

STATE OF ILLINOIS  
NINTH JUDICIAL CIRCUIT  
  
COURT RULES



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# Table of Contents

## **PART 1.00 ADMINISTRATION AND ORGANIZATION**

- PART 1.05 POWER TO ADOPT RULES OF COURT
- PART 1.10 ADMINISTRATION
- PART 1.15 ELECTION AND TENURE OF CHIEF JUDGE
- PART 1.20 SUBSTITUTION OF JUDGE
- PART 1.25 CHANGE OF VENUE FOR TRIAL PURPOSES (PLACE OF TRIAL)
- PART 1.30 JUDICIAL APPOINTMENTS
- PART 1.35 FORMS
- PART 1.40 CIRCUIT CLERK:S DUTIES
- PART 1.45 CIRCUIT CLERK:S BOND
- PART 1.50 CIRCUIT CLERK:S OFFICE HOURS
- PART 1.55 SHERIFF:S DUTIES
- PART 1.60 NUMBER OF PETIT JURORS
- PART 1.65 INSPECTION AND CERTIFICATION OF COURT FACILITIES
- PART 1.70 ELECTRONIC COURT RECORDING
- PART 1.75 PHOTOGRAPHS/RECORDING DEVICES
- PART 1.80 REMOTE HEARINGS

## **PART 2.00 NOTICES, PLEADINGS, ORDERS AND EVIDENCE**

- PART 2.05 DEFINITIONS
- PART 2.10 APPEARANCE OF COUNSEL
- PART 2.15 REQUIREMENTS OF COURT FILINGS
- PART 2.20 PLEADINGS TO BE READILY COMPREHENSIBLE
- PART 2.25 DESIGNATION OF MOTIONS UNDER 735 ILCS 2-615, 735 ILCS 2-619 AND 735 ILCS 2-1005
- PART 2.30 NOTICE OF HEARING ON MOTIONS
- PART 2.35 MOTIONS SHALL BE PROMPTLY SET FOR HEARING
- PART 2.40 FAILURE TO CALL MOTIONS FOR HEARING
- PART 2.45 MOTIONS TO CONTINUE
- PART 2.50 POINTS, AUTHORITY AND AFFIDAVITS
- PART 2.55 JUDGE:S COPY OF MOTIONS AND OF AUTHORITY
- PART 2.60 ORAL ARGUMENTS ON MOTIONS
- PART 2.65 COPIES OF DOCUMENTARY EVIDENCE
- PART 2.70 EMERGENCY AND EX PARTE MOTIONS WHERE NOTICE IS NOT REQUIRED
- PART 2.75 CONTESTED HEARINGS OF ONE HOUR OR LONGER
- PART 2.80 HEARINGS BY TELEPHONE CONFERENCING
- PART 2.85 PRE-TRIAL MARKING OF EXHIBITS
- PART 2.90 DRAFTING OF ORDERS
- PART 2.95 SUBMISSION OF CERTAIN ORDERS BY MAIL
- PART 2.100 PROCEEDINGS UNDER ADVISEMENT
- PART 2.105 CUSTODY OF EVIDENCE OR EXHIBITS
- PART 2.110 REMOVAL OF COURT FILES
- PART 2.115 OPENING OF IMPOUNDED DOCUMENTS

**PART 3.00 CIVIL PROCEEDINGS**

PART 3.05 WRITTEN INTERROGATORIES

PART 3.10 DEPOSITIONS

PART 3.15 RESTRICTIVE FILING OF DISCOVERY DOCUMENTS

PART 3.20 CASES EXEMPT FROM CASE MANAGEMENT CONFERENCES

PART 3.25 INITIAL CASE MANAGEMENT CONFERENCE

PART 3.30 CIVIL PRE-TRIAL CONFERENCES

PART 3.35 DISMISSAL FOR WANT OF PROSECUTION

PART 3.40 CIVIL JURY TRIALS

PART 3.45 JURY INSTRUCTIONS

PART 3.50 WARNINGS REGARDING FAILURE TO APPEAR

PART 3.55 SUPPLEMENTAL PROCEEDINGS TO ENFORCE JUDGMENTS AND  
ORDERS

PART 3.60 FAILURE TO PROSECUTE POST JUDGMENT RELIEF

**PART 4.00 CRIMINAL PROCEEDINGS**

PART 4.05 DEFINITIONS

PART 4.10 APPEARANCE BY A TWO-WAY AUDIO/VIDEO COMMUNICATION  
SYSTEM

PART 4.15 WRITTEN ENTRY OF APPEARANCE

PART 4.20 MOTION TO MODIFY BAIL

PART 4.25 APPOINTMENT OF THE PUBLIC DEFENDER

PART 4.30 DEMAND FOR SPEEDY TRIAL

PART 4.35 DISCOVERY AND PRE-TRIAL CONFERENCES

PART 4.40 RESTRICTIVE FILING OF DISCOVERY DOCUMENTS

PART 4.45 MOTION PRACTICE

PART 4.50 PRE-TRIAL SUBPOENA DUCES TECUM

PART 4.55 TRIAL SUBPOENA DUCES TECUM

PART 4.60 CRIMINAL JURY TRIALS

PART 4.65 APPEALS BY INDIGENT DEFENDANTS

PART 4.70 DISMISSAL FOR WANT OF PROSECUTION

PART 4.75 APPLICATION OF BAIL BOND TO UNPAID FINES AND COSTS

**PART 5.00 FAMILY AND MATRIMONIAL COURT RULES**

PART 5.05 APPLICABILITY AND DEFINITIONS

PART 5.10 FILING AND PRE-TRIAL MATTERS

A. VENUE

B. GROUNDS HEARING DATE

C. TEMPORARY CHILD SUPPORT AND MAINTENANCE SET BY AFFIDAVIT

D. NOTICE OF CONTESTED ALLOCATION OF PARENTING TIME,  
ALLOCATION OF RESPONSIBILITIES AND RELOCATION

E. TEMPORARY ALLOCATION OF PARENTING TIME OR ALLOCATION OF  
PARENTING RESPONSIBILITIES HEARING

F. PARENT EDUCATION PROGRAM

G. CASE MANAGEMENT CONFERENCES

PART 5.15 ATTORNEY QUALIFICATIONS TO ACT AS GUARDIAN AD LITEM, CHILD  
REPRESENTATIVE, OR ATTORNEY FOR CHILD

PART 5.20 FINANCIAL DISCLOSURES

PART 5.25 ADDITIONAL DISCLOSURE OF INFORMATION  
PART 5.30 TRIAL AND POST TRIAL MATTERS  
A. FINAL PRE-TRIAL CONFERENCE  
B. BIFURCATED CUSTODY HEARING  
C. *IN CAMERA* INTERVIEWS OF MINOR CHILDREN  
D. CERTIFICATE OF DISSOLUTION OR INVALIDITY OF MARRIAGE  
E. ENTRY OF APPEARANCE BY PRO SE ADVERSE PARTY  
F. APPEARANCE OF CO-PETITIONERS AT HEARING  
G. SUPPLEMENTAL SUPPORT ORDERS  
H. PARENTING PLANS  
I. MODIFICATION OF ALLOCATION OF PARENTING TIME,  
RESPONSIBILITIES, AND SUPPORT ORDERS  
PART 5.35 AFFIDAVIT OF AMOUNT DUE IN SHOW CAUSE OR ENFORCEMENT  
PROCEEDINGS  
PART 5.40 JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE

**PART 6.00 MANDATORY MEDIATION FOR ALLOCATION OF PARENTING TIME,  
PARENTING RESPONSIBILITIES OR RELOCATION**

PART 6.05 APPLICABILITY AND DEFINITIONS  
PART 6.10 MEDIATION MANDATORY  
PART 6.15 QUALIFICATIONS AND TRAINING OF NON-JUDICIAL MEDIATORS  
PART 6.20 REFERRAL ASSIGNMENT PROCEDURE  
PART 6.25 MEDIATION PROCESS  
PART 6.30 APPLICATION OF SAFEGUARDS IN CASE OF IMPEDIMENT  
PART 6.35 CONFIDENTIALITY  
PART 6.40 ATTENDANCE AND TERMINATION OF MEDIATION  
PART 6.45 ENTRY OF JUDGMENT OR ORDER  
PART 6.50 CIRCUIT COURT ADVISORY COMMITTEE

**PART 7.00 ELECTRONIC FILING**

**PART 8.00 SMALL CLAIMS**

PART 8.05 FORM OF SUMMONS AND COMPLAINT  
PART 8.10 RETURN DAY PROCEDURES  
PART 8.15 MOTIONS AND SPECIAL APPEARANCES  
PART 8.20 DISMISSAL FOR WANT OF PROSECUTION

**PART 9.00 PROBATE**

PART 9.05 DEFINITIONS  
PART 9.10 ADMISSION OF WILL TO PROBATE WHEN HANDWRITTEN OR IN A  
LANGUAGE OTHER THAN ENGLISH  
PART 9.15 SUPPLEMENTAL PROCEEDINGS  
PART 9.20 BONDS AND SURETY  
PART 9.25 OPENING A SAFETY DEPOSIT BOX  
PART 9.30 INVENTORIES DESCRIPTIONS  
PART 9.35 REMOVAL OF REPRESENTATIVE  
PART 9.40 TRANSFER TO INACTIVE STATUS  
PART 9.45 ACCOUNT OF RECEIPTS AND DISBURSEMENTS

PART 9.50 EXTENSION OF TIME FOR ACCOUNTING  
PART 9.55 ACCOUNT NOT FILED AS REQUIRED  
PART 9.60 JURY DEMAND  
PART 9.65 SETTLEMENT OF PERSONAL INJURY OR DEATH ACTION  
PART 9.70 WITHDRAWAL OF FUNDS DEPOSITED WITH COUNTY TREASURER  
PART 9.75 MINOR OR WARD'S MONEY  
PART 9.80 ASSIGNMENT OF INTEREST

**PART 10.00 APPENDIX C FORMS**

Form 110 Request for Extended Media Coverage  
Form 120A Objection to Extended Media Coverage-Party  
Form 120B Objection to Extended Media Coverage-Witness  
Form 210 Notice of Service of Discovery Documents  
Form 310 Notice of Setting Initial Case Management Conference - Civil  
Form 320A Civil Case Management Order-\$50,000 and under  
Form 320B Civil Case Management Order-\$50,001 and over  
Form 330 Civil Pre-Trial Memorandum  
Form 340 Order Setting Civil Final Pre-Trial - Standard Order  
Form 340A Addendum to Civil Final Pre-Trial  
Form 350 Statement of the Nature of the Case - Civil  
Form 360 Important Notice Regarding Contempt  
Form 450 Statement of the Nature of the Case - Criminal  
Form 505 Notice Parent Education Requirement  
Form 510 Order Requiring Parent Education Program  
Form 512 Child Representative Required Information Form  
Form 515 Case Management Order - Family  
Form 520 Financial Affidavit - Family Cases  
Form 525 Final Pre-Trial Memorandum - With Children  
Form 530 Final Pre-Trial Memorandum - No Children  
Form 535 Trial Asset & Debt Table  
Form 540 Entry of Appearance-Waiver and Consent Pro Se Respondent  
Form 550 Show Cause/Enforcement Calculation  
Form 555 Petition for Joint Simplified Dissolution of Marriage  
Form 565 Joint Simplified Agreement as to Assets and Debts  
Form 570 Joint Simplified Judgment of Dissolution  
Form 575 Joint Simplified Dissolution Information and Instructions  
Form 610 Notice of Mediation  
Form 615 Mediator Required Information Form  
Form 620 Order of Referral to Mediation  
Form 630 AOIC Mediator's Report  
Form 640 Mediation Confidentiality Agreement  
Form 650 Mediator's Status Report  
Form 660 AOIC Mediator Evaluation  
Form 670 Parenting Plan

# **PART 1.00**

## **ADMINISTRATION AND ORGANIZATION**

### **PART 1.05 - POWER TO ADOPT RULES OF COURT**

#### **A. Power of Circuit Court to Adopt Rules**

These Rules are promulgated pursuant to Section 1-104(b) of the Code of Civil Procedure providing that the Circuit Court may make rules regulating its dockets, calendars, and business and pursuant to Supreme Court Rule 21(a) providing that a majority of the Circuit Judges in each Circuit may adopt rules governing civil and criminal cases consistent with rules and statutes.

#### **B. Existing Rules Repealed**

These Rules shall become effective on January 1, 2015, and all prior Circuit Rules of the Ninth Judicial Circuit Court, State of Illinois, are hereby repealed as of said effective date.

#### **C. Amendment of Rules**

Any amendment of these Rules shall be passed by a majority vote of all Circuit Judges of the Ninth Judicial Circuit, and each voting judge shall be transmitted a copy of the proposed amendment at least ten days prior to the vote thereon.

#### **D. Construction of Rules**

In the construction of these Rules, the law governing the construction of statutes (5 ILCS 70/1. through 55 ILCS 1.05) shall apply. Whenever used in these Rules "\_\_\_\_ILCS\_\_\_\_\_, 20\_" refers to the statutory material appearing in the specified chapter and paragraph of the latest edition of the Illinois Compiled Statutes, State Bar Association edition, for the year specified, and the same material as it may have been or may hereafter be amended.

#### **E. Application to Civil and Criminal Proceedings**

Each Rule shall apply to any civil or criminal proceedings, unless contained in a part or section which limits its application, or the context clearly limits its application.

#### **F. Waiver of Rules**

Rules of practice or procedure in civil or probate proceedings may be waived for good cause shown by order of the judge hearing the proceeding. Rules may be waived for the purpose of obtaining maximum flexibility of judicial time to provide services for the litigants.

#### **G. Gender Neutrality**

When used in these Rules, words or phrases that import the masculine or feminine genders shall be construed to include all genders, unless such construction would be inconsistent with the manifest intention of the context.

## **H. Enforcement**

The court shall enforce and compel compliance with these Rules as appropriate and may apply remedies provided in Supreme Court Rules 21(d) and 219(c), as well as other sanctions, including passing the matter to the end of the call, striking it from the call, or continuing it to a later date.

## **PART 1.10 - ADMINISTRATION**

### **A. Chief Judge**

The Office of the Chief Judge shall have general administrative authority over the Courts in the Ninth Judicial Circuit and shall designate the times and places of holding court in each county of the Ninth Judicial Circuit pursuant to Article VI, Section 7(c), of the Illinois Constitution of 1970.

### **B. Administrative Judge**

1. **Appointment of Administrative Judge.** The Chief Judge shall appoint one judge within each county of the Circuit as the Administrative Judge of that county.

2. **Duties of the Administrative Judge.** The Administrative Judge shall administer the Judicial Divisions 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.

### **C. Judicial Assignments**

1. **Assignments by the Chief Judge.** The Chief Judge shall assign Circuit and Associate Judges to the various counties within the circuit and may further assign judges to divisions within a county and on a case-by-case basis.

2. **Assignments by the Administrative Judge.** In the absence of an assignment order by the Chief Judge, the Administrative Judge within each county may assign additional judicial duties to the Circuit and Associate Judges regularly assigned to that county and may further assign said judges on a case-by-case basis or to divisions within the county.

### **D. Meetings**

1. **Meeting Dates.** The Chief Judge shall call meetings of the Circuit and Associate Judges, separately or jointly, as the needs of the Circuit dictate.

2. **Meeting Procedure.** Robert's Rules of Order shall govern all meetings; provided, however, that Associate Judges shall have the right to cast votes except where prohibited by law or by these Rules.

### **E. Administration of the Court Services Department**

1. **Reports.** The Director of Court Services shall prepare and submit to the Chief Judge an annual report relating to the prior year's operation of the Court Services Department,

including line item expenditures, no later than March 31 each year.

2 **Court Services Committee.** The Chief Judge may appoint a committee of judges to oversee the operation of the Court Services Department and act as liaison between the Court Services Department and the judiciary.

## **PART 1.15 - ELECTION AND TENURE OF CHIEF JUDGE**

### **A. Term of Office**

A Chief Judge shall be elected in odd-numbered years for a two-year term beginning on the first Monday in October of that year.

### **B. Notice of Election**

At least 45 days prior to the expiration of the term of office of the Chief Judge, the Chief Judge shall call a meeting of the Circuit Judges for the purpose of voting for a Chief Judge. Notice shall be given at least 14 days before the date set for the meeting. The meeting shall be held within 30 days prior to the expiration of the Chief Judge's term of office.

### **C. Procedure for Balloting**

1. Whenever a Chief Judge is to be elected, a ballot containing the names of all Circuit Judges, arranged alphabetically, shall be provided to each Circuit Judge at a meeting called for that purpose. Each Circuit Judge shall indicate thereon the Circuit Judge for whom they are voting.

2. An election committee appointed by the Chief Judge shall canvass the votes and announce the judge that received the required number of votes. In the event the Chief Judge is unavailable to appoint an election committee to canvass the ballots, the Circuit Judge in attendance with the greatest seniority of judicial service shall appoint the election committee to canvass the votes.

3. The judge receiving votes from a majority of the Circuit Judges shall be declared elected as Chief Judge. Balloting shall continue until one judge receives votes from a majority of the Circuit Judges.

### **D. Resignation of Chief Judge**

If the Chief Judge chooses to resign, he or she shall call a meeting of the Circuit Judges, with at least seven days notice, and present his or her resignation. If the resignation is accepted by a majority vote of those Circuit Judges in attendance, the Circuit Judges in attendance shall elect a new Chief Judge in accordance with the procedure set forth in Part 1.15.C. to take office immediately for the balance of the term of the resigning Chief Judge.



## **E. Removal of Chief Judge**

A majority of the Circuit Judges may at any time, by written order, call a meeting of the Circuit Judges at a time and place stated for the purpose of considering the removal of the Chief Judge then in office. A copy of the order shall be delivered or mailed to each judge not joining in it at least five days before the time fixed for the meeting. At such meeting, the judges in attendance shall vote by secret ballot on the question: "Shall the Chief Judge be removed from office?" If a majority of judges present vote in the affirmative, the Chief Judge is thereby removed from office. The Circuit Judges shall thereupon proceed to elect one of the Circuit Judges to serve as Chief Judge in accordance with the procedure set forth in Part 1.15.C. The newly elected Chief Judge shall take office immediately for the balance of the term of the removed Chief Judge.

## **F. Vacancy in the Office of Chief Judge**

If the Office of the Chief Judge becomes vacant from any cause not otherwise provided for in this Rule, the Circuit Judge having the greatest seniority of judicial service shall call a meeting of the Circuit Judges for the purpose of filling the vacancy. The meeting shall be held within 21 days of the occurrence of the vacancy. At the meeting, a new Chief Judge shall be elected in accordance with the procedure set forth in Part 1.15.C to take office immediately.

## **G. Acting Chief Judge**

The Chief Judge may, by written order, designate an Acting Chief Judge to serve during the absence or incapacitation of the Chief Judge. The Acting Chief Judge shall have the same powers and duties as the Chief Judge. If no Acting Chief Judge is designated, the Circuit Judge having the greatest seniority of judicial service shall serve as Acting Chief Judge.

## **PART 1.20 - SUBSTITUTION OF JUDGE**

### **A. All Motions in Writing**

All motions for substitution of judge must be in writing and filed, with proper notice, before the judge from whom substitution is sought.

### **B. Motion for Substitution of Judge as a Matter of Right**

After hearing a motion for substitution of judge as a matter of right, the Court shall record the disposition on the docket sheet or enter a written order.

### **C. Motion Substitution of Judge for Cause**

1. Upon the filing of a motion for substitution of judge for cause, the motion may be assigned by the Administrative Judge to any judge of the Circuit Court regularly assigned to the same county. In the event there is no other judge regularly assigned to the county or available to hear such motion, the Chief Judge shall be notified, and he shall assign a judge to hear the merits of the motion.

2. No judge may be subpoenaed to testify at the hearing on a motion for substitution of judge for cause. However, the named judge requested to be substituted may prepare an affidavit regarding the facts of the case and file it with proper notice.

3. After the hearing on the motion, the Court shall render its decision after considering the verified pleadings, affidavit, if any, the evidence at hearing, any additional information the Court deems admissible, and such argument as the Court deems necessary.

#### **D. Voluntary Disqualification of a Judge**

Upon voluntarily disqualifying himself from hearing a case, such judge shall record the voluntary disqualification on the docket sheet or enter a written order.

#### **E. Assignment of New Judge**

If the motion for substitution of judge is granted, or on voluntary disqualification of a judge, the Administrative Judge shall assign a new judge to hear the case. In the event there is no other judge regularly assigned to the county or available for such assignment, the Chief Judge shall be notified and shall assign a new judge to hear the case.

#### **F. Motion for Substitution Regarding Emergency or Interim Order of Protection**

If a motion for substitution of judge is granted during the period that an emergency or interim order of protection is in effect, the ordered date for next hearing may be canceled; and the order may be extended to otherwise remain in effect for an additional 30 days or until such time as the hearing is rescheduled and concluded by the newly assigned judge, whichever is sooner.

#### **G. Temporary Assignments**

Any judge regularly assigned to a county by Administrative Order may preside over any case within that county when the responsible judge is temporarily unavailable. As to specific cases in a county, interchange of cases may be had by mutual agreement of the two judges affected. No notice to the Chief Judge is necessary. If the interchange involves judges who are not regularly assigned to the same county, the interchange may be had by mutual agreement of the judges affected and consent of the Chief Judge.

### **PART 1.25 - CHANGE OF VENUE FOR TRIAL PURPOSES (PLACE OF TRIAL)**

The judge granting a motion for change of venue for purposes of the place of trial shall notify the Chief Judge of the Circuit. The judge shall consult with the Chief Judge, and through the Chief Judge, with others, concerning available facilities and suitable locations outside the county to which the place of trial could be transferred.

### **PART 1.30 - JUDICIAL APPOINTMENTS**

#### **A. Jury Commission**

The Circuit Judges shall appoint one member annually to the Jury Commissions in the

several counties.

## **B. Court Reporters**

The Chief Judge, with the advice of the Circuit Judges, shall appoint, assign, and establish policy for Court Reporters as limited by the action taken and authority granted by a majority of the Judges/Employer Representatives of the Judicial Circuits in the State of Illinois enumerated in 5 ILCS 315/3(O-5)(3).

## **C. Board of Election Commissioners**

With the advice of the Resident Judge of Knox County, the Chief Judge shall appoint one member annually to the Board of Election Commissioners of the City of Galesburg.

## **D. Public Defenders**

The judges of the Circuit in accordance with 55 ILCS 5/3-4004 shall appoint the Public Defender for any county within the circuit required to have one under 55 ILCS 5/3-4001 or which elect to have one pursuant to 55 ILCS 5/3-4002.

## **E. Probation and Detention Personnel**

The Chief Judge shall appoint, pursuant to 730 ILCS 110/13, probation personnel, and pursuant to 55 ILCS 75/3, detention personnel. The Chief Judge shall appoint the Director of Court Services, Chief Probation Officer, and Superintendent of the Mary Davis Detention Home. With the recommendation of the Director of Court Services, the Chief Judge shall appoint the Assistant Superintendent of Detention, Program Coordinator, Supervisors of Detention, Supervisors of Probation, Detention Counselors and Probation Officers.

The Director of Court Services shall appoint the support staff for the Court Services Department.

## **PART 1.35 - FORMS**

Specified forms to be used in the Ninth Judicial Circuit shall be adopted or modified in the same manner as these Rules are adopted or modified. Said forms shall be available to the public through the Ninth Judicial website at [www.9thjudicial.org](http://www.9thjudicial.org).

## **PART 1.40 - CIRCUIT CLERK'S DUTIES**

### **A. It shall be the duty of the Clerk of the Circuit Court in each county to:**

1. Attend all sessions of court in all divisions in person or by a deputy clerk.
2. Swear all witnesses.
3. Maintain record sheets, under the supervision of the presiding judge, containing minutes of all business transacted by the court.

4. Maintain, or maintain access to, a record of child support and maintenance payments ordered by the court to be made in dissolution or family cases, which record shall include the following information:

- Case number
- Name and address of payor
- Name and address of payee
- Anniversary date for commencement of payments
- Amount of payment
- Date of receipt of payment
- Date of distribution of payment
- Arrearage balance

5. Maintain, under the supervision of the judge assigned to each division, a daily calendar showing cases set for hearing and the hour of the day they shall be heard, except in counties where an administrative secretary employed by the court schedules cases and maintains daily court calendars as directed by the judges of the various divisions.

6. Have present in court the files of each case set on the daily calendar and call such cases for hearing at the times set therein.

7. Maintain, under supervision of the pre-trial and jury judges, a separate calendar of all cases in which a demand for jury trial has been made.

8. Prepare a list of all civil cases pending in which no proceedings have been taken for more than one year and submit the same to the presiding judge assigned to such division in accordance with Part 3.35 of these Rules.

9. Prepare a list of all criminal cases in which no pleadings have been filed or no proceedings have been taken for more than one year and submit the same to the presiding judge in each division in accordance with Part 4.70 of these Rules.

10. Immediately notify the presiding judge and the State's Attorney of the filing of a petition for post-conviction hearing, and upon the judge's direction set the petition for hearing on a date certain in accordance with the Statutes.

11. Upon the filing of a Notice of Appeal in any matter, the Circuit Clerk shall immediately deliver a copy of the Notice to the appropriate court reporters.

12. In all cases where written interrogatories, exhibits and any other miscellaneous papers are filed, they shall be filed in a folder separate from the pleadings, summons, notices to appear and record sheets.

13. Upon the receipt from any party of a document entitled, "Notice of Confidential Information Within Court Filing," shall immediately impound the filing. Nothing herein shall require the clerk to review the documents or exhibits for compliance with Supreme Court Rule 138.

14. Send Notice of Parent Education Program Requirement and executed Order Requiring Parent Education Program in each new case filed pertaining to custody, visitation or removal of minor child(ren).

15. Perform such other duties as are required by the Circuit and Associate Judges.

### **B. Driving Under the Influence (D.U.I.) Evaluation Reports**

1. The Circuit Clerk shall place all Driving Under the Influence (D.U.I.) Evaluation Reports received by the Circuit Clerk's office either (1) in a sealed envelope in the court file of the defendant's case or (2) in separate impounded files.

2. The Circuit Clerk shall maintain said Driving Under the Influence (D.U.I.) Evaluation Reports in such a manner that assures confidentiality, and they shall not be released for public review except by order of the court, after application showing good cause therefore.

### **PART 1.45 - CIRCUIT CLERK'S BOND**

Before entering upon their duties, the Circuit Clerks of the several counties shall provide a bond as required by 705 ILCS 105/4 in the penal sum of \$100,000.00 and have the same approved by two judges of the Ninth Judicial Circuit.

### **PART 1.50 - CIRCUIT CLERK'S OFFICE HOURS**

#### **A. Hours Open**

The Circuit Clerks of the Ninth Judicial Circuit shall keep their offices open to the public and attend to the duties thereof from Monday through Friday of each week as follows:

|                  |                       |
|------------------|-----------------------|
| Fulton County    | 8:00 a.m. - 4:00 p.m. |
| Hancock County   | 8:00 a.m. - 4:00 p.m. |
| Henderson County | 8:00 a.m. - 4:00 p.m. |
| Knox County      | 8:30 a.m. - 4:30 p.m. |
| McDonough County | 8:00 a.m. - 4:00 p.m. |
| Warren County    | 8:00 a.m. - 4:30 p.m. |

#### **B. Holidays**

1. The offices of Circuit Clerk in each of the counties of the Ninth Judicial Circuit shall remain open and be available for the transaction of business from Monday through Friday of each week as specified above, except that the Chief Judge of the Ninth Judicial Circuit shall annually fix the observance of state and national holidays by Administrative Order. The offices of Circuit Clerk shall be closed only on the holidays set forth in such annual Administrative Order issued by the Chief Judge or as otherwise ordered by the Chief Judge.

2. The Circuit Clerk in each county shall, on receipt of such annual holiday Administrative Order, or any amendment or supplement thereto, post same in a prominent place in a public area in the Circuit Clerk's Office, readily visible to the public, until the time period covered thereby has expired.

## **PART 1.55 - SHERIFFS DUTIES**

It shall be the duty of the sheriffs of the counties of the Ninth Judicial Circuit to:

A. Attend all sessions of the court in person or by deputy sheriff or by bailiff, pursuant to 55 ILCS 5/3-6023.

B. Attend all jury trials in person or by bailiff to take charge of the jury.

C. Upon request, furnish the adult and juvenile probation officers a correct copy of the DCI and FBI arrest records of any defendant.

D. Perform such other duties as are required by the Circuit and Associate Judges.

## **PART 1.60 - NUMBER OF PETIT JURORS**

A. It is determined that the number of persons required as petit jurors in the counties of the Ninth Judicial Circuit without jury commissions shall be 400 pursuant to 705 ILCS 305/2, which directs the judges of the Circuit Court to establish the number of such persons.

B. The Circuit Clerks in the foregoing counties shall certify the number of jurors so determined to the County Board of such county for selection by the Board from a jury list at the September Board meeting each year.

## **PART 1.65 - INSPECTION AND CERTIFICATION OF COURT FACILITIES**

### **A. Committee on Court Facilities**

Periodically, the Chief Judge shall appoint, from the sitting and retired judges of the circuit, a three-person or five-person committee on court facilities and shall designate one member as its chairperson. The Chief Judge may not serve as a member of the committee.

### **B. Inspection of Court Facilities**

When directed by the Chief Judge, at the request of the Administrative Judge of any county, the committee shall inspect each courtroom, jury quarters, chambers, ancillary court spaces, or the offices of the Circuit Clerk within any county of the circuit. The committee shall determine whether an inspected facility complies with the applicable standards for court facilities as adopted by the Supreme Court, and with applicable accessibility standards as provided by the laws of the United States and this State.

### **C. Preliminary Inspection Report**

The committee shall file a preliminary report of the inspection, together with the committee's recommendations with the Chief Judge. The Chief Judge shall transmit a copy of the report and proposals for corrective action to bring such facilities within applicable standards to the Chairman of the County Board in which the facility in question is located. If corrective action is not commenced and completed within the time period established by the committee, then it shall promptly file a supplemental report with the Chief Judge and include therein any additional

recommendations. The Chief Judge shall transmit a copy of the supplemental report to the Chairman of the County Board. Within 90 days of such transmittal, or such other period as may be designated by the Chairman of the committee, the county board must have either (1) corrected the condition of the facility in question as the committee required in its report, or (2) bound the county contractually and irrevocably to have the facility so corrected within six months or such other time as may be designated by the committee.

#### **D. Petition and Informational Hearing**

1. In the event the county board fails to comply with Section C of this Rule, the Chairman of the committee shall file a petition styled, "In re the Court Facilities of\_\_ County", with the Circuit Clerk of the county in which the facility in question is located. The petition shall specify the deficiencies of each such facility, the remedial action proposed, any action taken by the county board, and a prayer for appropriate relief. Upon such filing, the Chief Judge shall forthwith designate a time, date, and place for a public informational hearing thereon.

2. The Chairman of the committee shall cause notice, together with a copy of the petition, to issue and to be served on the chairman and each member of the county board not less than 21 days prior to the public informational hearing. The Chairman of the committee may direct the Circuit Clerk to give notice of the hearing to such other persons as he or she deems appropriate by placing such notice and a copy of the petition in an envelope having prepaid first class postage thereon and depositing it in the United States mail not less than 21 days prior to the hearing. The Circuit Clerk's certificate of mailing notice shall be made of record.

3. A public informational hearing on the petition shall be held in the county in which the court facility in question is located. The Chief Judge shall preside over the hearing, which shall be transcribed by a court reporter. The Chief Judge may direct that a notice or a subpoena issue, upon request or upon the Chief Judge's own motion, to any witness as he or she deems appropriate and may take judicial notice of reports filed by the committee.

4. Following the informational hearing, the Chief Judge shall file with the Circuit Clerk his or her findings and an order regarding the facility in question, together with a certification that the facility:

- (a) Meets applicable standards; or
- (b) Does not meet applicable standards but may be temporarily certified until a period ending on a date certain; or
- (c) Does not meet applicable standards but may be conditionally certified upon the condition that specified action is taken and completed by a date certain; or
- (d) Does not meet applicable standards and will be discontinued for court purposes effective on a date certain. Before the Chief Judge may order that new or additional court facilities be constructed or remodeled, he or she must first determine that exigent circumstances exist requiring such an order be entered. The Chief Judge may also order that such construction or remodeling be completed by a specified date. Any such orders regarding construction or remodeling of new or additional court facilities shall be entered against the county board of the county in

which the facility in question is located, as well as personally against each member of that county board. A finding of exigent circumstances need not be made in an order concerning existing courtrooms and ancillary facilities.

5. An informational hearing under this subsection need not be held if:
  - (a) The Chief Judge certifies that the facility in question meets applicable standards; or
  - (b) Both the Chairman of the County Board and the Chief Judge waive such a hearing in writing.

#### **E. Hearing Pursuant to Supreme Court Rule 21(c).**

1. If the county board does not comply with the order of the Chief Judge as set forth in Section D.4.(d). of this Rule, then the Chief Judge shall file a "Petition to Compel Compliance" with the Circuit Clerk of the county in which the informational hearing was held.

2. The Chief Judge shall thereafter request the Supreme Court to assign a judge from a circuit other than the circuit in which the petition is filed to preside at the hearing under this paragraph. The Attorney General or an attorney appointed by the Chief Judge shall represent the Chief Judge at the hearing.

3. A showing by the Chief Judge of his compliance with Sections C and D of this Rule constitutes prima facie evidence of the validity and enforceability of any orders entered by the Chief Judge pursuant to those Rules.

4. After hearing, the judge shall file his written findings and order and shall have available all appropriate remedies under the law of this State.

#### **F. Costs, Fees and Expenses.**

In proceedings held pursuant to this Part 1.65, costs, attorney fees and other necessary expenses, including but not limited to expert witness fees incurred by or taxable to the Chief Judge, shall be paid by the county in which the court facility in question is located.

### **PART 1.70 - ELECTRONIC COURT RECORDING**

A. Electronic court reporting systems are approved for use in this Circuit. Court reporting services employees shall be trained and assigned to operate the electronic recording systems as directed by the Chief Judge.

B. The production of the physical medium storing the electronic recording of any court proceedings shall be monitored by trained court reporting services employees who shall certify that each retained electronic recording was fully and accurately recorded at the time and place indicated. Said certification shall be affixed to and accompany the electronic recording medium, and the medium shall be securely preserved in an unaltered and unalterable condition.



C. Digital computer recordings (or other advanced technology) of testimony are created for only one purpose. That purpose is to preserve the words spoken in formal courtroom proceedings, hearings and trials in a particular case, so that a transcript **B** the official record - may be subsequently produced. The digital computer recordings (or other advanced technology) are owned by the Circuit Court of the Ninth Judicial Circuit, and may only be used pursuant to Circuit Court Rule.

D. Any spoken words in the courtroom that are not a part of a proceeding, hearing or trial of a specific case are not intended recordings and may not be listened to, reproduced, or used in any way, other than by authorized operators of the system to orient themselves on recording content.

E. Audio playback of any portion of the computer recording of a proceeding, hearing, or trial of a specific case is authorized in only four situations:

1. During the proceeding, hearing, or trial at the direction of the Judge;
2. By a court reporting services employee for the purpose of creating a transcript as the Official Record;
3. At the direction of the court for the use of the court;
4. Pursuant to the procedure outlined in Paragraph G below relating to the accuracy of the transcript.

F. In all other instances, the contents of the electronic recording medium shall be disseminated by transcript only, which transcript, and not the electronic medium, shall be the official record. Only the Chief Judge may authorize exceptions to these Rules upon good cause shown.

G. If the accuracy of a certified transcript generated from the electronic recording system is questioned, the following procedure shall be used:

1. Every challenged portion of the transcript shall be identified in writing and provided to the Reporter Supervisor. A copy of the challenged portion of the transcript shall be given to the certifying court reporting services employee to make the necessary corrections.
2. If the certifying court reporting services employee and the person challenging the transcript's accuracy cannot agree upon the challenged portions, those portions shall be identified in writing and provided to the Reporter Supervisor.
3. The Reporter Supervisor shall cause identified portions to be reviewed against the archived electronic recording for accuracy and designate necessary corrections to be made by the certifying court reporting services employee.
4. If the certifying court reporting services employee, in good faith, is unable to certify the corrections designated, then the dispute will be placed before the judge who heard the transcribed proceeding, with notice to all necessary parties.

5. The certifying court reporting services employee shall personally appear and present the questioned transcript. The Reporter Supervisor shall present the disputed corrections along with a digital recording of the proceedings. The judge shall review the material presented, make any necessary changes in the certifying reporter's transcript, and issue a court order certifying the transcript as accurate.

## **PART 1.75 - PHOTOGRAPHS / RECORDING DEVICES AND EXTENDED MEDIA COVERAGE**

Except as pursuant to Part 1.70 of these Rules, and M.R. 2634 in the Supreme Court of Illinois entitled In re: Extended Media Coverage in the Circuit Courts of Illinois and Administrative Order 2016-02 entitled Extended Media Coverage - Knox County, Illinois Circuit Court, or any subsequent order from the Illinois Supreme Court no cameras, electronic recording devices, or broadcasting devices shall be permitted in or about any courtroom or in and about any room or hallway over which the court has control, while court is in session, without the consent of the Chief Judge. However, when court is not in session, the judge sitting in that courtroom, in his or her discretion, may allow photographic or video recording for wedding ceremonies or other non-judicial events. Nothing in this section shall be construed to prohibit the authorized use of security cameras.

## **PART 1.80 – REMOTE HEARINGS**

All appearances under this rule shall comply with SCR 45 and 241 as amended.

### **A. General Rules**

1. Any judge in the Ninth Judicial Circuit has the discretion to create and maintain a remote hearing or docket to address safety or health concerns, provide cost or time savings to the court or parties, or improve efficiency of court operations. In the creation and scheduling of such hearings, judges and courthouse personnel should strive to utilize technology which is readily available to the public and attorneys and is available at either no cost or low cost to participants.
2. Nothing in this rule requires a judge to hold either a remote hearing in any proceeding unless otherwise mandated by law or other established court procedure – see Section D below. Those proceedings allowed to be conducted by video or telephone under SCR 45(c) - 45(e) may be required to be in person if the judge determines the nature of the hearing, the conduct of the parties or attorneys in the case or the need to allow parties and their attorneys to communicate and negotiate effectively requires it.
3. When a remote hearing involves a defendant in custody, the judge shall provide a reasonable opportunity for counsel to communicate privately with said defendant prior to, during and immediately after the proceeding.
4. A judge may direct an attorney to initiate a remote hearing in an individual case as necessary, if that order does not place an undue burden on any one party or attorney.
5. Persons who appear in a remote hearing must conduct themselves in the same manner and in accordance with the same standards as the Illinois Code of Civil Procedure, Illinois Supreme Court rules, and Ninth Judicial Circuit Court Rules. The same rules regarding dress, conduct, demeanor, language and respect for the Court and staff apply as if the participants were physically present in the courtroom.
6. Judges should make reasonable efforts to allow public viewing of any public court proceeding conducted by video.
7. In addition to paragraph C below, remote hearing instructions and information will be made available to the bar associations of the Ninth Judicial Circuit.

B. How to join a remote proceeding in the Ninth Judicial Circuit

1. Go to <http://www.9thjudicial.org/index.html>.
2. In the Latest News section click: 9<sup>th</sup> judicial zoom courtrooms – Click here for listings.
3. Click on the hyperlink for the appropriate courtroom.

C. Where to find information and assistance for remote proceedings

1. In Fulton, Hancock, Henderson, Knox, McDonough and Warren Counties, contact the office of the judge assigned to the case or the Circuit Clerk's office:
  - a. Fulton County Circuit Clerk 309-547-3041
  - b. Hancock County Circuit Clerk 217-357-2616
  - c. Henderson County Circuit Clerk 309-867-3121
  - d. Knox County Circuit Clerk 309-345-3859
  - e. McDonough County Circuit Clerk 309-837-4889
  - f. Warren County Circuit Clerk 309-734-5179
2. Remote hearing information and instructions will be posted in public areas in the six county courthouses of the circuit.

D. Proceeding types exempted from remote proceedings by case category

1. Criminal Felony and Criminal Misdemeanor
  - a. Hearings on release from detention
  - b. Recall of a warrant (unless represented by an attorney)
  - c. Evidentiary hearings
  - d. Plea of guilty
  - e. Sentencing
  - f. Jury or bench trial
  - g. Hearing to revoke probation
  - h. Hearings conducted under the Sexually Dangerous Persons Act
  - i. All specialty court proceedings (unless waived by the Court)
  - j. All contempt of court proceedings
2. Civil (all subcategories)
  - a. Evidentiary hearings
  - b. Settlement conferences
  - c. Jury or bench trial
  - d. All contempt of court proceedings
3. Family
  - a. Evidentiary hearings
  - b. Settlement conferences
  - c. Bench trials
  - d. Recall of a warrant (unless represented by an attorney)
  - e. All contempt of court proceedings
4. Juvenile Delinquency
  - a. Hearings on release from detention
  - b. Recall of a warrant (unless represented by an attorney)
  - c. Evidentiary hearings
  - d. Plea of guilty
  - e. Sentencing

- f. Jury or bench trial
- g. Hearing to revoke probation
- h. Hearings conducted under the Sexually Dangerous Persons Act
- i. All contempt of court proceedings

5. Juvenile Abuse & Neglect Hearing

- a. Evidentiary hearings
- b. Adjudication hearings
- c. Permanency hearings
- d. Disposition hearings
- e. Termination of Parental Rights
- f. All specialty court proceedings
- g. All contempt of court proceedings

6. Major Traffic, Minor Traffic, DUI, Ordinance Violations

- a. Hearings on release from detention
- b. Recall of a warrant (unless represented by an attorney)
- c. Evidentiary hearings
- d. Plea of guilty (unless waived by the Court)
- e. Sentencing (unless waived by the Court)
- f. Jury or bench trial
- g. Hearing to revoke probation
- h. All specialty court proceedings
- i. All contempt of court proceedings

E. How to request a remote proceeding

1. Parties who wish to appear remotely for a future court appearance where the proceeding is otherwise scheduled to be in-person shall make such request to the Court in writing or in-person. The requirement of “in writing” may include email correspondence if allowed by the Court. Any said request shall be sent to the other party or attorney for a party in the case. Said request must be made at least three business days prior to the court proceeding. The other party or attorney may make written objection to the Court of said request. It is within the discretion of the Court whether to grant any request where an in-person appearance is otherwise required.
2. Attorneys who wish to appear remotely must follow the steps outlined in section E (1) above and must notify their client of any such request. If the party is required to attend the proceeding in person, the attorney shall be so required unless their appearance is waived by the Court. The other party or their attorney may make written objection to the Court of said request. It is within the discretion of the Court whether to grant any request where an in-person appearance is otherwise required.
3. In its discretion, the Court may convert an in-person proceeding to a remote proceeding for the health, safety or welfare of the parties or attorneys, or efficiency of the Court. The decision of the Court to switch to a remote proceeding is not determinative for future court hearings.

# **PART 2.00**

## **NOTICES, PLEADINGS, ORDERS AND EVIDENCE**

### **PART 2.05 - DEFINITIONS**

This Part 2.00 shall apply to both civil and criminal proceedings unless the context requires otherwise.

The words Apleading@ or Amotion@ as used in this section of the Rules shall include, as the context requires, all notices, motions, complaints, petitions, answers, responses, and all other pleadings filed with the Circuit Clerk.

### **PART 2.10 - APPEARANCE OF COUNSEL**

An attorney representing a party in any civil or criminal matter shall file a written appearance before addressing the court.

### **PART 2.15 - REQUIREMENTS OF COURT FILINGS**

#### **A. No Facsimile or Electronic Filing**

Except by leave of court, all pleadings, motions, and other documents shall be filed in person or via mail with the Circuit Clerk. Facsimile or electronic filing is not authorized.

#### **B. Compliance Requirements**

All documents shall be filed with the Circuit Clerk and shall conform to Supreme Court Rules and these Rules. The Circuit Clerk is not required to accept for filing any document that does not comply with the Supreme Court Rules or these Rules. The Circuit Clerk shall not file a pleading unless accompanied by the proper filing fee, if any.

#### **C. Identification of Attorney or Other Signatory**

Each pleading or other document filed in the court shall contain, at a minimum, the full name, office address, and telephone number of the attorney who has prepared that pleading. In the event a law firm is listed, the full name and telephone number of the attorney with primary responsibility for the case shall be listed. If a party is not represented by an attorney, that party's full name, address, and telephone number shall be contained in the pleading. Every pleading, affidavit or other document signed by any party, attorney, agent or witness, shall have the name of such party, affiant, attorney, agent or witness clearly typewritten or clearly and legibly printed immediately below the line where such person or persons have signed their names.

#### **D. Redaction of Social Security Numbers**

All pleadings must comply with the redaction requirements of Illinois Supreme Court Rule 138.

## **E. Complete Addresses and Phone Numbers in *Pro Se* Cases**

The Circuit Clerk shall ensure that all *pro se* parties include their full mailing address and phone number, if any, on all pleadings filed.

## **PART 2.20 - PLEADINGS TO BE READILY COMPREHENSIBLE**

### **A. Page and Paragraph Numbering**

If a pleading consists of multiple pages, each page shall be consecutively numbered. Each paragraph in a pleading shall be consecutively numbered. However, if a pleading contains multiple counts, the paragraphs in each count may be separately numbered.

### **B. Multiple Count Pleadings**

If a pleading contains multiple counts or affirmative defenses, each count or defense shall bear a short title concisely stating the theory of liability or defense. If the pleading is filed on behalf of or against multiple parties and all such parties are not asserting the same claims or defenses as to all opposing parties, the title of each count or defense shall concisely designate the subgroup of parties to whom it pertains.

### **C. Incorporation by Reference**

If the incorporation of facts by reference to another pleading or to another part of the same pleading will cause a pleading not to be readily comprehensible, such facts shall be realleged verbatim. This Rule does not prohibit the incorporation of facts as permitted by Supreme Court Rule 134 provided that the pleading remains readily comprehensible.

## **PART 2.25 - DESIGNATION OF MOTIONS UNDER 735 ILCS 2-615, 735 ILCS 2-619 AND 735 ILCS 2-1005**

Each motion brought under the Code of Civil Procedure, 735 ILCS 5/2-615, 735 ILCS 5/2-619, or 735 ILCS 5/2-1005, shall be captioned as such.

## **PART 2.30 - NOTICE OF HEARING ON MOTIONS**

### **A. Notice Required**

Counsel for the moving party (or the moving party if without counsel) shall give written notice of the hearing on all motions 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, except motions during the course of trial or hearing.

### **B. Content of Notice**

1. The notice of hearing shall show the title and case number of the action, the name of the judge before whom the motion has been set, the location, date and time when the motion will be presented, and shall include the title or description of the written motion.

2. If the motion is to be made orally, the notice shall clearly state the nature of the oral motion.

3. The notice shall be served with a copy of any written motion and of all papers presented therewith, or contain a statement that they have been previously served.

### **C. Time and Manner of Service**

1. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

2. If notice of hearing is given by personal service, the notice shall be delivered before 4:00 p.m. of the eighth day including Sundays and holidays preceding the hearing of the motion. If the notice is given by mail, the notice shall be deposited before 5:00 p.m. in a United States Post Office or Post Office Box on or before the eighth day including Sundays and holidays preceding the hearing of the motion.

3. A motion for summary judgment will not be heard until ten days after service of the notice of motion under Supreme Court Rule 11.

### **D. Coordination of Time of Setting Motions**

The attorney preparing the notice of hearing shall make a good faith effort to coordinate with all opposing counsel to set the hearing at a time that is mutually convenient.

## **PART 2.35 - MOTIONS SHALL BE PROMPTLY SET FOR HEARING**

**A.** All civil and criminal motions shall be filed, set and noticed for hearing by counsel, including appeals from the Industrial Commission or from any administrative agency. All motions shall be filed with the Circuit Clerk prior to their presentment to the court.

**B.** Counsel must file the notice for hearing and the motion with the Circuit Clerk no later than two days after obtaining a scheduled hearing date from the scheduling clerk.

**C.** If the notice of hearing is not filed within two days of the filing of the motion, the Circuit Clerk shall set, with leave of court, a date and time for the hearing and shall notify all parties of record of the date, time and place for such hearing.

## **PART 2.40 - 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 motion is not called for hearing within 90 days from the date it is filed, the court may enter an order overruling or denying the motion by reason of the delay, and the denial may be with, or without, leave to refile.

## **PART 2.45 - MOTIONS TO CONTINUE**

A. No motion to continue shall be allowed for other than good cause shown. Agreements of counsel as to a motion to continue shall not be binding on the court. The court may require affidavits of the parties and counsel or the presence of the parties themselves together with testimony in support of or opposition to the motion.

B. If appropriate, the court may summarily deny a motion to continue if the motion to continue is not set for hearing prior to the scheduled hearing date for which continuance is sought.

## **PART 2.50 - POINTS, AUTHORITY, AND AFFIDAVITS**

### **A. Summary Statement of Points and Authorities**

1. Every pleading, (including appeals from the Industrial Commission or any administrative agency), which raises questions of law shall have attached a summary statement of specific points and authority of law upon which the moving party will rely. The summary statement of specific points and authority shall be attached to the pleading and shall be served with the pleading on all other parties entitled to notice.

2. Any party in opposition to the pleading shall file and serve a brief statement of specific points and authority of law in opposition, at least four business days prior to the hearing on the motion, unless the time is extended by the court for good cause shown.

### **B. Failure to Timely file Points and Authorities**

Failure to timely file Points and Authorities may result in a continuance of the motion or hearing with costs and attorney fees assessed against the offending party and/or the attorney

### **C. Supporting Affidavits and Counter-Affidavits Under 2-1005 & 2-619**

Motions filed under the Code of Civil Procedure, Section 735 ILCS 5/2-1005, or the appropriate Section 2-619 motion, shall have supporting affidavits and counter-affidavits filed within the time limits for the statement of specific points or authority of law as set forth above.

### **D. Failure to Provide Points and Authorities or Affidavits in Opposition**

1. If a moving party timely files a statement of points and authorities, or affidavits in appropriate cases, and if the non-moving party does not file points and authorities or a counter-affidavit as appropriate, nor request oral argument, the court may make, file, and serve a decision on any such motion without an oral hearing, if it appears to the court to be in the interest of justice to do so.

2. A request for oral argument by the non-moving party must be made within the time for filing points and authorities but such request shall not extend the time to file points and authorities. The right to oral argument is not abridged by this Rule, and the failure to file points and authorities in opposition to a motion may not be grounds to deny oral argument if the movant's points and authorities are reasonably claimed to be inapposite.



## **PART 2.55 - JUDGE'S COPY OF MOTIONS AND OF AUTHORITY**

A. Every party filing a statement of points or authority of law upon which the party will rely shall also at least four business days prior to said motion provide to the judge before whom the motion is set or is assigned a copy of the notice, motion, points and authorities, affidavits, and any other document filed in support or opposition to the motion.

B. Failure to timely file points and authorities may result in a continuance of the motion or hearing with costs and attorney fees assessed against the offending party and/or the attorney.

C. Each judge's copy shall be delivered to the Circuit Clerk who shall stamp copies for the attorneys to show received on that date for delivery to the judge. The Circuit Clerk shall deliver the copy to the appropriate judge.

D. Each document to be submitted to the Circuit Clerk for the judge shall be clearly marked "Judge's Copy".

E. Parties may submit to the judge through the Circuit Clerk copies of cases cited in their statement of points and authority.

F. The Circuit Clerk shall not file copies of cases cited as authority.

## **PART 2.60 - ORAL ARGUMENTS ON MOTIONS**

The allowance of oral arguments upon motions shall be discretionary with the court. In each case the assigned judge may fix a briefing schedule or may decide a motion without hearing oral arguments.

## **PART 2.65 - COPIES OF DOCUMENTARY EVIDENCE**

A. If documentary evidence is to be offered in support of or against a motion and the same is susceptible to convenient copying, then the copies shall be filed and served with the motion or with the pleadings in opposition.

B. If such documentary evidence is not susceptible or convenient to copying, the parties shall in lieu thereof furnish a concise summary or statement of the contents thereof and shall make the original available to the adverse party for examination prior to the hearing.

## **PART 2.70 - EMERGENCY AND EX PARTE MOTIONS WHERE NOTICE IS NOT REQUIRED**

### **A. Notice Not Required By Law**

Emergency motions and motions which are allowed by law may be heard *ex parte*, in the discretion of the court, may be heard without giving prior notice and without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence.

## **B. Notice After Hearing**

If a motion is heard without prior notice under this Rule, a copy of the motion and written notification of the hearing of the motion showing the title and number of the action and the ruling of the court thereon shall be served by the attorney seeking the order upon all parties who have appeared and have not theretofore been found by the court to be in default for the failure to plead, and upon all parties whose time to appear had not expired on the date of hearing. Proof of service thereof shall be filed with the Circuit Clerk within 48 hours after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11. This notice shall not supersede or in any way relieve a party from complying with the requirements of Chapter 735 ILCS 5/11-101 et seq., regarding preliminary injunctions and temporary restraining orders.

## **C. Order Upon Denial**

If a motion heard without prior notice is denied, counsel shall prepare a written order of the denial which shall be entered.

## **PART 2.75 - CONTESTED HEARINGS OF ONE HOUR OR LONGER**

### **A. Contested Hearings Scheduled for One Hour or Longer**

Bench trials and contested hearings scheduled for longer than one hour shall be set only by court order and only after notice of hearing to select a date and time, except in cases where counsel stipulate to a specific date contained in an agreed written order.

### **B. No Continuance or Removal From Calendar Without An Order**

Cases subject to Section A of this Rule may not be continued or removed from the calendar without the approval of a judge. A judge's approval is required, even though all parties agree to a continuance or rescheduling. Unless excused by a judge, an order shall be submitted which shall include the date to which the case is continued or reset. If no order is requested, the judge shall make a docket entry as to such date.

### **C. Objection to a Case Scheduled Without Compliance**

1. No objection to a case scheduled without complying with Section A shall be heard unless the objection is in the form of a written motion with proper notice to all parties or their attorneys of record.

2. Every motion with respect to non-compliance of Section A of this Rule shall incorporate a statement that after personal consultation and reasonable attempts to resolve differences, the parties have been unable to reach an agreement regarding any objection to a case scheduled without complying with Section A.

## **PART 2.80 - HEARINGS BY TELEPHONE CONFERENCING**

A. In all civil cases pending in the Circuit Court of the Ninth Judicial Circuit, routine motions and pre-trials may be held by telephone conference call if requested by counsel of record and consented to by the judge conducting the hearing.

B. No matter involving sworn testimony will be heard by telephone conference, unless agreed by all parties and approved by the court.

C. Motions to be heard by telephone conference shall be scheduled by the movant in the usual manner, informing the scheduling clerk the hearing is to be by telephone conference. The notice thereof shall be sent in the manner required by Supreme Court Rule 11, unless waived. The notice of hearing shall include the words "**Telephone Conference Hearing**" immediately following the title of the notice.

D. The movant or counsel noticing the hearing shall schedule the Telephone Conference Hearing, effectuate the same at the time specified, and bear the expense thereof unless otherwise agreed by and between counsel.

E. If the matter requires a court reporter, counsel shall advise the scheduling clerk at the time of setting.

## **PART 2.85 - PRE-TRIAL MARKING OF EXHIBITS**

A. Prior to any contested evidentiary hearing or trial, all exhibits anticipated to be introduced at trial or hearing shall be marked for identification prior to commencement of the trial or hearing. In addition to the original, a copy so marked shall be prepared for each opposing party and for the court.

B. At pre-trial conference or at any other time as may be designated by the court before trial or contested evidentiary hearing, the court may direct that the parties produce all of the exhibits they expect to offer into evidence. Each of the exhibits shall thereupon be marked for identification either by the court reporter, Circuit Clerk, or attorneys, as the Court may direct. The parties shall then stipulate as to the exhibits to which there are no objections, and such exhibits shall be admitted into evidence without the necessity of further foundation. Any exhibit identified at pre-trial conference or during the course of a trial shall thereafter be kept in the custody of the Circuit Clerk unless otherwise directed by the court.

## **PART 2.90 - DRAFTING OF ORDERS**

A. In all civil cases the prevailing party shall prepare and present to the court a written draft of such orders or judgments to be entered, unless the court directs otherwise. In all criminal or juvenile cases the prosecuting attorney shall prepare and present to the court a written draft of such orders or judgments to be entered, unless the court directs otherwise.

B. Except in criminal or juvenile proceedings, when the opposing party is represented by counsel, the draft order shall be presented to opposing counsel for examination before entry by the court, and opposing counsel shall sign the final draft to be submitted to the court as

Approved as to Form Only unless otherwise directed by the court. In the event of a dispute as to form, the court shall decide the controversy after hearing from all parties.

C. Approval as to form only shall not be construed as approval in substance, and the court may sign the order even though approval is withheld.

D. If counsel desires a conformed copy of the order, counsel shall provide a copy of the order with a stamped, self-addressed return envelope.

## **PART 2.95 - SUBMISSION OF CERTAIN ORDERS BY MAIL**

Agreed orders requiring no evidentiary hearing and routine orders requiring no notice and no appearance may be submitted by mail to the court for entry by forwarding them to the Circuit Clerk for presentation to the appropriate judge. The Circuit Clerk shall, upon request, return a conformed copy of any such orders showing entry by the court, but only if counsel provides an extra copy of the order and a stamped, self-addressed return envelope for such purposes. The duty to give notice, arrange for publications, or other administrative details ordinarily handled by counsel shall not be imposed upon the Circuit Clerk by counsel.

## **PART 2.100 - PROCEEDINGS UNDER ADVISEMENT**

A. A judge of this circuit shall not hold any decision or judgment under advisement for more than 90 days from the date the proceeding was taken under advisement. The 90-day limitation shall commence from the final day of the proceeding, from the date ordered for filing of memoranda, or from the date of receipt by the judge of the requested memoranda, whichever is latest.

B. Whenever any proceeding is under advisement and the issues have not been decided within the time limitation of paragraph A above, counsel representing any party to the proceeding (or any party, if *pro se*) may notify the judge, by communicating in writing to said judge, that the 90-day period has expired and that a ruling is requested as soon as possible. A copy of said request shall also be forwarded to the Circuit Clerk for filing in the case file of the cause of action under advisement and a copy sent to each party entitled to notice.

C. If the issues are not decided within 60 days of the date the request is filed with the Circuit Clerk, counsel representing any party in the proceeding may apply to the Chief Judge of this circuit to withdraw the proceeding and pray for a reassignment to another judge of this court. No petition shall be filed unless the petitioning party has given the notice required by paragraph B above.

D. The petition for withdrawal shall be in writing, setting forth the date the request was sent to the judge and the date the request was filed by the Circuit Clerk. A copy of the petition for withdrawal shall be forwarded to the judge who has had the proceeding under advisement.

E. The petition shall be set and noticed before the Chief Judge, who may exercise his or her administrative discretion prior to said hearing. A copy of the notice shall be forwarded to the judge who has had the proceeding under advisement.

F. At or after the hearing, the Chief Judge may withdraw the cause of action from the assigned judge and may reassign the case to another judge, provided however that the Chief Judge should consider at the hearing, *inter alia*, the potential for further delay of the litigation, the difficulty and novelty of the issues under advisement, and reasons for the delay of the judge's decision if any is provided by the judge in writing or orally at said hearing.

## **PART 2.105 - CUSTODY OF EVIDENCE OR EXHIBITS**

### **A. Custody of Evidence**

Upon the admission or the denial of admission of exhibits into evidence, they shall be placed in the custody of the Circuit Clerk and remain there, provided however:

1. In all civil cases, exhibits shall be retained by the Circuit Clerk until the last of the following events: the time for appeal has expired, or after judgment has been affirmed or reversed, but not remanded. Thereafter all exhibits may be returned to the parties or their counsel upon obtaining a receipt therefore which shall be filed in the cause.

2. In all criminal, traffic, conservation and ordinance violation cases where the defendant has been found not guilty, all exhibits, except contraband, shall be returned by the Circuit Clerk to the parties or their attorneys.

3. In all criminal, traffic, conservation and ordinance violation cases upon a finding or verdict of guilty, the Circuit Clerk shall unless otherwise ordered by the court, retain all exhibits until after the last of the following events: the defendant has served his sentence, paid his fine, been discharged from probation, has completed his period of conditional discharge, supervision, parole or mandatory supervised release. Thereafter, the Circuit Clerk may return all exhibits, except contraband, to the parties or their counsel upon obtaining a receipt therefore which shall be filed in the cause.

4. After the time limits established in paragraphs 1, 2 and 3 of this Rule have expired, the Circuit Clerk shall give notice in writing to the parties or their counsel of his or her intention to sell or destroy the exhibits in his or her possession which are not claimed. Upon expiration of 30 days from the date of the notice, the Circuit Clerk shall file a petition with the Chief Judge or the Administrative Judge praying for an order to sell or destroy any exhibits not claimed. Copies of the petition and notice of a hearing date shall be served on the parties or their counsel ten days in advance of the hearing date in accordance with Supreme Court Rule 11.

### **B. Contraband**

1. In any cause when an exhibit is introduced into evidence which is unlawful to possess or the possession of is unlawful because of the legal disability of the possessor, it shall be retained by the Circuit Clerk. Upon the entry of a judgment, the court shall determine and designate those exhibits it deems to be contraband. After the expiration of the time fixed in Paragraph A.3 of this Rule, the Circuit Clerk shall give ten days notice of intent to destroy as provided for in Paragraph A.4 of this Rule and also to any other persons who claim to have ownership or possessory interest in such exhibits and thereafter file a petition as provided for in Paragraph A.4 of this Rule.

2. Upon the Court 's order to destroy, the Circuit Clerk shall deliver the exhibits to the Sheriff who shall destroy the same in the presence of the Circuit Clerk. Both shall file a certificate of destruction in said cause, provided however, that the court may order the exhibit to be placed with a governmental body pursuant to 720 ILCS 5/24-6.

#### **PART 2.110 - REMOVAL OF COURT FILES**

Original court files, documents, or exhibits shall not be removed from the courthouse except by written court order. Any party so removing such item shall give the Circuit Clerk a receipt therefore. Such files, documents or exhibits shall not be retained by the party removing same for more than two days without specific leave of court. However, any judge hearing a case may remove (or have delivered to that judge) the court file, documents and exhibits for purposes of preparing for hearing, writing an opinion, or other similar purpose.

#### **PART 2.115-OPENING OF IMPOUNDED FILES**

Should any authorized party, other than the court, review information that is impounded or under seal, then the authorized party shall record the date and time the impounded or sealed document was viewed and also identify the person viewing the material. The Circuit Clerk's Office shall then reseal or re-impound the material.

## **PART 3.00**

### **CIVIL PROCEEDINGS**

#### **PART 3.05 - WRITTEN INTERROGATORIES**

##### **A. Form and Procedure**

The party serving written interrogatories shall provide two copies to each party required to answer the interrogatories. The interrogatories shall be reasonably spaced so as to permit the answering party to make his answer on the interrogatories served on him. The answering party may attach an addendum to the copies if the space provided is insufficient. If an addendum is attached, it must clearly refer to the question being answered. Failure of the propounding party to provide reasonably necessary space for an answer following each question shall be grounds for striking such interrogatories or other sanctions.

##### **B. Optional Electronic Copy of Written Interrogatories**

Although not required by these Rules, the party serving written interrogatories is urged to serve an electronic copy of the written interrogatories in an appropriate electronic format so that the answering party may more easily answer the interrogatories. If an optional electronic copy is sent, the party need only serve one paper copy to each party required to answer the interrogatories.

#### **PART 3.10 - DEPOSITIONS**

Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays or court holidays. Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken at times other than between the hours of 9:00 a.m. and 5:00 p.m. The attorney preparing the notice of deposition shall make a good faith effort to coordinate with all opposing counsel to set the deposition at a time that is mutually convenient.

#### **PART 3.15 - RESTRICTIVE FILING OF DISCOVERY DOCUMENTS**

##### **A. Restrictive Filing of Discovery Documents**

Unless otherwise ordered by the court, depositions, interrogatories, requests, answers, or responses thereto and other discovery documents shall not be filed with the Circuit Clerk except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 207(b)(1). No requests to admit or answers thereto pursuant to Supreme Court Rule 216 shall be filed with the Circuit Clerk except as necessary to resolve disputed issues of procedure, fact or substantive law or by order of the court. Proof of service of such documents may be filed (see Appendix Part 10.00 for suggested Form 210 A Notice of Service of Discovery Documents@).

## **B. Proof of Serving and Answering**

Discovery documents may be served and answered personally or by U.S. Mail. Proof of service of answering discovery documents shall be filed with the Circuit Clerk and shall contain the case title and number, date mailed or personally served, the sending and receiving parties, and shall adequately identify the particular discovery document being served or answered. The proof of service of answer, upon being filed with the Circuit Clerk, shall be *prima facie* evidence that such document was served or answered. Form 210 shall be used to show service of discovery documents.

## **PART 3.20 - CASES EXEMPT FROM CASE MANAGEMENT CONFERENCES**

The following cases are excepted from the initial case management conference of Supreme Court Rule 218(a):

- Tax
- Small Claims (Supreme Court Rule 281)
- Family (Non-dissolution of marriage cases)
- Probate (735 ILCS 5/1 et seq.)
- Forcible Entry and Detainer (735 ILCS 5/9-101 et seq.)
- Mental Health (405 ILCS 5/1-100 et seq.)
- Replevin (735 ILCS 5/19-101 et seq.)
- Adoptions
- Domestic Relations Post Decree Matters
- Municipal Ordinance Violations
- Mortgage Foreclosure Actions
- Orders of Protection

Nothing in this section shall prohibit the court from holding initial Case Management Conferences in all such cases as it deems appropriate. In all of the above categories of cases, the court shall conduct a peremptory court call at intervals not to exceed twelve (12) months.

## **PART 3.25 - INITIAL CASE MANAGEMENT CONFERENCE**

A. In all civil cases not exempt pursuant to Part 3.20, an initial case management conference will be scheduled pursuant to Illinois Supreme Court Rule 218. Notice of the initial case management conference shall be issued by the Circuit Clerk, substantially as in suggested Form 310 A Notice of Setting Initial Case Management Conference in Appendix Part 10.00.

B. Each party shall be represented at the initial case management conference by an attorney who has full knowledge of the case and has authority to bind the party by stipulation.

C. Counsel should be prepared to stipulate and agree with respect to discovery procedures, closing date for discovery, and proposed times for a Final Pre-Trial Conference.

D. To the extent possible, matters of pleading and discovery procedure shall be settled or agreed upon at the initial case management conference.



E. At any case management conference, an appropriate case management order shall be entered in substantially the same form as that set forth in suggested Form 320A or B ACivil Case Management Order® in Appendix Part 10.00.

F. The court, on its own motion or upon motion of any party, may order additional case management conferences or pre-trial conferences as may be appropriate.

## **PART 3.30 - CIVIL PRE-TRIAL CONFERENCES**

### **A. Pre-Trial Conference in All Civil Jury Cases**

At least one pre-trial conference shall be held in all civil jury actions prior to jury trial. One or more pre-trial conferences may be held in civil bench trials.

### **B. Settlement Conference**

Separately or in conjunction with any final pre-trial conference, the court, in its discretion, may order a settlement conference during which the attorneys for each party shall be prepared to exhaust any possibility of settlement and discuss all issues remaining prior to trial. Counsel responsible for conducting the trial shall appear with full authority of their clients to discuss each issue. Parties with full settlement authority are also required to attend unless excused by the court.

### **C. Final Pre-Trial Conference or Settlement Conference**

1. The attorneys who expect to try the case shall attend the final pre-trial conference or the settlement conference.

2. Prior to a final pre-trial conference or settlement conference, it shall be the duty of the attorneys for each of the parties involved in a civil case to prepare a full and complete typewritten pre-trial memorandum similar in form to Form 330 APre-Trial Memorandum® in Appendix Part 10.00. At least seven days prior to the settlement or final pre-trial conference, each attorney shall mail the original of the memorandum to the Presiding Judge and a copy to each opposing counsel.

3. At the conclusion of any pre-trial, final pre-trial, or settlement conference, the court may enter a litigation order similar to suggested Form 340 AOrder Setting Civil Final Pre-Trial - Standard Order® in Appendix Part 10.00.

### **D. Summary Statement of Points and Authorities**

The parties shall submit to the court and opposing counsel a summary statement of points and authorities at least four business days prior to a contested trial, citing all cases and statutes which they expect to argue, pursuant to Part 2.50 and Part 2.55. Unless otherwise directed by the court, this subsection shall not apply to ordinance or small claims cases.

## **E. Settlement Prior to Jury or Bench Trial**

In the event of settlement prior to a jury trial or a bench trial, the attorneys shall forthwith notify the judge that the cause has been settled.

## **PART 3.35 - DISMISSAL FOR WANT OF PROSECUTION**

### **A. Dismissal for Want of Prosecution**

In any civil case in which no service, setting, trial, or other action of the court has been requested or obtained of record within twelve months of the last filing or court action, the case may be dismissed for want of prosecution, except probate which is governed by Part 9.40.

### **B. Procedure**

Periodically the court shall direct the Circuit Clerk to serve by regular mail at the last known address all attorneys of record, and to the parties without an attorney, a copy of an order to show cause why the case should not be dismissed for want of prosecution. Such orders to show cause may be heard individually or at docket call. At hearing or docket call, should the court determine that the case is dormant or for other good cause, the court shall enter an order dismissing the case for want of prosecution, or the court may enter such other orders as appropriate.

## **PART 3.40 - CIVIL JURY TRIALS**

### **A. Statement of the Nature of the Case**

In all civil jury cases, the plaintiff's attorney shall prepare and submit to the court and to opposing parties a Statement of the Nature of the Case (suggested Form 350 ACivil Jury Statement of Nature of Case@ in Appendix Part 10.00) to be read by the court to the venire prior to voir dire examination. The statement shall include the time, date and place of the alleged occurrence and a brief description thereof, the name of the parties involved and their counsel, and a list of witnesses whom the parties expect to call. Opposing counsel may suggest amendments to the statement prior to it being read to the venire.

### **B. Voir Dire Examination of Prospective Jurors**

If the court does not permit direct examination of prospective jurors by counsel pursuant to Supreme Court Rule 234, counsel may submit written questions to the court for its consideration for use in voir dire examination. If the court asks a question submitted by counsel, the court shall write the word "asked" beside the question. If the court refuses to ask a submitted question, the word "refused" shall be written thereon. Even though the court allows counsel to supplement its voir dire examination, counsel may submit a question or questions to the court and request the court to ask the question of the prospective jurors during the court's examinations.

### **C. Motions *in Limine***

Motions *in limine* shall be in writing (with notice to opposing parties) and shall be heard by the court prior to the final pre-trial conference, or prior to four days before the scheduled commencement of the jury trial, whichever is sooner, unless the court orders that they be presented at an earlier date. The court, in its discretion, may consider motions *in limine* presented thereafter if it determines that the grounds therefore became known subsequent to the deadline or for other good cause. All orders on motions *in limine* shall be reduced to writing by movant's counsel and presented to the court for signature prior to voir dire examination in jury cases and opening statements in bench cases.

### **PART 3.45 - JURY INSTRUCTIONS**

All the parties shall submit jury instructions. Each party shall provide the court with two copies of each instruction, typed double-spaced on 82" x 11" plain paper. The first set of instructions shall be unmarked in a form suitable for submission to the jury. The second set of instructions shall be marked in advance in the following manner: the party's designation and instruction number, the I.P.I. number or citation to legal authority supporting the giving of the instruction, and the words "Given", "Objected" and "Refused", followed by an underlined area to be checked, if appropriate. In addition, each party shall supply to the opposing party a set of Amarked@ instructions.

### **PART 3.50 - WARNINGS REGARDING FAILURE TO APPEAR**

#### **A. Notice in Citation and Orders to Show Cause Proceedings**

1 Notices of hearings on Citations to Discover Assets, Orders to Show Cause and any other hearing where a body attachment or warrant of arrest may issue for a party's failure to appear after receipt of notice shall, in addition to the time, date and place of hearing, include the following words in bold type:

**IF YOU FAIL TO APPEAR IN COURT AS DIRECTED IN THIS NOTICE, YOU MAY BE ARRESTED AND BROUGHT BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT, WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL.**

2 All Citation to Discover Assets proceedings must contain all notices and forms required by 735 ILCS 5/2-1402 including a statement of federal and state exemptions and a financial affidavit.

#### **B. Notice in Orders to Show Cause (Financial Issues)**

1 All Orders to Show Cause pertaining to any financial issue shall append Form 360 "Important Notice Regarding Contempt" and shall further append the financial affidavit substantially similar to the one set forth in 735 ILCS 5/2-1402.

## **PART 3.55 - SUPPLEMENTAL PROCEEDINGS TO ENFORCE JUDGMENTS AND ORDERS**

### **A. Citation to Discover Assets**

1. Upon request, the Circuit Clerk shall issue a Citation to Discover Assets for service upon a judgment debtor in the form set forth in the Civil Practice Act and Supreme Court Rules.
2. A Citation to Discover Assets shall be served in the manner prescribed in 735 ILCS 5/2-1402 (b-1).
3. Upon respondent's failure to appear in response to a Citation to Discover Assets served pursuant to Paragraph 2 above, an order for body attachment may immediately issue.

### **B. Order to Show Cause**

1. An Order to Show Cause may issue upon the filing of a verified Petition for Order to Show Cause with or without notice and hearing. The court may issue an Order to Show Cause on an unverified petition after due notice to the respondent and after hearing sworn testimony. All orders to show cause shall include the date, time and location for hearing, as well as the warning required in Part 3.50.
2. If the respondent appears pursuant to notice on the Petition for Order to Show Cause and the court issues an Order to Show Cause, the court may direct that the respondent then and there be served with the Order to Show Cause. If not then heard, the court shall schedule a date, time and place for hearing, further advising the respondent that failure to appear for such hearing may result in the issuance of a body attachment for his arrest.

### **C. Issuance of Order of Body Attachment**

Upon the failure of the respondent to appear pursuant to personal service of an Order to Show Cause or a Citation to Discover Assets, and the Order or Citation having included the advisory language of Part 3.50, the court in its discretion may order the Circuit Clerk to issue an order of body attachment, with or without bond, directing the Sheriff to arrest and have the respondent brought forthwith before the court to show cause why he should not be held in contempt of court.

## **PART 3.60 - FAILURE TO PROSECUTE POST JUDGMENT RELIEF**

The petitioning party has the burden of calling for hearing any petition for post judgment relief. If any such petition is not called for hearing within 120 days from the date it is filed, or if there has been no action on a post judgment file for 180 days, the Circuit Clerk is directed to close the file without prejudice and put the case on the terminated list. Any warrant not served in a post judgment civil case shall be returned by the Sheriff's Office to the Circuit Clerk's Office as stale after 180 days and shall require re-issuance.

## **PART 4.00**

### **CRIMINAL PROCEEDINGS**

#### **PART 4.05 - DEFINITIONS**

A. Unless the context requires otherwise, references in these Rules to A prosecutor shall also mean State's Attorney, Assistant State's Attorneys, Special State's Attorney, Special Prosecutor, Local Prosecutor, Attorney General or Assistant Attorney General.

B. Unless the context requires otherwise, references in these Rules to A defendant's attorney shall also include A defendant when defendant elects to proceed *pro se*.

#### **PART 4.10 - APPEARANCE BY A TWO-WAY AUDIO/VIDEO COMMUNICATION SYSTEM**

A. Pursuant to 725 ILCS 5/106D-1, an incarcerated defendant may appear in court for pre-trial and post-trial proceedings by means of two-way audio-visual communication, including closed circuit television, internet system, computerized video conference, or other audio-visual means in the following proceedings:

1. The initial appearance before a judge on a criminal complaint at which bail will be set;
2. The waiver of a preliminary hearing;
3. The entry of a not guilty plea;
4. The presentation of a jury waiver;
5. Any status hearing;
6. Any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken;
7. Any hearing on a motion for a continuance;
8. The setting of any hearing for any pre-trial or post-trial matter;
9. Any other non-critical stage proceeding at which no witness testimony will be taken.

B. An incarcerated defendant must be personally present in court for all guilty pleas, trials, or evidentiary hearings and motions.

C. The two-way audio-visual communication facilities must provide two-way audio-visual communication between the court and the place of custody or confinement and must include a private and secure means by which the person in custody and his or her counsel, if any, may communicate. However, no separate private communications need be provided if no

counsel has been appointed or if no counsel has entered an appearance for the person in custody.

D. Nothing in this Rule shall be construed to prohibit any other court appearances through the use of two-way audio-visual communication by any person in custody or confinement upon his/her waiver of any right to be physically present.

E. Nothing in this Rule shall be construed to establish a right of any person held in custody or confinement to appear in court through two-way audio-visual communication or to require that any court, governmental entity, or place of custody or confinement, to provide two-way audio-visual communication.

F. Nothing in this Rule shall prohibit any judge from requiring anyone held in custody or confinement to appear in person in court and not by audio/visual means. Such required in-court personal appearance may be either on a case-by-case basis or may be pursuant to a judge's continuing general order.

#### **PART 4.15 - WRITTEN ENTRY OF APPEARANCE**

Unless appointed by the court, an attorney representing a defendant in any case shall file a written entry of appearance and serve same upon the prosecution before addressing the court.

#### **PART 4.20 - MOTION TO MODIFY BAIL**

Any motion to modify bail previously set, brought pursuant to written motion under Article 110, 725 ILCS 5/110-1 et. seq., may be heard by the court upon not less than 48 hours notice to the opposing party, unless otherwise ordered or agreed by the parties.

#### **PART 4.25 -APPOINTMENT OF THE PUBLIC DEFENDER**

A. The court shall require the defendant to complete and file an Affidavit of Assets and Liabilities on a form approved by the court if the defendant has requested appointment of the Public Defender regarding in any offense punishable by incarceration or where extradition of the defendant to another state or jurisdiction is sought.

B. The court may, for good cause, appoint the Public Defender without prior receipt of the Affidavit of Assets and Liabilities to serve as counsel in the proceeding then before the courts.

#### **PART 4.30 - DEMAND FOR SPEEDY TRIAL**

All demands for speedy trial pursuant to statute shall be made in writing as a separate document, containing proper case caption and case number, signed and dated by the defendant or defendant's attorney. A copy of the demand shall be timely served on the prosecutor and shall be filed with the Circuit Clerk, together with proof of service on the prosecutor.

## **PART 4.35 - DISCOVERY AND PRE-TRIAL CONFERENCES**

A. In every felony criminal proceeding wherein the defendant has entered a plea of not guilty, the court shall enter a reciprocal discovery order with a time designated for compliance. The discovery order shall be entered on the date of the arraignment, unless the court directs otherwise.

B. The court shall set each case in which the defendant has entered a plea of not guilty for pre-trial conference. The pre-trial conference may be set individually or on a pre-trial conference docket call. The court may set a final pre-trial conference in the court's discretion.

## **PART 4.40 - RESTRICTIVE FILING OF DISCOVERY DOCUMENTS**

No answers to discovery shall be filed with the Circuit Clerk other than by order of the court. Proof of service of such documents shall be filed (see suggested Form 210 A Notice of Service of Discovery Documents in Appendix Part 10.00).

## **PART 4.45 - MOTION PRACTICE**

A. All pre-trial motions including, but not limited to, motions brought pursuant to Article 114 or Article 115-10 of the Code of Criminal Procedure shall be filed within the time fixed by the court. In the absence of an order setting dates, all motions shall be filed and noticed for hearing set not less than 14 days before the date the trial of the case is set to commence.

B. The time and manner of notice on motions shall be as in civil cases.

C. A defendant shall be present in open court upon the hearing of any motion in the case unless his presence is waived by the court for good cause shown.

D. Briefing of motions shall be within the discretion of the judge assigned to the case. All briefs and memoranda of law shall identify the submitting party in the heading following the caption of the case.

E. All briefs, points and authority shall be presented pursuant to these Rules as in civil cases, Part 2.00 of these Rules. The Circuit Clerk shall not file copies of cases cited as authority. A courtesy copy of all briefs, points and authority shall be presented to the Circuit Clerk for delivery to the judge and shall be clearly marked A Judge's Copy.

## **PART 4.50 - PRE-TRIAL SUBPOENA DUCES TECUM**

A. The Circuit Clerk shall issue subpoenas limited to the production of specified documents, objects, or tangible things when requested by the prosecutor or the defendant's attorney. The subpoena shall require the person or entity to whom it is directed to produce the designated documents, objects, or tangible things. Subpoenas shall be returnable to the judge assigned to the case at a time that the court is normally in session.

B. Only completed subpoenas shall be submitted to the Circuit Clerk for issuance. Subpoenas issued pursuant to this Rule shall be served in accordance with the Supreme Court Rules.

C. The person to whom a subpoena is directed who has actual or constructive possession or control of the specified documents, objects, or tangible things sought by the subpoena shall respond to any lawful subpoena of which he or she has actual knowledge. Service of a subpoena by mail may be proved *prima facie* by return receipt showing delivery to the deponent or his or her authorized agent by certified or registered mail at least 14 days before the date on which compliance is required, together with an affidavit showing the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, date and address of delivery, and that a check or money order for the fee and reasonable copy charges enclosed.

D. The person to whom the subpoena is directed who has constructive or actual possession or control of the specified documents, objects, or tangible things may comply with said subpoena, without personal appearance, by providing complete and legible copies to the court together with a certificate that compliance is complete and accurate on or before the return date listed on the subpoena. The party seeking the use of a pre-trial Subpoena Duces Tecum shall provide for the return of documents or any tangible things to the judge assigned to the case. A party seeking to have discoverable material returned by mail from the person to whom it is directed shall provide an envelope of appropriate size for return mailing addressed to the Administrative Judge with (1) the name of the case; (2) the case number; (3) the date for hearing; and (4) "Subpoena Duces Tecum" endorsed in the lower left-hand corner of said envelope.

E. A subpoena issued under this provision seeking specified documents, objects, or tangible things shall bear the following legend on the face of said subpoena, or conspicuously attached thereto, and a copy of said subpoena and notice of service shall be mailed first class within 48 hours of issuance to all parties having appeared in the action:

YOU MAY COMPLY WITH THIS SUBPOENA BY APPEARING IN PERSON IN COURT ON THE RETURN DATE WITH THE SUBPOENAED MATERIALS. YOU ALSO MAY COMPLY BY MAILING LEGIBLE AND COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS, OR TANGIBLE THINGS REQUESTED IN THIS SUBPOENA AT LEAST FIVE DAYS BEFORE THE DUE DATE TO APRESIDING JUDGE, (Courthouse Address), ILLINOIS (Zip code)." COMPLIANCE BY MAIL REQUIRES THAT THE ATTACHED CERTIFICATE BE SIGNED AND RETURNED. DO NOT SEND THESE MATERIALS TO ANYONE OTHER THAN THE JUDGE PRESIDING STATED ABOVE.



F. A certification page containing the following language shall be sent with all subpoenas issued pursuant to this section:

I hereby certify, under penalty of perjury and contempt of court, that I have examined the subpoena issued in this cause and that the documents, objects, and tangible things attached hereto represent full and complete compliance with said subpoena.

\_\_\_\_\_

Date

\_\_\_\_\_

Signature

\_\_\_\_\_

Print Name

## **PART 4.55 - TRIAL SUBPOENA DUCES TECUM**

Subpoenas requiring the presence of a witness or the production of specified documents, objects or tangible things at trial shall be governed by the Code of Criminal Procedure, 725 ILCS 5/100-1 et seq.

## **PART 4.60 - CRIMINAL JURY TRIALS**

### **A. Statement of the Nature of the Case**

In all criminal jury cases, the prosecuting attorney shall prepare and submit to the court and to each defendant a Statement of the Nature of the Case (see suggested Form A450 Criminal Jury Statement of Nature of Case) to be read by the court to the venire prior to voir dire examination. The statement shall include the general date and place of the alleged crime(s) and a brief description thereof, the name of the defendants involved and their counsel, and a list of all witnesses expected to be called. Defense counsel may suggest amendments to the statement prior to it being read to the venire.

### **B. Voir Dire Examination of Prospective Jurors**

If the court does not permit direct examination of prospective jurors by counsel pursuant to Supreme Court Rule 431, counsel may submit written questions to the court for its consideration for use in voir dire examination. If the court asks a question submitted by counsel, the court shall write the word "asked" beside the question. If the court refuses to ask a submitted question, the word "refused" shall be written thereon. Even though the court allows counsel to supplement its voir dire examination, counsel may submit a question or questions to the court and request the court to ask the question of the prospective jurors during the court's examinations.

### **C. Motions *in Limine***

Motions *in limine* shall be in writing and shall be presented to the court no later than the final pre-trial conference in criminal jury cases and opening statements in bench cases, unless the court orders that they be presented at an earlier date. The court, in its discretion, may consider motions *in limine* presented thereafter if it determines that the grounds therefore

became known subsequent to the deadline or for other good cause. All orders on motions *in limine* shall be reduced to writing by movant's counsel and presented to the court for signature prior to voir dire examination in jury cases and opening statements in bench cases.

#### **D. Jury Instructions**

In criminal jury cases, jury instructions shall be prepared and presented as required in civil jury trials, Part 3.45 of these Rules.

### **PART 4.65 - APPEALS BY INDIGENT DEFENDANTS**

A. When an indigent defendant files a Notice of Appeal with the Circuit Clerk, the Circuit Clerk shall forward a copy of said Notice to the court reporters of record in the proceeding.

B. The Circuit Clerk shall also upon the filing of a Notice of Appeal forward a copy of the Notice to the judge to whom the case is assigned so that counsel on appeal may be appointed, if necessary, as soon as possible. Upon the appointment of counsel, the Circuit Clerk shall supply a copy of the order making said appointment to the court reporters of record in the proceeding so that preparation of the Report of Proceedings may commence.

### **PART 4.70 - DISMISSAL FOR WANT OF PROSECUTION**

In any criminal case in which no service, setting, trial, or other action of the court has been requested or obtained of record within twelve months of the last filing or court action, the criminal case may be dismissed pursuant to the procedure in Part 3.35.

### **PART 4.75 - APPLICATION OF BAIL BOND TO UNPAID FINES AND COSTS**

All bail bond funds posted for the release of any criminal defendant may be applied to unpaid fines, fees, costs, penalties, or other assessments against the defendant in any criminal case of the defendant in that county, regardless of whether posted by the defendant or posted by some other person.

# **PART 5.00**

## **FAMILY AND MATRIMONIAL COURT RULES**

### **PART 5.05 - APPLICABILITY AND DEFINITIONS**

#### **A. Applicability**

The Rules of Part 5.00 and Part 6.00 shall apply to Family and Matrimonial cases and where in conflict with other Rules, these Rules shall take precedence in Family and Marital cases.

#### **B. Definitions**

1 **AMatrimonial and Family cases@** are defined as any proceedings for an order, judgment, or decree relating to dissolution of marriage, parentage, separate maintenance, or declaration of invalidity of marriage including proceedings concerning such matters as temporary support, maintenance, allocation of parenting time, allocation of parenting responsibilities or support.

2 **AClerk@** shall mean the Circuit Clerk of the applicable county.

3 **AIMDMA@** means the Illinois Marriage and Dissolution of Marriage Act.

### **PART 5.10 - FILING AND PRE-TRIAL MATTERS**

#### **A. Venue**

In dissolution actions brought pursuant to IMDMA where neither the Petitioner nor the Respondent resides in the county in which the initial pleading is filed, counsel for the Petitioner shall file with said pleading a written motion advising that the forum in which the pleading is filed is not one of proper venue and seeking an appropriate order from the court granting a waiver of the venue requirements of Section 104 of IMDMA. Said motion shall be set for hearing and be resolved prior to consideration of other issues in the action.

#### **B. Grounds Hearing Date**

Within 30 days after the Respondent has filed an entry of appearance or answer, the Petitioner may secure a date for hearing on grounds. If a date for hearing has not been secured and a notice of it given to proper parties, the Circuit Clerk shall refer the file to any judge who may issue upon the Petitioner an order to show cause questioning why the petition should not be dismissed for want of prosecution.

#### **C. Temporary Child Support and Maintenance Set by Affidavit**

Consistent with 750 ILCS 5/501(a) all temporary child support and maintenance requests are to be decided on the basis of properly executed and filed financial affidavits either in the form as prescribed by the Illinois Supreme Court, or until said form is published, parties shall file the

affidavit found at Form 520 of these rules. All parties must supply the required supporting documentation including all W-2 forms and 1099 forms, and their most recent pay stub, or other proof of “income” as defined by 750 ILCS 5/505, showing year-to-date earnings and deductions therefrom, or if the same is not provided by a party’s employer, the five most recent payroll stubs. In the absence of these documents, an affidavit must be attached explaining why the party is unable to provide this information. In the discretion of the trial judge, evidence may be heard on these issues.

#### **D. Notice of Contested Allocation of Parenting Time; Allocation of Parenting Responsibilities and Relocation**

At the first court appearance on any matter concerning allocation of parenting time, allocation of parenting responsibilities or relocation, the parties shall inform the court if such matter will be contested. If so, the matter shall be subject to the mandatory non-judicial mediation rules as set forth in Part 6.00.

#### **E. Temporary Allocation of Parenting Time or Allocation of Parenting Responsibilities Hearing**

Notwithstanding the requirement of mandatory mediation, the court in its discretion may conduct a temporary allocation of parenting time and/or allocation of parenting responsibilities hearing with such schedule and witness limits as the court deems advisable.

#### **F. Parent Education Program**

**1. Mandatory Attendance.** In all cases where the parties have a minor child, each parent must attend an approved Parent Education Program and provide proof of completion prior to any prove-up or final order in the case. This requirement may be waived by the court only for good cause shown. A party who has previously attended a program in the pendency of another case need not attend again so long as s/he is able to provide a copy of his/her certificate of attendance.

**2. Notice Form.** The judges of the circuit have approved a Notice of Parent Education Requirement form which the Circuit Clerks shall use to notify appropriate parents of the requirement to complete the Parent Education Program and for the entry of an Order Requiring Parent Education form. The forms to be used are set forth at Forms 505 and 510, with modifications by the Chief Judge’s Administrative Assistant and/or Trial Court Administrator, from time to time, as necessary to amend, update, or correct any service provider’s information.

**3. Approval of Programs.** The judges of the circuit shall approve programs that meet the Parent Education Program requirement. A list of the approved programs shall be listed in or attached to the notice form.

#### **G. Case Management Conferences**

**1. Initial Setting.** Unless the remaining issues are resolved and approved by the court at the grounds hearing, the court shall, at the time of the hearing on the grounds, schedule a case management conference on remaining issues. The court may, upon the request of either party, set additional case management conferences. The initial conference shall be set after a date by

which the parties anticipate that all discovery in the case will be completed. In the event that discovery is not completed by the date set for the conference, the conference may be rescheduled by order of the court provided the court enters an order directing completion of discovery by certain specified dates. In no event may a case management conference be continued without resetting the conference on a date certain. Nothing in this rule shall prevent the Court from setting a case management conference at an earlier date on the Court's own motion.

**2. Conference Procedure.** At the conference, the parties and counsel familiar with the case shall appear and the following shall be considered:

- a. The nature, issues, and complexity of the case.
- b. Whether the issues can be simplified by agreement.
- c. Whether the pleadings need to be amended.
- d. The possibility of settlement.
- e. Deadlines for discovery.
- f. The necessity of setting of a further pre-trial conference in the event discovery is not completed.
- g. Any other matters which may aid in the disposition of the case.

A case management order substantially similar to Form 515 A Case Management Order (Family) shall be entered at the conference specifying those issues settled by agreement and those left for trial. This order controls the subsequent course of action of the case unless modified by further court order.

**3. Trial Date.** A trial date for the remaining issues shall be set at the earliest date available on the court docket, unless the parties agree and the court concurs that a later date is necessary or desirable. Continuances of the trial date shall be disfavored and be granted only upon good cause shown and pursuant to written motion and court order.

**4. Failure to Appear for Conference.** Failure of counsel or the parties to appear for any conference scheduled by the court may result in dismissal of the proceeding or default of the party failing to appear upon the court's own motion and without further notice or hearing.

## **PART 5.15 - Attorney Qualification to Act as Guardian Ad Litem, Child Representative, or Attorney for Child**

A. The Ninth Judicial Circuit shall maintain a list of approved attorneys qualified to be appointed in matters covered under Section IX of the Supreme Court Rules as guardians ad litem, child representatives, or attorneys for children.

B. In order to qualify for the approved list, each applicant for the list shall meet the following minimum requirements:

1. Each attorney shall be licensed and in good standing with the Illinois Supreme Court.
2. 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.

3. 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 Judge at the time of attendance. The five hours should include courses in child development; ethics in allocation of parenting time and responsibilities cases; relevant substantive law in, guardianship, and allocation of parenting time and responsibilities cases; 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 the circuit may be included as a portion of this continuing education requirement.

4. Each attorney shall complete the Child Representative Information Sheet (Form 512 AChild Representative Required Information Form) provided by the Chief Judge's Office and return it to the Chief Judge's Office with a verification of attendance at the required continuing education program(s). Such verification shall be submitted at the time of initial application and at each recertification period. Form 512 AChild Representative Required Information Form may also be obtained from the 9th Judicial Web Site ([www.9thjudicial.org](http://www.9thjudicial.org)).

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

C. Each attorney placed on the approved list and appointed shall be paid by the parties to the litigation as ordered by the judge presiding in the case 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.

D. 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.

E. The Administrative Judge of each county shall maintain the list of the approved attorneys and shall rotate the appointment of pro bono representations.

F. Each attorney on the approved list for the 9<sup>th</sup> Judicial Circuit shall only be required to accept one pro bono appointment each calendar year.

G. The Chief Judge 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.

## **PART 5.20 - FINANCIAL DISCLOSURES**

### **A. Financial Affidavit**

1. A current, accurate, and properly executed and filed financial affidavit, either in the form as prescribed by the Illinois Supreme Court, or until said form is supplied, or a form substantially similar to Form 520 of these rules, must be served upon all parties entitled to notice by the moving party not less than seven days before the date of hearing on a pleading seeking to

establish, modify, or otherwise affect issues of support or maintenance, disposition of property, college expenses or attorneys fees, whether temporary or permanent in nature, and by the responding party not less than two days before said hearing date and shall be served, in any event, on or before the date of the case management conference unless earlier served in the case. If an affidavit has been served for purposes of a hearing on temporary relief, an additional affidavit need not be served unless there has been a change in financial circumstances.

2. The Financial Affidavit shall be filed with the Circuit Clerk who shall impound and seal the Affidavit within the court file, to be opened only by the judge presiding at any hearing where it would be relevant. After its use, the Affidavit shall be impounded, sealed, and retained in the court file.

3. Both parties shall provide to the presiding judge a judge's copy of any contested motion along with any points and authorities relied upon, pursuant to Part 2.55 of these Rules.

## **B. Proof of Income**

At any hearing regarding seeking to establish, modify, or otherwise affect issues of support or maintenance of disposition of property, whether temporary or permanent in nature, each party must attach to this affidavit, copies of the prior year's federal tax return, including all W-2 forms and 1099 forms, and the most recent pay stub showing year-to-date earnings and deductions therefrom, or if the same is not provided by their employer, their five most recent payroll stubs or an affidavit explaining each item's absence.

## **PART 5.25 - ADDITIONAL DISCLOSURE OF INFORMATION**

**A. Additional Disclosure.** The court may, upon written application of either party or on the court's own motion, determine that, due to the nature of a particular case and the complexity of the issues therein, mandatory disclosure as set forth below shall apply:

**1. Time for Disclosure - Continuing Duty.** The parties shall make the initial disclosure required by this Rule as fully as then possible within 28 days following the entry of an order by the court. Upon service of a disclosure, an affidavit of compliance shall be promptly filed with the court. The duty to provide disclosures required by this subsection shall be a continuing duty, and each party shall seasonably supplement or amend disclosures whenever new or different information or documents become known to the disclosing party.

All disclosures shall include information and data in the possession, custody, and control of the parties as well as that which can be ascertained, learned, or acquired by reasonable inquiry and investigation.

**2. Information to be Disclosed.** Within the time set forth in section (1) above, each party shall disclose in writing to every other party: (For the protection of personally identifying information all disclosures shall be in accordance with SCR 15 and 138.)

(a) Whether paternity of any child, living or unborn, is contested, and if so, the identity of any such child and the alleged putative father of any such child.

(b) The name and address of any health and medical insurance carrier covering any spouse and/or children.

(c) A statement describing any workman's compensation, personal injury, or property damage claims the disclosing party may have, whether or not filed.

(d) The name and address of any employer and a description of the nature of any self-employment of the disclosing party.

(e) Current representative wage stubs or other documents demonstrating the disclosing party's current income from all sources.

(f) Identification of all property claimed by the disclosing party to be his or her non-marital property.

(g) A copy of all appraisals conducted within three years preceding the filing of the action of any personal property or real estate in which either party claims an interest, whether legal or equitable.

(h) A statement setting forth the details of any claim by the disclosing party that the opposite party has dissipated assets.

(i) A statement setting forth the details of any claim of a right to reimbursement for contribution covered by Section 503(c) (2) of IMDMA.

(j) A list of names and addresses of creditors, and amounts owed to each for all non-recurring debts exceeding \$200.00 owed by any party.

(k) A list of any annuities, pensions, profit sharing plans, retirement plans, IRA accounts, 401K, or Keogh plans, or other similar equities in which any party has or claims an interest, whether legal or equitable, setting forth the names and addresses of the owner, plan administrator, trustee or manager, and any identifying number of such annuity, account, or plan.

(l) A list of any stocks, bonds, mutual funds, or other equities in which any party has an interest, whether legal or equitable, whether held in the name of any party or by any other person for the benefit of a party.

(m) A list of any accounts held by any bank, savings and loan, brokerage company, credit union, or other thrift institution in which accounts any party has an interest, whether legal or equitable, whether held in the name of any party or by some other person for the benefit of the party, setting forth the name and address of any such institution or entity and the identification number of any such account.

(n) The existence of any cash value life insurance, term insurance, or other insurance policies covering the life of any party, including the name and address of the company, the policy number, and the face value of the policy.

(o) Copies of tax returns of any party, together with all supporting schedules, W-2 forms, and 1099 forms for all income included in such returns for the period of three calendar years preceding the year in which the action was filed.



(p) The names and address of any doctors, psychologists, psychiatrists, or mental health counselors who have consulted with any children during the period from one year prior to the filing of the action to the date of disclosure.

(q) The names, addresses, and telephone numbers of any witnesses whom the disclosing party intends to call at trial, together with a designation of the subject matter about which each witness might be called to testify.

**3. Affidavit Re Disclosure.** Each disclosure shall be made in writing, accompanied by the affidavit of an attorney or a party which affirmatively states that the disclosure is complete and correct as of the date of the disclosure and that all reasonable attempts to comply with this Rule have been made.

**4. Affidavits Wrongly Filed.** The court shall enter an appropriate order pursuant to Supreme Court Rule 219(c) and 750 ILCS 5/501(a)(1) against any party or his or her attorney, or both, as a result of any affidavit filed pursuant to this Rule which the court finds was (a) false; (b) filed in bad faith; or (c) was without reasonable factual support.

## **B. Authorizations to Third Parties Permitting Disclosure**

In cases where a party has pension plans, profit sharing plans, stock plans, savings plans, 401(K) plans, IRA accounts, or any other benefit plan, or a health insurance plan through employment, or has an interest in assets in the possession of third parties, and the court orders mandatory disclosure, that party shall execute a consent for release of all relevant information from the person or entity having such information and shall do so within ten (10) days of receiving an authorization form for their signature.

## **PART 5.30 - TRIAL AND POST TRIAL MATTERS**

### **A. Final Pre-Trial Conference**

At the last pre-trial conference held prior to the date of the contested hearing on all remaining issues, each party shall submit a statement of proposed disposition of issues such as allocation of parenting time and responsibilities, child support, maintenance, and all issues involved in apportionment of the parties' marital property and marital debts, including attorney fees and any pension benefits earned during the marriage, in a form that is substantially similar to Form 525 AFinal Pre-Trial Memorandum with Children@ or Form 530 AFinal Pre-Trial Memorandum without Children@.

### **B. Bifurcated Hearing**

In the interests of expediting the resolution of allocation of parenting time and responsibilities, and after a finding that grounds exist for the entry of a judgment of dissolution of marriage, the court may elect, upon motion by any party or the court's own motion, to proceed only as to issues of allocation of parenting time and responsibilities, and child support, reserving for a subsequent hearing any remaining issues.

### **C. *In Camera* Interviews of Minor Children**

1. **Interviews.** Pursuant to 750 ILCS 5/604.10, the court may interview a child in chambers to ascertain the child's wishes as to the allocation of parental responsibilities. Counsel shall be present at the interview unless otherwise agreed upon by the parties. The court shall cause a court reporter to be present who shall make a complete record of the interview which shall be filed, under seal, in the case and released only upon order of the court. The cost of the transcript shall be taxed to the county where the case is filed.

2. **Professional Advice.** The court may seek the advice of professional personnel, whether or not employed by the court on a regular basis. The advice given shall be in writing and made available by the court to counsel. Counsel may examine, as a witness, any professional personnel consulted by the court, designated as a court's witness. The cost of any such professional shall be paid in accordance with the allocation provisions of 750 ILCS 5/508. Any person so employed must comply with the minimum report requirements found at 750 ILCS 5/604.10(b).

3. **Children Not to be Present.** All *in camera* interviews of minor children will be conducted only with prior leave of court. Parties may not bring children to court for the purpose of an *in camera* interview without prior leave of court. The court will exercise best efforts to schedule *in camera* interviews of children so that they do not interfere with the child's school day.

### **D. Certification of Dissolution or Invalidity of Marriage**

The Circuit Clerk shall not accept for filing any complaint for dissolution of marriage or invalidity of marriage and the court shall not enter any judgment of dissolution or invalidity of marriage unless and until the certificate required by 750 ILCS 5/707 is filed.

### **E. Entry of Appearance by Pro Se Adverse Party**

The form of such entry shall be substantially similar to Form 540 A Entry of Appearance by *Pro Se* Adverse Party@.

### **F. Appearance of Co-Petitioners at Hearing**

In dissolution of marriage actions where both parties join in the petition as co-petitioners under 750 ILCS 5/403, and neither is represented by counsel, it shall be compulsory that both of the co-petitioners appear personally in open court at the time of hearing on the petition for dissolution.

### **G. Supplemental Support Orders**

1. In all cases in which child support or maintenance payments have been ordered, a Uniform Support Order shall be entered by the court in a form which is in accordance with the form approved by the Conference of Chief Circuit Judges.

2 Exhibit 1 attached to the AUniform Order of Support@ shall be impounded by the Circuit Clerk in every case, regardless of whether the judge signing the support order so orders the impoundment of Exhibit 1.

## **H. Parenting Plans**

No later than 120 days after the filing of any petition which puts into issue the allocation of parenting time or parental responsibilities, the parties either jointly or separately must file a Parenting Plan that complies with 750 ILCS 5/602.10 (see temporary form 670).

## **I. Modification of the Allocation of Parenting Time, Responsibilities, and Support Orders**

1. In any case where the parties enter into an agreement or stipulation for modification of the allocation of parenting time, parenting responsibilities, relocation, or child support, the judge to whom the stipulation or agreement is presented for approval may, in the judge's discretion, require testimony or evidence to be presented in support of the agreement. Where the judge does not require evidence or testimony to be presented, the signatures of each party to the stipulation or agreement must be verified, and the content of the stipulation or agreement must be sufficient for the judge to find that the modification requested is in the best interests of the child or children. If the stipulation or agreement is for the purpose of modifying the amount of child support, then the stipulation or agreement shall contain a statement of the net income of the obligor.

2. In those instances where both parties are represented by counsel, it shall be required that both the parties and the attorneys sign the stipulation; however, such stipulation shall not require the verification of the parties' signatures. Where any party is not represented by counsel, that party's signature shall be verified.

## **PART 5.35 - AFFIDAVIT OF AMOUNT DUE IN SHOW CAUSE OR ENFORCEMENT PROCEEDINGS**

A. If a contested hearing is to be held in any enforcement proceedings involving maintenance, child support, medical bills, or other matrimonial monetary obligations, then not less than seven days before the date of such hearing, the moving party shall, unless for good cause or as the court otherwise directs, file a calculation form substantially similar to Form 550 AShow Cause/Enforcement Calculation in duplicate, with proof of service pursuant to Supreme Court Rules 11 and 12. The calculation shall show a mathematical calculation of:

1. The amount due showing the number of payments accrued during the period alleged and the amount of each;
2. The number and amount of payments made;
3. The interest due; and
4. The balance due.

B. If a contested hearing is to be held as to any of the foregoing, the party responding to the Petition or Order to Show Cause, unless the court for good cause otherwise directs, shall file

not less than three days before the date of said hearing, in duplicate with proof of service pursuant to Supreme Court Rules 11 and 12, the information listed in A.1 above.

C. If the responding party contends that the failure to pay is due to inability, unless the court for good cause otherwise directs, then s/he shall file, not less than three days before the date of the hearing, in duplicate, with proof of service pursuant to Supreme Court Rules 11 and 12, the financial information pursuant to Rule 5.20 A & B.

## **PART 5.40 - JOINT SIMPLIFIED DISSOLUTIONS OF MARRIAGE**

### **A. Forms**

Pursuant to 750 ILCS 5/451 et seq., the Circuit Clerk shall provide forms for parties desiring to file a Petition for Joint Simplified Dissolution of Marriage. The form of the petition, accompanying agreement, judgment, and informational instructions shall be substantially similar to Forms 555, 565, 570, and 575.

### **B. Appearance of Parties**

Both parties are required to be present at the entry of the joint simplified judgment of dissolution.

# **PART 6.00**

## **MANDATORY MEDIATION FOR ALLOCATION OF PARENTING TIME, PARENTING RESPONSIBILITIES OR RELOCATION**

### **PART 6.05 - APPLICABILITY AND DEFINITIONS**

#### **A. Applicability**

These Rules shall apply to mandatory non-judicial mediation for allocation of parenting time, parenting responsibilities or relocation proceedings pursuant to Supreme Court Rule 905.

#### **B. Definitions**

**1. 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.

**2. 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. 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.

**3. Allocation of Parenting Time, Responsibilities or Relocation Proceeding.** An allocation of parenting time, responsibilities or relocation proceeding means any proceeding affecting the allocation of parenting time, the allocation of parental responsibilities or relocation as defined in Supreme Court Rule 900.

### **PART 6.10 - MEDIATION MANDATORY**

**A. Matters Subject to Mediation.** The judge designated to hear the allocation of parenting time, responsibilities or relocation proceeding shall order mediation of any contested issue of allocation of parenting time, responsibilities or relocation arising in any action 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 until the mediation process has been concluded and its outcome reported to the court. The court, in its discretion, may hear temporary allocation of parenting time, and or responsibilities issues prior to or during mediation.

**B. Prerequisite to Mediation.** The parties referred to mediation by the court shall complete a Parent Education Program prior to starting mediation or as soon after starting mediation as the parent education program provider's schedule allows.

**C. Commencement of Mediation.** The mediation process shall commence as provided by Supreme Court Rule. 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. Reason to believe that impediment as defined herein exists. Demonstration of any such reasons should result in referrals that may address the impediment(s) to mediation.

2. Other circumstances which may exist which would unreasonably interfere with mediation.

3. The necessity of mediation. Mediation shall not be required if the court determines, upon motion of a party, that a case is ineligible for mediation. Said motion shall be supported by affidavit setting forth specific facts detailing why mediation would be inappropriate, or should not be required.

**D. Discovery.** Discovery may continue throughout the mediation.

**E. Forms.** Form 610 ANotice of Mediation@ shall be distributed by the Circuit Clerk to *pro se* litigants whenever any litigant is required to attend mediation. The court shall enter Form 620 AOrder of Referral to Mediation@ whenever mediation is required.

## **PART 6.15 - QUALIFICATIONS AND TRAINING OF NON-JUDICIAL MEDIATORS**

**A. Requirements:** Mediators must meet all of the following requirements:

1 **Formal Education:** The mediator must 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.

1 **Training:** The mediator must 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.

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. It shall be the responsibility of each mediator to provide evidence of insurance to the Chief Judge annually.

**B. Continuing Education:** Approved mediators are required to complete five 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 Judge.

Approved mediators shall complete the Mediator Information Sheet (Form 615 Mediator Training-Required Information Form) provided by the Chief Judge's Office and return it to the Chief Judge's Office with a verification of attendance at the required continuing education program(s). Such verification shall be submitted at the time of initial application and at each recertification period.

**C. Establishment of List:** The Chief Judge shall establish a list of court-approved mediators. All applicants for inclusion on the list shall possess the minimum qualifications set out in this Circuit 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 shall not be considered a warranty that such mediator can successfully mediate any specific dispute.

**D. Mediators in Adjacent Circuits:** Mediators in adjacent or nearby circuits who have been certified or re-certified as mediators under provisions substantially similar to those of this Circuit may be recognized as certified or re-certified in this Circuit upon providing evidence of such status to, and upon the approval of, the Chief Judge of this Circuit.

**E. Denial/Removal from List:** An applicant denied inclusion on or removed from the court-approved list may appeal the decision in writing within ten (10) 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.

**F. Pro Bono Requirement:** Each circuit-approved mediator shall agree to mediate at least one reduced fee or *pro bono* case as assigned by the court.

## **PART 6.20 - REFERRAL ASSIGNMENT PROCEDURE**

**A. Mediator Selection.** 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 for the report of progress of mediation. Mediators 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 each party and/or whether the case should be considered a reduced fee or indigent case.

2. 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 6.40. C, E, and F.

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

5. The petitioner or plaintiff shall forward to the mediator copies of all relevant pleadings, judgments, or orders.

6. When mediation is required, the court will enter Form 620 "Order of Referral to Mediation."

7. Upon appointment, the mediator shall complete and forward to the Office of the Chief Judge a form substantially similar to Form 630 AAOIC Mediator's Report. If a party can only communicate in a language other than English, the court will make a good faith effort to provide a mediator, and a pro bono attorney where applicable, and/or an interpreter who speaks the language of that party as required in Supreme Court Rule 905(b).

## **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 the 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 9th Judicial Circuit approved mediators list indicates explicit agreement by that mediator to maintain the standards of ethical practice. Failure to comply may result in removal of the mediator's name from the approved list.

## **PART 6.25 - 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 conflict of interest on the part of the mediator.
4. Inform each party of his/her right to obtain independent legal counsel.
5. Inform the parties that:
  - a. Mediation may 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 Circuit Rule 6.40.
  - 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, 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 6.35.
7. Confirm the parties' understanding regarding the fee for services and any reduced fee arrangements for eligible parties with financial hardship.
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 legal counsel, advocates, or other persons may be present only if both parties and the mediator agree in advance. Such individuals may be available for consultation for each participant while mediation is in progress.
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.
11. Advise each party that a mediation evaluation form will be presented to them for completion at the end of mediation which will be placed in a sealed envelope and not seen by the mediator.

## **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/her attorney of the threat of harm; such notification shall not be considered a breach of confidentiality mandated by this Rule.

## **PART 6.30 - APPLICATION OF SAFEGUARDS IN CASE OF IMPEDIMENT**

### **A. Duty to Assess**

While mediation is in progress, the mediator shall continuously assess 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 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.

## **PART 6.35 - CONFIDENTIALITY**

### **A. Privacy of Sessions**

Mediation sessions shall be private. Except as otherwise provided in Rule 6.25, the mediator shall have authority to exclude all persons other than the parties from sessions at which negotiations are to occur. At the first mediation session, the mediator shall have the parties sign

a confidentiality agreement substantially similar to Form 640 A Mediation Confidentiality Agreement.

## **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.

## **C. Disclosure of Information**

**1. Limitation of Disclosure.** Admissions, representations, statements, and other communications made or disclosed in confidence by any participant in the course of a mediation session shall not be admissible as evidence in any court proceeding. Except as identified herein, 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 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.

## **PART 6.40 - 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 report stating that the mediation has concluded without disclosing any reasons for the parties' failure to reach an agreement.

**G. 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).

**H. Evaluation Form.** At the conclusion of mediation, the mediator will provide each party an evaluation form to be completed at that time and an envelope for the parties to place and seal the completed form. The mediator shall not view the evaluation and shall so inform the parties. The mediator shall send the unopened sealed envelope to the Office of the Chief Judge. The evaluation form shall be provided by the Office of the Chief Judge and shall be an AOIC approved form. The information contained in the AOIC Mediator's Report and the Mediator Evaluation Report shall remain confidential reports and shall only be used for administrative and statistical purposes as well as the court's review of the efficacy of the mediation program.

#### **I. Reporting Procedures:**

1 **Mediator's Report.** The mediator shall prepare a Mediator's Report on a form substantially similar to Form 650 AMediator's Status Report within ten days of the termination of the last mediation session. These reports will be filed with the Circuit Clerk.

2 **Statistics.** The mediator shall prepare a statistical report substantially similar to Form 630 AAOIC Mediator's Report for each case on the prescribed form and promptly file them with the Chief Judge or his/her designee.

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, in a partial agreement, and those resulting in no agreement. Such

information shall be furnished to the Supreme Court through its administrative office quarterly or at such other interval as may be directed.

#### **PART 6.45 - 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 30 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.

#### **PART 6.50 - CIRCUIT COURT ADVISORY COMMITTEE**

**A. Membership.** The Chief Judge or his/her designee shall establish an advisory committee whose membership shall consist of at least six persons, including a family division judge, a member of the Ninth Judicial Circuit bar, a practicing attorney-mediator, a practicing mental health professional mediator, and a representative of the domestic violence advocacy community. Members of the committee shall be appointed by the Chief Judge or his/her designee.

**B. Duties of the Committee.** The circuit court mediation advisory committee shall advise the Chief Judge or his/her designee in establishing and implementing administrative policy consistent with these Rules for the fair and efficient delivery of mediation services, including Circuit Court Rules of procedure, standards of conduct for mediators, and systematic review of program performance.

**C. Authority of the Chief Judge.** Nothing contained in this Rule shall be construed as a limitation on the authority of the Chief Judge or his/her designee to exercise administrative authority conferred by law.

# **PART 7.00**

## **ELECTRONIC FILING**

### **Ninth Circuit Electronic Filing Rules**

#### **I GENERAL**

##### **A. AUTHORITY**

On January 22, 2016, the Supreme Court amended M.R. 18368, mandating electronic filing in civil case types effective January 1, 2018, through the utilization of a centralized electronic filing manager (EFM) authorized by the Supreme Court. Until the Order becomes effective, the Ninth Judicial Circuit will permissively accept the electronic filing of documents in civil cases effective immediately through the use of the Supreme Court's EFM.

##### **B. EFFECTIVE DATE**

- (a) These rules shall become effective on October 1, 2017, and remain in effect until further order of this Court, or until the effective date of Illinois Supreme Court Order M.R. 18368 filed January 22, 2016.
- (b) Effective July 1, 2018, all filings will be filed with the E-fileIL system and shall make available remote access through SearchI in accordance with Supreme Court Order.

##### **C. DESIGNATION OF ELECTRONIC FILING**

- (a) This Court hereby authorizes electronic filing in all civil case types as authorized by the Supreme Court. The Circuit Court Clerk, with the concurrence of the Chief Circuit Judge, shall direct the phasing in of case types during implementation of permissive electronic filing through the EFM.
- (b) Wills or other testamentary documents shall not be accepted for filing electronically. Any unapproved case or document type filed electronically by a filer may be rejected by the Clerk of the Court.
- (c) Incarcerated self-represented litigants are exempt from mandatory e-filing requirements but may do so if available to them at their facility.

##### **D. DEFINITIONS**

The following terms in these rules are defined as follows:

- 1. Conventional Filing - The filing of paper documents or information with the Clerk of the Circuit Court.
- 2. Electronic Document (E-document) - An electronic file containing informational text.
- 3. Electronic Filing (E-filing) - An electronic transmission of information or documents between EFSP and the Clerk of the Circuit Court for the purposes of case processing.
- 4. Electronic Filing Manager (EFM) - The service approved by the Supreme Court and used by circuit courts to manage the flow of documents and data among registered filers, court clerks & personnel, and the judiciary. (<http://efile.illinoiscourts.gov>)

5. Electronic Filing Service Provider (EFSP) - Web portals operated by independent companies that collect filings from filers and transmit them to the EFM.
6. Electronic Image (E-image) - an electronic representation of a document or information that has been transformed to a graphical or image format.
7. Electronic Service (E-service) - An electronic transmission of documents to a party, attorney or representative in a case. However, E-service is not capable of conferring jurisdiction under circumstances where personal service is required as a matter of law.
8. Electronic Signature (E-signature) - Symbols or other data form attached to an electronically transmitted document as authentication of the sender's intent to sign the document.
9. Filer - An individual who has registered a username and password with the Electronic Filing Manager.
10. Portable Document Format (PDF) - A file format that preserves all fonts, formatting, colors, and graphics of any source document regardless of the application platform used.
11. Rejection - The court clerk may reject any electronic filing for any procedural or technical nonconformance and shall identify the deficiency to be corrected to the filer. No rejection shall take place until the court approves the rejection and suggested change.

## **II AUTHORIZED USERS**

- (a) All filers shall register with the EFM through an authorized EFSP, prior to filing any document electronically.
- (b) To facilitate electronic filing, the Clerk of the Circuit Court shall provide a computer workstation for use for any filer to register and file electronic documents.

## **III METHOD OF FILING**

- (a) The Circuit Court hereby encourages electronic filing, although conventional filings in these case types will continue to be accepted until September 30, 2017.
- (b) The method of filing shall not affect the right of access to court documents. The Clerk shall maintain public access viewing terminals to allow electronic records and electronic documents to be displayed to the public. Electronic access and dissemination of court records shall be in accordance with the Electronic Access Policy for Circuit Court Records of the Illinois Courts.

## **IV FILING OF EXHIBITS**

Physical items for which a photograph may be substituted may be electronically imaged and E-filed. Items not conducive to electronic filing, such as physical exhibits for which an image will not suffice shall be filed in their physical form at the Clerk's office or in the courtroom, as directed by order of court and in conformity with the Supreme Court's Order M.R. 18368 filed January 22, 2016. The Motion and Notice of Motion for permission to file any of these physical items may be done electronically.

## **V MAINTENANCE OF ORIGINAL DOCUMENTS**

- (a) Anyone filing an electronic document that requires an original signature certifies by so filing, that the original signed document exists in the filing person's possession. Unless otherwise ordered by the Court, the filing party shall maintain and preserve all documents containing

original signatures that are filed electronically. The filing party shall make those signed originals available for inspection by the Court, the Clerk of the Court or by other counsel in the case, upon 14 day notice. At any time, the Clerk of the Court may request from the filing party a hard copy of an electronically filed document, which shall be provided within 3 days upon reasonable notice.

- (b) All documents that are required to be maintained and preserved must be kept for one year after the appellate process period has been completed.

## **VI PRIVACY ISSUES**

It is the responsibility of the filing party or counsel to insure that documents or exhibits filed electronically do not disclose previously or statutorily impounded or sealed information or private information as defined in Supreme Court Rule 15 and 138. The Clerk is not responsible for the content of filed documents and has no obligation to review, redact or screen any expunged, sealed or impounded information.

## **VII FORMAT OF DOCUMENTS AND ADDITIONAL INFORMATION REQUIRED BY THE COURT**

- (a) All electronically filed pleadings shall, to the extent practicable, be formatted in accordance with the requirements set by the EFM.
- (b) If a document exceeds the maximum size allowed, the filer will file multiple documents, each under the maximum file size. In such case, the filer will be responsible for dividing the document into appropriately sized parts. Except as otherwise provided, an e-filed document shall comply with current Supreme Court Rules, including but not limited to page and word limitations, page size, font type, margin width and font size.
- (c) Documents filed by attorneys that do not comply with the format specified by the applicable order, statute, or rule may be rejected. Documents filed by self-represented parties that do not comply with the format specified by the applicable order, statute, or rule shall be reviewed for acceptance by the Clerk's office prior to rejection.
- (d) Additional Information Required by the Court:
- In the "Filing Code" section the nature of the Document, i.e. motion, order, etc.;
  - The name of the Judge if a Judge is to receive the document; and
  - In the "Filing Description" section, the date the case is up for hearing or the date the case was before the court. As Example, "Judge \_\_\_\_\_, previously up (Date) or "Judge \_\_\_\_\_, case up (Date)."

## **VIII SIGNATURES AND AUTHENTICATION**

Any document electronically signed pursuant to any Standards, Rule or Order satisfies Supreme Court Rules and statutes regarding original signatures on court documents. Where there is an original signature on a document to be e-Filed the filer shall so designate by placing a typographical signature on the e-Filed document (e.g. "/s/ Perry R. Mason").

## **IX TIME OF FILING, ACCEPTANCE BY THE CLERK AND ELECTRONIC FILING STAMP**

- (a) Any document filed electronically shall be considered as filed with the Clerk of the Circuit Court upon review and acceptance, and the transmission has been completed with the Clerk's electronic filing stamp.



- (b) The transmission date and time of transfer shall govern the electronic filing mark. Pleadings received by the Clerk before midnight on a day the Circuit Clerk's office is open shall be deemed filed that day. If filed on a day the Circuit Clerk's office is not open for business, the document will be deemed filed the next business day.
- (c) The EFM shall provide notification of receipt, acceptance, or rejection of electronically filed documents.
- (d) Upon acceptance by the clerk, the EFM shall apply the file stamp to the electronic document to reflect the date it was filed. Filings so endorsed shall have the same force and effect as documents file stamped in the conventional manner.

## **X ELECTRONIC SERVICE AND FILING PROOF OF SERVICE**

- (a) Electronic service is not capable of conferring jurisdiction. Therefore regarding electronically filed cases, documents that require personal service to confer jurisdiction as a matter of law may not be served electronically, but must be served in the conventional manner.
- (b) E-service shall be made in accordance with Supreme Court Rule 12, and shall be deemed complete at the posted date and time of transmission listed by the E-service vendor. The electronic service of a pleading or other document shall be considered as valid and effective service on all parties and shall have the same legal effect as personal service of an original paper document. Service that requires jurisdictional attachment are subject to Rule X (a).
- (c) All filers must immediately notify other parties, the Clerk and the EFM of any change of name, address, phone or fax number, or E-mail address.
- (d) Courtesy copies of documents customarily required to be provided to the Court shall continue to be required in E-file cases and may be delivered to the appropriate Judge at their 9th Judicial e-mail address, delivered personally or by mail, absent a specific court order to the contrary.
- (e) Service of documents on parties not registered as an E-filing or E-service participant shall be made as otherwise provided by order, rule, or statute.

## **XI COLLECTION OF FEES**

- (a) The payment of statutory filing fees to the Clerk of the Court in order to achieve valid filing status, unless otherwise waived, shall be as authorized through the EFM. No court or e-Filing vendor shall charge the filer a transaction or user fee to e-File.
- (b) When the electronic filing includes a request for waiver of court fees pursuant to Supreme Court Rule 298, payment of the requisite fees shall be stayed until the court rules on the petition.

## **XII SYSTEM OR USER ERRORS**

In the case of a filing error, absent extraordinary circumstances, anyone prejudiced by the court's order to accept a subsequent filing effective as of the date filing was first attempted, shall be entitled to an order extending the date for any response, or the period within which any right, duty or other act must be performed.

## **XIII CRIMINAL CASE FILING**

Filing of Criminal cases and Juvenile cases will be permitted to be filed permissively only after the case has been initiated and assigned a case number in accordance with Supreme Court Order. Permissive E-

filing through E-fileIL does not include quasi-criminal case types: Traffic, Ordinance Violation, Conservation and Civil Law.

## **PART 8.00 SMALL CLAIMS**

### **PART 8.05 - FORM OF SUMMONS AND COMPLAINT**

A. Summons, substantially in the form set forth in Supreme Court Rule 101(b), shall be served upon each defendant, together with a copy of the complaint. Summons forms shall be provided by the Circuit Clerk.

B. The complaint to be used in small claims actions shall provide for a statement of claim setting forth the elements provided in Supreme Court Rule 282. Complaint forms shall be provided by the Circuit Clerk.

C. If the claim is based upon a written instrument or assignment, a copy of such instrument or assignment must be attached to the original and all copies of the complaint.

D. Verification of any pleading or affidavit shall be compliant with 735 ILCS 5/2-605 and Supreme Court Rule 137.

E. In all cases where a Party seeks to prove or challenge damages by affidavit, such affidavits shall be in compliance with the Illinois Rules of Evidence.

F. A prevailing Plaintiff seeking to recover costs other than a filing fee or service of summons fee shall file an affidavit setting forth, with specifications, each separate cost sought to be recovered showing the purpose of each cost, the specific amount of each cost actually expended, and the date such cost was paid. The court will only take notice of filing fees and service of summons costs, the payment of which is evident by examination of the court file. Such affidavit, along with any Motion for Recovery of such fees, shall be served upon all Defendants from whom such costs are sought, along with a Notice of Hearing in accordance with Circuit Rules.

### **PART 8.10 - RETURN DAY PROCEDURES**

#### **A. Plaintiff Fails to Appear**

If the plaintiff fails to appear on the return date, the case may be dismissed for want of prosecution.

#### **B. Defendant Fails to Appear**

If a defendant who has been duly served with summons fails to appear on or before the day and time designated as the return day, the court may take the allegations in the complaint as admitted by the defendant and upon motion without notice, enter a judgment by default against defendant for the amount claimed plus court costs. Such judgment may be entered on the return day or any time thereafter. However, the court may, in its discretion, require the presentation of evidence and set the case down for "prove up."

### **C. Both Parties Appear**

1. If both parties appear, the judge shall ascertain whether the claim is contested and, if it is not, enter a judgment. In addition, the judge may order that the amount of a small claim judgment shall be paid to the prevailing party on a certain date or in specified installments and may stay the enforcement of the judgment and other supplementary process during compliance with such order consistent with Supreme Court Rule 288.

2. If the claim is contested, the judge may conduct an informal pre-trial conference to determine if the parties are able to settle the case. If the case cannot then be settled, the judge shall set it for trial, unless all parties announce that they are ready for immediate trial and the judge's calendar permits the case to be tried immediately.

### **PART 8.15 - MOTIONS AND SPECIAL APPEARANCES**

Motions shall be noticed and heard in accordance with Part 2.00 of these Rules. If, with leave of court, a motion is scheduled for hearing on the trial date, the parties shall be prepared to proceed to trial immediately after hearing of said motion.

### **PART 8.20 - DISMISSAL FOR WANT OF PROSECUTION**

Any small claims case which remains inactive for 180 days may be dismissed for want of prosecution on the court's own motion, without notice.

# **PART 9.00 PROBATE**

## **PART 9.05 - DEFINITIONS**

When used in this part of the Rules, unless the context requires otherwise, definitions set forth in the Probate Act, 755 ILCS 5/1-2 through 755 ILCS 5/1-2.22, are to govern as definitions under these Rules.

## **PART 9.10 - ADMISSION OF WILL TO PROBATE WHEN HANDWRITTEN OR IN A LANGUAGE OTHER THAN ENGLISH**

### **A. Handwritten Will**

When a handwritten will is sought to be admitted to probate, the petitioner shall file with the petition to admit will to probate, the original will, a typewritten copy, and an affidavit of the petitioner or his/her attorney that the typewritten copy is true and correct to the best of his/her knowledge.

### **B. Will in a Language Other Than English**

When a will in a language other than English is sought to be admitted to probate, the petitioner shall file with the petition to admit will to probate, the original will, and a typewritten translation, along with a certification by a qualified translator that the translation of the will is true and correct.

## **PART 9.15 - SUPPLEMENTAL PROCEEDINGS**

A. Supplemental proceedings within the meaning of this Rule include, but are not limited to, proceedings to: (1) contest the validity of a will or of a testamentary trust to which a legacy is provided; (2) construe a will; (3) enforce a contract to make a will; (4) contest a trust or construe a trust in relation to the estate; resolve the appointment of a trustee of a trust to which any part or all of the estate is distributable or any matter concerning such a trust; (6) contest any transfer or gift arising under a Uniform Transfers (or Gifts) to Minor Act; (7) any other action or proceeding affecting the estate or trust or seeking any other appropriate relief relative to a pending estate.

B. Supplemental proceedings shall be commenced by the filing of a petition in the probate proceedings for the administration of the estate and by the issuance of process thereon as in other civil cases.

C. The petition shall designate in its title the type of proceeding and shall employ the same case number as the estate to which it relates with the suffix 'A', 'B', 'C', etc. The fee required by law shall be paid at the time of filing the petition. The parties shall be designated as in other civil actions.

## **PART 9.20 - BONDS AND SURETY**

### **A. Bonds**

1. The filing of a bond of a personal representative may not be waived, except as provided by law.

2. If use of the automatic bond is requested by an executor pursuant to Section 12-2(b) of the Probate Act, both the Petition, as well as the Order Appointing Executor, shall so state.

3. Where the provisions of a Will purport to waive the filing of a bond, it shall be a rebuttable presumption that the testator intended to waive surety.

4. When a personal representative offers a new bond, the representative shall establish to the satisfaction of the court the value of the pledged assets before a new bond is approved and before any surety is discharged.

### **B. When Scheduling of Legal Representative's and Surety's Assets Are Required**

Upon petition by any interested party or upon the court's own motion, the court may, order the personal representative and, if applicable, each person signing as a personal surety on a bond, to submit a verified schedule of his or her assets (and liens thereupon, if any) in the form prescribed by the court. Such persons shall agree in writing not to convey or encumber the real estate described therein until the bond obligation is released. The schedules shall be filed with the Circuit Clerk and become a part of the bond.

## **PART 9.25 - OPENING A SAFETY DEPOSIT BOX**

A. If the estate of a ward or a decedent contains a safety deposit box, the inventory shall list the existence of any safe deposit box and the location thereof. In addition, the guardian or representative shall prepare an itemized statement of the contents of the safe deposit box which shall be certified as true and correct by the guardian or representative. An itemized statement of the contents shall be included in any inventory required to be filed with the Circuit Clerk.

B. Any safe deposit box discovered after the filing of an inventory shall be inventoried forthwith in accordance with this Rule and a supplemental inventory listing the box and its contents shall be filed, when required, with the Circuit Clerk no later than 30 days from the date of discovery.

C. Access to a safe deposit box containing assets of a ward or of a decedent's estate may be restricted upon the petition of the surety of a bond, of any interested person or on the court's own motion.

## **PART 9.30 - INVENTORIES DESCRIPTIONS**

Inventories shall, at a minimum, contain the following descriptions:

### **A. Real Estate**

Descriptions of real estate shall include the address, legal description, and permanent

property index number of the property. If a beneficial interest in real estate is an asset of the estate, the name and address of the trustee shall be stated.

## **B. Stocks, Bonds, and Notes**

Descriptions of stock shall include the number of shares, class of stock, exact corporate title, and state of incorporation necessary for the purpose of identification. Descriptions of bonds shall include the total face value, name of obligor, kind of bond, rate of interest, date of maturity, interest dates, coupons attached, or date to which interest is paid and endorsements. Descriptions of notes owed to the decedent shall include the face amount and unpaid balance, date of note, date of maturity, name of maker, interest dates, rate of interest, date to which interest is paid, endorsements, and, if secured, a description of the security.

## **C. Partnership Interests**

Descriptions of partnership interests shall include the partnership name and address, the approximate value and interest of the estate, if known, and a brief description of the nature and location of the business of the partnership.

## **D. Causes of Action**

Descriptions of causes of action shall include the name of the person against whom the cause of action exists, its nature, and if suit has been instituted, the title, case number, and court where pending and current status of the case.

## **E. Filing of Inventory Required**

Except as applicable for Independent Administration, each inventory and amended or supplemental inventory shall be presented to the Circuit Clerk for filing. The first inventory shall be filed within 60 days after issuance of letters.

## **F. When Amended or Supplemental Inventory Required**

An amended or supplemental inventory shall be presented to the court and filed if:

1. Real or personal property has been erroneously described in the prior inventory;
2. Assets have been improperly included in or excluded from a prior inventory; or
3. Additional assets have been received by the representative or have come to his/her knowledge.

A supplemental inventory or an amendment to an inventory need not repeat assets correctly described in a prior inventory.

## **PART 9.35 - REMOVAL OF REPRESENTATIVE**

Whenever the court determines that a representative or guardian has failed to present a verified account of his administration to the court which issued his/her letters within 60 days

after the expiration of one year after the issuance of letters, or that a probate case has remained inactive for more than one year, the court may remove the personal representative pursuant to Section 23-2 of the Probate Act.

## **PART 9.40 - TRANSFER TO INACTIVE STATUS**

### **A. Transfer to Inactive Status**

Whenever the court determines that a probate case has remained inactive for one year, or the court determines that a representative or guardian has failed to present a verified account of his/her administration to the court which issued his/her letters within 60 days after the expiration of one year after the issuance of letters, the court shall order such representative to show cause why the probate case should not be transferred to inactive status and filed with the closed probate cases.

### **B. Procedure to Transfer to Inactive Docket**

Prior to transfer of a probate case to an inactive status, the court shall direct the Circuit Clerk to mail to the last known attorney of record and to the representative or guardian a copy of the order to show cause directing the attorney and representative to show cause why the case should not be transferred to inactive status and filed as closed. Such orders to show cause may be heard individually or at docket call. At hearing or docket call, if the court should determine that the probate case is dormant or cannot be conveniently terminated, the court shall enter an Order directing the case transferred to inactive status and filed with the closed probate cases or the court may enter such other orders as appropriate.

### **C. Procedure to Transfer Back to Active Docket**

An inactive probate case may be removed from inactive status to the active docket on motion and order of the court.

## **PART 9.45 - ACCOUNT OF RECEIPTS AND DISBURSEMENTS**

When an accounting is required to be filed with the court, the following provisions shall apply:

### **A. Form and Procedure of Account**

Except for good cause shown, each item of income and disbursement stated in an account shall be numbered and each disbursement supported by such documentation as the court may require. If required by the court, vouchers or canceled checks shall be arranged in the order of the disbursements and presented to the court or, if it so directs, to the Circuit Clerk at the time of hearing on the account. If receipts, or waivers and consents, by all interested parties are filed, the court may waive the requirement for presenting vouchers or canceled checks for disbursements. If the account is presented by a bank having trust powers or trust company, the court may accept the presentation of a certificate of an officer stating that the vouchers are on file at the bank or trust company. If vouchers and canceled checks are required, they may be withdrawn after approval of the account.



## **B. Notice of Hearing on Accounting**

Unless waived by the person entitled thereto, notice of the hearing on a final account or an account intended to be binding pursuant to Section 24-2 or 24-11(b) of the Probate Act shall be given as follows:

1. For all probate cases, notice to all persons entitled to notice shall be given as follows:
  - a. Notice, accompanied by a copy of the account, shall be given in person or sent by mail to the last known address not less than eight days before the hearing, except if the post office address of the person is outside the United States or Canada, the notice shall be sent not less than 14 days prior to the hearing.
  - b. If the name or present post office address of the person is not known to the representative or his/her attorney, notice shall be given by one publication in a newspaper of general circulation in the county of the hearing not less than 14 days before the date of the hearing, unless waived by the court.
  - c. The notice shall contain the time, date, place, and nature of the hearing in substantially the following: "If the account is approved by the Judge upon hearing, in the absence of fraud, accident, or mistake, the account as approved is binding upon all persons to whom this notice is given."
2. For any account of an estate, notice shall be given:
  - a. To the ward in a guardianship estate;
  - b. To each claimant whose claim is filed and remains undetermined or unpaid; and
  - c. To all other persons entitled to notice, including trustees.
3. If a person entitled to notice is represented by an attorney whose appearance is on file, notice shall also be sent to such attorney not less than eight days before the date set for hearing.

## **C. Objections to Account**

Any and all objections to the account as filed shall be made in writing prior to hearing on said account. Any objections not so filed shall be waived. This Rule does not limit the power of the court, in its discretion, to continue the hearing and to extend the time for filing written objections.

## **D. Contents of Guardian's Account**

An account of a guardian of the person shall disclose, in addition to other required matters:

1. The physical location of the ward and his/her physical and mental condition;

2. The pendency of any suit or proceeding known to him/her by or against the estate or the representative of the estate; and
3. To the court's satisfaction, the existence of all assets stated.

#### **E. Final Account of Ward's Estate**

On the final settlement of a ward's estate, if the person entitled to the estate is the ward, the guardian will not be discharged unless the ward appears in court and acknowledges the settlement. The personal attendance of the ward or his/her acknowledgment of the settlement may be waived if the court is satisfied, by the receipt of the ward or by other evidence, that the final settlement is correct, that the ward is in possession of all of his/her estate, and that the personal attendance of the ward is impractical or knowingly waived.

#### **F. Death of Distributee**

If a distributee of a decedent's estate dies after decedent's death but before the receipt of his/her entire distributive share, evidence of his/her death and such other documents as may be required for the entry of an order of distribution shall be presented to the court.

### **PART 9.50 - EXTENSION OF TIME FOR ACCOUNTING**

A. Requests for an extension of time to file an account or for an order allowing accounting less frequently than provided by the Probate Act shall be heard on verified petition of the personal representative specifying the reasons for the request.

B. The petition may be heard without notice if it requests an extension:

1. In any case which it appears from the record that an annual accounting is not necessary;
2. For any reason which is apparent from the record of the estate and which reason exists without fault of the petitioner;
3. Because estate taxes have not been determined, and the petition states that the return was filed or will be filed within the time required by law, and that the other obligations of the estate have been paid, and that distributions have been made to the extent possible consistent with the responsibilities of the personal representative; or
4. For other good cause.

C. If the Petition seeks an extension for any other reasons, the court shall set the petition for hearing and the attorney for the representative shall mail notice of the hearing to all persons interested in the administration of the estate, including all unpaid creditors. Said notice to be mailed at least eight days before the hearing date.

D. The court shall consider the evidence presented at the hearing by the petitioner and by any person interested in the administration of the estate. Lack of sufficient time on the part of

the personal representative or his/her attorney will not constitute sufficient cause for extension.

E. If the request of the petition is granted, the order shall set a definite date for accounting.

### **PART 9.55 - ACCOUNT NOT FILED AS REQUIRED**

In any case in which an account has not been filed within the time required or on the date certain set by court order, the following procedure is prescribed:

A. The Circuit Clerk shall mail to the attorneys of record in the estate a notice that the account is due.

B. If the account is not presented within 60 days after the date such notice was mailed, the Circuit Clerk shall issue a citation directing the personal representative to account as required or to appear on a date fixed by the court to show cause why s/he should not do so, or be removed as personal representative.

C. If the personal representative fails to account or to appear as directed, or if having appeared, s/he fails or refuses to account as required or to show cause why s/he should not do so, his/her letters shall be revoked and s/he may be subject to contempt of court.

D. At the time of the issuance of a citation required by this Rule, the Circuit Clerk shall mail notices of the pendency of the citation proceeding and return date thereof to all persons interested in the administration of the estate, including unpaid creditors.

### **PART 9.60 - JURY DEMAND**

A petitioner or claimant who requests a trial by jury, pursuant to Section 8-1, 11a-11, 16-3, or 18.6 of the Probate Act, or any other section of the Illinois Compiled Statutes, must file a jury demand with the Circuit Clerk and pay the fee as required by law at the time s/he files his/her petition or claim. A representative or other party in interest opposing the petition or claim or who requests a trial by jury must file a jury demand and pay the fee at the time s/he files his/her answer or other responsive pleading. If the petitioner or claimant files a jury demand and thereafter waives jury, the opposing party will be granted a jury trial upon demand promptly made after being advised of the waiver and upon payment of the fee. The jury fee, once paid, shall not be reimbursed upon a subsequent waiver of jury.

### **PART 9.65 - SETTLEMENT OF PERSONAL INJURY OR DEATH ACTION**

#### **A. Petition for Leave to Settle**

The representative must sign a petition for leave to settle a cause of action for personal injuries sustained by a ward or decedent, or a cause of action for the wrongful death of a person whose estate is in the course of administration. His or her attorney shall certify in writing, as a part of the petition, that in his or her opinion, based upon the facts and applicable law, the proposed settlement is just and proper.

## **B. Appointment of Guardian ad Litem**

The court may, on its own motion, appoint a Guardian ad Litem to investigate the merits of the proposed settlement if no attorney is employed by the representative, or for other good cause.

## **C. Notice of Hearing B Wrongful Death Act**

1. At least eight days notice of the hearing on the petition for the appointment and distribution of the proceeds of the settlement of an action for the death of a decedent shall be given to the surviving spouse and any next of kin who have not consented thereto in writing. The court shall appoint a Guardian ad Litem for any minor or disabled adult next of kin, unless such appointment is not deemed necessary for the protection of such person or his/her estate.

2. If the decedent left no surviving spouse or next of kin entitled to recover, notice of the filing of a petition for settlement under the Wrongful Death Act and of the hearing thereon shall be given by the representative or his or her attorney to the persons named in Paragraphs (a), (b), and (c) of Section 2 of that Act, including persons furnishing hospital, medical, or funeral services for the decedent, unless payment for the services is shown.

## **D. Statement of Attending Physician Required**

Prior to approving a settlement for the benefit of a minor or a disabled adult, the court may require a statement of the attending physician or surgeon be filed stating the nature and extent of the injury and the current medical condition of the ward. The court may require the minor or disabled adult to appear in open court.

## **E. Court's Approval of Attorney's Fee Required**

If an attorney enters into a contingent fee contract with a representative for prosecuting a cause of action for personal injuries (other than a claim under the Illinois Worker's Compensation and Occupation Diseases Act) or for death, such fee is subject to the approval of the court.

## **F. Reimbursement of Expenses of Attorney**

If an attorney asks for any expense beyond his/her fee, s/he shall furnish the court with his/her affidavit certifying to the reasonableness, necessity, and propriety of the expense. Reimbursement for expense of an independent investigator will be allowed only if his/her employment was necessary to prepare the action and if payment is solely for services rendered by the investigator in investigating the action after the attorney was retained. The court may order a hearing to determine the propriety and reasonableness of the expense.

## **G. Distributive Rights to Proceeds B Wrongful Death Act**

Any order of the Probate Court approving a settlement of a wrongful death action shall also establish the distributive rights of the persons entitled to the proceeds.

## **H. Disbursement of Proceeds Arising Outside of Probate Court**

If, as a result of the entry of a judgment in, or the settlement of, a case pending in another division of the court, money or property becomes distributable, other than pursuant to a Small Estate Affidavit, Section 25-2 of the Probate Act, to or for the benefit of a minor or disabled adult, the court hearing or settling the case shall determine the expenses, proper disbursement, and reasonable compensation to be paid to the attorney for his or her services, and application shall then be made to open an estate for the minor or disabled adult. The application shall have incorporated in or attached thereto a copy of the Judgment Order or the Settlement Order. Thereafter, the estate shall be administered as any other estate of a minor or disabled adult or the court may direct that the funds be deposited or invested subject to order of the court, in accordance with the provisions of Section 24-21 of the Probate Act, as the court deems appropriate.

## **PART 9.70 - WITHDRAWAL OF FUNDS DEPOSITED WITH COUNTY TREASURER**

### **A. Notice Required**

Before a petition is presented for an order directing the County Treasurer to pay money deposited by order of court, notice shall be given to:

1. The State's Attorney;
2. The former representative and his/her attorney; and
3. All other persons entitled to notice under any order entered in the proceeding.

### **B. Refusal to Answer**

If the State's Attorney or the former representative fails or refuses to answer the petition, the court may appoint a special administrator to defend.

## **PART 9.75 - MINOR OR WARD'S MONEY**

### **A. When a Beneficiary of Decedent's Estate is a Minor**

If a minor is entitled to a distributive share of a decedent's estate which consists entirely of money, and if no guardian has been appointed for the minor's estate, then the court, upon a showing under oath that it is in the best interests of the minor, may:

1. Direct the distributive share to be deposited and paid out in accordance with Section 24-21 of the Probate Act. The receipt of the bank or other financial institution is a voucher for accounting purposes.
2. Direct the distribution be made to a Custodian under the Uniform Transfer to Minors Act.

## **B. Petition to Withdraw Money of Ward or Minor**

A petition to withdraw funds deposited or invested, as provided in Section 24-21 of the Probate Act, shall be presented in person by the parent, spouse, person standing in *loco parentis* (acting as a parent), or person having the responsibility of custody of the ward, unless personal attendance is waived by the court. The petitioner may be required to furnish evidence that the sums to be withdrawn or proceeds of sale or redemption are necessary for the ward's support, comfort, education, or other benefit to the ward or his/her dependents. Unless excused from doing so, within 30 days after entry of the order for withdrawal, the petitioner shall file receipts for all sums expended. All unexpended funds shall be redeposited in accordance with Section 24-21 of the Probate Act.

## **C. When Value of Minor or Ward's Estate Less than "Small Estate"**

If the value of the minor or ward's estate being administered is or becomes less than the "small estate" amount specified in Section 25-2 of the Probate Act and no part of the estate consists of real estate or a pending cause of action for personal injuries, a petition may be filed requesting the distribution of the estate without further administration. In the case of a disabled adult, application shall be made by his/her guardian or by his or her spouse, or if he or she has no spouse, by a relative having responsibility for his or her support. In the case of a minor, application shall be made by his or her guardian or by a parent or a person standing in *loco parentis*. If it appears that there is no unpaid creditor and that it is for the best interest of the estate and the ward, the judge may order the person to file his or her final account and make distribution as the judge directs.

## **PART 9.80 - ASSIGNMENT OF INTEREST**

### **A. Petition for Approval**

Each assignment of interest or power of attorney with respect to a distributee's interest in an estate of a decedent may be presented to the court for filing and approval. The petition for approval shall be verified and state:

1. The names and addresses of the assignor and assignees;
2. The nature and value of the interest involved;
3. In the case of an assignment, the consideration, if any, paid or to be paid the assignor, and the fees and expenses charged in connection therewith; and
4. In the case of a power of attorney, the fees and expenses charged or to be charged by the attorney in fact and his or her agents and representatives.

### **B. Refusal of Court to Accept**

If the court finds that the consideration paid or to be paid the assignor is inadequate or the fees or expenses charged or to be charged are excessive or for other good cause shown, the judge may refuse to allow the assignment of interest or power of attorney or may approve upon such terms as he or she deems just and equitable.

# **PART 10.00**

## **APPENDIX C FORMS**

### **PART 10.00 APPENDIX C FORMS**

Form 110 Request for Extended Media Coverage  
Form 120A Objection to Extended Media Coverage-Party  
Form 120B Objection to Extended Media Coverage-Witness  
Form 210 Notice of Service of Discovery Documents  
Form 310 Notice of Setting Initial Case Management Conference - Civil  
Form 320A Civil Case Management Order- \$50,000 and under  
Form 320B Civil Case Management Order-\$50,001 and over  
Form 330 Civil Pre-Trial Memorandum  
Form 340 Order Setting Civil Final Pre-Trial - Standard Order  
Form 340A Addendum to Civil Final Pre-Trial  
Form 350 Statement of the Nature of the Case – Civil  
Form 360 Important Notice Regarding Contempt  
Form 450 Statement of the Nature of the Case - Criminal  
Form 505 Notice Parent Education Requirement  
Form 510 Order Requiring Parent Education Program  
Form 512 Child Representative Required Information Form  
Form 515 Case Management Order - Family  
Form 520 Financial Affidavit - Family Cases  
Form 525 Final Pre-Trial Memorandum - With Children  
Form 530 Final Pre-Trial Memorandum - No Children  
Form 535 Trial Asset & Debt Table  
Form 540 Entry of Appearance-Waiver and Consent Pro Se Respondent  
Form 550 Show Cause/Enforcement Calculation  
Form 555 Petition for Joint Simplified Dissolution of Marriage  
Form 565 Joint Simplified Agreement as to Assets and Debts  
Form 570 Joint Simplified Judgment of Dissolution  
Form 575 Joint Simplified Dissolution Information and Instructions  
Form 610 Notice of Mediation  
Form 615 Mediator Required Information Form  
Form 620 Order of Referral to Mediation  
Form 630 AOIC Mediator's Report  
Form 640 Mediation Confidentiality Agreement  
Form 650 Mediator's Status Report  
Form 660 AOIC Mediator Evaluation  
Form 670 Parenting Plan

**EXTENDED MEDIA COVERAGE IN THE CIRCUIT COURTS OF ILLINOIS**

*Media Coordinator's Notice of Request(s) for Extended Media Coverage of Trial or Proceeding.*

IN THE 9<sup>TH</sup> JUDICIAL CIRCUIT OF ILLINOIS

\_\_\_\_\_ County

\_\_\_\_\_  
Plaintiff,

vs.

Case Number: \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**Media Coordinator's Notice of Request(s) for  
Extended Media Coverage of Trial or Proceeding**

COMES NOW the undersigned person, who states as follows:

1. Certain representatives of the news media want to use, photographic equipment ( ), television cameras ( ), or electronic sound recording equipment ( ), or other ( ) \_\_\_\_\_ (please specify) in Courtroom coverage of the above proceeding. ***(Place a check mark for the appropriate type(s) of equipment requested).***

2. The trial or proceeding to be covered by extended media techniques is scheduled for the \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, a.m/p.m. at the \_\_\_\_\_ County Courthouse in \_\_\_\_\_ Illinois. The request(s) for extended media coverage includes every part of such proceeding and any later proceedings caused by a delay or continuance.

3. The request(s) for extended media coverage is described as follows (e.g., the number of photographers with still cameras):

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

4. This notice of request(s) for extended media coverage is filed. (Check appropriate box)

[ ] at least 14 days in advance of the proceeding for which extended media coverage is being requested.

**Or**

[ ] this notice cannot be filed within 14 days of the proceeding because of the reasons set out in the attached statement.

5. A copy of this Notice shall be sent to the Office of Chief Judge of the Ninth Judicial Circuit.



WHEREFORE, the undersigned media coordinator gives notice of request(s) for extended media coverage as  
aforementioned.

\_\_\_\_\_(Signature of Media Coordinator)  
\_\_\_\_\_(Printed Name)  
\_\_\_\_\_(Address of Media Coordinator)  
\_\_\_\_\_  
\_\_\_\_\_(Phone)  
\_\_\_\_\_(Email)

CERTIFICATE OF SERVICE

Pursuant to Rules 12 and 104 of the Illinois Supreme Court, the undersigned certifies that the foregoing  
Media Coordinator’s Request for Extended Media Coverage was served upon the Chief Judge’s Office, the parties,  
or their attorneys of record, who have appeared and have not, heretofore, been found by the Court to be in default  
for failure to plead, by enclosing the same in envelopes and with postage fully pre-paid on  
\_\_\_\_\_, 20\_\_\_\_\_, at 5 o’clock p.m., with the complete address(es) appearing on the  
envelopes as follows:

|                |                |
|----------------|----------------|
| _____(Name)    | _____(Name)    |
| _____(Address) | _____(Address) |
| _____          | _____          |
| _____(Name)    | _____(Name)    |
| _____(Address) | _____(Address) |
| _____          | _____          |

Office of Chief Judge  
130 S. Lafayette, Suite 30  
Macomb, IL 61455

\_\_\_\_\_  
Signature

**EXTENDED MEDIA COVERAGE IN THE CIRCUIT COURTS OF ILLINOIS**

*Objection of Party to Extended Media Coverage of Trial or Proceeding.*

IN THE 9<sup>TH</sup> JUDICIAL CIRCUIT OF ILLINOIS

\_\_\_\_\_ County

---

Plaintiff,

vs.

Case Number: \_\_\_\_\_

---

Defendant.

**Objection of Party to Extended Media Coverage of Trial or Proceeding**

COMES NOW the undersigned person, who states as follows:

1. Extended media coverage has been requested for the above matter.
2. There is good cause to believe that the presence of extended media coverage, under the particular circumstances of the proceeding, would materially interfere with the right of the parties to a fair trial. The specific facts and circumstances in support of the allegation are described as follows:

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3. This objection is filed at least three (3) days before commencement of the proceeding for which extended media coverage has been requested.
4. I have attached a proof of service showing service of a copy of this objection upon all counsel of record, parties, appearing without counsel, the media coordinator for this judicial circuit, the trial court administrator for this judicial circuit, the circuit or associate judge expected to preside at the proceeding for which extended media coverage has been requested and the chief judge of the circuit in which the case is to be held, such mailings having been directed to the last known address of each person.

WHEREFORE, I object to extended media coverage of this proceeding for the reasons urged.

\_\_\_\_\_(Signature)  
\_\_\_\_\_(Printed Name)  
\_\_\_\_\_(Address)  
\_\_\_\_\_  
\_\_\_\_\_(Phone)  
\_\_\_\_\_(Email)

CERTIFICATE OF SERVICE

Pursuant to Rules 12 and 104 of the Illinois Supreme Court, the undersigned certifies that the foregoing Objection of Party to Extended Media Coverage of Trial or Proceeding was served upon the parties, or their attorneys of record, who have appeared and have not, heretofore, been found by the Court to be in default for failure to plead, by enclosing the same in envelopes and with postage fully pre-paid on \_\_\_\_\_, 20\_, at 5 o'clock p.m., with the complete address(es) appearing on the envelopes as follows:

\_\_\_\_\_(Name) \_\_\_\_\_(Name)  
\_\_\_\_\_(Address) \_\_\_\_\_(Address)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_(Name) \_\_\_\_\_(Name)  
\_\_\_\_\_(Address) \_\_\_\_\_(Address)  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature

**EXTENDED MEDIA COVERAGE IN THE CIRCUIT COURTS OF ILLINOIS**  
*Objection of Witness to Extended Media Coverage of Trial or Proceeding.*

IN THE 9<sup>TH</sup> JUDICIAL CIRCUIT OF ILLINOIS  
\_\_\_\_\_ County

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\_\_\_\_\_  
Plaintiff,

vs.

Case Number: \_\_\_\_\_

\_\_\_\_\_  
Defendant.

**Objection of Witness to Extended Media Coverage of Trial or Proceeding**

COMES NOW the undersigned person, who states as follows:

1. I understand that extended media coverage has been requested for the above proceeding, which is scheduled to begin in the near future.
2. I expect to be a witness in this case.
3. I object to extended media coverage of my testimony for the following reasons (please be specific):

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4. I understand this objection must be filed with the Clerk of the Circuit Court prior to the beginning of the case.
5. I have attached a proof of service showing service of a copy of this objection upon all counsel of record, parties appearing without counsel, the media coordinator for this judicial circuit, the trial court administrator for this judicial circuit, the circuit or associate judge expected to preside at the proceeding for which extended media coverage has been requested and the Chief Judge of the circuit in which the case is to be held, such mailings having been directed to the last known address of each person.

WHEREFORE, I object to extended media coverage of this proceeding for the reasons urged.

\_\_\_\_\_(Signature)  
\_\_\_\_\_(Printed Name)  
\_\_\_\_\_(Address)  
\_\_\_\_\_  
\_\_\_\_\_(Phone)  
\_\_\_\_\_(Email)

CERTIFICATE OF SERVICE

Pursuant to Rules 12 and 104 of the Illinois Supreme Court, the undersigned certifies that the foregoing Objection of Witness to Extended Media Coverage of Trial or Proceeding was served upon the parties, or their attorneys of record, who have appeared and have not, heretofore, been found by the Court to be in default for failure to plead, by enclosing the same in envelopes and with postage fully pre-paid on\_\_\_\_\_, 20\_, at 5 o'clock p.m., with the complete address(es) appearing on the envelopes as follows:

\_\_\_\_\_(Name)  
\_\_\_\_\_(Address)  
\_\_\_\_\_

\_\_\_\_\_(Name)  
\_\_\_\_\_(Address)  
\_\_\_\_\_

\_\_\_\_\_(Name)  
\_\_\_\_\_(Address)  
\_\_\_\_\_

\_\_\_\_\_(Name)  
\_\_\_\_\_(Address)  
\_\_\_\_\_

\_\_\_\_\_  
Signature

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

\_\_\_\_\_)  
\_\_\_\_\_)  
Plaintiff, \_\_\_\_\_) vs. Case No. \_\_\_\_\_  
\_\_\_\_\_)  
\_\_\_\_\_)  
Defendant. \_\_\_\_\_)

**NOTICE OF SERVICE OF DISCOVERY DOCUMENTS**

The undersigned certifies that a true copy of the below listed document(s), along with a copy of this Notice, was (hand delivered as set forth below) (sealed in postage prepaid envelope addressed as set forth below and deposited in the U.S. Mail) at \_\_\_\_\_, Illinois, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

DOCUMENTS:

TO:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Attorney(s) for \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

\_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_) Plaintiff, \_\_\_\_\_)  
vs. \_\_\_\_\_) Case No. \_\_\_\_\_)  
\_\_\_\_\_)  
\_\_\_\_\_) Defendant. \_\_\_\_\_)

**NOTICE OF SETTING INITIAL CASE MANAGEMENT CONFERENCE B CIVIL**

Pursuant to Supreme Court Rule 218 and pursuant to local Circuit Court Rule Part 3.25, to assist in the orderly preparation for trial and of jury calendars,

**TAKE NOTICE THAT** the above cause is set for initial case management conference on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_m. at the \_\_\_\_\_ County Courthouse, \_\_\_\_\_, Illinois.

**IT IS FURTHER DIRECTED THAT:**

A. Each party shall be represented at the initial case management conference by an attorney who has full knowledge of the case and has authority to bind the party by stipulation.

B. Counsel should be prepared to stipulate and agree with respect to discovery procedures, closing date for discovery, and proposed times for a Final Pre-Trial Conference.

C. To the extent possible, matters of pleading and discovery procedure shall be settled or agreed upon at the initial case management conference.

D. At any case management conference, an appropriate case management order shall be entered in substantially the same form as that suggested in Appendix Part 10.00 of the Circuit Court Rules, Form 320, ACivil Case Management Order.”

E. The Court, on its own motion or upon motion of any party, may order additional case management conferences or pre-trial conferences as may be appropriate.

F. In cases where the initial case management conference has been previously authorized by the court to be conducted by telephone conference, it is the responsibility of plaintiff's counsel to initiate the conference call to the Court unless counsel have made other arrangements for a different party to initiate the call.

G. All inquiries or correspondence regarding initial case management conferences should be directed to the judge assigned to hear the case, or if no judge is yet assigned, to the Administrative Judge of the county.

H. The Circuit Clerk shall notify all counsel of record of the setting of the initial case management conference by mailing a copy of this Notice to all counsel within five days after entry of this order.

DATE: \_\_\_\_\_

\_\_\_\_\_  
CLERK OF THE CIRCUIT COURT  
\_\_\_\_\_  
County, Illinois

*(PROOF OF SERVICE HERE OR ATTACHED)*



In the Circuit Court of the Ninth Judicial Circuit  
\_\_\_\_\_County, Illinois

\_\_\_\_\_  
Plaintiff,

vs.

No. \_\_\_\_\_

\_\_\_\_\_  
Defendant

\_\_\_\_\_  
Other Parties

Case Management Order  
Controversies Less than \$50,000

This Order is entered pursuant to Illinois Supreme Court Rule (218), after conferring with counsel, and complexity of the case. An affidavit of counsel has been filed indicating that the action is seeking money damages in an amount less than \$50,000.00, exclusive of interest and costs.

Present for the Plaintiff: \_\_\_\_\_

Present for the Defendant \_\_\_\_\_

Present for other parties: \_\_\_\_\_

1. The nature of the case is: \_\_\_\_\_

2. Counsel advise that pleadings are

- a.  In order and no amendments required
- b.  Amendments are required and will be done by \_\_\_\_\_
- c.  There are objections and shall be filed by \_\_\_\_\_

3. Rule 222(c) Mandatory Disclosure:

- a. The plaintiff shall comply by: \_\_\_\_\_
- b. The defendant shall comply by: \_\_\_\_\_
- c. Other parties shall comply by: \_\_\_\_\_

4. Rule 213(f) disclosure of lay witnesses:

- a. Plaintiff to disclose by \_\_\_\_\_ and defendant to depose by \_\_\_\_\_.
- b. Defendant to disclose by \_\_\_\_\_ and plaintiff to depose by \_\_\_\_\_.
- c. Other parties to disclose by \_\_\_\_\_ and plaintiff and defendant to depose by \_\_\_\_\_.

5. Rule 213(f) disclosure of Independent expert witnesses:

- a. Plaintiff to disclose by \_\_\_\_\_ and defendant to depose by \_\_\_\_\_.
- b. Defendant to disclose by \_\_\_\_\_ and plaintiff to depose by \_\_\_\_\_.
- c. Other parties to disclose by \_\_\_\_\_ and plaintiff and defendant to depose by \_\_\_\_\_.

6. Rule 213(f) disclosure of controlled expert witnesses:

- a. Plaintiff to disclose by \_\_\_\_\_ and defendant to depose by \_\_\_\_\_.
- b. Defendant to disclose by \_\_\_\_\_ and plaintiff to depose by \_\_\_\_\_.
- c. Other parties to disclose by \_\_\_\_\_ and plaintiff and defendant to depose by \_\_\_\_\_.

7. Counsel shall prepare an agreed statement of issues, factual and legal, and file by: \_\_\_\_\_

8. Counsel shall submit a stipulation to facts by: \_\_\_\_\_

9. Settlement:

- a. Plaintiff shall make a final settlement demand in writing by \_\_\_\_\_
- b. Defendant shall make a final offer by: \_\_\_\_\_
- c. Other Parties shall make final settlement demands and offers by \_\_\_\_\_.

Should the parties wish to have a settlement conference, then the parties shall schedule the same. The conference should take place at least 30 days prior to the final pre-trial. The parties will be expected to sign a "Waiver of Substitution of Judge" form to engage in a settlement conference with the trial judge. (See S.Ct. Rule 63(A)(4)(c))

10. Subsequent Case Management Conference: \_\_\_\_\_.

11. Final Pre-trial conference is set for \_\_\_\_\_. A Civil Final Pre-trial order shall be entered and complied with by the parties.

12. If any of the discovery dates set forth above are not met by a party, the other parties shall immediately attempt to have a Supreme Court Rule 201(k) conference. If the delinquent party persists in non-compliance, the other parties shall promptly move the Court to compel compliance.

13. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agreed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Judge

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

\_\_\_\_\_  
Plaintiff,

v. No. \_\_\_\_\_

\_\_\_\_\_  
Defendant,

\_\_\_\_\_  
Other Parties.

Case Management Order  
Controversies \$50,000 or more

This Order is entered pursuant to Illinois Supreme Court Rule (218), after conferring with counsel, and complexity of the case. An affidavit of counsel has been filed indicating that the action is seeking money damages in excess of \$50,000, exclusive of interest and costs.

Present for the Plaintiff: \_\_\_\_\_

Present for the Defendant: \_\_\_\_\_

Present for other parties: \_\_\_\_\_

1. The nature of the case is: \_\_\_\_\_.

2. Counsel advise that pleadings are:

a. In order and no amendments required.

b. Amendments are required and will be done by \_\_\_\_\_.

c. There are objections and shall be filed by \_\_\_\_\_.

3. Request to Admit: If used in discovery, then:

a. Plaintiff shall submit to defendant by \_\_\_\_\_.

b. Defendant shall submit to plaintiff by \_\_\_\_\_.

4. Discovery Issues

A. All written discovery shall be completed as follows:

1. Petitioner initiates by \_\_\_\_\_ and  
Respondent responds by \_\_\_\_\_

2. Respondent initiates by \_\_\_\_\_ and  
Petitioner responds by \_\_\_\_\_

B. Rule 213(f) Disclosure of Lay Witnesses:

1. Petitioner to disclose by \_\_\_\_\_ and Respondent to depose by \_\_\_\_\_
2. Respondent to disclose by \_\_\_\_\_ and Petitioner to depose by \_\_\_\_\_

C. Rule 213(f) Disclosure of Independent Expert Witness

1. Petitioner to disclose by \_\_\_\_\_ and Respondent to depose by \_\_\_\_\_
2. Respondent to disclose by \_\_\_\_\_ and Petitioner to depose by \_\_\_\_\_

D. Rule 213(f) Disclosure of Controlled Expert Witness

1. Petitioner to disclose by \_\_\_\_\_ and Respondent to depose by \_\_\_\_\_
2. Respondent to disclose by \_\_\_\_\_ and Petitioner to depose by \_\_\_\_\_

5. Dispositive Motions: All dispositive motions shall be filed by either party on or before \_\_\_\_\_. All dispositive motions should comply with the Ninth Judicial Circuit local rules and should be accompanied by a legal brief with case authority.

6. Counsel shall prepare an agreed statement of issues, factual and legal, and file by:\_\_\_\_\_.

7. Counsel shall submit a stipulation to facts by:\_\_\_\_\_.

8. Settlement:

a. Plaintiff shall make a final settlement demand in writing by:\_\_\_\_\_.

b. Defendant shall make a final offer by:\_\_\_\_\_.

c. Other Parties shall make final settlement demands and offers by:\_\_\_\_\_.

Should the parties wish to have a settlement conference, then the parties shall schedule the same. The conference should take place at least 30 days prior to the final pre-trial. The parties will be expected to sign a "Waiver of Substitution of Judge" form to engage in a settlement conference with the trial judge. (See S. Ct. Rule 63(A)(4)(c))

9. Subsequent Case Management Conference: \_\_\_\_\_

10. Final Pre-trial Conference is set for\_\_\_\_\_. A Civil Final Pre-trial order shall be entered and complied with by the parties.

11. If any of the discovery dates set forth above are not met by a party, the other parties shall immediately attempt to have a Supreme Court Rule 201(k) conference. If the delinquent party persists in non-compliance, the other parties shall promptly move the Court to compel compliance.

12. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Agreed: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY

\_\_\_\_\_(1) )  
\_\_\_\_\_(2) ) Case No. \_\_\_\_\_  
vs. )  
\_\_\_\_\_(1) ) Initial Pre-Trial Date:  
\_\_\_\_\_(2) ) \_\_\_\_\_

**CIVIL PRE-TRIAL MEMORANDUM**

Plaintiff(s) Attorney: \_\_\_\_\_ Date of Occurrence \_\_\_\_\_  
(Trial) \_\_\_\_\_ Loc. Of Occurrence \_\_\_\_\_  
(Firm) \_\_\_\_\_  
(Address) \_\_\_\_\_ Time of Occurrence \_\_\_\_\_  
(Phone) \_\_\_\_\_

Defendant(s) Attorney: (No. 1) (No. 2)  
(Trial) \_\_\_\_\_ (Trial) \_\_\_\_\_  
(Firm) \_\_\_\_\_ (Firm) \_\_\_\_\_  
(Address) \_\_\_\_\_ (Address) \_\_\_\_\_  
(Phone) \_\_\_\_\_ (Phone) \_\_\_\_\_  
(Repr) \_\_\_\_\_ (Repr) \_\_\_\_\_  
(Insurance Company) (Insurance Company)

Occurrence Allegations:

Plaintiff No. 1 Conduct \_\_\_\_\_  
Plaintiff No. 2 Conduct \_\_\_\_\_  
Defendant No. 1 Conduct \_\_\_\_\_  
Defendant No. 2 Conduct \_\_\_\_\_

Plaintiff(s)/Defendant(s) Theory of Liability:

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

A SEPARATE MEMORANDUM MUST BE PREPARED FOR EACH PLAINTIFF

Damages of Plaintiff \_\_\_\_\_ Case No. \_\_\_\_\_

(Name)

Description of Injuries \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEDICAL EXPENSES:

Dates:

Names:

Charges:

Hospital (Emergency Room) on \_\_\_\_\_ \$ \_\_\_\_\_

Hospital Confinement \_\_\_\_\_ to \_\_\_\_\_ \$ \_\_\_\_\_

Treating Doctor \_\_\_\_\_ to \_\_\_\_\_ \$ \_\_\_\_\_

Treating Doctor \_\_\_\_\_ to \_\_\_\_\_ \$ \_\_\_\_\_

Consulting Doctor \_\_\_\_\_ to \_\_\_\_\_ \$ \_\_\_\_\_

Examining Doctor \_\_\_\_\_ to \_\_\_\_\_ \$ \_\_\_\_\_

X-Ray Laboratory \_\_\_\_\_ to \_\_\_\_\_ \$ \_\_\_\_\_

Physical Therapy \_\_\_\_\_ to \_\_\_\_\_ \$ \_\_\_\_\_

Medical Aids (Describe) \_\_\_\_\_  
\_\_\_\_\_

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

LOSS OF EARNINGS:

From \_\_\_\_\_ to \_\_\_\_\_ employed at \_\_\_\_\_ \$ \_\_\_\_\_

From \_\_\_\_\_ to \_\_\_\_\_ employed at \_\_\_\_\_ \$ \_\_\_\_\_

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

PROPERTY DAMAGE:

(Year \_\_\_\_\_ Make \_\_\_\_\_ Model \_\_\_\_\_)

(Repaired) (Estimated) by \_\_\_\_\_ at cost of \$ \_\_\_\_\_

(Auto Rental) (Towing) (Deductible Collision Payment) \_\_\_\_\_ \$ \_\_\_\_\_

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

OTHER CLAIM DAMAGES:

Describe \_\_\_\_\_ \$ \_\_\_\_\_

Plaintiff Demand \$ \_\_\_\_\_ Defendant No. 1 Offer \$ \_\_\_\_\_

Defendant No. 2 Offer \$ \_\_\_\_\_

Dated: \_\_\_\_\_

Signature of Attorney for \_\_\_\_\_



IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

|       |   |            |   |           |
|-------|---|------------|---|-----------|
| _____ | ) |            | ) |           |
| vs.   |   | Plaintiff, |   |           |
|       |   |            |   |           |
|       |   |            |   | No. _____ |
| _____ |   | Defendant. |   |           |

**ORDER SETTING CIVIL FINAL PRE-TRIAL B STANDARD ORDER**

Pursuant to Supreme Court Rule 218:

The above cause is set for trial on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ m.

A Final Pretrial Conference will be held on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ m.  
Counsel who will try the case shall appear.

**PRE-TRIAL MATERIALS:** On or before \_\_\_\_\_, counsel for the parties shall furnish to the Trial Judge through the Circuit Clerk the following materials:

**(1) Stipulation of Uncontested Facts.** A comprehensible written stipulation of uncontested facts to become a part of the evidentiary record in the case and which, in jury trials, shall be read to the jury by the Court. Counsel for plaintiff has the responsibility to prepare the draft of a proposed stipulation which speaks to the complaint; counsel for counter, cross, or third party complainants has a like responsibility in respect to stipulations which speak to those causes of action. Counsel for any defendant or counter-defendant which has raised an affirmative defense has a like responsibility to prepare a stipulation of uncontested facts.

**(2) Agreed Statement of Contested Fact Issues.** An agreed statement signed by counsel for all parties of the nature of the case and the contested fact issues. In jury trials, the statement may be read to the jury panel by the Court during voir dire and may be referred to by the parties and the Court at any appropriate time during the trial. The responsibilities of counsel are as stated in paragraph (1) above.

**(3) List of Witnesses, Exhibits, and Depositions.** A statement from each party, signed by each party's respective counsel, containing:

(a) The names of all witnesses who may be called by that party and a very brief statement of the witnesses' anticipated testimony. The parties are directed to stipulate to the qualification of expert witnesses. If any party disputes the qualifications of an expert, the factual and legal basis for that objection shall be set forth in this statement;

(b) A list describing all exhibits which may be offered by each party with copies of documentary exhibits pre-marked and attached thereto. All exhibits shall be marked for identification prior to trial, and photocopies of all documentary exhibits so pre-marked shall be attached to this statement.

(c) A designation of all evidence deposition testimony which will be offered substantively by each party. Transcripts of depositions which the parties intend to introduce into evidence or read must accompany the statement. Likewise, any videotaped evidence deposition which any party intends to offer as substantive evidence must be provided with the statement.

(d) At trial, counsel will be expected to have a copy of each exhibit for the Court, opposing counsel and the court reporter. The parties are directed to stipulate to the authenticity of exhibits. The issue of authenticity for an exhibit shall be deemed waived, unless counsel indicates in this statement an exhibit to which the authenticity has not been stipulated and why.

(e) Unlisted witnesses, exhibits, and undesignated deposition testimony may not be called or offered at the trial, except for purposes of impeachment. The examination of witnesses or offer of exhibits will not be interrupted during the trial to afford opposing counsel an opportunity to inspect a listed, pre-marked exhibit.

**(4) Contested Issues of Law.** Counsel for each party shall file a statement designating the contested issues of law. This statement shall, in a very succinct fashion, refer to stipulated or contested fact issues when necessary. Counsel for each party shall cite each case which they rely upon to support their respective positions. Legible copies of all such cases shall be attached to this statement.

**(5) Estimated Length of Trial.** Counsel for each party shall estimate the total time required to complete the trial.

**(6) Trial Briefs.** Each party shall file a trial brief. The purpose of a trial brief is full and complete disclosure of a party's theory of the case. The trial brief shall include a statement of the nature of the case; a full and complete statement of the facts the party expects the evidence will establish; the party's theory of liability or defense based on those facts, together with authorities in support thereof; the party's theory of damages or other relief in the event liability is established, together with authorities in support thereof; the party's theory of any anticipated motion for directed verdict, together with authorities in support thereof; in jury cases, the party's authorities in support of particular requested jury instructions.

**(7) Voir Dire Examination.** If the Court does not permit direct examination of prospective jurors by counsel pursuant to Supreme Court Rule 234 in jury trials, each party shall submit in writing proposed questions unique to this case for use by the Court in its interrogation of prospective jurors.

**(8) Motions *In Limine*.** All motions *in limine* shall be in writing and submitted by the party tendering them. Any motion *in limine* not presented pursuant to requirements of the local Circuit Rule Part 3.40 will be deemed waived, except where the grounds arise or become apparent during the course of the trial.

**(9) Proposed Findings of Fact and Conclusions of Law.** Counsel for each party shall prepare proposed findings of fact and conclusions of law which he or she believes should be accepted by the Court after hearing the evidence.

**(10) Proposed Jury Instructions.** In jury trials, each party shall submit the original and two (2) copies of proposed jury instructions on: (a) issues made by the pleadings, I.P.I. 21.00, et seq.; (b) burden of proof - *res ipsa loquitur*, I.P.I. 22.00, et seq.; and (c) damages, I.P.I. 30.00, et seq. The copies shall identify the tendering party and the authority for the instruction. The originals shall be unmarked in a form suitable for submission to the jury.

**(11) Waiver of Jury Trial.** Should a jury trial in any case no longer be desired, waiver of the right to jury trial shall be made in open court, or by written waiver, duly executed and verified, waiving all rights to trial by jury. Such waivers shall be made at the earliest possible date and no later than the Final Pre-Trial Conference.

**(12) Settlement.** Counsel and parties are directed to notify the Circuit Clerk and the Court promptly in the event of a settlement or disposition of their case prior to the time of trial.

**(13) Removal from Jury Calendar.** No cases shall be removed from the jury calendar except on proper motion and good cause shown.

**(14) Be Advised.** Counsel for all parties are expected to maintain contact with the Circuit Clerk to keep themselves advised of the status of the jury trial calendar, and all counsel and parties will be expected to be prepared to proceed to trial on the date indicated for the start of the jury trial calendar, or as soon thereafter as their case may be reached for trial.

**(15) Subpoenaed Witnesses.** COUNSEL SHALL SUBPOENA ALL WITNESSES FOR THE FIRST DAY OF THE JURY CALENDAR and arrange for them to be present on the days set on the calendar. In the event that cases are settled or otherwise removed from the calendar, the following cases may be advanced and expected to immediately proceed to trial.

**(16) Status Report of Case.** The status of each of the cases included in a calendar is to be reported to the attention of the presiding trial judge at least three days before the first day of the trial calendar. Any changes in status thereafter shall be brought to the prompt attention of the presiding judge. The presiding judge may be contacted through the office of the Clerk or, if available, the administrative secretary.

**(17) Notice.** The Clerk of the Court shall notify all counsel of record of the setting of the Pre-Trial Conference by mailing a copy of the calendar to counsel within five days after entry of this order.

**(18) Other.** \_\_\_\_\_

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**NOTE: IT IS IMPORTANT THAT YOU READ THE ABOVE ORDER SO AS TO KNOW WHAT IS EXPECTED OF YOU AT THE FINAL PRE-TRIAL CONFERENCE.**

ENTER:

DATE: \_\_\_\_\_

\_\_\_\_\_ Judge

Form 340: Order Setting Final Pre-Trial

**CIVIL FINAL PRE-TRIAL CONFERENCE**  
**Addendum**

To assist with the orderly preparation of Jury Calendars it is ordered that:

1. Each party shall be represented at the Final Pre-Trial hearing by the attorney who is to conduct the trial or by other counsel with full knowledge of the case and with authority to bind the party by stipulation. Parties shall be present in person or available by telephone to enter into settlement agreements.
2. Counsel are expected to file Pre-Trial memoranda and have authority to submit figures for settlement in all civil cases. (See Civil Pre-trial memorandum form in the Ninth Judicial Circuit Rules)
3. Should a jury trial in any case no longer be desired, waiver of the right to jury trial shall be made in open court, or by written waiver, duly executed and verified, waiving all rights to trial by jury. Such waivers shall be made at the earliest possible date and no later than the Final Pre-Trial Conference.
4. In all personal injury cases, plaintiff's counsel shall have available a complete itemization of all medical expenses and other "specials" and have same listed in the Pre-Trial Memorandum.
5. Pre-Trial Conference shall be conducted according to Supreme Court Rule 218 and Ninth Judicial Circuit Rule part 3.30.
6. Counsel shall be prepared to stipulate to facts about which there is no substantial dispute, including the admissibility of documentary proof, and where the same may be done without prejudice, should have available at Pre-Trial for examination by opposing counsel, photographs, written instruments, and other documentary proofs, or copies thereof, which counsel proposes to introduce upon the trial of the case, in order that stipulation with reference to the admissibility may be made. If not available at pre-trial, all such documents or copies shall be presented or exchanged or made available for examination by opposing counsel PRIOR to the first day for jury trials. Please see paragraph 8 below.
7. All documentary proof, including all exhibits that counsel intend to utilize in ANY manner during trial, shall be made available for examination by opposing counsel no less than five (5) days prior to the first date set for jury trials, in order that counsel shall have the opportunity to review the documents and stipulate to the admissibility of the same. All exhibits shall be marked for identification by the Circuit Clerk and Counsel PRIOR to the first date set for jury trials. Failure to comply with this paragraph shall result in the Court not accepting proposed exhibits without a prior showing of good cause as to why there has not been compliance.

THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

\_\_\_\_\_)  
Plaintiff, )  
vs. ) Case No. \_\_\_\_\_  
\_\_\_\_\_)  
Defendant. )

**STATEMENT OF THE NATURE OF THE CASE - CIVIL**

This is a suit for \_\_\_\_\_ brought by the plaintiff(s),  
(type of cause of action)

\_\_\_\_\_ of \_\_\_\_\_ against  
(full name of each plaintiff) (city of residence)

the defendant(s), \_\_\_\_\_ of \_\_\_\_\_  
(full name of each defendant) (city of residence)

It arises out of \_\_\_\_\_  
(brief statement of facts)

\_\_\_\_\_  
\_\_\_\_\_  
The plaintiff(s), \_\_\_\_\_, is (are) represented by  
attorney(s), \_\_\_\_\_ of \_\_\_\_\_  
(full name of each trial attorney) (name/address of firm)

The defendant(s), \_\_\_\_\_, is (are) represented by the  
attorney(s), \_\_\_\_\_ of \_\_\_\_\_  
(full name of each trial attorney) (name/address of firm)

The parties may call the following persons as witnesses:

*(List all persons intended to be called)*

## **IMPORTANT NOTICE REGARDING CONTEMPT**

Civil contempt proceedings have been filed against you for not paying your court ordered obligation. **Your ability to pay your obligation is a critical issue in determining whether you will be held in contempt.**

**It is important that you provide the Court with information about your financial ability to pay so the Court can accurately decide whether you are in contempt or not, and what the purge amount should be if you are in contempt.** If you do not provide the Court with this information, you may be found in contempt and placed in jail until you pay a specific sum of money to purge your contempt.

### **During these contempt proceedings, YOU MUST:**

- 1) Appear for all hearings. If you fail to appear, the Court has the power to issue a warrant for your arrest.
- 2) Complete and bring to Court the attached **Financial Affidavit**.

### **During these contempt proceedings, YOU HAVE THE RIGHT TO:**

- 1) Hire an attorney to represent you.
- 2) Testify about your ability to pay.
- 3) Show the Court evidence about your past and current financial ability to pay, including:
  - Your last 6 paycheck stubs.
  - Your last 2 federal income tax returns with all schedules, exhibits, and forms attached.
  - Proof of any and all income.
  - Proof of assistance such as unemployment insurance benefits, social security income, social security disability, veterans benefits, food stamps, and any other type of assistance. If you have applied for assistance and not received a final decision, bring copies of the application.
  - If you are searching for employment, bring a list of the employers that you have contacted in the last 2 months and the person's name you spoke to.

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

People of the State of Illinois )  
 )  
Plaintiff, )  
vs. ) Case No. \_\_\_\_\_  
 )  
 )  
\_\_\_\_\_ )  
Defendant. )

**STATEMENT OF THE NATURE OF THE CASE - CRIMINAL**

The Defendant \_\_\_\_\_ is charged with the offense(s)  
(Name)  
of \_\_\_\_\_  
(Name of offense(s))

which is alleged to have occurred (in the area of) (in the Village/City of \_\_\_\_\_)  
\_\_\_\_\_ County, Illinois.

The prosecution is represented by \_\_\_\_\_

The defendant(s) (is) (are) present and represented by \_\_\_\_\_

The parties may call as witnesses the following:

*(List all persons the State intends to call)*



# NINTH JUDICIAL CIRCUIT OF ILLINOIS

*Consisting of the following Counties (and County Seats):*

Fulton (Lewistown 309-547-3041)  
Henderson (Oquawka 309-867-3121)  
McDonough (Macomb 309-837-4889)

Hancock (Carthage 217-357-2616)  
Knox (Galesburg 309-345-3859)  
Warren (Monmouth 309-734-5179)

## NOTICE OF Parent Education Program Requirement

(Circuit Court Rule Part 5.10.F)

If you are a party to any case in which allocation of parenting time or responsibilities of your child is an issue, then you are **required** to attend a **Parenting Education Program**. You must attend a Parenting Education Program even if you and your child's other parent are in full agreement as to all issues concerning parenting time and responsibilities.

1. You may obtain information and a list of approved Parenting Education Programs from the Circuit Clerk at the County Courthouse.
2. You should complete your Parenting Education Program as soon as possible.
3. Proof of completion of your Parenting Education Program must be filed at the Circuit Clerk's Office at the Courthouse.
4. The Court may decline to enter a judgment or order concerning allocation of parenting time and/or allocation of parenting responsibilities until you have completed a Parenting Education Program.
5. The Court may sanction you if you willfully refuse to complete a Parenting Education Program.
6. The on-line Parenting Education Program requires **advance** approval of the presiding judge.

**APPROVED PARENT EDUCATION PROGRAMS**  
**FOR THE NINTH JUDICIAL CIRCUIT**

**Jeannette Ann Children's Center** 309/338-1316  
544 N. Main St., Canton, IL 61520

**Behavior Health Services:** 309/836-1582  
McDonough District Hospital  
525 East Grant Street, Macomb, IL 61469

**Grinstead, Pierce & Associates** 319/754-8035  
601 N. 4<sup>th</sup> St., River Park Place, Burlington, IA 52601 800/330-6472

**Parenting Solutions** 877/665-2120  
Burlington Public Library, 210 Court Street  
Burlington, IA 52601  
[www.parenting-solutions.org](http://www.parenting-solutions.org)

**Mental Health Centers of Western Illinois** 217/357-3176  
607 Buchanan, Carthage, IL 62321

**Extended Learning Center, Inc. - (See Note Below)** 866/504-2883  
204 West Spear Street, Carson City, NV 89703  
[www.onlineparentingprograms.com](http://www.onlineparentingprograms.com)

**\*On-Line Parenting Class Requires Advance Approval of the Presiding Judge**

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT

\_\_\_\_\_ COUNTY, ILLINOIS

|             |   |                |
|-------------|---|----------------|
| _____       | ) |                |
|             | ) |                |
|             | ) |                |
|             | ) |                |
| Petitioner, | ) |                |
|             | ) |                |
| vs.         | ) | Case No: _____ |
|             | ) |                |
| _____       | ) |                |
| Respondent. | ) |                |

**ORDER REQUIRING PARENT EDUCATION PROGRAM**

Each of the parties to this case shall complete an approved PARENT EDUCATION PROGRAM within \_\_\_\_\_ days of the date of this Order. Failure to complete the Program may result in the entry of an Order imposing sanctions or a refusal to enter a Judgment of Dissolution until certifications of completion for both parents are filed with the Court.

The parties are directed to contact one of the PARENT EDUCATION PROGRAMS listed on page 2 of this Order to make arrangements for the payment of required fees and scheduling of their appointments.

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

\_\_\_\_\_  
Judge

**APPROVED PARENT EDUCATION PROGRAMS**  
**FOR THE NINTH JUDICIAL CIRCUIT**

**Jeannette Ann Children's Center** 309/338-1316  
544 N. Main St., Canton, IL 61520

**Behavior Health Services:** 309/836-1582  
McDonough District Hospital  
525 East Grant Street, Macomb, IL 61469

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**\*On-Line Parenting Class Requires Advance Approval of the Presiding Judge**

NINTH JUDICIAL CIRCUIT OF ILLINOIS

**Child Representative Required Information Form**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Child Representative Training**

Have you received the required training?     Yes     No  
If no, are you interested in the training?     Yes     No

List the continuing education courses you have completed in the past two years, including local circuit programs, that cover areas of child development, roles of *guardian ad litem* and child representative, ethics in allocation of parental responsibilities and parenting time case, relevant substantive law, family dynamics including substance abuse, domestic abuse, and mental health issues. *Attach additional sheet if necessary.*

| <u>Course</u> | <u>Date</u> | <u>CLE Hours</u> |
|---------------|-------------|------------------|
|               |             |                  |
|               |             |                  |
|               |             |                  |
|               |             |                  |

Are you interested in being on the child representative list for the Ninth Judicial Circuit?  
 Yes     No

Are you interested in being on the child representative list for *guardian ad litem* or child representative of a minor child in a contested guardianship or dissolution proceeding for the Ninth Judicial Circuit?  
 Yes  No

Do you understand and agree that as a condition of being on the list for the Ninth Judicial Circuit, you may be required to handle one *pro bono* appointment annually within the Ninth Judicial Circuit?  
 Yes  No

I verify under penalties of perjury that the above information is true and correct.

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

**Return to: Office of the Chief Judge, 130 S. Lafayette, Suite 30, Macomb, IL 61455**  
Phone: 309/837-9278, Fax: 309/833-3547

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

\_\_\_\_\_  
Petitioner  
vs.  
\_\_\_\_\_  
Respondent

Case Number: \_\_\_\_\_  
 Initial Case Management Conference  
 Subsequent Case Management Conference

**CASE MANAGEMENT ORDER (Family)**

A.  Case involves minor child/children  Case does **not** involve minor child/children

**B. Status of Parties (Mark applicable Boxes)**

**Petitioner**

- Petitioner appeared by/with Counsel  
 Petitioner appeared pro se  
 Petitioner failed to appear

**Respondent**

- Respondent appeared by/with counsel  
 Respondent appeared pro se  
 Respondent failed to appear

**C. Contested Issues:**

- Parenting Time     Maintenance     Classification of Property     Dissipation by Petitioner  
 Child Support     Division of Property     Dissipation by Respondent  
 Relocation     Attorney's fee     Allocation of debt     Valuation of Assets  
 Parenting Responsibilities     Parentage     Other \_\_\_\_\_

**D. Parent Education Program (PEP) Compliance:  PEP not applicable**

**Petitioner**

- Petitioner has attended PEP  
 Petitioner is ordered to attend PEP

**Respondent**

- Respondent has attended PEP  
 Respondent is ordered to attend PEP

**E. Parenting Time and Responsibility Allocation (Mark the Applicable Boxes):**

- The parties have reached an agreement regarding allocation of parenting time.  
 The parties have reached an agreement regarding allocation of parental responsibilities.  
 The parties are ordered to mediate by separate mediation order.  
 \_\_\_\_\_ is appointed  **Child Representative**  **Attorney**  **Guardian Ad Litem**  for the child/children  for: \_\_\_\_\_.  
 \_\_\_\_\_ is authorized to perform **an evaluation per 750 ILCS 5/604.10**. The allocation of the expense of that evaluation is as follows:

- \_\_\_\_\_  
 Other \_\_\_\_\_.  
 Guardian Ad Litem report to be completed by \_\_\_\_\_  
 The parties shall each submit a/an  individual or  joint Parenting Plan on or before: \_\_\_\_\_

**F. Discovery Issues**

- All written discovery shall be completed as follows:
  - Petitioner initiates by \_\_\_\_\_ and Respondent responds by \_\_\_\_\_
  - Respondent initiates by \_\_\_\_\_ and Petitioner responds by \_\_\_\_\_
- Rule 213(f) Disclosure of Lay Witnesses:
  - Petitioner to disclose by \_\_\_\_\_ and Respondent to depose by \_\_\_\_\_
  - Respondent to disclose by \_\_\_\_\_ and Petitioner to depose by \_\_\_\_\_
- Rule 213(f) Disclosure of Independent Expert Witness
  - Petitioner to disclose by \_\_\_\_\_ and Respondent to depose by \_\_\_\_\_
  - Respondent to disclose by \_\_\_\_\_ and Petitioner to depose by \_\_\_\_\_

4. Rule 213(f) Disclosure of Controlled Expert Witness
  - A. Petitioner to disclose by \_\_\_\_\_ and Respondent to depose by \_\_\_\_\_
  - B. Respondent to disclose by \_\_\_\_\_ and Petitioner to depose by \_\_\_\_\_
5. The Parties shall exchange comprehensive financial affidavits.
  - A. Petitioner to provide by \_\_\_\_\_
  - B. Respondent to provide by \_\_\_\_\_

The parties shall file the affidavits with the Court and the Circuit Clerk shall impound. (See Ninth Judicial Rule 5.20A.2)

**G. Mandatory Disclosure**

On the Motion of  Petitioner  Respondent  Court, both parties are ordered to disclose to the other party within 28 days pursuant to Local Court Rule 5.25.

**H. Next Case Management Action (Mark Applicable Boxes):**

The  case  pending pleading ( \_\_\_\_\_ ) is dismissed for want of prosecution.

| This case is hereby set for the following matters:                                       | Date  | Time  |
|--|-------|-------|
| <input type="checkbox"/> Subsequent Case Management Conference:                          | _____ | _____ |
| <input type="checkbox"/> Hearing on Motion for Default                                   | _____ | _____ |
| <input type="checkbox"/> Hearing on Grounds  | _____ | _____ |
| <input type="checkbox"/> Hearing on Temporary Issues: _____                              | _____ | _____ |
| <input type="checkbox"/> Entry of Agreed Order for parenting time allocation             | _____ | _____ |
| <input type="checkbox"/> Entry of Agreed Order for division of parental responsibilities | _____ | _____ |
| <input type="checkbox"/> Proof of completion of Parenting Education program              | _____ | _____ |
| <input type="checkbox"/> Hearing on the following Motions:                               | _____ | _____ |
| a. _____   | _____ | _____ |
| b. _____   | _____ | _____ |
| c. _____   | _____ | _____ |
| <input type="checkbox"/> Other: _____  | _____ | _____ |

**I. Trial or Hearing Dates:**

Pretrial Settlement Conference Date \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
 Final Trial Conference Date \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.  
 Trial Dates \_\_\_\_\_ at \_\_\_\_\_ a.m./p.m.

**Prior to the final pre-trial conference, trial counsel shall provide the opposing counsel with copies of marked exhibits. Further, each trial counsel shall prepare and submit to the judge a pre-trial memorandum similar to form provided for by the local rules. If the parties have reached any stipulations, then a document entitled as such shall also be filed by the date of the pre-trial and be signed by the parties.**

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

\_\_\_\_\_  
Judge

Prepared by:  
 Attorney's Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_  
 Fax \_\_\_\_\_  
 ARDC# \_\_\_\_\_

Copy received: \_\_\_\_\_  
 \_\_\_\_\_  
 Father or Father's Attorney  
 \_\_\_\_\_  
 Mother or Mother's Attorney





**7. I have additional persons dependent on me:**

| Initials | Age   | Year of Birth | Currently Living with: |
|----------|-------|---------------|------------------------|
| _____    | _____ | _____         | _____                  |
| _____    | _____ | _____         | _____                  |
| _____    | _____ | _____         | _____                  |

*(Attach additional page(s) as needed)*

**8. Proof of Income:** Pursuant to Circuit Court Rule Part 5.20  **I have attached** regarding child support, maintenance, college expenses, or disposition of property, copies of my prior year's Federal Income Tax return, including all W-2 forms and 1099 forms, and my most recent pay stub showing year-to-date earnings and deductions therefrom, or if the same is not provided by my employer, my five most recent payroll stubs.

Or  I have attached an affidavit which explains the absence of these documents.

**9. STATE AND FEDERAL INCOME TAX REFUNDS:**

How much was your last State Income Tax Refund? \$ \_\_\_\_\_ For what tax year? \_\_\_\_\_

How much was your last Federal Income Tax Refund? \$ \_\_\_\_\_ For what tax year? \_\_\_\_\_

**10. STATEMENT OF INCOME:**

**10a. Gross Monthly Earned Income:**

- 1. Gross Salary/Wages/Base Pay \$ \_\_\_\_\_
- 2. Overtime/Commission \$ \_\_\_\_\_
- 3. Bonus \$ \_\_\_\_\_
- 4. Other: \_\_\_\_\_ \$ \_\_\_\_\_

**10b. Total Gross Monthly Earned Income:** \$ \_\_\_\_\_ \$ \_\_\_\_\_

**10c. Required Monthly Deductions From Earned Income:**

- 1. Federal Tax (based on \_\_\_\_\_ exemptions) \$ \_\_\_\_\_
- 2. State Tax (based on \_\_\_\_\_ exemptions) \$ \_\_\_\_\_
- 3. FICA (or Social Security equivalent: RR, Tier I) \$ \_\_\_\_\_
- 4. Medicare \$ \_\_\_\_\_
- 5. Mandatory 401(k) or retirement contributions \$ \_\_\_\_\_
- 6. Union Dues (*Name of Union:* \_\_\_\_\_) \$ \_\_\_\_\_
- 7. Health - Medical Insurance Premiums deducted from paycheck:
  - Myself \$ \_\_\_\_\_
  - My Dependents \$ \_\_\_\_\_
- 8. Prior Orders of Child Support or Maintenance actually paid pursuant to Court Order No. \_\_\_\_\_ \$ \_\_\_\_\_
- Other (specify): \_\_\_\_\_ \$ \_\_\_\_\_

**10d. Total Required Monthly Deductions from Earned Income:** \$ \_\_\_\_\_ (-\$ \_\_\_\_\_)

**10e. Total Net Monthly Earned Income (10b. minus 10d.):** \$ \_\_\_\_\_ \$ \_\_\_\_\_

**10f. Other Monthly Income:**

- 1. Social Security \$ \_\_\_\_\_
- 2. Unemployment benefits \$ \_\_\_\_\_
- 3. Worker's Compensation/Disability payment \$ \_\_\_\_\_
- 3. Public Aid/Food Stamps \$ \_\_\_\_\_
- 4.  Other: \_\_\_\_\_ \$ \_\_\_\_\_
- 5. **Maintenance or Alimony received (*specify who is paying*)**  
 \_\_\_\_\_ \$ \_\_\_\_\_
- 6. **Child Support received (*specify who is paying*)**  
 \_\_\_\_\_ \$ \_\_\_\_\_  
 \_\_\_\_\_ \$ \_\_\_\_\_

**10g. Total Other Monthly Income:** \$ \_\_\_\_\_ \$ \_\_\_\_\_

**10h. Total Monthly Net Earned Income & Other Income:** \$ \_\_\_\_\_

*(Add lines 10e. and 10g.)*

**11. STATEMENT OF MONTHLY LIVING EXPENSES:**

(Mark with a A \*@ if projected expenses. Be prepared to offer testimony in support of estimates)

**11a. Household Expenses:**

- 1. Mortgage or Rent (specify): \$ \_\_\_\_\_
- 2. Home Equity Loan payment \$ \_\_\_\_\_
- 3. Real Estate Taxes, Assessments (if not in mortgage) \$ \_\_\_\_\_
- 4. Homeowners or Renters Insurance (if not in mortgage) \$ \_\_\_\_\_
- 5. Heat/Fuel/Electricity \$ \_\_\_\_\_
- 6. Water & Sewer \$ \_\_\_\_\_
- 7. Groceries and Household Supplies \$ \_\_\_\_\_
- 8. Garbage and Refuse Removal \$ \_\_\_\_\_
- 9. Telephone (including cell phone & long distance) \$ \_\_\_\_\_
- 10. Tobacco, Liquor, Beer, Wine, etc. \$ \_\_\_\_\_
- 11. Cable or Satellite Television \$ \_\_\_\_\_
- 12. Internet Computer Service \$ \_\_\_\_\_
- 13. Other (specify): \_\_\_\_\_ \$ \_\_\_\_\_
- 14. Other (specify): \_\_\_\_\_ \$ \_\_\_\_\_

**11b. Total Household Expenses:** \$ \_\_\_\_\_ \$ \_\_\_\_\_

**11c. Transportation Expenses:**

- 1. Vehicle Payments (Vehicle 1) \_\_\_\_\_ \$ \_\_\_\_\_
- 2. Vehicle Payments (Vehicle 2) \_\_\_\_\_ \$ \_\_\_\_\_
- 3. Fuel & Oil \$ \_\_\_\_\_
- 4. Vehicle Insurance \$ \_\_\_\_\_
- 5. Other (specify): \_\_\_\_\_ \$ \_\_\_\_\_

**11d. Total Transportation Expenses:** \$ \_\_\_\_\_ \$ \_\_\_\_\_

**11e. Personal Expenses: (actually paid for you and dependents)**

- 1. Clothing \$ \_\_\_\_\_
- 2. Hairdresser/Barber \$ \_\_\_\_\_
- 3. Medical Expenses (after insurance proceeds/reimbursement) \$ \_\_\_\_\_
- 4. Medical/Hospitalization Insurance (not deducted from paycheck) \$ \_\_\_\_\_
- 5. Life Insurance (not deducted from paycheck) \$ \_\_\_\_\_
- 6. Books, magazines, newspapers, etc. \$ \_\_\_\_\_
- 7. Religious/charitable contributions \$ \_\_\_\_\_
- 8. Other (specify): \_\_\_\_\_ \$ \_\_\_\_\_
- 9. Other (specify): \_\_\_\_\_ \$ \_\_\_\_\_

**11f. Total Personal Expenses:** \$ \_\_\_\_\_ \$ \_\_\_\_\_

**11g. Expenses of Minor or Dependent Children:**

- 1. Education/School Expense \$ \_\_\_\_\_
- 2. Child care/After-school care \$ \_\_\_\_\_
- 3. Entertainment \$ \_\_\_\_\_
- 4. Gifts (for Holidays, birthdays, etc) \$ \_\_\_\_\_
- 5. Other (specify): \_\_\_\_\_ \$ \_\_\_\_\_
- 6. Other (specify): \_\_\_\_\_ \$ \_\_\_\_\_

**11h. Total Children's Expenses:** \$ \_\_\_\_\_ \$ \_\_\_\_\_

**11i. Total Monthly Living Expenses: (add lines 11b., 11d., 11f. and 11h.)** \$ \_\_\_\_\_

**12. OTHER DEBT:**

**12a. Statement of Monthly Debt Payment Not Otherwise Listed:**

| Creditor's Name | Payment for | Balance Due | Monthly Payment |
|-----------------|-------------|-------------|-----------------|
| _____           | _____       | \$ _____    | \$ _____        |
| _____           | _____       | \$ _____    | \$ _____        |
| _____           | _____       | \$ _____    | \$ _____        |
| _____           | _____       | \$ _____    | \$ _____        |
| _____           | _____       | \$ _____    | \$ _____        |
| _____           | _____       | \$ _____    | \$ _____        |
| _____           | _____       | \$ _____    | \$ _____        |
| _____           | _____       | \$ _____    | \$ _____        |

**12b. Total Debt:** (add Balance Due Column) \$ \_\_\_\_\_

**12c. Total Monthly Debt Payment:** (add Monthly Payments column) \$ \_\_\_\_\_  
 (Attach additional page(s) as needed)

**13a. Income and Expense Summary:**

|   |             |
|---|-------------|
| Net monthly income (from paragraph 10h.)            | \$ _____    |
| Total monthly living expenses (from paragraph 11i.) | \$(- _____) |
| Monthly debt payment (from paragraph 12c.)          | \$(- _____) |

**13b. Monthly Surplus or (Deficit):** \$ \_\_\_\_\_

**14. ASSETS:**

**14a. Real Estate:**

| Type<br>(marital home, rental property, lot, or farm)<br>(Provide address of property) | How Titled?<br>H <u>usband</u> , W <u>ife</u> ,<br>or J <u>oint</u> | Debt<br>On the property | Value<br>Of the Property |
|--|---|-------------------------|--------------------------|
| _____  | _____   | \$ _____                | \$ _____                 |
| _____  | _____   | \$ _____                | \$ _____                 |
| _____  | _____   | \$ _____                | \$ _____                 |
| _____  | _____   | \$ _____                | \$ _____                 |

**14b. Motor Vehicles (car, truck, motorcycle, or boat):**

| State Type and list Year, Make, and Model | How Titled?<br>H <u>usband</u> , W <u>ife</u> ,<br>or J <u>oint</u> | Debt<br>On the property | Value<br>Of the Property |
|---|---|-------------------------|--------------------------|
| _____                                     | _____   | \$ _____                | \$ _____                 |
| _____                                     | _____   | \$ _____                | \$ _____                 |
| _____                                     | _____   | \$ _____                | \$ _____                 |
| _____                                     | _____   | \$ _____                | \$ _____                 |

**14c. Checking Accounts, Savings Accounts, Money Market Accounts, and Certificates of Deposits:**

| Account Type | Name of Institution | How Titled?<br>H <u>usband</u> , W <u>ife</u> , or J <u>oint</u> | Value (Balance) |
|--------------|---------------------|--|-----------------|
| _____        | _____               | _____  | \$ _____        |
| _____        | _____               | _____  | \$ _____        |
| _____        | _____               | _____  | \$ _____        |
| _____        | _____               | _____  | \$ _____        |

**14d. Stocks, Bonds, Mutual Funds and Other Investments:**

| Describe investment & state number of shares/bonds | How Titled?<br>H <u>usband</u> , W <u>ife</u> , or J <u>oint</u> | Value    |
|--|--|----------|
| _____  | _____  | \$ _____ |
| _____  | _____  | \$ _____ |
| _____  | _____  | \$ _____ |
| _____  | _____  | \$ _____ |

**14e. Life Insurance Policies:**

| Name of Company and<br>Name of Insured | Type of Policy<br>(Whole Life or Term) | Face<br>Value | Cash Value<br>(minus any loans) |
|--|--|---------------|---------------------------------|
| _____                                  | _____                                  | \$ _____      | \$ _____                        |
| _____                                  | _____                                  | \$ _____      | \$ _____                        |
| _____                                  | _____                                  | \$ _____      | \$ _____                        |
| _____                                  | _____                                  | \$ _____      | \$ _____                        |

**14f. Retirement Income Plans, Pensions, Profit Sharing Plans, Keoghs, and IRAs:**

| Name of Plan or Program | Owner | Value    |
|-------------------------|-------|----------|
| _____                   | _____ | \$ _____ |
| _____                   | _____ | \$ _____ |
| _____                   | _____ | \$ _____ |
| _____                   | _____ | \$ _____ |

**14g. Other Personal Property:**

| Description           | Where Located | Value    |
|-----------------------|---------------|----------|
| Furniture/Appliances  | _____         | \$ _____ |
| Cash                  | _____         | \$ _____ |
| Other (specify) _____ | _____         | \$ _____ |
| Other (specify) _____ | _____         | \$ _____ |
| Other (specify) _____ | _____         | \$ _____ |

**14h. Total Value All Assets:** (add lines 14a. through 14g.) \$ \_\_\_\_\_

**15. DEBTS:**

**15a. Mortgage Loans, Home Equity Loans or other Real Estate Loans:**

| Type of Loan and Lender | Address of Property | Monthly Pmt. | Balance  |
|-------------------------|---------------------|--------------|----------|
| _____                   | _____               | \$ _____     | \$ _____ |
| _____                   | _____               | \$ _____     | \$ _____ |
| _____                   | _____               | \$ _____     | \$ _____ |
| _____                   | _____               | \$ _____     | \$ _____ |

**15b. Any Other Long Term Debts,** including those listed in paragraph 11, which are marital debts (such as auto loans, credit cards, credit accounts, consumer loans, personal loans, etc.):

| Creditor | Reason for Debt | Monthly Pmt. | Balance  |
|----------|-----------------|--------------|----------|
| _____    | _____           | \$ _____     | \$ _____ |
| _____    | _____           | \$ _____     | \$ _____ |
| _____    | _____           | \$ _____     | \$ _____ |
| _____    | _____           | \$ _____     | \$ _____ |
| _____    | _____           | \$ _____     | \$ _____ |
| _____    | _____           | \$ _____     | \$ _____ |
| _____    | _____           | \$ _____     | \$ _____ |
| _____    | _____           | \$ _____     | \$ _____ |

**15c. TOTAL DEBT:** (add lines 15a. and 15b.) \$ \_\_\_\_\_

**16a. ASSET AND DEBT SUMMARY:**

Total Value All Assets (from paragraph 14h.) \$ \_\_\_\_\_  
 Total Debt (from paragraph 15c.) \$(- \_\_\_\_\_)

**16b. ASSET EQUITY OR (DEFICIT):** \$ \_\_\_\_\_

**17. STATEMENT OF HEALTH INSURANCE COVERAGE CURRENTLY IN EFFECT:**

Name of insurance carrier: \_\_\_\_\_  
 Type of insurance: [ ] Medical [ ] Dental [ ] Optical  
 Persons covered: [ ] Self [ ] Spouse [ ] Dependents  
 Deductible: Per individual: \$ \_\_\_\_\_ Per family: \$ \_\_\_\_\_  
 Type of policy: [ ] HMO [ ] PPO [ ] Full indemnity  
 Provided by: [ ] Employer [ ] Private Policy [ ] Other Group  
 Monthly costs: [ ] Paid by Employer and/or [ ] Paid by employee for self \$ \_\_\_\_\_  
 and/or [ ] Paid by employee for dependents \$ \_\_\_\_\_

## VERIFICATION

The foregoing Financial Affidavit has been carefully read by the undersigned who states under oath and under penalties of perjury as provided by law pursuant to 735 ILCS 5/109, that this Financial Affidavit includes all of his/her income and expenses, that he/she has knowledge of the matters stated, and that he/she certifies that the statements set forth in this Affidavit are true and correct, except as to matters specifically stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he/she verily believes same to be true.

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

\_\_\_\_\_  
Signature of Affiant

Prepared by:

Self

Attorney's Name: \_\_\_\_\_

\_\_\_\_\_  
Typed or Printed Name of Affiant

Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

Fax \_\_\_\_\_

ARDC# \_\_\_\_\_

## NOTICE

**Please note requirements of Circuit Court Rules, Part 5.20, of the Ninth Judicial Circuit concerning Financial Affidavits and Proof of Income:**

### **Circuit Court Rule PART 5.20 FINANCIAL DISCLOSURES**

#### A. FINANCIAL AFFIDAVIT

1. A current, accurate, and properly executed and filed financial affidavit, either in the form as prescribed by the Illinois Supreme Court, or until said form is supplied, or a form substantially similar to Form 520 of these rules, must be served upon all parties entitled to notice by the moving party not less than seven days before the date of hearing on a pleading seeking to establish, modify, or otherwise affect issues of support or maintenance, disposition of property, college expenses or attorneys fees, whether temporary or permanent in nature, and by the responding party not less than two days before said hearing date and shall be served, in any event, on or before the date of the case management conference unless earlier served in the case. If an affidavit has been served for purposes of a hearing on temporary relief, an additional affidavit need not be served unless there has been a change in financial circumstances.

2. The Financial Affidavit shall be filed with the Circuit Clerk who shall impound and seal the Affidavit within the court file, to be opened only by the judge presiding at any hearing where it would be relevant. After its use, the Affidavit shall be impounded, sealed, and retained in the court file.

3. Both parties shall provide to the presiding judge a judge's copy of any contested motion along with any points and authorities relied upon, pursuant to Part 2.55 of these Rules.

## B. PROOF OF INCOME

For any hearing regarding child support, maintenance, college expenses, or disposition of property, every party must attach copies of the prior year's federal income tax returns, including all W-2 and 1099 forms, and their most recent pay stub, or other proof of "income" as defined by 750 ILCS 5/505, showing year-to-date earnings and deductions therefrom, or if the same is not provided by a party's employer, the five most recent payroll stubs. In the absence of these documents, an affidavit must be attached explaining why the party is unable to provide this information.

**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
COUNTY, ILLINOIS**

\_\_\_\_\_) )  
\_\_\_\_\_) )  
          Petitioner, )  
vs.                  )     Case No. \_\_\_\_\_  
\_\_\_\_\_) )  
          Respondent. )

**FINAL PRE-TRIAL MEMORANDUM B WITH CHILDREN**

Parties (check applicable boxes)

Wife appears     pro se    with attorney \_\_\_\_\_

Husband appears  pro se    with attorney \_\_\_\_\_

Child Representative/GAL \_\_\_\_\_

Wife's age: \_\_\_\_\_ Husband's age: \_\_\_\_\_

Date of marriage: \_\_\_\_\_ Date of separation: \_\_\_\_\_

Wife's address: \_\_\_\_\_

Husband's address: \_\_\_\_\_

Initials of dependent children of this relationship:

\_\_\_\_\_ M/F age: \_\_\_\_\_ lives with \_\_\_\_\_

\_\_\_\_\_ M/F age: \_\_\_\_\_ lives with \_\_\_\_\_

\_\_\_\_\_ M/F age: \_\_\_\_\_ lives with \_\_\_\_\_

\_\_\_\_\_ M/F age: \_\_\_\_\_ lives with \_\_\_\_\_

**Parenting Class Compliance:**

Wife        has completed    has not completed    has been excused.

Husband    has completed    has not completed    has been excused.

A joint parenting plan has been filed

Each party has submitted his/her own proposed parenting plan

A motion has been filed asking the Court to interview minor child or children.

The parties have agreed to waive presence of counsel at *in camera* interview.

Each party is to attach to this Final Pre-Trial Memorandum the following information:

1. Statement of issues presented to the Court.
2. Stipulations and partial agreements.

3. Potential witness(es), with current address, together with statement of whether witness(es) will render an opinion and whether there has been compliance with Supreme Court Rule 213.
4. Financial Affidavit of Income, Expenses, Assets, Debts, executed no more than 14 days prior to trial.
5. Marked potential exhibits, with exhibit number and date of hearing.
6. List of assets, including the proposed value to be assigned to each asset.
7. List of household goods and personal property requested if in the possession of the other party.
8. List of debts, both as to current balance, monthly payment, and whether it is secured by property.
9. List of property claimed to be non-marital, with explanation.
10. List of debts claimed to be non-marital, with explanation.
11. Proposed calculations of net income.
12. Proposed distribution of property and debts, including contested personal property.
13. Petition for attorney's fees, with affidavit through day of trial.
14. Proposed resolution of other issues.

Counsel/parties certify that they have personally met, exchanged information necessary for the preparation of this Final Pre-Trial Memorandum, and discussed the issues required to be presented to the Court at trial.

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

---

Attorney for Petitioner

---

Attorney for Respondent



**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS**

|             |             |                |
|-------------|-------------|----------------|
|             | )           |                |
| vs.         | Petitioner, | )              |
|             | )           | Case No. _____ |
|             | )           |                |
|             | )           |                |
| Respondent. | )           |                |

**FINAL PRE-TRIAL MEMORANDUM- NO CHILDREN**

**Parties:** (check applicable boxes)

Wife appears [ ] pro se [ ] with attorney \_\_\_\_\_

Husband appears [ ] pro se [ ] with attorney \_\_\_\_\_

Wife's age: \_\_\_\_\_ Husband's age: \_\_\_\_\_

Date of marriage: \_\_\_\_\_ Date of separation: \_\_\_\_\_

Wife's current address: \_\_\_\_\_

Husband's current address: \_\_\_\_\_

Each party is to attach to this Final Pre-Trial Memorandum the following information:

1. Statement of issues presented to the Court.
2. Stipulations and partial agreements.
3. Potential witnesses(es), with current address, together with statement of whether witness(es) will render an opinion and whether there has been compliance with Supreme Court Rule 213.
4. Financial Affidavit of Income, Expenses, Assets, Debts, executed no more than 14 days prior to trial.
5. Marked potential exhibits, with exhibit number and date of hearing.
6. List of assets, including the proposed value to be assigned to each asset.
7. List of household goods and personal property requested if in the possession of the other party.
8. List of debts, both as to current balance, monthly payment, and whether it is secured by property.
9. List of property claimed to be non-marital, with explanation.
10. List of debts claimed to be non-marital, with explanation.
11. Proposed calculations of net income.
12. Proposed distribution of property and debts, including contested personal property.
13. Petition for attorney's fees, with affidavit through day of trial.
14. Proposed resolution of other issues.

Counsel/parties certify that they have personally met, exchanged information necessary for the preparation of this Final Pre-Trial Memorandum, and discussed the issues required to be presented to the Court at trial.

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

\_\_\_\_\_  
Attorney for Petitioner

\_\_\_\_\_  
Attorney for Respondent

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
 \_\_\_\_\_ COUNTY, ILLINOIS

IN RE THE MARRIAGE OF: \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 \_\_\_\_\_ )  
 vs. \_\_\_\_\_ Petitioner, )  
 \_\_\_\_\_ ) CASENO. \_\_\_\_\_  
 \_\_\_\_\_ )  
 \_\_\_\_\_ Respondent. )

**Trial Asset & Debt Table**

**POSITION OF PARTIES AS TO PROPERTY & DEBT**

**ASSETS**

|   | <b>Item</b>   | <b>Marital or<br/>Husband NonMarit. or<br/>Wife NonMarital or<br/>If Contested <u>H</u> or <u>W</u><br/>Position</b> | <b>Value of<br/>Item</b> | <b>Possessor</b> | <b>Disposition<br/>Requested</b> | <b>Court's<br/>Use</b> |
|---|---|--|--------------------------|------------------|----------------------------------|------------------------|
| 1 | <u>Marital Residence</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |
| 2 | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim:         |  |                          |                  |                                  |                        |
| 3 | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim:         |  |                          |                  |                                  |                        |
| 4 | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim:         |  |                          |                  |                                  |                        |
| 5 | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim:         |  |                          |                  |                                  |                        |

|    | <b>Item</b>   | <b>Marital or<br/>Husband NonMarit. or<br/>Wife NonMarital or<br/>If Contested <u>H</u> or <u>W</u><br/>Position</b> | <b>Value of<br/>Item</b> | <b>Possessor</b> | <b>Disposition<br/>Requested</b> | <b>Court's<br/>Use</b> |
|----|---|--|--------------------------|------------------|----------------------------------|------------------------|
| 6  | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |
| 7  | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |
| 8  | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |
| 9  | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |
| 10 | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |
| 11 | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |
| 12 | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |
| 13 | <i>Property:</i><br>Husband's Claim:<br><br>Wife's Claim: |  |                          |                  |                                  |                        |

## Debts

|   | Item  | Marital/<br>Husband NonMarital/<br>Wife NonMarital/<br>Contested | Property<br>Secured<br>by Debt | Amount of<br>Debt | Obligor | Disposition<br>Requested |
|---|---|--|--------------------------------|-------------------|---------|--------------------------|
| 1 | <u>Debt:</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                                |                   |         |                          |
| 2 | <u>Debt:</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                                |                   |         |                          |
| 3 | <u>Debt:</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                                |                   |         |                          |
| 4 | <u>Debt:</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                                |                   |         |                          |
| 5 | <u>Debt:</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                                |                   |         |                          |
| 6 | <u>Debt:</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                                |                   |         |                          |
| 7 | <u>Debt:</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                                |                   |         |                          |
| 8 | <u>Debt:</u><br>Husband's Claim:<br><br>Wife's Claim: |  |                                |                   |         |                          |

# Representations

The undersigned hereby represent that the pre-trial position of the parties as to marital and non-marital property and debts as shown above is accurate. Where parties do agree, the word "Agreed" is written in the left-hand column between the words "Husband's Claim" and "Wife's Claim".

\_\_\_\_\_  
Husband

\_\_\_\_\_  
Wife

\_\_\_\_\_  
Attorney for Husband

\_\_\_\_\_  
Attorney for Wife

Husband's Attorney

Attorney's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

ARDC#: \_\_\_\_\_

Wife's Attorney

Attorney's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

ARDC#: \_\_\_\_\_

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

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

**ENTRY OF APPEARANCE-WAIVER AND CONSENT**

I, the undersigned, \_\_\_\_\_, do hereby:

1. Enter my appearance as Respondent in the above-entitled cause and state that I am over 18 years of age and not in the military service of the United States.
2. Expressly waive:
  - (a) The necessity of process of summons.
  - (b) Further notice of the time and place of the hearing on the Petition for Dissolution of Marriage filed in this cause.
3. Consent that:
  - (a) An immediate default may be taken and entered against me upon the filing of this Appearance or any time thereafter and that an immediate hearing may be had on all issues without further notice to me.
  - (b) A Judgment of Dissolution of Marriage may be entered in this cause in accordance with the terms of the Marital Settlement approved and signed by me on \_\_\_\_\_.
4. Further represent that I:
  - (a) Have full knowledge of the proceedings pending for dissolution of marriage herein or that such proceedings will be filed.
  - (b) Understand and have been advised by \_\_\_\_\_ that I have a right to consult with an attorney of my own choosing.

- (c) Have been advised by \_\_\_\_\_ that he/she is representing the Petitioner and not the undersigned in this cause.
- (d) Have sought such advice as I have deemed necessary or advisable under the circumstances and have knowingly and voluntarily decided to waive my right to be represented by an attorney in this cause.

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

\_\_\_\_\_  
Respondent

STATE OF ILLINOIS            )  
  ) SS.  
COUNTY OF \_\_\_\_\_)

I, *(Respondent's Name)* \_\_\_\_\_, being duly sworn, depose and state that I am the Respondent in the above-entitled cause; that I have read the foregoing Entry of Appearance-Waiver and Consent; that I know and understand the contents thereof; that the matters set out therein are true in substance and in fact; and that I have freely and voluntarily signed the foregoing Entry of Appearance-Waiver and Consent.

\_\_\_\_\_  
Respondent

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

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

**SHOW CAUSE/ENFORCEMENT CALCULATION**

| Year or Period | Payments Owed |                      |           | Payments Received |       |       | Net for Year/Period |
|----------------|---------------|----------------------|-----------|-------------------|-------|-------|---------------------|
|                | # of Payments | Amt. of each Payment | Total Due | SDU               | Clerk | Other |                     |
|                |               |                      |           |                   |       |       |                     |
|                |               |                      |           |                   |       |       |                     |
|                |               |                      |           |                   |       |       |                     |
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|                |               |                      |           |                   |       |       |                     |
| <b>TOTALS</b>  |               |                      |           |                   |       |       |                     |

|   |                     |
|---|---------------------|
| <b>Summary of Amounts owed:</b>               |                     |
| <b>Prior judgment or arrearage finding:</b>   | \$            as of |
| <b>Prior interest found owed:</b>             | \$            as of |
| <b>Net amount per above:</b>                  | \$                  |
| <b>Interest owed on net amount per above:</b> | \$                  |
| <b>Total amount owed:</b>                     | \$            as of |
| <b>Other amounts owed:</b>                    |                     |



IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

*(Name of County Where This Document Filed)*

|                            |     |             |   |
|----------------------------|-----|-------------|---|
| <i>(Petitioner's Name)</i> |     | Petitioner, | ) |
|                            | vs. |             | ) |
| <i>(Respondent's Name)</i> |     | Respondent. | ) |
|                            |     |             | ) |
|                            |     |             | ) |

Case No: \_\_\_\_\_

**PETITION FOR JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE**

NOW COME *(Type or Print Petitioner's Name)* \_\_\_\_\_, Petitioner,  
and *(Type or Print Respondent's Name)* \_\_\_\_\_, Respondent,  
without counsel, and hereby petition this Honorable Court for a dissolution of marriage between Petitioner and Respondent. In support of this Petition for Dissolution of Marriage, the parties state as follows:

1. The Petitioner is presently \_\_\_\_\_ years of age; Petitioner's occupation is \_\_\_\_\_  
\_\_\_\_\_; Petitioner resides at *(Street Address)* \_\_\_\_\_,  
*(City)* \_\_\_\_\_, *(State)* \_\_\_\_\_, and [ ]has [ ]has not resided in the State of Illinois  
for at least ninety (90) days immediately preceding the filing of this Petition for Dissolution of  
Marriage.
  
2. The Respondent is presently \_\_\_\_\_ years of age; Respondent's occupation is \_\_\_\_\_  
\_\_\_\_\_; Respondent resides at *(Street Address)* \_\_\_\_\_,  
*(City)* \_\_\_\_\_, *(State)* \_\_\_\_\_, and [ ]has [ ]has not resided in the State of Illinois  
for at least ninety (90) days immediately preceding the filing of this Petition for Dissolution of  
Marriage.
  
3. The Petitioner and Respondent have been married for less than eight (8) years prior to the filing of  
this petition; they were married on *(Month, Day, Year)* \_\_\_\_\_; and the marriage  
was registered in \_\_\_\_\_ County, *(State)* \_\_\_\_\_.
  
4. No children were born to the Petitioner and Respondent during their relationship; no children were  
adopted by the parties; and *(Wife's Name)* \_\_\_\_\_, to her knowledge, is  
not pregnant.
  
5. Irreconcilable differences have caused the irretrievable breakdown of their marriage; efforts at  
reconciliation have failed and future attempts at reconciliation would be impracticable and not in the  
best interests of the parties.

6. Neither party is dependent on the other party for spousal support (also known as alimony or maintenance), or each party is willing to waive the right to spousal support. Both parties understand that consulting with attorneys may help determine eligibility for spousal support. Both Petitioner and Respondent waive any rights to maintenance.
7. Neither Petitioner nor Respondent has any interest in real property (real estate).
8. The parties have disclosed to each other all assets and their tax returns for all years of the marriage.
9. Neither party has a gross annualized income in excess of \$30,000; the Petitioner's gross annual income from all sources is \$\_\_\_\_\_ ; the Respondent's gross annual income from all sources is \$\_\_\_\_\_ ; and the total annual income of the parties is less than \$60,000.
10. The total fair market value of all marital property, after deducting all encumbrances, is less than \$50,000 and the parties have executed a written agreement dividing all assets in excess of \$100.00 in value and allocating responsibility for debts and liabilities between the parties. A copy of the written agreement, signed by both parties, is filed with this Petition.
11. **(Optional):** (Party's Name)\_\_\_\_\_ 's former/maiden name was (maiden or former Name)\_\_\_\_\_.

**WHEREFORE, the parties pray as follows:**

- A. That the parties be awarded a Judgment of Dissolution of Marriage dissolving the bonds of matrimony existing between them.
- B. That the written agreement of the parties dividing marital assets, debts and liabilities, a copy of which is filed with this Petition, be incorporated into the final order and judgment of this Court granting the Petition for Dissolution of Marriage.
- C. **(Optional):** (Party's Name)\_\_\_\_\_ 's name be returned to his/her former/maiden name of \_\_\_\_\_  
(Maiden or former Name)
- D. That this Court grant the parties such other and further relief as may be just.

\_\_\_\_\_  
Petitioner (Petitioner's Signature)

\_\_\_\_\_  
Respondent (Respondent's Signature)

**VERIFICATION BY CERTIFICATION**

Under penalties provided by law pursuant to Section 1-109 of the Code of Civil Procedure, each of the undersigned certifies that the statements set forth in this instrument are true and correct.

\_\_\_\_\_  
Petitioner (Petitioner's Signature)  
Date \_\_\_\_\_

\_\_\_\_\_  
Respondent (Respondent's Signature)  
Date \_\_\_\_\_

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
COUNTY, ILLINOIS

(Name of County Where This Document Filed)

\_\_\_\_\_) )  
(Petitioner's Name) Petitioner, )  
vs. ) Case No:  
) )  
) )  
(Respondent's Name) Respondent. )

**AGREEMENT AS TO ASSETS AND DEBTS**  
(Pursuant to Joint Petition for Simplified Dissolution)

NOW COME (Petitioner's Name) \_\_\_\_\_,  
and (Respondent's Name) \_\_\_\_\_  
and hereby agree to the following distribution of all marital assets in excess of \$100.00 in value and the following division of all marital debts and liabilities.

**Marital Assets**

| <b>Description of Asset and Estimated Value</b>  | <b>Party to Receive Asset</b>                                      |
|--|--|
| List all marital assets in excess of \$100.00<br>in value B assets of lower value may be listed. | Enter name of Party B Husband or<br>Wife B who will receive asset. |
| 1. _____   | _____  |
| 2. _____   | _____  |
| 3. _____   | _____  |
| 4. _____   | _____  |
| 5. _____   | _____  |
| 6. _____   | _____  |
| 7. _____   | _____  |
| 8. _____   | _____  |
| 9. _____   | _____  |
| 10. _____  | _____  |
| 11. _____  | _____  |
| 12. _____  | _____  |
| 13. _____  | _____  |
| 14. _____  | _____  |
| 15. _____  | _____  |

### Marital Debts and Liabilities

| Description of Debt or Liability       | Amount                  | Account Number   | Party to Pay Debt  |
|--|-------------------------|--|--|
| List ALL marital debts or liabilities. | List Total balance due. | List last four digits of account numbers. where applicable | Enter name of Party B husband or wife B who will be responsible for paying debt. |
| 1. _____                               | \$ _____                | _____  | _____  |
| 2. _____                               | \$ _____                | _____  | _____  |
| 3. _____                               | \$ _____                | _____  | _____  |
| 4. _____                               | \$ _____                | _____  | _____  |
| 5. _____                               | \$ _____                | _____  | _____  |
| 6. _____                               | \$ _____                | _____  | _____  |
| 7. _____                               | \$ _____                | _____  | _____  |
| 8. _____                               | \$ _____                | _____  | _____  |
| 9. _____                               | \$ _____                | _____  | _____  |
| 10. _____                              | \$ _____                | _____  | _____  |
| 11. _____                              | \$ _____                | _____  | _____  |
| 12. _____                              | \$ _____                | _____  | _____  |
| 13. _____                              | \$ _____                | _____  | _____  |
| 14. _____                              | \$ _____                | _____  | _____  |
| 15. _____                              | \$ _____                | _____  | _____  |

\_\_\_\_\_  
 Petitioner (*Petitioner's Signature*)

\_\_\_\_\_  
 Respondent (*Respondent's Signature*)

#### VERIFICATION BY CERTIFICATION

Under penalties provided by law pursuant to Section 1-109 of the Code of Civil Procedure, each of the undersigned certifies that the statements set forth in this instrument are true and correct.

\_\_\_\_\_  
 Petitioner (*Petitioner's Signature*)

\_\_\_\_\_  
 Respondent (*Respondent's Signature*)

\_\_\_\_\_  
 Date

\_\_\_\_\_  
 Date

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT

COUNTY, ILLINOIS

(Name of County Where This Document Filed)

|                                      |   |          |
|--------------------------------------|---|----------|
| _____                                | ) |          |
| (Petitioner's Name)      Petitioner, | ) |          |
| vs.                                  | ) | Case No: |
|                                      | ) |          |
| _____                                | ) |          |
| (Respondent's Name)      Respondent. | ) |          |

**JUDGMENT FOR DISSOLUTION OF MARRIAGE**

(Pursuant to Joint Petition for Simplified Dissolution)

This cause having come on for hearing on the Joint Petition for Simplified Dissolution of Marriage filed by the parties hereto; the Court having examined and considered the Petition, the Affidavit of the parties, and all other pleadings and exhibits filed in this matter; the Court having heard the testimony presented herein; and the Court being otherwise fully advised in the premises, finds as follows:

1. This Court has jurisdiction over the subject matter and the parties hereto.
2. \_\_\_\_\_ and/or \_\_\_\_\_  
(Type or Print Petitioner's Name and/or Respondent's Name, or Both Names)  
have been residents of the State of Illinois, now, and for ninety (90) days continuously and immediately preceding this date.
3. The parties have been married for less than eight (8) years prior to the filing of this petition; the parties were married on (Month,Day,Year) \_\_\_\_\_; and the marriage was registered in \_\_\_\_\_ County, (State) \_\_\_\_\_.
4. Irreconcilable differences have caused the irretrievable breakdown of the marriage; efforts at reconciliation have failed; and, further efforts at reconciliation would not be in the best interests of the parties.
5. No children were born to or adopted by the parties during their relationship, and to the best of her knowledge the Wife is not pregnant at this time.
6. Both the Petitioner and Respondent have waived any right to maintenance.
7. Neither Petitioner nor Respondent has any interest in real property. The parties have disclosed to each other all assets and their tax returns for all years of the marriage. Neither party has a gross annualized income in excess of \$30,000, and the total annualized income of the parties is less than \$60,000.
8. The total fair market value of all marital property owned by the parties, after deducting all encumbrances, is less than \$50,000. The parties have executed a written agreement, which the Court finds is not unconscionable, dividing all assets in excess of \$100.00 in value and allocating responsibility for all debts and liabilities between the parties. A copy of the written agreement, signed by both parties, was filed with the petition in this cause and is hereby incorporated by reference as if fully set forth herein.
9. (Optional): Party's former/maiden name was (Maiden or former Name) \_\_\_\_\_.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

- A. The present marriage between the parties is hereby dissolved, and the Petitioner and Respondent are each hereby awarded a Judgment of Dissolution of Marriage dissolving their present bonds of matrimony.
- B. This Court adopts as a part of this Judgment, as if it were fully set forth herein, the agreement of the parties concerning the distribution of assets, debts, and liabilities. Petitioner and Respondent each is hereby ordered to dispose of all claims each may have against the other and to dispose of all assets, debts, and liabilities, in accordance with and pursuant to the agreement entered into by the parties and presented to this Court. Petitioner and Respondent are each ordered to timely execute any and all titles, certificates, and other documents of any kind or nature whatsoever, necessary to carry out the terms and conditions of this Judgment of Dissolution of Marriage as to the division of assets, debts, and liabilities ordered herein.
- C. Each of the parties is hereby denied maintenance for now and for all times hereafter.
- D. **(Optional):** Party's name is returned to his/her former/maiden name of:  
\_\_\_\_\_  
(Type or print the maiden or former name if name is to be returned to maiden or former name.)
- E. Except for the provisions contained in this Judgment of Dissolution of Marriage, each of the parties is hereby barred and foreclosed from making any and all claims against the other whether for alimony or maintenance, homestead rights, dower rights, rights of inheritance, or any and all other property rights, whether real, personal, or mixed, which either of them may now have or may hereafter acquire arising out of the marital relationship heretofore existing between them.
- F. This Court retains jurisdiction of this cause for the purpose of enforcing the provisions of this Judgment of Dissolution of Marriage.

DATED: \_\_\_\_\_ ENTERED: \_\_\_\_\_  
JUDGE

APPROVED AS TO FORM AND CONTENT:

\_\_\_\_\_  
Petitioner *(Petitioner's Signature)*

\_\_\_\_\_  
Respondent *(Respondent's Signature)*

# **INFORMATION AND INSTRUCTIONS FOR JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE**

INFORMATION AND INSTRUCTIONS PROVIDED BY THE CIRCUIT CLERKS OF  
THE NINTH JUDICIAL CIRCUIT OF ILLINOIS  
*(Counties of Fulton, Hancock, Henderson, Knox, McDonough, and Warren)*

## **GENERAL INFORMATION CONCERNING JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE**

A dissolution of marriage (commonly referred to as a divorce) is a serious legal step which should not be taken without considerable thought. If you are considering such a proceeding, you should note the following:

- > Both you and your spouse must jointly fill out these forms and sign these forms. Both of you must appear in Court together at the hearing on the Joint Petition for Simplified Dissolution of Marriage.
- > It is in the best interests of each of the parties to consult attorneys regarding the dissolution of their marriage and that the service of attorneys may be obtained.
- > The parties should not rely exclusively on these instructions, and these instructions are intended only as a general guide for self-representation.
- > Marriage counseling services are available in the community. Your local Circuit Clerk can provide a list of the services available.
- > If the parties waive their rights to maintenance (alimony), neither party can in the future obtain maintenance from the other.
- > A judgment of dissolution of marriage permanently adjudicates all financial rights arising out of your marriage, including the right to property in the name of one's spouse and the right to support from one's spouse (maintenance or alimony), that a judgment is final, and the parties waive their right to appeal, except that neither party is barred from instituting an action to set aside a final judgment for fraud, duress, accident, mistake, or other grounds at law or in equity.
- > The parties to the marriage remain married persons and cannot remarry until a judgment dissolving the marriage is entered and signed by a judge.

## WHO MAY USE THE JOINT SIMPLIFIED DISSOLUTION OF MARRIAGE PROCEDURE?

To use the Joint Simplified Dissolution of Marriage procedure, the following facts must apply to you and your spouse:

- > Irreconcilable differences have caused the irretrievable breakdown of your marriage. All efforts at reconciliation of the differences have failed, and future attempts at reconciliation would not be in the best interest of you and your spouse.
- > You must have been married less than eight years, and either you or your spouse (or both) must have lived in the State of Illinois for at least 90 days immediately prior to filing for the dissolution.
- > No children were born to or adopted by you and your spouse during your relationship and the wife is not now pregnant.
- > You and your spouse's annual joint gross income from all sources must be less than \$60,000. Neither you nor your spouse may individually have a gross annual income in excess of \$30,000. The total value of marital property you and your spouse own, less any encumbrances (amount owed on the property, such as the amount owed on a car loan), must be less than \$50,000. Neither you nor your spouse may own any real estate.
- > You and your spouse each must be willing to permanently give up any right to maintenance (alimony).
- > You and your spouse must have disclosed to each other all assets each of you have and disclosed all tax returns filed during your marriage.
- > You and your spouse must sign a written agreement dividing between yourselves all marital assets worth more than \$100 and dividing responsibility for all debts and liabilities. You must divide the property and sign and exchange all documents (such as automobile titles, etc.) necessary to carry out the agreement **before any court hearing**.
- > You and your spouse must waive any right you may have to a bifurcated hearing on your dissolution petition (a hearing held in two parts, one to decide the issues related to granting the dissolution and another to decide any property or other issues).



# INSTRUCTIONS FOR COMPLETING THE FORMS

There are three forms which must be completed before obtaining a joint simplified dissolution of marriage. These forms have been drafted to be as easy to complete as possible.

- Forms:**
1. Joint Petition for Simplified Dissolution of Marriage
  2. Joint Simplified Agreement as to Assets and Debts
  3. Judgment for Dissolution of Marriage

For all three forms, you should neatly print the information in ink. Fill out all forms completely. Your Circuit Clerk will insert the number (ANo.®) on these forms. Even though this is a AJoint® petition, one of the parties must be designated as APetitioner® and the other must be designated as a ARespondent®. Traditionally, the party seeking the dissolution is the petitioner. All forms should be signed by both parties.

The AJudgment for Dissolution of Marriage® should be completed and signed by both parties (below the words AApproved as to Form and Content®) before your hearing. The judge will complete the AEntered® line and sign the Judgment if the dissolution is granted.

Check with your local Circuit Clerk to learn the amount of court filing fees. **NORMALLY NO PERSONAL CHECKS WILL BE ACCEPTED BY THE CLERK.**

If the wife wishes to return to her maiden or former name, you should complete paragraphs 11 and C of the PETITION as well as paragraphs 9 and D of the JUDGMENT.

In addition to these three forms, the Circuit Clerk will give you a **Certificate of Dissolution of Marriage** which you must complete on or before the date of your court hearing.

## Your Day in Court

1. **Both husband and wife must appear at the hearing.** Your case will be heard by a judge.
2. Dress as though you were going to an important job interview. Shorts, bare feet, tank tops, halter tops, sandals, hats, and other very casual clothing are not acceptable.
3. Always arrive at court on time. If you are late and miss your court time, you will have to re-schedule a new court hearing date and time.

**Other than providing these forms, the Circuit Clerks are prohibited by law from giving any legal advice.**

# NINTH JUDICIAL CIRCUIT OF ILLINOIS

*Consisting of the following Counties (and County Seats):*

Knox (Galesburg 309-345-3859)

Henderson (Oquawka 309-867-3121)

Fulton (Lewistown 309-547-3041)

McDonough (Macomb 309-837-4889)

Hancock (Carthage 217-357-2616)

Warren (Monmouth 309-734-5179)

## NOTICE OF MEDIATION

You are required to participate in **Mediation** if you and your child's other parent are unable to agree on any of the following issues concerning your child:

- **Allocation of Parenting Time**
- **Allocation of Parenting Responsibilities**
- **Relocating with your child more than 50 miles away from your current residence if you have 50% or more allocated parenting time or relocating more than 25 miles away from your current residence if you have 50% or more allocated parenting time and are attempting to relocate with the child out of state.**

## MEDIATION REQUIREMENTS

1. You are required to attend a minimum of three (3) hours of mediation.
2. You must complete a Parenting Education Program as soon as possible before you begin Mediation. You must complete a Parenting Education Program even if you and your child's other parent agree on all issues concerning your child. Proof of completion of your Parenting Education program must be filed at the Circuit Clerk's Office.
3. A list of approved mediators may be obtained from the Circuit Clerk's Office at the Courthouse. You may also obtain a list of approved mediators on the Web at <http://www.9thjudicial.org/9th-legal-resources.html>. Download the document: "*List of Mediators*".
4. If you and your child's other parent are unable to agree on an approved mediator, you must petition the judge assigned to your case to select an approved mediator.
5. Mediation is based on a full disclosure of all facts related to the dispute so that a fair agreement can be reached by the parties.
6. Mediation is confidential. Except as provided by law, anything said or submitted in writing for mediation is confidential and may not be disclosed by the mediator or by the other party, except to each party's own attorney or counselors.
7. You must contact the mediator for an appointment within three days of agreeing to a mediator or being assigned a mediator by the Court.

NINTH JUDICIAL CIRCUIT OF ILLINOIS  
**Mediator Training B Required Information Form**

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Work Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**Mediator Training**

What is your training or education background for mediation? List all education and degrees as well as all employment-related mediation experience. *(Attach additional sheet if necessary).*

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

List the continuing education courses you have completed in the past two years, including local circuit programs, that cover areas of mediation, ethics, relevant substantive law, family dynamics including substance abuse, domestic abuse, and mental health issues. *(Attach additional sheet if necessary).*

Course

Date

CLE Hours

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

Do you understand and agree that as a condition of being on the list for the Ninth Judicial Circuit, you may be required to handle one reduced fee or *pro bono* appointment annually within the Ninth Judicial Circuit?

Yes     No

I verify under penalties of perjury that the above information is true and correct.

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

**Return to: Office of the Chief Judge, 130 S. Lafayette, Suite 30, Macomb, IL 61455**  
Phone: 309/837-9278, Fax: 309/833-3547

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS

\_\_\_\_\_) )  
Petitioner, )  
vs. ) Case No: \_\_\_\_\_  
) )  
\_\_\_\_\_) )  
Respondent. )

**ORDER OF REFERRAL TO MEDIATION**

**Pursuant to Circuit Rule Part 6.10 the parties are ordered to participate in mediation.**

**The Mediator  agreed upon by the parties  ordered by the Court is:**

Name \_\_\_\_\_  
Address \_\_\_\_\_  
Telephone \_\_\_\_\_ Fax \_\_\_\_\_

**Issue(s) to be mediated:**

- Initial Allocation of Parenting Time  Modification of Allocation of Parenting Time  
 Initial Allocation of Parental Responsibilities  Modification of Allocation of Parental Responsibilities  
 Relocation intra-state of parent with 50%  Relocation out of state of parent with 50%  
or more parenting time more than 50 miles or more parenting time more than 25 miles  
away from current residence. away from current residence  
 Preparation of Parenting Plan  
 Other non-economic issues relating to the children (*specify*): \_\_\_\_\_  
\_\_\_\_\_  
 Economic issues involving the parties (*specify*): \_\_\_\_\_  
\_\_\_\_\_

**First Status Date:** (*within 45 days*): \_\_\_\_\_

**Order to Initial Mediation:**

The parties are ordered to contact the mediator within three business days of this Order and shall schedule an orientation session with the mediator as soon as can be reasonably scheduled.

**Party A:**

Name of Party \_\_\_\_\_ Telephone \_\_\_\_\_  
Address of Party \_\_\_\_\_  
Attorney for Party \_\_\_\_\_ Telephone \_\_\_\_\_  
Attorney's Address \_\_\_\_\_ Fax \_\_\_\_\_

**Party B:**

Name of Party \_\_\_\_\_ Telephone \_\_\_\_\_  
Address of Party \_\_\_\_\_  
Attorney for Party \_\_\_\_\_ Telephone \_\_\_\_\_  
Attorney's Address \_\_\_\_\_ Fax \_\_\_\_\_

**CHILDREN'S INFORMATION**

| Child's Name | Year of Birth (age) | School (grade) | Residing with: |
|--------------|---------------------|----------------|----------------|
| _____        | _____               | _____          | _____          |
| _____        | _____               | _____          | _____          |
| _____        | _____               | _____          | _____          |
| _____        | _____               | _____          | _____          |

**Guardian ad Litem or Child Representative:** (*[ ] has been appointed for the child(ren) and shall have full access to child(ren) and all relevant documents and mediation reports.*)

Name \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_ Fax \_\_\_\_\_

**Fee allocation:**

- Party A shall pay \_\_\_\_\_% and Party B shall pay \_\_\_\_\_% of mediator's fees.
- Party \_\_\_\_\_ shall initially pay all fees, but the final allocation of fees reserved.
- This is a low-income case and the mediator shall provide services [ ] at a reduced fee [ ] pro bono.*

**The parties represent to the court as follows:** (*at least one box must be checked*)

- No orders of protection have ever been entered involving the parties to this case, or
- The parties are, or have been in the past, involved in a proceeding(s) under the Illinois Domestic Violence Act.
- A current order of protection prohibits one of the parties from having any contact with the other party.

**County and Case Number(s) of IDVA cases involving the parties:**

*If the parties in mediation are subject to an order of protection which prohibits contact, they shall only attend separate orientation and mediation sessions.*

**Additional Orders:**

Unless otherwise ordered, or at the specific request of the mediator, neither party, nor counsel for either party, nor any person acting on behalf of either party, shall send pleadings, correspondence, or other written materials to the appointed mediator.

Prior to commencing mediation, all parties including the mediator shall sign a confidentiality agreement in conformity with Circuit Court Rule Part 6.35. Except as otherwise provided by law or Circuit Court Rule, all written and verbal communications made in a mediation session are confidential and may not be disclosed by the mediator or any other participant or observer of the mediation, except that parties may report to their attorneys or counselors who shall maintain confidentiality.

Neither party shall discuss the details of the mediation sessions with their minor child or children.

The mediator may include the minor child(ren) in the mediation process if all parties agree.

At the initial orientation session the mediator shall inform the parties of their rights and obligations in mediation.

In addition, at the initial orientation session and from time to time as necessary during the course of the mediation, the mediator shall screen the parties for the presence of impediments to mediation. An impediment to mediation is defined as any condition, including but not limited to domestic violence or intimidation, substance abuse, child abuse, mental illness, or a cognitive impairment, which hinders the ability of a party to negotiate safely, competently, or in good faith.

If a mediator determines that an impediment exists which hinders the ability of the parties to negotiate safely, competently, or in good faith, mediation shall terminate and the case shall be returned to court for further proceedings, unless the parties agree to continue to mediate and the mediator determines that the implementation of safeguards would remove the impediment(s).

The parties are expected to attempt to mediate their dispute in good faith. Failure to attend a mediation session or failure to participate in mediation in good faith may subject a party to sanctions. Sanctions may include an assessment of mediation costs and/or attorneys fees incurred by the other party.

Mediation shall terminate upon the following:

- a. When all issues have been resolved, or
- b. When an individual necessary to facilitate settlement of the dispute refuses to be present, or
- c. When in the opinion of the mediator no purpose would be served by continuing the mediation, or
- d. When the mediator determines that an impairment exists which hinders the ability of the parties to negotiate safely, competently, or in good faith, or
- e. After three hours of mediation upon the request of either party, or
- f. Upon order of court for good cause shown.

The mediator shall prepare and file with the Circuit Clerk a Mediator's Status Report on the prescribed form within ten days of the termination of mediation or within ten days prior to the status date set on page 1 of this Order. The report shall contain the following information (*use the Ninth Judicial Circuit prescribed Mediator's Status Report*):

- a. The number, duration, and attendance at mediation sessions.
- b. Whether mediation has been terminated.
- c. Whether the mediator recommends additional mediation sessions.
- d. Whether an agreement was reached.
- e. The status of payment of the fees for mediation, or if mediation services were provided *pro bono* or at a reduced rate.

No permanent allocation of parental rights or responsibilities hearing shall be set until such time as the mediation is completed.

EACH COUNSEL OR PARTY IS TO PROVIDE A COPY OF THIS ORDER TO THE MEDIATOR.

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

\_\_\_\_\_  
Judge

Copy Received:

\_\_\_\_\_  
Father or Father's Attorney

\_\_\_\_\_  
Mother or Mother's Attorney

Prepared by:

Attorney's Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

ARDC#: \_\_\_\_\_

# AOIC MEDIATOR'S REPORT

Mediator Name: \_\_\_\_\_ Case Number: \_\_\_\_\_  
(Please print)

Referring Judge: \_\_\_\_\_ CourtName/County: \_\_\_\_\_

**1. Type of case:**

- Divorce                                       Paternity                                       Post-judgment  
 Allocation of parental responsibilities       Guardianship                                       Other \_\_\_\_\_

2. **This case/relevant petition was filed on (date, if known):** \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

3. **I was:**  selected by the parties  
 appointed by the Court as the Mediator in this matter on (date): \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

**4. Mediation:**

A.  Was not held because:

- An agreement was reached prior to mediation  
 One or both parties failed to attend  
 An impediment was found to exist  
 Other reason \_\_\_\_\_

B.  Took place

Date began: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_      Date ended: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

Number of sessions: \_\_\_\_\_

Total hours in mediation for all sessions: \_\_\_\_\_ Hours of preparation: \_\_\_\_\_

Fee/Rate per hour or case: \$ \_\_\_\_\_ Total amount: \$ \_\_\_\_\_ Pro Bono

C.  Has been continued.

**5. Participants to the mediation:**

- Mother                                       Father                                       Guardian ad litem  
 Mother's attorney                       Father's attorney                       Step-Parents/s: (number) \_\_\_\_\_  
 Children: (number) \_\_\_\_\_

**6. Issues mediated/ended in:**

(Check all that apply)

- |  | Full Agreement | Partial Agreement | No Agreement |
|--|----------------|-------------------|--------------|
| <input type="checkbox"/> Allocation of parental responsibilities | [ ]            | [ ]               | [ ]          |
| <input type="checkbox"/> Parenting time                          | [ ]            | [ ]               | [ ]          |
| <input type="checkbox"/> Relocation to another state             | [ ]            | [ ]               | [ ]          |

**7. Interpreter Needed:**

- No  
 Yes      If yes:       Requested and provided       Requested and not provided

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

## MEDIATION CONFIDENTIALITY AGREEMENT

IT IS HEREBY AGREED by and between the mediator and each mediation participant identified below that all matters discussed during any and all mediation sessions shall be confidential, may not be admissible in any court proceeding, nor shall not be disclosed by the participants or the mediator in any court proceeding or any court of law, except as follows:

- A. If 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 may be 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.
- F. The parties may disclose communications occurring during mediation to his or her attorney or counselor who shall maintain confidentiality.

*(The next paragraph is only applicable if the mediator is an attorney):*

The parties to mediation acknowledge that Attorney \_\_\_\_\_ of the law firm of \_\_\_\_\_ acting as mediator, is not acting as attorney for either party and is not providing legal advice or services to either party.

Dated:

### **MEDIATOR:**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

### **MEDIATING PARTICIPANTS**

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Print Name*



**IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
COUNTY, ILLINOIS**

|     |             |          |
|-----|-------------|----------|
|     | ) ) ) ) )   |          |
| vs. | Petitioner, | Case No: |
|     | Respondent. |          |

**MEDIATOR'S STATUS REPORT**  
(Circuit Court Rule Part 6.40.I.1)

**Name of Mediator:**

**Referring Judge:**

*(Check Appropriate Boxes)*

- I am unable to accept the court's appointment to provide mediation services for the following reason(s):
- Conflict of Interest       Parties failed to meet terms of engagement
  - Full Caseload               Other:

**The following mediation sessions were conducted:**

| Date of Session | Duration of Session | Those in Attendance |
|-----------------|---------------------|---------------------|
| _____           | _____               | _____               |
| _____           | _____               | _____               |
| _____           | _____               | _____               |
| _____           | _____               | _____               |
| _____           | _____               | _____               |

- Mediation was terminated without an agreement.
- Additional mediation sessions are recommended; there appears a reasonable chance of agreement.
- An agreement was reached by the parties on some or all of the issues; a report of their agreement has been sent to their attorney(s) for preparation and submission to the Court.
- A written agreement was reached by the parties on some or all of the issues and a copy of their signed agreement  is  is not attached to this report.
- The appointment of a child representative or guardian ad litem  is  is not recommended.
- A custody/psychological evaluation of the family is recommended.
- Other:

**FEES:**

- I charged a  regular  reduced  *pro bono* fee of \$\_\_\_\_\_ for mediation services.
- My fee has been paid in full.
- Petitioner owes a balance of \$\_\_\_\_\_ as of the date of \_\_\_\_\_.
- Respondent owes a balance of \$\_\_\_\_\_ as of the date of \_\_\_\_\_.
- I request that the court order the parties to pay their outstanding balance or set a hearing on the disputed amount.
- I charged no fee as required for my *pro bono* work required by Circuit Court Rules.

Dated: \_\_\_\_\_ Mediator: \_\_\_\_\_

Print Name: \_\_\_\_\_

## EVALUATION FOR PARTIES

**To help us to maintain the quality of the mediation program, please answer all of the questions below. Your responses will be kept confidential and will be used to evaluate our services. No identifying information about you will be released.**

Case Name: \_\_\_\_\_ Case Number: \_\_\_\_\_

Mediator Name: \_\_\_\_\_ Date of Mediation: \_\_\_\_\_

1. What is your relationship to the child(ren)?

Parent

Other: \_\_\_\_\_

**The following questions ask about your experience during the mediation session. Please check one box for each question.**

2. How clearly did the mediator explain what would happen in mediation?

Not at all clearly

Somewhat clearly

Very clearly

The mediator didn't explain what would happen.

3. Were you able to talk about the issues and concerns that were most important to you?

I was able to talk about none of the issues and concerns that were most important to me.

I was able to talk about some of the issues and concerns that were most important to me.

I was able to talk about most of the issues and concerns that were most important to me.

I was able to talk about all of the issues and concerns that were most important to me.

|  | Not at all               | Somewhat                 | Very Much                |
|--|--------------------------|--------------------------|--------------------------|
| 4. Did you have the opportunity to express your feelings in mediation? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

|   |                          |                          |                          |
|---|--------------------------|--------------------------|--------------------------|
| 5. Did the mediator keep you focused on what was best for the children? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|

6. Do you understand the other parent's point of view better than you did before mediation?

Not at all better

Somewhat better

Much better

7. How much did the mediation help you to think about different ways to work with the other parent?

Not at all

Some

A lot

8. Was the mediator active enough in helping you to work out the issues in the dispute?

No

Yes

- |  | Not at all | Somewhat | Very Well |
|--|------------|----------|-----------|
| 9. How well did the mediator understand what was important to you?               | [ ]        | [ ]      | [ ]       |
| 10. Did the mediator treat you with respect?                                     | [ ]        | [ ]      | [ ]       |
| 11. Did the mediator treat you fairly?   | [ ]        | [ ]      | [ ]       |
| 12. Did the mediator push too hard to get you to settle?                         |            |          |           |
| <input type="checkbox"/> Yes, the mediator pushed too hard.                      |            |          |           |
| <input type="checkbox"/> No, the mediator did not push too hard.                 |            |          |           |
| 13. What was the outcome of the mediation?                                       |            |          |           |
| <input type="checkbox"/> We reached agreement on all the issues in the case.     |            |          |           |
| <input type="checkbox"/> We reached agreement on some of the issues in the case. |            |          |           |
| <input type="checkbox"/> We didn't reach agreement on any issues in the case.    |            |          |           |

**If you REACHED AGREEMENT, please answer the following questions:**

- |  | Not at all | Somewhat | Very much |
|--|------------|----------|-----------|
| 14. Are you clear about the details of the agreement?    | [ ]        | [ ]      | [ ]       |
| 15. Do you have any doubts that the agreement will work? | [ ]        | [ ]      | [ ]       |

- |   | Very Unsatisfied | Unsatisfied | Satisfied | Very Satisfied |
|---|------------------|-------------|-----------|----------------|
| 16. How satisfied are you with the <u>outcome</u> of the mediation?   | [ ]              | [ ]         | [ ]       | [ ]            |
| 17. Regardless of the outcome, how satisfied are you with your <u>overall experience</u> in the mediation session(s)? | [ ]              | [ ]         | [ ]       | [ ]            |
| 18. Would you use mediation again?  |                  |             |           |                |
| <input type="checkbox"/> Yes  |                  |             |           |                |
| <input type="checkbox"/> No   |                  |             |           |                |
| <input type="checkbox"/> Possibly   |                  |             |           |                |

Why or why not?

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**Please let us know more about your experience:**

19. Things I liked about the mediation:

20. Things I didn't like about the mediation:

**Please help keep us informed about mediation services by answering the following questions about yourself. Your answers will remain completely confidential.**

Zip Code \_\_\_\_\_ What languages do you usually speak at home? \_\_\_\_\_

*Age Range*

18-24       45-64

25-44       65 +

*Gender:*  Male       Female

**THANK YOU!**

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
 \_\_\_\_\_ COUNTY, ILLINOIS

|            |   |           |
|------------|---|-----------|
|            | ) |           |
| Petitioner | ) |           |
|            | ) |           |
| vs.        | ) | No. _____ |
|            | ) |           |
|            | ) |           |
| Respondent | ) |           |

**PARENTING PLAN**  
 filed pursuant to 750 ILCS 5/602.10  
 (temporary form 670)

- ( ) Agreed and jointly submitted-full resolution
- ( ) Agreed and jointly submitted-partial resolution (fill out only those sections which are agreed)
- ( ) Fully disputed and Submitted by: \_\_\_\_\_
- ( ) Partially disputed and Submitted by: \_\_\_\_\_ (fill out only those sections which are in dispute).

**1. Proposed Allocation of Parenting Responsibilities**  
 (definitions provided in 750 ILCS 5/602.5)

| RESPONSIBILITY             | JOINTLY SHARED | PETITIONER | RESPONDENT |
|----------------------------|----------------|------------|------------|
| Education                  |                |            |            |
| Health decisions           |                |            |            |
| Religion                   |                |            |            |
| Extracurricular activities |                |            |            |

**2A. Proposed Allocation of Parenting Time: Holidays**

(All holiday parenting time takes precedence over any regularly scheduled parenting time)

| HOLIDAY         | Proposed date/<br>time | EVEN<br>NUMBERED<br>YEAR<br>PETITIONER | ODD<br>NUMBERED<br>YEAR<br>RESPONDENT | ODD<br>NUMBERED<br>YEAR<br>PETITIONER | EVEN<br>NUMBERED<br>YEAR<br>RESPONDENT |
|-----------------|------------------------|--|---------------------------------------|---------------------------------------|--|
| New Year's Day  |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Spring Break    |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Easter          |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Memorial Day    |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Fourth of July  |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Labor Day       |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Halloween       |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Thanksgiving    |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Christmas Break |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Christmas Eve   |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |
| Christmas Day   |                        |  |                                       |                                       |  |
|                 |                        |  |                                       |                                       |  |

**2B. Allocation of Parenting Time: School Year**

PROPOSED ALLOCATION OF PARENTING TIME DURING THE  
SCHOOL YEAR ON A REPEATING TWO WEEK BASIS

(if a day is shared, mark each parties' name together with the times of his/her parenting time)

|        | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------|--------|---------|-----------|----------|--------|----------|--------|
| Week 1 |        |         |           |          |        |          |        |
| Week 2 |        |         |           |          |        |          |        |

**OR,** Describe in detail an alternate parenting time allocation plan:

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**2C. Allocation of Parenting Time: Summer Break**

( ) It is proposed that the schedule in paragraph 3 above should continue throughout the summer

**OR**

**PROPOSED ALLOCATION OF PARENTING TIME DURING THE SUMMER VACATION  
FROM SCHOOL ON A REPEATING TWO WEEK BASIS**

(if a day is shared, mark each parties' name together with the times of his/her parenting time)

|        | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday | Sunday |
|--------|--------|---------|-----------|----------|--------|----------|--------|
| Week 1 |        |         |           |          |        |          |        |
| Week 2 |        |         |           |          |        |          |        |

Proposed beginning of this schedule (e.g. first Monday of summer vacation)

\_\_\_\_\_

Proposed end of this schedule (e.g. last Friday of summer vacation): \_\_\_\_\_

**OR**, Describe in detail an alternate summertime parenting time allocation plan:

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



**2D. Allocation of Parenting Time: Vacation**

( ) It is proposed that neither party requires a deviation from the regular parenting time schedule to take a vacation.

**OR**

( ) The following is proposed regarding each parties' parenting time to take vacation:

**i. Petitioner's Vacation Period 1**

( ) Every year ( ) Odd numbered years ( ) Even numbered years

Time frame vacation is to be exercised:

( ) During any school break ( ) During summer break only

( ) During spring break only ( ) During winter break only

( ) On the following dates certain: \_\_\_\_\_

Notice to be given:

( ) No notice to be required ( ) Notice required \_\_\_\_\_ days prior to taking vacation parenting time

This vacation period ( ) may ( ) may not be exercised over a weekend that is not the regularly allocated parenting time of the Petitioner.

Vacation parenting time shall begin at \_\_\_\_\_ a.m./p.m. and shall conclude \_\_\_\_\_ days later at \_\_\_\_\_ a.m./p.m. and shall last \_\_\_\_\_ days.

**ii. Petitioner's Vacation Period 2**

( ) Every year ( ) Odd numbered years ( ) Even numbered years

Time frame vacation is to be exercised:

( ) During any school break ( ) During summer break only

( ) During spring break only ( ) During winter break only

( ) On the following dates certain: \_\_\_\_\_

Notice to be given:

( ) No notice to be required ( ) Notice required \_\_\_\_\_ days prior to taking vacation parenting time

This vacation period ( ) may ( ) may not be exercised over a weekend that is not the regularly allocated parenting time of the Petitioner.

Vacation parenting time shall begin at \_\_\_\_\_ a.m./p.m. and shall conclude \_\_\_\_\_ days later at \_\_\_\_\_ a.m./p.m. and shall last \_\_\_\_\_ days.

iii. Respondent's Vacation Period 1

Every year       Odd numbered years       Even numbered years

Time frame vacation is to be exercised:

During any school break       During summer break only  
 During spring break only       During winter break only  
 On the following dates certain: \_\_\_\_\_

Notice to be given:

No notice to be required       Notice required \_\_\_\_\_ days prior to  
taking vacation parenting time

This vacation period  may  may not be exercised over a weekend that is not the regularly allocated parenting time of the Respondent.

Vacation parenting time shall begin at \_\_\_\_\_ a.m./p.m. and shall conclude \_\_\_\_\_ days later at \_\_\_\_\_ a.m./p.m. and shall last \_\_\_\_\_ days.

iv. Respondent's Vacation Period 2

Every year       Odd numbered years       Even numbered years

Time frame vacation is to be exercised:

During any school break       During summer break only  
 During spring break only       During winter break only  
 On the following dates certain: \_\_\_\_\_

Notice to be given:

No notice to be required       Notice required \_\_\_\_\_ days prior to  
taking vacation parenting time

This vacation period  may  may not be exercised over a weekend that is not the regularly allocated parenting time of the Respondent.

Vacation parenting time shall begin at \_\_\_\_\_ a.m./p.m. and shall conclude \_\_\_\_\_ days later at \_\_\_\_\_ a.m./p.m. and shall last \_\_\_\_\_ days.

3. **Mediation** 750 ILCS 5/602.10(f)(3):

( ) One parent is proposed to be allocated all decision-making responsibilities and therefore the statute does not require a mediation provision.

( ) There is a proposed division of decision making therefore in the event of a dispute regarding allocation of parenting time or decision-making responsibilities, the parties agree they will submit that dispute to mediation.

4. **Access to Records** 750 ILCS 5/602.10(f)(4) and 750 ILCS 5/602.11

( ) It is proposed that the \_\_\_\_\_ be denied any allocation of parenting time therefore s/he shall not receive access to any medical, dental, child care and school records of the child[ren] unless after petition and order per 750 ILCS 5/602.11 (a).

( ) It is proposed that both parties be allocated parenting time, therefore pursuant to statute both parties should be granted access to the child[ren]'s records, including, but not limited to medical, dental, child care and school and extracurricular records, reports, and schedules.

5. **Designation of Parent with Majority Parenting time** 750 ILCS 5/602.10(f)(5)

( ) It is proposed that the Petitioner be designated as the parent with majority parenting time

( ) It is proposed that the Respondent be designated as the parent with the majority parenting time

( ) It is proposed that the parties share equally parenting time

6. **Child's Residential Address for School registration** 750 ILCS 5/602.10(f)(6)

( ) The Petitioner's address \_\_\_\_\_ in the \_\_\_\_\_ school district is proposed.

( ) The Respondent's address \_\_\_\_\_ in the \_\_\_\_\_ school district is proposed.

( ) The following private school is proposed for the child[ren]: \_\_\_\_\_.

7A. **Petitioner's Address and Employment Information** 750 ILCS 5/602.10(f)(7)

\_\_\_\_\_  
full name

\_\_\_\_\_  
residence address

\_\_\_\_\_,  
town

state

\_\_\_\_\_  
zip code

( ) \_\_\_\_\_ - \_\_\_\_\_  
preferred phone number

\_\_\_\_\_  
employer's name

\_\_\_\_\_  
employer's address

\_\_\_\_\_,  
town

state

\_\_\_\_\_  
zip code

( ) \_\_\_\_\_ - \_\_\_\_\_  
employer's phone number

**OR,**

( ) There is an Order of Protection in effect which prohibits the exchange of residency information in case number \_\_\_\_\_ from \_\_\_\_\_ County with an expiration date of \_\_\_\_\_.

( ) There is a history of domestic violence or abuse and pursuant to 750 ILCS 5/602.10(f)(14) I am not required to provide this information.

( ) I am requesting a court finding that disclosure of this information is not in the best interest of the child[ren] pursuant to 750 ILCS 5/602.10(f)(14).

7B. **Respondent's Address and Employment Information** 750 ILCS 5/602.10(f)(7)

\_\_\_\_\_ full name

\_\_\_\_\_ residence address

\_\_\_\_\_, \_\_\_\_\_ town state

\_\_\_\_\_ zip code

( ) \_\_\_\_\_ - \_\_\_\_\_ preferred phone number

\_\_\_\_\_ employer's name

\_\_\_\_\_ employer's address

\_\_\_\_\_, \_\_\_\_\_ town state

\_\_\_\_\_ zip code

( ) \_\_\_\_\_ - \_\_\_\_\_ employer's phone number

**OR,**

( ) There is an Order of Protection in effect which prohibits the exchange of residency information in case number \_\_\_\_\_ from \_\_\_\_\_ County with an expiration date of \_\_\_\_\_.

( ) There is a history of domestic violence or abuse and pursuant to 750 ILCS 5/602.10(f)(14) I am not required to provide this information.

( ) I am requesting a court finding that disclosure of this information is not in the best interest of the child[ren] pursuant to 750 ILCS 5/602.10(f)(14).

**8. Requirement to Provide Updated Information**

( ) Pursuant to 750 ILCS 5/601.10(f)(8) I understand that I must provide at least 60 days prior written notice to the other parent of any planned change in residence including the anticipated new address and date of occupancy. If such notice is impracticable, written notice shall be given at the earliest date practicable.

( ) There is an Order of Protection in effect which prohibits the exchange of this information in case number \_\_\_\_\_ from \_\_\_\_\_ County with an expiration date of \_\_\_\_\_.

( ) There is a history of domestic violence or abuse and pursuant to 750 ILCS 5/602.10(f)(14) I am not required to provide this information.

( ) I am requesting a court finding that disclosure of this information is not in the best interest of the child[ren] pursuant to 750 ILCS 5/602.10(f)(14).

**9. Requirement to Provide Notification**

( ) Pursuant to 750 ILCS 5/601.10(f)(9) I understand that I must notify the other parent in the event of an emergency, to exchange health care information, to inform of travel plans, or to discuss any other significant child-related issues.

( ) There is an Order of Protection in effect which prohibits the exchange of this information in case number \_\_\_\_\_ from \_\_\_\_\_ County with an expiration date of \_\_\_\_\_.

( ) There is a history of domestic violence or abuse and pursuant to 750 ILCS 5/602.10(f)(14) I am not required to provide this information.

( ) I am requesting a court finding that disclosure of this information is not in the best interest of the child[ren] pursuant to 750 ILCS 5/602.10(f)(14).

10. **Transportation Provisions** 750 ILCS 5/602.10(f)(10)

The parties will split transportation 50/50 with the parenting beginning his/her parenting time picking up.

The Petitioner will provide all transportation.

The Respondent will provide all transportation.

The parties will allocate transportation including location of exchange as follows:

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11. **Provision for Communication** 750 ILCS 5/602.10(f)(11)

Each party shall have unrestricted access to the child[ren] via telephone and/or text message during the other parent's parenting time.

The Petitioner shall have electronic access to the child[ren] while in Respondent's care in the following described manner in the following described ways:

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The Respondent shall have electronic access to the child[ren] while in Petitioner's care in the following described manner in the following described ways:

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12. **Provision for Resolving Issues Regarding Future Relocation** 750 ILCS 5/602.10(f)(12)

In the event either party relocates and such relocation necessitates a reallocation of parenting time or of parenting responsibilities the parties shall first attempt to come to agreement. In the event agreement is not reached, the parties shall submit their issue to mediation pursuant to 750 ILCS 5/602.10(f)(3) unless said mediation is excused by the court.

13. **Provision for Future Modification of Parenting Plan** 750 ILCS 5/602.10(f)(13)

( ) In the event either party seeks modification of the allocation of parenting time or responsibilities pursuant to 750 ILCS 5/610.5 and the proposed modification is not agreed, then the parties shall submit their issue to mediation pursuant to 750 ILCS 5/602.10(f)(3) unless said mediation is excused by the court.

14. **First Right of Refusal** 750 ILCS 5/602.10(f)(14)

( ) Although both parties are encouraged to seek assistance from the other parent when s/he is unable to exercise his/her parenting time, there is no requirement that the other parent be offered the first right of refusal for parenting time in which the parent allocated the time is unable to physically be present to be the caretaker of the child[ren].

**OR**

( ) The parties shall offer one and other the first right of refusal for child care when s/he are not able to care for the child during his/her parenting time. The first right of refusal shall apply when the parent having parenting time is:

- ( ) Unable to care for the child for more than \_\_\_\_\_ hours;
- ( ) Notification to the other parent shall be made by \_\_\_\_\_ at least \_\_\_\_\_ hours in advance of the opportunity.
- ( ) The parent being offered the opportunity shall reply within \_\_\_\_\_ hours of the beginning of the opportunity or said opportunity shall be forfeited.
- ( ) Other conditions applying to the first right of refusal are:

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15. **Miscellaneous Provisions** 750 ILCS 5/602.10(f)(15)

( ) The following additional conditions are imposed:

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Under penalties as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies as aforesaid that s/he verily believes the same to be true.

\_\_\_\_\_  
Date

\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_