Count Local Rules Applicable to Family Law Proceedings

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http://www.19thcircuitcourt.state.il.us/1955/Local-Court-Rules
On October 24, 2016, the Circuit Judges of the 19th Judicial Circuit revised and adopted the Local Rules. Attached are certain of the local rules applicable to divorce and family law cases in Lake County. Divorce lawyers practicing in the county should review these rules as soon as possible because there are significant changes. In fact, this is the first comprehensive set of changes since the time when McHenry County and Lake County Illinois split from being part of the 19th Judicial District and McHenry County became its own district.

http://www.19thcircuitcourt.state.il.us/DocumentCenter/View/1414

Rule 2-2.11 Progress Calls
The Chief Judge, by Administrative Order, may provide for regular progress calls of cases filed in the Civil and Family Divisions. In connection with such a progress call, the Judge shall request the Clerk to notify the attorneys of record or self-represented litigant who has filed an Appearance that the case will be called on a date certain for the purpose of a Case Management Conference. A failure to appear at such progress call shall constitute grounds for dismissal except for good cause shown.

CHAPTER 4 FAMILY AND ADOPTION PROCEEDINGS
Part 1.00 **Motions Notice**
Rule 4-1.01 **Motions Generally/Notice**
A. For the purpose of these Rules, "Motion" includes any pleading or paper in the nature of a Petition or Motion, other than a Petition or Complaint which initiates a cause of action.

B. Each Motion shall be in writing. Each Notice of Motion shall have appended thereto a copy of the relevant Motion, unless otherwise ordered by Court.

C. Each Motion, Petition and Appearance form shall contain in typewritten form or clear printing the name, address, e-mail address, telephone number and State of Illinois attorney registration number of the attorney representing the party on whose behalf the document is filed.

D. Each Motion shall be captioned with the case name and number and shall include the Supreme Court Rule, Code of Civil Procedure Section and/or other statutory Section upon which it is based.

E. All dispositive motions shall be initially scheduled before the Court for presentment. Unless otherwise directed by the Court, no contested motion shall be heard if it has not been scheduled for hearing by the Court.

F. Written Notice of Motion of all Motions shall be given by the party requesting the hearing. The Notice shall be given to all parties who are not in default pursuant to a finding of the Court. Additional Notice may be ordered by the Court. Where a party is represented by an attorney of record, Notice shall be given to that party's attorney and not the party himself.

G. The Notice of Motion shall designate the Judge to whom the Motion will be presented for hearing; shall show the title and number of the action, the title of the Motion, the date when the Motion will be presented the time it will be presented, the courtroom where it will be presented, and the address of the Courthouse or Branch Court as appropriate. Copies of all papers presented to the Court with the Motion shall be served with the Notice or the Notice shall state that copies have been previously served.

H. Notice of Motion shall be given in the manner and to the persons described in Supreme Court Rule 11. Service as prescribed in Supreme Court Rule 11(b)(5) may be effected by service of the Notice of Motion and other pertinent documents by any one of the following alternative methods:
1. Electronic facsimile mailing (FAX), if allowed pursuant to Supreme Court Rule 11(b)(5). Service by FAX shall be complete only if, at the time of court presentation of the Notice of Motion, the transaction statement produced by the FAX machine is attached to said Notice, and the transaction statement reflects the date and time of service, the telephone number to which the documents were transmitted, and an acknowledgment from the FAX machine that the transmission has been received. In the event that the receiving FAX machine does not produce an acknowledgment to the sending machine, the Notice shall include an affidavit setting forth the date and time of service, telephone number to which documents were transmitted and a statement that the sending office has orally confirmed with the receiving office that the documents have been received.
2. Service by e-mail to all primary and secondary e-mail addresses of record designated by the attorney or self-represented party.
3. Service by any of the methods set forth in Supreme Court Rule 11.
I. If Notice of Motion is given by personal service, the Notice shall be delivered by 4:00 p.m. of the second court date preceding the hearing of the Motion. Delivery by FAX, authenticated as described in Section H above, shall be deemed personal service, but it is not complete until the first court day following transmission. If the Notice is given by mail, then Notice shall be deposited in the United States Post Office or Post Office Box on the fifth day preceding the hearing of the Motion. Delivery by e-mail shall be deemed personal service and is complete the first court day following transmission. See Supreme Court Rule 12 for proof of service in the trial court and effective date of service

J. If a Motion is heard without prior Notice under this Rule, a copy of the orders entered at the hearing shall be served personally or by U.S. Mail 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 of the Circuit Court within two days of the hearing thereon.

K. If a Motion presented without prior Notice is denied, or hearing thereon is denied, an Order of the Court's ruling shall be entered.

L. 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 sixty days from the date it is filed, the Court may consider the Motion denied by reason of delay.

M. No Motion to Continue shall be allowed for other than good cause shown. Agreements of counsel as to a Motion to Continue shall not be binding on the Court. The Court may require affidavits of the parties and counsel.

N. The movant, or his attorney, seeking an Order of Default shall notify the court clerk at least one court day prior to the date of the hearing and shall request that the court file be present upon hearing of the Motion.

O. Motions presented and ruled upon before one Judge shall not be renewed before another Judge without leave of Court and a statement in the Notice of Hearing that the Motion has previously been ruled upon, naming the Judge who ruled on the Motion.

P. Motions not presented or supported by the moving party when called, pursuant to Notice, may be denied or stricken.

Q. There is no entitlement to a briefing schedule or oral argument. In its discretion, the Court may permit or require briefs or oral argument or both. The Court may also exercise its discretion to decide a Motion without briefs or oral arguments.

Rule 4-1.02 Contested Motions

A. For purposes of LCR 4-1.02, any Motion which is opposed is a contested motion and may be heard at the end of the call or at such other time designated by the Court.

B. Page Limitations.

1. No Motion or Response shall exceed fifteen typewritten double-spaced pages without prior approval of the Court. This page limit includes any separately filed Memorandum or brief in support of a Motion or Response.
2. No Reply or Memorandum in support thereof shall exceed five typewritten pages without prior leave of Court. Any such Brief or Memorandum shall be limited to responding to new matters raised in the opponent's Response Brief or Memorandum.
3. Neither narrow margins nor any other formatting device shall be employed to evade the page limitations set forth in this Rule. Footnotes, if any, shall be used sparingly.
4. Failure to comply with this Rule shall be sufficient grounds for striking the Motion, Response,

or Reply, or for the Court's refusal to consider the excess pages of the document and to consider the matters contained therein to have been waived.

C. For every contested motion, including those brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure, movant's counsel shall deliver to the chambers of the assigned Judge, not less than five court days prior to hearing, a copy of:
1. the Motion,
2. any challenged pleading, and
3. any writing in support of or in opposition to the Motion.

D. Not less than five court days prior to hearing, a party shall provide the Court and all opposing counsel with a complete citation to any case or other authority upon which the party intends to rely on in oral argument and which is not included in a supporting or opposing writing; and the party shall provide the Court with a full copy of any decision of a State Court outside the State of Illinois. Any cover letter delivered to the Court in compliance with the above requirements shall be copied to all counsel of record.

E. Any writing in support of or in opposition to a Motion shall be served upon the opposing party at the time of service of Notice of Motion, or, if not then available, as soon thereafter as practicable and prior to hearing on said Motion.

Rule 4-1.03 Motions for Consolidation of Cases
Motions for consolidation of cases shall be presented to the Judge to whom the oldest case is assigned, when the cases are of the same case type. When the cases are filed in the same but are different case types, the Motion shall be brought before the Judge assigned to the case with the higher designation. The Law Division ("L") is the highest designation for the purpose of this Rule, followed by: MR, CH, TX, P, LM, AR and SC.
If the cases sought to be consolidated are from different divisions, the Motion shall be brought before the Presiding Judge of either division.

Rule 4-1.04 Motions for Summary Judgment
A. In all filings pursuant to 735 ILCS 5/2-1005, the moving party shall serve and file or cause to be received by the Clerk of the Circuit Court:
1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. the Motion for Summary Judgment and supporting Memorandum of law, which shall not exceed fifteen pages without leave of Court,
3. a statement of material facts as to which the moving party contends there is no genuine issue and that entitles the moving party to a Judgment as a matter of law, and that also includes:
a. a description of the parties, and
b. all facts supporting venue and jurisdiction in this Court.
The statement referred to in Section (A)(3) shall consist of short numbered paragraphs, including within each paragraph specific references to affidavits, parts of the record, and other supporting materials relied upon to support the facts set forth in that paragraph. Failure to submit such a statement constitutes grounds for denial or striking of the Motion.

If additional material facts are submitted by the opposing party pursuant to Section B of this Rule, the moving party may submit a concise statement in the form prescribed in Section B for a Response. All material facts set forth in the statement filed pursuant to Section B will be deemed admitted unless controverted by the statement of the moving party.

B. Opposing Party. Each party opposing a Motion filed pursuant to 735 ILCS 5/2-1005 as described above shall serve and file or cause to be received by the Clerk of the Circuit Court:
1. any affidavits and other materials referred to in Supreme Court Rule 191,
2. a Response to a Motion for Summary Judgment and supporting Memorandum of law, which shall not exceed fifteen pages without leave of Court,
3. a concise response to the movant's statement that shall contain:
a. a response to each numbered paragraph in the moving party's statement, including, in the case of any disagreement, specific references to the affidavits, parts of the record, and other supporting materials relied upon, and
b. a statement consisting of short numbered paragraphs, of any additional facts that require the denial of summary judgment, including references to the affidavits, parts of the record, and other supporting materials relied upon. All material facts set forth in the statement required of the moving party will be deemed to be admitted unless controverted by the statement of the opposing party.

C. Absent leave of Court, a Reply Brief shall not exceed five pages.

Rule 4-1.05 Orders
All orders entered following the hearing upon any Motion shall be governed by Supreme Court Rule 271. The attorney who prepares the Order shall print clearly "prepared by" and his name, address, e-mail address, telephone number and State of Illinois attorney registration number (ARDC #) at the bottom of the Order. The preparer shall serve a copy of the Order upon all parties of record.

Part 2.00 Proceedings Before Trial
Rule 4-2.01 Appearances, Jury Demands

A. Attorneys appearing in any matter shall file an Appearance form in a separate document which includes in typewritten form or in legible printing the attorney's name, address, telephone number, e-mail and State of Illinois attorney registration number. A self-represented litigant appearing in any matter shall file an Appearance form in a separate document, which includes in typewritten form or in legible printing, the self-represented litigant's name, mailing address, and telephone number. Additionally, a self-represented litigant may designate a single e-mail address to which service may be directed. If the attorney or self-represented litigant wishes to consent to facsimile service pursuant to Supreme Court Rule 11(b)(5), a designated facsimile number shall be included on the Appearance as well. When an Appearance is filed by other than a sole practitioner, the name of an individual attorney responsible for trial of the cause shall be designated.

B. A written Jury Demand filed by a party in any matter shall be contained in a separate

document, and the Clerk of the Circuit Court shall not record any Jury Demand not so filed.

C. In any civil matter, including D and F cases, the Claimant/Plaintiff/Petitioner shall file the appropriate Certificate of Attorney identifying the type of case being filed. Each division within the Nineteenth Judicial Circuit may develop its own Certificate of Attorney.

Rule 4-2.02 Pleadings to be Readily Comprehensible

A. Pages of all pleadings shall be numbered. Paragraphs and factual allegations in pleadings shall be numbered and each paragraph shall contain only one factual allegation.

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

C. Incorporation of facts by reference is permitted pursuant to Supreme Court Rule 134, provided the pleading remains readily comprehensible.

D. The Court may order a consolidation of pleadings into one finished comprehensible set.

Rule 4-2.03 Reassignment of Cases

A. Any case being re-filed under a new number after a voluntary or involuntary dismissal, shall be assigned to the Judge who was assigned to the original dismissed case and placed in the same procedural posture as the original case.
B. Upon the filing of any Declaratory Judgment action, the case shall be assigned to the Judge assigned to the underlying case.
C. The Clerk of the Circuit Court shall require a Certificate of Attorney to be filed with all pleadings initiating a civil case.

Rule 4-2.04 Written Interrogatories

A party may serve written Interrogatories pursuant to Supreme Court Rule 213. Except to the extent that a different limitation is imposed pursuant to Supreme Court Rule or the Code of Civil Procedure, no party may serve more than thirty Interrogatories, including subparts, during the pendency of the case.

Rule 4-2.05 Discovery Documents

A. Unless otherwise ordered by the Court, Depositions, Interrogatories, Requests, Answers or Responses, and other Discovery documents shall not be filed with the Clerk of the Circuit Court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 201(o) or 207.
B. Discovery documents and Notice of Filing shall be served pursuant to Supreme Court Rules 11 and 12. The Proof of Service, upon being filed with the Clerk of Court, shall be prima facie evidence that such document was served. When a party issues a Subpoena for documents pursuant to Supreme Court Rule 204(a)(4), that party shall file with the Clerk of Court Notice

and Proof of Service upon all remaining parties certifying that copies of such documents were provided to those parties at their expense or that specified parties have declined copies.

Rule 4-2.06 Days for Taking Depositions/Attendance

A. Unless otherwise agreed by the parties or ordered by the Court, Depositions shall not be taken on Saturdays, Sundays or Court holidays, shall be noticed to be taken no earlier than 8:30 a.m., and shall be concluded or recessed not later than 6:00 p.m.

B. In the absence of agreement of all parties attending a Deposition, or Order of Court, only the parties, including a representative of a corporation, partnership or like entity, the parent or next friend of a minor, attorneys of record and purely consulting experts may attend Discovery Depositions.

Rule 4-2.07 Apportionment of Time, Deposition

Except by Court Order, the parties to a Deposition shall apportion the time among themselves prior to the start of any Deposition. Absent agreement, time shall be equally divided among the parties, excluding the party being deposed, without prejudice to brief clarification.

Rule 4-2.08 Seasonably Updating Discovery

Supreme Court Rules 213(i) and 214 require a party to seasonably supplement or amend prior Answers, Responses or disclosures whenever new or additional information becomes known to that party.

Pursuant to said Rules, every party shall have the duty to seasonably supplement through trial. "Seasonably" shall be defined in the following terms:

A. When the trial is sixty days or more in the future, the party discovering the new information and/or documents that must be disclosed to the opposing party(ies), shall tender the information as soon as practicable, but in any event no later than fourteen days after discovering the information.

B. When the trial is less than sixty days in the future, the party discovering new information and/or documents that must be disclosed to the opposing party(ies), shall tender the information immediately and without delay.

C. When the information and/or documents are discovered during trial, the party(ies) shall tender immediately and without delay.

Any party who fails to comply with this Rule is subject to sanctions under Supreme Court Rule 219.

Rule 4-2.09 Local Subpoena
Rules, Pretrial Discovery

A. Upon request, the Clerk of the Circuit Court shall issue a Subpoena limited to the production of specified documents, objects or tangible things. A Subpoena, whether issued by the Clerk of Court produce the designated documents, objects or tangible things. Any item may be sought which constitutes or contains evidence relating to any of the matters within the scope of the examination permitted under the Supreme Court Rules. No oral examination of any person served or responding to a Subpoena issued pursuant to this Rule is permitted.

B. Subpoenas issued pursuant to this Rule shall be served in accordance with the Supreme Court Rules. A copy of said Subpoena and Proof of Service shall be served within forty-eight hours of

issuance upon all parties who have appeared in the action.
C. The recipient of a Subpoena who has actual or constructive possession or control of the specified documents, objects or tangible things sought by the Subpoena shall respond to any lawful Subpoena of which he has actual knowledge, if payment of the fee and mileage has been tendered. Service of a Subpoena by mail may be proved prima facie by return receipt showing delivery to the deponent or his authorized agent by certified or registered mail at least seven days before the date on which compliance is required, and an affidavit showing that the mailing was prepaid and was addressed to the deponent, restricted delivery, return receipt requested, showing to whom, date and address of delivery, with a check or money order for the fee and mileage enclosed.
The recipient of a Subpoena who has constructive or actual possession or control of the specified documents, objects or tangible things, may comply with said Subpoena, without personal appearance, by forwarding complete and legible copies, by first class, prepaid mail to the party or attorney causing the Subpoena to have been issued. The person or custodian of records of the entity responding to the Subpoena shall certify in writing that compliance is complete and accurate.
D. Any Subpoena issued under this provision seeking specified documents, objects or tangible things shall bear the following legend on the face of said Subpoena, or conspicuously attached thereto:
YOU MAY COMPLY WITH THIS SUBPOENA BY MAILING LEGIBLE AND COMPLETE COPIES OF ALL SPECIFIED DOCUMENTS, OBJECTS OR TANGIBLE THINGS REQUESTED IN THIS SUBPOENA TO THE PARTY OR LAW FIRM WHOSE ADDRESS APPEARS BELOW. COMPLIANCE BY MAIL REQUIRES A CERTIFICATION THAT THE DOCUMENTS, OBJECTS OR TANGIBLE THINGS MAILED ARE COMPLETE AND ACCURATE AND CONSTITUTE GOOD FAITH COMPLIANCE WITH THE MATERIALS REQUESTED BY SAID SUBPOENA.
DO NOT FORWARD MATERIALS BEFORE DATE STATED ON SUBPOENA.
E. No Subpoena issued under this provision may be returnable less than seven days following its date of service. Within said seven days, any party may timely object to the Subpoena and, for good cause shown by the objecting party, the Court may quash the Subpoena, or impose such conditions or limitations as the Court deems equitable.
F. The party causing the Subpoena to be issued shall be liable to the party subpoenaed for the reasonable costs of copying or reproduction. The Court may enter such Orders as may be necessary to enforce the payment of said copying costs, or apply any sanction authorized by Supreme Court Rule 219.
Any party may request copies of all materials obtained by any party pursuant to this Rule. Expenses of copying shall be borne by the party requesting copies, and said materials shall be reproduced and forwarded to the requesting party not less than ten business days following receipt of the subpoenaed materials.
G. If a party or person unreasonably refuses to comply with this Rule, or any Order entered under this Rule, the Court may find said person or party in contempt and punish said party or person accordingly, and may impose any sanction authorized by Supreme Court Rule 219.

Rule 4-2.10 Progress Calls
The Chief Judge, by Administrative Order, may provide for regular progress calls of cases filed

in the Civil and Family Divisions. In connection with such a progress call, the Judge shall request the Clerk to notify the attorneys of record or self-represented litigant who has filed an Appearance that the case will be called on a date certain for the purpose of a Case Management Conference. A failure to appear at such progress call shall constitute grounds for dismissal except for good cause shown.

Rule 4-2.11 Supreme Court Rule 218 Case Management Conference
Supreme Court Rule 218 Case Management Procedures are mandatory for Law and Family cases. In all other civil matters, Rule 218 conferences shall be governed by Local Court Rule, Administrative Order of the Chief Judge or, in their absence, by the discretion of the assigned Judge and shall be scheduled at the discretion of the Court.

Rule 4-2.12 Dismissal for Want of Prosecution/Inactive Docket
A. In all civil cases, except for cases governed by a separate Local Court Rule, where no appeal is pending and there has been no action of record for a period of one year, the Court may summarily dismiss the cause of action.
B. Upon dismissal of any cause for want of prosecution, the Clerk of the Circuit Court shall give all self-represented litigants and all attorneys of record Notice of the dismissal by regular U.S. Mail within ten days of the dismissal. A copy of the Notice with the Clerk's certificate of mailing shall be made of record.
Part 3.00 Family Law Cases

Rule 4-3.01 Scope
Family law cases are defined as any proceeding assigned to the Family Division, excluding Juvenile and Child Support petitions filed by a public office as defined in LCR 4-4.01.

Rule 4-3.02 **Affidavit of Parties and Production of Documents**
A. **Prior to the Initial Case Management Conference.**
1. Seven days prior to the Initial Case Management Conference in any proceeding for dissolution of marriage or civil union, legal separation, or parentage, the parties of record shall exchange completed Comprehensive Financial Affidavits of income, expenses, assets and liabilities along with any financial documents in the form approved by the Nineteenth Judicial Circuit or Supreme Court, unless a Comprehensive Financial Affidavit has previously been exchanged.
2. The Comprehensive Financial Affidavit and any financial documents shall not be filed with the Clerk of the Circuit Court.
3. On or before the Initial Case Management Conference, each party of record shall file with the Clerk of the Circuit Court a certificate of compliance certifying that the Comprehensive Financial Affidavit has been completed and setting forth the date the completed Comprehensive Financial Affidavit was served upon the opposing party.

B. **Hearings on Motions for Financial Relief or Trial**
1. Any Motion regarding financial relief including attorney's fees, costs, maintenance, or child support shall be served pursuant to Supreme Court Rule 11 and shall be supported by a current (prepared within thirty days of hearing or trial) Comprehensive Financial Affidavit with all financial documents identified in Section C of this Rule, which shall be exchanged with all

parties entitled to Notice.
2. No less than fourteen days prior to the scheduled hearing, or upon Order of the Court, the responding party shall exchange his or her current Comprehensive Financial Affidavit with all parties entitled to Notice.
3. Proof of service of the Comprehensive Financial Affidavit shall be filed on, or before the date set for hearing on the Motion. The parties shall have sufficient copies of the Comprehensive Financial Affidavit in court for all parties who appear on the date of the hearing. A party shall not be entitled to a continuance based on their own failure to provide the Comprehensive Financial Affidavit.
4. In pre and post-judgment proceedings, a party shall serve the other party with a completed Comprehensive Financial Affidavit before seeking Discovery pursuant to Supreme Court Rule 201 unless otherwise ordered by the Court for good cause shown.
5. In the event a party files an objection based on subject matter or personal jurisdiction, the time for service of the Comprehensive Financial Affidavit shall be tolled pending the Court's ruling on the jurisdiction issue.

C. **Production of Documents.**
1. No less than fourteen days prior to the scheduled hearing or trial on the motions for financial relief, each party shall support the Comprehensive Financial Affidavit with the following documentary evidence, including, but not limited to:
a. The party's last two pay stubs;
b. The party's last three federal and state income tax returns filed complete with all schedules and attachments;
c. The party's records of any additional income not reflected in their pay stub;
d. The party's joint and individual banking statements for the last three months.
2. A party shall not be entitled to a continuance based on their own failure to provide the documents referenced in Subsection 1 of this Section.

Rule 4-3.03 Uniform Child-Custody Jurisdiction and Enforcement Act Declaration
A. The requirement to file the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) Declaration shall include any proceeding for divorce, separation, paternity, and protection from domestic violence, in which the issue may appear, but not include a proceeding involving juvenile delinquency, contractual emancipation, or enforcement under Article 3 of the UCCJEA.
B. In any proceeding in which allocation of parental responsibility, or allocation of parenting time with respect to a child is an issue, prior to Initial Case Management Conference, the entry of a judgment, decree, or other Order of a Court providing for the allocation of parental responsibility, or allocation of parenting time with respect to a child, the parties must provide the Court with the information required pursuant to Section 209 of the UCCJEA by submitting a Declaration in a form approved by the Court, if not previously done.

Rule 4-3.04 **Interrogatories**
No party shall serve on any other party more than thirty written Interrogatories in the aggregate, including any Subsections thereof, without leave of Court or prior written stipulation of the parties, except as authorized in Supreme Court Rule 213.

Rule 4-3.05 **Notice For Withholding**
A. The Nineteenth Judicial Circuit Notice for Withholding form shall be used in family cases in conjunction with a Uniform Order of Support.
B. At the time of entry of Judgment, or any time child support or maintenance is set or modified, a Uniform Order of Support shall be entered and a Uniform Notice for Withholding shall be issued absent an agreement between the parties.
C. A Proof of Service of Notice for Withholding shall be filed at the time of service of the Notice for Withholding. If the Notice for Withholding is sent via certified mail then the return receipt shall be filed with a Proof of Receipt of Notice for Withholding unless served by another manner in 750 ILCS 28/20(g).
D. All Notices to Withhold shall be reviewed and approved by the Court prior to issuance.

Rule 4-3.06 **Conciliation, Mediation, Advice to Court, Investigations and Reports**
Local procedures for conciliation, mediation, advice to the Court, investigations and reports as authorized under the Illinois Marriage and Dissolution of Marriage Act may be implemented by Court Rule or by Administrative Order of the Chief Judge of this Circuit.

Rule 4-3.07 **Appointment of Guardians Ad Litem, Child Representatives, and Attorneys for Children**
A. The Presiding Judge of the Family Division shall prepare a list of qualified Guardians ad Litem, Child Representatives, and Attorneys for Children in accordance with the requirements of 750 ILCS 5/506 of the Illinois Marriage and Dissolution of Marriage Act, Illinois Supreme Court Rules and the provisions and standards set forth in this Rule in the interests of maintaining the highest levels of competence and professionalism. The list shall be referred to as the 506 Referral List and shall be submitted to the Chief Judge, who shall have the discretion to include or remove persons from the 506 Referral List at any time, or to waive any of the requirements of this Rule, when necessary to promote the highest standards of competency.
B. Membership on the 506 Referral List shall be by approval of the Chief Judge.
C. An applicant denied inclusion on, or removed from the 506 Referral List, may appeal the decision in writing within ten days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final. The list shall be reviewed in every even numbered year.
D. Any attorney who meets the following criteria is eligible to apply to serve as a Guardian ad Litem, Child Representative, or Attorney for a Child for the purposes of this Rule:
1. Have a license to practice law in the State of Illinois and be in good standing with the Illinois Supreme Court.
2. Have experience in the area of child custody litigation.
3. Provide proof of professional liability insurance, with satisfactory coverage for liability in the representation of children.
4. Prior to the initial appointment to the 506 Referral List, attend ten hours of continuing legal education approved by the Chief Judge on the following topics:
a. The roles of Guardian Ad Litem and child representatives;
b. Ethics in child custody cases;
c. Relevant substantive state and federal statutory and case law in custody and visitation matters;
d. Child development;

e. Family dynamics, including substance abuse, domestic abuse and mental health issues.
5. Attend at least ten hours of continuing legal education courses every two years in child custody-related topics. The attorney shall be responsible to provide proof of attendance by way of affidavit, of the specific course, seminar, or class attended to the Presiding Judge of the Family Division at least thirty days prior to his or her two-year anniversary date of certification. Training offered by the Illinois State Bar Association, the Lake County Bar Association, the Nineteenth Judicial Circuit, other judicial circuits in the State of Illinois, or other organizations approved by the Chief Judge will qualify for continuing legal education credits required by this Rule.
6. Accept appointment as a Guardian ad Litem, a Child Representative, or an Attorney for the Child in at least two cases per year on a pro bono basis, in families where the parties are indigent.
E. All attorneys who meet the above requirements and are interested in Court appointments to serve as a Guardian ad Litem, a Child Representative or an Attorney for Children shall complete the Nineteenth Judicial Circuit Child Representative/Guardian ad Litem/Attorney for the Child Application and provide proof by way of affidavit, supported by documentation of the aforesaid requirements, to the Presiding Judge of the Family Division, or to the person otherwise designated by the Chief Judge.
F. Any attorney who is appointed as a Child Representative, Guardian ad Litem or Attorney for a minor child shall perform the following minimum duties and responsibilities:
1. Adhere to all ethical rules governing attorneys in professional practice, be mindful of any conflicts in the representation of children and take appropriate action to address such conflicts.
2. Interview his or her client(s) without any limitation or impediment or if the child is too young to be interviewed, observe the child.
3. Take reasonable steps to obtain all information pertaining to issues affecting the child, including interviewing family members and others possessing special knowledge of the child's circumstances.
4. Take whatever reasonable steps necessary to determine what services the family needs to address the dispute, make appropriate recommendations to the parties and seek appropriate relief in court, if required, in order to serve the best interest of the child.
5. Determine whether a settlement of the dispute can be achieved by agreement, and to the extent feasible, shall attempt to resolve such disputes by an agreement that serves the best interest of the child.
G. The requirements of this Rule apply to representation of children in Guardianship Proceedings under the Illinois Probate Act as well as proceedings under the Illinois Marriage and Dissolution of Marriage Act and the Illinois Parentage Act.

Rule 4-3.08 Evaluator Referral List
A. Judges hearing allocation of parental responsibility or allocation of parenting time cases under the Illinois Marriage and Dissolution of Marriage Act or under the Illinois Parentage Act of 2016 are authorized to secure the assistance of mental health professionals.
B. The Chief Judge is authorized to establish a list of qualified mental health professionals in accordance with the provisions and standards set forth in this Rule. In the interests of efficient administration and to maintain the highest level of competence, the Chief Judge may, in his or her discretion, limit the number of members on the list. The list shall be known as the Evaluator Referral List.
C. **Qualifications**

Members of the Evaluator Referral List shall meet the following qualifications:
1. Have a minimum of a master's degree in a field of mental health.
2. Be licensed by the State of Illinois as a social worker, marriage and family counselor, psychologist or psychiatrist.
3. Have five years of experience in the field of family counseling.
4. Have training and two years of experience in performing allocation of parental responsibility evaluations or agree to participate in the Family Division "Education, Observation, and Supervision" (EOS) Mentoring program, which will include three sections, (1) Education (2) Observation and (3) Supervision as follows:
a. For Education, the prospective Member, hereafter "Mentee" must, at their own expense, complete a basic two day Child Custody Evaluation Training Program sponsored by the Association of Family and Conciliation Courts (AFCC), the American Board of Professional Psychologists or other comparable program approved by the Presiding Judge of the Family Division;
b. For Observation, the Mentee must observe (without intervention or interference) one full allocation of parental responsibility evaluation performed by a current member of the Evaluator Referral list (hereinafter referred to as "Mentor"), who is a current member of the Evaluator Referral list, commencing prior to the first contact with the parties through the completion of the written allocation of parental responsibility report; and
c. For Supervision, the Mentee must be mentored for a period of two years. This period of supervision shall include personally mentoring the Mentee as the Mentee performs his or her first full allocation of parental responsibility evaluation for the Family Division, commencing prior to the first contact with the parties through the completion of the written allocation of parental responsibility report. Over the two year period of supervision, the Mentor shall also review other reports prepared by the Mentee for the Family Division and provide continuing advice and guidance.
d. The Mentee shall not charge for the Mentee's time during the observation section of this program or during the one full allocation of parental responsibility evaluation of the Supervision section of this program, The Mentor may charge their regular fee for the allocation of parental responsibility evaluation performed exclusively by them during the Observation section of this program. The Mentor shall charge a reduced fee for his or her time spent supervising the Mentee during the Mentee's first allocation of parental responsibility evaluation. This reduced fee for the allocation of parental responsibility evaluation may be considered one of the Mentor's obligatory "reduced fee" evaluations as outlined in LCR 4-3.08(F)(2).
e. All attorneys and parties to the allocation of parental responsibility evaluations outlined herein shall be informed of the training of the Mentee. The Evaluator Referral List would reflect the Mentee's name, address, hourly rate and report fee, as well as the Mentee's status as "Mentored Evaluator" and the name of the Mentor. This label would be deleted after compliance is had with the Family Division Mentoring Program as outlined above.
5. Maintain professional liability insurance which covers services provided as a result of the referral.
E. Approval of Membership on the Evaluator Referral List
1. The Presiding Judge of the Family Division shall prepare a list of qualified evaluators in accordance with the requirements of the Illinois Marriage and Dissolution of Marriage Act, these Local Court Rules and the applicable professional standards of the individual evaluator. The list

shall be submitted to the Chief Judge, who shall have the discretion to include or remove persons from the list at any time, or to waive any of the requirements of this Rule, when necessary to promote the highest standards of competency.
2. Membership on the Evaluator Referral List shall be by approval of the Chief Judge.
3. The list shall be reviewed every odd numbered year.
4. Applicants shall provide proof of qualification by way of affidavit that is supported by documentation.
5. In selecting evaluators to serve on the list, or to continue to serve on the list, the Presiding Judge of the Family Division or the Chief Judge may seek the advice of judges, lawyers, and mental health professionals experienced in family matters.

6. The Chief Judge shall have the discretion to limit the size of the list. In his or her discretion, the Chief Judge may add a member to or remove a member from the list when necessary to promote the highest standards of competency. An applicant denied inclusion on, or removed from the list, may appeal the decision in writing within ten days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final.

F. Selection of an Evaluator

Selection of an evaluator pursuant to the Illinois Marriage and Dissolution of Marriage Act, or pursuant to the inherent powers of the Court to protect the best interests and welfare of a child, shall be in the sole discretion of the judge making the referral. In making a referral, the judge shall take in to account the wishes of the parties, the nature of the dispute, and any other relevant factors. Nothing shall prevent a judge from making a referral to a qualified professional who is not on the approved Evaluator Referral List.

G. **Conditions of Membership**

Selection for membership on the Evaluator Referral List does not guarantee a member receipt of referrals and is conditioned upon the agreement of the applicant to the following terms:
1. To abide by the Model Standards of Practice for Child Custody Evaluation developed by the Association of Family and Conciliation Courts, as may be approved from time to time.
2. To provide services in a minimum of two selected cases “without fee”, or for a “reduced fee”, on a reasonable basis at the request of a Judge of the Family Division or the Presiding Judge.
3. To attend meetings of the Evaluator Referral List members as scheduled by the Presiding Judge of the Family Division and to assume responsibility for the leadership of the meetings on a rotating basis, unless otherwise excused by the Presiding Judge of the Family Court or the Presiding Judge’s Designee(s).
4. To attend ten hours of professional continuing education seminars or courses every two years on topics related to allocation of parental responsibility and allocation of parenting time issues, four of which must cover issues of domestic violence.
5. To submit a written report to the Court containing the results of a court ordered evaluation or investigation regardless of whether the fee for the services has been paid in full. If the report is not completed by the date required by the Court Order, to submit a report to the Court, with copies to counsel and to unrepresented parties, stating the reason why the report is not finished and when it will be.
6. To inform the Court within seven days if he or she has been disciplined by any licensing agency or professional organization to which he or she belongs.

7. To inform the Court of his or her current contact information, hourly fee for direct contact hours and the separate charge for preparation of a written report, if any. This information will be disclosed on the publically disseminated Evaluator Referral List.
8. To make reasonable efforts to complete an evaluation or investigation after spending no more than twelve hours of direct contact with or on behalf of the parties unless an extension is otherwise approved by the Court. The preparation of the report may be in addition to the direct contact hours.

H. **Fees**

The fee for court ordered services by a member of the Evaluator Referral List shall be paid by the parties based on the rates reasonably and customarily charged by the evaluator for the services rendered. The Court shall allocate the responsibility for payment between the parties based on ability to pay. In cases of indigents, the Court may appoint a member of the Evaluator Referral List who shall perform the evaluation on a "without fee" or "reduced fee basis."

I. **Acceptance of appointment**

When an evaluator is appointed by the Court to perform a court ordered evaluation or investigation, counseling or supervised allocation of parenting time services, the Court Administrator's Office shall send the provider a copy of the Order of appointment. Upon receipt of the Order, the evaluator shall sign an acceptance of appointment form provided by the Court and return the form to the Court Administrator's Office to be placed in the court file. A provider may decline to accept a case for any reason. An evaluator shall decline to accept an appointment to a case in which he or she has a conflict of interest, including but not limited to, a current or previous therapeutic, economic, or close personal relationship with any party, child, step-parent, other relative, counsel, or anyone else involved in the case, unless the conflict of interest has been specifically waived by the parties in writing. If an evaluator deems it necessary to decline to accept an appointment, he or she shall immediately notify the Court with copies to counsel and unrepresented parties.

J. **Psychological tests**

In conducting an evaluation or investigation, the evaluator shall not conduct psychological tests unless specifically authorized to do so by Court Order.

K. **Written Evaluation Reports**

1. The professional's report must, at a minimum, set forth the following:
a. a description of the procedures employed during the evaluation;
b. a report of the data collected;
c. all test results;
d. any conclusions of the professional relating to the allocation of parental responsibilities;
e. any recommendations of the professional concerning the allocation of parental responsibilities or the child's relocation; and
f. an explanation of any limitations in the evaluation or any reservations of the professional regarding the resulting recommendations.
2. The professional shall send his or her report to all attorneys of record, and to any party not represented, at least sixty days before the hearing on the allocation of parental responsibilities.

L. Prohibition against counseling, therapy or legal representation

Evaluators shall not provide counseling or therapy to the parties, either individually or jointly, during the evaluation process.

M. Statistical information

Upon request of the Court, evaluators will provide statistical information regarding fees and hours expended in order to allow the Court to evaluate the program in a format identified by the Court.

Rule 4-3.09 Reserved

Rule 4-3.10 Pre-Trial Case Management Procedures

A. This Rule applies to the following case types:

1. All pre-judgment "D" (dissolution) cases.
2. All pre-judgment "F" (family) cases in which the Family Division Cover sheet indicates that an aspect of the case involves the allocation of parental responsibility or allocation of parenting time of children.
3. All post-judgment "D" and "F" cases in which the Family Division Cover Sheet indicates that an aspect of the case involves the allocation of parental responsibility or allocation of parenting time of children, or by Court Order.

B. The Clerk of the Circuit Court shall set an Initial Case Management Conference on a date approximately ninety days from the filing of the initial pleading on a schedule established by the Court. The Clerk shall send Notice of the date approximately forty-five days prior to the date to all parties of record.

C. The Clerk shall provide the Petitioner upon the filing of the initial pleading with an informational Notice approved by the Court containing information about the Initial Case Management Conference.

D. The Petitioner shall serve upon each Respondent a copy of the informational Notice along with the service of the Summons and pleadings in a pre-judgment case or with the service of Notice and pleadings in a post-judgment case.

E. Failure to appear in court in person or by counsel for a Case Management Conference may subject a party to sanctions from the Court pursuant to Supreme Court Rule 219 including but not limited to monetary sanctions and/or dismissal of the case for want of prosecution, unless the case has already been resolved by Order or Judgment.

F. The Initial Case Management Conference shall be conducted pursuant to Supreme Court Rule. The parties will be expected to inform the Court as to whether the case would be best handled on an expedited track, a standard track, or a complex track and to enter a Case Management Order.

G. At the Initial Case Management Conference the Court will verify that Comprehensive Financial Affidavits were exchanged at least seven days prior to the conference by reviewing of the Certificates of Compliance.

H. Pursuant to Supreme Court Rule, the following requirements apply to the Initial Case Management Conference in cases involving minor children:

1. The parties must submit a completed Declaration pursuant to the Uniform Child-Custody Jurisdiction and Enforcement Act.
2. The parties must report whether they have attended the required parenting education program offered by the College of Lake County or such other parenting program approved by the Court.
3. If the parties have reached agreement on allocation of parental responsibility, they must provide the Court with an agreed Order regarding allocation of parental responsibility and an agreed Parenting Plan
4. If the parties have not reached an agreed Parenting Plan, the Court shall schedule the date by

which the parties must file their proposed parenting plans and shall schedule the case for mediation unless the Court determines that an impediment to mediation exists. The cost of mediation shall be allocated between the parties.
5. If the parties are unable to resolve the issues of allocation of parental responsibility and/or allocation of parenting time, the Court may appoint counsel as a child representative or a Guardian ad Litem to represent the child(ren) and/or the Court may order an allocation of parental responsibility evaluation by a court appointed professional. The cost of an evaluation and attorney fees for counsel for the children shall be allocated between the parties.
I. In addition to the procedure for setting a Case Management Conference set forth in Section B of this Rule, the Court, on its own Motion or on Motion of a party, may set a Case Management Conference at any time in any pre or post-judgment D or F case.

Rule 4-3.11 Settlement Conference
A. Settlement conferences shall be mandatory in all contested pre-judgment Family Division cases and contested post-judgment allocation of parental responsibility and relocation petitions unless specifically excused by Court Order. No such case shall proceed to trial or hearing as a contested matter until a settlement conference has been held.
B. A Settlement Conference Memorandum shall be provided by each party to the Court and opposing counsel or self-represented party two court days prior to the settlement conference. The Settlement Conference Memorandum shall be in the form approved by the Court.
C. Settlement conferences shall be set by Order of Court pursuant to the Court's own Motion or Notice and Motion or by agreement of the parties. It shall be mandatory for the parties and the trial attorneys to be present at all settlement conferences unless otherwise excused for good cause by prior Court Order.
D. Any party and/or attorney required under this Rule to attend a settlement conference who, without good cause, fails to attend after having been given due and proper Notice or fails to provide a Settlement Conference Memorandum, shall be subject to the sanctioning power of this Court including, but not limited to, those authorized under Supreme Court Rule 219(c), such as civil or criminal contempt, dismissal, imposition of attorney's fees, and imposition of monetary sanctions.

Rule 4-3.12 Subsequent Case Management Conferences
A. In cases where there are minor children and a Final Parenting Plan Order has not been entered by the Court, the purpose of a Subsequent Case Management Conference is:
1. To verify compliance with the Initial Case Management Order regarding completion of the UCCJEA Declaration, the Parenting Education Program, the filing of a Proposed or Final Parenting Plan and completion of Mediation;
2. To verify compliance with the filing of a Comprehensive Financial Affidavit and Discovery requests for the purpose of setting temporary child support and other child related expenses;
3. To consider the necessity of the appointment of an attorney for the child(ren), Guardian ad Litem or child's representative;
4. To consider the necessity of the appointment of an Evaluator to address issues of allocation of parental responsibilities, parenting time or relocation;
B. In cases with no minor children or, in which a Final Parenting Plan Order has been entered by the Court, the purpose of the Subsequent Case Management Conference is:

1. The identification and simplification of the issues, including the elimination of frivolous claims;
2. Determining whether amendments to the pleadings are necessary or desirable;
3. Obtaining admissions of fact and documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the Court on the admissibility of evidence including written Motions in Limine;
4. The avoidance of unnecessary proofs and of cumulative evidence;
5. The identification of the number of witnesses and exhibits, the need and schedule for filing and exchanging briefs, and the date or dates of further conferences;
6. The identification of any unresolved petitions, including attorney's fees of attorneys previously involved in the case; and
7. Such other matters as may aid in the disposition of the action.
C. Failure to comply with Case Management Orders without good cause, shall be subject to the power of the Court to impose sanctions including, but not limited to, those authorized under Supreme Court Rule 219(c).

Rule 4-3.13 Trial Conference
A. Prior to the Trial Conference, the attorneys for all the parties and the unrepresented parties shall meet either in person, by telephone, or as otherwise ordered by the Court. At such meeting, they shall:
1. Reach an agreement on stipulations narrowing the issues of law or fact;
2. Exchange copies of exhibits that will be offered in evidence at the trial, in such form as may be ordered by the Court;
3. Perform such other acts as have been ordered by the Court; and
4. Jointly prepare a Trial Conference Memorandum in the form approved by the Court.
It shall be the continuing duty of all of the parties and attorneys to meet, respond and cooperate to fulfill the terms of this Rule.
B. At the Trial Conference each party shall be represented by the attorney who will be representing him or her in the trial of the case, unless otherwise permitted by Court Order. All the parties and attorneys must attend the Trial Conference. Any attorney having a pending fee petition must also attend the conference.
C. On the date of the trial conference, counsel shall be present in court at 9:00 a.m. prepared to tender the following to all counsel and the Court:
1. Copies of all pre-marked, trial exhibits in a tabbed, three ring binder; the effective pleadings shall also be included;
2. An exhibit list at the front of the binder describing the exhibit with columns labeled, "Offered", "Admitted", and "Refused";
3. All stipulations;
4. All preliminary motions and Motions in Limine;
5. A witness list.
D. The copies in the exhibit binder given to the Court are for the Court's use during trial. Counsel shall have a separate set of exhibits to be offered into evidence and made part of the court record.
E. The parties shall stipulate as to any exhibits to which there are no objections, and such exhibits shall be admitted into evidence without the necessity of further foundation.

F. After the Trial Conference has taken place pursuant to this Rule, an Order shall be entered reciting the actions taken. This Order shall control the subsequent course of the case unless modified by subsequent Order. The Order following a Trial Conference shall be modified only to prevent manifest injustice.
G. If a party or party's attorney or any attorney having a pending fee petition, fails to do one or more of the following:
1. Obey a scheduling or Trial Conference Order;
2. Appear at the Subsequent Case Management or Trial Conference;
3. Properly prepare to participate in the conference; or
4. Participate in good faith;
the Court upon Motion or on its own Motion, may make such Order with regard thereto as is just, and assess sanctions pursuant to Supreme Court Rule 219(c), including attorney's fees, and monetary sanctions, unless the Court finds that noncompliance was substantially justified or that other circumstances make an award of expenses or the imposition of sanctions unjust.

Rule 4-3.14 Parenting Education
A. It is to the benefit of all parents, regardless of their parenting skills and in the best interests of their minor children, that they take time from their immediate personal concerns to consider the impact of the dissolution process on their minor children.
B. Pursuant to the provisions of Illinois Supreme Court Rule 924 and the Illinois Marriage and Dissolution of Marriage Act, a Parenting Education Program ("PEP") shall be established as a resource to the Nineteenth Judicial Circuit.

1. The PEP shall be created by the Court Administrator of the Nineteenth Judicial Circuit and contracted for by the Chief Judge or designee.
2. The contents of the PEP shall be directed to the best interests of the minor children of parties to dissolution, or post dissolution proceedings and shall concern the effects of these proceedings on the children. The program shall be educational in nature and not designed for individual therapy. The program shall be at least four hours in duration.
3. The PEP described above shall be financially self-supportive through court assessed fees paid by the parties attending the program. The amount of the fee to be assessed for the program shall be related to the cost of conducting the program and shall be determined by the Chief Judge or designee.
C. All parents of minor children who have appeared or who have otherwise personally submitted to the jurisdiction of the Nineteenth Judicial Circuit in any pre or post-judgment D or F case in which an aspect of the case involves the allocation of parental responsibility or allocation of parenting time of the children, shall attend the PEP prior to the initial LCR 4-3.10 Case Management Conference, unless otherwise ordered for good cause shown.
D. The trial court may, in the best interest of the minor children, delay the presentment of evidence or the entry of part or all of the Court's findings pending completion by the parents of the PEP.
E. The judge assigned to a case other than described in Section C above may, in his or her discretion, require parents of minor children or other parties to attend the PEP.
F. Where a party required to attend the PEP resides outside of the Nineteenth Judicial Circuit, the Court may order attendance either online or at another similar parenting program in lieu of the

Nineteenth Judicial Circuit PEP.
G. Persons registered for a session who do not attend and do not cancel at least twenty-four hours in advance shall be required to re-register and pay an additional full fee.

Rule 4-3.15 Motion Practice and Emergency Motions
A. **Contested Motions**
1. Any Motion which is opposed is a contested motion and may be heard at the end of the call or at such other time designated by the Court.
2. Page Limitations.
a. No Motion or Response shall exceed fifteen typewritten double-spaced pages without prior approval of the Court. This page limit includes any separately filed Memorandum or Brief in support of a Motion or Response.
b. No Reply or Memorandum in support thereof shall exceed five typewritten pages without prior leave of Court. Any such Brief or Memorandum shall be limited to responding to new matters raised in the opponent's Response Brief or Memorandum.
c. Neither narrow margins nor any other formatting device shall be employed to evade the page limitations set forth in this Rule. Footnotes, if any, shall be used sparingly.
d. Failure to comply with this Rule shall be sufficient grounds for striking the Motion, Response, or Reply, or for the Court's refusal to consider the excess pages of the document and to consider the matters contained therein to have been waived.
3. For every contested motion, including those brought pursuant to Supreme Court Rule 219, Supreme Court Rule 137 or Sections 2-615, 2-619, 2-619.1 or 2-1005 of the Code of Civil Procedure, movant's counsel shall deliver to the chambers of the assigned judge, not less than five court days prior to hearing, a copy of:
a. the Motion,
b. any challenged pleading, and
c. any writing in support of or in opposition to the Motion.
4. Not less than five court days prior to hearing, a party shall provide the Court and all opposing counsel with a complete citation to any case or other authority upon which the party intends to rely on in oral argument and which is not included in a supporting or opposing writing; and the party shall provide the Court with a full copy of any decision of a State Court outside the State of Illinois. Any cover letter delivered to the Court in compliance with the above requirements shall be copied to all counsel of record.
5. Any writing in support of or in opposition to a Motion shall be served upon the opposing party at the time of service of Notice of Motion, or, if not then available, as soon thereafter as practicable and prior to hearing on said Motion.\

B. **Emergency Motions**
1. If emergency relief is requested, application shall be made to the assigned judge, or if unavailable, to the judge specifically assigned to sit in his stead. If neither judge is available, application shall be made to the presiding judge of the division to which the case is assigned.

2. An Emergency Motion shall be labeled as such and shall be heard only if the Court first determines that an emergency exists and that reasonable attempts at Notice have been made. Each application for emergency relief shall be accompanied by an affidavit of the movant or

movant's attorney stating the reason for emergency relief; and, in cases where the request is without Notice, except as permitted by law, said affidavit shall state what attempts have been made to notify opposing counsel or the opposing party. Failure to attach said affidavits to the request for emergency relief may be grounds for denial of the Motion. A party and/or his or her counsel who respond to a Motion propounded as, but found not to be, an emergency may be entitled to reimbursement by the proponent of actual expenses, fees and costs incurred in responding to the said Motion.

3. Every Complaint or Petition requesting an Ex Parte Order for Emergency Relief, shall be filed in the Office of the Clerk of the Circuit Court, if during Court hours, before application to the Court for the Order.

4. If a Motion is heard without prior Notice under this Rule and any Respondent or other party fails to appear, a copy of the Orders entered at the hearing shall be served personally, or by US Mail, upon all parties not previously found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.

5. Counsel shall use every reasonable effort to notify opposing parties or counsel of entry of each Order, at the earliest opportunity.

Rule 4-3.16 Report of Proceedings/Prove-Up Forms
A. The report of proceedings from all domestic relations prove-ups shall be transcribed and filed within thirty days, unless excused by Order of the Court.
B. At the prove-up or upon the entry of the Judgment for Dissolution, the Petitioner shall submit a Certificate of Dissolution of Marriage, Invalidity or Legal Separation as required by the State of Illinois.
C. Prior to the entry of a Judgment for Dissolution in cases involving the allocation of parental responsibility of children, the parties must the Uniform Child-Custody Jurisdiction and Enforcement Act Declaration, if not previously filed in accordance with LCR 4-3.03
Rule 4-3.17 Joint Simplified Dissolution Procedure
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Rule 4-3.19 Family Mediation Program
The Chief Judge is authorized to establish a list of qualified mediators in accordance with the provisions and standards set forth in this Rule. In the interests of efficient administration, and to maintain the highest level of competence, the Chief Judge may, in his or her discretion, add or remove members of the list at any time. The list shall be known as the Family Division Mediator List.
A. **Definitions**
1. These Rules hereby adopt by reference the definitions contained in 710 ILCS 35/2 as if fully set forth herein. In addition to those definitions, the following definition applies.
2. An "impediment to mediation" is any condition, including but not limited to domestic violence or intimidation, substance abuse, child abuse, mental illness or a cognitive impairment, that hinders the ability of a party to negotiate safely, competently, and in good faith. Pursuant to these

Rules, the identification of impediments in a case is necessary to determine whether mediation should be required, and to insure that only those parties having a present, undiminished ability to negotiate are directed by the Court to mediate under this Rule.

B. **Referral to Mediation; Time for Referral; Time for Disposition**

1. Mediation shall be ordered by the Court, except upon a showing of the existence of an impediment to mediation or for other good cause shown, for all disputes involving child allocation of parental responsibility, allocation of parenting time, removal, or other non-economic issues relating to the child or children, either pre-judgment or post-judgment. Mediation shall be limited to the issues specified by the Court in the referral Order.

2. Parties who do not present the Court with a Parenting Plan at the Initial Case Management Conference shall be referred to mediation. Upon referral to mediation, the Court will set a 7-week status date, at which time the parties must report on their progress in dealing with all child-related issues. At this status date, the Court will order continued mediation if the parties are willing to attempt further efforts to resolve their disputes, or the Court will schedule a subsequent Case Management Conference within thirty days thereafter as required by the Illinois Supreme Court Rule 218.

3. At the Initial Case Management Conference, the Court shall set a trial date that complies with Illinois Supreme Court Rule 922, which mandates that all allocation of parental responsibility proceedings be resolved to final Order within eighteen months from the date of service of the Petition or Complaint, unless otherwise ordered for good cause shown.

4. The failure of a party, or counsel for a party, to appear in court at the Initial Case Management Conference, or at the 7-week status date set subsequent to mediation referral, or any scheduled Case Management Conferences under Rule 218, may subject that party to all available sanctions under Illinois Supreme Court Rule 219. Such sanctions may include dismissal of the entire proceeding if Petitioner fails to appear, or the imposition of attorney's fees, monetary sanctions, and/or the opposing party's cost of transportation, loss of income and other expenses incident to that party's attendance at the conference.

C. **Subject Matter of Mediation**

1. Mediation may also be ordered for issues other than those described in Section (B)(1), including economic issues. For mediation of these other issues, the Court shall take into account the qualifications and professional background of the individual mediator appointed.

2. Economic issues may not be mediated unless specifically ordered by the Court or agreed upon by the parties if they are mediating with an attorney-mediator.

D. **Screening for Impediments**

1. At the initial orientation session and from time to time as necessary during the course of mediation, the mediator shall screen the parties for the presence of an impediment to mediation as defined under Section (A)(2) of this Rule.

2. If a mediator determines that an impairment exists that hinders the ability of the parties to negotiate safely, competently, or in good faith, mediation shall terminate and the case shall be returned to court for further proceedings, unless the parties agree to continue in mediation the mediator determines that the implementation of safeguards would remove the impediment(s) to safe and productive mediation.

3. If the parties to mediation are subject to an Order of Protection, mediation may nevertheless continue if both parties agree and the mediator determines that the sessions will be safe and productive. If the Order of Protection prohibits contact, the parties shall not meet in joint

sessions.

E. **Qualifications, Requirements and Selection of Dissolution Mediators**

1. Any person who meets the following criteria is eligible to apply to serve as a mediator for the purposes of this Rule:

a. The applicant must satisfactorily complete a 40-hour divorce mediation training program approved by the Court. In addition, the applicant must have completed training specific to domestic violence, child abuse, substance abuse and mental illness, providing the applicant an understanding of the issues relating to these impairments, and of the parties' ability to negotiate effectively when impacted by one or more of these impairments.

b. The applicant must have a degree in law, or a graduate 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 otherwise approved by a Presiding Judge of the Family Division.

c. The applicant must be a member in good standing in the professional organization of his or her respective disciplines.

d. The applicant must provide proof of professional liability insurance covering the mediation process, providing coverage satisfactory to the Presiding Judge of the Family Division.

e. The applicant must have a minimum of two years of work experience in his or her discipline or profession, or otherwise be supervised by a qualified mediator.

f. The applicant must maintain an office in the Nineteenth Judicial Circuit.

2. All persons who meet the above requirements and are interested in acting as a Court appointed mediator shall provide proof by way of affidavit, supported by documentation of the aforesaid requirements, to the Presiding Judge of the Family Division, or to the person otherwise designated to receive such material.

3. A law school student who has been certified under Supreme Court Rule 711 to render legal services and meets the program requirements at the law school certifying the law school student may participate in the Family Law Student Mediation Program. The student must meet the following additional criteria in Subsections 3a through 3c:

a. Students must either have family law experience, have completed a family law course, or be registered for a family law course during the current semester; and

b. Students must have completed a 40-hour mediation training program; and

c. Students must be supervised by an approved mediator on the days the students are working with the Court. The law school certifying the law school student will provide an attorney/case manager to supervise students.

d. Students will observe mediations, co-mediate and if deemed "qualified," mediate independently, under circumstances consistent with Supreme Court Rule 711. Students may mediate independently only if a Presiding judge, or their designee, and the law school certifying the law school student are in agreement. Students will also perform activities that are helpful to the approved mediator, the Court and the family law volunteer mediation program.

4. The Presiding Judge of the Family Division shall prepare a list of approved mediators. The list shall be submitted to the Chief Judge, who shall have the discretion to include or remove persons from the list at any time, or to waive any of the above requirements, when necessary to promote the highest standards of competency. An applicant denied inclusion on, or removed from the list, may appeal the decision in writing within ten days to the Chief Judge. The Chief Judge shall

decide the appeal after an opportunity for the applicant or member to be heard. The decision of the Chief Judge shall be final. The list shall be reviewed in every even numbered year.

5. An approved mediator shall attend ten hours of continuing education every two years, on subjects related to child allocation of parental responsibility, allocation of parenting time, domestic violence, substance abuse, mental illness or the mediation process. The mediator shall be responsible to provide proof of attendance by way of affidavit, of the specific course, seminar, or class attended to the Presiding judge of the Family Division at least thirty days prior to his or her two-year anniversary date of certification.

6. From time to time, mediators may be required to attend specific trainings offered or sponsored by the Family Mediation Program, the Bar Association or other individuals or organizations.

7. Each year, a mediator shall mediate two low-income cases, as identified by the Court, at a reduced fee. In addition, each mediator shall volunteer to staff a room to which judges in the Family Division can refer parties who have discrete issues requiring resolution. The room will be staffed by volunteers, as necessary. Mediators can sign up for available days on a calendar that will be located at the reception desk for Court administration.

F. **Referral Procedure**

1. Upon the Court's Order or the parties' agreement to participate in mediation, the case shall be assigned a mediator. This mediator may be chosen by agreement of the parties. Absent such an agreement, the Court shall assign a mediator from the list of qualified mediators, and the selection of the mediator shall be in the sole discretion of the judge. A Mediation Order shall be issued and signed by the Court. A mediation status date will be set for no later than seven weeks from the date the Mediation Order was issued.

2. The Court may also designate in its Order what percentage of the mediation fee should be paid by each party, and/or whether the case should be considered a low-income case.

3. Parties are obligated to participate in the mediation process when ordered by the Court. The parties' attorneys shall encourage their clients to mediate in good faith, and the parties shall participate in mediation in good faith.

4. After entry of a Mediation Order by the Court, the absence of a party at a mediation session or the lack of a party's participation in the mediation process may result in sanctions, including reasonable costs to the other party for mediation and attorney's fees.

5. If the appointed mediator has any conflict of interest, another mediator shall be appointed from the list. If the mediator appointed on a designated low-income case has already met his or her annual requirement for mediating low-income cases, and so informs the Court, the Court shall appoint another mediator. The Presiding Judge of the Family Division, or the person otherwise designated, shall keep a record of low-income cases assigned to each mediator to ensure a fair distribution of these cases.

6. By the status date, the mediator shall submit a Mediator Report to the Court and the parties' legal counsel. The required form and contents of the Mediator Report are specified in Section L, below.

G. **Conflict of Interest**
1. **Conflict of Interest**: These Rules hereby adopt by reference the provisions of 710 ILCS 35/9 as if fully set forth herein. In addition to those provisions, the following requirements apply to mediations under these Rules.

2. **Imputed Disqualification**: No mediator associated with a law firm or a counseling agency shall mediate a dispute when the mediator knows or reasonably should know that another attorney or counselor associated with that firm or agency would be prohibited from undertaking the mediation.

3. **Exception**: A therapist-mediator who would otherwise be disqualified from mediation as a result of imputed disqualification may undertake the mediation only under the following circumstances:
a. There has been full disclosure to both parties about the conflict of interest and the imputed disqualification of the mediator, including the extent to which information is shared by personnel within the agency; and
b. Both parties consent to the mediation in writing.

H. Confidentiality, Privilege, Admissibility, Discovery
These Rules hereby adopt by reference the provisions on privilege, admissibility, Discovery, waiver, preclusion, and exceptions to privilege as contained in 710 ILCS 35/4, 710 ILCS 35/5, 710 ILCS 35/6, and 710 ILCS 35/8 as if fully set forth herein.

I. Orientation Session
The parties shall attend an initial orientation session with the mediator within twenty-one days of the Court's entry of the Mediation Order. At the orientation session, the mediator shall screen for the existence of impediments as required by Section D and shall inform the parties about the rules of confidentiality. In addition, the mediator shall inform the parties of the following:
1. That neither therapy nor marriage counseling is part of the mediator's function.
2. That the mediator will not give legal advice.
3. That an attorney-mediator will not act as an attorney for either or both parties and no attorney-client relationship will be formed. Thus, the attorney-client privilege will not apply.
4. The mediation is subject to the rules of confidentiality.

J. The Mediation Process
1. At the initial session the mediator shall provide the parties with a written agreement outlining the guidelines under which mediation shall occur and the expectations of the parties and mediator. This initial agreement shall include at a minimum, all of the foregoing information in Section I. Either or both of the parties shall be permitted to consult their respective legal counsel before executing this agreement.
2. The mediator shall assess the ability and willingness of the parties to mediate at the orientation

session and throughout the process, and shall advise the parties in the event the case is inappropriate for mediation.
3. In accordance with 710 ILCS 35/10 (titled "Participation in mediation"), an attorney or other individual designated by a party may accompany the party to and participate in a mediation. A waiver of participation given before the mediation may be rescinded.

K. **Termination of Mediation**
The parties are expected to attempt to mediate their dispute in good faith. Failure to attend a mediation session or failure to participate in mediation in good faith may subject a party to sanctions. Sanctions may include an assessment of mediation costs and/or attorney's fees incurred by the other party.

Mediation shall terminate upon the following:
1. When all issues referred for mediation have been resolved, or
2. When an individual necessary to facilitate settlement of the dispute is not present, or
3. When, in the opinion of the mediator, no purpose would be served by continuing the mediation, or
4. When the mediator determines that an impairment exists which hinders the ability of the parties to negotiate safely, competently, or in good faith, or
5. Upon Order of the Court for good cause shown.

L. **Mediator Report**
1. These Rules hereby adopt by reference the provisions on prohibited mediator reports as contained in 710 ILCS 35/7 as if fully set forth herein. In addition to those provisions, the following requirements apply to mediations under this Rule.
2. A mediator report in compliance with 710 ILCS 35/7(b) must be filed prior to the status date and within fourteen days after the last day of the mediation conference, and shall state the following:
a. Whether an agreement has been reached by the parties.
b. The number and duration of sessions conducted to date, and the names of those in attendance.
c. Whether mediation has been terminated or suspended.
d. The fee charged, whether that fee has been paid in full, and, if not, the outstanding amount owed. For any outstanding amount owed, the Court may direct the parties to pay that amount, and establish what percentage each party will pay.
e. Whether any additional mediation sessions are recommended.
f. Other relevant information not considered privileged or confidential under this Rule or the Uniform Mediation Act. 710 ILCS 35/1 et seq.
g. Any agreement reached by the parties which is evidenced by a record signed by all parties to the agreement.

3. In the event that all of the above information cannot be provided on the due date of the Mediator Report, the mediator shall advise the Court as to the time necessary for the completion of the mediation process. It shall be within the Court's discretion to extend mediation after the seven-week status date.

4. In addition to the report furnished to the Court, the mediator will prepare and furnish to the parties and their attorneys a written summary memorializing any agreement reached during mediation. The written summary will not be submitted to the Court unless signed by all of the parties.

M. **Discovery**
Unless otherwise ordered by the Court, Discovery shall be limited to written Discovery until mediation is terminated by Order of the Court.

N. **Payment of Fees**
The mediator shall charge an hourly fee to the parties, which they shall pay in equal shares unless the parties otherwise agree or the Court orders a different payment distribution. This hourly fee shall be paid to the mediator at the time of each session for the time spent in mediation at the session. In addition to the hourly fee, the mediator may request an advance deposit covering up to two hours' time to be paid at the first session. Such deposit may be applied to services rendered by the mediator outside of the mediation session, such as telephone conferences, correspondence, consultation with attorneys or other individuals, preparation of the Mediator Report, and any other work performed by the mediator on the behalf of the parties. Any additional fees that exceed the deposit or the fees collected at the time of sessions for services rendered by the mediator shall be paid as required by the mediator. In the event payments are not made as required under this Rule, or otherwise agreed to by the mediator and the parties, the mediation process may be suspended by the mediator pending compliance.

O. **Judicial Immunity of Mediators**
Mediators and other program participants shall be entitled to such immunity as may be provided by law.

P. **Statistics**
The Court Administrator will be responsible for all statistical data. Data shall include the number of cases referred to mediation, the number of low-income cases referred, the number and duration of sessions per case and the final outcome of each case. These statistics shall be forwarded annually to the Chief Judge, and to the Presiding Judge of the Family Division. The Chief Judge shall report annually to the Supreme Court of Illinois on this mediation program, including a count of the number of cases assigned to Court-Ordered Mediation and the results achieved.

Q. **Never-Married Parents**
The judge hearing child support enforcement matters may order never-married parents involved in disputes concerning the allocation of parental responsibility and/or parenting time to attend mediation with a court annexed mediator who meets the qualifications set forth in this Rule. The mediator shall be available on site in the courthouse and shall provide mediation services consistent with this Rule without charge to the parties.

PART 4.00 ENFORCEMENT OF CHILD SUPPORT

Rule 4-4.01 Payments Ordered Through the Clerk of the Circuit Court

A. **Definitions**
1. Obligor means the individual who owes a duty to make payments under an Order for support.
2. Obligee means the individual to whom a duty of support is owed or the individual's legal representative.
3. Public Office means any elected official or any State or local agency which is or may become responsible by law for enforcement of, or which is or may become authorized to enforce, an Order for support, including, but not limited to: the Attorney General, the Illinois Department of Healthcare and Family Services, the Illinois Department of Human Services, the Illinois Department of Children and Family Services, and the various State's Attorneys, Clerks of the Circuit Court and supervisors of general assistance.

B. **When Applicable – Procedure**
All payment of child support shall be made through the State Disbursement Unit (SDU) unless otherwise ordered by the Court. For good cause shown, the Court, by written Order may provide for payment of child support through the Clerk of the Circuit Court. When payment is ordered to be paid through the Clerk of the Circuit Court, payment shall be made in the form of cash, cashier's check or money order payable to the Clerk of the Circuit Court. The Clerk of the Circuit Court shall promptly forward the payment to the SDU.

C. **Payment**
When support payments are to be made through the Clerk of the Circuit Court, the payments shall be delivered personally or transmitted by mail so that such payment arrives in the office of the Clerk of the Circuit Court no later than the day designated for such payment.

Rule 4-4.02 Notice of Entry of Support Order
A. At the time a child support Order is entered by the Court, a written copy of the Order shall be given to the obligor. If the obligor is not provided with a copy of the support Order at the time of its entry, the Court shall direct the obligee to mail by regular U.S. Mail a copy of the support Order to the obligor's last known address, within seven days of its entry. The certificate of mailing shall be filed of record.

B. If the obligee or the child(ren) is a recipient of child support enforcement services under Title IV, Part D of the Social Security Act and Article X of the Illinois Public Aid Code, the obligee or representative of the public office shall mail a copy of the support Order to the Department of Healthcare and Family Services.

Rule 4-4.03 Procedure upon Default of Payment
A. **Petition for Adjudication of Contempt**
1. If the obligor is in default of payment, counsel representing the interest of the obligee or the public office, or a self-represented obligee, may file a Petition for Adjudication of Contempt or Rule to Show Cause against such obligor. The Petition shall be verified and set forth with particularity that the portion(s) of the Court Order that is alleged to have been violated and the nature of the violation. If the Court finds that the Petition sets forth allegations which support the charge, it shall set the matter for hearing and order counsel representing the obligee, or a self-represented obligee, to give Notice to the obligor and provide proof thereof.

2. Notice of the hearing and a copy of the Petition shall be served and returned in the manner provided in Supreme Court Rule 105(b)(1) or by regular U.S. Mail addressed to the obligor's last known address. Proof of mailing Notice shall be made a part of the record. Notice by personal service shall be served not less than seven days prior to hearing, and Notice by U.S. Mail shall be mailed not less than ten days prior to hearing. In addition to the time, date and place of hearing, the Notice shall include the following words in bold type: "**YOUR FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN YOUR ARREST**."

3. Upon hearing of the Petition, if the obligor fails to show that non-compliance with the support Order was not willful because there was a valid excuse for the failure to pay, the obligor may be found in indirect civil contempt and sanctioned according to law.

4. If the basis of the charge of civil contempt is the failure of the Respondent to make court ordered payments to the SDU or Clerk of the Circuit Court, the records of the SDU or Clerk shall be prima facie evidence of the amount paid and disbursed by the Clerk.

5. If, after Notice, the Respondent fails to appear, the Court may order a body attachment to issue and set bail.

6. If the Court finds the Respondent in civil contempt, it may continue the matter for a reasonable time before the imposition of sanctions or; it may impose sanctions immediately. Prior to the imposition of sanctions, the obligor shall have the right to make a statement in mitigation. Sanctions may include a continuing fine and/or incarceration in the county jail. The sanctions imposed shall remain in full force and effect until the Respondent purges himself of contempt or is otherwise discharged by due process of law. The Court shall assess reasonable costs and attorney's fees against the obligor.

7. Upon an adjudication of civil contempt, the Court shall enter a written Judgment Order specifying the factual basis for the finding of contempt, the sanction imposed, and the means by which the Respondent may purge himself of contempt. A copy of the Order shall be provided to the obligor.

8. An appeal from a Judgment of civil contempt may be taken as in civil cases. Upon filing a Notice of Appeal, the Court may fix bond and may stay the execution of any sanction imposed pending the outcome of the appeal.

B. **Body Attachment**

1. If the obligor fails to appear at the hearing after receiving due Notice, or if the Court has reason to believe the obligor will not appear in response to the Notice, the Court may issue a body attachment directed to the obligor.

2. When an attachment issues, the Court shall set bail as authorized in criminal cases. The amount of bail shall be indicated on the Order of Attachment.

C. **Bail Posted or Purge Paid**

1. When bail is posted pursuant to a Body Attachment, the funds shall be held by the Clerk of the Circuit Court, and after hearing on the Rule to Show Cause shall be disbursed pursuant to Order of Court. If the Order of the Court is to retain the posted bail funds as payment for child support arrearages, the Clerk of the Circuit Court shall promptly forward these funds to the SDU.
2. When a purge is paid pursuant to an Order of Contempt, the funds shall be held by the Clerk of the Circuit Court and unless the Court has ordered otherwise, the Clerk of the Circuit Court shall promptly forward these funds to the

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Rule 5-1.05 Emergency Motions
A. If emergency relief is requested, application shall be made to the assigned Judge, or if unavailable, to the Judge specifically assigned to sit in his stead. If neither Judge is available, application shall be made to the Presiding Judge of the division to which the case is assigned.
B. Each application for emergency relief shall be accompanied by an affidavit of the movant or movant's attorney stating the reason for emergency relief; and, in cases where the request is without Notice, except as permitted by law, said affidavit shall state what attempts have been made to notify opposing counsel or the opposing party. Failure to attach said affidavits to the request for emergency relief may be grounds for denial of the Motion. A party and/or his or her counsel who respond to a Motion propounded as, but found not to be, an emergency may be entitled to reimbursement by the proponent of actual expenses, fees and costs incurred in responding to the said Motion.
C. Every Complaint or Petition requesting an Ex parte Order for the appointment of a receiver, temporary restraining order, or any other emergency relief, shall be filed in the Office of the Clerk of the Circuit Court if during Court hours, before application to the Court for the Order.
D. If a Motion is heard without prior Notice under this Rule and any Respondent or other party fails to appear, a copy of the Orders entered at the hearing shall be served personally, or by US Mail, upon all parties not previously found by the Court to be in default for failure to plead, and proof of service thereof shall be filed with the Clerk of the Circuit Court within two days of the hearing thereon.
E. Counsel shall use every reasonable effort to notify opposing parties or counsel of entry of each Order, at the earliest opportunity.

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