

Rules Of Practice

Circuit Court of Illinois

Fourth Judicial Circuit

Christian, Clay, Clinton, Effingham, Fayette, Jasper
Marion, Montgomery and Shelby Counties

Adopted November 16, 1984 Effective November 16, 1984
(Amended January 12, 2007)

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FOURTH JUDICIAL CIRCUIT

RULE 1. RULES OF COURT

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

1-2 Existing rules repealed: These rules shall become effective on November 16, 1984. All prior rules of the Circuit Court of the Fourth Judicial Circuit, State of Illinois, are hereby repealed.

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

1-4 Filing of rules: All rules, and amendments thereto, shall be filed with the Administrative Director of Illinois Courts within ten (10) days after they are adopted, in accordance with Supreme Court Rule 21. Same shall also be filed with the Clerk of the Circuit Court in each County of the Fourth Judicial Circuit, and shall be made available to all attorneys practicing in this Circuit, upon request, or by direction of the Chief Judge.

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

RULE 2. JUDICIAL ADMINISTRATION

2-1 Chief Judge Election and Term: The Chief Judge shall be elected during April in odd numbered years. The term shall be for two years, commencing July 1 following the election. Voting shall be by secret ballot, either in person or by proxy. The Chief Judge shall not serve more than four terms in succession. (Amended 10-10-03)

2-2 Acting Chief Judge: The Chief Judge shall designate one of the Circuit Judges to act as Chief Judge in his absence, who shall have the same powers and duties as Chief Judge.

2-3 Vacancy: Whenever a vacancy occurs in the office of Chief Judge, any two Circuit Judges may call a meeting of the Circuit Judges to select a Circuit Judge to fill such vacancy.

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2-4 Regular Meetings: The Circuit Judges and the Associate Judges shall meet quarterly, on the second (2nd) Friday in the months of January, April, July and

October. In the event any such regular meeting date falls on a court holiday, the meeting shall be on the first Friday thereafter which is not a court holiday.

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

RULE 3. JURORS -- TERM OF SERVICE

3-1 Grand Jurors: Grand Jurors shall be called by the Chief Judge or his designate. Each Grand Jury and the members thereof shall serve for a term determined by the Chief Judge and the Resident Circuit Judge of the particular county, but in any event shall not exceed eighteen months. Grand Jurors shall be summoned to appear on the days determined by the Judge assigned to criminal jury trials. After being impaneled, sworn and instructed by the Court, the Grand Jury shall sit at such time as the Court may order and may be recessed from time to time to a day certain, or subject to recall. (Amended 1-12-01, Effective 7-1-01).

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

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

3-4 Rules Applicable: The Grand Jury and Petit Jury are subject to the rules of the County Jury Commission if such commission has been established within the particular county.

RULE 4. APPEARANCES -- TIME TO PLEAD -- WITHDRAWAL

4-1 Appearances, time to plead and withdrawal: Appearances, time to plead and withdrawal of attorneys shall be in accordance with Supreme Court Rule 13, as amended from time to time.

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RULE 5. MOTIONS

5-1 Notice of Hearing of Motions:

(a) Notice Required: 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.

(b) Content of Notice: The notice of hearing shall designate the motion Judge, shall show the title and number of the action, and the date and time when the motion will be presented. Notice of motion to be made shall state 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.

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

(d) Time of Notice: If notice of hearing is given by personal service, the notice shall be delivered before 4:00 p.m. of the second court day preceding the hearing of the motion. Notice given by mail shall be in accordance with Supreme Court Rule 12.

(e) Summary Judgment: A motion for summary judgment will not be heard before ten (10) days after service of the notice of motion under Supreme Court Rule 11.

5-2 Ex parte and Emergency Motions:

(a) Ex Parte Applications: Every complaint or petition upon which it is sought to obtain ex parte an order for the appointment of a receiver, for a temporary restraining order, for a preliminary injunction or for an order of ne exeat shall be filed in the office of the Clerk, if that office is open, before application to a Judge for the order. (See Code of Civil Procedure, Sec. 2-1501, re: abolition of writs.)

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

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(c) Notice After Hearing: If a motion is heard without prior notice under this rule, written notice of the hearing of the motion showing the title and number of the action, the name of the Judge who heard the motion, date of the hearing, and the order of the Court thereon, whether granted or denied, shall be served by the attorney

obtaining the order upon all parties not theretofore found by the Court to be in default for failure to plead thereto; and proof of service thereof shall be filed with the clerk within two (2) days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

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

RULE 6. DISCOVERY

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

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

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

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

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

(d) Effective January 1, 1990, the Circuit Clerk is directed to refuse to accept any papers that are not permitted to be filed by this Rule.

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

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

6-3 Supreme Court Rule 218 Case Management Procedures are mandatory only for civil cases in which money damages sought exceed \$50,000.00, i.e. cases with Case Code Letter "L". In all other civil cases, Rule 218 shall be invoked at the discretion of the assigned judge. (Approved by Supreme Court 1-31-96.)

RULE 7. PRE-TRIAL PROCEDURE

7-1 Pre-trial Conferences:

- (a) Deleted as of April 15, 1991.
- (b) Deleted as of April 15, 1991.
- (c) Deleted as of April 15, 1991.

(d) Settlement Prior to Trial: In the event of settlement prior to trial, the attorneys for the parties shall notify the Judge promptly. If same occurs within seventy-two (72) hours preceding the time for commencement of trial, said attorneys shall additionally notify the Clerk of the Court, instanter, personally, in order that unnecessary juror expense can be avoided.

- (e) Deleted as of April 15, 1991.

7-2 Deleted as of April 15, 1991.

7-3 Dismissal for Want of Prosecution:

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

(b) Notice: Upon dismissal of any cause for want of prosecution, the Clerk of the Court shall give all pro se parties and all attorneys of record notice of the

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dismissal by regular U.S. Mail within ten (10) days of the dismissal. A copy of the notice with the Clerk's certificate of mailing shall be filed of record. Such cases shall not be redocketed if a motion to reinstate is not filed within thirty (30) days from the date of said notice.

7-4 Deleted as of April 5, 2002

7-5 Deleted as of April 5, 2002

RULE 8. SPECIAL RULES PERTAINING TO MATRIMONIAL CASES

8-1 Matrimonial Cases Defined: Matrimonial cases are defined as any proceedings for an order or judgment relating to dissolution, legal separation or invalidation of marriage, including all ancillary proceedings.

8-2 Notice of Dispute as to Child Custody: If the custody of the children of the parties are in dispute, the plaintiff will so inform the Court upon the filing of the Petition for Dissolution, or as soon thereafter that a dispute is known to exist. In such a case, the Court may order a background investigation, appoint a court consultant and/or Guardian ad Litem and may order that one or both parties deposit with the Clerk of the Court all or a reasonable portion of the costs thereof.

8-3 Financial Affidavit: In all proceedings where there is a dispute involving attorney's fees, property, maintenance, support and/or custody of children and modification of any previous orders relating thereto, the moving party shall file a Financial Affidavit, (Suggested Form - Appendix A), contemporaneously with the request for setting for hearing, or when otherwise ordered by the Court. Proof of service pursuant to Supreme Court Rule 11, shall be filed not less than fourteen (14) days prior to the hearing. The party responding to said petition shall file and serve a similar Affidavit not less than seven (7) days prior to said hearing. If such Affidavit has been filed for purposes of a hearing on temporary relief, an additional Affidavit need not be filed prior to hearing for permanent relief unless there has been a substantial change of anything included therein.

8-4 Statement of Proposed Property Disposition: If issues are in dispute, in addition to the Financial Affidavit, the parties shall submit, at least five (5) days prior to the hearing, a statement of proposed disposition on all contested matters. If issues relating to custody are in dispute, the statement shall include a party's proposal as to custody, visitation and support. If the issue of property apportionment is in dispute, the parties shall submit a statement of proposed apportionment, which shall include an itemization of all property claimed as marital and non-marital together with an estimated fair cash market value of each item. If the issue of apportionment of marital indebtedness

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is in dispute, the statement shall also include a proposed apportionment of marital indebtedness and shall include a listing of any non-marital indebtedness for which either party is currently liable. (Amended 7/11/03)

RULE 9. SMALL CLAIMS ACTIONS

9-1 Procedure:

(a) Response by the Defendant: After service of summons in a small claims action, the defendant may do any of the following:

(1) Notify the Clerk of the Court, in writing at least five (5) days prior to the appearance date on the summons, stating that he wishes to contest the claim and setting forth the title and number of the case, his name, address, telephone number and the name and address of the plaintiff and his attorney, if any, or;

(2) File a written motion or answer, or;

(3) Appear in person or by attorney on the appearance date, and admit or deny the allegations in the complaint.

(b) Failure of Defendant to Respond: If a defendant fails to respond as stated above, a default may be entered and judgment for the amount claimed, plus costs, may be taken against him.

(c) Setting of Trial Date: Upon being notified that the claim is contested, the Court shall fix a trial date and cause all parties to be notified of the time, date and place of trial.

(d) Summons Appearance Date Not Considered the Trial Date: Unless otherwise ordered by the Court, the appearance date as noted on the summons shall not be the date of the trial.

(e) Demand for Trial by Jury: Upon defendant's demand for trial by jury and payment of the jury fee, the Court shall automatically set the cause for trial and cause notice to be given. If jury demand is made by the plaintiff, the date for trial shall not be set until after the appearance date as noted on the summons.

(f) Notice of Small Claims Rule: The Clerk of the Court shall transmit with each summons a copy of this rule and any other information deemed necessary by the Court. Subsections (b) and (d) shall be in bold type in such notice.

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RULE 10. ADMINISTRATIVE RULES

10-1 Designation of Court Facilities: All court will be held in the County Courthouse of each County, unless otherwise specifically ordered by the Chief Judge.

10-2 Court Hours: Court shall convene daily at 9:00 a.m.

10-3 Signing of Orders and Judgments: The Judge will sign only the original order and/or judgment. Copies and certified copies will be prepared by the Clerk if requested.

10-4 Removal of Files: Original files, documents or exhibits shall not be removed from the office of the Circuit Clerk or courtroom except by leave of Court or the Clerk of the Court and without first filing a receipt therefore.

10-5 Representation: No pleading or entry of appearance for an opposing party shall be prepared or acknowledged by any attorney, members of his firm or employee.

10-6 The circuit clerks shall accept the filing of pleadings in any case only at such times as the office of the circuit clerk is open for business as set by the county board of each county or as set by the circuit clerk, as the case may be in each respective county.

RULE 11. MEDIATION – CHILD CUSTODY

11-1 Statement of Purpose:

Mediation for cases involving disputed child custody, parenting plan, child visitation, and removal of a child from the State of Illinois, is adopted as policy of the Fourth Judicial Circuit of Illinois. Mediation is a distinct practice, regardless of the mediator's core profession. The mediator's role is to allow the participants to define and clarify their differences with the intention of improving relationships and understanding. It is an exercise of their self-determination. This policy will promote amicable and practicable solutions to these issues. Parties are required to use mediation as a method of resolving such contested issues unless they are able to reach a fair agreement approved by the court or unless an impediment to mediation is found to exist. When a mediated resolution is appropriate for a case, these rules provide a format for mediation services. It is not the intention of the judges of the Fourth Judicial Circuit to avoid conducting contested hearings on these issues when appropriate. Rather, it is the intent of these rules to make available less costly and more amicable avenues of resolution when in the best interests of the parties and the minor children. The objective of mediation is not a settlement at any cost; rather it is to achieve a fair and reasonable agreement.

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11-2 Definitions:

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

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

(c) An “impediment to mediation” is any condition, including but not limited to domestic violence or intimidation, substance abuse, child abuse, mental illness or a cognitive impairment, which hinders the ability of a party to negotiate safely, competently, and in good faith. Pursuant to these rules, the identification of impediments in a case is necessary to determine whether mediation should be required, and to insure that only those parties having a present, undiminished ability to negotiate are directed by the Court under these rules to mediate.

11-3 Subject Matter of Mediation:

Initially, court referred mediation will be limited to custody, visitation, and removal issues. The parties may, by written agreement, choose to mediate child support, child related expenses or any other issues.

11-4 Duties of the Mediator:

(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 conflict of interest on the part of the mediator;
- (4) Encourage each party to obtain independent legal counsel;

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(5) Inform the parties that:

- (i) mediation can be suspended or terminated at the

request of either party after three (3) hours of mediation, or in the discretion of the mediator as outlined in Rule 4(a)(5)(ii);

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

(6) Explain that the mediation process is confidential;

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

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

(9) Advise each party that they may be accompanied to mediation by an attorney or an advocate or another person who may also participate in the mediation. Said individual may also be available for consultation for each participant while mediation is in progress.

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

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(b) Shuttle Mediation:

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

(c) Reporting Risk of Bodily Harm and Abuse:

(1) A mediator shall promptly reveal information to the

appropriate law enforcement agency to the extent it appears necessary to prevent a party from committing an act that would result in death or serious harm;

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

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

(d) Conduct of Mediators:

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

(e) Written Agreements:

The mediator shall summarize, in writing, the agreements reached by the parties which shall be signed by the parties and the mediator. A copy shall be given to the parties and their attorneys, if any. The mediator shall advise each party to obtain legal assistance in drafting any final agreement or in reviewing any agreement drafted by the other party. The mediator shall advise the parties that decisions reached during mediation are not binding until reviewed by the attorneys, if the parties are represented by counsel, and approved by the court.

11-5 Qualifications of Mediators:

(a) Requirements:

Mediators must meet all of the following requirements:

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(1) Formal Education:

Possess a degree in law or a graduate degree in a field that includes the study of psychiatry, psychology, social work, human development, family counseling or other behavioral science substantially related to marriage and family interpersonal relationships; and

(2) Training:

Completed a specialized training in family mediation consisting of a court-approved course of study or certification, to consist of at least 40 hours in the following areas:

- (i) Conflict resolution;
- (ii) Psychological issues in separation, dissolution and family dynamics;
- (iii) Issues and needs of children in dissolution; and
- (iv) Mediation process and techniques; or
- (v) 20 hours of training in the foregoing areas and have 10 years of practical experience in handling custody/family disputes as a significant part of their professional duties.

(3) Insurance: Pursuant to Illinois Supreme Court Rule 99(b)(1) approved mediators shall have judicial immunity in the same manner and to the same extent as a judge. Professional liability insurance for any act or omission for which judicial immunity may not apply must be maintained.

(4) Office and Professional Experience: The mediator shall maintain an office within the Fourth Judicial Circuit or a county contiguous thereto, or conduct mediation at an agreed location within the Fourth Circuit, and have not less than three (3) years work experience in their profession or be licensed by the State of Illinois to practice in their field of expertise.

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11-6 List of Mediators:

- (a) Establishment of List:

The Chief Judge shall establish a list of court approved mediators. All applicants for inclusion on the list shall possess the minimum qualifications set out in Rule 5. The court, in its discretion, may require any biographical or other relevant information from an applicant in order to determine whether the applicant should be included on the list. For good cause shown, the court 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.

(b) Denial/Removal from List:

An applicant denied inclusion on or removed from the court approved list may appeal the decision in writing within ten (10) days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or mediator to be heard.

11-7 Referral Procedure:

(a) Upon the court's order or the parties' agreement to participate in mediation, the case shall be assigned a mediator. This mediator may be chosen per agreement of the parties. In absence of any agreement, the court shall assign a mediator from the list of qualified mediators, and the selection of the mediator shall be in the sole discretion of the judge. A Mediation Order shall be issued and signed by the court. A mediation status date will be set for no later than seven (7) weeks from the date the Mediation Order was issued. Parties must contact the mediator within seven (7) days of the entry of the Mediation Order to set up mediation. Each may submit a letter to the mediator identifying the issues and their position within fourteen (14) days of the Mediation Order. The letter shall not exceed two (2) pages and a copy of same must be submitted to the other party or their counsel, if represented.

(b) The court shall also designate in its order what percentage of the mediation fee should be paid by each party and/or whether the case should be considered a low income case. The parties must file a financial affidavit prior to the assignment order being entered unless they agree on the division of the mediation fee.

(c) Parties are obligated to participate in the mediation process when ordered by the court. The attorneys shall encourage their clients to mediate in good faith, and the parties shall participate in mediation in good faith.

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

(e) If the appointed mediator has any conflict of interest, another mediator shall be appointed from the list. If the mediator appointed on a designated low income case has already met his or her annual requirement for mediating low income cases, and so informs the court, the court shall appoint another mediator. The Chief Judge, or the person designated by the Chief Judge, shall keep a record of low income cases assigned to each mediator, to ensure fair distribution of these cases to all mediators.

By requesting inclusion on the list, each mediator agrees to handle three (3) reduced fee mediations within a twelve-month (12) period.

(f) By the status date, the mediator shall submit a report to the court and the parties' legal counsel, in the form of a Mediator Report, notifying the court and legal counsel of information listed in this Rule under the section entitled Mediator Report.

11-8 Mediator Report:

(a) These rules hereby adopt by reference the provisions on prohibited mediator reports as contained in 710 ILCS 35/7 as if fully set forth herein. In addition to those provisions, the following requirements apply to mediations under this rule.

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

(1) Whether an agreement has been reached by the parties and, if so, provide the summary agreement signed by the parties and the mediator;

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

(3) Whether mediation has been terminated or suspended.

(4) The fee charged, whether that fee has been paid in full and, if not so, the outstanding amount owed. For any outstanding amount owed, the court may direct the parties to pay said amount and establish what percentage each party will pay;

(5) Whether any additional mediation sessions are recommended;

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

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

(c) In the event that all of the above information cannot be provided on the due date of the Mediator Report, the mediator shall advise the court as to the time necessary for the completion of the mediation process. It shall be within the court's discretion to extend mediation after the seven-week (7) status date.

11-9 Litigation Status:

(a) Temporary Orders:

The court may issue temporary orders prior to or during mediation.

(b) Discovery:

Unless otherwise ordered by the court, discovery shall be limited to written discovery until mediation is terminated by order of the court.

(c) Attorney Letter to Mediator:

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

(d) Witnesses:

The mediator may not be called as a witness in litigation.

11-10 Termination of Mediation on Motion of a Party:

(a) Judicial Determination:

Any party may move the court at any time for a ruling that a case

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is ineligible for mediation based upon the factors set forth in 11-2(c) notwithstanding a contrary determination by a mediator.

(b) Filing a Motion:

Any such motion must be supported by affidavit setting forth specific facts as to why mediation would be inappropriate.

11-11 Entry of Judgment Order:

(a) Presentation of Order:

FINANCIAL AFFIDAVIT

_____, on oath states that my age is _____, and that:

(If Pre-Judgment):

1. (a) Date of Marriage _____ Date of Separation _____
 Child Support Maintenance
 Paid since separation \$ _____ \$ _____

(If Post-Judgment)

1. (a) Date of Dissolution _____
 Date of Separation _____

	C/S	Maint.	(Per week, month)
Ordered to be paid:	\$ _____	\$ _____	_____
Paid since Dissolution	\$ _____	\$ _____	_____
Order has been amended _____ times.			
Now being paid:	\$ _____	\$ _____	_____
Current Arrearage	\$ _____	\$ _____	_____

2. There are _____ children of the marriage, as follows:

<u>Name</u>	<u>Age</u>	<u>Date of Birth</u>	<u>In Custody Of:</u>

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3. I have additional persons dependent on me for support as follows:

<u>Name</u>	<u>Age</u>	<u>Date of Birth</u>	<u>Relationship</u>

4. Present Employment _____
 Address _____
 Hours of Employment _____

	Payroll Deductions
Hourly Wage \$ _____	(a) Taxes \$ _____
Weekly Gross Income \$ _____	(b) Soc. Sec. \$ _____

Total Deductions \$ _____ (c) Medical Ins. \$ _____

Take Home Pay \$ _____ (d) Credit Union \$ _____

Number of Dependents Claimed _____ (e) Other \$ _____

TOTAL DEDUCTIONS \$ _____

5. My **MONTHLY** living expenses are as follows:

(Rent) or (House Payment) \$ _____

Electricity \$ _____ Car Ins. \$ _____

Gas \$ _____ Gas, Oil & Repairs \$ _____

Heating Oil \$ _____ Hosp/Med. Ins. \$ _____

Water \$ _____ Life Ins. \$ _____

Telephone \$ _____ Personal Items \$ _____

Trash
Collection \$ _____ Doctors \$ _____

Sewer Charge \$ _____ Dentists \$ _____

Groceries/Household
\$ _____ Hospital \$ _____

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Restaurant
Meals \$ _____ School (Meals/
Supplies) \$ _____

Charitable
Contributions \$ _____ Cleaning & Laundry \$ _____

Haircuts/Beauty
Shop \$ _____ Entertainment \$ _____

Union Dues \$ _____ Gifts for Children \$ _____

Babysitting \$ _____ Other \$ _____

TOTAL MONTHLY LIVING EXPENSE \$ _____

6. Debts: (payments to creditors other than noted at Paragraph No. 5 above)

<u>To Whom Owed:</u>	<u>Purpose:</u>	<u>Monthly Payment</u>	<u>Balance</u>
a. _____	Car Payment	\$ _____	\$ _____
b. _____	Furniture/ Appliance	\$ _____	\$ _____
c. _____	Credit Card	\$ _____	\$ _____
d. _____	Credit Card	\$ _____	\$ _____
e. _____	_____	\$ _____	\$ _____
f. _____	_____	\$ _____	\$ _____
g. _____	_____	\$ _____	\$ _____
h. _____	_____	\$ _____	\$ _____
i. _____	_____	\$ _____	\$ _____
j. _____	_____	\$ _____	\$ _____
TOTALS		\$ _____	\$ _____

7. Assets: (List all cash, certificates of deposits, savings, checking and Credit Union Accounts, bonds, stocks, household goods and appliances, motor vehicles, boats, real estate, and all other property, real or personal, owned by you.)

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Description	Location	Fair Cash Market Value	Co-owners Names:
(a) _____	_____	\$ _____	_____
(b) _____	_____	\$ _____	_____
(c) _____	_____	\$ _____	_____
(d) _____	_____	\$ _____	_____
(e) _____	_____	\$ _____	_____
(f) _____	_____	\$ _____	_____
(g) _____	_____	\$ _____	_____
(h) _____	_____	\$ _____	_____
(i) _____	_____	\$ _____	_____

RETIREMENT FUND

Type:	Company:	Contributory/ Non/Contributory:	Present Value:
(a) _____	_____	_____	\$ _____
(b) _____	_____	_____	\$ _____

LIFE INSURANCE

Type:	Company:	Beneficiary:	Present Value:
(a) _____	_____	_____	\$ _____
(b) _____	_____	_____	\$ _____

8. Other Income: Source: _____ Amount \$ _____
Source: _____ Amount \$ _____

I have read the foregoing, together with ____ attached sheets following hereafter, and same are true and correct.

Signature

Subscribed and sworn to before
me, this ____ day of _____, 19 ____.

Notary Public/Clerk

APPENDIX A
This form prepared by _____
Attorney for _____

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(See Rule 8-3)

ATTACH ADDITIONAL SHEETS IF NECESSARY

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