

**RULES OF PRACTICE
FOR THE
CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT**



**COUNTIES OF
CHAMPAIGN, DEWITT, DOUGLAS
MACON, MOULTRIE AND PIATT**

**AS ADOPTED BY THE
CIRCUIT JUDGES OF THE SIXTH JUDICIAL CIRCUIT**

EFFECTIVE: August 1, 2025

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Section 1
Administration of the Courts

Rule 1.1 – Rules of the Court

(a) Power of Court to Adopt Rules. These rules are promulgated pursuant to 735 ILCS 5/1-104(b) and Illinois Supreme Court Rule 21(a).

(b) Existing Rules Repealed. These rules shall become effective on August 1, 2025. All prior rules of the Circuit Court of the Sixth Judicial Circuit, State of Illinois, are hereby repealed. Any prior administrative order differing from these rules in any material respect is expressly superseded.

(c) Amendment of the Rules. Any amendment of these rules shall be passed by a majority vote of all circuit judges of the Sixth Judicial Circuit, with each voting judge being mailed a copy of the proposed amendment at least 14 days prior to the vote thereon.

(d) Application to Civil and Criminal Proceedings. Each Rule shall apply to any civil or criminal proceedings, unless contained in a part or section which limits its application, or the context clearly limits its application.

(e) Waiver of Rules. Rules of practice or procedure may be waived for good cause shown by order of the judge hearing the proceeding.

(f) Gender Neutrality. When used in these Rules, words or phrases that import a gender shall not be limited to that gender, unless such construction would be inconsistent with the manifest intention of the context.

(g) Enforcement. The Court shall enforce and compel compliance with these Rules as appropriate and may apply remedies provided in Supreme Court Rule 219(c), as well as other sanctions, including passing the

matter to the end of the call, striking it from the call, or continuing it to a later date.

(h) Judge's Discretion. Each judge of the circuit has the discretion to form his or her own standing orders or rules of procedure, not inconsistent with Illinois Supreme Court Rules or with these local rules. Standing orders may be found on the Sixth Judicial Circuit website: <https://www.sixthcircuitcourt.com/standingorders.php>

Rule 1.2 – Chief Judge

(a) Selection of the Chief Judge. The Chief Judge shall be a circuit judge elected by a majority of the circuit judges within the Sixth Judicial Circuit for a term of three years, commencing on January 1, 2024. The balloting shall be at least two weeks prior to the conclusion of the term. Nothing in these rules shall prevent a Chief Judge from succeeding himself in office. The Chief Judge, including the Chief Judge sitting at the time of adoption of these Rules, shall continue in office until his successor is selected and assumes office.

(b) Acting Chief Judge. The Chief Judge shall designate one of the circuit judges to serve as Acting Chief Judge in his absence or when the Chief Judge is unable to serve. The designation shall be in writing and shall be made within 30 days after assuming the office of Chief Judge. The Acting Chief Judge shall have the same powers and duties as the Chief Judge and shall serve at the pleasure of the Chief Judge.

(c) Vacancy in the Office of Chief Judge. Whenever a vacancy in the office of Chief Judge occurs, any two circuit judges may 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 vacancy and at least seven days' notice shall be given to all circuit judges.

(d) When Vacancy Occurs. A vacancy in the office of Chief Judge shall be deemed to have occurred when the Chief Judge dies, resigns, is

removed from office, or has been unable to serve for a period of three consecutive months.

(e) Removal of the Chief Judge. Any three circuit judges may call for a meeting of all the circuit judges for the purposes of removing a Chief Judge. A Chief Judge may be removed upon the agreement of a two-thirds majority of all the circuit judges.

(f) Chief Judge's Powers and Duties. The Chief Judge is responsible for the administration of all courts in the circuit and shall direct the operations of the Circuit Court. A Chief Judge has general administrative authority over the Circuit Court, including authority to provide for divisions, general or specialized, for functional units and for designating appropriate times and places of holding court. The Chief Judge is subject to, and responsible for, the implementation and enforcement of the rules, orders, policies and directives of the Supreme Court, the Chief Justice, and the Director of the Administrative Office of the Illinois Courts. The Chief Judge shall provide an annual accounting of any fund administered by the Chief Judge.

Rule 1.3 – Presiding Judge

(a) Designation of Presiding Judge. The Chief Judge shall, by written administrative order, appoint one circuit judge within each county of the circuit as Presiding Judge of that county. The Presiding Judge shall sit at the pleasure of the Chief Judge and nothing in these rules shall prevent the Chief Judge from serving as Presiding Judge of the county in which he sits. Whenever the term “Presiding Judge” is used in these rules, it refers to the Presiding Judge of a county, appointed by the Chief Judge of the Sixth Judicial Circuit.

(b) Duties of the Presiding Judge. The Presiding Judge or his designate shall call and impanel Grand and Petit Juries, submit budgets, administer the Judicial Department of the county in which he is presiding and perform such other duties as may be required for the proper administration of justice. He may promulgate Administrative Orders within his county not inconsistent with these rules or the Administrative Orders of the Chief Judge.

Rule 1.4 – Judicial Assignments

(a) 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.

(b) 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.

Rule 1.5 – Court Personnel

(a) Court Complement. A full court complement consists of the judge, courtroom clerk, and sheriff or bailiff when court is in session. A full complement shall be maintained at all times unless waived by the Court for good cause.

(b) Courtroom Clerk. The courtroom clerk shall be the Circuit Clerk, a Deputy Circuit Clerk, or a Court Clerk authorized to swear witnesses. The clerk shall attend court when court is in session unless excused on a case-by-case basis by the judge presiding in the particular courtroom. The courtroom clerk shall obtain or otherwise access all necessary files and record sheets for cases to be heard that day, swear witnesses, maintain custody of all exhibits which have been marked for identification until further order of court, and perform such other duties as may be directed by the Court.

(c) Sheriff--Bailiff. The sheriff or bailiff shall open and close court, preserve order in the courtroom, attend upon the jury when placed in his custody, and perform such other duties as may be directed by the Court.

Rule 1.6 – Judicial Meetings

(a) Regular Meetings. The circuit judges shall meet at least three times per year to discuss and take such action as may be required in connection with the business of the Court of the Sixth Judicial Circuit. Such meeting

shall include the associate judges. The Chief Judge shall give, in writing, at least one month notice of the date, time and location of such meetings. Amendments to these rules shall be an agenda item for each regular meeting.

(b) Special Meetings. Special meetings may be called at any time by the Chief Judge or by a majority of the circuit judges within the Sixth Judicial Circuit upon seven days' notice to all circuit judges.

Rule 1.7 – County Law Library

Each county within the Sixth Judicial Circuit may establish a Law Library Committee of which the Presiding Judge of that county or his designate shall serve as chairman. The members of the committee shall be named by the Presiding Judge. If formed, the committee shall oversee the operation of the County Law Library and promulgate written rules for the operation thereof, which shall be posted in a conspicuous place within the library. In the absence of a committee, the Presiding Judge shall oversee the operation of the county law library.

Rule 1.8 -- Inspection and Certification of Court Facilities

(a) Committee on Court Facilities. The Chief Judge may form a committee on court facilities. The Chief Judge shall appoint circuit and/or associate judges of the circuit to serve on the committee, and shall designate one of its members as chairperson. The Chief Judge may not serve as a member of the committee.

(b) Responsibilities for the Committee. As directed by the Chief Judge, the committee shall inspect each courtroom, jury quarters, chambers, ancillary court spaces, and offices of the Clerk of the Court within any county of the circuit. The committee shall thereafter provide the Chief Judge with a preliminary report of the inspection, together with the committee's recommendations. The Chief Judge shall transmit a copy of the report and proposals for corrective action to bring such facilities within applicable standards to the chairperson of the county board in

which the facility in question is located. If corrective action is not commenced and completed within the time period established by the committee, then it shall promptly file a supplemental report with the Chief Judge, and include therein any additional recommendations. The Chief Judge shall transmit a copy of the supplemental report to the chairperson of the county board. Within 90 days of such transmittal, or such other period as may be designated by the chairperson of the committee, the county board must either: (1) correct the condition of the facility in question pursuant to the committee's report and recommendations, or (2) bind the county contractually and irrevocably to have the facility so corrected within six months or such other time as may be designated by the committee.

(c) Information Hearing. In the event the county board fails to comply with the above, the chairperson of the committee shall file a petition styled, "In re the Court Facilities of _____ County", with the Clerk of the Court of the county in which the facility in question is located. The petition shall specify the deficiencies of each such facility, the remedial action proposed, any action taken by the county board, and a prayer for appropriate relief. Upon such filing, the Chief Judge shall forthwith designate a time, date and place for a hearing thereon. The chairperson of the committee shall cause summons, together with a copy of the petition, to issue and to be served on each member of the county board not less than 21 days prior to the hearing. The chairperson of the committee may direct the circuit clerk to give notice of the hearing to such other persons as he or she deems appropriate by placing such notice and a copy of the petition in an envelope having prepaid first class postage thereon and depositing it in the United States Mail not less than 21 days prior to the hearing. The clerk's certificate of mailing notice shall be made of record.

(d) Hearing Pursuant to Illinois Supreme Court Rule 21(e).

(1) If the county board does not comply with the order of the Chief Judge as set forth in this rule, then the Chief Judge shall file a "Petition to Compel Compliance" with the circuit clerk of the county in which the informational hearing was held.

(2) The Chief Judge shall thereafter request the Supreme Court to assign a judge from another circuit to preside at the hearing under this paragraph. The Attorney General or an attorney appointed by the Chief Judge shall represent the Chief Judge at the hearing.

(3) A showing by the Chief Judge of compliance with this rule shall constitute prima facie evidence of the validity and enforceability of any orders entered by the Chief Judge pursuant to this rule.

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

(e) Costs, Fees and Expenses. In proceedings held pursuant to this rule, costs, attorney fees and other expenses, including but not limited to expert witness fees incurred by or taxable to the Chief Judge shall be paid by the county in which the court facility in question is located.

Rule 1.9 -- Court Hours

Unless otherwise directed by the Chief Judge, court hours shall be from 8:30 a.m. to 12:00 p.m., and from 1:00 p.m. to 4:30 p.m., Monday through Friday of each week, except when the courthouse is closed in observance of a legal holiday pursuant to an order of the Chief Judge. Dates upon which court will be closed shall be posted in the courthouse of the individual counties within the Sixth Judicial Circuit. A judge may expand these hours when required to conduct court business.

Rule 1.10 -- Jurors

(a) Grand Jurors. Grand Jurors may be called by the Presiding Judge or Jury Commission for a specified period not to exceed 18 months. After being impaneled, instructed, and sworn, the Grand Jury shall sit from time to time until discharged by the Court.

(b) Petit Jurors. Petit Jurors shall be called by the Presiding Judge or his designate for a period of time to be designated by the Presiding Judge. The Presiding Judge or his designee shall certify to the Clerk of the Court

the number of petit jurors required, together with the date, time and place of reporting and period of service.

(c) Jury Summons. The Circuit Clerk shall issue and cause to be served a jury summons on all grand jurors and petit jurors at least 15 days prior to the first day of service. Jury summons may be served by U.S. Mail, postage prepaid, to the address as listed in the records of the Jury Commission.

(d) Jury Excuses. The Presiding Judge, his designate, or Jury Commission is authorized to excuse summoned jurors or to continue their service, and regulate their assignments to the various courtrooms within the county.

(e) Rules Applicable. The Grand Jury and Petit Jury are subject to the rules of the County Jury Commission if such commission has been established within the county.

(f) Attorney Contact Prohibited. Attorneys may not contact jurors without leave of Court.

Section 2

General Practice and Procedure

Rule 2.1 – Motion Practice

(a) Filing. All motions shall be filed with the Clerk of the Court prior to their presentment to the Court. In any cause of action, the Court may designate a date by which all motions are to be filed. A motion may not be filed subsequent to that date except by leave of court. The title to each motion shall indicate the relief sought.

(b) Allotment for Hearing. With the exception of emergency matters or by leave of court, no motion shall be heard unless previously allotted for hearing on the Court's calendar.

(c) Oral Argument. The allowance of oral arguments upon motions shall be discretionary with the Court. In each case the assigned judge may fix a briefing schedule and decide a motion without hearing oral arguments.

(d) Notice. Written notice of hearing on all motions shall be given by the party requesting the hearing to all parties who have appeared and have not theretofore been defaulted for failure to plead, and to all parties whose time to appear has not expired on the date of notice. Notice shall be given in the manner and to those prescribed in Illinois Supreme Court Rule 11.

(e) Content of Notice. The notice of hearing shall contain (1) the title and case number of the cause of action; (2) the date and time when the motion will be heard and designated courtroom; and (3) 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 have been previously served, shall be served with the notice.

(f) Time of Notice. Unless otherwise ordered by the Court, notice by 2.1(d) herein shall be made not less than 14 days prior to the hearing. Proof of personal service or mailing shall be filed with the Circuit Clerk.

(g) Ex Parte and Emergency Motions. Every complaint or petition requesting an ex parte order for the appointment of a receiver, temporary restraint, preliminary injunction, or any other emergency relief, shall be filed in the Office of the Circuit Clerk, if during court hours, before presentment to the Court. Emergency motions and motions which, by law may be made ex parte, may, at the discretion of the Court, be heard without giving notice. If a litigant believes a motion must be heard on a weekend or evening, the litigant shall contact the Sheriff's office and the presiding judge will be notified. The setting of an emergency motion shall remain within the discretion of the Court.

(h) Failure to Call Motions for Hearing. The burden of obtaining an allotment for hearing or briefing schedule is on the party making the motion. If an allotment for hearing is not obtained by the movant within 90 days from the date it is filed, the Court may deem the motion withdrawn and deny the relief requested with, or without, leave to refile.

(i) Prohibition on Attaching Prior Filings as Exhibits. No party may file any pleading or motion that attaches a prior pleading or motion as an exhibit unless such attachment is either required by the Supreme Court Rules, the Illinois Compiled Statutes, or included with leave of Court.

Rule 2.2 – Marking of Exhibits

Prior to any contested evidentiary hearing or trial, all exhibits anticipated to be introduced at trial or hearing shall be marked for identification prior to commencement of the trial or hearing, or as otherwise ordered by the court.

Rule 2.3 – Subpoenas in Certain Cases

Except as otherwise specified by statute or the Supreme Court Rules, the following procedures shall be used for the issuance and return of all subpoenas *duces tecum*, in all proceedings under the Illinois Criminal Code, the Illinois Vehicle Code, and Article 5 of the Juvenile Court Act.

- (a) No subpoena *duces tecum* may be issued by the Circuit Clerk unless a specific date and time for return of the subpoena has first been obtained from the judge assigned to the case.
- (b) All subpoenas *duces tecum* must designate the date and time of the required return, the courtroom to which the return shall be directed, and the judge to which and before whom the subpoena is returnable. Notice to the adverse party of the issuance of the subpoena *duces tecum* is required.
- (c) The command of the subpoena *duces tecum* and the scope of any demand for the production of materials must be appropriately drafted to seek only information materially relevant to the proceedings of the case. Overbroad subpoenas *duces tecum* may be quashed *sua sponte* by the court.
- (d) The command of the subpoena *duces tecum* must also explicitly inform the person to whom it is directed that the materials must be produced in court at the designated time and place and delivered directly to the judge. The command shall also state that delivery to any intermediary or agent, excepting couriers, *in lieu* of production is forbidden. Delivery of the documents may be made prior to the designated time by sending the materials directly to the assigned judge together with a copy of the subpoena *duces tecum*.

Rule 2.4 – Dismissal of Dormant Cases

(a) Procedure. In all civil cases where no appeal is pending and there has been no action of record for a period of at least one year, the Court may summarily dismiss the cause of action or any claim pending therein without prejudice. Any cause of action or claim dismissed pursuant to this rule may be reinstated on the motion of any party or the Court as a matter of informed judicial discretion.

(b) Notice of Dismissal. Upon dismissal of any cause or claim under this rule, the circuit clerk shall give all parties of record notice of the dismissal by regular mail within 14 days of the dismissal. A copy of the notice with a certificate of mailing shall be made of record.

Rule 2.5 – Jury Trials

(a) Statement of the Nature of the Case and Witness List. For all jury trials, the State's Attorney in criminal cases, and the plaintiff's attorney in civil cases, shall prepare and submit to the Court and opposing parties a Statement of the Nature of the Case to be read by the Court to the venire prior to voir dire examination. In civil cases, defense attorney(s) may submit an alternative version of a Statement of the Nature of the Case. The statement shall include the date and place of the alleged occurrence or offense and a brief description thereof, the name of the parties involved and their counsel. All parties must submit to the Court a list of their anticipated witnesses prior to the commencement of *voir dire*.

(b) Appeals by Indigent Defendants in Criminal Cases. When an indigent defendant files a notice of appeal in a criminal case with the Circuit Clerk, the Circuit Clerk shall forward a copy of said notice to the Court reporters of record in the proceeding. The Circuit Clerk shall also upon the filing of a notice of appeal forward a copy of the notice to the judge to whom the case is assigned so that counsel on appeal may be appointed, if necessary, as soon as possible. Upon the appointment of counsel, the Circuit Clerk shall supply a copy of the order making said

appointment to the Court reporters of record in the proceeding so that preparation of the Report of Proceedings may commence.

Rule 2.6 – Written Orders

If the Court directs a party to prepare an order for the Court's signature, the order shall be shown to opposing counsel before submission to the Court. The party directed to prepare the order shall submit it within 30 days. If there is a dispute as to the form of the order, the parties shall notify the Court promptly and the Court shall decide the issue. Submissions of proposed orders for judicial signature shall be made in the manner directed by the Court.

Rule 2.7 – Settlements Involving Minors and Wards

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

(b) Appointment of Guardian Ad Litem. The Court may, on its own motion or upon motion of any party, appoint a Guardian ad Litem to investigate the merits of the proposed settlement.

(c) Notice of Hearing. At least 14 days' notice of the hearing on the petition for the appointment and distribution of the proceeds of the settlement of an action for the death of a decedent shall be given to the surviving spouse and any next of kin who have not consented thereto in writing. The Court shall appoint a Guardian ad Litem for any minor or disabled adult next of kin unless such appointment is not deemed necessary for the protection of such person or his estate. If the decedent left no surviving spouse or next of kin entitled to recover, notice of the filing of a petition for settlement under the Wrongful Death Act and of the hearing thereon shall be given by the representative or his attorney

to the persons named in paragraphs (a), (b), and (c) of Section 2 of that Act, including persons furnishing hospital, medical or funeral services for the decedent, unless payment for the services is shown.

(d) Court's Approval of Fee Required. If an attorney enters into a contingent fee contract with a representative for prosecuting a cause of action for personal injuries (other than a claim under the Workmen's Compensation Act or the Workmen's Occupational Disease Act) or for death, such fee is subject to the approval of the Court.

(e) Reimbursement of Expenses. If an attorney asks for any expense beyond his or her fee, he or she shall furnish the Court with his or her affidavit certifying to the reasonableness, necessity, and propriety of the expense. The Court may order a hearing to determine the propriety and reasonableness of the expenses.

(f) Disbursement of Proceeds. If, as a result of judgment or settlement, proceeds become distributable to a minor or disabled adult, the court hearing or settling the case shall determine the expenses, proper disbursements, and reasonable compensation to be paid for attorney services, and the Court may direct that the proceeds be deposited or invested in accordance with the provisions of 755 ILCS 5/24-21 without the appointment of a personal representative in a probate proceeding. If a personal representative is necessary to execute settlement papers, or if the Court determines that a personal representative is necessary to administer the proceeds, then the proceeds shall be distributed only to a personal representative appointed in a probate proceeding.

Rule 2.8 – Remote Proceedings

(a) When Remote Proceedings are Available. Generally, case participants in civil matters are allowed to appear remotely at hearings, except evidentiary hearings, settlement conferences, and trials. However, given the varying technology available in each of the circuit's counties, the Presiding Judge for each county is authorized to devise

standards for remote appearances. Illinois Supreme Court Rule 45(b)(1) permits each judge presiding over a case to require in person appearances for reasons particular to the specific case.

(b) Contact Information for Each County. Given the pace and advancement of technology, and the varying availability of technology throughout the circuit, the court administrators should be contacted for the most up-to-date remote appearance information. They can be reached at:

1. Champaign County: (217) 384-0154
2. DeWitt County: (217) 935-7750
3. Douglas County: (217) 253-4121
4. Macon County: (217) 624-4446
5. Moultrie County: (217) 728-4521
6. Piatt County: (217) 762- 5861

(c) Standards of Decorum. When appearing remotely during a court proceeding, lawyers, litigants and the public must act as if they were in the courtroom itself. There is no fee to appear remotely. Appearances may be allowable by video or by phone. Screen names should be modified to reflect the person or party appearing, and microphones should be muted unless speaking. Backgrounds and filters should be appropriate. Appearances in a moving vehicle are prohibited. Appearing remotely is still attending court, and court attire is required. Follow all the rules of the Court. Participants or spectators who violate the court rules remotely may be removed from the Court hearing, required to appear in-person at subsequent hearings, or subject to a fine or other punishment, including a finding of contempt of court.

(d) Prohibition on Recording. All video recording, audio recording, photographing, taking screenshots, and/or reproducing of the remote appearance is strictly prohibited and shall be grounds for a finding of contempt of court.

Rule 2.9 – Repetitious Frivolous Filings

The Court has the inherent authority to control its docket and to prevent the abuse of the court process. If the Court finds that a party to a proceeding has engaged in a pattern of filing repetitious and/or frivolous pleadings, motions or other court documents, the Court is authorized to *sua sponte* 1) strike any pleading, motion or court document filed by such party and 2) enter a general order prohibiting such party from filing further pleadings, motions or other court documents, without first obtaining leave of court.

Section 3

Small Claims Cases

Rule 3.1 – Response by the Defendant

After service of summons in a small claims action, the defendant may:

- (a) Notify the Clerk of the Court, in writing, at least seven (7) days prior to the appearance date on the summons, stating that he wishes to contest the claim and set forth the title and number of the case, his or her name, address, telephone number, and name and address of the plaintiff and his attorney, if any, or
- (b) File a written motion or answer, or
- (c) Appear in person or by attorney on the appearance date, and admit or deny the allegations of the complaint.

If a defendant fails to respond as stated above, a default may be taken and judgment for the amount claimed, plus costs, may be entered.

Rule 3.2 - Setting of Trial or Hearing Date

Upon being notified that the claim is contested, the Court may:

- (a) Fix a trial date or a hearing date pursuant to Supreme Court Rule 286(b) and cause all parties to be notified of the time, date and place of trial or informal hearing, or
- (b) Set the matter for docket call and pretrial conference before the trial date.

Rule 3.3 - Summons Appearance Date

Unless otherwise ordered by the Court, the appearance date as noted on the summons shall not be the date of trial.

Rule 3.4 - Demand for Jury Trial

Upon defendant's demand for trial by jury and payment of the jury fee, the Court shall set the cause for trial and cause notice to be given. If jury

demand is made by the plaintiff, the date for trial shall not be set until after the appearance date as noted on the summons.

Rule 3.5 - Notice of Small Claims Rules

The Clerk of the Court shall transmit with each summons in a small claims case a copy of the small claims rules and/or any other information deemed appropriate by the Court.

Section 4

Family Law Cases

Rule 4.1 – Special Rules Pertaining to Family Cases

(a) Family Cases Defined. For purposes of this rule, family cases are defined as any proceeding for an order or judgment relating to dissolution, legal separation, or invalidation of marriage or civil union, including all ancillary and post-judgment proceedings; any case relating to the parental responsibilities of unmarried parties; and any case relating to the establishment of child support.

(b) Financial Affidavit. In all proceedings in which there is a dispute involving property, temporary or permanent maintenance, or temporary or permanent child support, the moving party shall file the Supreme Court financial affidavit, contemporaneously with the request for setting for hearing, or when otherwise ordered by the Court. Proof of service pursuant to [Supreme Court Rule 11](#) shall be filed not less than fourteen (14) days prior to the hearing. The party responding to the petition shall file a financial affidavit with the Court not less than seven (7) days prior to the hearing date and a copy shall be provided to opposing counsel. Submission of a pre-judgment pre-trial memorandum shall be in lieu of the financial affidavit and shall be in a form as prescribed by the Court. If such affidavit or pre-judgment pre-trial memorandum has been filed for purposes of a hearing on temporary relief, an additional affidavit or pre-judgment pre-trial memorandum need not be filed prior to hearing for permanent relief unless there has been a substantial change.

(c) Statement of Proposed Property Apportionment. If the issue of property apportionment is in dispute, in addition to the financial affidavit or pre-judgment pre-trial memorandum, as the case may be, the Court may require the parties to submit a statement of proposed property

apportionment or a final judgment which shall include an itemization of all property which is claimed as marital and non-marital, together with a proposed fair cash market value of each item, at least seven (7) days prior to the hearing. If the issue of apportionment of marital indebtedness is in dispute, the statement shall also include a proposed apportionment of marital indebtedness and shall include a listing of any non-marital indebtedness for which either party is currently liable.

(d) Written Judgment Order. If the Court requires a written judgment order, the party designated by the Court shall prepare and submit a written judgment order to the Court pursuant to Rule 2.6 of these rules within thirty (30) days of the final hearing.

(e) Post-trial Affidavit. In all post-judgment petitions involving financial matters, other than petitions for enforcement of a judgment order, the moving party shall prepare a post-judgment financial affidavit, which shall include facts about the party's present financial circumstances. The affidavit shall be filed prior to, or contemporaneously with, the request for setting. Notice shall be served pursuant to [Supreme Court Rule 11](#) not less than seven (14) days prior to the hearing. In the event the moving party does not have an affidavit on file which represents his or her financial condition at the time of the dissolution, such party shall file such an affidavit at the time of filing their post-trial affidavit. The responding party shall file a post-trial affidavit setting forth their present financial circumstances at least seven (7) days prior to the scheduled hearing and at the same time shall file an additional affidavit setting forth his or her financial circumstances at the time of the dissolution, unless such an affidavit has been previously filed.

(f) Coordination of Child Custody Proceedings. Pursuant to Supreme Court Rule 903, all child custody and allocation of parental responsibilities proceedings relating to an individual child shall be conducted by a single judge whenever possible and appropriate. If

multiple proceedings as defined by Supreme Court Rule 900 are filed with respect to the same child or children, the judges involved shall confer as often as needed and shall jointly determine which court shall control and hear the cases.

(g) Parenting Coordination in Dissolution and Family Cases. The court may appoint a Parenting Coordinator under the provisions set forth in Supreme Court Rule 909. Parenting Coordinators shall meet the minimum qualifications suggested in Rule 909; however, the court may modify or waive those qualifications and duties to the extent authorized therein. The court shall not require any governmental unit to be responsible for payment of a parenting coordinator's fees and costs, which shall instead be borne solely by the parties at issue. In determining whether to appoint a parenting coordinator, the court shall consider the parties' financial resources. Each county within the circuit may prescribe specific rules for its parenting coordination program consistent with Supreme Court 909 and this local rule.

(h) Parenting education program requirement. Pursuant to Supreme Court Rule 924, the Sixth Judicial Circuit approves Children First, TransParenting, and Children In Between as approved parenting education programs. The judge hearing the case may authorize attendance at another parenting education program if deemed appropriate and with good cause shown. These programs shall consist of at least four (4) hours of training covering the subjects of parenting time and allocation of parental responsibilities and their impact on children.

Rule 4.2 - Mediation in Family Law Cases

(a) Mandatory mediation of custody, allocation of parental responsibilities, relocation and parenting time proceedings.

(1) The Sixth Judicial Circuit shall maintain a list of non-judicial mediators involving custody, allocation of parental responsibilities, parenting time, and relocation issues. The list shall be maintained in the Office of the Chief Judge and the Office of the Presiding Judge of each county within the Sixth Judicial Circuit. Application to be listed shall be made to the Chief Judge by the Circuit's Application Form and shall separately identify how the applicant meets each of the requirements for qualification.

(2) The non-judicial mediator's training and experience shall be as follows:

A) The completion of a Master's Degree in a relevant behavioral science, conflict resolution, or law degree, and specialized training in mediation as defined below:

B) Specialized training in family mediation may be obtained by lecture, conference, continuing education program, graduate classes, seminars, or specialized training program and shall consist of at least 40 hours of training with a minimum of 5 hours in each of the following areas of knowledge:

- i. conflict resolution theory;
- ii. psychological issues in separation, dissolution, and family dynamics;
- iii. issues and needs of children in dissolution and family proceedings;
- iv. mediation process and technique;

v. knowledge of substantive areas of family law as it relates to custody, allocation of parental responsibilities and parenting time, domestic violence, child abuse, substance abuse, and mental illness.

C) The mediators shall maintain professional liability insurance that covers the mediation process and must participate in continuing education of at least 10 hours every two years in the areas specified above, 2 hours of which must cover domestic violence. Proof of completion at the time of attendance shall be presented to the presiding judge in each county in which the mediator is listed.

D) The mediators must agree to provide some minimal mediation service in the community for nominal or no fee for individuals meeting the relevant poverty guidelines in the community.

(3) If recommended by the Presiding Judge of a county of the Sixth Judicial Circuit, the Chief Judge may authorize designated mediators for the approved list if the applicants have extensive qualification and experience in mediation of family law issues.

(b) Standards and Procedures.

(1) Definitions

A) Mediation. When the word “mediation” is used in this local rule, 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 are the principles of safety, self-determination, procedural informality, privacy, confidentiality, and full disclosure of relevant information between parties.

B) Impediment. When the word “impediment” is used in this local rule, it means any condition, including but not limited to domestic violence or intimidation, substance abuse, or mental illness, the existence of which, in an individual or in a relationship, hinders the ability of any party to negotiate safely, competently, and in good faith. The identification of forms of impediment is designed not to require treatment, but to ensure that only parties having a present, undiminished ability to negotiate are directed by court order to mediate. Mediation is based on a full disclosure of all facts related to the disputes so that a fair and equitable agreement can be achieved by the parties.

(2) Mediation Mandatory

A) Matters subject to mediation. The designated judge shall order mediation of any contested issue of parental responsibility, custody, parenting time, relocation or access to children arising in any action unless an impediment exists. The parties may not proceed to a final judicial hearing on contested issues in their case without leave of court or until the mediation process has been concluded and its outcome has been reported to the court. However, discovery may continue throughout mediation.

B) Prerequisite to mediation. The parties referred to mediation by the court shall complete an approved parent education program prior to starting mediation or as soon after starting mediation as the parent education program schedule allows.

C) Commencement of mediation. The mediation process shall commence as provided by the Supreme Court Rules. 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 the existence of an impediment or other circumstances which would unreasonably interfere with mediation.

(3) 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 qualified mediators maintained by the Chief Judge or their 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 mediators shall be compensated at the rate agreed to by the parties and the mediator.

i. 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.

ii. The attorneys shall encourage the parties to mediate in good faith and the parties shall participate in good faith.

iii. On or before the status date, the mediator shall submit a report to the court and the parties' legal counsel, which shall include the information required by Section 7(G) of this rule.

iv. The parties shall contact the mediator within seven (7) days after the referral order is signed for the purpose of setting an appointment.

B) Conflict of interest.

i. If the mediator appointed has or had any possible conflict of interest, including but not limited to a current or previous therapeutic, personal or economic relationship with the mother(s), father(s), 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. In the event of a conflict not waived by the parties, the parties shall select a new mediator or the court shall appoint a new mediator.

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

C) Ethical Conduct. Inclusion of a mediator in the Sixth Judicial Circuit approved list indicates an implied 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 list.

(4) Mediation Process

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

i. Determine the issues to be mediated;

ii. Explain that no legal advice or therapy or counseling will be provided;

- iii. Disclose the nature and extent of any existing relationships or personal or financial or other interests that could result in bias or a conflict of interest on the part of the mediator;
- iv. Inform each party of his or her right to obtain legal counsel;
- v. Inform the parties that mediation can be suspended or terminated at the request of either party and after three hours of mediation, or in the discretion of the mediator if an impediment exists, if either party is acting in bad faith, if either party does not understand the negotiation, the prospects of achieving a responsible agreement are unlikely, or if the needs and interests of minor children are not being considered. In the event of termination by the mediator, the mediator may suggest a referral for outside professional services;
- vi. Explain that the mediation process is confidential;
- vii. Confirm the parties' understanding concerning the mediator's fees;
- viii. 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;
- ix. Advise each party that legal counsel, advocates, or other persons may be present only if both parties and the mediator agree in advance;
- x. Advise each party that children may be allowed to participate in mediation so long as all parties and the mediator consent to their participation in writing, and

that each parent or the child's representative or guardian ad litem has the right to withhold consent.

B) Reporting bodily harm and 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 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. The act of warning shall not be considered a breach of confidentiality described by this rule.

(5) Application 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, completely, 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 shall either terminate mediation when circumstances indicate that protective measures are inadequate to maintain safety or 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 suspend

mediation when there is as reasonable likelihood the impaired condition of an affected party is only temporary; or 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

(6) Confidentiality

A) Privacy of sessions. Mediation sessions shall be private. Except as provided otherwise, 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 a confidentiality agreement in conformity with these rules.

C) Disclosure

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

to testify regarding matters disclosed in a mediation session, nor may a party be compelled to testify regarding matters disclosed during a mediation session as to privileged communications. These restrictions shall not prohibit any person from obtaining the same information independent of the mediation, or from discovery conducted pursuant to law or court rule.

ii. Exceptions. Admissions, representations, and other communications are not confidential if:

a. all parties consent in writing to the disclosure; or

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

c. the communication reveals evidence of abuse or neglect of a child; or

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

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

(7) Attendance and termination of mediation.

A) Attendance. The parties shall attend the mediation sessions and shall attend a minimum of three (3) 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, but the mediator shall not provide this written account to the court. In the event of unrepresented parties, 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 agreement. Upon termination without agreement, the mediator shall file with the court a final mediator report stating that the mediation has concluded without disclosing any reasons for the parties' failure to reach an agreement.

G) Reporting procedures.

- i. Mediator's report. The mediator shall prepare a short mediator's report that shall include: whether the parties have reached an agreement as to all issues, an agreement as to some issues, or whether no mediated agreement is realistically possible. If the mediation was suspended, the report shall state the reason for the suspension in the broadest possible terms and without singling out either party.
- ii. Statistics. The mediator shall prepare and file a statistical report for each case and file said report at least quarterly with the presiding judge or their designee in each county in which the mediator is assigned to mediate cases.
- iii. Reports to Supreme Court. The presiding judge or their designee shall provide for the maintenance of records of mediations conducted pursuant to these rules. The information shall include the number of mediations conducted, the number of mediations resulting in agreement and those resulting in no agreement. The presiding judge shall file an annual report with the Chief Judge on the first Monday of February who shall furnish such information to the Supreme Court through its administrative office once a year or at such other interval as directed.

H) Appointment of child representative / guardian *ad litem*. If the mediator has concerns for the welfare or safety of the minor child 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).

(8) Entry of Judgment or Order

A) Presentation of order. Each mediated agreement shall be presented by the parties or their attorneys within 45 days following the filing of the final mediator's report.

B) Approval by the court. The judge hearing the case shall examine the parties as to the content and intent of the agreement and shall reject the agreement if its provisions are found to be unconscionable or contrary to the best interests of the 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.

(9) Circuit Court Advisory Committee

A) Membership. The Chief Judge or their designee may establish an advisory committee whose membership shall consist of at least six persons, including a family division judge within the Sixth Judicial Circuit, a practicing attorney-mediator, a practicing mental health professional mediator, and a representative of the domestic violence advocacy community. Members of the committee shall be appointed by the Chief Judge.

B) Duties of the committee. The circuit court mediation advisory committee shall advise the Chief Judge or their designee in establishing and implementing administrative policy consistent with these rules for the fair and efficient delivery of mediation services, including local rules of procedure, standards of conduct for mediators, and systematic review of program performance.

C) Authority of the Chief Judge. Nothing contained in this rule shall be construed as a limitation on the authority of the

Chief Judge or their designee to exercise administrative authority conferred by law.

Rule 4.3 – Representing Children or Their Interests

(a) Purpose. The Chief Judge and each presiding judge within the circuit shall maintain a list of approved attorneys qualified to be appointed in child custody, allocation of parental responsibilities and parenting time matters covered under Article IX of the Supreme Court Rules as guardians *ad litem*, child representatives, or attorneys for children.

(b) Qualifications and Educational Requirements. In order to qualify for the approved list, each applicant shall meet the following minimum criteria:

1. The attorney shall be licensed and in good standing with the Illinois Supreme Court.
2. The attorney shall have attended the education program created by the Illinois State Bar Association for education of attorneys appointed in child custody, allocation of parental responsibilities or relocation cases or equivalent educational programs consisting of a minimum of ten hours of continuing legal education credit within the two years prior to the date the attorney applies for listing under this section.
3. The attorney shall attend at least ten hours of continuing legal education over a two-year reporting period in the areas of child development, ethics in custody cases, allocation of parental responsibilities, parental relocation, guardianship and parenting time, domestic violence, family dynamics, substance abuse, mental health issues, and the role of a guardian *ad litem*. Attendance at programs sponsored by the Sixth Judicial Circuit may be included as a portion of this continuing education

requirement. Proof of completion must be supplied upon request of the Chief Judge.

4. Each attorney must adhere to the minimum duties and responsibilities set forth in Supreme Court Rule 907.
5. Notwithstanding the foregoing, the Chief Judge may waive any of the requirements based on an applicant's education, experience, and training.

Section 5
Probate/Estate/Guardianship Cases

Rule 5.1 – Admission of Will to Probate

(a) Holographic Will. When a will is handwritten, the petitioner shall file a typewritten copy of the will along with the petition to probate and an affidavit of the petitioner or his or her attorney that the typewritten copy is true and correct to the best of his or her knowledge.

(b) Will in Language Other Than English. When a will is in a language other than English, the petitioner shall file a typewritten copy of the will in English along with the petition to probate and a certification by a qualified translator that the translation of the will is true and correct.

Rule 5.2 – Petition for Expenditure for Ward

A petition of a guardian to apply any part of the ward's estate for the comfort, suitable support or education of the ward or other persons entitled to support from the ward, or for any other purpose for the best interests of the ward, shall be in writing and shall state the value of the estate at the time of presenting the petition, the annual income available to the ward, and the amount of the last authorization for an expenditure on behalf of the ward for the same purpose.

Rule 5.3 – Estates of Disabled Adults

(a) In all estates where the ward is a disabled adult, the Guardian of the Person shall provide the Court with a biennial report (one report every two years) concerning the condition of the ward, except that the first report after appointment of the Guardian of the Person shall be within 12 months of the entry of the initial order appointing the Guardian. Upon its own motion or at the request of the Guardian, the Court may extend the reporting period to such time as the Court deems appropriate.

(b) In all estates where the ward is a disabled adult, the Guardian of the Estate shall provide the Court with an annual accounting concerning the condition of the finances of the Ward. Upon its own motion or at the request of the Guardian, the Court may extend or excuse the annual accounting as the Court deems appropriate.

Rule 5.4 –Guardianships for Minors

(a) In all guardianship cases where the ward is a minor, the Guardian of the Person shall provide the Court with a biennial report (one report every two years) concerning the condition of the ward, except that the first report after appointment of the Guardian of the Person shall be within twelve (12) months of the entry of the initial order appointing the Guardian. Upon its own motion or at the request of the Guardian, the Court may extend the annual or biennial report to such time as the Court deems appropriate.

(b) In all guardianship cases where the ward is a minor, the Guardian of the Estate shall provide the Court with an annual accounting concerning the condition of the finances of the ward. Upon its own motion or at the request of the Guardian of the Estate, the Court may extend or excuse the annual accounting as the Court deems appropriate.