

RULES OF PRACTICE

FOR THE

FIFTH JUDICIAL

CIRCUIT OF ILLINOIS

Updated April, 2015

**RULES OF PRACTICE
FOR THE FIFTH JUDICIAL CIRCUIT
OF ILLINOIS**

	PAGE
RULE I. JUDICIAL ADMINISTRATION	
(A) Chief Judge	
(1) Selection of the Chief Judge	1
(2) Acting Chief Judge	1
(3) Vacancy in the Office of Chief Judge	1
(B) Presiding Judge	
(1) Designation of Presiding Judge	1
(2) Duties of the Presiding Judge	1
(C) Judicial Assignments	
(1) Assignments by the Chief Judge	2
(2) Assignments by the Presiding Judge	2
(3) Assignments of Successor Judge	2
(D) Judicial Meetings	
(1) Circuit Judges	2
(2) Associate Judges	2
(3) Special Meetings	2
(E) Court Personnel	
(1) Court Complement	2
(2) Duties of Bailiff	2
(3) Duties of Clerk	2
(4) Duties of Court Reporters	3
RULE II. JURORS, TERMS OF SERVICE, SUMMONS & EXCUSE	
(A) Grand Jurors	3
(B) Petit Jurors	3
(C) Assessment of Costs for Unnecessary Call of Jury Panel	3
(D) Jury Excuses	3
(E) Jury Commission	3

RULE III. APPEARANCES, TIME TO PLEAD & WITHDRAWAL

(A)	Written Appearances	3
(B)	Time to Plead	3
(C)	Appearance and Withdrawal of Attorneys	
(1)	Written Appearance	3
(2)	Withdrawal of Attorney	4
(D)	Admission of Foreign Attorneys in Isolated Cases	
(1)	Application for Admission	4
(2)	Order for Admission	4
(3)	Contents of Application	4
(E)	Appearance by a Two-Way Audio/Video Communication System	4

RULE IV. MOTIONS

(A)	Motion Practice	
(1)	Notice	5
(2)	Content of Notice	5
(3)	Service of Notice	5
(4)	Time of Notice	5
(5)	Summary Judgment	5
(6)	Coordination of Hearing Date	6
(7)	Failure to Call Motions for Hearing	6
(8)	Memoranda of Law and Authorities	6
(B)	Ex Parte and Emergency Motions	
(1)	Ex Parte Applications	6
(2)	Notice Not Required	6
(3)	Notice After Hearing	6

RULE V. DISCOVERY PRACTICE

(A)	Written Interrogatories	6
(B)	Days for Taking Depositions	6
(C)	Restrictive Filing	6
(D)	Criminal Cases	7

RULE VI. PRE-TRIAL PROCEDURE

(A)	Supreme Court Rule 222		
	(1) Compliance with Rule 222	7	
	(2) Affidavit Re Damages Sought		7
(B)	Case Management Conferences		
	(1) Compliance with Supreme Court Rule 218	7	
	(2) Initial Case Management Conference	7	
	(3) Necessity and Purpose of Case Management Conferences	7	
	(4) Case Management Memorandum	7	
(C)	Settlement Prior to Trial	7	
(D)	Pre-trial Marking of Exhibits	8	
(E)	Trial Memorandum		
	(1) Preparation and Use	8	
	(2) Unusual Statutes	8	

RULE VII. RECEIVERS

(A)	Disqualifications	8	
(B)	Exception	8	
(C)	Attorneys for Receivers	8	
(D)	Inventories of Receivers	8	
(E)	Appraisal for Receivers		
	(1) Appraisers	9	
	(2) Appraisal by Receiver	9	
(F)	Reports of Receivers		
	(1) Time of Filing	9	
	(2) Forms	9	
(G)	Receivers' Bonds		
	(1) Personal Sureties	9	
	(2) Surety Companies	9	

RULE VIII. SPECIAL RULES PERTAINING TO MATRIMONIAL CASES

(A)	Matrimonial Cases Defined	9	
-----	---------------------------	---	--

(B)	Record of Proceedings	9
(C)	Financial Affidavit	
(1)	Affidavit of Moving Party	9
(2)	Affidavit of Responding Party	10
(3)	Failure to File Affidavit	10
(4)	Confidentiality	10
(D)	Support Payments	10
(E)	Acknowledgment of Non-Client's Signature	10
(F)	Coordination of Child Custody Proceedings	10
(G)	Attorney Qualifications and Education in Child Custody Proceedings	10
(H)	Parenting Education	11
(I)	Mediation	12
(1)	Definitions	12
(a)	Mediation	12
(b)	Impediment	12
(2)	Mediation Mandatory in Certain Cases	12
(a)	Matters Subject to Mediation	12
(b)	Prerequisite to Mediation	12
(c)	Commencement of Mediation	12
(d)	Discovery	13
(3)	Cases Ineligible for Mediation	13
(4)	Referral Assignment Procedure	13
(a)	[Procedure]	13
(b)	Conflict of Interest	13
(c)	Ethical Conduct	14
(5)	Qualifications of Mediators	14
(a)	Requirements	14
(b)	Continuing Education	15
(c)	Establishment of List	15
(d)	Denial/Removal from List	15
(e)	Pro Bono Requirement	15
(6)	Mediation Process	15
(a)	Commencement	15
(b)	Reporting Risk of Bodily Harm	16
(7)	Applications of Safeguards in Case of Impediment	16
(a)	Duty to Assess	16
(b)	Safety	16

	(c) Competency or Good Faith	17
	(d) Effect of Termination	17
(8)	Confidentiality	17
	(a) Privacy of Sessions	17
	(b) Confidentiality	17
	(c) [Disclosure]	18
(9)	Attendance and Termination of Mediation	18
	(a) Attendance	18
	(b) Termination or Suspension	18
	(c) Notice to Court	18
	(d) Sanctions for Failure to Appear	19
	(e) Termination with Agreement	19
	(f) Termination Without an Agreement	19
	(g) Reporting Procedures	19
	(h) Appointment of Child Representation/GAL	20
(10)	Entry of Judgment or Order	20
	(a) Presentation of Order	20
	(b) Approval by Court	20

RULE IX. SPECIAL RULES PERTAINING TO SMALL CLAIM ACTIONS

(A)	Issuance of Summons	20
(B)	Corporations	20
(C)	Initial Appearance by the Parties	20
(D)	Denial of Claim	20
(E)	Vacating Default Judgment	20
(F)	Dismissal for Lack of Activity	21
(G)	Matter Under Advisement	21
(H)	Post Judgment Matters	21

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

(A)	Contents of Petition	21
(B)	Appointment of Guardian Ad Litem	21
(C)	Attorney's Fees	22

(D)	Order Approving Settlement	22
(E)	Vouchers	22
(F)	Deposit and Investment of Funds	22
(G)	Annuity Payments to Minor's Estate	22
RULE XI.	JUDGMENTS, ORDERS AND DECREES	
(A)	Entry of Judgments, Order and Decrees	22
(B)	Dismissal for Want of Prosecution	22
RULE XII.	CASES UNDER ADVISEMENT	23
RULE XIII.	COURT FACILITIES	
(A)	Committee Appointed by Chief Judge	23
(B)	Correction of Deficiencies in Court Facilities	23
RULE XIV.	SPECIAL RULES PERTAINING TO CRIMINAL PROCEEDINGS	23
(A)	Defendant's Appearance in Court Through a Two Way Audio-Visual Communication System	23
RULE XV.	COURT-ANNEXED CIVIL MEDIATION	24
(A)	Introduction	24
(B)	Governing Practice	24
(C)	Actions Eligible for Mediation	24
(D)	Conduct of the Mediation Conference	25
(E)	Mediator Requirements	26
(F)	Other Requirements	26
(G)	Participation by Counties Within the Circuit	27
RULE XVI.	RULES OF THE COURT, FIFTH JUDICIAL CIRCUIT	27
(A)	Prior Rules Repealed	27

(B) Amendment of the Rules	27
(C) Rules Filed with Administrative Office	27
GENERAL ORDER	28
APPENDICES	
Appendix A, Rule VI(B)(4) Case Management Memorandum	29-31
Appendix B, Rule VI(E)(1) Trial Memorandum	32
Appendix C, Rule VIII(C)(1)&(2) Notice of Filing Financial Affidavit	33
Appendix D, Rule VIII(C)(1)&(2) Financial Affidavit	34-45
Appendix E, Rule IX(C) Notice of Default Judgment	46
Appendix F, Rule VIII(I)(8)(b) Confidentiality Agreement	47
Appendix G, Rule VIII(I)(9)(g)(1) Mediator's Report	48
Appendix H, Rule VIII(I)(9)(g)(2)	49-50
Appendix I, Rule VIII(I)(9)(g)(3)	51-53

**RULES OF PRACTICE
FOR THE
FIFTH JUDICIAL CIRCUIT OF ILLINOIS**

RULE I. JUDICIAL ADMINISTRATION

(A) Chief Judge.

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

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

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

(B) Presiding Judge.

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

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

(C) **Judicial Assignments.**

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

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

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

(D) **Judicial Meetings.**

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

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

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

(E) **Court Personnel.**

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

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

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

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

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

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

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

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

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

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

RULE III. APPEARANCES, TIME TO PLEAD & WITHDRAWAL

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

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

(C) Appearance and Withdrawal of Attorneys.

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

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

(D) Admission of Foreign Attorneys in Isolated Cases.

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

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

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

(E) Appearance by a Two-Way Audio/Video Communication System.

(1) An incarcerated defendant may appear in court for pre-trial and post-trial proceedings by means of a two-way audio-visual communication, including closed circuit television, internet system, computerized video conference, or other audio-visual means in the following proceedings:

1. The initial appearance before a judge on a criminal contempt complaint;
2. The waiver of a preliminary hearing;
3. The entry of a not guilty plea;
4. The presentation of a jury waiver;
5. Any status hearing;
6. Any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken;
7. Any hearing on a motion for continuance;
8. The setting of any hearing or pre-trial or post-trial matter;
9. Any other non-critical state proceeding at which no witness testimony will be taken.

(2) An incarcerated defendant must be personally present in court for all guilty pleas, trials, or evidentiary hearings and motions.

(3) The two-way audio-visual communication facilities must provide a two-way audio-visual communication between the Court and the place of custody or confinement, and must include a private and secure means by which the person in custody and his or her

counsel, if any, may communicate. However no separate private communications need be provided if no counsel has been appointed or if no counsel has entered and appearance for the person in custody.

(4) Nothing in this Rule shall be construed to prohibit any other court appearance through the use of two-way audio-visual communication by any person in custody or confinement upon his/her waiver of any right to be physically present.

(5) Nothing in the Rule shall be construed to establish a right of any person held in custody or confinement to appear in court through two-way audio-visual communication or to require that any court, governmental entity, or place of custody or confinement, provide two-way audio-visual communication.

(6) Nothing in the Rule shall prohibit any judge from requiring any held in custody or confinement to appear in person in court, and not by audio-visual means. Such requirement in-court appearance may be either on a case by case basis, or may be pursuant to a judge's continuing general order.

RULE IV. MOTIONS

(A) Motion Practice.

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

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

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

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

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

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

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

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

(B) Ex Parte and Emergency Motions.

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

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

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

RULE V. DISCOVERY PRACTICE

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

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

(C) Restrictive Filing. Unless otherwise ordered by the court, notices of depositions, transcripts of discovery depositions, interrogatories, requests pursuant to Supreme Court Rules 214 or 216, answers or responses thereto and other discovery documents shall not be filed with

the clerk of the court except as necessary to resolve disputed issues of procedure, fact, or substantive law or pursuant to Supreme Court Rule 207(b)(1).

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

RULE VI. PRE-TRIAL PROCEDURE

(A) Supreme Court Rule 222.

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

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

(B) Case Management Conferences.

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

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

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

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

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

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

(E) Trial Memorandum.

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

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

RULE VII. RECEIVERS

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

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

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

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

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

(E) Appraisal for Receivers.

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

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

(F) Reports of Receivers.

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

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

(G) Receivers' Bonds.

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

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

RULE VIII. SPECIAL RULES PERTAINING TO MATRIMONIAL CASES

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

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

(C) Financial Affidavit.

(1) Affidavit of Moving Party. In all proceedings involving petitions for attorneys fees, court costs, maintenance, support and/or custody of children and modification of any previous orders relating thereto, the moving party shall prepare and file a financial affidavit,

including a computation of arrearage if alleged due (Suggested Form, Appendix D) with proof of service pursuant to Supreme Court Rule 11, showing service not less than 10 days prior to the hearing unless for good cause shown the court otherwise directs.

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

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

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

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

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

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

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

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

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

(a) Each attorney shall be licensed and in good standing with the

Illinois Supreme Court.

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

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

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

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

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

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

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

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

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

(H) Parenting Education. In accordance with Supreme Court Rule 924, the parties in

all dissolution of marriage cases involving a child and all parentage cases, except when excused by the court for good cause shown, shall attend and complete an approved parenting education program within sixty days after the initial case management conference and file with the court a certificate attesting to that parent's successful completion of the program.

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

(1) Definitions.

(a) Mediation. When the word “mediation” is used herein, it means a cooperative process for resolving conflict with the assistance of a trained court-appointed, neutral third party, whose role is to facilitate communication, to help define issues, and to assist the parties in identifying and negotiating fair solutions that are mutually agreeable. Fundamental to the mediation process described herein are principles of safety, self-determination, procedural informality, privacy, confidentiality, and full disclosure of relevant information between the parties. Mediation is based on a full disclosure of all facts related to the disputes so that a fair and equitable agreement can be achieved by the parties.

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

(2) Mediation Mandatory in Certain Cases.

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

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

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

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

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

(3) Cases Ineligible for Mediation.

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

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

(4) Referral Assignment Procedure.

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

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

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

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

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

5. In cases where a litigant can only communicate in a language other than English, the court will make a good-faith effort to provide a mediator, and a pro bono attorney where applicable, and/or interpreter who speaks the language of the litigant who needs English assistance.

(b) Conflict of Interest.

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

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

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

(5) Qualifications of Mediators.

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

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

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

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

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

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

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

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

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

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

(6) Mediation Process.

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

1. Determine the issues to be mediated;
2. Explain that no legal advice, therapy or counseling will be provided;
3. Disclose the nature and extent of any existing relationships with the parties or their attorneys and any personal, financial, or other interests that could result in bias or conflicts of interest on the part of the mediator;
4. Inform each party of his/her right to obtain independent legal counsel;
5. Inform the parties that:
 - a. mediation can be suspended or terminated at the request of either party after three hours of mediation, or in the discretion of the mediator as outlined in Rule (6)(a)(5)(b);
 - b. the mediator may suspend or terminate the mediation if an impediment exists, if either party is acting in bad faith or appears not to

understand the negotiation, if the prospects of achieving a responsible agreement appear unlikely, or if the needs and interests of the minor children are not being considered. In the event of a suspension or termination, the mediator may suggest a referral for outside professional services;

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

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

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

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

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

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

(7) Applications of Safeguards in Case of Impediment.

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

(b) Safety. If an impediment affecting safety arises during the course of mediation, the mediator shall adjourn the session to confer separately with the parties,

may implement appropriate referrals to community service providers, shall advise the parties of their right to terminate and either shall:

1. Terminate mediation when circumstances indicate that the protective measures are inadequate to maintain safety; or
2. Proceed with mediation after consulting separately with each party to ascertain whether mediation in any format should continue.

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

1. Suspend mediation when there is a reasonable likelihood the impaired condition of an affected party is only temporary; or
2. Terminate mediation when circumstances indicate an affected party's ability to negotiate cannot be adequately restored.

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

(8) Confidentiality.

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

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

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

(c)

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

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

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

(9) Attendance and Termination of Mediation.

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

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

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

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

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

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

(g) Reporting Procedures.

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

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

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

4. Reports to the Supreme Court. The Chief Judge or his/her designee shall provide for the maintenance of records of mediations conducted pursuant to these rules. The information shall include the number of custody, visitation, and removal cases referred to mediation, the number of custody, visitation, and removal cases where mediation was referred but did not proceed, the number of cases referred on a pro bono basis, the number of cases where there was a full settlement, the number of cases where there was a partial settlement, and the percentage of cases wherein the parties were satisfied or unsatisfied with the process. Such information shall be furnished to the Supreme Court through its administrative office quarterly or at such other interval as may be directed.

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

(10) Entry of Judgment or Order.

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

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

RULE IX. SPECIAL RULES PERTAINING TO SMALL CLAIMS ACTIONS

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

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

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

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

(E) Vacating Default Judgment. Petitions to vacate default judgment shall be

presented to the Judge entering the judgment.

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

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

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

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

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

1. A description of the occurrence giving rise to the cause of action.
2. The name and address of the person or entity against whom the cause of action has accrued.
3. The name and address of the liability insurance carrier, if any, affording coverage to the person or entity against whom the cause of action has accrued, and the monetary limits of the liability insurance policy issued by said insurance carrier in effect at the time of the occurrence.
4. A brief description of the injuries sustained by the minor and a list of hospital and medical expenses incurred on behalf of said minor as a result of the occurrence, and a current medical report or letter executed by the attending physician stating the nature and extent of the injuries sustained and giving the prognosis.
5. The terms of any settlement offer and a statement by the attorney for the petitioner of his or her opinion as to the fairness of the proposed settlement and a recommendation as to whether the offer should be approved.

(B) Appointment of Guardian Ad Litem. In cases where no independent attorney has been employed by the legal representative of the minor or ward, the court may appoint an attorney as guardian ad litem to investigate the merits of the proposed settlement and to report

his or her findings and recommendations before approval of the proposed settlement. In the event the appointed guardian ad litem does not recommend the approval of the proposed settlement, the appointed guardian ad litem shall not represent as a private attorney the legal representative or any of the parties having an interest in the case, but may continue as such guardian ad litem with reference to any revised offer of settlement so long as the legal representative has not employed independent counsel for the case. The court shall fix an appropriate fee for the guardian ad litem to be taxed as costs in the case.

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

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

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

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

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

RULE XI. JUDGMENTS, ORDER AND DECREES

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

(B) Dismissal for Want of Prosecution. All cases in which no appeal is pending, and in which there has been no action of record for a period of one year, may be dismissed by the

court upon notice and shall not thereafter be redocketed without good cause shown. Unless otherwise directed by the court, counsel shall be excused from personal appearance at the docket call by filing prior to the date of hearing a signed statement summarizing the out-of-court activity in the case during the preceding year, when further activity in court is likely to occur, and representation of counsel that he or she intends to prosecute the case to a final disposition.

RULE XII. CASES UNDER ADVISEMENT

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

RULE XIII. COURT FACILITIES

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

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

Rule XIV. SPECIAL RULES PERTAINING TO CRIMINAL PROCEEDINGS

(A) Defendant's Appearance in Court Through a Two Way Audio-Visual Communication System.

(1) Pursuant to 725 ILCS 5/106D-1, a criminal defendant in the custody of a county sheriff in this circuit may appear in that county's court for the purposes listed herein by means of a two way audio-visual communication system where the county sheriff maintains such a system possessed of the following features:

(a) the criminal defendant and judge can see and hear each other simultaneously;

(b) the criminal defendant can see all other persons participating in the proceedings in the courtroom;

(c) a separate, private telephone line has been established for private communication between the criminal defendant and his or her attorney; and

(d) the criminal defendant is first provided by jail personnel with a copy of the charging instrument filed against him or her.

(2) The following types of proceedings may be conducted by means of the two way audio-visual communication system described above, without the criminal defendant's personal appearance in court:

(a) an initial appearance before a judge on a criminal complaint at which bail will be set;

(b) an appearance to waive a preliminary hearing;

(c) an arraignment on an information or indictment at which a plea of not guilty will be entered;

(d) an appearance to present a jury waiver;

(e) an appearance for a status hearing or hearing on a motion to continue which does not involve a witness confrontation; and

(f) an appearance for any hearing conducted under the Sexually Violent Persons Commitment Act at which no witness testimony will be taken.

RULE XV. COURT-ANNEXED CIVIL MEDIATION

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

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

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

(C) Actions Eligible for Mediation. Any Small Claims (SC), Law Minor (LM), or Law (L) case may be referred to mediation at any point in the life of the case between the date of

filing and entry of the final order. Referral to mediation is at the discretion of the Court. Parties may also request mediation. If there is an order of protection between the parties, then mediation shall not take place until further inquiry of the Court.

(D) Conduct of the Mediation Conference.

(1) Confidentiality of Communications. Confidentiality in the Court-Annexed Civil Mediation program is governed by the Illinois Uniform Mediation Act, 710 ILCS 35 et al. (the “Act”). All mediation communications as defined in the Act shall be exempt from discovery and shall be inadmissible as evidence in a proceeding unless waived or precluded as provided in 710 ILCS 35/5 or unless an exception to privilege exists in 710 ILCS 35/6. Mediation communications are also confidential to the extent agreed by parties.

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

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

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

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

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

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

(8) Completion of Mediation. The mediator or the parties may conclude the mediation at any time. If mediation does not result in an agreement, the Court may schedule a

trial date for the case. If mediation does result in an agreement, the parties will present the agreement to the Court. The judge retains discretion to enter judgment in the case.

(E) Mediator Requirements.

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

- (a) complete an application;
- (b) complete a training of at least 32 hours approved by the Presiding Judge;
- (c) co-mediate a minimum of three (3) cases following training;
- (d) participate in mediator meetings, as announced;
- (e) abide by the Model Standards of Conduct for Mediators; and
- (f) maintain confidentiality as prescribed in the Illinois Uniform Mediation Act.

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

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

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

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

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

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

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

- (d) The request of the mediator to be decertified; or
- (e) At the discretion of the Chief Judge.
- (f) Other Requirements.

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

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

RULE XVI. RULES OF THE COURT, FIFTH JUDICIAL CIRCUIT

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

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

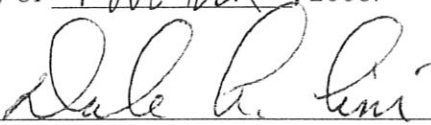
(C) Rules Filed with Administrative Office. All rules of this court shall be filed with the Director of the Administrative Office of the Illinois Courts, Springfield, Illinois, within 10 days after adoption pursuant to Supreme Court Rule 21(c).

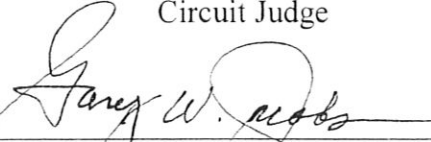
FOR THE FIFTH JUDICIAL CIRCUIT OF ILLINOIS


IN THE CIRCUIT COURT

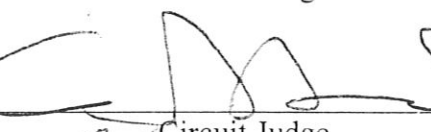
GENERAL ORDER

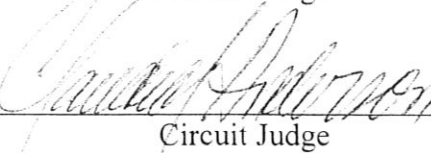
The UNDERSIGNED, being all of the Circuit Judges of the Fifth Judicial Circuit, pursuant to authority vested in them by Rule 21 of the Supreme Court Rules of the State of Illinois, DO HEREBY ADOPT the attached Uniform Rules of Practice governing Civil Cases, for and as the Rules of Practice in the Fifth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

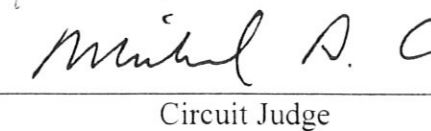

Circuit Judge



Circuit Judge



Circuit Judge

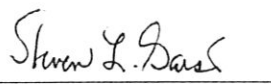

Circuit Judge


Circuit Judge

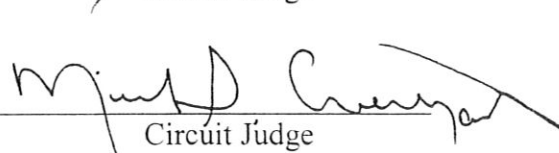

Circuit Judge


Chief Circuit Judge


Circuit Judge


Circuit Judge


Circuit Judge


Circuit Judge

CASE MANAGEMENT MEMORANDUM

1. Case Title: _____ vs.

2. Case No: _____

3. Plaintiffs:

(a) _____	_____	_____
Name	Age	Address

(b) _____	_____	_____
-----------	-------	-------

(c) _____	_____	_____
-----------	-------	-------

4. Defendants:

(a) _____	_____	_____
-----------	-------	-------

(b) _____	_____	_____
-----------	-------	-------

(c) _____	_____	_____
-----------	-------	-------

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

6. Factual Summary and Theory of Liability or Defense.

7. Describe in detail the complexity of the case.

8. Suggestions for simplification of the issues.

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

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

APPENDIX A
Rule VI(B)(4)

11. Suggested limitations on discovery:

A. Depositions to be taken:

(1) Number _____

(2) Duration _____

B. Opinion witnesses:

(1) Area(s) of expertise: _____

(2) Number _____

C. Deadlines:

(1) Disclosure of opinion witnesses:

_____, 20____.

(2) Completion of written discovery and depositions:

_____, 20____.

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

_____, 20____.

13. Advisability of alternative dispute resolution.

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

_____, 20____.

15. Suggested date for next case management conference.

_____, 20____.

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

17. Estimated time for trial _____ days.

18. Defendant's insurance carrier:

A. Name _____

B. Policy Limits \$ _____

Attorney preparing this memorandum: _____

Client(s) represented _____

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

Signature

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

TRIAL MEMORANDUM

PLAINTIFF: George Green
1341 Sheridan Road
Waukegan, Illinois

COUNSEL: Smith, Joes & Smith
By Harold Smith
1 North LaSalle Street
Chicago, Illinois

vs.

General No.

DEFENDANT(S): Mary Black
1465 Atlantic Avenue
Waukegan, Illinois
and
Gerald Riley
R. R. No. 1
Antioch, Illinois

COUNSEL: Black, Brown & White
By George Black
301 Washington Street
Waukegan, Illinois

DATE, TIME & PLACE: Automobile accident at intersection of Route 120 and
Route 41 in Lake County, Illinois, on Saturday May 1,
1960, at about 8:30 p.m.

NATURE OF CASE: This is a suit for personal injuries and property damage
brought by George Green against Mary Black as principal
and Gerald Riley as her agent. Negligence is charged.
George Green was driving South on Rt. 41 and at the
intersection of Rt. 120 a collision occurred with an
automobile owned by Mary Black and being driven east by
Gerald Riley.

NAME OF PERSONS WHO MAY
BE CALLED AS WITNESSES: Joseph Reed, Champaign, Illinois
Jill Blue, Danville, Illinois
Officer Barney Silver, Paris Police Department, Paris, IL

APPENDIX B
Rule VI(E)(1)

PROOF OF SERVICE

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

_____,
Petitioner,

vs,

Case # _____-D _____

_____,
Respondent,

NOTICE OF FILING FINANCIAL AFFIDAVIT

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

(name of attorney)

(address)

(city, state, zip code)

Date: _____

Attorney for _____

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

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

IN RE: THE MARRIAGE OF

_____,
Petitioner,

and

No. _____

_____,
Respondent.

FINANCIAL AFFIDAVIT

1. My Name and Age: _____.

2. Address: _____

3. Date of this Marriage: _____.

4. Date of this Dissolution: _____.

5. Names and ages of children to this marriage:

The children reside with: _____.

6. Names, age, and relationship of other children of prior marriages:

a. Living with you:

b. Living with others – designate who:

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

7. Name of Employer: _____.
8. Length of time employed there: _____.
9. Position: _____.
10. Frequency of pay periods: _____.
11. Gross wages on most recent W-2 form: _____.
12. If hourly, state hourly rate: _____.
13. if salaried, state salary in weekly terms: _____.
14. If self-employed, you must attach hereto your most recent Federal and State income tax returns, plus a detailed income sheet which includes your present income and expenses.

INCOME

All income information hereafter MUST be stated in WEEKLY terms and all deductions MUST be based (not upon what is actually being withheld) but what should be withheld for your ACTUAL marital status plus total dependents of yourself and ONLY those children listed in Paragraph #5 for which you receive the tax exemption.

15. Average current gross weekly wage: _____.
16. Marital status for withholding as calculated herein: _____.
17. Exemptions for withholding as calculated herein: _____.
18. Deductions:
- 1) Social Security \$ _____
 - 2) Federal Income Tax \$ _____
 - 3) State Income Tax \$ _____
 - 4) Medical Insurance \$ _____
 - 5) Union Dues \$ _____

6) Other (List in detail)

_____ \$ _____

_____ \$ _____

_____ \$ _____

TOTAL DEDUCTIONS: \$ _____

19. Average Current NET weekly wage for support calculation:

\$ _____.

20. Average current NET monthly wage:
(Above Net times 52 divided by 12)

\$ _____.

NOTE; YOU MUST ATTACH A COPY OF YOUR FOUR (4) MOST RECENT
PAYCHECK STUBS.

21. Income from other sources:

<u>Source</u>	<u>Amount</u>	<u>Frequency</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

22. I (do/do not) have medical insurance at place of employment.

23. My spouse (does/does not) have medical insurance at place of employment.

ESTIMATED EXPENSES

24. Household:

	<u>Monthly</u>	<u>Weekly</u>
a. Rent or house payment	_____	_____
b. Repair & upkeep	_____	_____
c. Housekeeper & yard work	_____	_____

d. Insurance and taxes (not including house payment)

e. Other (specify)

TOTAL _____

25. Utilities:

a. Electricity

b. Gas

c. Water & sewer

d. Telephone

e. Trash removal

f. Cable T.V.

g. Other (specify)

Monthly

Weekly

TOTAL _____

26 Food:

	<u>Monthly</u>	<u>Weekly</u>
a. Food, milk, household supplies	_____	_____
b. School lunches & meals outside home	_____	_____
c. Other (specify)		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	TOTAL	_____

27. Clothing:

	<u>Monthly</u>	<u>Weekly</u>
a. Clothing, self	_____	_____
b. Clothing, children	_____	_____
c. Laundry & dry cleaning	_____	_____
d. Other (specify)		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	TOTAL	_____

28. Medical care (after insurance reimbursement):

	<u>Monthly</u>	<u>Weekly</u>
a. Self: Doctor & Dentist	_____	_____
b. Self: Drugs & Medical Supplies	_____	_____
c. Children: Doctor & Dentist	_____	_____
d. Children: Drugs & Medical Supplies	_____	_____
e. Medical and Dental Insurance	_____	_____
f. Other (specify)		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
	TOTAL	_____

29. Transportation:

	<u>Monthly</u>	<u>Weekly</u>
a. Car payment	_____	_____
b. Repair & maintenance	_____	_____
c. Insurance	_____	_____
d. Gas & oil	_____	_____
e. Bus fare/parking	_____	_____

f. Other (specify)

TOTAL

30. Miscellaneous:

	<u>Monthly</u>	<u>Weekly</u>
a. Babysitter/child care	<hr/>	<hr/>
b. School & school supplies	<hr/>	<hr/>
c. Church/contributions	<hr/>	<hr/>
d. Newspaper, magazines & books	<hr/>	<hr/>
e. Barber & beauty shop	<hr/>	<hr/>
f. Union/professional dues	<hr/>	<hr/>
g. Voluntary retirement contributions	<hr/>	<hr/>
h. Children's allowance	<hr/>	<hr/>
i. Recreation/entertainment	<hr/>	<hr/>
j. Family pets	<hr/>	<hr/>
k. Family gifts	<hr/>	<hr/>
l. Child support and maintenance to others	<hr/>	<hr/>

m. Other (specify)

TOTAL _____

TOTAL AVERAGE MONTHLY EXPENSES: _____

TOTAL AVERAGE WEEKLY EXPENSES: _____

DEBTS

NOTE: DO NOT include those listed under expenses.

31.

<u>Name</u> <u>Creditor</u>	<u>Balance</u> <u>Owed</u>	<u>Date of</u> <u>Last</u> <u>Payment</u>	<u>Amount of</u> <u>Payment &</u> <u>Frequency</u>	<u>Purpose</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

TOTAL PAID MONTHLY ON SAID DEBTS: _____

ASSETS

32.

<u>Assets</u>	<u>Your Opinion of Market Value</u>	<u>Amount of Liens on this Property</u>	<u>Net Value</u>
a. Checking acct.:	\$ _____	_____	_____
b. Savings/Share acct.:	\$ _____	_____	_____
c. Stocks/Bonds:	\$ _____	_____	_____
d. IRA:	\$ _____	_____	_____
e. Pension/Profit Sharing:	\$ _____	_____	_____
f. Life Insurance Cash Value:	\$ _____	_____	_____
g. Real Estate:			
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
h. Household Goods in your possession:	\$ _____	_____	_____
i. Autos:			
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
j. Other: (describe)			
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____
_____	\$ _____	_____	_____

OTHER

33. Here set forth any additional facts which you believe are relevant to a true and accurate expression of your current financial circumstances:

- A. _____
- B. _____
- C. _____
- D. _____
- E. _____

SUMMARY

Net Monthly Income From Salary/Wages:	\$ _____	Average Monthly Expenses:	\$ _____
Plus Net Monthly Income from Other Sources:	\$ _____	Plus Average Monthly Debt Retirement:	\$ _____

TOTAL MONTHLY TOTAL MONTHLY

NET INCOME:	\$ _____	EXPENSES:	\$ _____
-------------	----------	-----------	----------

DATED this _____ day of _____, 20_____.

Signed

Subscribed and sworn to before me, a Notary Public, this _____ day of _____.
20_____.

Notary Public

NOTE: Financial Affidavits are to be served contemporaneous with the filing of any motion or petition for pre-judgment relief, and with any motion or petition for post-judgment relief. Pre-trial statements are to be filed not less than three (3) days prior to the scheduled hearing to permit the presiding judge to review the same in advance of the hearing.

SANCTIONS WILL BE IMPOSED FOR FAILURE TO COMPLY WITH THE RULES
RELATIVE TO FINANCIAL AFFIDAVITS AND PRE-TRIAL PROCEEDINGS.

If full disclosure is made by all parties in preparing the affidavits and the pre-trial statements, then expensive discovery of financial matters will not be required.

COMPUTATION OF ARREARAGE

ASSUME: Child support is due each Friday with the first payment due on the Friday immediately following the date of the order, unless otherwise ordered.

Make a computation for each year separately.

Beginning date of Obligation or Last Order: _____

Balance due under last order (Date: _____) \$ _____

Due	Paid through Clerk	+ or -
_____	_____	_____
(# of Fridays from Beginning or Last Order x weekly rate)		

20 _____ x \$ _____ = \$ _____ minus \$ _____ = \$ _____

20 _____ x \$ _____ = \$ _____ minus \$ _____ = \$ _____

20 _____ x \$ _____ = \$ _____ minus \$ _____ = \$ _____

20 _____ x \$ _____ = \$ _____ minus \$ _____ = \$ _____

20 _____ x \$ _____ = \$ _____ minus \$ _____ = \$ _____

Total arrearage as of _____ \$ _____

*If any computations from other than Clerk's office, note here:

**Any money due for medicals or other:

Respondent must prepare and present his own computation if any disagreement with the above computation.

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

PRIMARY DIVISION

Plaintiff

vs.

No. _____ SC _____

Defendant

NOTICE OF DEFAULT JUDGMENT

To: (Name) _____

(Address) _____

(City, State, Zip Code) _____

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

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

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

DATED this _____ day of _____, 20 ____.

Clerk of the Circuit Court

APPENDIX E
Rule IX(C)

CONFIDENTIALITY AGREEMENT

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

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

DATED: _____

SO AGREED:

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

MEDIATOR REPORT

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

Referring Judge: _____ Court Name/County: _____

1. **Type of case:**

- ☐ Divorce ☐ Paternity ☐ Post-judgment
☐ Custody ☐ Guardianship ☐ Other _____

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

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

4. **Mediation:**

A. ☐ Was not held because:

- ☐ An agreement was reached prior to mediation
☐ One or both parties failed to attend
☐ An impediment was found to exist
☐ Other reason _____

B. ☐ Took place

Date began: _____/_____/_____ Date ended: _____/_____/_____

Number of sessions: _____

Total hours in mediation for all sessions: _____ Hours of preparation: _____

Fee/Rate per hour or case: \$ _____ Total amount: \$ _____

C. ☐ Has been continued

5. **Participants to the mediation:**

- ☐ Mother ☐ Father ☐ Guardian ad litem
☐ Mother's attorney ☐ Father's attorney ☐ Step-Parent/s: (number) _____
☐ Children: (number) _____

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

(Check all that apply)

	Full Agreement	Partial Agreement	No Agreement
<input type="checkbox"/> Child Custody	[]	[]	[]
<input type="checkbox"/> Child Visitation	[]	[]	[]
<input type="checkbox"/> Removal to another state	[]	[]	[]

7. **Interpreter Needed:**

- ☐ No
☐ Yes If yes: ☐ Requested and provided ☐ Requested and not provided

Signed: _____ Date: _____

STATISTICAL TERMINATION RECORD

FIFTH JUDICIAL MEDIATION PROGRAM

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

Case Number _____ County _____

Referring Judge: _____ Mediator: _____

Referral Source: _____ Attorney _____ Court Order _____ Self-Referred
_____ Other

Pro Bono Referral: No _____ Yes _____

Interpreter Needed: No _____ Yes _____

If you answered yes to the above question, please answer the following: _____ Requested
and Provided or _____ Requested and not provided

Was mediation required by a joint parenting agreement? _____ Yes _____ No

Parties involved in mediation: _____ Mother _____ Father _____ Grandparents
_____ Other Relatives _____ Other Adults

Did children participate in mediation sessions? _____ Yes _____ No _____ How many
_____ When (i.e., first session, last session)

Length of time couple was _____ separated or _____ divorced prior to the beginning of
mediation _____.

When did mediation begin _____ prior to judgment of dissolution hearing or _____ after
final initial court settlement; post decree

Original issues presented for mediation: _____ Custody _____ Visitation _____ Both
_____ Other.

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

Issues mediated/ended in:

(Check all that apply)	Full Agreement	Partial Agreement	No Agreement
____ Child Custody	[]	[]	[]
____ Child Visitation	[]	[]	[]
____ Removal to another state	[]	[]	[]

Other issues resolved during mediation? _____

Other issues that surfaced during mediation which were not resolved? _____

Did mediation result in an agreement by both parties? ____ Yes ____ Written or
____ Verbal ____ Signed or ____ Unsigned ____ No

If no agreement was reached, was mediation terminated by: ____ Mediator ____ Couple
____ Wife ____ Husband ____ All agreed to terminate ____ No Show

Mediation was not held because: ____ An agreement was reached prior to mediation
____ One or both parties failed to attend ____ An impediment was found to exist
____ Other reason, if so please explain _____

Total number of sessions in mediation _____

Total number of hours in mediation _____

Time span required in mediation process:

Date of initial session _____ Date of termination session _____

Total cost of mediation: _____

EVALUATION FOR PARTIES

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

Case Name: _____

Case Number: _____

Mediator Name: _____

Date of Mediation: _____

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

☐ Parent

☐ Other: _____

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

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

☐ Not at all clearly

☐ Somewhat clearly

☐ Very clearly

☐ The mediator didn't explain what would happen.

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

☐ I was able to talk about none of the issues and concerns that were most important to me.

☐ I was able to talk about some of the issues and concerns that were most important to me.

☐ I was able to talk about most of the issues and concerns that were most important to me.

☐ I was able to talk about all of the issues and concerns that were most important to me.

	Not at all	Somewhat	Very much
4. Did you have the opportunity to express your feelings in mediation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

5. Did the mediator keep you focused on what was best for the children?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	--------------------------

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

☐ Not at all better

☐ Somewhat better

☐ Much better

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

☐ Not at all

☐ Some

☐ A lot

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

☐ No

☐ Yes

- | | | | |
|--|------------|----------|-----------|
| | Not at all | Somewhat | Very well |
| 9. How well did the mediator understand what was important to you? | [] | [] | [] |
| | Not at all | Somewhat | Very much |
| 10. Did the mediator treat you with respect? | [] | [] | [] |
| 11. Did the mediator treat you fairly? | [] | [] | [] |
| 12. Did the mediator push too hard to get you to settle? | | | |
| [] Yes, the mediator pushed too hard | | | |
| [] No, the mediator did not push too hard | | | |
| 13. What was the outcome of the mediation? | | | |
| [] We reached agreement on all the issues in the case | | | |
| [] We reached agreement on some of the issues in the case | | | |
| [] We didn't reach agreement on any issues in the case | | | |

If you REACHED AGREEMENT, please answer the following questions:

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

- | | | | | |
|---|---------------------|-------------|-----------|-------------------|
| | Very
Unsatisfied | Unsatisfied | Satisfied | Very
Satisfied |
| 16. How satisfied are you with the <u>outcome</u> of the mediation? | [] | [] | [] | [] |
| 17. Regardless of the outcome, how satisfied are you with your <u>overall experience</u> in the mediation session(s)? | [] | [] | [] | [] |
| 18. Would you use mediation again? | | | | |
| [] Yes | | | | |
| [] No | | | | |
| [] Possibly | | | | |
| Why or why not? _____ | | | | |

Please let us know more about your experience:

19. Things I liked about the mediation:

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

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

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

Age Range

☐ 18 - 24 ☐ 45 - 64
☐ 25 - 44 ☐ 65 +

Gender: ☐ Male ☐ Female

THANK YOU!