RULES OF PRACTICE

FOR THE

FIFTH JUDICIAL

CIRCUIT OF ILLINOIS

Updated March, 2023

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FOR THE FIFTH JUDICIAL CIRCUIT
OF ILLINOIS

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RULES OF PRACTICE
FOR THE
FIFTH JUDICIAL CIRCUIT OF ILLINOIS

RULE I. JUDICIAL ADMINISTRATION

(A) **Chief Judge.**

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

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

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

(B) **Presiding Judge.**

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

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

(C) **Judicial Assignments.**

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

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

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

(D) **Judicial Meetings.**

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

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

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

(E) **Court Personnel.**

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

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

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

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

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

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

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

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

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

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

RULE III. APPEARANCES, TIME TO PLEAD & WITHDRAWAL

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

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

(C) Appearance and Withdrawal of Attorneys.

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

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

(D) Admission of Foreign Attorneys in Isolated Cases.

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

(2) Order for Admission. The Presiding Judge of the county wherein permission is sought shall receive from the Illinois Attorney Registration and Disciplinary Commission proof of compliance and admission by their office. Admission is in the Illinois Attorney Registration and Disciplinary Commission's discretion and then only such terms and conditions as prescribed. An order authorizing admission shall be filed in the case in which practice is permitted.

(3) Contents of Application. A form of application for admission pro hac vice is available online with the Illinois Attorney Registration and Disciplinary Commission at www.iardc.org or information is available in the office of the circuit Clerk.

(E) Remote Appearances

(1) Permitted Remote Appearances and Required Personal Appearances. Pursuant to S.Ct.Rs 45, 46, and 241, the following protocols apply in conducting courtroom proceedings remotely. Remote hearings in this context are either telephonic events and/or video conferencing events that are intended to substitute for in-person, courtroom proceedings. While there are several platforms for conducting telephonic and/or video conferencing proceedings, this Rule contemplates the employment of a standard telephone for telephonic proceedings and/or the Zoom platform for telephonic and video conferencing proceedings.

Except as otherwise specifically provided in this Rule, a remote appearance or court proceeding shall be equivalent to an in-person court appearance or proceeding for all purposes.

Except as otherwise set forth in this Rule, a person's opportunity to participate remotely in civil, juvenile, and criminal matters shall be as permitted in S.Ct.Rs. 45, 241, 725 ILCS 5/106D-1, and 725 ILCS 5/109-1(f). Unless the court has waived a person's appearance for a specific hearing or proceeding, a person not permitted by S.Ct.Rs. 45, 241 725 ILCS 5/106D-1, or 725 ILCS 5/109-1(f) to appear remotely must appear in person for the hearing or proceeding.

(2) Definitions. The definitions in S.Ct.R 45 apply to this Rule.

(3) Exemptions. S.Ct.R. 45 and administrative orders of the Fifth Judicial Circuit, as amended from time-to-time, determine the case types and proceedings eligible for remote hearings. Eligibility does not depend upon whether a party is represented by an attorney.

Pursuant to S.Ct.R. 45(b)(1), the Fifth Judicial Circuit has, by administrative order, opted to exempt certain case types and proceedings from the option to appear remotely without advance court approval. Persons may appear remotely in exempted case and proceeding types only with the court's advance approval. Remote appearances shall be conducted pursuant to remote hearing policies or protocols enacted, and amended from time-to-time, by the circuit court for each county within the Fifth Judicial Circuit.

Information pertaining to exempted case types and proceedings for each jurisdiction within the Fifth Judicial Circuit may be obtained from the resources identified in subparagraph 5(b) *infra*.

(4) Which Documents Must Include Remote Appearance Information. All summonses, notices, and court orders setting court dates where case participants may appear remotely shall include the following: (1) instructions for where to obtain a Zoom Meeting ID, Password, and Link information, (2) dial-in information, (3) the courthouse address and courtroom number, and (4) contain the following language:

> "Case Participants wishing to attend this hearing may appear in-person in the courtroom or may attend remotely on Zoom video or telephone conferencing. Remote hearing methods should follow the procedures set forth in the court's local protocols found at its website: *[insert URL, hyperlink, and other locations where this information may be found]*."

(5) Procedures for Appearing Remotely. Persons permitted to appear remotely should be aware of the following:

> (a) All circuit courts within the Fifth Judicial Circuit use the Zoom platform for remote hearings. All persons desiring to appear remotely must be able to access and use the Zoom platform with devices capable of receiving and transmitting data without interruption.
>
> (b) If any person needs help appearing remotely, they should contact the Court Administrator or the appropriate scheduling desk in the Circuit Court Clerk's office for the county in which they are seeking to appear between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.
>
> Clark County:
> Court Administrator: (217) 826-8713
> Circuit Court Clerk: (217) 826-2811
>
> Coles County:
> Court Administrator: (217) 348-0538
> Circuit Court Clerk: (217) 348-0516

Cumberland County:
Court Administrator: (217) 849-3871
Circuit Court Clerk: (217) 849-3601

Edgar County:
Court Administrator: (217) 466-7473
Circuit Court Clerk: (217) 466-7447

Vermilion County:
Court Administrator: (217) 554-7830
Circuit Court Clerk: (217) 554-7700

See also https://www.illinoiscourts.gov/self-help/court-by-phone-or-video for remote court resources, including written instructions and short videos on how to Zoom from a computer and mobile device.

(6) Procedures for Requesting Permission to Appear Remotely. Unless otherwise allowed by (1) a circuit court's own protocols or (2) a case-by-case exception made within the court's discretion, a person seeking permission to appear remotely pursuant to S.Ct.R. 45(c) or (d) must seek that permission through a written motion filed, scheduled, and served as required by Rule IV (A)(1).

(7) Conduct of Remote Hearings and Required Decorum. Unless otherwise allowed by the court, remote hearings shall be conducted as follows:

(a) Remote hearings must be arranged and scheduled pursuant to the remote hearing protocols enacted by the circuit court for the county in which the case is being heard;

(b) The procedures, manners, and methods by which a remote hearing will be conducted remain within the discretion of the court, within the bounds of applicable law, rules, and practice procedures;

(c) Remote hearings shall be conducted to the same standards as hearings in a courtroom and in accordance with the Illinois Rules of Civil Procedure, Illinois Rules of Evidence, Illinois Supreme Court Rules, and these Rules;

(d) All case participants must use and display their true legal names (not aliases, "user," or "iPhone") on the Zoom platform in order to gain entrance to and participate in a remote hearing;

(e) All case participants should ensure they have a good connection/signal to avoid a breakdown in connection during the hearing and that the device being used to access the hearing is fully charged. All case participants must have fully operative video and/or audio functions;

(f) If requested by a party and if technologically feasible, the court may, in its discretion, allow breakout meetings, private chats, or other private communications between attorneys and clients during a hearing; provided, however, that during the testimony of any person, that person may not communicate by private chat or otherwise with any other person;

(g) The court, through its official court reporters and court specialists, will make and keep the official record of all remote hearings, and no case participant may record or photograph, screen shot, or otherwise capture an image or recording of any part of a remote hearing through the Zoom platform or any other means. However, unless pre-arranged with the court before a telephone conference, no verbatim record will be taken or maintained of any such conference conducted pursuant to this Rule;

(h) Unless otherwise allowed by the court upon a showing of good cause, including a showing of exigent, safety, or security circumstances with appropriate safeguards, any person permitted to testify remotely must appear by both video and audio;

(i) If a party intends to call a non-party witness during a remote hearing, that party is responsible for obtaining a hearing invitation for the witness through the remote hearing protocols enacted by the circuit court for the county in which the case is being heard;

(j) Each remote witness must be alone in a secure room with the doors closed;

(k) Each remote witness should ensure there will be no interruptions or distractions for the duration of his or her testimony;

(l) When case participants are not speaking, they shall mute their microphones, and all electronic devices aside from those being used for the remote hearing must be turned off, or silenced, with notifications muted;

(m) Any members of the public or media present for a remote hearing must remain muted and not interfere with the hearing unless permitted by the court to speak or otherwise participate;

(n) Only one case participant may speak at a time, and case participants shall not speak over one another;

(o) All case participants must be in an environment free of video and/or audio distractions;

(p) All case participants appearing by video, should leave their video on unless allowed otherwise by the court;

(q) Eating, drinking, or chewing gum by any case participant is not allowed without the court's permission, and the use of tobacco or vaping products is strictly prohibited by any case participant;

(r) All case participants should use their best efforts to remain in one place while appearing remotely, and avoid moving around (for example, appearing from a moving vehicle or pacing) or stepping away from the hearing without advance permission by the court;

(s) No tangible exhibit may be used during a remote hearing unless it has been pre-marked and a copy provided before the hearing to all other parties and the court, all in conformity with the remote hearing protocols enacted by the circuit court for the county in which the case is being heard;

(t) Tangible exhibits shown through video or photographs through the Zoom platform's Share Screen feature must be viewable by all case participants present for the remote hearing;

(u) The court, in its discretion, may at any time terminate or suspend a remote hearing for technological or other reasons, and if the judge presiding over the remote hearing determines that a case participant is behaving in a disruptive or abusive manner, the judge may mute or remove the offending participant from the hearing and may order the participant to appear in person for future hearings;

(v) If a case participant requires the use of an interpreter, that participant is responsible for coordinating with the court how the interpreter will be obtained and participate in the hearing;

(w) All case participants shall be appropriately dressed and conduct themselves as they would in a courtroom, *i.e.,* being courteous, civil, and respectful to all other case participants;

(x) All case participants shall ensure that any Zoom platform backgrounds or filters used are appropriate and in conformity with courtroom decorum and standards; and

(y) Case participants should not sit directly in front of or behind a window or otherwise use lighting that interferes with the quality of the video.

RULE IV. MOTIONS

(A) Motion Practice.

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

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

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

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

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

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

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

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

(B) Ex Parte and Emergency Motions.

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

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

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

RULE V. DISCOVERY PRACTICE

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

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

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

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

RULE VI. PRE-TRIAL PROCEDURE

(A) Supreme Court Rule 222.

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

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

(B) Case Management Conferences.

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

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

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

(4) Case Management Memorandum. In actions in which a case management conference is held, the attorneys for each of the parties shall prepare a full and complete typewritten case management memorandum substantially in the form set forth in Appendix A (if applicable) and shall deliver to the judge at the time of the conference the original and sufficient copies for all parties.

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

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

(E) Trial Memorandum.

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

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

RULE VII. RECEIVERS

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

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

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

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

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

(E) Appraisal for Receivers.

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

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

(F) Reports of Receivers.

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

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

(G) Receivers' Bonds.

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

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

RULE VIII. SPECIAL RULES PERTAINING TO MATRIMONIAL CASES

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

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

(C) Financial Affidavit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Definitions.

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

information between the parties. Mediation is based on a full disclosure of all facts related to the disputes so that a fair and equitable agreement can be achieved by the parties.

(b) Impediment. When the word "impediment" is used herein, it means any condition, including but not limited to domestic and family violence or intimidation, substance abuse or chemical dependency, or mental or cognitive impairment, or other circumstances which may render mediation inappropriate or would unreasonably interfere with the mediation process. The identification of forms of impediment is designed not to require treatment, but to insure that only parties having a present, undiminished ability to negotiate are directed by court order to mediate.

(2) Mediation Mandatory in Certain Cases.

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

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

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

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

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

(3) Cases Ineligible for Mediation.

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

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

(4) Referral Assignment Procedure.

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

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

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

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

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

5. In cases where a litigant 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 interpreter who speaks the language of the litigant who needs English assistance.

(b) Conflict of Interest.

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

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

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

(5) Qualifications of Mediators.

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

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

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

a. Conflict resolution
b. Psychological issues in separation, dissolution and family dynamics
c. Issues and needs of children in dissolution
d. Mediation process, skills and techniques, and
e. Screening for and addressing domestic violence, child abuse, substance abuse and mental illness.

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

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

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

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

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

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

(6) Mediation Process.

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

1. Determine the issues to be mediated;
2. Explain that no legal advice, therapy or counseling will be provided;
3. Disclose the nature and extent of any existing relationships with the parties or their attorneys and any personal, financial, or other interests that could result in bias or conflicts of interest on the part of the mediator;
4. Inform each party of his/her right to obtain independent legal counsel;
5. Inform the parties that:

    a. mediation can be suspended or terminated at the request of either party after three hours of mediation, or in the discretion of the mediator as outlined in Rule (6)(a)(5)(b);
    b. the mediator may suspend or terminate the mediation if an impediment exists, if either party is acting in bad faith or appears not to understand the negotiation, if the prospects of achieving a responsible agreement appear unlikely, or if the needs and interests of the minor children are not being considered. In the event of a suspension or termination, the mediator may suggest a referral for outside professional services;

6. Explain that the mediation process is confidential as outlined in Rule (8);

7. Confirm the parties' understanding regarding the fee for services and any reduced fee arrangements for eligible parties with financial hardship; and

8. Reach an understanding with the parties as to whether the mediator may communicate with either party or their legal counsel or with other persons to discuss the issues in mediation in the absence of the parties. Any separate communication which does occur shall be disclosed to the parties at the first opportunity.

9. Advise each party that an attorney or other individual designated by a party may accompany the party to and participate in a mediation pursuant to 710 ILCS 35/10.

10. Advise each party that children may be allowed to participate in mediation so long as all parties and the mediator consent to said participation, in writing, and that each parent or the child's representative or guardian ad litem, if applicable, has the right to withhold consent.

(b) Reporting Risk of Bodily Harm. While mediation is in progress, the mediator may report to an appropriate law enforcement agency any information revealed in mediation necessary to prevent an individual from committing an act that is likely to result in imminent, serious bodily harm to another. When the identity of an endangered person is known to the mediator, the mediator may warn that person and his attorney of the threat of harm; such notification shall not be considered a breach of confidentiality mandated by this rule.

(7) Applications of Safeguards in Case of Impediment.

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

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

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

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

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

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

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

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

(8) Confidentiality.

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

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

(b) Confidentiality. Except as otherwise provided by law, all written and verbal communications made in a mediation session conducted pursuant to these rules are confidential and may not be disclosed by the mediator or any other participant or observer of the mediation, except that the parties may report these communications to their attorneys or counselors. Prior to the commencement of mediation, all participants in the mediation shall sign the confidentiality agreement prescribed by these rules. (Suggested form, Appendix F).

(c)

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

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

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

(9) Attendance and Termination of Mediation.

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

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

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

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

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

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

(g) Reporting Procedures.

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

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

3. Parties Evaluation. At the termination of the last mediation session, the mediator shall provide to each party an evaluation form as prescribed by the Administrative Office of the Illinois Courts along with a pre-addressed envelope and instructions to forward their evaluation of the mediation to the Office of the Chief Judge within 10 days. (Suggested form, Appendix I).

4. 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 custody, visitation, and removal cases referred to mediation, the number of custody, visitation, and removal cases where mediation was referred but did not proceed, the number of cases referred on a pro bono basis, the number of cases where there was a full settlement, the number of cases where there was a partial settlement, and the percentage of cases wherein the parties were satisfied or unsatisfied with the process. Such information shall be furnished to the Supreme Court through its administrative office quarterly or at such other interval as may be directed.

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

(10) Entry of Judgment or Order.

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

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

RULE IX. SPECIAL RULES PERTAINING TO SMALL CLAIMS ACTIONS

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

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

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

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

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

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

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

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

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

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

1. A description of the occurrence giving rise to the cause of action.

2. The name and address of the person or entity against whom the cause of action has accrued.

3. The name and address of the liability insurance carrier, if any, affording coverage to the person or entity against whom the cause of action has accrued, and the monetary limits of the liability insurance policy issued by said insurance carrier in effect at the time of the occurrence.

4. A brief description of the injuries sustained by the minor and a list of hospital and medical expenses incurred on behalf of said minor as a result of the occurrence, and a current medical report or letter executed by the attending physician stating the nature and extent of the injuries sustained and giving the prognosis.

5. The terms of any settlement offer and a statement by the attorney for the petitioner of his or her opinion as to the fairness of the proposed settlement and a recommendation as to whether the offer should be approved.

(B) Appointment of Guardian Ad Litem. In cases where no independent attorney has been employed by the legal representative of the minor or ward, the court may appoint an attorney as guardian ad litem to investigate the merits of the proposed settlement and to report his or her findings and recommendations before approval of the proposed settlement. In the event the appointed guardian ad litem does not recommend the approval of the proposed settlement, the appointed guardian ad litem shall not represent as a private attorney the legal representative or any of the parties having an interest in the case, but may continue as such guardian ad litem with reference to any revised offer of settlement so long as the legal representative has not employed independent counsel for the case. The court shall fix an appropriate fee for the guardian ad litem to be taxed as costs in the case.

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

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

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

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

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

RULE XI. JUDGMENTS, ORDER AND DECREES

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

(B) Dismissal for Want of Prosecution. All cases in which no appeal is pending, and in which there has been no action of record for a period of one year, may be dismissed by the court upon notice and shall not thereafter be redocketed without good cause shown. Unless otherwise directed by the court, counsel shall be excused from personal appearance at the docket call by filing prior to the date of hearing a signed statement summarizing the out-of-court activity in the case during the preceding year, when further activity in court is likely to occur, and representation of counsel that he or she intends to prosecute the case to a final disposition.

RULE XII. CASES UNDER ADVISEMENT

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

RULE XIII. COURT FACILITIES

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

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

Rule XIV. COURT-ANNEXED CIVIL MEDIATION

In an effort to provide the citizens of the Fifth Judicial Circuit with an expeditious and expense-saving alternative to traditional litigation in the resolution of controversies, a program of Court-Annexed Civil Mediation for litigants is hereby established in the Fifth Judicial Circuit of Illinois.

(A) Introduction. Mediation under this order and pursuant to the following rules involves a confidential process by which a neutral mediator, designated by the Court, assists parties in discussing their case and potential agreements.

(B) Governing Practice. The mediators will conduct themselves and the mediations in accordance with the Model Standards of Conduct for Mediators promulgated by the American Bar Association, American Arbitration Association, and the Association for Conflict Resolution in 2005. Therefore, any agreement reached by the parties is to be based on the voluntary, autonomous decisions of the parties and not the decisions of the mediator.

(C) Actions Eligible for Mediation. Any Small Claims (SC), Law Minor (LM), or Law (L) case may be referred to mediation at any point in the life of the case between the date of filing and entry of the final order. Referral to mediation is at the discretion of the Court. Parties may also request mediation. If there is an order of protection between the parties, then mediation shall not take place until further inquiry of the Court.

(D) Conduct of the Mediation Conference.

(1) Confidentiality of Communications. Confidentiality in the Court-Annexed Civil Mediation program is governed by the Illinois Uniform Mediation Act, 710 ILCS 35 et al. (the "Act"). All mediation communications as defined in the Act shall be exempt from discovery and shall be inadmissible as evidence in a proceeding unless waived or precluded as provided in

710 ILCS 35/5 or unless an exception to privilege exists in 710 ILCS 35/6. Mediation communications are also confidential to the extent agreed by parties.

(2) Appointment of the Mediator. The Court will designate a mediator to mediate the case.

(3) Party Participation. Participation in the mediation is voluntary. Parties choose whether to proceed with mediation or terminate. If the parties choose to mediate, parties are not compelled to reach an agreement. If the parties reach a full agreement in mediation, the respondent's appearance fee will be waived. If the parties choose to terminate mediation or end without an agreement, the case may be set for trial.

(4) Party Education. The Court may educate parties about the mediation process prior to referral. The mediator shall educate the parties about the mediation process. At a minimum, the mediator must discuss confidentiality and voluntariness of the mediation process.

(5) Conflict of Interest. Before conducting a mediation, the mediator shall 1) make an inquiry that is reasonable under the circumstances to determine whether there are any known facts that a reasonable individual would consider likely to affect the impartiality of the mediator, including a financial or personal interest in the outcome of the mediation and an existing or past relationship with a mediation party or foreseeable participant in the mediation; and 2) disclose any such known fact to the mediation parties. The parties must explicitly waive the conflict of interest before the mediation may proceed.

(6) Discovery. Discovery is stayed while parties participate in mediation.

(7) Communication with Parties. The mediator may meet and consult privately with either party during the mediation session. The mediator shall clarify whether information shared in private may be shared with the other parties.

(8) Completion of Mediation. The mediator or the parties may conclude the mediation at any time. If mediation does not result in an agreement, the Court may schedule a trial date for the case. If mediation does result in an agreement, the parties will present the agreement to the Court. The judge retains discretion to enter judgment in the case.

(E) Mediator Requirements.

(1) General Requirements. To be included on a County's court-annexed civil mediator roster, a court-annexed civil mediator must:

(a) complete an application;

(b) complete a training of at least 32 hours approved by the Presiding Judge;
(c) co-mediate a minimum of three (3) cases following training;
(d) participate in mediator meetings, as announced;

(e) abide by the Model Standards of Conduct for Mediators; and
(f) maintain confidentiality as prescribed in the Illinois Uniform Mediation Act.

(2) The Presiding Judge shall maintain a list of mediators who have been approved by the Court.

(3) Compensation of the Mediator. The court-annexed civil mediators shall not be compensated by the Court or by the parties.

(4) Continuing Responsibilities as a Certified Mediator. In each case, the mediator shall comply with this rule regarding mediation and such other requirements as may, from time to time, be established and promulgated in writing by the Chief Judge of the Fifth Judicial Circuit and/or the Illinois Supreme Court.

(5) Peer Review. All volunteer mediators may be subject to peer review once a year.

(6) Disqualification of a Mediator. If the Court determines that a mediator is disqualified from hearing a case, a qualified replacement shall be appointed. Nothing in this provision shall preclude mediators from disqualifying themselves or refusing any assignment.

(7) Decertification of Mediators. The Chief Judge of the Fifth Judicial Circuit may decertify a mediator previously certified under these rules for any of the following reasons:

(a) Revocation or suspension of any professional license held by the voluntary mediator in the State of Illinois;
(b) Failure or refusal of the mediator to comply with this local rule governing mediation or any other requirements issued by the Fifth Judicial Circuit regarding mediation;
(c) Other unprofessional conduct by the mediator that interferes with the ability of the Court to provide appropriate mediation services;
(d) The request of the mediator to be decertified; or
(e) At the discretion of the Chief Judge.

(F) Other Requirements.

(1) Reports to Supreme Court. The Court shall provide the Supreme Court, through its administrative office, quarterly reports about the number of mediations conducted, the number of mediations resulting in full or partial agreements, and the number of mediations resulting in no agreement.

(G) Participation by Counties within the Circuit. Participation in the Mediation Program by each county within the Fifth Judicial Circuit shall not be mandatory and shall be left to the discretion of each County's presiding judge.

RULE XV. RULES OF THE COURT, FIFTH JUDICIAL CIRCUIT

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

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

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

FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS

IN THE CIRCUIT COURT

GENERAL ORDER

The UNDERSIGNED, being all of the Circuit Judges of the Fifth Judicial Circuit, pursuant to authority vested in them by Rule 21 of the Supreme Court Rules of the State of Illinois, DO HEREBY ADOPT the attached Uniform Rules of Practice governing Civil Cases, for and as the Rules of Practice in the Fifth Judicial Circuit of the State of Illinois, on this 30th day of NOVEMBER, 2006.

Circuit Judge

Chief Circuit Judge

Circuit Judge

Circuit Judge

Circuit Judge

Circuit Judge

Circuit Judge

Circuit Judge

Circuit Judge

Circuit Judge

CASE MANAGEMENT
MEMORANDUM

1. Case Title: _____ vs.

_____

2. Case No: _____

3. Plaintiffs:

(a) _____ _____ _____
Name Age Address

(b) _____ _____ _____

(c) _____ _____ _____

4. Defendants:

(a) _____ _____ _____

(b) _____ _____ _____

(c) _____ _____ _____

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

6. Factual Summary and Theory of Liability or Defense.

7. Describe in detail the complexity of the case.

8. Suggestions for simplification of the issues.

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

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

APPENDIX A
Rule VI(B)(4)

11. Suggested limitations on discovery:

A. Depositions to be taken:

(1) Number _____

(2) Duration _____

B. Opinion witnesses:

(1) Area(s) of expertise: _____

_____

(2) Number _____

C. Deadlines:

(1) Disclosure of opinion witnesses:

_____ _____, 20____.

(2) Completion of written discovery and depositions:

_____ _____, 20____.

12. Is settlement likely and the date you will be ready for settlement conference.

_____ _____, 20____

13. Advisability of alternative dispute resolution.

14. Date on which case should be ready for trial.

_____ _____, 20____.

15. Suggested date for next case management conference.

_____ _____, 20____.

16. Other matters that may aid in the disposition of the action.

17. Estimated time for trial _____ days.

18. Defendant's insurance carrier:

A. Name _____

B. Policy Limits $_____

Attorney preparing this memorandum: _____

Client(s) represented _____

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

_____
Signature

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

TRIAL MEMORANDUM

PLAINTIFF:	George Green 1341 Sheridan Road Waukegan, Illinois
COUNSEL:	Smith, Joes & Smith By Harold Smith 1 North LaSalle Street Chicago, Illinois
	vs. General No.
DEFENDANT(S):	Mary Black 1465 Atlantic Avenue Waukegan, Illinois and Gerald Riley R. R. No. 1 Antioch, Illinois
COUNSEL:	Black, Brown & White By George Black 301 Washington Street Waukegan, Illinois
DATE, TIME & PLACE:	Automobile accident at intersection of Route 120 and Route 41 in Lake County, Illinois, on Saturday May 1, 1960, at about 8:30 p.m.
NATURE OF CASE:	This is a suit for personal injuries and property damage brought by George Green against Mary Black as principal and Gerald Riley as her agent. Negligence is charged. George Green was driving South on Rt. 41 and at the intersection of Rt. 120 a collision occurred with an automobile owned by Mary Black and being driven east by Gerald Riley.
NAME OF PERSONS WHO MAY BE CALLED AS WITNESSES:	Joseph Reed, Champaign, Illinois Jill Blue, Danville, Illinois Officer Barney Silver, Paris Police Department, Paris, IL

APPENDIX B
Rule VI(E)(1)

PROOF OF SERVICE

IN THE CIRCUIT COURT
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
_____ COUNTY, _____, ILLINOIS

_____,
Petitioner,

vs,

Case # _____-D_____

_____,
Respondent,

NOTICE OF FILING FINANCIAL AFFIDAVIT

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

_____
(name of attorney)

_____
(address)

_____
(city, state, zip code)

Date: _____

_____

Attorney for _____

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

This form is approved by the Illinois Supreme Court and is required to be used in all Illinois Circuit Courts.

STATE OF ILLINOIS, CIRCUIT COURT _____ COUNTY	**FINANCIAL AFFIDAVIT** (FAMILY & DIVORCE CASES) ☐ Pre-Judgment ☐ Post-Judgment	*For Court Use Only*

Instructions ▾	
Enter above the county name where the case was filed.	
Enter name of the Petitioner, the Respondent, and the case number as listed in the initial Petition or Complaint.	_____ **Petitioner** *(First, middle, last name)* v. _____ **Respondent** *(First, middle, last name)*
Enter the Case Number given by the Circuit Clerk.	_____ **Case Number**

IMPORTANT: (1) If you intentionally or recklessly enter inaccurate or misleading information on this form, you may face significant penalties and sanctions, including costs and attorney's fees; (2) If you need more room for a section, complete and attach the *Additional Information* form for that section. *Do not file this document and the enclosures with the Circuit Clerk unless a local rule or court order requires you to do so.* Ask the Circuit Clerk where to find these rules.

NOTE: Do not include in this affidavit any Social Security or individual taxpayer-identification numbers, driver's license numbers, financial account numbers, or debit or credit card numbers. If any of these items are included on documents you are going to attach to this affidavit, hide them by covering them with black ink or otherwise removing.

In **3a-d**, check the boxes of the documents you are attaching to this form as evidence of your income, assets, and debts. If you select **3d**, enter the names of the additional documents you are attaching.

In **4**, do not complete **4b** and **4c** if your contact information is protected pursuant to court order because of domestic violence or abuse.

1. I am the ☐ Petitioner ☐ Respondent in this case.

2. I swear or affirm the information in this *Financial Affidavit* and all attached statements are true and correct as of _____ .
Date

3. I attached the most recent copies of the following documents *(Check all that apply. You must attach these documents if you have or can get them.)*

a. ☐ pay stubs or other proof of income
b. ☐ income tax returns *(including K-1, W-2, 1099, and all schedules.)*
c. ☐ bank statements
d. ☐ other documents in verifying your debts in 14 and your assets in 15:

_____
_____

4. Information about myself

a. Name _____
First *Middle* *Last*
b. Phone Number _____
c. Home Address _____
Street Address, Apt.
_____
City *State* *ZIP*
d. Date of Birth _____

5. Information about other household members

I live with another adult who helps me pay my expenses. This person is not the Petitioner or Respondent in this case. ☐ Yes ☐ No

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

In **6**, check all that apply. Provide all information requested about your jobs, including all full-time, part-time, temporary, contract, or other work. Provide all the requested information about any business you own or operate and the business income.

If you have more than one job or business, fill out and attach the *Additional My Employment/ Business* forms.

In **6b**, enter your total gross income from this employer from January 1 of this year through the date you complete this form.

In **6c**, check the box that best describes your self-employment, and/or the box that describes the type of business you have. List the name and address of the business, and the gross receipts for last year and this year.

6. My Employment/Business

a. I am ☐ unemployed

b. I am ☐ employed by someone else

Employer name _____

Employer address _____
Street Address, Apt.

_____
City *State* *ZIP*

Number of paychecks per year:
☐ 12 *(monthly)* ☐ 24 *(two times a month)*
☐ 26 *(every two weeks)* ☐ 52 *(weekly)*
☐ I am paid in cash

Gross income *(pay before taxes and deductions)* so far this year $ _____
as of _____ .
Date

c. Self-Employment or Other Business Income:

☐ own a business as a sole proprietorship.
☐ as an independent contractor.
☐ as a member of a partnership.
☐ as a member of a limited liability company (LLC) not treated as a corporation.
☐ closely held corporation.
☐ other flow-through business entity.

Business name: _____
Business address: _____
Street Address, Apt.

_____
City *State* *ZIP*

Gross business receipts for last year $ _____ and so far this year $ _____
Ordinary and necessary expenses required to carry on the business for this year $ _____ and last year $ _____
Do you receive any of the following from the business (*check all that apply*):

☐ Reimbursed meals
☐ Company car
☐ Free housing or housing allowance
☐ Other: _____

(You must attach complete federal and state business tax returns for the most recent tax year.)

☐ I have attached one or more *Additional My Employment/Business* forms.

Enter the Case Number given by the Circuit Clerk: _____

In **7a**, check only one.

In **7a-e**, enter the information you submitted on last year's IRS tax return. If you did not file a tax return for last year, check **Did not file** in **7a**, leave **7b-d** blank, but still complete **7e**.

7. My gross income and taxes from last year

a. Tax filing status ☐ Married *(Joint)* ☐ Married *(Separate)* ☐ Single ☐ Head of Household ☐ Did not file

b. Number of dependent exemptions claimed _____

c. Total number of exemptions claimed _____

d. I claim on my federal tax return
- ☐ the standardized deduction
- ☐ itemized deductions

e. Gross income *(before taxes and deductions)* last year $ _____

For help in calculating monthly amounts, see *How to Complete a Financial Affidavit (Family & Divorce Cases).*

In **8, Regular employment earnings** mean the monthly gross income you receive on a regular basis from employment.

8. My monthly gross income from all sources

Regular employment/self-employment earnings from all jobs *(salary, wages, base pay, etc)*	$
Overtime	$
Commission	$
Tips	$
Bonus	$
Pension	$
Annuity	$
Interest income	$
Dividend income	$
Trust income	$
Social Security Retirement	$
Social Security Disability	$
Social Security Income (SSI) *(not included as income for child support purposes)*	$
Unemployment	$
Disability payment *(not Social Security)*	$
Workers' Compensation	$
TANF and SNAP *(not included as income for child support purposes)*	$
Military allowances	$
Investment income	$
Rental income	$
Partnership income	$
Distributions and draws	$
Royalty income	$
Maintenance received under an order entered in this case or another case that you must report as income on your tax return	$
Maintenance received under an order entered in this case or another case that you do not have to report as income on your tax return	$
Child support for children of this relationship *(if this support is paid by the other parent, it does not affect the support calculation)*	$
Social Security payment made to the children of this relationship based on your disability or retirement	$
Gifts of money	$
Other: _____	$
Total Gross Monthly Income	$ 0.00

If you have other income not listed in **8**, describe the source of the income in **Other** and enter the monthly amount.

In **Total Gross Monthly Income**, add the amounts in **8** together and enter the total.

In **9**, use information from your paystubs, tax records, and other sources to identify the deductions being taken from your income. List money deducted for health insurance below in Section **13**.

In **Total Monthly Deductions,** add the amounts from **9** together and enter the total.

In **10**, list any maintenance payments you are making. If you are not sure about whether your payments are tax-deductible, speak to your attorney or tax-preparer. Generally, maintenance payments court ordered after January 1, 2019 are not tax deductible.

For **11,** attach a copy of the support order and proof that you are making the payments, e.g. cancelled checks, court records.

For help in calculating monthly amounts, see *How to Complete a Financial Affidavit.*

In **12a**, enter the amount your household spends on each item each month.

If you have other living expenses not listed in **12a**, describe the expense in **Other** and enter the monthly amount.

9. My monthly payroll deductions

Federal tax	$
State tax	$
FICA *(or Social Security equivalent, for example, Self-employment) tax)*	$
Medicare tax	$
Mandatory retirement contributions *(by law or condition of employment, but only if no FICA or Social Security equivalent)*	$
Total Monthly Deductions	$ 0.00

10. Monthly maintenance payments

Maintenance being paid or payable to the other party by you under a court order in this case	$
Maintenance being paid under a court order to a former spouse by you, which is tax deductible to you	$
Maintenance being paid under a court order to a former spouse by you, which is not tax deductible to you	$
Total Maintenance Payments	$ 0.00

11. Monthly child Support payments

Child support being paid for the children of this relationship under a court order in this case or a different case	$
Child support being paid under a court order for children not shared with the other party and who are not part of this case	$
Child support being paid, but there is no court order, for children not shared with the other party and who are not part of this case and (1) that are presumed to be yours, (2) for whom there is a voluntary acknowledgment of paternity (VAP) signed by you and the other parent, **OR** (3) for whom there is a court order naming you as a parent, but there is no support order	$
Total Child Support Payments	$ 0.00

12. My monthly Living Expenses

a. Household Expenses

Mortgage or rent	$
Home equity *(HELOC)* and second mortgage	$
Real estate taxes	$
Homeowners or condo association dues and assessments	$
Homeowners or renters insurance	$
Gas	$
Electric	$
Telephone	$
Cable or satellite TV	$
Internet	$
Water and sewer	$
Garbage removal	$
Laundry and dry cleaning	$

In **Subtotal Monthly Household Expenses**, add the amounts in **12a** together and enter the total.

House cleaning service	$
Necessary repairs and maintenance to my property	$
Pet care	$
Groceries, household supplies, and toiletries	$
Other: _____	$
Subtotal Monthly Household Expenses	$ 0.00

In **12b**, enter the amount you spend monthly on each type of transportation expense.

If you have other transportation expenses not listed in **12b**, describe the expense in **Other** and enter the monthly amount.

In **Subtotal Monthly Transportation Expenses**, add the amounts in **12b** together and enter the total.

b. Transportation Expenses

Car payment	$
Repairs and maintenance	$
Insurance, license, registration and city sticker	$
Gasoline	$
Taxi, ride-share, bus, and train	$
Parking	$
Other: _____	$
Subtotal Monthly Transportation Expenses	$ 0.00

In **12c**, enter the amount you spend monthly **only for yourself** on each type of expense. Do not include expenses you are reimbursed for through insurance or your employer.

c. Personal Expenses

Medical *(out-of-pocket expenses)*

Doctor visits	$
Therapy and counseling	$
Dental and orthodontia	$
Optical	$
Medicine	$

Life insurance

Life *(term)*	$
Life *(whole or annuitty)*	$
Clothing	$
Grooming *(hair, nails, spa, etc.)*	$
Gym & Club membership Dues	$
Entertainment, dining out, and hobbies	$
Newspapers, magazines, and subscriptions	$
Gifts	$
Donations *(political, religious, charity, etc.)*	$
Vacations	$
Mandatory or voluntary union, trade or professional association dues	$
Professional fees *(accountants, tax preparers, attorneys)*	$
Other: _____	$
Subtotal Monthly Personal Expenses	$ 0.00

If you have other personal expenses not listed in **12c**, describe the expense in **Other** and enter the monthly amount.

In **Subtotal Monthly Personal Expenses**, add the amounts in **12c** together and enter the total.

In **12d**, enter the amount spent monthly for the minor and dependent children of this relationship only.

d. Minor and Dependent Children Expenses

Clothing	$
Grooming *(hair, nails, spa, etc.)*	$

Education

Tuition	$
Books, fees, and supplies	$
School lunch	$
Transportation	$

School-sponsored trips and special events..... $
Uniforms..... $
Before and after-school care..... $
Tutoring and summer school..... $

In **Medical**, do not include expenses you are reimbursed for through insurance or your employer.

Medical *(out-of-pocket expenses)*
Doctor visits..... $
Therapy and counseling ..... $
Dental and orthodontia ..... $
Optical..... $
Medicine..... $
Allowance..... $
Childcare and sitters..... $
Extracurricular activities and sports *(including equipment, uniforms, etc.)*..... $
Summer and school-break camps..... $
Vacations *(children only)*..... $
Entertainment, dining out, and hobbies *(children only)*..... $
Gifts children give to others..... $

If there are other child-related expenses not listed in **12d**, describe the expense in **Other** and enter the amount.

Other: _____ $

In **Subtotal Monthly Minor and Dependent Children Expenses**, add the amounts in **12d** together and enter the total.

Subtotal Monthly Minor and Dependent Children Expenses $ 0.00

Total Monthly Living Expenses *(add the subtotals from 12a-d above)* $ 0.00

13. Health Insurance

In **13**, enter information about the primary health insurance you have for yourself and your family.

I have health insurance: ☐ Yes ☐ No
The insurance company is: _____
The type of insurance is: ☐ Medical ☐ Dental ☐ Optical
Deductible: Per individual $ _____ Per family $ _____
It covers: ☐ Me ☐ My spouse/partner ☐ My dependents
Type of Policy: ☐ HMO ☐ PPO ☐ Other
Provided by: ☐ Employer ☐ Private Policy ☐ Other Group ☐ Medicaid/All Kids
Monthly cost is paid by: ☐ Me ☐ My spouse ☐ Other
Total number of people covered by this policy: _____

If you have more than one **Health Insurance** carrier, then list other health insurance company in the *Additional Health Insurance* forms and attach it.

The amount I pay monthly for insurance for children of this relationship: $

The amount I pay monthly for deductibles, co-insurance, and co-payments for the children of this relationship: $

Total Monthly Health Insurance Cost $ 0.00

☐ I have attached one or more *Additional Health Insurance* forms.

In **14**, enter your debts including credit cards and past due bills. Do not include debt payments previously listed in **12** and **13** above, such as your mortgage or car payment.

If you have more than 4 creditors, list them on *Additional My Debts* forms and attach them.

In **Total Monthly Debt Payments**, add the Monthly Payment amounts from **14** together and enter the total. Include any debts listed on any *Additional My Debts* forms.

14. My Debts *(do not list expenses included in section 12)*

	Creditor Name	Describe Nature of Debt *(parking tickets, household goods, attorney's fees, etc.)*	Amount Owed	Monthly Payment Being Made
1.			$	$
2.			$	$
3.			$	$
4.			$	$
5.			$	$
6.			$	$

☐ I have attached one or more *Additional My Debts* forms.

Amount from *Additional My Debts (if any)* $

Total Monthly Debt Payments $ 0.00

Note: **Fair Market Value (FMV) is generally defined as a selling price for an item to which an unrelated buyer and seller can agree. For more information on FMV, read *How to Complete a Financial Affidavit (Family & Divorce Case)* available at https://www.illinoiscourts.gov/documents-and-forms/approved-forms/.**

In **15a**, enter your cash and cash equivalents. Do not list account numbers.

If you have more than 4 **Checking, Savings, Money Market or Other Bank or Credit Union Accounts**, list them in *Additional Cash and Cash Equivalents* forms and attach them.

15. My Assets

a. Cash and Cash Equivalents *(list balance as of the date of this affidavit)*

Checking, Savings, Money Market, and Other Bank or Credit Union Accounts

	Name of Bank or Institution	Name on Account	Account Type	Balance
1.				$
2.				$
3.				$
4.				$

☐ I have attached one or more *Additional Cash and Cash Equivalents* forms.

If you have more than 3 **Certificates of Deposit**, list them in *Additional Certificates of Deposit* forms and attach them.

Certificates of Deposit *(list balance as of the date of this affidavit)*

	Name of Bank or Institution	Name on Account	Balance
1.			$
2.			$
3.			$

☐ I have attached one or more *Additional Certificates of Deposit* forms.

A **Prepaid Debit Card** is a card that can be used to make purchases much as you would use cash. Many prepaid cards carry the brand of a card network, like MasterCard, Visa, or American Express.

If you have more than 3 **Cash or Prepaid Debit Cards** or locations for your cash, list them in *Additional Cash and Prepaid Debit Card* forms and attach them.

Cash and Prepaid Debit Cards *(list balance as of the date of this affidavit)*

	Location of Cash/Card	Held By	Balance
1.			$
2.			$
3.			$

☐ I have attached one or more *Additional Cash and Prepaid Debit Card* forms.

In **15b**, enter information for your investments and securities.

If you have more than 3 Investment Accounts and Securities, list them in *Additional Investment Accounts and Securities* forms and attach them.

If you have more than 3 **Investment/Brokerage Accounts, Mutual Funds, and Secured or Unsecured Notes**, list them in *Additional Investment/Brokerage Accounts, Mutual Funds, and Secured or Unsecured Notes* forms and attach them.

In **15c**, enter information for your real estate, including your home if you own it.

If you have more than 3 pieces of **Real Estate**, list them in *Additional Real Estate* forms and attach them.

In **15c** and **15d**, in **Balance Due**, enter the total amount remaining on your loan.

In **15d**, enter information about your motor vehicles.

If you have more than 4 **Motor Vehicles**, list them in *Additional Motor Vehicles* forms and attach them.

In **15e**, enter information about your business interests. In **Type of Business**, enter whether the business is a corporation, S Corp, or LLC, etc.

If you have more than 3 **Business Interests**, list them in *Additional Business Interests* forms and attach them.

b. Investment Accounts and Securities *(list FMV or balance as of the date of this affidavit)*

Stocks, Bonds, Options, Employee Stock Ownership Plans

	Company Name	# Shares	Type	Owner	FMV
1.					$
2.					$
3.					$

☐ I have attached one or more *Additional Investment Accounts and Securities* forms.

Investment/Brokerage Accounts, Mutual Funds, and Secured or Unsecured Notes *(list balance as of the date of this affidavit)*

	Description of Asset	Owner	Balance
1.			$
2.			$
3.			$

☐ I have attached one or more *Additional Investment/Brokerage Accounts, Mutual Funds, and Secured or Unsecured Notes* forms.

c. Real Estate *(list FMV and balance due as of the date of this affidavit)*

	Address	Name on Title	FMV	Balance Due
1.			$	$
2.			$	$
3.			$	$

☐ I have attached one or more *Additional Real Estate* forms.

d. Motor Vehicles *(cars, boats, trailers, motorcycles, aircrafts, etc.)* (*list FMV and balance due as of the date of this affidavit*)

	Year, Make, and Model	Name on Title	FMV	Balance Due
1.			$	$
2.			$	$
3.			$	$
4.			$	$

☐ I have attached one or more *Additional Motor Vehicles* forms.

e. Business Interests *(list FMV as of the date of this affidavit)*

	Name of Business	Type of Business	% of Ownership	FMV
1.				$
2.				$
3.				$

☐ I have attached one or more *Additional Business Interests forms.*

In **15f**, enter information about each life insurance policy you have for yourself, the other party, or your children.

If you have more than 3 **Life Insurance Policies**, list them in *Additional Life Insurance Policies* forms and attach them.

f. Life Insurance Policies *(list cash balance as of the date of this affidavit)*

	Name of Insurance Company	Type of Policy	Death Benefit	Cash Value
1.			$	$
2.			$	$
3.			$	$

☐ I have attached one or more *Additional Life Insurance Policies* forms.

In **15g**, enter information about retirement benefits (vested and non-vested).

If you have more than 4 **Retirement Benefits and Deferred Compensation** plans, list them in *Additional Retirement Benefits and Deferred Compensation* forms and attach them.

g. Retirement Benefits and Deferred Compensation *(pension plan, annuity, IRA, 401(k), 403(b), SEP) (list FMV and or account balance as of the date of this affidavit)*

	Name of Plan	Type of Plan	FMV or Account Balance
1.			$
2.			$
3.			$
4.			$

☐ I have attached one or more *Additional Retirement Benefits and Deferred Compensation* forms.

In **15h**, enter information for valuable collectible items.

If you have more than 2 **Valuable Collectibles**, list them in *Additional Valuable Collectibles* forms and attach them.

h. Valuable Collectibles *(coins, stamps, art, antiques, etc.)*

	Description	FMV
1.		$
2.		$

☐ I have attached one or more *Additional Valuable Collectibles* forms.

In **15i**, enter information for other personal property with fair market value over $500.

If you have more than 2 items of **Personal Property Valued Over $500**, list them in *Additional Other Personal Property Valued over $500* forms and attach them.

i. Other Personal Property Valued Over $500

	Description	FMV
1.		$
2.		$

☐ I have attached one or more *Additional Other Personal Property Valued over $500* forms.

In **15j**, enter information for assets or property you transferred or sold in the last 2 years with FMV of at least $1,000. Do not include income items listed above in **8.**

If you have sold or transferred more than 2 **Assets or Properties Within the Last 2 Years With a FMV of at Least $1,000**, list them in *Additional Transfer or Sale of Assets or Property Within the Last 2 Years with a FMV of at least $1,000* forms and attach them.

j. Transfer or Sale of Assets or Property Within the Last 2 Years With a FMV of at Least $1,000

	Description	Transferred or Sold to	Date of Transfer	Amount
1.				$
2.				$

☐ I have attached one or more *Additional Transfer of Sale of Assets or Property Within the Last 2 Years With a FMV of at Least $1,000* forms.

Enter the Case Number given by the Circuit Clerk: _____

In **16**, enter information about lawsuits and claims you have filed or have been filed against you. If you did not recover anything, enter $0. If your case is still pending or has not yet been filed, enter unknown.

If you have more than 3 **Lawsuits and Claims**, list them in *Additional Lawsuits and Claims* forms and attach them.

16. Lawsuits and Claims *(workers' compensation, disability, etc.)*

	Case Number	Date Lawsuit or Claim Filed	Amount Recovered
1.			$
2.			$
3.			$

☐ I have attached one or more *Additional Lawsuits and Claims* forms.

In **17**, enter information about your federal and state tax returns for the last 2 years. Check **Refund** if you received money or a check, or **Amount Owed** if you owed additional taxes.

17. Income Tax Refunds or Amounts Owed for the Last 2 Years *(federal and state)*

	Tax year	Federal		State	
1.		☐ Refund	$	☐ Refund	$
		☐ Amount Owed	$	☐ Amount Owed	$
2.		☐ Refund	$	☐ Refund	$
		☐ Amount Owed	$	☐ Amount Owed	$

IMPORTANT: If you intentionally or recklessly enter inaccurate or misleading information on this form, you may face significant penalties and sanctions, including costs and attorney's fees.

Under the Code of Civil Procedure, 735 ILCS 5/1-109, making a statement on this form that you know to be false is perjury, a Class 3 Felony.

After you finish this form, sign and print your name and date it.

I certify that everything in the *Financial Affidavit* is true and correct. I understand that making a false statement on this form is perjury and has penalties provided by law under 735 ILCS 5/1-109.

_____ _____

Your Signature *Your Name*

_____

Date

IN THE CIRCUIT COURT

FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS
_____ COUNTY, ILLINOIS

PRIMARY DIVISION

_____
Plaintiff

vs. No. _____SC_____

_____
Defendant

NOTICE OF DEFAULT JUDGMENT

To: (Name) _____

(Address) _____

(City, State, Zip Code) _____

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

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

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

DATED this _____ day of _____, 20____.

_____
Clerk of the Circuit Court

APPENDIX E
Rule IX(C)

CONFIDENTIALITY AGREEMENT

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

A. If the parties consent in writing to the disclosure; or

B. The communication reveals either an act of violence committed against another during mediation, or an intent to commit an act that may result in bodily harm to another; or

C. The communication reveals evidence of abuse or neglect of a child; or

D. Non-identifying information is made available for research or evaluation purposes approved by the court; or

E. the communication is probative evidence in a pending action alleging negligence or willful misconduct of the mediator.

DATED: _____

SO AGREED:

_____

_____

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

MEDIATOR REPORT

Mediator Name: _____ Case Number: _____
(please print)

Referring Judge: _____ Court Name/County: _____

1. **Type of case:**
   - ☐ Divorce ☐ Paternity ☐ Post-judgment
   - ☐ Allocation of parental responsibilities ☐ Guardianship ☐ Other _____

2. **This case/relevant petition was filed on** (*date, if known*): _____/_____/_____

3. **I was**: ☐ selected by the parties
   ☐ appointed by the Court as the Mediator in this matter on (*date*): _____/_____/_____

4. **Mediation:**
   A. ☐ Was not held because:
      - [ ] An agreement was reached prior to mediation
      - [ ] One or both parties failed to attend
      - [ ] An impediment was found to exist
      - [ ] Other reason _____

   B. ☐ Took place
      Date began: _____/_____/_____ Date ended: _____/_____/_____
      Number of sessions: _____
      Total hours in mediation for all sessions:_____ Hours of preparation:_____
      Fee/Rate per hour or case: $_____ Total amount: $_____

   C. ☐ Has been continued

5. **Participants to the mediation:**
   - ☐ Mother ☐ Father ☐ Guardian ad litem
   - ☐ Mother's attorney ☐ Father's attorney ☐ Step-Parent/s: (*number*) _____
   - ☐ Children: (*number*) _____

6. **Issues mediated/ended in:**

(*Check all that apply*)	Full Agreement	Partial Agreement	No Agreement
☐ Allocation of parental responsibilities	[ ]	[ ]	[ ]
☐ Parenting time	[ ]	[ ]	[ ]
☐ Relocation to another state	[ ]	[ ]	[ ]

7. **Interpreter Needed:**
   - ☐ No
   - ☐ Yes If yes: ☐ Requested and provided ☐ Requested and not provided

APPENDIX G
RULE VIII(I)(9)(g)(1)

Signed: _____ Date: _____

STATISTICAL TERMINATION RECORD

FIFTH JUDICIAL CIRCUIT MEDIATION PROGRAM

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

1. _____- County Case

2. Referral source: ___Attorney ___Court Order ___Self-Referred ___Other _____

3. Was mediation required by a joint parenting agreement? ___Yes ___No

4. Parties involved in mediation: ___Mother ___Father ___Grandparents

   ___Other Relatives ___Other Adults_____

5. Did children participate in mediation sessions? ___Yes ___No
   How many _____ When (i.e., first session, last session)_____

6. Length of time couple was ___separated or ___divorced prior to the beginning of mediation _____

7. When did mediation begin: ____prior to judgment of dissolution hearing
   ____after final initial court settlement; post decree

8. Original issues presented for mediation: ___Custody ___Visitation
   ___Both ___Other
   a) What other issues were resolved?_____
   _____
   b) What other issues surfaced during mediation which were not resolved?_____
   _____
   _____

9. Did mediation result in an agreement by both parties?
   ___Yes ___Written or ___Verbal ___Signed or ___Unsigned ____No

10. If no agreement was reached, was mediation terminated by:
    ___Mediator ___Couple ___Wife ___Husband ___All agreed to terminate
    ___No Show _____

11. Total number of sessions in mediation _____

12. Total number of hours in mediation _____

13. Time span required in mediation process:
    Date of initial mediation session_____ Date of termination session_____

14. Total cost of mediation: _____

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

EVALUATION FOR PARTIES

To help us to maintain the quality of the mediation program, please answer all of the questions below. Your responses will be kept confidential and will be used to evaluate our services. No identifying information about you will be released.

Case Name: _____ Case Number: _____

Mediator Name: _____ Date of Mediation: _____

1. What is your relationship to the child(ren)?

[ ] Parent
[ ] Other: _____

The following questions ask about your experience during the mediation session. Please check one box for each question.

2. How clearly did the mediator explain what would happen in mediation?

[ ] Not at all clearly
[ ] Somewhat clearly
[ ] Very clearly
[ ] The mediator didn't explain what would happen.

3. Were you able to talk about the issues and concerns that were most important to you?

[ ] I was able to talk about none of the issues and concerns that were most important to me.
[ ] I was able to talk about some of the issues and concerns that were most important to me.
[ ] I was able to talk about most of the issues and concerns that were most important to me.
[ ] I was able to talk about all of the issues and concerns that were most important to me.

	Not at all	Somewhat	Very much
4. Did you have the opportunity to express your feelings in mediation?	[ ]	[ ]	[ ]
5. Did the mediator keep you focused on what was best for the children?	[ ]	[ ]	[ ]

6. Do you understand the other parent's point of view better than you did before mediation?

[ ] Not at all better
[ ] Somewhat better
[ ] Much better

7. How much did the mediation help you to think about different ways to work with the other parent?

[ ] Not at all
[ ] Some
[ ] A lot

8. Was the mediator active enough in helping you to work out the issues in the dispute?

[ ] No
[ ] Yes

APPENDIX I
RULE VIII(I)(9)(g)(1)

	Not at all	Somewhat	Very well
9. How well did the mediator understand what was important to you?	[ ]	[ ]	[ ]

	Not at all	Somewhat	Very much
10. Did the mediator treat you with respect?	[ ]	[ ]	[ ]
11. Did the mediator treat you fairly?	[ ]	[ ]	[ ]

12. Did the mediator push too hard to get you to settle?

[ ] Yes, the mediator pushed too hard
[ ] No, the mediator did not push too hard

13. What was the outcome of the mediation?

[ ] We reached agreement on all the issues in the case
[ ] We reached agreement on some of the issues in the case
[ ] We didn't reach agreement on any issues in the case

If you REACHED AGREEMENT, please answer the following questions:

	Not at all	Somewhat	Very much
14. Are you clear about the details of the agreement?	[ ]	[ ]	[ ]
15. Do you have any doubts that the agreement will work?	[ ]	[ ]	[ ]

	Very Unsatisfied	Unsatisfied	Satisfied	Very Satisfied
16. How satisfied are you with the <u>outcome</u> of the mediation?	[ ]	[ ]	[ ]	[ ]
17. Regardless of the outcome, how satisfied are you with your <u>overall experience</u> in the mediation session(s)?	[ ]	[ ]	[ ]	[ ]

18. Would you use mediation again?

[ ] Yes
[ ] No
[ ] Possibly

Why or why not? _____

_____

Please let us know more about your experience:

19. Things I liked about the mediation:

20. Things I didn't like about the mediation:

Please help keep us informed about mediation services by answering the following questions about yourself. Your answers will remain completely confidential.

Zip Code _____ What languages do you usually speak at home? _____

Age Range
[ ] 18 – 24 [ ] 45 - 64
[ ] 25 – 44 [ ] 65 +

Gender: [ ] Male [ ] Female

THANK YOU!