RULES OF PRACTICE

CIRCUIT COURT OF ILLINOIS

TWENTY-FOURTH JUDICIAL CIRCUIT

Randolph, Monroe, Washington and Perry Counties

Adopted on the 5th day of December, 2022

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Preamble

The Twenty-Fourth Judicial Circuit was created by the Illinois Legislature as a new Judicial Circuit effective December 5, 2022. The Twenty-Fourth Judicial Circuit consists of Randolph, Monroe, Washington & Perry counties which were formerly part of the 20th Judicial Circuit. The Judicial Circuit consists of four (4) resident circuit judges (one from each county) and no more than three (3) associate judges.

RULE 1. RULES OF COURT

1-1 Power of Court to Adopt Rules. These rules are adopted pursuant to Supreme Court Rule 21 and Section 1-104(b) of the Code of Civil Procedure.

1-2 Existing Rules Repealed. These rules shall become effective on December 5, 2022, upon creation of the Twenty-Fourth Judicial Circuit.

1-3 Amendment of Rules. Any amendment of these rules shall be passed on by a majority vote of all Circuit Judges of the Twenty-Fourth Judicial Circuit, with each voting Judge being mailed (or e-mailed) a copy of the proposed amendment at least ten (10) days prior to the vote thereon.

1-4 Filing of Rules. All rules, and amendments thereto, shall be filed with the Administrative Director of Illinois Courts within ten (10) days after they are adopted, in accordance with Supreme Court Rule 21. These rules shall also be filed with the Clerk of the Circuit Court in each County of the Twenty-Fourth Judicial Circuit, and shall be made available to the public, upon request, or by direction of the Chief Judge. Said rules shall be published on the website of each Circuit Clerk with respect to the counties making up the Twenty-Fourth Judicial Circuit.

1-5 Applicability and Construction. Applicability and construction of these rules shall be in accordance with these rules and Supreme Court Rules 1 and 2.

RULE 2. JUDICIAL ADMINISTRATION

2-1 Chief Judge

(a) Election and Term. The initial Chief Judge shall be elected upon formation of the Circuit on December 5, 2022, and the initial term will begin immediately and shall continue through December 31, 2024. After the initial term, each term for Chief Judge shall be for two (2) years and an election for Chief Judge shall be called in December prior to expiration of the term. Voting shall be by secret ballot, either in person or by proxy.

(b) Procedure for Balloting:

(1) Whenever a Chief Judge is to be elected, a ballot containing the names of all Circuit Judges, arranged alphabetically, shall be provided to each Circuit Judge at a meeting called for that purpose. Each Circuit Judge shall indicate thereon the Circuit Judge for whom they are voting.

(2) The Trial Court Administrator (TCA), or in the absence of the TCA, the Circuit Clerk of the county where the meeting is held, shall canvass the votes and announce the judge that received the required number of votes.

(3) The judge receiving votes from a majority of the Circuit Judges who cast votes shall be declared elected as Chief Judge. Balloting shall continue until one judge receives votes from a majority of the Circuit Judges who cast votes; provided, however, if no judge is otherwise declared elected after three ballots, then the judge receiving the most votes of the Circuit Judges who cast votes on the third ballot shall be declared elected as Chief Judge; provided, further, that if there is a tie for the most number of votes on the third ballot, the new Chief Judge shall then be determined by coin toss.

2-2 Assistant Chief Judge. The Chief Judge shall from time to time and by Administrative Order designate one of the Circuit Judges as Assistant Chief Judge to act with the same powers and duties as Chief Judge whenever the Chief Judge is absent or unavailable and at such times and in such manner as otherwise directed by the Chief Judge.

2-3 Vacancy. Whenever a vacancy occurs in the office of Chief Judge, any two Circuit Judges may call a meeting of the other Circuit Judges to elect a Circuit Judge to fill such vacancy for the remainder of the current term of office. Until such vacancy is filled, the Assistant Chief Judge shall serve as Chief Judge. A "vacancy" shall be declared when the Chief Judge resigns,

retires, or is unable to perform his duties due to death, unforeseen health condition or otherwise. Creation of a "vacancy" must be by declaration of the Chief Judge or by unanimous consent of the other Circuit Judges.

2-4 Regular Meetings. The Circuit Judges and the Associate Judges shall meet on the first Friday of December of each year and at such other times as directed by the Chief Judge.

2-5 Special Meetings. Special meetings may be called at any time by the Chief Judge or by any two Circuit Judges upon five (5) days notice to all Circuit Judges.

2-6 Resident Circuit Judges

(a) Designation. The Resident Circuit Judge elected (or appointed) in each county of the Twenty-Fourth Judicial Circuit shall be the Presiding Judge in such county.

(b) Responsibilities. The Presiding Judge in each county of the Twenty-Fourth Judicial Circuit shall have the responsibility of administering the caseload of his/her county. He/She shall make a general assignment of cases to the judges regularly sitting in the county.

2-7 Assigned Judge

(a) In these Rules the term "Judge" or "Assigned Judge" refers to that Judge who has been assigned by the Resident Circuit Judge or Chief Judge to a particular case or docket of cases.

(b) Responsibilities. The Assigned Judge is primarily responsible for case management and scheduling of those cases assigned to him/her.

2-8 Judicial Substitution

(a) Recusal by Court. Any Judge may *sua sponte* recuse himself/herself from a matter to which he or she has been assigned. Upon recusal, the Resident Circuit Judge shall reassign the matter to a different Judge who regularly appears in said county. If the Resident Circuit Judge recuses himself/herself or has been previously substituted in the matter, the Chief Judge shall reassign the matter.

(b) Substitution by Parties. Motions for substitution for cause shall be assigned by the Chief Judge for disposition and reassignment. Motions for substitution by right may be reassigned by the Resident Circuit Judge to a different Judge who regularly appears in

said county. If the Resident Circuit Judge is the subject of the Motion, or has been previously recused or substituted, the Chief Judge shall reassign the matter.

RULE 3. JURORS -- TERM OF SERVICE

3-1 Grand Jurors. Grand Jurors shall be called by the Resident Judge or his designate. Each Grand Jury and the members thereof shall serve for a term determined by the Resident Judge, but in any event shall not exceed eighteen months. Grand Jurors shall be summoned to appear on the days determined by the Resident Judge. After being impaneled, sworn and instructed by the Court, the Grand Jury shall sit at such time as the Court may order and may be recessed from time to time to a day certain, or subject to recall.

3-2 Petit Jurors. The Resident Judge or his designate shall certify to the Clerk of the Court the number of Petit Jurors required and the date and time and place at which they shall be summoned. The length of service for petit jurors shall be determined by the Resident Judge, but in any event shall not exceed six (6) months. The notice to each juror shall state the period of service for which they shall be summoned.

3-3 Proposed Jury Trial Weeks. The Resident Judge shall create and monitor a jury trial calendar designating a regular jury trial schedule as far in advance as is practical. The Resident Judge shall notify the Chief Judge and other Resident Judges in the Circuit of the annual proposed jury trial weeks in their respective counties.

3-4 Excuse. The Resident Judge or his designate shall have charge of excusing summoned jurors from service.

3-5 Rules Applicable. The Grand Jury and Petit Jury are subject to the rules of the County Jury Commission if such commission has been established within the particular county.

RULE 4. ADMINISTRATIVE RULES

4-1 Designation of Court Facilities. All court proceedings will be held in the County Courthouse of each County, unless otherwise specifically ordered by the Resident Judge.

4-2 Filing of Documents. All documents to be filed with the Circuit Clerk shall be filed in accordance with Illinois Supreme Court Rules. Any document exempt from electronic filing shall be filed during the regular business hours of the Circuit Clerk of the county in which the document is filed.

4-3 Access to Court Files.

(a) Definitions. All files and documents maintained by the Circuit Clerk are to be accessible by the Court and the Clerk. Clerks shall limit access to files and documents which are not identified as "public" through the use of access codes. Remote access to files and documents shall be as authorized by the *Illinois Supreme Court Remote Access Policy.*

Unless otherwise specified by Rule, statute or order of court, access to files and documents maintained by the Circuit Clerk are defined as follows:

(1) *Public.* A file or document which is accessible by any person upon request.

(2) *Impounded.* A file or document which is accessible only to the attorney of record or parties of record on a case; otherwise, the file or document is only accessible upon order of court.

(3) *Confidential.* A document or file which is accessible only to the party submitting the document or filing the case or that party's attorney of record; otherwise, the document or file is only accessible upon order of court.

(4) *Sealed.* A file or document which is accessible only upon order of court.

(5) *Expunged.* A file or document which is accessible only upon order of the court as provided in 20 ILCS 2630/5.2(E).

Notwithstanding the above, the court may enter an order restricting access to any case or document as provided by law.

(b) Method of Access. Inspection of Impounded, Confidential or Sealed files (upon authorization) must be in person at the Office of the Circuit Clerk and the person

examining files shall provide sufficient identification for authorized access. Impounded, confidential and sealed documents are restricted to those parties authorized in the definitions herein unless otherwise authorized by Court Order or the Presiding Judge.

(c) Opening of Secured Files. Should any authorized party, other than the court, review all or any part of a court file that is impounded, under seal or otherwise secured, then the Circuit Clerk shall record in the court record the date and time the impounded, sealed or secured file was viewed and also identify the person viewing the material. The Circuit Clerk's Office shall then again impound, seal or otherwise secure the file. The Clerk's office shall maintain a record log of access to secured files.

4-4 Remote Appearances. Remote appearances shall be allowed only by the Assigned Judge at his or her discretion, unless otherwise ordered under Illinois Supreme Court Rules.

(a) Authorization. To increase the efficiencies of the court and reduce costs to participants, and to the full extent authorized by Supreme Court Rules 185 and 241, by Supreme Court Rule 21(b), by other Orders entered by the Supreme Court from time to time, and by the Court's inherent authority, remote appearances shall be permitted as set forth herein or by separate order.

(b) Vendor. The Resident Circuit Judge in each county shall designate a vendor for remote appearances by Administrative Order. All remote appearances shall be initiated through the designated remote appearance vendor. Status hearings and other proceedings may be conducted by telephone only, without use of the designated vendor, on such terms as designated by the presiding judge. Appearances by county jail inmates may be made using other platforms or products adopted by each county of this Circuit for use between the courtroom and jail.

(c) Scheduling. Remote appearances may be scheduled on the request of either party or by order of the court, in accordance with Supreme Court Rules, including Rules 45 and 241. Once scheduled, any objection to proceeding by way of remote hearing shall be made by a timely filed motion properly noticed for hearing. The court, in its discretion, may allow or require any or all participants in a hearing to appear in person rather than remotely.

(d) Initiation of Remote Appearance. Except for status hearings conducted by phone only, and except as otherwise designated by the Court, remote appearances shall be initiated by the Court through the designated vendor at such times as may be designated by the Court, appropriately noticed for hearing by a party upon coordination with the Circuit Clerk, or otherwise noticed or assigned by the Circuit Clerk.

(e) Responsibilities. For any remote hearing, it shall be the responsibility of each party, and any attorney for a party, to ensure access to the necessary technology for a remote appearance and to timely appear for the remote hearing through the noticed platform or product. It shall also be the responsibility of each party to ensure that any witness for that party also has access to the necessary technology and will timely appear for the remote hearing through the noticed platform or product. If any party does not have access to the necessary technology or has a witness who will not have the necessary technology, that party shall contact the Circuit Clerk at least 24 hours in advance of the scheduled remote hearing with a request to have the hearing rescheduled for an in person appearance at the appropriate physical courtroom. Requests for a continuance to another date or for an in-person appearance at the appropriate physical courtroom shall be made by a timely filed and properly noticed motion to continue.

(f) Rules and Procedures. The following rules and procedures shall apply to all remote hearings:

(1) Except as otherwise provided in this Rule, all proceedings conducted by way of remote hearing shall be conducted to the same standards as hearings in a physical courtroom and in accordance with the Illinois Rules of Civil Procedure or the Illinois Rules of Criminal Procedure, as applicable, Illinois Supreme Court Rules, local Rules of Practice of the Circuit Court for the Twenty-Fourth Judicial Circuit, and all other applicable rules or laws.

(2) Attorneys, parties and witnesses shall sign into the remote hearing using both their first and their last names, with attorneys adding "Attorney" in front of their first name (e.g., an attorney named John Doe would use "Attorney John" for a first name and "Doe for a last name).

(3) The precise method in which a remote hearing is conducted remains within the discretion of the presiding judge.

(4) Remote hearings require proper planning and preparation. All proposed exhibits, proposed orders, fully signed agreed orders, agreements or stipulations, and all other documents that any party intends to present to the court for review or consideration shall be submitted at least 48 hours prior to the scheduled remote hearing through the county efiling system or to a designated Dropbox account, as designated by the Court or the Circuit Clerk, as follows:

(i) All submissions shall be submitted in PDF format;

(ii) The subject line for a submission email shall include the case number and the last name of at least one party;

(iii) Each proposed exhibit shall be submitted as a separate file with a file name that reflects the party offering it and the exhibit number;

(iv) Each proposed order, fully signed agreed order, agreement, stipulation or other document shall be submitted as a separate file with a file name that reflects the party offering it and the nature of the document;

(v) An index of exhibits, if any, shall be included that states the number of pages for each exhibit; and

(vi) For any exhibit or other document greater than four pages long, page numbers must be inserted electronically within the PDF (not handwritten).

(5) Notwithstanding the provisions of this rule, the Presiding Judge may, waive the requirements for submitting any document in advance.

(6) Once an exhibit is admitted into evidence during the hearing, the Circuit Clerk shall upload the exhibit into the official court record through the designated case management program for the Twenty-Fourth Circuit. The Circuit Clerk shall also upload into the official court record through the designated case management program for the Twenty-Fourth Circuit any orders, agreements or stipulations or other document as directed by the presiding judge or the judge specifically assigned to the case during the remote hearing. Upon conclusion of the hearing, the Circuit Clerk shall not be obligated to maintain any proposed exhibits, proposed orders, fully signed agreed orders, agreements or stipulations or other documents submitted by a party to the designated email address that were not made a part of the official court record and may delete them at the Circuit Clerk's convenience.

(7) Any defendant in criminal proceedings who appears for a remote hearing while in the custody of jail or prison personnel shall appear alone in a secure room with doors closed in such a manner as will enable confidential communications between the defendant and his attorney as may be requested and allowed before, during and after that defendant's proceedings.

(8) Witnesses called to testify at a remote hearing shall be sworn or affirmed by the judge prior to the commencement of their testimony. Each witness shall, during that witnesses sworn testimony, be alone in a secure room with doors closed. The judge should make a record as to these conditions.

(9) All persons attending a remote hearing, including attorneys, parties, witnesses, members of the general public, and media, shall wear appropriate attire and present themselves in compliance with court rules as they would if appearing in a physical courtroom.

(10) All attorneys, parties, witnesses and other direct participants in a remote hearing shall ensure that there will be no interruptions or distractions for the duration of their appearance at the remote hearing. No person attending a remote hearing shall do so while operating a motor vehicle.

(11) The court reporter is the only person authorized to record the remote hearing by electronic means, stenography or other means. Any recording of the remote hearing by an attorney, party, witness, member of the general public, media or any other person without the permission of the court is strictly prohibited.

(12) Attorneys shall be permitted to communicate directly with their client using any private chat feature available through the designated remote appearance vendor. Any other use of the chat feature, private or group, during a remote hearing is strictly prohibited. Requests for a private conversation through the use of breakout room or similar feature may be granted in the discretion of the presiding judge or the judge specifically assigned to hear a case.

(13) All attorneys, parties and witnesses attending a remote hearing should ensure that they have a good connection sufficient to avoid a breakdown in the connection during the remote hearing. A poor video connection for an attorney or party alone is not grounds to continue a remote hearing.

(14) The presiding judge or the judge specifically assigned to a case shall retain the right at all times to remove any person from the remote hearing for the same reasons that a person would be removed from a physical courtroom.

(15) The presiding judge or the judge specifically assigned to a case shall retain the right at all times to continue a remote hearing to a different time or place, including a physical courtroom, for good cause, including but not limited to an

unmanageable number of participants in the hearing, poor connections or other conditions that interfere with the ability of the court to conduct the remote hearing, or any other condition that unduly interferes with the rights of a party to a fair hearing.

(16) American courts are generally open to the public and it remains highly desirable that the operations of the courts are as transparent as possible. Within this context, the courts and the parties must consider how the media and the general public can have access to the remote hearing. The daily court schedule shall reflect that the hearing is remote. Members of the media or the general public who desire to observe a remote hearing should contact the Circuit Clerk for directions on how to attend. Observers are prohibited from speaking to witnesses or potential witnesses concerning any testimony or evidence until after the evidence has closed.

4-5 Record of Proceedings.

(a) A record of proceedings shall be made as directed by the Resident Circuit Judge.

(b) No one other than authorized court personnel may listen to the digital audio recording (or tape recording) maintained by the court specialist or court reporter.

(c) Anyone other than court personnel wishing to review the contents of a court record shall do so by requesting a certified transcript of proceedings from the supervising court reporter.

(d) Court reporters are not required to prepare transcripts of proceedings without adequate notice and payment of preparation fees.

4-6 Text Message Notification Programs. Pursuant to Supreme Court Rule 14, the Circuit Clerk may implement a text message notification program upon approval of the Chief Judge.

RULE 5. MOTIONS

5-1 Notice of Hearing.

(a) Notice Required. Notice of Motions shall be given in accordance with Supreme Court Rule 11 and proof of service filed in accordance with Supreme Court Rule 12.

(b) Content of Notice. The notice of hearing shall include the caption, and the date and time when the motion will be presented. The Notice shall also include a description and reference to the Motion to be presented and the relief sought.

(c) Time of Notice. Except as otherwise provided in these rules, service of a notice of hearing of any motion shall be completed no later than five (5) business days preceding the hearing, unless otherwise authorized by law or other local rule herein. If a notice of hearing is delivered before 4:00 p.m. by either personal service, e-mail or fax (with verification the other party has received said e-mail or fax), or by leaving it in the office of a party's attorney or at an unrepresented party's residence, then service of the notice is complete as of the day of delivery; if such notice is delivered at or after 4:00 p.m., then service of the notice is complete on the first court day following delivery.

(d) Dispositive Motions. Proceedings under Sections 2-1005, 2-619 and 2-301(b) of the Code of Civil Procedure shall be in compliance with Supreme Court Rule 191 and 192. Dispositive Motions shall not be scheduled for hearing without the opportunity of the opposing party to reply. In no event shall any dispositive motion be heard within ten (10) business days of service of notice and proof of service as provided in Supreme Court Rules 11 and 12.

(e) Argument on Motions. Any motion, unless otherwise agreed to by the parties or attorneys, shall be argued before the judge assigned to the case. The assigned Judge may, in his or her discretion, rule on any pending motion without argument.

(f) Continuances. All motions for continuance shall set forth whether they are by agreement or contested. If contested, the movant shall set forth the other party's reasons for objection. If the other party has not responded then the movant shall set forth the methods in which they have tried to contact the other party.

5-2 *Ex Parte* and Emergency Motions.

(a) *Ex Parte* Applications. Every complaint or petition upon which it is sought to obtain *ex parte* an order for the appointment of a receiver, for a temporary restraining

order, Emergency Order of Protection, Emergency Stalking No-Contact Orders or similar actions shall be filed in the office of the Clerk, if that office is open, before application to a Judge for the order.

(b) Notice Not Required. Emergency motions and motions which by law may be made *ex parte* may, in the discretion of the Court, be heard without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence.

(c) Notice After Hearing. If a motion is heard without prior notice under this rule, written notice of the hearing of the motion showing the title and number of the action, the name of the Judge who heard the motion, date of the hearing, and the order of the Court thereon, whether granted or denied, shall be served by the attorney seeking the order upon all parties not theretofore found by the Court to be in default for failure to plead thereto; and proof of service thereof shall be filed with the clerk within two (2) days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

5-3 Failure to Call Motions for Hearing. The burden of calling for hearing any motion previously filed is on the party making the motion. If any such motion is not called for hearing within ninety (90) days from the date it is filed, the court may strike the motion or set the motion for hearing.

RULE 6. DISCOVERY

6-1 Discovery Compliance. In all civil matters an original request for discovery shall be made by serving such request upon the party or parties upon whom it is directed. A copy of the request shall not be filed with the Clerk of the Court.

(a) Proof of service of the request for discovery shall be made by certification of counsel briefly describing the requests made together with proof of service on the party to whom it is directed. The certification shall be filed with the Clerk of the Court. If identical requests are made of multiple parties, they may be included in one certification.

(b) Proof of compliance with a request for discovery in all civil matters shall be made by filing with the Clerk of the Court the certification of counsel showing that compliance has been made. The certification shall include a description of the documents filed with reference to the request made. The documents supplied in response to a discovery request shall not be filed with the Circuit Clerk.

(c) For the purpose of this Rule, Discovery shall include:

Interrogatories (Supreme Court Rule 213)
Discovery of Documents, Objects, and Tangible Things (Supreme Court Rule 214)
Discovery Deposition (Rule 210)
Request to Admit (Rule 216)

(d) When necessary to the determination of any motion, a copy of all relevant discovery materials shall be attached as an exhibit to the motion and filed with the Clerk.

6-2 Days for Taking Depositions. Unless otherwise agreed by the parties or ordered by the Court, depositions shall not be taken on Saturdays, Sundays or court holidays.

6-3 Supreme Court Rule 218 Case Management Procedures are mandatory only for civil cases in which money damages sought exceed $50,000.00, i.e. cases with Case Code Letter "LA". In all other civil cases, Rule 218 shall be invoked at the discretion of the assigned judge. (Approval by Supreme Court pending)

RULE 7. PRE-TRIAL PROCEDURE

7-1 Dismissal for Want of Prosecution

(a) Procedure. In all cases where no appeal is pending and there has been no action of record for a period of one (1) year, the Court may summarily dismiss the cause of action for want of prosecution and it shall not thereafter be redocketed without good cause shown and leave of Court.

(b) Notice. Upon dismissal of any cause for want of prosecution, the Clerk of the Court shall give all *pro se* parties and all attorneys of record notice of the dismissal within ten (10) days of the dismissal. Such cases shall not be redocketed if a motion to reinstate is not filed within thirty (30) days from the date of said notice.

RULE 8. SPECIAL RULES PERTAINING TO FAMILY CASES

8-1 Family Cases Defined. Family cases are defined as any proceedings for an order or judgment relating to dissolution, legal separation or invalidation of marriage, paternity, support, custody, visitation, allocation of parental responsibilities (decision- making or parenting time), removal, relocation, third-party visitation, and related matters, including all ancillary proceedings.

8-2 Notice of Dispute as to Child Custody or Allocation of Parental Responsibilities. If either child custody or allocation of parental responsibilities (decision-making or parenting time) is in dispute, the plaintiff will so inform the Court upon the filing of the initial pleadings, or as soon thereafter that a dispute is known to exist. In such a case, the Court may order a background investigation, and/or appoint a Guardian *ad Litem* and may order that one or both parties deposit with the Clerk of the Court all or a reasonable portion of the costs thereof.

8-3 Financial Affidavit

(a) Filing of Financial Affidavit. Unless otherwise ordered by the Court, the parties shall file a Financial Affidavit in all family cases where there is a dispute involving attorney's fees, property, maintenance, support, child custody and/or allocation of parental responsibilities (decision-making or parenting time), or modification of any previous orders relating thereto.

(b) The Financial Affidavit shall be in the current form designated by the Illinois Supreme Court. A copy of the form Financial Affidavit currently designated by the Illinois Supreme Court, with further instructions, may be found on the Supreme Court official website.

(c) Sealing of Financial Affidavits. Unless otherwise ordered by the Court, any Financial Affidavit presented for filing shall be sealed by the Clerk and shall be made available only to the Court, to an appellate court in which the proceedings are subject to review, to the parties and their attorneys of record, and to such other persons as the Court directs.

(d) Time for Filing. Financial Affidavits, when required, shall be filed within the same time period set forth in 750 ILCS 5/602.10 for submitting proposed parenting plans, or at least five (5) days prior to the hearing on contested issues, whichever is sooner, or as otherwise ordered by the court. If such Affidavit has been filed for purposes of a hearing on temporary relief, an additional Affidavit need not be filed prior to hearing for permanent relief unless there has been a substantial change of anything included therein.

8-4 Statement of Proposed Disposition. In addition to the Financial Affidavit required in Rule 8-3, if there are any issues in dispute, each party shall file a written statement of proposed disposition, addressing all issues (both agreed and contested), within the same time period set forth in 750 ILCS 5/602.10 for submitting proposed parenting plans, or at least five (5) days prior to the hearing on contested issues, whichever is sooner, or as otherwise ordered by the court. If issues relating to custody, visitation or allocation of parental responsibilities are in dispute, the proposed disposition shall include a party's proposed parenting plan as may be required by 750 ILCS 5/602.10. If the issue of property apportionment is in dispute, the parties shall submit a statement of proposed apportionment, which shall include an itemization of all property claimed as marital and non-marital together with an estimated fair cash market value of each item. If the issue of apportionment of marital indebtedness is in dispute, the statement shall also include a proposed apportionment of marital indebtedness and shall include a listing of any non-marital indebtedness for which either party is currently liable.

8-5 Requirements for Judgment

(a) It shall be the responsibility of the person seeking to affect the marital status of the parties, or his or her attorney, to present to the Court for prove-up, in a single package and prior to the commencement of any testimony, the following:

(1) Proposed judgment order;

(2) Fully completed Certificate of Dissolution, Declaration of Invalidity or Legal Separation;

(3) Fully completed uniform order for payment of support or maintenance, if applicable;

(4) Signed original of any written agreement of the parties that has been, or will be, testified to or that is to be incorporated in the Judgment or Declaration;

(5) Obligor order for any fee to Circuit Clerk pursuant to 750 ILCS 5/711, if support or maintenance is ordered;

(6) Certificate that the person seeking to affect the marital status of the parties has completed the parenting education program as provided in Supreme Court Rule 924, unless the Court waives this requirement or grants the parties additional time to complete this requirement.

(b) Failure to provide said package to the Court prior to the hearing as set forth in Rule 8-5(a), or failure to establish jurisdiction of the court over all parties and the subject matter, may result in the Court not hearing the matter at the requested time for hearing.

(c) On request and in the Court's sole discretion, the Court may consider entry of the proposed judgment without either party appearing before the Court in person, if:

(1) All items required by Section 8-5(a) have been presented to the Court;

(2) The Court file establishes jurisdiction of the court over all Parties and over the subject matter; and

(3) There is on file a verified petition establishing that there are no children born of the marriage, that there are no pending contracts for adoption and that neither party is currently pregnant.

RULE 9. MEDIATION – FAMILY LAW

9-1 Statement of Purpose. Mediation for cases involving disputed child custody, visitation, removal, allocation of parental responsibilities (decision-making or parenting time), relocation, third-party visitation, or a parenting plan, is adopted as the policy of the Twenty-Fourth Judicial Circuit of Illinois. The mediator's role is to allow the participants to define and clarify their differences with the intention of improving relationships and understanding. Parties are required to use mediation as a method of resolving such contested issues unless an impediment to mediation is found to exist.

9-2 Definitions

(a) These rules adopt by reference the definitions of "mediation", "mediation communication", "mediator", "non-party participant" and "mediation party" contained in 710 ILCS 35/2 of the Illinois Uniform Mediation Act as if fully set forth herein, and the following definitions.

(b) "Shuttle mediation" is a variant of the standard process in which the mediator meets separately with each party so that direct communication is only with the mediator who relays information, defines issues and suggests possible solutions as the participants remain in separate rooms.

(c) 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, which 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 under these rules to mediate.

9-3 Subject Matter of Mediation. Initially, court referred mediation will be limited to issues of custody, visitation, removal, allocation of parental responsibilities (decision-making or parenting time), relocation and third-party visitation. The parties may, by written agreement, choose to mediate child support, child related expenses or any other issues, provided the parties notify the mediator these issues will be in dispute.

(a) If financial issues are agreed to be mediated, then the parties, shall, at a minimum, within five (5) days prior to mediation, submit to the mediator an updated financial affidavit, signed by the parties with all required documentation, a summary of property

and debts currently in dispute with a classification of property and debt as marital or nonmarital.

(b) The parties understand additional costs will be likely if they are mediating financial issues and said issues will be mediated at a separate time than the child-related issues.

9-4 Duties of the Mediator

(a) At or prior to the initial session, the mediator will contact the parties and their attorneys and notify them of the process to initiate mediation. The mediator will also send out any mediation agreements or information to all necessary parties to the mediation prior to mediation being scheduled. At minimum, this initial communication shall:

(1) Determine the issues to be mediated;

(2) Explain that no legal advice, therapy or counseling will be provided by the mediator.

(3) Disclose the nature and extent of any existing relationships with the parties or their attorneys and any personal, financial, or other interests that could result in bias or conflict of interest on the part of the mediator;

(4) Encourage each party to obtain independent legal counsel;

(5) Inform the parties that:

(i) mediation can be suspended or terminated at the request of either party after four (4) hours of mediation, or in the discretion of the mediator as outlined in Rule 4(a)(5)(ii);

(ii) the mediator may suspend or terminate the mediation: (1) if an "impediment to mediation" exists; (2) if either party is acting in bad faith (3) appears not to understand the negotiation, after reasonable efforts to address their lack of understanding have been made; (4) the prospects of achieving a reasonable agreement appear unlikely; or (5) if the needs and interests of the minor children are not being considered. In the event of a suspension or termination, the mediator may suggest a referral for outside professional services;

(6) Explain that the mediation process is confidential;

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

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

(9) Advise each party that they may be accompanied to mediation by an attorney or an advocate or another person only if both parties and the mediator agree in advance. Said individual may then participate in the mediation or be available for consultation while mediation is in progress as has been agreed upon in advance.

(10) Advise each party that children are not normally allowed to participate in mediation based upon the purpose of mediation; to-wit, to allow the parties to exercise their self-determination and reach a voluntary agreement and avoid the negative impact participation may have on the children. However, in appropriate situations children may be allowed to participate in mediation so long as all parties and the mediator consent to said participation, in writing, and each parent or the child's representative or guardian *ad Litem*, if applicable, has the right to withhold consent.

(b) Shuttle Mediation. Shuttle Mediation may be utilized as deemed appropriate by the mediator.

(c) Reporting Risk of Bodily Harm and Abuse

(1) A mediator shall promptly reveal information to the appropriate law enforcement agency to the extent it appears necessary to prevent a party from committing an act that would result in death or serious harm;

(2) Attorneys shall reveal information required by Rule 1.6 "Confidentiality of Information" under the Illinois Rules of Professional Conduct;

(3) The mandated reporting requirement of the Abuse and Neglected Child Reporting Act, 325 ILCS 5/1 et seq., as applied to mental health professionals, shall also apply to all mediators.

(d) Conduct of Mediators. The mediator shall comply with the "Model Standards of Conduct for Mediators" adopted in August 2005, as may be amended from time to time, by the American Bar Association, the American Arbitration Association, and the Association for Conflict Resolution to the extent that said standards do not conflict with any rule set forth in this mediation program.

(e) Written Agreements. The mediator shall summarize, in writing, the agreements reached by the parties in a format that would facilitate this summary being later signed by the parties as their final agreement. A copy of this summary shall be given to the parties and their attorneys, if any. The mediator shall advise each party to obtain legal assistance in drafting any final agreement or in reviewing the summary or in reviewing any agreement drafted by the other party. The mediator shall advise the parties that decisions reached during mediation are not binding until reviewed by the attorneys, if the parties are represented by counsel, and approved by the court. Under no circumstances shall the summary or agreement drafted in mediation be filed with the Court.

9-5 Qualifications of Mediators

(a) Mediators must be a licensed attorney, retired attorney, judge or retired judge and completed specialized training in family mediation consisting of a court-approved course of study or certification. The requirements for training will be as directed by the office of Chief Judge.

(b) The mediator shall maintain an office within the Twenty-Fourth Judicial Circuit or a county contiguous thereto, or conduct mediation at an agreed location within the Twenty-Fourth Circuit.

9-6 List of Mediators

(a) Establishment of List. The Chief Judge shall establish a list of court approved mediators. The Chief Judge may require any biographical or other relevant information from an applicant in order to determine whether the applicant should be included on the list. For good cause shown, the Chief Judge reserves the right to reject the application of any person who applies and to remove any mediator from the list.

(b) Pro Bono Requirement. Each court-certified mediator shall agree to mediate without compensation when a court has determined that mediation might be beneficial and that the parties are indigent and have no resources to compensate a mediator. The Chief Judge, or the person designated by the Chief Judge, shall keep a record of the cases involving indigent persons assigned to each mediator, to ensure a fair distribution of these cases to all mediators. By requesting inclusion on the list, each mediator agrees to handle without any fee, one (1) mediation involving indigent persons within a twelve (12) month period. The pro bono requirement may be met under this rule or under Rule 10 involving civil mediation.

9-7 Referral Procedure

(a) 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 per agreement of the parties from the list of court approved family mediators. In absence of any agreement, the court shall assign a mediator from the list of qualified mediators. A Mediation Order shall be issued and signed by the court. A mediation status date will be set approximately forty-five (45) days from the date the Mediation Order was issued and allocate how mediation fees are to be paid.

(b) After entry of a Mediation Order by the Court, the absence of a party at a mediation session may result in sanctions, including reasonable costs to the other party for mediation and attorney's fees upon a finding of contempt.

9-8 Mediator Report

(a) A Mediator Report, in compliance with 710 ILCS 35/7(b) must be filed prior to the status date (if mediation has completed) and within fourteen (14) days after the last day of the mediation conference, and shall state the following:

(1) Whether an agreement has been reached by the parties;

(2) The number and duration of sessions conducted to date and the names of those in attendance;

(3) Whether mediation has been terminated or suspended.

(4) The fee charged, whether that fee has been paid in full and, if not so, the outstanding amount owed. For any outstanding amount owed, the court may

direct the parties to pay said amount and establish what percentage each party will pay;

(5) Whether any additional mediation sessions are recommended;

(6) Other relevant information not considered privileged or confidential under these rules or the Uniform Mediation Act 710 ILCS 35/1 *et seq* which is adopted and incorporated herein to the extent same is not inconsistent with the procedural rules set forth in this mediation program;

(7) Whether any of the parties did not have legal counsel.

(b) 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.

9-9 Litigation Status

(a) Temporary Orders. The court may issue temporary orders prior to or during mediation.

(b) Discovery. Unless otherwise ordered by the court, discovery shall be ongoing prior to or during mediation.

(c) Attorney Letter to Mediator. Each attorney may submit a letter to the mediator providing information with regard to the legal status of the case, including temporary or permanent orders which have been entered by the court and a statement of the unresolved legal issues. The attorney shall provide a copy of such letter to the opposing counsel or party. The letter provided by the attorney to the mediator shall not be confidential and may be disclosed by the mediator to both participants. The attorneys and mediator shall not have further communication with regard to the mediation process except if agreed by the parties in writing.

(d) The mediator may not be called as a witness in litigation nor shall any conversations or statements in mediation be admissible.

9-10 Termination of Mediation on Motion of a Party

(a) Judicial Determination. Any party may move the court at any time for a ruling that a case is ineligible for mediation based upon the factors set forth in 9- 2(c) notwithstanding a contrary determination by a mediator.

(b) Filing a Motion. Any such motion must be supported by an affidavit setting forth specific facts as to why mediation should be terminated.

RULE 10 CIVIL MEDIATION

10-1 Purpose of the Mediation Process. Mediation under these rules involves a confidential process whereby a neutral mediator, selected by the parties or appointed by the court, assists the litigants in reaching a mutually acceptable agreement. It is an informal and non-adversarial process. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, exploring settlement alternatives, and reaching an agreement. Parties and their representatives are required to mediate in good faith.

10-2 Actions Eligible for Civil Mediation

Referral by Judge or Stipulation. The judge to whom a matter is assigned may order into mediation any issue in any contested civil matter asserting a claim filed as or appropriately classified as a civil case, including Law, Chancery and Probate cases, not otherwise covered under Rule 9. In addition, the parties to any such matter may file a written stipulation to mediate any issue between them at any time. Such stipulation shall be incorporated into an order of referral.

10-3 Mediation Rules and Procedures

(a) Appointment of the Mediator:

(1) Within fourteen (14) days of the Order of Referral, by agreement of the parties, the court shall designate:

(i) A certified mediator; or

(ii) A mediator who does not meet the certification requirements of these rules but who, in the opinion of the parties and upon review by and approval of the presiding judge, is otherwise qualified by training or experience to mediate all or some of the issues in the particular case.

(2) If the parties cannot agree upon a mediator within fourteen (14) days of the Order of Referral, the court shall appoint a certified mediator from the list of civil mediators maintained by the Chief Judge.

(b) Compensation of the Mediator

(1) When the mediator is selected by the parties, the mediator's compensation shall be paid by the parties as agreed upon between the parties and the mediator.

(2) When the parties cannot agree on a mediator. The compensation for a mediator shall be shared proportionately by all parties participating in the mediation conference, unless otherwise ordered by the court.

(c) Disqualification of a Mediator. Any party may move to enter an order disqualifying a mediator for good cause. If the court rules that mediator is disqualified from hearing a case, an order shall be entered setting forth the name of a qualified replacement. Nothing in this provision shall preclude mediators from disqualifying themselves or refusing any assignment. The time for mediation shall be tolled during any periods in which a motion to disqualify is pending.

(d) Interim or Emergency Relief. A party may apply to the court for interim or emergency relief at any time. Mediation shall continue while such a motion is pending absent a contrary order of the court or a decision of the mediator to adjourn pending disposition of the motion.

(e) Attendance at a Mediation Conference

(1) All parties, attorneys, representatives with settlement authority, and other individuals necessary to facilitate settlement of the dispute shall be present at each mediation conference unless excused by court order or by the mediator. A party is deemed to appear at a mediation conference if the following persons are physically present:

(i) The party or its representative having full authority to settle without further consultation, and in all instances, the plaintiff must appear at the mediation conference; and

(ii) The party's counsel of record, if any; and

(iii) A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to negotiate and recommend settlements to the limits of the policy or the most recent demand, whichever is lower without further consultation.

(2) Upon motion and finding of contempt, the court may impose sanctions against any party, or attorney, who fails to comply with this rule, including, but not limited to, mediation costs and reasonable attorney fees relating to the mediation process.

(f) Adjournments. The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference. No further notification is required for parties present at the adjourned conference.

(g) Counsel. The mediator shall at all times be in control of the mediation and the procedures to be followed in mediation. Counsel shall be permitted to communicate privately with their clients.

(h) Communication with Parties. The mediator may meet and consult privately with either party and his/her representative during the mediation process.

(i) Termination of Mediation

(1) Mediation shall be completed within seven (7) weeks of the first mediation conference unless extended by the order of the court or by stipulation of the parties.

(2) Mediation shall terminate prior to the end of seven (7) weeks in the following circumstances:

(i) All issues referred for mediation have been resolved;

(ii) The parties have reached an impasse, as determined by the mediator;

(iii) The mediator concludes that the willingness or ability of any party to participate meaningfully is so lacking that an agreement on voluntary terms is unlikely to be reached by prolonging the negotiations.

(j) Report of Mediator. Within fourteen (14) days after the termination of mediation for any reason, the mediator shall file with the court a report in a form prescribed by the Chief Judge as to whether or not an agreement was reached by the parties. The report shall be signed by the mediator and shall designate, "full agreement," "partial agreement" or "no agreement".

(k) Discovery. Whenever possible, the parties are encouraged to limit discovery (prior to completing the mediation process) to the development of the information necessary to facilitate a meaningful mediation conference. Discovery may continue throughout mediation.

(l) Confidentiality of Communications. All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.

(m) Immunity. Mediators shall be entitled to such immunity as shall be provided by law.

10-4 Mediator Qualifications

(a) The Chief Judge shall maintain a list of mediators who have been certified by the court and who have registered for appointment. For certification, a mediator of circuit court civil matters in this circuit must:

(1) Complete a civil case mediation training program approved by the Chief Judge of the Twenty-Fourth Judicial Circuit Court of Illinois;

(2) Be an attorney in good standing, retired attorney, judge or retired judge;

(3) Be of good moral character; and

(4) Submit an application that is approved by the Chief Judge or his designee.

(b) Mediator General Standards. In each case, the mediator shall comply with such general standards as may, from time to time, be established and promulgated in writing by the Chief Judge of the Circuit Court of the Twenty-Fourth Judicial Circuit.

(c) Decertification of Mediators. The eligibility of each mediator to retain the status of a certified mediator shall be periodically reviewed by the Chief Judge, who retains the discretion to remove mediators from the list.

(d) Mediator Pro Bono Requirement. Each court-certified mediator shall agree to mediate without compensation when a court has determined that mediation might be beneficial and that the parties are indigent and have no resources to compensate a mediator. The Chief Judge, or the person designated by the Chief Judge, shall keep a record of the cases involving indigent persons assigned to each mediator, to ensure a fair

distribution of these cases to all mediators. By requesting inclusion on the list, each mediator agrees to handle without any fee, one (1) mediation involving indigent persons within a twelve (12) month period. The pro bono requirement may be satisfied under this Rule or Rule 9 involving family mediation.

RULE 11 SPECIAL RULES PERTAINING TO PROBATE CASES

11-1 Probate Cases Defined. Probate cases are defined as any proceedings filed for the primary purpose of obtaining an order or judgment opening or administering a decedent's estate, a minor's guardianship of the person or estate, or a disabled adult guardianship of the person or estate; other cases traditionally using the PR or GR case filing codes; and all ancillary proceedings.

11-2 Admission of Will to Probate

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

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

(c) All Other Wills. In addition to all requirements of 755 ILCS 5/6-2, a petition for the admission of a will to probate shall have attached thereto a copy of the will believed by the petitioner to be the valid last will of the testator.

11-3 Proof and Declaration of Heirship and Distributive Rights (Testate or Intestate)

(a) Manner of Proving Heirship. When a petition for admission of a will to probate or for letters of administration is filed, proof of heirship shall be made by:

(1) The testimony of a witness examined in open court, reduced to writing by the official court reporter, certified by the court and filed with the clerk; or

(2) Affidavit as provided in Section 5-3 of the Probate Act.

(b) Proof of Heirship. The proof of heirship shall be made by any person with sufficient knowledge of facts from which heirship can be determined.

(c) Affidavit Regarding Heirship. An affidavit of heirship shall include the following:

(1) The date and place of death of the decedent;

(2) Whether the decedent left a surviving spouse. The affidavit should also address prior marriages ending in death or divorce and the children born to or adopted by the decedent from each marriage;

(3) The names of all children, if any, born or adopted by the decedent. The affidavit shall specifically state that there are no other children, born or adopted.

(4) The date of death and the descendants, born or adopted, if any, of any deceased child. The affidavit shall specifically state that there are no other descendants, born or adopted.

(5) If there is no spouse or descendants, born or adopted, the parents, brothers and sisters and the descendants of any deceased brother or sister, born or adopted. The affidavit shall specifically state that there are no other brothers, sisters or the descendants of any deceased brother or sister, born or adopted.

(6) The manner in which the affiant is related to the decedent. If the affiant is not related to the decedent, the affidavit shall adequately establish the basis of the affiant's knowledge of the decedent's heirship.

(7) An assertion of any unknown heirs or addresses which shall specifically state what diligent efforts have been made to ascertain the same.

(8) The concluding section shall trace the per stirpes relationship of each heir to the decedent; for example, "A, grandson of decedent, being a son of B, predeceased daughter of decedent," or, "A, nephew of decedent, being a son of B, predeceased sister of the decedent."

(9) The affidavit shall state whether the decedent was ever a party to a civil union pursuant to the Illinois Religious Freedom Protection and Civil Union Act, or any substantially similar legal relationship recognized by any other state.

(d) Order Declaring Heirship. At the time of filing of an affidavit pursuant to Section 5-3 of the Probate Act, the representative shall submit to the Circuit Clerk a separate proposed Order Declaring Heirship which shall reflect the language contained in the concluding section of the affidavit.

(e) Amended Order Declaring Heirship. If the order declaring heirship is incomplete or erroneous, an amended proof of heirship shall be made as provided in this Rule and an amended order declaring heirship shall be entered, as appropriate.

(f) Change in Distributive Rights. If there is a change in distributive rights during the administration of an estate, including a change resulting from death, renunciation, disclaimer or other election provided by law, upon motion of any person or the court's own motion, an appropriate order shall be entered determining the substituted takers.

11-4 Bonds and Sureties

(a) Individuals. When an individual is offered as security on a bond of a legal representative, the surety shall state his or her residence address below their signature, and when requested by the court, shall furnish a verified affidavit stating that he or she owns net assets of a value which equals or exceeds the amount of the bond.

(b) Written Bond. Regardless of whether security is excused by the will or as provided in subsection (b) of Section 12-4 of the Illinois Probate Act, the bond of the representative in the amount from time to time required under the Illinois Probate Act shall be in writing and signed by the representative.

11-5 Expenditures from Ward's Estate. A petition of a guardian to apply any part of the ward's estate for the support, comfort, or education of the ward or other person entitled to support from his or her estate shall state the present value of the estate, the annual income available to the ward, and the purpose of the proposed expenditure. It further shall list all payments being received by the ward or by petitioner either individually or as guardian on behalf of the ward, including Social Security payments, disability or benefit payments from the Veteran's Administration or other governmental agency or department, or other assistance from a charitable or relief organization, payment from a trust, or from one having an obligation to support the ward.

11-6 Withdrawal of Ward's Money

(a) Petition to Withdraw. A petition to withdraw funds deposited or invested, as provided in Section 24-21 of the Illinois Probate Act, or pursuant to this rule, shall be presented in person by the parent, spouse, person standing in loco parentis, or person having the responsibility of custody of the ward, unless personal presentation is waived by the court. The petitioner may be required to furnish evidence that the sums to be withdrawn or proceeds of sale or redemption are necessary for the ward's support, comfort, education, or other benefit to the ward or his dependents. Unless otherwise

excused by the Court, within 30 days after entry of the order for withdrawal, the petitioner shall file receipts for all sums expended. All unexpended funds shall be redeposited in accordance with Section 24-21 of the Illinois Probate Act.

(b) Minor Beneficiary of Decedent's Estate. If a minor is entitled to a distributive share of a decedent's estate and: (1) The share consists entirely of money, and (2) No guardian has been appointed for his estate, the Court, upon a showing under oath that it is in the best interests of the minor, may direct the distributive share to be deposited and paid out in accordance with Section 24-21 of the Illinois Probate Act. A receipt of the bank or other financial institution is a voucher for accounting purposes.

11-7 Dormant Estates. Whenever the Court determines that there has been no activity in an estate for a period of not less than one (1) year, the Court may set the estate for status call and direct the Clerk to give notice of the time, date and place to the attorney of record, the personal representative, or both, at their last known address. At the status call, if nobody appears and the Court finds that the estate is dormant and cannot be conveniently terminated, the Court shall proceed pursuant to Section 11-8(d) of these rules.

11-8 Periodic Accounting

(a) When Required--Executor/Administrator. Every executor and administrator shall present the account and evidence of disbursements required by Section 24-1 of the Illinois Probate Act:

(1) Within 14 months after the issuance of letters;

(2) Annually after the date of the first account; and

(3) At such other times as the Court may order.

(b) When Required--Guardian. Every guardian shall present the account and evidence required by Section 24-11 of the Illinois Probate Act:

(1) Within 13 months after the issuance of letters;

(2) Annually after the date of the first account;

(3) Within 30 days after the termination of his office; and

(4) At such other times as the Court may order.

(c) Requests for Extension of Time to File. Requests for an extension of time to a definite date or for an order allowing the accounting in a particular estate less frequently than above provided shall be made by written request of the personal representative, or his or her attorney, specifying the reasons for the request. On a showing of good cause, this request may, in the Court's discretion, be considered by the Court without notice or hearing; provided, the personal representative, or his or her attorney, shall then be directed to provide notice to all interested parties of any new hearing date.

(d) Periodic Accounting Not Filed. In any case in which an account has not been filed within the time specified in paragraphs (a) and (b) above or on the date certain set by court order, the following procedure is prescribed:

(1) The clerk shall mail to the attorneys of record in the estate, or, if none, to the representative, a notice that the account is due together with a notice of the date and time for a hearing on the account.

(2) If the account is not filed on or before the date of the hearing on the account, the Court shall direct the Clerk to issue a Rule to Show Cause directing the personal representative to account as required or to appear on a date fixed by the Court to show cause why he or she should not do so, or be removed as personal representative, or be held in contempt of court.

(3) If the personal representative fails to account or to appear as directed, or if, having appeared, he or she fails or refuses to account as required or to show cause why he should not do so, his or her letters may be revoked and he or she may be subject to contempt of court.

(4) At the time of the issuance of a Rule to Show Cause required by this rule, the Clerk shall mail notice of the pendency of the contempt proceeding, and return date thereof, to all persons interested in the administration of the estate, including unpaid creditors.

(e) Notice of Accounting. Notice of the hearing on any account intended to be binding pursuant to Section 24-2 or Section 24-11 of the Illinois Probate Act shall be provided as follows:

(1) Unless waived by the person entitled thereto, the notice of hearing shall be given to the ward (if any), to each claimant whose claim is filed and remains

undetermined or unpaid (if any), and to all other interested persons (as defined by Section 1-2.11 of the Illinois Probate Act, if any).

(2) The notice of hearing shall contain the time, date, place and nature of the hearing and shall include the following or a substantially similar statement: "If the account is approved by the judge upon hearing, in the absence of fraud, accident or mistake, the account as approved is binding upon all persons to whom this notice is given."

(3) The notice of hearing shall be given and served in accordance with Supreme Court Rules 11 and 12.

11-9 Independent Administration--Status Report. Whenever an order is entered granting independent administration in a decedent's estate pursuant to Section 28-2 of the Illinois Probate Act, a status date shall be set for a date certain fourteen (14) months after the entry of the order. Upon the failure of counsel or the independent representative to appear on that status date, the Court shall proceed as set forth in Rule 11-8(d).

11-10 Settlement of Claims

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

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

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

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

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

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

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

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

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

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

(f) Deposit and Investment of Funds. Any settlement funds that are to be received by a legal representative on behalf of a minor shall be required by court order to be deposited or invested for the benefit of the minor in accordance with the provisions of Section 24-21 of the Illinois Probate Act. These funds shall not be withdrawn or used without approval by court order.

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

11-11 Citation Proceedings

(a) Proposed Citation and Order. Any petition for a citation as contemplated by Section 16-1 of the Illinois Probate Act that is presented to the Clerk for filing shall first be accompanied by the proposed citation as requested in the petition, with a return date that has been coordinated with the Clerk, and by a proposed order granting the petition and directing the issuance of the citation. If the petition is not accompanied by the proposed citation or the proposed order, the Clerk shall reject the petition.

(b) Procedure Upon Filing. Upon the filing of any petition for a citation as contemplated by Section 16-1 of the Illinois Probate Act, with the proposed citation and the proposed order required by Rule 11-11(a), the Circuit Clerk shall file such petition of record and then present the petition, the proposed citation and the proposed order to the presiding judge for entry of the order.

(c) Procedure for Issuance of Citation. Upon entry of an order directing the clerk to issue a citation, the Clerk shall issue the citation in accordance with the provisions of Section 16-1 of the Illinois Probate Act.

11-12 Guardian *ad Litems*

(a) The appointment of a guardian *ad Litem* for an alleged disabled adult, pursuant to Section 11a-10 of the Illinois Probate Act, or of a guardian *ad Litem* for a minor, pursuant to Section 11-10.1 of the Illinois Probate Act, shall terminate upon termination of the guardianship, and the guardian *ad Litem* shall be deemed discharged from further duties as of the date of termination, unless sooner ordered by the court (whether on motion of the guardian *ad Litem* or otherwise).

(b) Any guardian *ad Litem* appointed for a minor, an alleged disabled adult or a disabled adult in a probate or guardianship case brought under the provisions of the Illinois Probate Act shall be compensated for his or her reasonable time spent in fulfilling the duties of the guardian *ad Litem*. Absent an agreement by the guardian and guardian *ad Litem*, the fee shall be determined by the presiding judge.

12. SPECIAL RULES REGARDING INCARCERATED INDIVIDUALS

12-1 Review. Upon filing of *pro se* proceedings by an individual incarcerated in a penal institution (including petitions seeking *mandamus, habeas corpus*, common law writ of *certiorari*, post judgment petitioners pursuant to 735 ILCS 5/2-1401 or any other civil litigation, but excluding post-conviction proceedings which are filed in the original criminal case and governed by the Post-Conviction Hearing Act 725 ILCS 5/122 *et seq*), the Clerk of the Circuit Court shall, prior to the issuance of summons, direct the pleadings to the Resident Circuit Judge, or his designee, for Judicial review. The Court may review *pro se* pleadings to determine if the action is a colorable claim or a frivolous action clearly without merit. The initial review is necessary to properly manage resources of the Court system and prohibit abusive behavior. The fact that an action proceeds does not prohibit the Court from imposing sanctions, including those contained in Article XXII of the Code of Civil Procedure 735 ILCS 5/22-105 *et seq* governing frivolous lawsuits by incarcerated individuals.

12-2 Motions. Unless otherwise ordered by the assigned Judge, argument on Motions will be done in writing to avoid unnecessary writs from penal institutions.