individual, or to a corporation having a principal who:

- (1) is related by blood or marriage to a party or attorney in the action;
- (2) is an attorney for, or of counsel for any party in the action;
- (3) is an officer, director, stockholder or employee of a corporation the assets of which are in question; or
- (4) stands in any relation to the subject of the controversy that would tend to interfere with the impartial discharge of the receiver's duties as an officer of the court.

(B) Exception. If the court is satisfied that the best interests of the estate would be served, an individual or corporation otherwise disqualified under section (A) of this rule may be appointed as receiver by an order specifically setting forth the reasons for departing from the general rule. A receiver so appointed shall serve wholly without compensation, unless otherwise ordered by the court upon good cause shown.

(C) Attorneys for Receivers. An attorney for the receiver shall be employed only upon order of the court upon written motion of the receiver stating the reasons for the requested employment and naming the attorney to be employed.

(D) Inventories of Receivers. No later than 30 days after his appointment the receiver shall file with the court a detailed report and inventory of all property, real or personal, of the estate and designating the property within his possession or control.

(E) Appraisal for Receivers.

(1) Appraisers. Appraisers for receivers may be appointed only upon order of court or agreement of the parties with the approval of the court. If appraisers are appointed, they shall be selected by the court.

(2) Appraisal by Receiver. If no appraisers are appointed, the receiver shall investigate the value of the property of the estate and show in the inventory the value of the several items listed as disclosed by the investigation.

(F) Reports of Receivers.

(1) Time of Filing. The receiver shall file an initial report at the time of filing an inventory and additional reports annually thereafter. Special reports may be ordered by the court and a final report shall be filed upon the termination of the receivership.

(2) Forms. The court may prescribe forms to be used for reports of a receiver.

(G) Receivers' Bonds.

(1) Personal Sureties. Bonds with personal sureties shall be approved by the court. Unless excused by the court, sureties shall execute and file schedules of property in a form approved by the court.

(2) Surety Companies. Bond with a corporation or association licensed to transact surety business in this state as surety will be approved only if a current certified copy of the surety's authority to transact business in the state, as issued by the Director of Insurance, is on file with the clerk of the court, and verified power of attorney or certificates of authority for all persons authorized to execute bonds for the surety is attached to the bond.

## RULE VIII. SPECIAL RULES PERTAINING TO MATRIMONIAL CASES

(A) Matrimonial Cases Defined. For purposes of this rule, matrimonial cases are defined as any proceeding for an order or judgment relating to dissolution, legal separation or invalidation of marriage, including all ancillary proceedings.



(B) Record of Proceedings. In any proceeding for the entry of judgment of dissolution, separate maintenance or annulment, the testimony shall be recorded.

(C) Financial Affidavit.

(1) Affidavit of Moving Party. In all proceedings involving petitions for attorneys fees, court costs, maintenance, support and/or custody of children and modification of any previous orders relating thereto, the moving party shall prepare and file a financial affidavit, including a computation of arrearage if alleged due (Suggested Form, Appendix D) with proof of service pursuant to Supreme Court Rule 11, showing service not less than 10 days prior to the hearing unless for good cause shown the court otherwise directs.

(2) Affidavit of Responding Party. The party responding to said petition shall cause to be on file with proof of service not less than five days prior to the hearing a financial affidavit, including a computation of arrearage if alleged due. (Suggested Form, Appendix D)

(3) Failure to File Affidavit. Failure to timely file an affidavit as required in (1) or (2) above shall subject the party failing to so file to sanctions by the court which shall, at the court's discretion, include but not be limited to, the following: continuance of the hearing with award of attorney fees and costs to the non-violating party.

(4) Confidentiality. In order to preserve confidentiality and to prevent identity theft, identifying information such as social security numbers, payroll numbers, employee identification numbers, and the like which are in the affidavit or the required attachments shall be stricken, masked, or removed from documents filed with the clerk of the court.

(D) Support Payments. Unless otherwise ordered, support payments shall not be made directly between the parties.

(E) Acknowledgment of Non-Client's Signature. No attorney or employee of his or her firm may acknowledge the signature of an opposing party on any pleading or entry of appearance.

(F) Coordination of Child Custody Proceedings. In accordance with Supreme Court Rule 903, whenever possible and appropriate, all child custody proceedings relating to an individual child shall be conducted by a single judge. Whenever a child custody proceeding (as defined in Rule 900 of the Supreme Court Rules) is filed, and there is a child custody matter already pending before another judge involving the same child, the judges involved and the Presiding Judge shall confer as often as needed to determine which court(s) shall control and hear said issues and shall consider the impact of such orders on siblings, relatives and parties in each case as well as whether consolidation of such cases may be impracticable because of the arrangement of courtrooms, facilities and assignments of auxiliary court personnel.

(G) Attorney Qualifications and Education in Child Custody Proceedings.

(1) The circuit shall maintain a list of approved attorneys qualified to be appointed in child custody and visitation matters covered under Section IX of the Supreme Court Rules as guardians ad litem, child representatives, or attorneys for children.

(2) In order to qualify for the approved list, each applicant for the list shall meet the following minimum requirements:

(a) Each attorney shall be licensed and in good standing with the Illinois Supreme Court.

(b) Each attorney shall have attended the education program created by the Illinois State Bar Association for education of attorneys appointed in child custody cases or equivalent education programs consisting of a minimum of ten hours of continuing legal education credit within the two years prior to the date the attorney qualifies to be appointed.

(c) To remain on the approved list, each attorney shall attend continuing legal education courses consisting of at least five hours every two year period and submit verification of attendance to the Office of the Chief Circuit Judge at the time of attendance or upon request. The five hours should include courses in child development; ethics in child custody cases; relevant substantive law in custody, guardianship and visitation issues; domestic violence; family dynamics including substance abuse and mental health issues; and education on the roles and responsibilities of guardians ad litem, child representatives and attorneys for children. Attendance at programs sponsored by this circuit may be included as a portion of this continuing education requirement.

(d) Each attorney must complete the Child Representative Information Sheet provided by this circuit and return it with a statement or other verification of attendance at continuing education.

(e) Each attorney must adhere to the minimum duties and responsibilities of attorneys for minor children as delineated in Supreme Court Rule 907.

(3) Each attorney placed on the approved list and appointed shall be paid by the parties to the litigation as ordered by the judge handling the file or as agreed between the litigants. The costs for the appointed attorneys shall be paid as ordered and the court may enforce the orders and judgments as in other proceedings, including the imposition of sanctions.

(4) In the event the court deems it is in the best interests of the child or children to have an attorney appointed in a proceeding under Section IX of the Supreme Court Rules but finds that the parties are both indigent, the court may appoint an attorney from the approved list to serve pro bono.

(5) The Chief Judge and/or Presiding Judge shall maintain the list of the approved attorneys and shall rotate the appointment of pro bono representatives.

(6) Each attorney on the approved list for the circuit shall only be required to accept one pro bono appointment each calendar year.

(7) The Chief Judge of this circuit maintains the authority to remove any attorney from the list of approved attorneys based upon the failure to meet the listed qualifications or for good cause, including the failure of any appointed attorney to perform as provided in Supreme Court Rule 907.

(H) Parenting Education. In accordance with Supreme Court Rule 924, the parties in all dissolution of marriage cases involving a child and all parentage cases, except when excused by the court for good cause shown, shall attend and complete an approved parenting education program within sixty days after the initial case management conference and file with the court a certificate attesting to that parent's successful completion of the program.

(I) Mediation. In accordance with Supreme Court Rule 905, mediation shall be ordered in cases involving the custody of a child or visitation issues, subject to the eligibility provisions set forth herein.

(1) Definitions.

(a) Mediation. When the word "mediation" is used herein, it means a cooperative process for resolving conflict with the assistance of a trained court-appointed, neutral third party, whose role is to facilitate communication, to help define issues, and to assist the parties in identifying and negotiating fair solutions that are mutually agreeable. Fundamental to the mediation process described herein are principles of safety, self-determination, procedural informality, privacy, confidentiality, and full disclosure of relevant information between the parties. Mediation is based on a full disclosure of all facts related to the disputes so that a fair and equitable agreement can be achieved by the parties.

(b) Impediment. When the word "impediment" is used herein, it means any condition, including but not limited to domestic violence or intimidation, substance abuse, or mental illness, the existence of which, in an individual or in a relationship, hinders the ability of any party to negotiate safely, competently, and in good faith. The identification of forms of impediment is designed not to require treatment, but to insure that only parties having a present, undiminished ability to negotiate are directed by court order to mediate.

(2) Mediation Mandatory in Certain Cases.

(a) Matters Subject to Mediation. The designated judge shall order mediation of contested child custody and visitation issues arising in any case not otherwise determined to be ineligible pursuant to this program. The parties may not proceed to a judicial hearing on contested issues arising in that case without leave of court, or until the mediation process has been concluded and its outcome has been reported to the court.

(b) Prerequisite to Mediation. The parties referred to mediation by the court shall complete the parent education program prior to starting mediation or as soon after starting mediation as the parent education program's schedule allows.

(c) Commencement of Mediation. The mediation process shall commence as provided by Supreme Court Rule 923(a)(3). In no event shall mediation occur before a case has been screened for eligibility pursuant to safety protocols for mediators. The designated judge shall be advised by counsel and/or the parties concerning:

1. Impediment of the parties as defined in Rule (1)(b), and
2. Circumstances which would make the case ineligible for mediation.

(d) Discovery. Discovery may continue throughout the mediation.

(3) Cases Ineligible for Mediation.

The court may on motion or its own initiative find that a case is ineligible for mediation. Such motions shall be supported by affidavit. A finding of ineligibility shall be based on any of the following factors:

- (a) Inadequate financial resources of the parties,
- (b) An impediment,
- (c) The existence of circumstances which would likely cause undue hardship to a party or child if mediation is ordered.

(4) Referral Assignment Procedure.

(a) Upon the court's order for the parties to participate in mediation, a mediator may be selected by agreement of the parties from the list of qualified mediators maintained by the Chief Judge or his/her designee. Absent an agreement, the trial judge shall select the mediator and assign the mediator a 45-day status date on the issue of progress of the mediation. The mediator shall be compensated by the parties at the rate agreed to by the parties and the mediator.

1. The court shall designate in its order what percentage of the mediation fee should be paid by the party and/or whether the case should be considered a reduced fee or indigency case.

2. The attorneys shall encourage the parties to mediate in good faith. The parties shall participate in mediation in good faith.

3. On or before the status date, for parties who are participating in mediation, the mediator shall submit a report to the court and the parties' legal counsel, which shall include the information required by Rule (9).

4. The parties shall contact the mediator within two days after the referral order is entered for the purpose of setting an appointment.

(b) Conflict of Interest.

1. If the mediator appointed has or had any possible conflict of interest, including but not limited to a current or previous therapeutic, personal or economic relationship with mother, father, child, sibling, step-parent, grandparent, household member, counsel or anyone else directly involved in the case, he or she shall decline the appointment or disclose that relationship to the attorneys and may be removed for that reason. If there is a conflict, the parties may select or the court shall appoint another mediator.

2. A mediator who is a mental health professional shall not provide counseling or therapy to the parties or their children during or after the mediation. An attorney-mediator may not represent either party in any matter during the mediation process or in a dispute between the parties after the mediation process.

(c) Ethical Conduct. Inclusion of a mediator in the approved mediators list indicates explicit agreement by that mediator to maintain high standards of ethical practice. Failure to comply may result in removal of the mediator's name from the approved list.

(5) Qualifications of Mediators.

(a) Requirements. Mediators must meet all of the following requirements:

1. Formal Education. Possess a degree in law or master's or other advanced degree in a field that includes the study of psychiatry, psychology, social work, human development, family counseling or other behavioral science substantially related to marriage and family interpersonal relationships or a related field or other degree program approved by the Chief Judge or his/her designee. If engaged in a licensed discipline, the mediator must maintain said license in full force and effect.

2. Training. Complete a specialized training in family mediation consisting of a circuit-approved course of study or certification, to consist of at least 40 hours in the following areas:

- a. Conflict resolution
- b. Psychological issues in separation, dissolution and family dynamics
- c. Issues and needs of children in dissolution

- d. Mediation process, skills and techniques, and
- e. Screening for and addressing domestic violence, child abuse, substance abuse and mental illness.

20 hours of such training shall be sufficient for mediators selected for cases in 2006 and 2007.

3. Insurance. Court-approved mediators must secure and maintain professional liability insurance which covers the mediation process and provide evidence of insurance to the Chief Judge annually.

(b) Continuing Education. Approved mediators are required to complete ten hours of circuit-approved continuing education every two years of which two hours must cover domestic violence issues and provide evidence of completion to the Chief/Presiding Judge every two years.

(c) Establishment of List. The Judicial Circuit shall establish a list of court-approved mediators. All applicants for inclusion on the list shall possess the minimum qualifications set out in this Rule. The Chief Judge or his/her designee in his/her discretion may require any biographical or other relevant information from an applicant in order to determine the applicant's qualifications for inclusion on the list. For good cause shown, the Chief Judge or his/her designee reserves the right to reject the application of any person who applies and to remove any mediator from the list. Inclusion on the list by the court shall not be considered a warranty that such mediator can successfully mediate any specific dispute.

(d) Denial/Removal from List. An applicant denied inclusion on or removed from the court-approved list may appeal the decision in writing within ten days to the Chief Judge or his/her designee. The Chief Judge or his/her designee shall decide the appeal after an opportunity for the applicant or mediator to be heard.

(e) Pro Bono Requirement. Each circuit-approved mediator shall agree to mediate reduced fee or pro bono cases as assigned by the Court.

(6) Mediation Process.

(a) Commencement. At or prior to the initial session, the mediator shall:

- 1. Determine the issues to be mediated;
- 2. Explain that no legal advice, therapy or counseling will be provided;
- 3. Disclose the nature and extent of any existing relationships with the parties or their attorneys and any personal, financial, or other interests that could result in bias or conflicts of interest on the part of the mediator;

legal counsel;

4. Inform each party of his/her right to obtain independent
5. Inform the parties that:
  - a. mediation can be suspended or terminated at the request of either party after three hours of mediation, or in the discretion of the mediator as outlined in Rule (6)(a)(5)(b);
  - b. the mediator may suspend or terminate the mediation if an impediment exists, if either party is acting in bad faith or appears not to understand the negotiation, if the prospects of achieving a responsible agreement appear unlikely, or if the needs and interests of the minor children are not being considered. In the event of a suspension or termination, the mediator may suggest a referral for outside professional services;
6. Explain that the mediation process is confidential as outlined in Rule (8);
7. Confirm the parties' understanding regarding the fee for services and any reduced fee arrangements for eligible parties with financial hardship; and
8. Reach an understanding with the parties as to whether the mediator may communicate with either party or their legal counsel or with other persons to discuss the issues in mediation in the absence of the parties. Any separate communication which does occur shall be disclosed to the parties at the first opportunity.
9. Advise each party that an attorney or other individual designated by a party may accompany the party to and participate in a mediation pursuant to 710 ILCS 35/10.
10. Advise each party that children may be allowed to participate in mediation so long as all parties and the mediator consent to said participation, in writing, and that each parent or the child's representative or guardian ad litem, if applicable, has the right to withhold consent.

(b) Reporting Risk of Bodily Harm. While mediation is in progress, the mediator may report to an appropriate law enforcement agency any information revealed in mediation necessary to prevent an individual from committing an act that is likely to result in imminent, serious bodily harm to another. When the identity of an endangered person is known

to the mediator, the mediator may warn that person and his attorney of the threat of harm; such notification shall not be considered a breach of confidentiality mandated by this rule.

(7) Applications of Safeguards in Case of Impediment.

(a) Duty to Assess. While mediation is in progress, the mediator shall assess continuously whether the parties manifest any impediments affecting their ability to mediate safely, competently and in good faith.

(b) Safety. If an impediment affecting safety arises during the course of mediation, the mediator shall adjourn the session to confer separately with the parties, may implement appropriate referrals to community service providers, shall advise the parties of their right to terminate and either shall:

1. Terminate mediation when circumstances indicate that the protective measures are inadequate to maintain safety; or

2. Proceed with mediation after consulting separately with each party to ascertain whether mediation in any format should continue.

(c) Competency or Good Faith. If an impediment affecting competency or good faith, but not safety, arises during the course of mediation, the mediator may make any appropriate referrals to community service providers and either:

1. Suspend mediation when there is a reasonable likelihood the impaired condition of an affected party is only temporary; or

2. Terminate mediation when circumstances indicate an affected party's ability to negotiate cannot be adequately restored.

(d) Effect of Termination. No mediation terminated shall proceed further unless ordered by the court upon motion of a party. In the absence of such an order, the case shall be returned to the docket for adjudication in the manner prescribed by law.

(8) Confidentiality.

Subject to the provisions of the Uniform Mediation Act (710 ILCS 35/1 et seq.), the following provisions govern mediation proceedings:

(a) Privacy of Sessions. Mediation sessions shall be private. Except as otherwise provided in Rule (6)(a)(9), the mediator shall have authority to exclude all persons other than the parties from sessions at which negotiations are to occur.

(b) Confidentiality. Except as otherwise provided by law, all written and verbal communications made in a mediation session conducted pursuant to these rules are confidential and may not be disclosed by the mediator or any other participant or observer of the



mediation, except that the parties may report these communications to their attorneys or counselors. Prior to the commencement of mediation, all participants in the mediation shall sign the confidentiality agreement prescribed by these rules. (Suggested form, Appendix F).

(c)

1. Limitation of Disclosure. Admissions, representations, statements and other communications made or disclosed in confidence by any participant in the course of mediation session shall not be admissible as evidence in any court proceeding. Except when necessary under Rule (8)(c)(2), a mediator may not be called as a witness in any proceeding by any party or by the court to testify regarding matters disclosed in a mediation session, nor may a party be compelled to testify regarding matters disclosed during a mediation session as to privileged communications. These restrictions shall not prohibit any person from obtaining the same information independent of the mediation, or from discovery conducted pursuant to law or court rule.

2. Exceptions. Admissions, representations, statements and other communications are not confidential and may be admissible as evidence in court proceedings if:

- a. all parties consent in writing to the disclosure; or
- b. the communication reveals either an act of violence committed against another during mediation, or an intent to commit an act that may result in bodily harm to another; or
- c. the communication reveals evidence of abuse or neglect of a child; or
- d. non-identifying information is made available for research or evaluation purposes approved by the court; or
- e. the communication is probative evidence in a pending action alleging negligence or willful misconduct of the mediator.

(9) Attendance and Termination of Mediation.

(a) Attendance. The parties shall attend the mediation session(s) and shall attend a minimum of three hours of mediation. Further participation may be extended by order of court or agreement of the parties. Mediation may be terminated or suspended prior to completion of the three hours upon resolution of all mediated issues.

(b) Termination or Suspension. The mediation may be terminated or suspended at the option of the mediator or the court.

(c) Notice to Court. The mediator shall immediately advise the court in writing if he or she suspends or terminates mediation or in the event that either or both parties fail to comply with the terms of this Rule.

(d) Sanctions for Failure to Appear. If a party fails to appear without good cause at a previously agreed upon mediation conference or a mediation conference ordered by the court, the court upon motion may impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear.

(e) Termination with Agreement. When agreements or partial agreements are reached by the parties during mediation, the mediator shall provide a written account of the agreements to the parties and their attorneys (if any), but the mediator shall not provide this written account to the court. The mediator shall advise each party to obtain legal assistance in drafting or reviewing any final agreements. The mediator shall advise the parties that agreements reached during mediation will not be legally binding until they are reviewed by the court and signed by the judge.

(f) Termination Without an Agreement. Upon termination without agreement, the mediator shall file with the court a final Mediator's Report stating that the mediation has concluded without disclosing any reasons for the parties' failure to reach an agreement.

(g) Reporting Procedures.

1. Mediator's Report. The mediator shall prepare a Mediator's Report on the prescribed form within ten days of the termination of the last mediation session. These reports will be filed with the circuit clerk. (Suggested form, Appendix G).

2. Statistics. The mediator shall prepare a statistical report for each case on the prescribed form and file them at least quarterly with the Chief Judge. (Suggested form, Appendix H).

3. Reports to the Supreme Court. The Chief Judge or his/her designee shall provide for the maintenance of records of mediations conducted pursuant to these rules. The information shall include the number of mediations conducted, the number of mediations resulting in an agreement and those resulting in no agreement. Such information shall be furnished to the Supreme Court through its administrative office once a year or at such other interval as may be directed.

(h) Appointment of Child Representative/Guardian ad litem. If the mediator has concerns for the welfare or safety of the minor child(ren) or feels that it is in the best interests of the minor, the mediator shall recommend to the court in the Mediator's Report that a child representative or guardian ad litem be appointed for the minor(s).

(10) Entry of Judgment or Order.

(a) Presentation of Order. Each mediated agreement shall be presented by the parties or their attorneys (if any) to the court within 45 days following the filing of the final Mediator's Report.

(b) Approval by Court. The court shall examine the parties as to the content and intent of the agreement and shall reject the agreement if any of its provisions are found by the court to be unconscionable or contrary to the best interests of a minor child. Unless the agreement is rejected, the court shall enter an appropriate judgment or order stating its findings and shall incorporate, either explicitly or by reference, the agreement so the terms of such agreement are also the terms of the judgment or order.

#### RULE IX. SPECIAL RULES PERTAINING TO SMALL CLAIMS ACTIONS

(A) Issuance of Summons. The issuance of summons in small claims cases shall be in accordance with Supreme Court Rules. If it appears on the return date of a summons that the defendant has not been served with process, the plaintiff may request the issuance of an alias summons which shall be returnable at a date and hour certain to be set by the court. If, at the end of six months following the filing of the complaint, it appears that the defendant has not been served, the case may be dismissed without prejudice.

(B) Corporations. Corporations shall appear in small claims court according to Supreme Court Rule 282(b).

(C) Initial Appearance by the Parties. The plaintiff and the defendant must appear in Court on the return date set in the summons. If the defendant does not appear on the return date, default may be entered against the defendant for an amount not to exceed the amount stated in the complaint plus court costs. If default judgment is entered, the clerk of the court or such other party as directed by the court shall give notice of said default judgment. (Suggested Form, Appendix E).

(D) Denial of Claim. If the defendant denies the claim, the cause shall be set for trial at a date and time certain. The defendant may be ordered to pay the appropriate appearance fee by a date certain. If the appearance fee is not paid, the trial date will be vacated, default judgment will be entered in favor of the plaintiff and against the defendant for the amount not exceeding the amount stated in the complaint plus court costs, and the defendant and the plaintiff shall be notified of that action. Appearance fees may be waived or postponed upon a showing of good cause.

(E) Vacating Default Judgment. Petitions to vacate default judgment shall be presented to the Judge entering the judgment.

(F) Dismissal for Lack of Activity. Docket calls will be set once a year, and those cases in which there has been no activity for 180 days shall be placed on a docket call, and may be dismissed without prejudice on that date unless good cause is shown.

(G) Matter Under Advisement. No case shall be kept under advisement longer than 30 days.

(H) Post Judgment Matters. If on the date set for the hearing on a citation to discover assets the defendant fails to appear and a proof of service is on file, a rule to show cause may issue and a hearing date set on the rule by the court. In its discretion, the court may issue a body attachment for failure to appear at a citation hearing, but bond thereon shall not exceed \$300 cash upon the first failure to appear at a citation hearing. Proof of notice of the hearing on the rule to show cause may be made by certificate of mailing to defendant's last known address in those cases where a body attachment is not issued.

#### RULE X. SETTLEMENT OF MINOR'S OR WARD'S PERSONAL INJURY CLAIM, WRONGFUL DEATH CLAIM, OR CLAIM UNDER THE SURVIVAL STATUTE

(A) Contents of Petition. To settle a cause of action for personal injuries sustained by a minor, or ward, or any other action in which a minor or ward will receive any or all of the settlement proceeds, a verified petition shall be filed executed by the legal representative of the minor, ward, or the decedent's estate, and shall recite:

1. A description of the occurrence giving rise to the cause of action.
2. The name and address of the person or entity against whom the cause of action has accrued.
3. The name and address of the liability insurance carrier, if any, affording coverage to the person or entity against whom the cause of action has accrued, and the monetary limits of the liability insurance policy issued by said insurance carrier in effect at the time of the occurrence.
4. A brief description of the injuries sustained by the minor and a list of hospital and medical expenses incurred on behalf of said minor as a result of the occurrence, and a current medical report or letter executed by the attending physician stating the nature and extent of the injuries sustained and giving the prognosis.
5. The terms of any settlement offer and a statement by the attorney for the petitioner of his or her opinion as to the fairness of the proposed settlement and a recommendation as to whether the offer should be approved.

(B) Appointment of Guardian Ad Litem. In cases where no independent attorney has been employed by the legal representative of the minor or ward, the court may appoint an attorney as guardian ad litem to investigate the merits of the proposed settlement and to report his or her findings and recommendations before approval of the proposed settlement. In the

event the appointed guardian ad litem does not recommend the approval of the proposed settlement, the appointed guardian ad litem shall not represent as a private attorney the legal representative or any of the parties having an interest in the case, but may continue as such guardian ad litem with reference to any revised offer of settlement so long as the legal representative has not employed independent counsel for the case. The court shall fix an appropriate fee for the guardian ad litem to be taxed as costs in the case.

(C) Attorney's Fees. In a minor's personal injury case, the judge hearing the case, upon the approval of a settlement or upon the entry of a judgment, shall determine the expenses, including attorneys' compensation, to be deducted from the settlement or judgment and shall determine the net amount distributable to the minor. Attorneys' compensation shall not be more than one-third (1/3) of the recovery if the case is disposed of in the trial court by settlement or trial. If an appeal is perfected and the case disposed of by the reviewing court, the compensation to be paid to the attorney shall not in any event exceed one-half (1/2) of the recovery.

(D) Order Approving Settlement. The order entered approving settlement shall provide for the distribution of the settlement funds and the filing of vouchers signed by recipients of any portion of the settlement proceeds within a time prescribed by the court. The receipts or vouchers shall account for the total sum approved and obtained in settlement.

(E) Vouchers. The court shall continue the case to a specific date for the purpose of having a voucher from the financial institution filed. The voucher from the depository shall acknowledge receipt of the funds and a copy of the order of the court approving settlement, and shall include the express language that: "No withdrawals shall be made from this account, unless authorized by order of court, at any time prior to {date upon which the minor will reach the age of majority}."

(F) Deposit and Investment of Funds. Any settlement funds that are to be received by a legal representative on behalf of a minor shall be required by court order to be deposited or invested for the benefit of the minor in accordance with the provisions of 755 ILCS 5/24.21. These funds shall not be withdrawn or used without approval by court order.

(G) Annuity Payments to Minor's Estate. Where annuity payments or income are payable prior to the beneficiary reaching majority age, the order approving settlement shall provide that such payments be made only to the estate of the minor; that they not be expended, transferred or withdrawn from the estate without leave of court; and the order shall require the filing of proof of payment of such periodic or partial distributions by the guardian of the minor.

## RULE XI. JUDGMENTS, ORDER AND DECREES

(A) Entry of Judgments, Order and Decrees. The time of entry of any judgment is governed by Supreme Court Rule 272.

(B) Dismissal for Want of Prosecution. All cases in which no appeal is pending, and in which there has been no action of record for a period of one year, may be dismissed by the

court upon notice and shall not thereafter be redocketed without good cause shown. Unless otherwise directed by the court, counsel shall be excused from personal appearance at the docket call by filing prior to the date of hearing a signed statement summarizing the out-of-court activity in the case during the preceding year, when further activity in court is likely to occur, and representation of counsel that he or she intends to prosecute the case to a final disposition.

## RULE XII. CASES UNDER ADVISEMENT

In any case where the court has kept a motion or other matter under advisement more than 60 days (30 days in small claims cases) after the last brief is due, or if none is due, from the last hearing, the judge having the matter under advisement shall notify the Chief Judge. The notice must be in writing, identify the case, state the reason a decision has not been rendered, and state the date a decision may reasonably be expected. Upon inquiry by any party of record, the Chief Judge shall advise whether he has received such notice.

## RULE XIII. COURT FACILITIES

(A) Committee Appointed by Chief Judge. The Chief Judge shall from time to time direct a committee of circuit judges to inspect the various courtrooms within the circuit. The committee shall report to the Chief Judge whether each courtroom meets the minimum standards for courtrooms as provided by the Illinois Supreme Court. If the facility meets such minimum standards, it shall be certified as a courtroom. If the facility does not meet such minimum standards, it shall not be certified, designated or used as a courtroom without leave of the Chief Judge and then only upon such terms and conditions as the Chief Judge may direct.

(B) Correction of Deficiencies in Court Facilities. The Chief Judge, with the concurrence of a majority of circuit judges within the circuit, may direct the county board to provide sufficient court facilities, and upon its failure to do so within a time set by the Chief Judge, the Chief Judge may direct the Presiding Judge to cause deficiencies to be corrected and/or obtain other proper facilities or furnishings and enter an order on the county board to pay such sums as required.

## Rule XIV. SPECIAL RULES PERTAINING TO CRIMINAL PROCEEDINGS

(A) Defendant's Appearance in Court Through a Two Way Audio-Visual Communication System.

(1) Pursuant to 725 ILCS 5/106D-1, a criminal defendant in the custody of a county sheriff in this circuit may appear in that county's court for the purposes listed herein by means of a two way audio-visual communication system where the county sheriff maintains such a system possessed of the following features:

- (a) the criminal defendant and judge can see and hear each other simultaneously;
- (b) the criminal defendant can see all other persons participating in the proceedings in the courtroom;
- (c) a separate, private telephone line has been established for private communication between the criminal defendant and his or her attorney; and
- (d) the criminal defendant is first provided by jail personnel with a copy of the charging instrument filed against him or her.

(2) The following types of proceedings may be conducted by means of the two way audio-visual communication system described above, without the criminal defendant's personal appearance in court:

- (a) an initial appearance before a judge on a criminal complaint at which bail will be set;
- (b) an appearance to waive a preliminary hearing;
- (c) an arraignment on an information or indictment at which a plea of not guilty will be entered;
- (d) an appearance to present a jury waiver;
- (e) an appearance for a status hearing or hearing on a motion to continue which does not involve a witness confrontation; and
- (f) an appearance for any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken.

#### RULE XV. RULES OF THE COURT, FIFTH JUDICIAL CIRCUIT

(A) Prior Rules Repealed. These rules are effective on the date of adoption. All prior rules of the Circuit Court of the Fifth Judicial Circuit are hereby repealed.

(B) Amendment of the Rules. Any amendment of these rules must be passed by a majority vote of all circuit judges of the Fifth Judicial Circuit, with each judge being mailed a copy of the proposed amendment at least 10 days prior to the vote.

(C) Rules Filed with Administrative Office. All rules of this court shall be filed with the Director of the Administrative Office of the Illinois Courts, Springfield, Illinois, within 10 days after adoption pursuant to Supreme Court Rule 21(c).

FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS

IN THE CIRCUIT COURT

GENERAL ORDER

The UNDERSIGNED, being all of the Circuit Judges of the Fifth Judicial Circuit, pursuant to authority vested in them by Rule 21 of the Supreme Court Rules of the State of Illinois, DO HEREBY ADOPT the attached Uniform Rules of Practice governing Civil Cases, for and as the Rules of Practice in the Fifth Judicial Circuit of the State of Illinois, on this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Chief Circuit Judge

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Circuit Judge

\_\_\_\_\_  
Circuit Judge



**CASE MANAGEMENT  
MEMORANDUM**

1. Case Title: \_\_\_\_\_ vs.

\_\_\_\_\_

2. Case No: \_\_\_\_\_

3. Plaintiffs:

(a) \_\_\_\_\_  
Name                      Age                      Address

(b) \_\_\_\_\_

(c) \_\_\_\_\_

4. Defendants:

(a) \_\_\_\_\_

(b) \_\_\_\_\_

(c) \_\_\_\_\_

5. Nature of Case: (State whether P.I., P.D., wrongful death, dram shop, etc.)

6. Factual Summary and Theory of Liability or Defense.

7. Describe in detail the complexity of the case.

8. Suggestions for simplification of the issues.

9. Describe any amendments that are required to the pleadings.

10. Suggestions for obtaining admissions of fact and of documents which will avoid unnecessary proof.

**APPENDIX A  
Rule VI(B)(4)**

11. Suggested limitations on discovery:
- A. Depositions to be taken:
    - (1) Number \_\_\_\_\_
    - (2) Duration \_\_\_\_\_
  - B. Opinion witnesses:
    - (1) Area(s) of expertise: \_\_\_\_\_  
\_\_\_\_\_
    - (2) Number \_\_\_\_\_
  - C. Deadlines:
    - (1) Disclosure of opinion witnesses:  
\_\_\_\_\_, 20\_\_\_\_.
    - (2) Completion of written discovery and depositions:  
\_\_\_\_\_, 20\_\_\_\_.
12. Is settlement likely and the date you will be ready for settlement conference.  
\_\_\_\_\_, 20\_\_\_\_
13. Advisability of alternative dispute resolution.
14. Date on which case should be ready for trial.  
\_\_\_\_\_, 20\_\_\_\_.
15. Suggested date for next case management conference.  
\_\_\_\_\_, 20\_\_\_\_.
16. Other matters that may aid in the disposition of the action.
17. Estimated time for trial \_\_\_\_\_ days.
18. Defendant's insurance carrier:

A. Name \_\_\_\_\_

B. Policy Limits \$\_\_\_\_\_

Attorney preparing this memorandum: \_\_\_\_\_

Client(s) represented \_\_\_\_\_

“I certify that I am familiar with the case and authorized to act on behalf of the client represented.”

\_\_\_\_\_  
Signature

**(MUST BE SIGNED BY THE ATTORNEY APPEARING AT THE CASE MANAGEMENT CONFERENCE.)**

**TRIAL MEMORANDUM**

PLAINTIFF: George Green  
1341 Sheridan Road  
Waukegan, Illinois

COUNSEL: Smith, Joes & Smith  
By Harold Smith  
1 North LaSalle Street  
Chicago, Illinois

vs. General No.

DEFENDANT(S): Mary Black  
1465 Atlantic Avenue  
Waukegan, Illinois  
and  
Gerald Riley  
R. R. No. 1  
Antioch, Illinois

COUNSEL: Black, Brown & White  
By George Black  
301 Washington Street  
Waukegan, Illinois

DATE, TIME & PLACE: Automobile accident at intersection of Route 120 and  
Route 41 in Lake County, Illinois, on Saturday May 1,  
1960, at about 8:30 p.m.

NATURE OF CASE: This is a suit for personal injuries and property damage  
brought by George Green against Mary Black as principal  
and Gerald Riley as her agent. Negligence is charged.  
George Green was driving South on Rt. 41 and at the  
intersection of Rt. 120 a collision occurred with an  
automobile owned by Mary Black and being driven east by  
Gerald Riley.

NAME OF PERSONS WHO MAY  
BE CALLED AS WITNESSES: Joseph Reed, Champaign, Illinois  
Jill Blue, Danville, Illinois  
Officer Barney Silver, Paris Police Department, Paris, IL

**APPENDIX B**  
**Rule VI(E)(1)**

**PROOF OF SERVICE**

IN THE CIRCUIT COURT  
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS  
\_\_\_\_\_ COUNTY, \_\_\_\_\_, ILLINOIS

\_\_\_\_\_, )  
                                Petitioner, )  
  ) )  
                                vs,                             ) Case # \_\_\_\_\_-D\_\_\_\_\_ )  
  ) )  
  ) )  
\_\_\_\_\_,   ) )  
                                Respondent.        ) )

**NOTICE OF FILING FINANCIAL AFFIDAVIT**

This is to certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I complied with the provisions of Local Rule VIII(C)(1) and (2) by sending a copy of the required financial affidavit to:

\_\_\_\_\_ )  
(name of attorney)

\_\_\_\_\_ )  
(address)

\_\_\_\_\_ )  
(city, state, zip code)

Date: \_\_\_\_\_

\_\_\_\_\_ )  
Attorney for \_\_\_\_\_ )

**APPENIX C  
Rule VIII(C)(1)&(2)**

IN THE CIRCUIT COURT  
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS  
\_\_\_\_\_ COUNTY, ILLINOIS

IN RE: THE MARRIAGE OF \_\_\_\_\_ )  
\_\_\_\_\_, )  
Petitioner, ) No. \_\_\_\_\_  
and \_\_\_\_\_ )  
\_\_\_\_\_, )  
Respondent. )

FINANCIAL AFFIDAVIT

1. My Name and Age: \_\_\_\_\_.
2. Address: \_\_\_\_\_.
3. Date of this Marriage: \_\_\_\_\_.
4. Date of this Dissolution: \_\_\_\_\_.
5. Names and ages of children to this marriage:

The children reside with: \_\_\_\_\_.

6. Names, age, and relationship of other children of prior marriages:
  - a. Living with you:
  - b. Living with others – designate who:

**APPENDIX D**  
**Rule VIII(C)(1)&(2)**

7. Name of Employer: \_\_\_\_\_.
8. Length of time employed there: \_\_\_\_\_.
9. Position: \_\_\_\_\_.
10. Frequency of pay periods: \_\_\_\_\_.
11. Gross wages on most recent W-2 form: \_\_\_\_\_.
12. If hourly, state hourly rate: \_\_\_\_\_.
13. if salaried, state salary in weekly terms: \_\_\_\_\_.
14. If self-employed, you must attach hereto your most recent Federal and State income tax returns, plus a detailed income sheet which includes your present income and expenses.

### INCOME

All income information hereafter **MUST** be stated in WEEKLY terms and all deductions **MUST** be based (not upon what is actually being withheld) but what should be withheld for your **ACTUAL** marital status plus total dependents of yourself and ONLY those children listed in Paragraph #5 for which you receive the tax exemption.

15. Average current gross weekly wage: \_\_\_\_\_.
16. Marital status for withholding as calculated herein: \_\_\_\_\_.
17. Exemptions for withholding as calculated herein: \_\_\_\_\_.
18. Deductions:
  - 1) Social Security \$ \_\_\_\_\_
  - 2) Federal Income Tax \$ \_\_\_\_\_
  - 3) State Income Tax \$ \_\_\_\_\_
  - 4) Medical Insurance \$ \_\_\_\_\_
  - 5) Union Dues \$ \_\_\_\_\_

6) Other (List in detail)

\_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_  
\$ \_\_\_\_\_  
\_\_\_\_\_  
\$ \_\_\_\_\_

TOTAL DEDUCTIONS: \$ \_\_\_\_\_

19. Average Current NET weekly wage for support calculation:

\$ \_\_\_\_\_.

20. Average current NET monthly wage:  
(Above Net times 52 divided by 12)

\$ \_\_\_\_\_.

NOTE; YOU MUST ATTACH A COPY OF YOUR FOUR (4) MOST RECENT PAYCHECK STUBS.

21. Income from other sources:

<u>Source</u>	<u>Amount</u>	<u>Frequency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

22. I (do/do not) have medical insurance at place of employment.

23. My spouse (does/does not) have medical insurance at place of employment.

ESTIMATED EXPENSES

24. Household:

	<u>Monthly</u>	<u>Weekly</u>
a. Rent or house payment	_____	_____
b. Repair & upkeep	_____	_____
c. Housekeeper & yardwork	_____	_____



d.	Insurance and taxes (not including house payment)	_____	_____
e.	Other (specify)		
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
		TOTAL	<u>                    </u>

25.	Utilities:		
		<u>Monthly</u>	<u>Weekly</u>
a.	Electricity	_____	_____
b.	Gas	_____	_____
c.	Water & sewer	_____	_____
d.	Telephone	_____	_____
e.	Trash removal	_____	_____
f.	Cable T.V.	_____	_____
g.	Other (specify)		
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
		TOTAL	<u>                    </u>

26	Food:	<u>Monthly</u>	<u>Weekly</u>
	a. Food, milk, household supplies	_____	_____
	b. School lunches & meals outside home	_____	_____
	c. Other (specify)		
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
		TOTAL	_____

27.	Clothing:	<u>Monthly</u>	<u>Weekly</u>
	a. Clothing, self	_____	_____
	b. Clothing, children	_____	_____
	c. Laundry & dry cleaning	_____	_____
	d. Other (specify)		
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
	_____	_____	_____
		TOTAL	_____

28. Medical care (after insurance reimbursement):

	<u>Monthly</u>	<u>Weekly</u>
a. Self: Doctor & Dentist	_____	_____
b. Self: Drugs & Medical Supplies	_____	_____
c. Children: Doctor & Dentist	_____	_____
d. Children: Drugs & Medical Supplies	_____	_____
e. Medical and Dental Insurance	_____	_____
f. Other (specify)	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	TOTAL	_____

29. Transportation:

	<u>Monthly</u>	<u>Weekly</u>
a. Car payment	_____	_____
b. Repair & maintenance	_____	_____
c. Insurance	_____	_____
d. Gas & oil	_____	_____
e. Bus fare/parking	_____	_____

f. Other (specify)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

TOTAL

\_\_\_\_\_

30. Miscellaneous:

Monthly

Weekly

a. Babysitter/child care

\_\_\_\_\_

\_\_\_\_\_

b. School & school supplies

\_\_\_\_\_

\_\_\_\_\_

c. Church/contributions

\_\_\_\_\_

\_\_\_\_\_

d. Newspaper, magazines & books

\_\_\_\_\_

\_\_\_\_\_

e. Barber & beauty shop

\_\_\_\_\_

\_\_\_\_\_

f. Union/professional dues

\_\_\_\_\_

\_\_\_\_\_

g. Voluntary retirement contributions

\_\_\_\_\_

\_\_\_\_\_

h. Children's allowance

\_\_\_\_\_

\_\_\_\_\_

i. Recreation/entertainment

\_\_\_\_\_

\_\_\_\_\_

j. Family pets

\_\_\_\_\_

\_\_\_\_\_

k. Family gifts

\_\_\_\_\_

\_\_\_\_\_

l. Child support and maintenance  
to others

\_\_\_\_\_

\_\_\_\_\_

m. Other (specify)

_____	_____	_____
_____	_____	_____
	TOTAL	_____

TOTAL AVERAGE MONTHLY EXPENSES: \_\_\_\_\_

TOTAL AVERAGE WEEKLY EXPENSES: \_\_\_\_\_

DEBTS

NOTE: DO NOT include those listed under expenses.

31.

<u>Name of Creditor</u>	<u>Balance Owed</u>	<u>Date of Last Payment</u>	<u>Amount of Payment &amp; Frequency</u>	<u>Purpose</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL PAID MONTHLY ON SAID DEBTS: \_\_\_\_\_

ASSETS

32.

	<u>Asset</u>	<u>Your Opinion of Market Value</u>	<u>Amount of Liens on this Property</u>	<u>Net Value</u>
a.	Checking acct.:	\$ _____	_____	_____
b.	Savings/Share acct.:	\$ _____	_____	_____
c.	Stocks/Bonds:	\$ _____	_____	_____
d.	IRA:	\$ _____	_____	_____
e.	Pension/Profit Sharing:	\$ _____	_____	_____
f.	Life Insurance Cash Value:	\$ _____	_____	_____
g.	Real Estate:			
	_____	\$ _____	_____	_____
	_____	\$ _____	_____	_____
h.	Household Goods in your possession:	\$ _____	_____	_____
i.	Autos:			
	_____	\$ _____	_____	_____
	_____	\$ _____	_____	_____
j.	Other: (describe)			
	_____	\$ _____	_____	_____
	_____	\$ _____	_____	_____
	_____	\$ _____	_____	_____
	_____	\$ _____	_____	_____

OTHER

33. Here set forth any additional facts which you believe are relevant to a true and accurate expression of your current financial circumstances:

A.

B.

C.

D.

E.

SUMMARY

Net Monthly Income From Salary/Wages:	\$ _____	Average Monthly Expenses:	\$ _____
Plus Net Monthly Income from Other Sources:	\$ _____	Plus Average Monthly Debt Retirement:	\$ _____
<b>TOTAL MONTHLY NET INCOME:</b>	<b>\$ _____</b>	<b>TOTAL MONTHLY EXPENSES:</b>	<b>\$ _____</b>

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Signed)

Subscribed and sworn to before me, a Notary Public, this \_\_\_\_\_ day of \_\_\_\_\_.  
20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

NOTE: Financial Affidavits are to be served contemporaneous with the filing of any motion or petition for pre-judgment relief, and with any motion or petition for post-judgment relief. Pre-trial statements are to be filed not less than three (3) days prior to the scheduled hearing to permit the presiding judge to review the same in advance of the hearing.

SANCTIONS WILL BE IMPOSED FOR FAILURE TO COMPLY WITH THE RULES  
RELATIVE TO FINANCIAL AFFIDAVITS AND PRE-TRIAL PROCEEDINGS.

If full disclosure is made by all parties in preparing the affidavits and the pre-trial statements, then expensive discovery of financial matters will not be required.



COMPUTATION OF ARREARAGE

ASSUME: Child support is due each Friday with the first payment due on the Friday immediately following the date of the order, unless otherwise ordered.

Make a computation for each year separately.

Beginning date of Obligation or Last Order: \_\_\_\_\_

Balance due under last order (Date: \_\_\_\_\_)                      \$ \_\_\_\_\_

	Due		Paid through Clerk	+ or -
	_____		_____	_____
	(# of Fridays from Beginning or Last Order x weekly rate)			
20	_____ x \$ _____ = \$ _____	minus	\$ _____	= \$ _____
20	_____ x \$ _____ = \$ _____	minus	\$ _____	= \$ _____
20	_____ x \$ _____ = \$ _____	minus	\$ _____	= \$ _____
20	_____ x \$ _____ = \$ _____	minus	\$ _____	= \$ _____
20	_____ x \$ _____ = \$ _____	minus	\$ _____	= \$ _____
Total arrearage as of _____				\$ _____

\*If any computations from other than Clerk's office, note here:

\*\*Any money due for medicals or other:

Respondent must prepare and present his own computation if any disagreement with the above computation.

IN THE CIRCUIT COURT  
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS  
\_\_\_\_\_ COUNTY, ILLINOIS

PRIMARY DIVISION

	)				
Plaintiff	)				
	)				
vs.	)		No. _____	SC _____	
	)				
	)				
Defendant	)				

NOTICE OF DEFAULT JUDGMENT

To: (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(City, State, Zip Code) \_\_\_\_\_

You are notified that a Judgment by default has been entered against you this date in the case noted above for the sum of \$ \_\_\_\_\_ plus court costs in the amount of \$ \_\_\_\_\_.

You are further notified that you may file in my office a written Motion to Set Aside the Default Judgment within thirty (30) days from this date.

If you intend to make payment of the Judgment without further court proceedings, you may desire to contact the Plaintiff to make arrangements for payment on an agreed installment basis or in a lump sum payment. This procedure could result in a savings of additional court costs for you and eliminate the necessity of future court appearances by you in this case.

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk of the Circuit Court

**APPENDIX E**  
**Rule IX(C)**

**CONFIDENTIALITY AGREEMENT**

IT IS HEREBY AGREED by and between the mediation participants, \_\_\_\_\_  
\_\_\_\_\_ and \_\_\_\_\_ that all matters discussed during any and all  
mediation sessions shall be confidential and shall not be disclosed by the participants or the  
mediator in any court proceeding or any court of law, except as follows:

- A. If the parties consent in writing to the disclosure; or
- B. The communication reveals either an act of violence committed against another  
during mediation, or an intent to commit an act that may result in bodily harm to  
another; or
- C. The communication reveals evidence of abuse or neglect of a child; or
- D. Non-identifying information is made available for research or evaluation purposes  
approved by the court; or
- E. the communication is probative evidence in a pending action alleging negligence  
or willful misconduct of the mediator.

DATED: \_\_\_\_\_

SO AGREED:

\_\_\_\_\_  
\_\_\_\_\_

**APPENDIX F**  
**Rule VIII(I)(8)(b)**

**MEDIATOR'S REPORT**

IN THE CIRCUIT COURT  
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS

IN RE: THE MARRIAGE OF	)	
	)	
_____	)	
	)	
and	)	No. _____
	)	
_____	)	
	)	
Respondent.	)	

**MEDIATOR'S REPORT**

I mediated with \_\_\_\_\_ and \_\_\_\_\_.

I scheduled meetings on \_\_\_\_\_.

\_\_\_ I met with them on \_\_\_\_\_ for a total of \_\_\_\_\_ hours.

\_\_\_ No mediation occurred because of a prior agreement resolving all issues was reached.

\_\_\_ No mediation occurred because \_\_\_\_\_ failed to appear.

A. The mediation has now been concluded because:

- \_\_\_1. The parties have reached an agreement as to all disputed issues.
- \_\_\_2. The parties have reached an agreement as to some of the disputed issues and are at an impasse in regard to the remaining issues.
- \_\_\_3. Pursuant to local court rule, mediation has been terminated.

B. The appointment of a child representative/*guardian ad litem* \_\_\_ is \_\_\_ is not recommended in accordance with Local Rule VIII(I)(9)(h).

C. Mediation continues with the next session scheduled on \_\_\_\_\_ and it is anticipated that an additional \_\_\_\_\_ days will be needed to complete the process.

DATED: \_\_\_\_\_ SIGNED: \_\_\_\_\_

MEDIATOR

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_

**APPENDIX G**  
**Rule VIII(I)(9)(g)(1)**

**STATISTICAL TERMINATION RECORD**

**FIFTH JUDICIAL CIRCUIT MEDIATION PROGRAM**

Please complete this form following the termination of each mediation case that you conduct. This information will be used to help evaluate the program.

- 1) \_\_\_\_\_ - County Case
- 2) Referral source: \_\_\_Attorney \_\_\_Court Order \_\_\_Self-Referred \_\_\_Other \_\_\_\_\_
- 3) Was mediation required by a joint parenting agreement? \_\_\_Yes \_\_\_No
- 4) Parties involved in mediation: \_\_\_Mother \_\_\_Father \_\_\_Grandparents  
  \_\_\_Other Relatives           \_\_\_Other Adults \_\_\_\_\_
- 5) Did children participate in mediation sessions? \_\_\_Yes \_\_\_No  
How many \_\_\_\_\_ When (*i.e., first session, last session*) \_\_\_\_\_
- 6) Length of time couple was \_\_\_separated or \_\_\_divorced prior to the  
beginning of mediation \_\_\_\_\_
- 7) When did mediation begin: \_\_\_prior to judgment of dissolution hearing  
  \_\_\_after final initial court settlement; post decree
- 8) Original issues presented for mediation:           \_\_\_Custody           \_\_\_Visitation  
  \_\_\_Both                   \_\_\_Other
  - a) What other issues were resolved? \_\_\_\_\_
  - b) What other issues surfaced during mediation which were not resolved? \_\_\_\_\_
- 9) Did mediation result in an agreement by both parties?  
\_\_\_Yes \_\_\_Written or \_\_\_Verbal \_\_\_Signed or \_\_\_Unsigned \_\_\_No
- 10) If no agreement was reached, was mediation terminated by:  
\_\_\_Mediator \_\_\_Couple \_\_\_Wife \_\_\_Husband \_\_\_All agreed to terminate  
\_\_\_No Show \_\_\_\_\_
- 11) Total number of sessions in mediation \_\_\_\_\_
- 12) Total number of hours in mediation \_\_\_\_\_
- 13) Time span required in mediation process:  
Date of initial mediation session \_\_\_\_\_ Date of termination session \_\_\_\_\_
- 14) Total cost of mediation: \_\_\_\_\_

**APPENDIX H  
Rule VIII(I)(9)(g)(2)**