

STATE OF ILLINOIS
NINTH JUDICIAL CIRCUIT

COURT RULES



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Effective September 1, 2025

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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B. Existing Rules Repealed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on September 1, 2025, and all prior Circuit Rules of the Ninth Judicial Circuit Court, State of Illinois, are hereby repealed as of said effective date.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 a statute limits its application, or the context clearly limits its application.

F. Waiver of Rules

These 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(f) 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 Trial Court Administrator shall cause a notice of a meeting for election of Chief Judge to be emailed to the Circuit Judges of the Ninth Judicial Circuit with verification of the same. Said meeting shall take place at least 14 days before the term is to expire.

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 either in person on the established meeting date or by email at least 14 days before the scheduled meeting. The Trial Court Administrator shall confirm that ballots were emailed at least 14 days prior to the scheduled meeting. All judges voting by email shall do so on or before the day of the in-person meeting. A Circuit Judge shall only be allowed to vote on time either in person, or by email, or by mail, and shall mark which judge they are voting for on said ballot. Should any Circuit Judge decide to mail their ballot to the Trial Court Administrator, then said ballot must be received by the Trial Court Administrator no later than 9:00 a.m. of the day of the in-person meeting.

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. Statewide forms are available through the Illinois Courts at illinoiscourts.gov/documents-and-forms/approved-forms. Where circuit forms are inconsistent with State of Illinois standardized forms, the standardized forms shall be used.

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, when requested by the presiding judge
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 – SHERIFF’S 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 is 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 a remote hearing in any proceeding unless otherwise mandated by law or other established court procedure – see Section D below. Those proceedings where participants shall be 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. For any remote appearances made pursuant to SCR 45(d)(2), a waiver from the court must first be obtained pursuant to SCR 45(d)(3).
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 www.9thjudicial.org.
 2. On the home page scroll down to Zoom Courtrooms – Click on the County for the remote proceeding, then click on 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 include the following categories along with any amendments made from time to time by Supreme Court Rule.
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, including court-annexed arbitration hearings, except for ex parte evidentiary hearings (such as Emergency Orders of Protection).
 - 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 and where allowed by this Rule and Supreme Court Rule 45, 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, where allowed by this Rule and Supreme Court Rule 45 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.
- F. Any proceedings that allow or require remote hearings not addressed in these Rules shall be governed by Supreme Court Rule 45.

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 “pleading” or “motion” 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. Filing

Except by leave of court, all pleadings, motions, and other documents shall be filed in accordance with Supreme Court Rules, and 7.00 of these Rules.

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, ARDC number, 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. Service by electronic means, when permitted by Rule shall be in accordance with Part 7.00 of these Rules and shall be made by 5:00 p.m. on or before the eighth day including Sundays and holidays preceding the hearing.

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 - JUDGES COPY OF MOTIONS AND OF AUTHORITY

A. Every party filling 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 judges 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 "Judges 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/ZOOM

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 or Zoom if requested by counsel of record and consented to by the judge conducting the hearing. For Zoom hearings counsel must comply with Rule 1.80 Remote Hearings, and Supreme Court Rules where applicable.

B. No matter involving sworn testimony will be heard by telephone conference, unless agreed by all parties and approved by the court. Sworn Testimony and evidence for Zoom hearings shall be in accordance with Rule 1.80.

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. Motions to be heard by Zoom shall be scheduled in accordance with Rule 1.80.

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. Hearings may also be heard by Zoom in accordance with Part 1.80 of these rules, the Supreme Court Rules and standing orders for each judge. 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 electronically with civil cases and by mail in criminal cases (until electronic filing is required) 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, unless directed by the court to do so in the order.

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. Timely filing of answers shall be as provided in compliance with the Civil Practice Act.

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 “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 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 “Civil Case Management Order” as provided for 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 Pre-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 Order 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 Civil 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. Motions shall be accompanied with a memorandum of law and points and authorities as provided for in parts 2.50 and 2.55 of these rules.

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 8-1/2" 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 "marked" 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 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 defendant's attorney shall also include defendant when defendant elects to proceed *pro se*.

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

Personal appearance may be made by means of a two-way audio-visual communication system, including closed circuit television and computerized video conference pursuant to 725 ILCS 5/106D-1 and Illinois Supreme Court 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 – RESERVED

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 "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 "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 is 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 "PRESIDING 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 "450 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. **“Matrimonial 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. **“Clerk”** shall mean the Circuit Clerk of the applicable county.

3. **“IMDMA”** 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 based on properly executed and filed financial affidavits in the form as prescribed by the Illinois Supreme Court. 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 hearing regarding a temporary allocation of parenting time and/or allocation of parenting responsibilities 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 the 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 "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 "Child 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 "Child Representative Required Information Form" may also be obtained from the 9th Judicial Web Site (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 governed by the 900 series 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 at the court appointed rate to be paid by the county where the case is heard.

E. 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, in the form as prescribed by the Illinois Supreme Court, 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 "Final Pre-Trial Memorandum with Children" or Form 530 "Final 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 heard.

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 Self-Represented Adverse Party

The form of such entry shall be substantially similar to Form 540 "Entry of Appearance by Self-Represented 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(b), 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, an Order for Support and a Support Information Sheet shall be entered by the court in a form which is in accordance with the form approved by the Illinois Supreme Court.

2. The Support Information Sheet shall be impounded by the Circuit Clerk's office in compliance with the instructions on the Illinois Supreme Court form order.

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.

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 "Show 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

Forms for Dissolution of Marriage, Child Support, and Maintenance can be found at illinoiscourts.gov/documents-and-forms/approved-forms.

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 "Notice 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 "Order 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.

2. 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. In the event of a reduced fee or indigent fee case, the mediator may petition for that portion of fees which were excused due to indigency to be paid by the county where the case is being heard.

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 "AOIC 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 "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 "Mediator'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 "AOIC 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.

B. EFFECTIVE DATE

All filings will be filed with the E-fileIL system and shall make available remote access through SearchIL 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.
- (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. Conventional filings are only allowed after a waiver is accepted by the court on the proper form.
- (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 8.25 – STANDARDIZED COURT FORMS

Pursuant to Illinois Supreme Court Rule 10-101, the Circuit Clerk shall distribute the current standardized forms. All litigants are required to use standardized forms or a filing that is in substantial compliance with the standardized forms.

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, 24-11(b) and 28-11(e) 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 or as otherwise permitted by Rule, 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, or as otherwise permitted by Rule, 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, or otherwise delivered, 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 or otherwise deliver as permitted by Rule, 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 - 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 - 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 within 30 days, 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 — FORMS

PART 10.00 APPENDIX — 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 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 Self-Represented Respondent
Form 550 Show Cause/Enforcement Calculation
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 671 Notice of Hearing-Disabled Adult
Form 672 Notice of Hearing-Minor
Form 673 Petition for Appointment of Guardian for Disabled Adult
Form 674 Petition for Appointment of Guardian for Minor(s)
Form 675 Appointing Plenary Guardian(s) of Minor(s)
Form 676 Summons for Appointment of Guardians of Persons with Alleged Disability
Form 677 Order Appointing Plenary Guardian for Disabled Adult
Form 678 Order Appointing Guardian Ad Litem for Alleged Disabled Adult
Form 679 Order Appointing Temporary Guardian for Disabled Adult
Form 680 Petition for Appointment of Temporary Guardian for Disabled Adult
Form 681 Annual Report and Accounting
Form 682 Inventory-Minor

Form 683 Oath and Bond of Guardian(s) of Minor(s)-Surety
Form 684 Oath and Bond of Guardian(s) of Minor(s)-No Surety
Form 685 Annual Report-Minor
Form 686 Verified Statement in Support of Petition for Guardianship of Minor(s)
Form 687 Acceptance of Office of Guardian of the Estate of Minor(s)
Form 688 Acceptance of Office of Guardian of Estate of Disabled Adult
Form 689 Guardian of Estate's Annual Report and Accounting
Form 690 Guardian of Person's Annual/Tri-Annual Report on Ward
Form 691 Inventory-Disabled Adult
Form 692 Oath and Bond of Guardian of Disabled Adult-No Surety
Form 693 Verified Statement in Support of Petition for Appointment of Guardian for
Disabled Adult
Form 694 Oath and Bond of Guardian of Disabled Adult-Surety
Form 695 Report of Physician
Form 696 Acceptance of Office
Form 697 Order Declaring Heirship
Form 698 Receipt of Distribution
Form 699 Order of Discharge
Form 700 Inventory
Form 701 Application for Award
Form 702 Order and Award to Surviving Spouse and Children
Form 703 Certificate Re: Vouchers – Decedent's Estate
Form 704 Commission for Deposition of Witness to Will
Form 705 Claim
Form 706 Notice of Termination of Independent Administration
Form 707 Citation
Form 708 Copy of Will
Form 709 Petition for Letters of Administration
Form 710 Order Appointing Representative of Decedent's Estate – Intestate
Form 711 Petition for Probate of Will and for Letters Testamentary
Form 712 Order Admitting Will to Probate and Appointing Representative
Form 713 Final Report of Independent Representative
Form 714 Oath and Bond of Representative – No Surety
Form 715 Notice of Probate
Form 716 Oath and Bond of Representative – Surety
Form 717 Final Report of Administrator, Executor, Guardian, or Conservator
Form 718 Appearance on Proof of Will
Form 719 Oath of Office
Form 720 Notice of Personal Identity Information within Court Filing