

McHenry County Family Law Division Standing Order 2020-012

**Procedures in the Family Division for Entry of Final Judgments and Parenting Allocation Judgments Pursuant to the Continuity of Operations Covid-19 Protocols.**

**IT IS HEREBY ORDERED** that, in response to the COVID-19 Pandemic and while the court is operating under the Circuit's Pandemic Continuity of Operations · Plan and hearing only essential matters in accordance with the Illinois Supreme Court Order filed under M~ R. 30370 on March 17, 2020, the Judges of the Family Division have conferred and agreed to temporarily put in place the following procedure to give litigants an option to enter final judgments and parental allocation judgments.

¶ 1. **Purpose.** Under this standing order, parties may seek entry of a Parental Allocation Judgment or a Judgment of Dissolution of ·Marriage through the submission of documents to the court for review and approval. This standing order recognizes that both the Illinois Supreme Court and the 22nd Judicial Circuit have determined that essential court matters and proceedings shall continue to be heard by the Illinois courts and, where possible, non-essential matters shall be conducted remotely via telephone or video or other electronic means.

¶ 2. **Types of Cases.** Proposed final judgments and agreements may be submitted in any case pending before Judge Mark R. Facchini (CR 361), Judge Jeffrey L. Hirsch (CR 360), Judge Justin M. Hansen (CR 359), and Judge Robert J. Zalud (CR 365).

¶ 3. **Method of Submission.** Proposed final judgments and agreements sh all be emailed to the assigned judge via the following email address: [proposedorders@22ndcircuit.illinoiscourts.gov](mailto:proposedorders@22ndcircuit.illinoiscourts.gov). If the agreed order is approved by the judge, it will be enter ed and filed with the Clerk of the Circuit Court and otherwise made available as soon as reasonably possible. Litigants are reminded the court is working with a reduced staff.

¶ 4. **Content of Proposed Judgments or Agreements.** Parties and their attorneys seeking entry of Parenting Allocation Judgment or Judgment of Dissolution should submit the following documents: the Judgment; Martial Settlement Agreement; Allocation Judgment; Proof of Completion of Parenting Classes (if required but not previously filed), and a copy of Certificate of Dissolution (half-sheet). Submissions must comply with the following requirements:

A. Any judgment or agreement shall contain the signature of all counsel of record and the verified or sworn signature of each party. It shall indicate who prepared the document.

B. The Allocation Judgment shall include a statement that the parties believe the terms of the Allocation Judgment are in the best interests of the child(ren). All mandatory provisions under Section 602.10 must be included (e.g., mediation provision) in the parenting plan.

C. Any judgment or agreement that sets child support or maintenance must reference the appropriate statutory calculation (i.e. income and duration, income sharing) and/or specify the basis for any deviation and/or waiver or reservation of same. The basis for any disproportionate distribution of marital property should be explained in detail, along with a reference to the relevant statutory factors.

¶ 5. **Supporting Affidavits.** In addition to the other proposed documents, each party shall provide a verified or sworn affidavit setting forth the following:

A. A statement that the party is submitting the following documents to the court for review and execution, followed by a list of each document submitted to the court along with the affidavit;

B. An agreement that the Court has subject matter jurisdiction over this case, including jurisdiction to make an initial child-custody determination in accordance with the Uniform Child Custody Jurisdiction and Enforcement Act and to establish a child support order under the Uniform Interstate Family Support Act, as applicable.

C. An agreement that the Court has personal jurisdiction over the parties;

D. An agreement that there are grounds for divorce due to irreconcilable differences and the factual basis to support a finding of irreconcilable differences;

E. The number of children born to, or adopted by the parties, how many of those children are now emancipated, if any, and if either of the parties are currently pregnant;

F. An acknowledgement that the affiant has read and reviewed each of the proposed judgments and agreements in its entirety, along with any exhibits or attachments;

G. An acknowledgement that the affiant has a full and complete understanding of the terms of the proposed judgments and agreements and a willingness and desire to be legally bound by the terms of each document;

H. An acknowledgment that the party was not forced or coerced to enter into any of the proposed judgments or agreements;

I. An acknowledgment that the party entered into the proposed judgment or agreement freely, knowingly and voluntarily;

J. An acknowledgment that any obligations of maintenance and/or child support set forth in the judgments and agreements have been determined in accordance with statutory guidelines, as applicable; or if there is any deviation from the guidelines that the deviation is appropriate, equitable and just after considering all relevant facts and statutory factors to justify the deviation;

K. A belief that the proposed judgments and agreements are a fair, reasonable and equitable division of the marital estate;

L. A belief that the proposed judgments and agreements are not unconscionable.

M. A willingness and desire that the court approve their agreement(s) and incorporate it into the Judgment of Dissolution of Marriage;

N. A waiver of the physical appearance at the prove-up of both parties, including the right to cross-examine other parties;

O. A waiver of the transcript of a prove-up by the parties and an acknowledgment that there will be electronic record of the proceeding;

P. If either side is a self-represented litigant, an acknowledgment that they are not represented by opposing counsel and that they have waived the opportunity to confer with an attorney prior to signing the proposed judgments and agreements;

Q. An understanding that execution and entry of the proposed judgments and agreements shall be at the court's discretion;

R. An understanding that any previously-scheduled court \_dates remain in place unless and until the court executes the proposed judgments and agreements.

¶ 6. **Related Orders.** Orders for Support, Income Withholding Orders and other analogous post-judgment orders (such as QDRO and QILDRO) shall be presented separately as Agreed Orders after Judgment is entered.

March 30, 2020

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