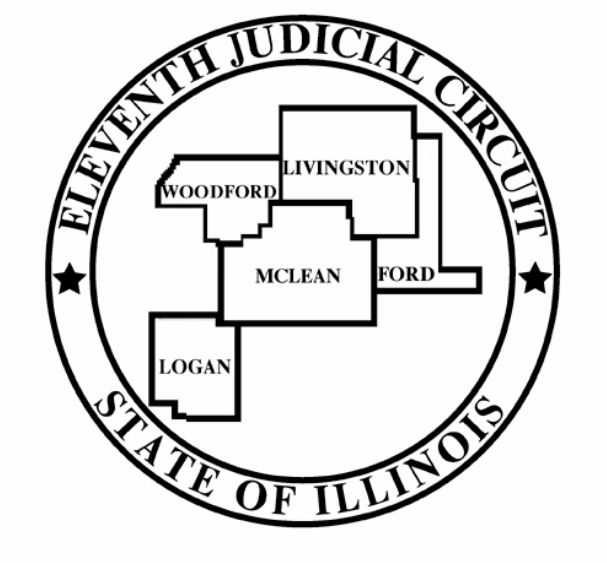
RULES OF THE
ELEVENTH JUDICIAL CIRCUIT COURT,
STATE OF ILLINOIS

[FORD, LIVINGSTON, LOGAN, MCLEAN AND WOODFORD COUNTIES]

INCLUDING AMENDMENTS RECEIVED THROUGH
March 3, 2011



Rules of the Circuit Court of the Eleventh Judicial Circuit may be amended by the Court at any time without notice.

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August 1, 2006	Circuit Rules revised and renumbered
February 27, 2007	Circuit Rule 106 (1) amended
June 7, 2007	Circuit Rule 130 amended
March 14, 2008	Circuit Rule 311 amended
September 10, 2008	Circuit Rule 113 added (new)
May 6, 2009	Circuit Rule 315 added (new)
August 24, 2009	Circuit Rule 212 (statutory reference renumbered)
August 8, 2009	Circuit Rule 119 (C) amended
December 13, 2010	Circuit Rule 311 (A) amended
March 3, 2011	Circuit Rule 211 (C) added (new)

SERIES 100. CIVIL AND FAMILY COURT RULES

RULE 101. CIVIL FILING AND APPEARANCE REQUIREMENTS

A. **Form of Summons**.

1. The following "Notice to Defendants" shall be affixed to the summons issued by the Clerk in actions for money damages not in excess of $50,000.00, exclusive of interest and costs, to-wit:

Service of this summons upon you requires:

(a) That you or your attorney appear in person at the time and place specified in the summons and make your presence known to the Clerk of the Court, at which time you will be required to file a written Entry of Appearance, or

(b) Before the time required for your personal appearance, you or your attorney may file a written appearance, answer, or motion. (Such written appearance, answer or motion shall state the address where service of notice or papers may be made upon you or your attorney.)

Your failure to respond to this summons in the manner prescribed in (a) or (b) above may result in a judgment being entered against you on the date set for your appearance in said summons, and said judgment will be for the amount claimed in the complaint and court costs. If you respond to this summons by filing a written Entry of Appearance, you are further required to file an answer or motion within ten days after the date specified in the summons for your appearance, and failure to file said answer or motion may result in judgment by default against you.

2. The following "Notice to Defendant" shall be affixed to summons issued by the Clerk in actions for forcible detainer, to-wit:

You are required to personally appear at the time and place specified in the above summons. If you fail to do so, judgment may be entered against you for the relief asked in the complaint filed in this cause.

3. The following "Notice to Defendant" shall be affixed to summons issued by the Clerk in actions at law for $10,000 or less, to-wit:

Service of this summons upon you requires:

(a) That you appear in person at the time and place specified in this summons and make your presence known to the Clerk of the Court, at which time you will be required to file a written Entry of Appearance and pay the required fee. The cause shall proceed to trial unless otherwise ordered.

(b) If you retain an attorney, you and your attorney must appear at the time and place specified in this summons and make your appearance known to the Clerk, at which time your attorney will be required to file a written Entry of Appearance and pay the required fee. The case shall proceed to trial unless otherwise ordered.

(c) If your attorney files an entry of appearance before the date specified in the summons, you and your attorney must appear at the time and place specified in this summons, and the case will proceed to trial unless otherwise ordered.

Your failure to appear at the time and place specified in this summons may result in a judgment being entered against you on said date. Said judgment will be for an amount not in excess of the amount claimed in the complaint and court costs.

4. The form of summons set forth in Supreme Court Rule 291 for proceedings under the Administrative Review Act and the form of summons set forth in Supreme Court Rule 292 to review an order of the Illinois Workers' Compensation Commission will be exclusively utilized by this court in such cases.

5. In all other cases, a summons requiring appearance within 30 days after service as set forth in Supreme Court Rule 101(d) will be utilized by this court.

6. The use of the wrong form of summons shall not affect the jurisdiction of this court.

7. Filing of any summons, notice, motion or other document via facsimile, electronic mail or other electronic transmission methods is not allowed.

B. **Written Appearance**. 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 pleading.

C. **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 appears.

D. **Appearance of Attorney**. An attorney shall file his written appearance or other pleading before he addresses the court unless he is presenting a motion for leave to appear by intervention or otherwise.

E. **Money Damages Affidavit**. Supreme Court Rule 222(b), provides:

> "Any civil action seeking money damages shall have attached to the initial pleading the party's affidavit that the total money damages sought does or does not exceed $50,000. If the damages sought do not exceed $50,000, this rule shall apply."

In accordance with said Rule, it is ordered that any civil action filed without such affidavit attached shall be deemed to be seeking damages not exceeding $50,000 for purposes of determining the appropriate discovery procedures to be utilized and Supreme Court Rule 222 shall govern the discovery process in all such cases.

F. **Filing Requirements for Inmates.**

1. In all civil cases in this circuit in which leave is sought by an inmate of a correctional institution to sue or defend as a poor person, the petition for leave to sue or defend as a poor person shall be accompanied by a copy of the inmate's trust fund ledger indicating all deposits and withdrawals made to the inmate's trust fund account for the six months immediately preceding the submission of the petition.

2. The petition shall be accompanied by a remittance payable to the Clerk of the Circuit Court in an amount not to exceed fifty percent of the inmate's average monthly income for six months immediately preceding the filing of the petition, but in no event to exceed the full statutory fee required of all other parties in civil cases. Payment of the balance of the statutory fee shall be postponed pending the entry of a final judgment in such causes as provided by law.

3. If an inmate shows good cause why he or she cannot make the partial payment required by this rule, he may petition the court to review his complaint for the existence of a colorable question of law or fact and the court may for good cause shown, and the establishment of exigent circumstances, excuse pre-payment of fees in their entirety.

RULE 102. MOTIONS

A. **Motions and Notice Requirements**.

1. Every motion shall be filed in the office of the Circuit Clerk, if that office is open, before application to a judge for the order.

2. In the absence or unavailability of the judge assigned to the case, any judge may consider an emergency motion and issue an appropriate order in proper cases; subsequent matters relating to the cause in which the petition is filed shall be heard by the judge assigned to the individual case.

3. Any pro se motion filed by a party who is represented by counsel, except one that relates to alleged deficiencies in his/her attorney's representation, shall be stricken by the Court.

4. 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.

5. 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 thereof, whether granted or denied, shall be served by the party 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 (2) days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

B. **Notice of Hearing of Motion**.

1. Written notice of the hearing of all motions shall be given by the party requesting hearing to all other parties. Notice of motion made within a court day of trial shall be given as directed by the Court. Notice for all other motions shall be given in the manner described in Supreme Court Rule 11.

2. No motion, unless allowed within the discretion of the Court, may be scheduled for hearing less than two (2) court days after the effective date of service as described in Supreme Court Rule 12.

~~2~~. 3. 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. **Failure to Call Motion to Hearing**. The burden of calling for hearing any motion previously filed is on the party making the motion. The court may at anytime on its own motion set any such motion for hearing. 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 without notice.

D. **Withdrawal of Attorney**. Withdrawal or substitution of attorney and notices relating thereto shall be governed by Supreme Court Rule 13.

E. **Written Orders**. All orders presented to the court for entry shall demonstrate proof of service upon all opposing parties in compliance with Supreme Court Rule 11.

RULE 103. DISCOVERY AND PRETRIAL PROCEDURES

A. **Interrogatories and Depositions**.

1. In all civil matters an original request for discovery (including interrogatories and requests for production) shall be made by serving such request upon the party or parties upon whom they are directed. A copy of the request shall not be filed with the Circuit Clerk.

Proof of service of the aforesaid request for discovery shall be made by certification of counsel briefly describing the request made, together with proof of service on the party to whom they were directed.

Certification shall be filed with the clerk of the circuit court. If identical requests are made of multiple parties, they may be included in one certification.

2. Proof of compliance with requests for discovery in all civil matters (including interrogatories and requests for production) shall be made by filing with the Circuit Clerk the certification of counsel showing that compliance has been accomplished. The certification shall include a description of the documents filed with reference to the request made. The documents supplied in the response to discovery requests shall not be filed with the clerk of the circuit court.

3. The Circuit Clerk is directed to refuse to accept any papers that are ordered not to be filed by this order.

4. Whenever any party has objection to any requests, or seeks to enforce compliance with any request or otherwise addresses a motion to the sufficiency of a response, he shall attach to his motion and file with the Circuit Clerk, a copy of all relevant discovery in order that the court may properly consider the motion.

5. Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays or court holidays.

6. All discovery must comply with Circuit Rule 130 unless ordered otherwise.

RULE 104. CASE MANAGEMENT CONFERENCE PROCEDURES

Supreme Court Rule 218 Case Management Conference procedures are mandatory only for Law cases. In all other civil cases, Supreme Court Rule 218 shall be invoked at the discretion of the assigned judge.

RULE 105. COURT-ANNEXED MEDIATION

In an effort to provide the citizens of the Eleventh Judicial Circuit with an expeditious and expense saving alternative to traditional litigation in the resolution of controversies, a program of Court-Annexed Mediation of civil cases is hereby established in McLean and Ford Counties.

A. **Actions Eligible for Court-Annexed Mediation**.

1. Except as hereinafter provided, the judge to whom a matter is assigned may order any contested civil matter asserting a claim having a value, irrespective of defenses or setoffs, in excess of $50,000 referred to mediation. In addition, the parties to any such matter may file a written stipulation to mediate any issue between them at any time. Such stipulation shall be incorporated into the order of referral.

2. Except as otherwise set forth in (A)(1) above, matters as may be specified by administrative order of the chief judge of the circuit shall not be referred to mediation except upon petition of all parties.

B. **Scheduling of Mediation**.

1. Unless otherwise ordered by the court, the first mediation conference shall be held within eight (8) weeks of the Order of Referral.

At least ten (10) days before the conference, each side shall present to the mediator a brief, written summary of the case containing a list of issues as to each party. If the attorney filing the summary wishes its contents to remain confidential, she/he should advise the mediator in writing at the same time the summary is filed. The summary shall include the facts of the occurrence, opinions on liability, all damages and injury information, and any offers or demands regarding settlement. Names of all participants in the mediation shall be disclosed to the mediator in the summary prior to the session.

2. Within twenty-eight (28) days after the Order of Referral, the mediator shall notify the parties in writing of the location, date and time of the mediation conference.

3. A party may move, within fourteen (14) days after the Order of Referral, to dispense with mediation if:

a. The issue to be considered has been previously mediated between the same parties pursuant to General Order of the Eleventh Judicial Circuit;
b. The issue presents a question of law only;
c. Other good cause is shown.

4. Within fourteen (14) days of the Order of Referral, any party may file a motion with the court to defer the proceeding. The moving party shall set the motion to defer for hearing prior to the scheduled date for mediation. Notice of the hearing shall be provided to all interested parties, including any mediator who has been appointed. The motion shall set forth, in detail, the facts and circumstances supporting the motion. Mediation shall be tolled until disposition of the motion.

C. **Mediation Rules and Procedures**.

1. Within fourteen (14) days of the Order of Referral, the parties may agree upon a stipulation with the court designating:

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

If the parties cannot agree upon a mediator within fourteen (14) days of the Order of Referral, the plaintiff's attorney (or another attorney agreed upon by all attorneys) shall so notify the court within seven (7) days of the expiration of the period to agree on a mediator, and the court shall appoint a certified mediator selected by rotation or by such other procedures as may be adopted by administrative order of the Chief Judge.

2. The mediator shall be compensated by the parties at the rate of $125 per hour unless otherwise agreed in writing. Each party shall pay a proportionate share of the total charges of the mediator.

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

which a motion to disqualify is pending.

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

5. If a party fails to appear at a duly noticed mediation conference without good cause, the court upon motion shall impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear. If a party to mediation is a public entity that party shall be deemed to appear at a mediation conference by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision- making body of the entity. Otherwise, unless stipulated by the parties, or by order of the court, a party is deemed to appear at a mediation conference if the following persons are physically present:

> a. The party or its representative having full authority to settle without further consultation; and
> b. The party's counsel of record, if any; and
> c. A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to negotiate and recommend settlements to the limits of the policy or the most recent demand, whichever is lower without further consultation.

6. The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference notwithstanding Section Nine (9) of this Rule. No further notification is required for parties present at the adjourned conference.

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

8. The mediator may meet and consult privately with either party or his/her representative during the mediation session.

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

10. A mediator shall terminate a mediation conference when, in the mediator's opinion, no purpose would be served by continuing the conference, or an individual necessary to facilitate settlement of the dispute is not present.

If the parties do not reach an agreement as to any matter as a result of mediation, or the mediation is terminated, the mediator shall report the lack of an agreement or termination to the court without comment or recommendation. The mediator shall report any Termination or No Agreement on a form similar to that in Appendix G.

11. If an agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any, at the conclusion of the mediation. The report shall designate either full or partial agreement. This report shall be signed by the mediator and shall with filed with the Circuit Clerk within ten (10) days of the last day of the mediation conference. The report shall be in the same format as Appendix G.

12. In the event of any breach or failure to perform under the agreement, the court upon motion may impose sanctions, including costs, attorney fees, or other appropriate remedies including entry of judgment on the agreement.

13. Discovery may continue throughout mediation.

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

15. The following forms shall be used in conjunction with court- annexed mediation:

a. Order of Referral to Court-Annexed Mediation (Appendix A)
b. Confidentiality Agreement and Nonrepresentation Acknowledgement
c. Mediation Held/No Agreement Resulted
d. Memorandum of Agreement
e. Memorandum of Understanding/Agreement
f. Order Appointing Mediator
g. Mediator's Report (Appendix G)

16. The Chief Judge of the Eleventh Circuit (or designee) shall maintain statistical data on all mediation proceedings and report said data to the Administrative Office of Illinois Courts and the presiding judge of the Civil Division of each county as required.

D. **Mediator Qualifications**.

1. The Circuit Clerks of McLean and Ford Counties shall maintain a list of mediators who have been certified by the Court and who have registered for appointment.

For certification, a mediator of circuit court civil matters in excess of $50,000 matters must:

a. Complete a mediation training program approved by the Chief Judge of the Eleventh Judicial Circuit; and
b. Be a member in good standing of the Illinois Bar with at least seven years of practice or be a retired judge; and
c. Be of good moral character.

2. In each case, the mediator shall comply with such general standards as may, from time to time, be established and promulgated in writing by the Chief Judge of the Eleventh Judicial Circuit.

3. The eligibility of each mediator to retain the status of a certified mediator may be periodically reviewed by the Chief Judge. Failure to adhere to this General Order governing mediation or the General Standards provided for above may result in the decertification of the mediator.

RULE 106. COURT-ANNEXED MANDATORY ARBITRATION

Court-annexed mandatory arbitration proceedings are undertaken and conducted in the Counties of Ford and McLean, Eleventh Judicial Circuit, pursuant to approval of the Supreme Court of Illinois given on March 26, 1996.

A. **Supervising Judge for Arbitration**. The Chief Judge shall appoint in each county of the circuit having a court-annexed mandatory arbitration program, a judge to act as Supervising Judge for Arbitration, who shall

have the powers and responsibilities set forth in these rules and who shall serve at the discretion of the Chief Judge.

B. **Administrative Assistant for Arbitration**. The Chief Judge shall designate an Administrative Assistant for Arbitration who shall have the authority and responsibilities set forth in these rules. The Administrative Assistant for Arbitration shall serve at the discretion of the Chief Judge under the immediate direction of the Trial Court Administrator.

C. **Arbitration Center**. The Chief Judge shall designate an Arbitration Center for arbitration hearings.

D. **Arbitration of Certain Cases**. The court-annexed mandatory arbitration program of the Eleventh Judicial Circuit is governed by the Supreme Court Rules for the Conduct of court-annexed mandatory arbitration Proceedings (Supreme Court Rules 86-95). Because arbitration proceedings are governed by both Supreme Court and local court rules, reference is made in the caption of each Local Rule to the Supreme Court Rule controlling the subject.

E. **Actions Subject to Court-Annexed Mandatory Arbitration (Supreme Court Rule 86)**

1. Arbitration proceedings are part of the underlying civil action, and therefore, all rules of practice contained in the Illinois Code of Civil Procedure and Illinois Supreme Court Rules shall apply to these proceedings.

2. All civil actions will be subject to court- annexed mandatory arbitration if such claims are solely for money in an amount exceeding $5,000 but not exceeding $50,000, exclusive of interest and costs. Such cases shall be assigned to the Arbitration Calendar of the Eleventh Judicial Circuit at the time of initial case filing with the Circuit Clerk's office. All such cases will be provided with an AR designation pursuant to the AOIC Manual on Record Keeping.

3. Cases not originally assigned to the Arbitration Calendar may be ordered to arbitration on the motion of either party, by agreement of the parties or by Order of Court at a status call or pretrial conference when it appears to the Court that no claim in the action has a value in excess of $50,000, irrespective of defenses.

4. When a case not originally assigned to the Arbitration Calendar is subsequently so assigned pursuant to Supreme Court Rule 86(d), the Administrative Assistant for Arbitration shall promptly assign an arbitration hearing date for such case. In such cases, the date of the arbitration hearing shall be not less than sixty (60) days nor more than one-hundred and eighty (180) days from the date of assignment to arbitration, as determined by the Court considering the status of the case, the period of time necessary to afford the parties adequate preparation time and status of the arbitration calendar.

F. **Appointment, Qualification and Compensation of Arbitrators (Supreme Court Rule 87)**

1. Illinois-licensed attorneys in good standing and retired judges shall be eligible for certification and appointment as arbitrators by filing an approved application form with the Administrative Assistant for Arbitration and completing the required arbitrator training seminar. An applicant requesting to be certified as a chairperson shall certify the number of years engaged in the active trial practice of law. Applicants shall be certified as arbitrators and/or chairpersons by the Chief Judge of the circuit. The eligibility of each attorney to serve as an arbitrator may be reviewed periodically by the Administrative Assistant for Arbitration and Supervising Judge. All applicants must maintain a law office or residence in this circuit.

2. The Administrative Assistant for Arbitration shall maintain an alphabetical list of approved arbitrators to be called for service on a random basis. The list shall designate the arbitrators who are

approved to serve as chairpersons.

3. Three arbitrators shall constitute a panel at least one of which must be certified as a chairperson. The chairperson must have been engaged in active practice of law for a period of five years or be a retired judge. Other panel members must have engaged in the active practice of law for a minimum of one year. Three arbitrators shall constitute a panel unless the parties stipulate using the prescribed form to a two arbitrator panel. In no instance shall a hearing proceed with only one arbitrator.

4. The Administrative Assistant for Arbitration shall notify the arbitrators of the hearing date at least 30 days prior to the assigned hearing date. The notification period may be less to those arbitrators who have agreed to serve on an emergency basis.

5. Not more than one member or associate of a firm or office shall be appointed to the same panel. Upon appointment to a case, an arbitrator shall notify the Administrative Assistant for Arbitration and withdraw from the case if any grounds for disqualification appear to exist pursuant to the Illinois Code of Judicial Conduct.

6. Upon completion of each day's arbitration hearings, arbitrators shall file a voucher with the Administrative Assistant for Arbitration for submission to the Administrative Office of the Illinois Courts for payment of the prescribed compensation.

7. Each arbitrator shall take an oath of office in conformity with the form provided in Supreme Court Rule 94 in advance of the hearing.

G. **Scheduling of Hearings (Supreme Court Rule 88)**

1. On or before the first day of each July, the Administrative Assistant for Arbitration shall provide the Circuit Clerk's office with a schedule of available arbitration hearing dates for the next calendar year.

Upon the filing of a civil action subject to these rules, the Clerk of the Circuit Court shall set a return date for the summons not less than twenty-one (21) days or more than forty (40) days after filing, returnable before the Supervising Judge for Arbitration. The summons shall require the plaintiff or the representative of the plaintiff and all defendants or their representatives to appear at the time and place indicated. The summons shall state in upper case letters on the upper right-hand corner "THIS IS AN ARBITRATION CASE."

Upon the return date of the summons and the Court finding that all parties have appeared, the Court shall assign an arbitration hearing date not more than one-hundred and eighty (180) days from the filing date or the earliest available hearing date thereafter. If one or more defendants have not been served within ninety (90) days from the date of filing, the Court may in its discretion dismiss the case as to unserved defendants for lack of diligence.

2. Any party to a case may request advancement or postponement of a scheduled arbitration hearing date by filing written motion with the office of the Circuit Clerk requesting such change. Such motion and notice of hearing thereon shall be served upon all other parties in the same manner as other motions and a copy of the motion and notice of time of hearing thereon shall likewise be served upon the Administrative Assistant for Arbitration. The motion shall be set for hearing on the calendar of the Supervising Judge for Arbitration and contain a concise statement of the reason for the change of hearing date. The Supervising Judge may grant such advancement or postponement upon good cause shown.

3. Consolidated actions shall be heard on the date assigned to the latest case involved.

4. Counsel for plaintiff shall give immediate notification in writing to the Administrative Assistant for Arbitration of any settlement of cases or dismissal. Failure to do so may result in the imposition of sanctions.

5. It is anticipated that the majority of cases to be heard by an arbitration panel will require two hours or less for presentation and decision. It shall be the responsibility of counsel for the plaintiff to confer with counsel for all other parties to obtain an approximation of the length of time required for presentation of the case and advise the Administrative Assistant for Arbitration at least fourteen (14) days in advance of the hearing date in the event additional hearing time is anticipated and the length of such additional time.

H. **Discovery (Supreme Court Rule 89)**

1. Discovery shall proceed as in all other civil actions and shall be completed not less than thirty (30) days prior to the arbitration hearing. Those cases which are defined as a small claim under Supreme Court Rule 281 but designated as an arbitration (AR) case shall be governed by Supreme Court Rule 287.

2. All parties shall comply completely with the provisions of Supreme Court Rule 222.

3. No discovery shall be permitted after the arbitration hearing, except upon leave of Court and for good cause shown.

4. All discovery must comply with Circuit Rule 130 unless ordered otherwise.

I. **Conduct of the Hearings (Supreme Court Rule 90)**

1. The Supervising Judge for Arbitration shall have full supervisory powers over all questions arising in any arbitration proceedings, including the application of these rules.

2. A stenographic record of the hearing shall not be made unless a party does so at his/her expense. If a party has a stenographic record transcribed, notice thereof shall be given to all parties and a copy shall be furnished to any other party requesting same upon payment of a proportionate share of the total cost of making the record.

3. The statements and affidavits of witnesses shall set forth the name, address and telephone number of the witness.

4. Witness fees and costs shall be in the same amount and shall be paid by the same party or parties, as provided for in trials in the Circuit Court of this circuit.

5. Hearings shall be conducted in general conformity with procedures followed in civil trials. The chairperson shall administer oaths and affirmations to witnesses. Rulings concerning admissibility of evidence and applicability of law shall be made by the chairperson. At the commencement of the hearing, the attorneys for the parties will provide a brief written statement of the nature of the case which shall include a stipulation as to all of the relevant facts to which the parties agree. The stipulation shall include, if applicable, relevant contract terms, dates, times, places, location of traffic control devices, year, make and model of automobiles and of other vehicles, equipment or goods and products which are involved in the litigation and other relevant and material facts. However, the stipulation may not be used for evidentiary and/or impeachment purposes in any subsequent hearing and the written stipulation shall so state. The time devoted to the presentation of evidence should be limited to those facts upon which the parties genuinely disagree. Parties are encouraged to utilize the procedure set out in Supreme Court Rule 90 for admission of documents into evidence without

foundation or other proof.

6. Any party requiring the services of a language interpreter during the hearing shall be responsible for providing same. Any party requiring the services of an interpreter or other assistance for the deaf or hearing impaired shall notify the Administrative Assistant for Arbitration of said need not less than seven (7) days prior to the hearing.

7. All exhibits admitted into evidence shall be retained by the panel until entry of the award. It is the duty of the attorneys or parties to retrieve such exhibits from the Administrative Assistant for Arbitration within seven (7) days following the conclusion of the arbitration hearing. All exhibits not retrieved shall be destroyed.

J. **Default of a Party (Supreme Court Rule 91)** A party who fails to appear and participate in the hearing may have an award entered against him/her upon which the Court may enter judgment. Costs that may be assessed under Supreme Court Rule 91 upon vacation of a default include, but are not limited to, payment of costs, attorney fees, witness fees, stenographic fees and any other out-of-pocket expenses incurred by any party or witness.

K. **Award and Judgment on Award (Supreme Court Rule 92)** The panel shall render its decision and enter an award on the same day of the hearing. The chairperson shall present the award to the Administrative Assistant for Arbitration who shall then file same with the Clerk of the Circuit Court. The Clerk of the Circuit Court shall serve a notice of the award upon all parties who have filed an appearance. In the event the panel of arbitrators unanimously finds that a party has violated the good-faith provisions of Supreme Court Rule 91(b), such finding accompanied by a factual basis shall be noted on a findings sheet. Such finding sheet shall become part of the award.

L. **Rejection of the Award (Supreme Court Rule 93)** Rejection of the award shall be in compliance with Supreme Court Rule 93.

M. **Form of Oath, Award and Notice of Entry of Award (Supreme Court Rule 94)** The Administrative Assistant for Arbitration shall provide the forms called for by these rules.

N. **Duties of the Supervising Judge for Arbitration**

1. Hear motions to interpret all Rules.

2. Hear motions to advance or postpone hearing.

3. Hear motions to consolidate cases.

4. Hear motions to vacate judgments.

5. Hear motions to enter judgment.

6. Hear all post-judgment enforcement proceedings.

RULE 107. TRIAL AND POST TRIAL MATTERS

A. **Default Judgments**. No default judgment will be entered without proof unless the complaint is verified and the amount claimed is liquidated in the prayer for relief.

B. **Enforcement of Confessed Judgments**. In all civil cases where a judgment is based upon confession, the

clerks of the Circuit Court of the Eleventh Judicial Circuit shall not accept an Affidavit for a Non-Wage Garnishment or an Affidavit for a Wage Garnishment and shall refuse to issue summons for such proceedings and said clerks shall likewise refuse to issue any Citation to discover assets which is directed to any third party until such judgment has been confirmed by order of court after service of process, however, a Citation to Discover Assets which is directed to the judgment debtor may be issued by the clerk prior to such judgment being confirmed.

C. **Citations**. In all proceedings under § 2-1402 of the Code of Civil Procedure, the court may, in its discretion, require the judgment debtor to be sworn and examined outside the presence of the court by counsel for the judgment creditor. Subject to the availability of a court reporter, the proceedings may be of record, and a transcript prepared for later examination by the court.

COURT NOTE: Section 2-1402 was designed to provide an efficient and expeditious procedure for discovery of assets and income of judgment debtors. There is no requirement that a judge be present during the examination of the judgment debtor. It is appropriate for the parties and counsel to appear, conduct the discovery hearing, and then apply to the Court for an appropriate order. In many cases the order will be an agreed order. In those cases where a dispute exists or a judicial determination is necessary, a transcript could be prepared (and taxed as a cost against the defendant when appropriate) and examined by the Court. The Court can quite appropriately enter an installment order or other orders on the basis of the transcript.

This procedure may not be practical in Small Claims, and LM matters where court reporters are seldom available. However, counsel for a judgment creditor could be required to conduct a brief examination of the defendant, under oath, outside the court's presence. It is appropriate for the judge to admonish the defendant to answer questions and be cooperative during the examination.

D. **Post Trial Motions**. Whenever the court has entered a judgment disposing of all pending matters in a case and there is filed any post-judgment motion seeking a new trial, judgment notwithstanding the finding, to vacate the judgment, for reconsideration of the judgment, or other like relief and movant has failed to file of record within ninety (90) days of filing the motion proof of notice of the setting of a hearing upon the motion, then the motion is stricken without further proceedings or notice on the 90th day.

RULE 108. REPORTS AND ACCOUNTS OF FIDUCIARIES; ASSIGNMENTS

A. **Reports and Accounts of Fiduciaries**. In the event that an account of a fiduciary is presented in any applicable division of the Circuit Court by a bank or trust company authorized to administer trusts in the State of Illinois, the Court may waive the requirement of exhibiting the necessary vouchers for distributions, upon presentation of a certificate signed by an officer of the bank or trust company stating that the vouchers covering the disbursements in the account presented are on file with the bank or trust company and in the physical possession thereof and will be retained for a reasonable length of time.

B. **Assignments**.

1. Each assignment of, or power of attorney with respect to a distributee's interest in the estate of a decedent, or an interest in a judgment, or a distributee's interest in a partition suit, or funds on deposit or in the custody of the Clerk of the Court for other civil purpose, shall be presented to the presiding judge of the proper division of Court for approval of filing, by a verified petition.

2. The petition for approval shall be verified and state:

   a. The names and addresses of the assignor and assignee;
   b. The nature and value of the interest involved;
   c. In the case of assignment, the consideration, if any, paid or to be paid the assignor, and the fees and expenses charged or to be charged in connection therewith;

d. In the case of a power of attorney, the fees and expenses charged or to be charged by the attorney in fact and his agents or representatives.

If the Court finds the consideration paid or to be paid the assignor is inadequate, or the fees and expenses charged or to be charged are excessive, or for other good cause shown, the judge may refuse to permit the assignment of interest or power of attorney to be filed, or may approve filing upon such terms as are just and equitable.

C. Materials tendered to the Court, or to the parties, under this rule shall comply with Circuit Rule 130, unless ordered otherwise.

RULE 109. RECEIVERS

A. **Disqualification**. 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 officer, 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;

4. Is an officer, director, stockholder, or employee of a corporation the assets of which are in question; or

5. Stands in any relation to the subject of the controversy that would tend to interfere with the impartial discharge of his 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 thirty (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 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. 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. The receiver shall file his first report at the time of filing his 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. The court may prescribe forms to be used for reports of a receiver.

G. **Receivers' Bonds**.

1. 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. 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 110. DORMANT CALENDAR

A dormant calendar is hereby established in the Circuit Court of the Eleventh Judicial Circuit.

A. **Transfer of Cases**. Any circuit or associate judge may, by order entered in the case on the court's own motion, transfer to the dormant calendar any pending case in which a party is also a party to a bankruptcy proceeding in federal court which causes a stay of proceedings in said cause or in which a party is on active duty in the military service of the United States. Cases transferred to the dormant calendar pursuant to the order shall not be considered as pending cases for statistical purposes.

B. **Reinstatement to Active Calendar**. Upon the removal of such bankruptcy stay or upon such active duty status terminating, any circuit or associate judge shall, by order in the case, transfer said case to the active calendar of the court to be disposed of accordingly and said case shall be considered as a pending case for statistical purposes.

RULES 111-112 RESERVED.

RULE 113. COURT-ANNEXED SMALL CLAIMS MEDIATION

In an effort to provide the citizens of the Eleventh Judicial Circuit with an expeditious and expense saving alternative to traditional litigation in the resolution of controversies, a program of Court-Annexed Small Claims Mediation for *pro se* litigants is hereby established in McLean County.

A. Introduction. Mediation under this order and pursuant to the following rules involves a confidential process by which a neutral mediator, appointed by the Court, assists in identifying the issues, reducing misunderstanding, clarifying priorities, exploring areas of compromise, and finding points of agreement as well as legitimate points of disagreement. Any agreement reached by the parties is to be based on the autonomous decisions of the parties and not the decisions of the mediator. It is anticipated that an agreement may not resolve all of the disputed issues, but the process can reduce points of contention. Parties are expected to mediate in good faith but are not compelled to reach an agreement.

B. Actions Eligible for Small Claims Mediation. All *pro se* small claims and arbitration cases may be referred to mediation by agreement of the parties. If there is an order of protection between the parties then mediation shall not take place until further inquiry of the Court.

C. Scheduling of mediation. All *pro se* small claims litigants shall be given the opportunity to participate in mediation at the first return date. Mediation may occur at any time during the small claims process; however, if the parties agree to participate in mediation at the first appearance and the case is settled at that time, the respondent's appearance fee will be waived.

D. Conduct of the Mediation Conference.

1. Appointment of the Mediator. At the initial appearance date, the Court will designate the mediator who will handle the case from the assigned mediators available that day. If the case is not reduced to judgment that day, the case shall be set for trial.

2. Conflict of Interest. Unless fully disclosed and waived by the parties, a mediator must not have an interest in the outcome of the litigation, must not be retained or employed by any of the parties involved in the litigation, or be related to any of the parties in the litigation.

3. Compensation of the Mediator. The small claims mediators are volunteers and shall not be compensated.

4. 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.

5. Discovery. No discovery shall be conducted prior to the mediation.

6. Communication with Parties. The mediator may meet and consult privately with either party during the mediation session.

7. **Completion of Mediation**. Mediation shall be completed within the court session that the mediator is appointed.

8. **Absence of Parties and Subsequent Termination of Mediation**. If both parties agree to mediation and then either one fails to appear at the mediation, the case will be sent back to the presiding judge for disposition as if mediation had never been scheduled.

The mediator shall report the termination of the mediation without comment. The case will then be set for trial.

9. **No Agreement**. If the parties do not reach an agreement, the mediator and the parties shall report the lack of an agreement to the Court without comment or recommendation. The case will then be set for trial.

10. **Agreement**. If an agreement is reached, it shall be reduced to writing and signed by the parties at the conclusion of the mediation. The mediator and the parties must notify the Court that an agreement was reached, submit the agreed order, and if approved, the Court shall enter a judgment order on that agreement.

11. **Imposition of Sanctions**. In the event of any breach or failure to perform under the court order, the Court upon motion may impose sanctions, including costs, attorney fees, or other appropriate remedies.

12. **Confidentiality of Communications.** All oral or written communications in a mediation conference, other than executed settlement agreements, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree

otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.

13. **Reports to Supreme Court.** The chief judge or his/her designee shall provide for the maintenance of records of mediations conducted pursuant to these rules including the number of mediations conducted, the number of mediations resulting in full or partial agreements and those resulting in no agreement. Such information shall be furnished to the Supreme Court through its administrative office quarterly or at such other interval as may be directed, but in no event less than once a year.

14. **Peer Review Process.** All volunteer mediators will be subject to Peer Review once a year. The review will be conducted by a member of the Peer Review Committee. The peer reviewer will contact the mediator prior to the mediation date, and will observe the mediation. After the mediation, the peer reviewer will debrief the mediator and then meet with the Peer Review Committee to discuss his or her observations. Following the committee meeting, the Peer Review Committee Chair will contact the volunteer with the committee's decision.

E. Mediator Qualifications

1. **General Requirements**. The Chief Judge shall maintain a list of mediators who have been certified by the circuit court and who have registered for appointment. For certification, a small claims mediator must: complete an application and mandatory Small Claims Mediation training approved by the chief judge; mediate a minimum of six (6) cases following training; participate in regularly scheduled mediator meetings; abide by the ethical guidelines of a professional mediator; support and respect workplace and client diversity; submit the required documentation associated with all cases in a timely manner; and maintain the strictest level of confidentiality regarding clients and their cases.

2. **Previous Certification**. All attorneys who have previously been certified to be a court-annexed major civil case mediator under local court rules shall be deemed to be qualified for the purpose of participating in Small Claims Court Mediation.

3. **Continuing Responsibilities as a Certified Mediator.** In each case, the mediator shall comply with this local rule regarding mediation and such other general standards as may, from time to time, be established and promulgated in writing by the Chief Judge of the Eleventh Judicial Circuit.

4. **Decertification of Mediators.** The chief judge of the circuit court 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 general standards issued by the circuit court regarding mediation;
c. Other unprofessional conduct by the mediator that interferes with the ability of the circuit court to provide appropriate mediation services;
d. The request of the mediator to be decertified; or
e. At the discretion of the Chief Judge.

RULES 114-116. RESERVED

RULE 117. MEDIATION OF CUSTODY AND VISITATION ISSUES IN MATTERS OTHER THAN DISSOLUTION AND PATERNITY CASES

A. Pursuant to Supreme Court Rule 905(a), in all proceedings initiated under Article II, III or IV of the Juvenile Court Act of 1987 (705 ILCS 405/1-1 et seq.), the Uniform Child Custody Jurisdiction and Enforcement Act (750 ILCS 35/1 et seq.), the Illinois Domestic Violence Act of 1986 (750 ILCS 60/101 et seq.) and Article 112A of the Code of Criminal Procedure of 1963 (725 ILCS 5/112A et seq.), the guardianship matters involving a minor under Article XI of the Probate Act of 1975 (755 ILCS 5/1-1 et seq.), where custody and/or visitation of a minor child or children become at issue or on the court's own motion, the court shall enter a Mediation Order (suggested form - Appendix D) unless excused if the court determines an impediment to mediation exists. Custody and/or visitation shall be considered at issue when one of the minor's parents, the minor, a guardian or other interested party files a verified petition disputing the current permanent or temporary custodial or visitation order and the court determines a genuine dispute exists.

B. A mediation referral form shall be sent to the mediator within three (3) days of the entry of the Mediation Order, and shall be completed by counsel for the minor or such other party as the court directs.

C. Any mediation ordered pursuant to this rule shall be conducted in accordance with the Standards and Procedures for Court-Ordered Mediation of Custody and Visitation Issues and Matrimonial and Family Matters (Appendix E) by a mediator whose name appears on the court-approved list of mediators maintained at the office of the Circuit Clerk in accordance with the standards and procedures set forth in Appendix E.

D. The content of all mediation sessions shall be confidential and the mediator(s) shall not be served with a subpoena or called as a witness.

RULE 118. 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 Supreme Court Rule 900) is filed, and there is a child custody matter already pending before another judge involving the same child, the judges involved shall confer as often as needed and jointly 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 assignment of auxiliary court personnel.

RULE 119. ATTORNEY QUALIFICATIONS IN CHILD CUSTODY AND VISITATION

A. Counsel appointed by the court to participate in child custody and visitation matters must possess the ability, knowledge, and experience to do so in a competent and professional manner. Attorneys appointed by the court to represent children in child custody cases and guardianship cases when custody and visitation is an issue shall have the following minimum qualifications.

1. Be licensed and in good standing with the Illinois Supreme court.

2. Ten (10) hours in the two years prior to the date the attorney is appointed in approved continuing legal education courses in the area of child development, roles of guardian *ad litem* and child representative, ethics in child custody cases, relevant substantive state, federal, and case law in custody and visitation matters, family dynamics, including substance abuse, domestic abuse, and mental health issues.

3. One pro bono representation in the year prior to the appointment.

B. Attorneys seeking appointment in child custody and visitation case shall apply in writing to the Chief Judge of the Eleventh Judicial Circuit. The applicant should set forth his/her qualifications as set forth above. A list of Attorneys so qualified shall be maintained by the Chief Judge's office.

C. To remain on the approved list, each attorney shall attend continuing legal education courses consisting of at least five (5) hours every two year period and submit verification of attendance to the Office of the Chief 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 relevant programs sponsored by this circuit may be included as a portion of this continuing education requirement.

RULE 120. MATRIMONIAL AND FAMILY CASES

A. Matrimonial and family cases are defined as any proceedings for an order, judgment or decree relating to dissolution of marriage, parentage, separate maintenance or declaration of invalidity of marriage including proceedings concerning such matters as temporary support, maintenance, child custody or support.

1. Affidavit of Parties.

In all proceedings involving petitions for attorney's fees, court costs, maintenance, support and/or custody of children and modification of any previous orders relating thereto, the parties shall prepare an affidavit (suggested form, Appendix C) with proof of service pursuant to Supreme Court Rule 11, unless for good cause shown the court otherwise directs.

The Affidavits of Income and Expenses shall not be filed with the Circuit Clerk, but counsel may provide a courtesy copy to the judge assigned to the case prior to any hearing. Any financial document, bank record or affidavit of income and expenses offered and received as an exhibit shall be considered impounded, unless the court orders otherwise.

2. Unless otherwise provided in the order for support, all support payments shall be made to the State Disbursement Unit (SDU).

3. No pleading or entry of appearance shall be prepared or acknowledged by any attorney, members of his firm, or employee for an opposing party.

B. **Dissolution Venue**. In any case brought pursuant to the Illinois Marriage and Dissolution of Marriage Act where neither petitioner nor respondent resides in the county; where the initial pleading is filed, counsel for the petitioner shall file with said pleading a written motion, which shall be set for hearing and ruled upon before any other issue is taken up, advising that the forum selected is not one of proper venue and seeking an appropriate order from the court allowing a waiver of the venue requirements of § 104 of said Act.

C. **Mediation of Child Custody and Visitation**.

1. In any matrimonial and family case involving contested issues of child custody or visitation, either temporary or permanent, the court shall enter an Order for Mediation (suggested form – Appendix D) prior to the setting of any contested hearing unless excused if the court determines an impediment to mediation exists. The Circuit Clerk shall maintain a list of mediators available for all proceedings under Circuit Rule 105 and make said list available to the public.

2. A family mediation referral form shall be sent to the mediator in all cases within three (3) days of the

entry of the Order for Mediation.

Unless otherwise ordered by the Court, the first evaluation conference shall be held within twenty-one (21) days of the Order for Mediation. If both parties have not contacted the mediator to set an evaluation conference within fourteen (14) days of the Order for Mediation, the mediator shall notify the parties, in writing, of the time, date, and location of the mediation.

3. Conduct of Mediation. Any mediation ordered pursuant to the rule shall be conducted in accordance with the Standards and Procedures for Court-Referred Matrimonial and Family Mediation (Appendix E) by a mediator whose name appears on the court-approved list of mediators maintained at the office of the Circuit Clerk. The moving party's attorney, or Judge when both parties are pro se, shall be responsible for completion of the Mediation Referral form (Appendix F) and for forwarding that form to the mediator(s) selected. See, also, Mediator's Report form (Appendix G).

4. The content of all mediation sessions shall be confidential and the mediator(s) shall not be served with a subpoena or called as a witness.

5. Any person seeking to become a mediator should apply in writing to the Chief Judge of the Eleventh Judicial Circuit. The applicant should set forth his/her background and experience in mediation and should show that the Minimum Qualifications of Matrimonial and Family Dispute Mediators (contained in Paragraph 5 of Appendix E to these Rules) are met. Upon approval by the Chief Judge of an applicant as a mediator, the individual shall be added to the list of approved mediators maintained in the office of the Circuit Clerk.

6. The Chief Judge of the Eleventh Circuit (or designee) shall maintain statistical data on all family mediation proceedings, and report said data to the Administrative Office of Illinois Courts and to the Presiding Judge of the Family Division of each county as required.

D. **Joint Simplified Dissolution of Marriage Forms**. Pursuant to 750 ILCS 5/453, the Clerk of the Circuit Court shall provide forms at the request of parties desiring to file a Petition for Joint Simplified Dissolution of Marriage. Pursuant to 750 ILCS 5/456, the contents of forms to be used in simplified dissolution cases shall be provided for by court rule. The Circuit Clerk also may make available a brochure that describes the requirements, nature, and effect of a simplified dissolution. The Clerks of the Circuit Court of the Eleventh Judicial Circuit shall provide only such forms in dissolution cases specifically authorized by Statute, Supreme Court Rule, Administrative Order, or are approved for use by the resident Circuit Judge in Ford, Livingston, Logan and Woodford Counties, or the Presiding Judge of the Family Division of McLean County.

E. **Mediation of Financial or Property Issues**

1. In any matrimonial and family case involving contested issues of financial support, distribution of assets, distribution of financial obligations and debt or distribution of property, either temporary or permanent, the court may, at the request of either party or on the court's own motion, enter an Order for Mediation.

2. A family mediation referral form shall be sent to the mediator in all cases within 3 days of the entry of the Order for Mediation. Unless otherwise ordered by the court, the first evaluation conference shall be held within twenty-one (21) days of the Order for Mediation. If both parties have not contacted the mediator to set an evaluation conference within fourteen (14) days of the Order for Mediation, the mediator shall notify the parties, in writing, of the time, date and location of the mediation.

3. Any mediation ordered pursuant to this rule shall be conducted in accordance with the Standards and Procedures for Court-Referred Financial Issues Mediation (Appendix E) by a mediator whose

name appears on the court-approved list of mediators maintained at the office of the Circuit Clerk. The moving party's attorney, or Judge when both parties are pro se, shall be responsible for completion of the Mediation Referral form (Appendix F) and for forwarding that form to the mediator(s) selected. See Mediator's Report form (Appendix G). All materials offered during mediation must comply with Circuit Rule 120(A) and Circuit Rule 130.

4. The content of all mediation sessions shall be confidential and the mediator(s) shall not be served with a subpoena or called as a witness.

5. Any person seeking to become a mediator should apply in writing to the Chief Judge of the Eleventh Judicial Circuit. The applicant should set forth his/her background and experience in mediation and should show that the Minimum Qualifications of Mediators (contained in Section 5 of Appendix E to these Rules) are met. Upon approval by the Chief Judge of an applicant as a mediator, the individual shall be added to the list of approved financial/property mediators maintained in the office of the Circuit Clerk.

6. The Chief Judge of the Eleventh Circuit (or designee) shall maintain statistical data on all family mediation proceedings, and report said data to the Administrative Office of Illinois Courts and the presiding Judge of the Family Division of each county as required.

F. **Electronic Filing.** Filing of any summons, notice, motion or other document via facsimile, electronic mail or other electronic transmission methods is not allowed.

G. **Parenting Education**. All parents of minor children involved in any action concerning custody, modification of custody, visitation, or removal shall participate in a parenting education program approved by the Chief Judge not later than sixty (60) days after the initial case management conference, unless excused by the Trial Judge for good cause shown. Parents of minor children subject to this rule that fail to file a certificate of completion with the Clerk of the Court may not be granted a final order of custody or visitation.

RULE 121. FILING REQUIREMENTS IN THE MCLEAN COUNTY FAMILY DIVISION

Supreme Court Rule 237(b) now provides that the only documents which can be requested at trial are the originals of those documents previously produced in discovery, however this limitation is deemed inapplicable to requiring production of the following documents for temporary relief hearings in Domestic Relations (D) and Family (F) cases: 1) a party's most recently filed federal and state income tax returns with all attachments including W-2 forms; 2) a party's wage statements for the prior two months or the most recent wage statements from all employers if said statements provide year-to-date gross and net wage information; 3) a party's financial statements, profit and loss statements and balance sheet statements, if applicable. Documents produced must comply with Circuit Rules 120(A) and 130 unless ordered otherwise.

RULE 122. DETENTION OF JUVENILE STATUS OFFENDERS

A. The McLean County Juvenile Detention Center is prohibited from detaining all juvenile status offenders and non-offenders. A status offender is defined as a juvenile accused of an offense that would not be criminal if committed by an adult, such as truancy, curfew violations, running away from home or a placement, or ordinance violations such as consumption of alcohol or tobacco.

B. The McLean County Juvenile Detention Center is prohibited from placing in secure detention any juvenile detained for criminal contempt or on a warrant when the sole underlying offense is a status offense as defined in Section A of this rule.

C. In the event a juvenile is arrested on an outstanding warrant and where the underlying offense is a status offense, the arresting agency is hereby authorized to release the juvenile on a personal recognizance bond to either the parent(s), guardian, an officer of the Department of Children and Family Services or Juvenile Court Services as appropriate.

RULES 123-129 RESERVED

RULE 130. DISCLOSURE OF PERSONAL OR FINANCIAL INFORMATION IN CASE FILES OR DISCOVERY MATERIALS

A. No financial or tax records presented within the confines of a court proceeding (discovery or otherwise) shall be filed with the Circuit Clerk, but counsel may provide a courtesy copy to the assigned judge. With the exception of the parties and counsel of record, any such record submitted and received as an exhibit in a court proceeding shall be considered impounded, unless ordered otherwise.

B. Nothing in this rule prevents the court personnel or counsel from collecting personal identifying data or financial records data for the purpose of verifying identity, employment, determining financial ability to comply with proposed court orders or to collect financial obligations of a party.

SERIES 200. CRIMINAL FELONY, MISDEMEANOR, DUI, TRAFFIC AND ORDINANCE VIOLATION RULES

RULE 201. APPEARANCE BONDS; OFFICIALS AUTHORIZED TO LET TO BAIL, BAIL DEPOSITS

A. **Appearance Bonds**.

1. In the absence or unavailability of the presiding judge, any judge of the Circuit Court of the Eleventh Judicial Circuit may set bond for a defendant under arrest where a judge has not previously provided for the amount of the bond.

2. Any judge of the Circuit Court of the Eleventh Judicial Circuit, upon proper application, may issue a search warrant as provided under the Criminal Code of Procedure, and also rule upon an application for use of an eavesdropping device.

B. **Officials Authorized to Let to Bail**.

1. Pursuant to the Rules of the Supreme Court of Illinois, the persons designated below are authorized to accept and receipt for bonds, bond certificates, cash bail, or drivers' licenses (or such appropriate combinations thereof as may be authorized by the Supreme Court Rules), and to let to bail any person charged with any offense for which bail amounts are established in the Rules of the Supreme Court of Illinois; and pursuant to Supreme Court Rule 553(d), the persons designated below are authorized to release defendants upon personal recognizance bond in an amount required by this article except when there are reasonable grounds to believe that there exists one of the criteria set forth hereinafter in Circuit Rule 201(C):

a. The Sheriff of each county within this Circuit and any Deputy Sheriff designated by her/him;
b. The Commanding Officer of any police department of any city, village, town, or other municipality within this Circuit, and any police officers designated by her/him;
c. Any Illinois State Highway Policeman;
d. The Secretary of State and any officers or investigators designated by her/him;
e. The Director of the Department of Conservation, and any officers or investigators designated by her/him;
f. The Clerk of the Circuit Court of each county within this Circuit, and any Deputy Circuit Clerk designated by her/him;
g. The Chief of the Illinois State University police department and any police of officers designated by her/him.

2. The Secretary of State and any officers or investigators designated by him may accept and receipt for bonds, bond certificates, cash bail, or drivers' licenses (or such appropriate combinations as may be authorized by Rule), and may let to bail any person charged with any traffic offense for which bail amounts are established in Supreme Court Rule 526.

3. The Director of the Department of Conservation, and any employee of that Department designated by the Director, may, acting as a peace officer, accept and receipt for bonds or conservation offenses for which bail amounts are established in Supreme Court Rule 527.

4. The chief of the Illinois State University Police Department, and any employee of that department designed by the chief, may, acting as a peace officer, accept and receipt for bonds for offenses for which bail amounts are established in Supreme Court Rule 526.

5. Sheriff's Police Commanders, Circuit Clerks, the Secretary of State, the Director of the Department of Conservation and the Chief of the Illinois State University Police Department shall file with the Circuit Clerk of each county wherein such authority may be exercised a written designation specifying subordinates who are to be authorized to accept and receipt for bail posted pursuant to Supreme Court Rules.

C. **Individual or Recognizance Bonds**. Pursuant to Supreme Court Rule 553(d), the persons hereinabove designated are authorized to release defendants by giving individual bond in the amount required by this Article, except when:

1. The accused has previously been convicted of a criminal offense;

2. The accused has previously been admitted to bail on one or more criminal charges and the charge or charges are currently pending;

3. The accused, at the time of arrest, is in possession of a dangerous weapon;

4. The accused is on parole, probation, conditional discharge or supervision;

5. There is an outstanding warrant, detainer or bond forfeiture against the accused;

6. The accused is unable or unwilling to establish his identity or submit to being fingerprinted as required by law, or

7. Detention is necessary to prevent imminent bodily harm to the accused or to another.

D. **Form of Recognizance Bonds**. Persons being released upon personal recognizance bonds may be released by signing a separate bond form or by signing a uniform traffic ticket and complaint or a conservation ticket and complaint or other complaint agreeing to comply with the conditions relative to appearance printed thereon.

E. **Places Where Bond May Be Posted and Accepted**. Bond Certificates or Drivers' Licenses in Lieu of Cash Bail: When a bond certificate or a driver's license may be accepted in lieu of cash bail, authorized persons may accept and receipt for such documents at any place in accordance with Rule of the Supreme Court of Illinois.

F. **Consolidation**. Multiple charges arising out of the same occurrence for which an accused is eligible for release on posting a single bond under Supreme Court Rule 503 are hereby consolidated for appearance by operation of this Circuit Administrative Rule.

The authority admitting an accused to bail on all such multiple traffic, misdemeanor, ordinance violations and conservation charges shall enter the same single date and time for initial appearance in court upon the face of the bond and/or traffic citation.

G. **Bail--Non-court Hours**. Upon any judge being advised during non-court hours of a request to have an amount of bail set as to an individual in custody on a charge or charges for whom no bails have been pre-set by Supreme Court Rule, or pre-set on a warrant, the judge may sign a written order in which an amount of bail is specified. Upon request, the judge may also by means of a written order alter the term of bail previously set by Supreme Court Rule, warrant, or prior order.

H. **Use of Bail Bond Deposit**.

1. In all cases where 100% of the bond has been deposited, or in any case applicable under Supreme Court Rule 530, where the cause is dismissed by the prosecuting authority or dismissed for want of prosecution, the Circuit Clerk shall return 100% of the bond deposit to the defendant unless otherwise ordered by the Court.

2. In all traffic (TR) cases where a 10% bond has been posted pursuant to the provisions of 725 ILCS 5/110-7and Supreme Court Rule 530, and the Court orders an *ex parte* judgment and conviction be entered and the bond to be applied, the Clerk of the Circuit Court, without further written order or record sheet entry entered in the cause, shall:

A. Use the bail bond deposit to satisfy the costs, fines, additional fines, contributions, assessments, restitution, Public Defender fees, attorney fees or child support obligations assessed against the defendant in the case in which the bail bond has been deposited.

B. Satisfy any child support obligations of the same defendant incurred in a different case, in the amount ordered by the Court.

C. Transfer the remaining bail bond deposit to satisfy the fines, additional fines, court costs, contributions, assessments, restitution, or Public Defender fees of the same defendant incurred in a different case in which there is insufficient bond to cover the payment of such financial obligations.

Other than child support obligations, the Clerk of the Circuit Court shall not transfer the excess bail bond deposit in one case to satisfy the obligations of that same defendant incurred in a different case if the defendant has executed an assignment of the right to a refund of the bail bond deposit at the time the bail amount was deposited without the consent of the defendant's assignee or unless the Clerk is ordered to do so by the Court.

3. In all other cases where a bond is posted, and the bond is ordered forfeited, the Circuit Clerk shall disburse the monies in accordance with 725 ILCS 5/110-7 or 725 ILCS 5/110-8 as applicable unless otherwise ordered by the Court.

RULE 202. PROCEDURES FOR THE DETERMINATION OF PROBABLE CAUSE AND SETTING BOND ON WEEKENDS AND HOLIDAYS.

In order to comply with the constitutional requirements established in Gerstein v. Pugh, 420 U.S. 103 (1975) and Riverside County vs. McLaughlin, 500 U.S. 44 (1991), the Circuit Court of the Eleventh Judicial Circuit hereby adopts the following procedures:

A. Pursuant to 725 ILCS 5/109 and 5/110, any person arrested without a warrant, who is in custody at a time when the next regularly scheduled court session is not within forty-eight (48) hours of the arrest, shall be entitled to review of probable cause and a determination of bond in the manner set forth herein.

B. On weekends, or on court holidays, where more than forty-eight (48) hours will elapse before a probable cause hearing can be conducted, the Chief Judge shall designate the time, date and location of said hearings by further Administrative Order.

C. All judges of the Eleventh Judicial Circuit, both Circuit and Associate, shall be designated by further Administrative Order to conduct probable cause hearings and affix bond for those persons in custody during said times that court sessions are scheduled on weekends and holidays. For that purpose, judges of the Eleventh Judicial Circuit shall be deemed to have automatically interchanged with each other for purposes of conducting hearings under this order.

D. All State's Attorneys and Assistant State's Attorneys of the Eleventh Judicial Circuit are hereby designated special prosecutors for the purposes of conducting probable cause hearings relative to this order.

E. Counties are not required to transport any defendant to the McLean County Law & Justice Center for the purpose of making determinations of probable cause and setting bond under this order.

F. **Procedures for Determinations of Probable Cause and Setting Bond**:

1. Any peace officer who arrests a person without a warrant, and causes said person to be incarcerated by the Sheriff of the County of arrest, shall provide to the Sheriff of the County a verified statement of arrest and witness statements (Suggested Form – Appendix H). The State's Attorney of said county, or their designee, shall provide a charging document, based on said reports, and a criminal history containing sufficient factual information from which the Court can make a determination of probable cause and set bond.

2. The Sheriff of said County shall make said reports and charging document available to the McLean County State's Attorney, or their designee, by 12:30 PM of the date of the weekend/holiday bond court.

3. The State's Attorney, or their designee, shall present a probable cause statement and bond recommendation to the Judge beginning promptly at 1:00 PM at the McLean County Law & Justice Center on the date of the weekend/holiday bond court.

4. The assigned judge shall review the documentation, and based on the review, probable cause shall/shall not be established and the appropriate bond set based on the facts of the case and criminal history of the defendant. The judge shall enter the findings on an order, which, with the peace officer's reports, shall be filed with the Circuit Clerk by the State's Attorney of the appropriate county on the first business day following the court proceeding. The State's Attorney of McLean County, or their designee, is charged with the responsibility of providing the order(s) to the Sheriff of each county as necessary. The format of the order shall be substantially similar to the attached form.

Nothing in this order shall prevent a judge from conducting a McLaughlin hearing within their assigned county in a manner that substantially complies with the provisions set forth above.

RULE 203. APPOINTMENT OF PUBLIC DEFENDER (McLEAN COUNTY)

A. The initial appointment of the Public in Defender McLean County felony cases shall be a provisional appointment. Final appointment of the Public Defender shall be considered only after the defendant has reported to the Court Screening Officer as directed and provided the information and documentation requested by the Court Screening Officer. At the time of the appointment a written order shall be served upon the defendant requiring compliance with the screening procedures.

B. The Court Screening Officer shall submit the information obtained from the screening process to the Judge assigned to felony arraignments within seventy-two (72) hours after the initial custody hearing. After reviewing said screening information, the arraignment Judge shall make the determination as to appointment of the Public Defender.

RULE 204. DEMAND FOR SPEEDY TRIAL

Any demand for speedy trial made by a defendant pursuant to 725 ILCS 5/103-5 shall be in written form. The original of the written demand for speedy trial shall be filed at the time of the demand with the Clerk and made a part of the Court file, and a copy of such demand shall be served upon the State's Attorney, with proof of service made a part of the Court file. No demand for speedy trial shall be accepted by the Court unless filed in

accordance with this Rule.

RULE 205. DISCOVERY PROCEDURES IN CRIMINAL CASES

A. The discovery material required by Supreme Court Rule 411-415 to be exchanged between the parties shall not be filed in the court file to which it relates.

B. In lieu of filing the material, proof of service on the party to whom the material is directed shall be made by certification of counsel responsible for the case which certification shall include the name and case number of the case to which it relates, be filed with the Clerk of the Circuit Court and meet the following minimum requirements for identifying the specific material provided:

1. The State's Attorney shall certify that material within the possession or control of the State required by Supreme Court Rule 412 has been so provided and identify the categories of material by specific reference to subparagraphs (a), and its subparts, (b), (c), (d), (e), (f) and (g) and to Supreme Court Rule 415(b) setting out the number of pages of material so provided as to each said subparagraph.

2. The attorney for the defendant shall certify that material within the possession or control of defendant or his counsel required by Supreme Court Rule 413 has been so provided and identify the categories of material by specific reference to subparagraphs (c) and (d) and its subparts, and to Supreme Court Rule 415(b) setting out the number of pages of materials so provided as to each subparagraph.

C. The Clerk of the Circuit Court is directed to refuse to accept papers that are ordered not to be filed by this rule.

D. Whenever a party objects to material furnished, seeks to enforce compliance or otherwise addresses a motion to the sufficiency of production, the party shall attach to the motion and file with the Clerk of the Circuit Court a copy of all relevant discovery material received in order that the Court may properly consider the motion.

E. Filing of any summons, notice, motion or other document via facsimile, electronic mail or other electronic transmission methods is not allowed.

RULE 206. MOTIONS

A. **Motions and Notice Requirements**.

1. Every motion shall be filed in the office of the Circuit Clerk, if that office is open, before application to a judge for the order.

2. In the absence or unavailability of the judge assigned to the case, any judge may consider an emergency motion and issue an appropriate order in proper cases; subsequent matters relating to the cause in which the petition is filed shall be heard by the judge assigned to the individual case.

3. Any pro se motion filed by a party who is represented by counsel, except one that relates to alleged deficiencies in his/her attorney's representation, shall be stricken by the Court.

4. 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.

5. 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 thereof, whether granted or denied, shall be served by the party 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 (2) days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

B. **Notice of Hearing of Motion**.

1. Written notice of the hearing of all motions shall be given by the party requesting hearing to all other parties. Notice of motion made within a court day of trial shall be given as directed by the Court. Notice for all other motions shall be given in the manner described in Supreme Court Rule 11.

2. No motion, unless allowed within the discretion of the Court, may be scheduled for hearing less than two (2) court days after the effective date of service as described in Supreme Court Rule 12.

~~2~~. 3. 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. **Failure to Call Motion to Hearing**. The burden of calling for hearing any motion previously filed is on the party making the motion. The court may at anytime on its own motion set any such motion for hearing. 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 without notice.

D. **Withdrawal of Attorney**. Withdrawal or substitution of attorney and notices relating thereto shall be governed by Supreme Court Rule 13.

E. **Written Orders**. All orders presented to the court for entry shall demonstrate proof of service upon all opposing parties in compliance with Supreme Court Rule 11.

RULE 207. USE OF PLEA AGREEMENT FORMS

With respect to Criminal Felony (CF) cases in which a Plea Agreement is tendered to the Court pursuant to the provisions of Supreme Court Rule 402 where sentence to imprisonment in the Illinois Department of Corrections is a possible punishment on any count of the charge, whether a plea is tendered on that count or not, counsel shall submit the Plea Agreement which includes:

The charges or counts to which a guilty plea is being entered;
The charges or counts being dismissed;
The maximum jail or Illinois Department of Corrections sentence agreed to;
Amount of fines, costs, restitution and other financial obligations;
Defendant's prior record of convictions;
The pre-sentence investigation report (or waiver thereof);
Amount of time of supervision or probation.

RULE 208. PRE-SENTENCE REPORTS

730 ILCS 5/5-3-4 provides for the filing and disclosure of pre-sentence reports. This section provides that the

report shall be opened for inspection to the defendant's attorney at least three (3) days prior to imposition of sentence unless such three (3) day requirement is waived.

In order to provide for the orderly disposition of sentencing hearing, the Adult Probation Department of each county of the Circuit is hereby authorized to send by regular mail, postage prepaid, a copy of the pre-sentence report to the defendant's attorney, considering the time schedule as set forth in 750 ILCS 5/5-3-4.

RULE 209. JUDGMENT/SENTENCING ORDER TO DEPARTMENT OF CORRECTIONS

In all criminal cases, where a defendant is sentenced to imprisonment in the Illinois Department of Corrections, a written order shall be entered in substantially the same form as the order entitled "Judgment--Sentence to Illinois Department of Corrections." Copies of the forms are available from each Circuit Clerk's office.

RULE 210. ADMINISTRATIVE SANCTIONS FOR OFFENDERS WHO HAVE VIOLATED PROBATION

Pursuant to 730 ILCS 5/5-6-1, it is ordered that an administrative sanctions program be established in each of the five counties of the Eleventh Judicial Circuit. The program shall be administered by the Court Services Department or Probation Department in each county for the offenders who are supervised by that department. The program shall be administered in a manner consistent with the procedures for establishing an administrative sanctions program. Administrative Sanction Program guidelines shall be available from each of the Court Services departments.

RULE 211. WARRANT CALENDAR

A. **Transfer of Cases**. Any pending case in which a warrant for arrest has been outstanding and unserved for a period of six (6) months is, by operation of this Rule, transferred to the warrant calendar. Cases transferred to the warrant calendar pursuant to this Rule shall not be considered as pending cases for statistical purposes.

B. **Reinstatement to Active Calendar**. Upon the arrest of any defendant in a cause previously transferred to the warrant calendar, the cause is reinstated to the active calendar of the Court to be considered as a pending case for statistical purposes.

C. **Call of the Warrant Calendar.** Annually in the month of May the Circuit Clerk of each county shall prepare a list of all cases transferred to the warrant calendar for over twelve (12) months. A copy of the list shall be delivered by the Clerk to the office of the State's Attorney of the county and to the Presiding Judge of each County, or in McLean County, the presiding judge of each division. The Presiding Judge receiving a list of cases pending on the warrant calendar for more than twelve (12) months shall order a call of the cases so pending in the month of June annually. On the annual call of the warrant calendar, determination shall be made whether the case should remain on the calendar, be dismissed, or be reinstated as an active case.

This procedure shall be applicable for all counties within the Circuit unless said County adopts an alternative procedure in writing.

RULE 212. IMPOSITION OF TRANSFER FEE FOR PROBATIONERS

Pursuant to 730 ILCS 5/5-9-1.13, that every person subject to conditions of probation, parole, or mandatory supervised release within the Eleventh Judicial Circuit, who seeks to transfer to another state subject to the

Interstate Compact for Adult Offender Supervision must make provisions for the payment of any restitution awarded by the circuit court and pay a fee of $125 to the Circuit Clerk of the appropriate county before being granted the transfer, or otherwise arrange for payment.

The fee payment from persons subject to a sentence of probation shall be deposited into the general fund of the county in which the court has jurisdiction. The fee payment from persons subject to parole or mandatory supervised release shall be deposited into the General Revenue Fund. The proceeds of this fee shall be used to defray the costs of the Department of Corrections or county sheriff departments, respectively, who will be required to retrieve offenders that violate the terms of their transfers to other states. Upon return to the State of Illinois, these persons shall also be subject to reimbursing either the State of Illinois or the county for the actual costs of returning them to Illinois.

SERIES 300. CIRCUIT COURT ADMINISTRATION AND OPERATION

RULE 301. MEETINGS OF CIRCUIT JUDGES

A. Meetings of the Circuit Judges and meetings of the Circuit and Associate Judges shall be called by the Chief Judge. Five days notice, in writing, of any meeting shall be given by the Chief Judge. The five-day notice in writing requirement may, in matters of emergency, be waived by the Chief Judge. No action shall be taken at an emergency meeting called by the Chief Judge unless three-fourths of the Circuit Judges consent at the meeting called to a consideration of the emergency agenda.

B. With respect to meetings of the Circuit Judges, any two Circuit Judges may request, in writing, a meeting of the Circuit Judges. In the event of a request for a meeting of both the Associate and Circuit Judges, any three judges may request, in writing, a meeting of the judges of the Circuit. The written request shall be directed to the Chief Judge. Upon receipt of the written request pursuant to his Order, the Chief Judge shall immediately call a meeting of the Circuit Judges or the Circuit and Associate Judges in compliance with the request.

RULE 302. ELECTION, TERM AND TENURE OF CHIEF JUDGE; CHIEF JUDGE (ACTING CHIEF JUDGE)--DUTIES; CHIEF JUDGE'S DOCKET

A. **Election, Term and Tenure of Chief Judge**.

1. The Circuit Judges of the Eleventh Judicial Circuit shall select by secret ballot one Circuit Judge to serve as Chief Judge for a term of two (2) years. Prior to the expiration of the term, the Chief Judge shall call a meeting of all Circuit Judges to select a Chief Judge.

2. All Circuit Judges are eligible candidates for Chief Judge, unless a Judge or Judges declare a refusal to be a candidate. A majority of all votes cast is required for the election of a Chief Judge.

3. A committee appointed by the Chief Judge shall canvass the votes and announce the results on each ballot. The Judge receiving a majority of votes cast will be elected as Chief Judge. In the event a judge does not receive a majority of the votes cast, a second ballot will be taken on the two or more judges receiving the highest number of votes, and the balloting shall continue until one Judge receives the majority of the votes cast, and be deemed elected.

4. The Chief Judge elected will take office the first Monday of January following election, unless a vacancy is being filled, in which case he will take office immediately on election for the unexpired term.

5. Any four or more Circuit Judges may request removal of the Chief Judge by writing to the Administrative Office of the Illinois Courts to request a vote by all Circuit Judges in their Circuit upon

the question; "Shall the present Chief Judge be retained in office?" If the majority of the votes cast by the Judges voting on the question are in the negative, the Chief Judge is thereby removed from office.

6. A Chief Judge desiring to resign shall call a meeting of the Circuit Judges of the Circuit, designating a time and place of meeting. Upon acceptance of the resignation, the Judges will immediately proceed to the election of a successor Chief Judge. The duly elected successor Chief Judge immediately shall take office for the remainder of the unexpired term.

B. **Chief Judge (Acting Chief Judge)--Duties**. The office of the Chief Judge shall have general administrative authority over the Courts in the several counties of the Eleventh Judicial Circuit, subject to the authority of the Supreme Court of the State of Illinois. Said Chief Judge shall have said general administrative authority, including authority to provide for divisions--general and specialized--for appropriate times and places to hold Court as provided by the Constitution of the State of Illinois, and all other powers and duties as may be prescribed by law or Supreme Court Rules.

C. **Assignments**. The Chief Judge shall by Administrative Order:

1. Make assignments of judges to the several divisions of the Court.

2. Make assignments of court reporters for specified judges or to divisions as the need of the Circuit dictates.

D. **Seniority**. In the absence of ability of the Chief Judge to act, he may select one of the Circuit Judges to act in his stead. If no such designation of an acting Chief Judge is made, the Circuit Judge having the highest seniority in judicial service is Acting Chief Judge. In the event the senior judge is absent or incapacitated to act, the Judge next in seniority shall be Acting Chief Judge.

E. **Chief Judge's Docket**. The Chief Judge of the Eleventh Judicial Circuit shall maintain a "Chief Judge's Docket" in which he shall enter all Orders, Administrative Evidence of Consent, etc., from time to time. The said docket shall be kept in the office of the Chief Judge and permanently retained.

RULE 303. ORDERS AND SCHEDULING; HOLIDAYS;

A. **Orders and Scheduling**. Upon direction of the judge, counsel shall prepare and submit any orders or notices to the Judge for signature; no written order entered shall be modified or altered except by a subsequent written Order. No bail fixed by a judge will be increased or decreased except in writing. No warrant issued by order of the court will be recalled except upon written order.

B. **Written orders**. Any judge fixing bail during hours when court is not in session shall do so by means of a written order, which order shall be delivered to the Sheriff, who shall cause the same to be filed in the office of the Clerk of the Circuit Court together with any bond taken pursuant to said order.

C. **Holidays**. The court shall annually adopt a holiday schedule.

RULE 304. ESTABLISHMENT OF DIVISIONS OF THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT

A. The establishment of divisions of the Circuit Court of the Eleventh Judicial Circuit is necessary for the proper administration of justice.

B. Each matter assigned to the respective divisions of the Court will be those designated by the Administrative

Director of the Illinois Courts as described in the Uniform Record Keeping manual.

C. Circuit Judges duly elected or appointed and Associate Circuit Judges duly appointed in the Eleventh Judicial Circuit are authorized to hear cases in the Circuit, subject only to restrictions which apply by virtue of law or Supreme Court Rule 295.

D. The following, by County and Division designation, are the various divisions of the Circuit Court of the Eleventh Judicial Circuit of Illinois:

Ford County.

All matters and cases arising in the County of Ford shall be heard by the Circuit Court of Ford County, and all divisions of said Court are abolished.

Livingston County.

Circuit Division
Associate Division

Logan County

General Division
Associate Division

McLean County

Civil Division
Criminal Division
Family Division

Woodford County

General Division
Associate Division

In any county where there have been multiple divisions established, the Circuit Clerk shall maintain a list of cases assigned to each division, and maintain a list of cases assigned to each judge.

RULE 305. EX PARTE COMMUNICATIONS BETWEEN LAWYERS AND JUDGES

In an adversary proceeding, lawyers and judges shall not communicate as to the merits or outcome of the cause except:

In regularly convened proceedings;
In writing if a copy of such communication is properly delivered to opposing counsel;
Orally upon adequate notice to opposing counsel;
As otherwise authorized by law.

This rule shall not be construed to prohibit communications with regard to scheduling and procedural matters which would not reasonably be expected to affect the outcome of litigation.

RULE 306. CHANGE OF JUDGE; CHANGE OF VENUE (PLACE OF TRIAL)

A. **Change of Judge**.

1. On motion for substitution of Judge, or upon a Judge voluntarily disqualifying himself from hearing a case, the Judge allowing such motion or so disqualifying himself, shall rule upon the motion, either granting or denying the same, and shall either record the Judge's disposition of the motion on the docket sheet or enter a written order in the subject case, and shall notify the Chief Judge of the Circuit, who will assign a Judge to hear the cause. In such circumstances, Paragraph 4 of this order below is not applicable.

2. If a motion for substitution of Judge is granted during the period that an emergency or interim order of protection is in effect, the ordered date for next hearing is cancelled; and the order shall otherwise remain in effect an additional thirty (30) days or until such time as the hearing is rescheduled and concluded by the assigned Judge, whichever is sooner.

3. In criminal cases, upon the filing of a motion in proper form for substitution of Judge for cause, the motion may be heard by any other Judge of the Circuit Court regularly assigned to the same county. In the event there is no other Judge regularly assigned to the county, the Chief Judge shall be notified, and a Judge shall be assigned to hear the merits of the motion.

4. Individual cases may be transferred from one division to another division, or assigned to a Judge other than the presiding Judge of the division in which the cause was originally instituted, upon order of the Chief Judge.

5. As to specific cases in a county, interchange of Judges within the county between Judges who are regularly assigned to that county may be had by mutual agreement of the two Judges affected. No notice to the Chief Judge is necessary. Any Judge regularly assigned to a county by these Administrative Orders may preside over any case within that county when the responsible Judge is unavailable. If the interchange involves Judges who are not regularly assigned to the same county, upon consent of the Chief Judge, the interchange may be had by mutual agreement of the Judges affected and notification of the Chief Judge. Said consent will be manifested by a memorandum entry in the Chief Judge's docket. Said entry will constitute conclusive proof of authority of said interchange without being recorded on the records of the county or counties of said interchange.

6. Pending matters in individual cases may also be the subject of interchange of Judges within the Circuit by mutual agreement of the Judges affected and notification of the Chief Judge. In the event the Judge responsible for the disposition of the individual case is unavailable to agree to interchange of the pending matter, the parties to the pending matter may request interchange through the office of the Chief Judge. In the event the interchange is completed through the office of the Chief Judge, the Chief Judge shall immediately make a record in the Chief Judge's docket reflecting the interchange assignment. The entry in the Chief Judge's docket is conclusive authority for the interchange as to the pending matter. The Chief Judge shall also file in the record of the individual case an assignment order as to the pending matter.

7. In accordance with 735 ILCS 5/1-104 and Supreme Court Rule 21, and to facilitate the assignment of cases and the efficient administration of the court system in Livingston County, Illinois, the resident Circuit Judge of Livingston County is designated as supervising judge.

In any case filed in Livingston County where a judge who is regularly assigned to Livingston County is disqualified from hearing the case because of recusal or the granting of a motion for substitution of judge, such case shall be referred to the Supervising Judge for reassignment to another judge regularly assigned to Livingston County.

In any case filed in Livingston County where all judges regularly assigned to Livingston are so disqualified, such case shall be referred to the Chief Judge for re-assignment.

B. **Change of Venue (Place of Trial).** On a motion for change of venue from a county, the Judge allowing such motion shall either record the Judge's disposition of the motion on the docket sheet, or enter a written order in the subject case, and shall notify the Chief Judge of the Circuit, and may consult with the Chief Judge, and through the Chief Judge, with the Court Administrator and others, concerning available facilities and suitable locations to which the trial could be transferred.

RULE 307. JURORS

A. **Organization of Jury Commission, Number of Jurors, Jury Calendar**

1. Jury Commissions shall be appointed in the counties of Livingston, Logan and McLean as provided by 705 ILCS 310/1. In the counties of Ford and Woodford, the Circuit Clerk shall act as Jury Coordinator.

2. Annually, in consultation with the judges and as otherwise provided by law, the jury commission or jury coordinator shall determine the number of persons to serve as petit jurors, grand jurors and coroner's jurors for the following year. The respective juror lists shall be compiled as provided by 705 ILCS 305/1b.

3. Annually the Chief Judge shall issue an administrative order adopting a circuit-wide jury calendar stating when petit juries will be summoned in each county.

B. **Call of Jurors**

1. Petit jurors shall be called as requested by each judge in accordance to the jury calendar of the County, or as provided by other local rule.

2. Grand jurors will be called in each county as provided by law.

3. Coroner jurors will be called in each county as provided by law.

C. **Administrative Authority**. Pursuant to 705 ILCS 305/10.2, the Chief Judge of the Eleventh Judicial Circuit hereby authorizes the Resident Circuit Judge in each county [or Judge(s) assigned the administrative authority in McLean County] to excuse summoned jurors upon reasonable cause, or continue their service, and regulate their assignments to the various courtrooms within the County.

D. **Investigations of Jurors or Communication with Jurors**.

1. Before the trial, a lawyer connected therewith shall not communicate with or cause another to communicate with anyone he knows to be a member of the venire from which the jury will be selected for the trial of the case.

2. During the trial:

    a. A lawyer, or any other person, connected therewith shall not communicate with or cause another to communicate with any member of the jury.
    b. The above paragraph does not prohibit a lawyer from communicating with jurors in the course of official proceedings.

c. After discharge of the jury from further reconsideration of a case with which the lawyer was connected, the lawyer shall not ask questions of or make comments to a member of that jury until the venire of which he is a member has been discharged, nor shall the lawyer thereafter ask questions of or make comments to a member of the venire that are calculated merely to harass or embarrass the juror, or to influence his actions in future jury service.
d. A lawyer shall not conduct or cause, by financial support or otherwise, another to conduct a vexatious or harassing investigation of a juror.
e. All restrictions imposed by this rule upon a lawyer also apply to communications with or investigations of members of a family of a juror.
f. A lawyer shall reveal promptly to the court improper conduct by a juror, or by another toward a juror or a member of the juror's family, of which the lawyer has knowledge.

3. Juror home addresses and dates of birth shall not be included in materials provided to counsel or parties. Disclosure of city of residence and year of birth is allowed. Social Security numbers shall not be required on the juror questionnaire or qualification form. All information collected is considered impounded unless ordered otherwise.

E. **Jury Trial Guidelines**. The following general procedures are suggested guidelines in jury trials:

1. The court day for jury trial shall be considered to be 9:00 a.m. to 5:00 p.m. with an appropriate recess for lunch.

2. A new witness will not be called to the stand after 5:00 p.m. unless there is assurance that the witness' examination and cross examination will conclude by 5:30 p.m.

3. If a witness is on the stand at 5:00 p.m., testimony may continue, but the witness should be excused and the jury recessed on or before 5:30 p.m.

4. No final arguments will be begun unless it appears that the final arguments made, instructions given, and retirement for deliberation will begin on or before 6:00 p.m.

RULE 308. SECURITY OF COURT RECORDS

A. **Inspection of Court Records**. Except as otherwise ordered, or as restricted by Circuit Rule 130, Clerks and Deputy Clerks shall permit inspection of all files and records in the office of the Circuit Clerk.

B. **Impounded Records**. No one, except the Clerk or his Deputy, and the Court, will be permitted to examine impounded indexes. Impounded records may be examined only as permitted by law.

C. **Removal of Records**. Except for use in Court, or by a judge or their designee, records shall be removed from the office of the Clerk only:

1. When used in the record on appeal; or

2. When transferred on a change of venue.

RULE 309. MARRIAGE FUND

A. Pursuant to Supreme Court Rule 40, a Marriage Division has been established in the Counties of Ford, Livingston, Logan and McLean.

B. The Marriage Division in said counties shall consist of the judges regularly assigned to those counties.

C. The Marriage Division shall be in session at such times as the judges thereof shall direct.

D. The Clerk of the Circuit Court or someone designated by the Clerk shall attend each session to assist the judge presiding in the Marriage Division. For each marriage performed, the Clerk shall collect a fee of $10 unless waived by the judge for good cause shown. No additional fee or gratuity will be solicited or accepted. The Clerk shall maintain a triplicate pre-numbered receipt book to record fees received. The original receipt is to be given to the parties to the marriage, a second copy to be forwarded to the Chief Judge's office, and the third copy to be retained by the Circuit Clerk.

E. When a marriage ceremony is performed by a judge at other times and places, a like sum for costs shall be charged and shall be paid by the parties to the Clerk of the Circuit Court. A receipt for the costs paid in advance shall be exhibited to the judge at or before the time of the marriage ceremony.

F. All fees received shall be deposited in a bank account no less than monthly by the Clerk in the name of the "Marriage Fund of the Circuit Court of _____ County." The Chief Judge, the Administrative Secretary and a resident Circuit Judge of the county will be trustees of each such account. The account shall be maintained in a bank in the county to be designated by the trustees. All disbursements from said fund shall be made by check and signed by at least two trustees.

G. The Chief Judge's office shall maintain proper ledger sheets showing all amounts received and the sources, expenditures and the description as well as bank statements for each account. The fiscal year for the Marriage Fund Account shall be January 1 through December 31 of each year. The marriage fund of each county shall be maintained and audited in a manner prescribed by Supreme Court Rule 40.

H. The Chief Judge's office shall request the County Clerk of each county to inform marriage license applicants who desire that a judge perform their ceremony of the hours established for such purpose.

RULE 310. COURT FACILITIES AND ACCESSIBILITY

In order to serve all citizens of the State of Illinois and in particular the handicapped and aged, the following procedures shall be followed:

A. That the judges and court personnel, including Clerks, reporters, bailiffs, etc., endeavor to do everything necessary to make the physical facilities and services of the courthouse available to handicapped persons or those who request accommodation under the Americans With Disabilities Act;

B. That where appropriate and necessary, individual orders may be entered by the judges to comply with this Administrative Order, providing for, but not limited to, emergency designation of additional courtrooms, ordering certain court personnel to provide physical assistance, recessing of court to a more appropriate location, designating interpreters and providing essential equipment on a temporary basis; and

C. That every reasonable effort is made by court personnel to communicate effectively to aged and handicapped persons that special services and equipment will be made available to them to insure their access to the due administration of justice.

RULE 311. COURTROOM MANAGEMENT AND DECORUM

A. **Cell Phones, Computers and All Other Electronic Devices**

1. All persons appearing in Court, whether they are parties to the case, witnesses, victims or members of the public, must turn off all cell phones, computers and all other electronic devices prior to entrance to the courtroom.

2. All attorneys must silence all cell phones and electronic devices upon entry to the courtroom.

3. Attorneys may only operate personal computers within the courtroom during the course of a hearing in which they are participating, and may do so only to assist in the presentation of their case.

4. Authorized court personnel, to include judges, court clerks, court services personnel and court reporters, may operate computers, including laptops and personal computers, within the courtroom while court is in session when such operation is in furtherance of, or related to, official court business.

B. **Cameras, Video Recorders and Audio Recorders**

1. The taking of photographs in the courtroom or its environs, audio or video recording in the courtroom or its environs or radio or television broadcasting from the courtroom or its environs, during the progress of or in any way connected with judicial proceedings, whether or not court is actually in session, is prohibited. The word "environs" shall at all times include the hallways and rooms immediately adjacent to the courtroom, and it shall be understood that, in the interest of a fair trial, the court may expand the area of environs in a special order. This rule may be suspended at the discretion of the Court during marriages or ceremonial proceedings.

2. The provisions of Section B(1) do not apply to video and audio closed- circuit transmission of appearances of defendants in custody that occur between a courtroom and jail facility pursuant to 725 ILCS 5/106(D).

3. In a widely publicized or high profile case, the court, on motion of either party, or on its own motion, may issue a special order governing such matters as extra-judicial statements by parties and witnesses which might interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the court may deem appropriate for inclusion in such an order.

C. **Media and Interviews**

1. No interview of any person, including the judge, shall be held in the courtroom.

2. In certain cases, the Sheriff may designate a specified area or location for interviews, camera and video locations and parking for the media. Media identification may be issued by the Sheriff at their discretion.

3. In no instance is any portion of the courtroom reserved specifically for any media personnel, media outlet or agency with the exception of any order issued in conjunction with Section B(3) above.

D. **Clothing and Hats / Headgear**

1. Any person appearing for court, or attending a court proceeding, may be barred from the courtroom and their case may be reset if the judge determines that their clothing is inappropriate or offensive to the Court. Any person who falls within this provision shall be given an opportunity

to change clothing or cover the inappropriate portions of the message displayed prior to the matter being reset or any other sanction being imposed.

2. All persons entering a courtroom shall remove their coat or outerwear and hat or headgear. The only exception to this requirement is listed in item E(2) below.

E. **Religious and/or Sacred Headgear**

1. All persons entering any court facility in the Eleventh Judicial Circuit are subject to search as defined by the policies and procedures of the Sheriff of said county. All persons entering may be required to remove any and all headgear if security measures require such action. Any persons claiming exemption to the search policies due to religious beliefs or requirements shall be allowed to remove the item and/or be searched in a private area, under the direct supervision of courthouse screening personnel or Sheriff's court security detail.

2. Any person entering a courtroom seeking exemption to item D(2) above due to religious beliefs or requirements shall be allowed to retain their headgear only upon review of the matter by the judge assigned to the case. Judges shall make such determination based on the two-part test established by the United State Supreme Court in *Oregon v. Smith*, 110 S.Ct. 1595, 1613 (1990) (O'Connor, J., concurring).

F. **Newspapers, Magazines, Books and other print or reading materials**

All persons who enter a courtroom shall be prohibited from reading materials while in the public sections of the courtrooms. Any attorney may review case materials in preparation for a case, but may be ordered out of the courtroom by the judge (or designee) if such activity provides any distraction to the current proceeding.

G. **Food, Beverages and other similar items**

All food, beverages and other similar items are not allowed within the courtroom by any person, unless specifically authorized by the judge presiding in the case.

Any person in violation of any of the above provisions may be subject to sanctions or further contempt proceedings by the judge presiding in the case.

These policies and procedures may be modified or amended by the judge presiding in any cause before the Court in order to maintain an orderly and equitable proceeding.

RULE 312. FINES, FEES, SURCHARGES, COSTS AND RESTITUTION

A. All counties within the Eleventh Judicial Circuit shall maintain a schedule of the various fees, fines and surcharges collected within the County, and where appropriate, the County Board or Court shall from time to time amend those fees. A schedule of such fines, fees and surcharges, including fees charged for services by the Court Services office or various testing fees, shall be available from each Circuit Clerk's office.

B. The County Treasurer of each county shall establish separate budget and revenue lines when directed by Statute, County Board Resolution or Court Order to account for said fines, fees, surcharges or other financial accounts.

C. The Clerk of the Circuit Court shall remit not less frequently than once each month all fines, fees, court costs and restitution paid during the calendar month following the month in which said monies were collected to the state officer entitled thereto, to the County Treasurer, or to the treasurer of the local governmental entity

entitled thereto; and all financial transactions of the Clerk of the Circuit Court shall be recorded reasonably contemporaneously with, and in no event later than ten (10) business days after the transaction in the financial records of the Clerk of the Circuit Court.

D. The financial and accounting records of the Clerk shall be kept in a manner consistent with the uniform bookkeeping system adopted by the Illinois Supreme Court or any other bookkeeping or accounting system adopted by the Clerk of the Circuit Court and approved by the certified public accountant retained by the county board to audit the financial records of the county.

E. Where required by Statute, the presiding Circuit Judge in each county [or the designated judge(s) in McLean County] shall review and /or approve expenditures made from the various specialized County funds.

RULE 313. RESTRICTED AREAS

The Livingston County Courthouse, McLean County Law & Justice Center and Woodford County Courthouse have been designed and constructed for security purposes. The area of the judges' chambers, secretaries and court reporters' offices, jury rooms and facilities, microfilm and machine room area, and the law library is within the restricted area designed to provide limited access. For the purpose of uniformity with respect to the restricted area, the Court finds that it is necessary to provide, by Administrative Order, standards regarding access to this area.

Access to the restricted areas shall be unlimited for the following categories of persons:

Circuit and Associate Judges assigned to the Eleventh Judicial Circuit;
Court reporters assigned to and employed in the Eleventh Judicial Circuit;
Secretaries employed in and by the Eleventh Judicial Circuit;
Administrative staff employed in and by the Eleventh Judicial Circuit;
The Circuit Clerk and the Clerk's deputies;
The sheriff and his deputies;
Lawyers having court business;
Probation officers and their secretaries;
Petit jurors;
Bailiffs employed by the Circuit Court and by the Sheriff;
Security and custodial personnel.

All other persons shall gain access to the restricted area in the following manner:

The secretaries or other court personnel in the restricted area who are designated this responsibility shall respond to a request to an appropriate purpose or need for admittance. Those not so admitted shall be given directions to the office which can appropriately accommodate their purpose.

RULE 314. ELECTRONIC ACCESS TO CIRCUIT CLERK RECORDS VIA THE INTERNET

Pursuant to Section 1.00 (c) of the Illinois Supreme Court policy on *Electronic Access for Circuit Clerk Records of the Illinois Courts*, each Circuit Clerk within the Eleventh Judicial Circuit is authorized to provide access to Circuit Clerk records via the Internet (or World Wide Web) in accordance with said policy.

This rule does not require a Circuit Clerk to provide electronic access to records via the Internet (or World Wide Web).

RULE 315. UNDER ADVISEMENT DECISIONS WITHIN 60 DAYS

Pursuant to the administrative authority delegated to the Chief Judge of each judicial circuit under Illinois Supreme Court Rule 56, all Eleventh Judicial Circuit judges are encouraged to render their decisions promptly when matters are ready for decision, and except as hereinafter provided, no judge of this Circuit shall keep a matter under advisement or fail to render a decision in a matter submitted to that judge for a period of time greater than sixty (60) days from the date such matter is taken under advisement.

For the purposes of this Rule, a matter is taken under advisement:

A. If the issue to be decided is a factual issue, at such time as the proofs have been closed;

B. If the issue to be decided is a legal issue, at such time as the Court has received briefs as may have been ordered by the court and heard arguments as may have been ordered;

C. If the issues are both factual and legal, it shall be considered as if the case involved legal issues only, after the proofs have been closed.

Any case taken under advisement which has not been decided by the responsible judge within sixty (60) days after being taken under advisement shall be reported in writing by that judge to the Chief Judge on or before the seventh (7th) day following the expiration of the time limitation prescribed by this order. The report shall contain the case name, number, county, the matter taken under advisement, the date taken under advisement and the reason such decision has not been rendered.

Any case under advisement as of the effective date shall be decided within sixty (60) days of the effective date or reported to the Chief Judge as provided in this Rule.

RULES 316-319 RESERVED

RULE 320. ADOPTION OF RULES

A. These Administrative Rules are effective on September 10, 2008. All previous orders or Rules, insofar as they conflict with these orders, are hereby vacated and set aside.

B. The Circuit Clerks of the respective counties of the Eleventh Judicial Circuit shall enter all of the foregoing orders of record, and may reproduce them for use by the Judges and the Bar of this Court.

C. The respective Circuit Clerks of the Eleventh Judicial Circuit shall have a copy of the Administrative Rules of this Circuit available for examination in the office of the Clerk at all times.

D. Under the general administrative authority of the Court, the Chief Judge may adopt new rules or amend these rules without further notice.

APPENDIX A

STATE OF ILLINOIS
ELEVENTH JUDICIAL CIRCUIT COURT
COUNTY OF McLEAN

_____	)	
Plaintiff	)	File Number: _____
vs.	)	
_____	)	
Defendant	)	

ORDER OF REFERRAL TO
COURT-ANNEXED MEDIATION

This cause came before the Court pursuant to Eleventh Judicial Circuit Court Rule 105(C) for referral to mediation.

THE COURT HEREBY ORDERS:

1. All parties having now agreed to mediation, or it being otherwise ordered, are required to participate in mediation.

   a. The appearance of counsel who will try the case and each party (or representative) of each party with full authority to enter into a full and complete compromise and settlement is mandatory. If insurance is involved, a representative who is authorized to negotiate settlements shall attend. All parties are urged to bring to the negotiations interested individuals who might assist in facilitating settlement.

   b. The Court may impose sanctions against parties who do not attend the conference or who violate the terms of this order.

   c. At least ten (10) days before the conference, each side shall present to the mediator a brief written summary of the case containing a list of issues as to each party. If the attorney submitting the summary wishes its contents to remain confidential, she/he should advise the mediator, in writing, at the same time the summary is submitted. The summary shall include the facts of the occurrence, opinions on liability, all damages and injury information, and any offers or demands regarding settlement. Names of all participants in the mediation shall be disclosed to the mediator in the summary prior to the session.

   d. All discussions, representations and statements made at the mediation conference shall be privileged consistent with the Confidentiality Agreement. The agreement shall be signed on behalf of each party prior to the commencement of the first mediation conference. The Confidentiality Agreement shall be made a part of the court record in the case.

   e. The mediator shall be compensated by the parties at a rate agreed upon by the parties and mediator, and each party shall bear the cost proportionately.

   f. The mediator has no power to compel or enforce settlement agreements and does not give legal advice. If a settlement is reached in this case, the attorneys shall reduce the agreement to writing at the conclusion of mediation.

2. The plaintiff's attorney (or another attorney agreed upon by all parties) shall be responsible for obtaining a mediator and scheduling the mediation conference within fourteen (14) days of this Order of Referral. The parties shall attempt to agree upon a mediator. A time and date for mediation convenient to all shall be obtained from the mediator.

3. If the parties cannot agree on a mediator within fourteen (14) days of the Order of Referral, the responsible attorney shall notify the Court within seven (7) days of the expiration of the fourteen (14) day period, and the Court shall appoint a certified mediator selected at random.

4. Mediation shall be completed with seven (7) weeks of the first mediation conference unless extended by order of the Court or by stipulation of the parties.

This cause is set for a Case Management Conference or Status Hearing on:

_____, _____ at _____

_____
Judge

Dated: _____

Original to Court File / Copy to Plaintiff's Attorney / Copy to Defendant's Attorney August 2005

APPENDIX B

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____	)	
Plaintiff,	)	
	)	
vs.	)	Case Number: _____
	)	
_____	)	
Defendant		

CIVIL MEDIATOR'S REPORT

I, the undersigned, mediated with the above parties for a total of _____ hours.

THE MEDIATION HAS BEEN CONCLUDED BECAUSE:

☐ 1. The parties have reached an agreement as to all disputed issues. The agreement has been filed with the Circuit Clerk.

☐ 2. The parties have reached an agreement as to some of the disputed issues and are at an impasse in regard to the remaining issues. The statement as to the issues resolved and issues that remain unresolved have been filed with the Circuit Clerk.

☐ 3. I determined that there was no realistic likelihood that a mediated agreement as to the disputed issues could be achieved.

☐ 4. One or both of the parties did not appear at a scheduled appointment.

☐ 5. One or both parties were unwilling to continue with mediation after they had satisfied the minimum meeting requirement.

Dated: _____

Mediator: _____

APPENDIX C

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

AFFIDAVIT OF INCOME AND EXPENSES

File Number_____

Personal:
NAME: _____
Last First Middle

STREET ADDRESS: _____
Number Street Name Apt. Number

_____
City State Zip Code

Phone: ( ) _____

Sex: _____ **Date of Birth:** _____

Drivers License Number:_____ **Social Security Number**: _____

There are _____ **children of the marriage, ages:** _____**, residing with:**

_____

Income and Employment:

Employer: _____ **Phone Number**: _____

Address:
_____

_____

_____

Supervisor: _____

Net Pay per pay period $ _____ ☐ **Weekly** ☐ **Biweekly** ☐ **Monthly**

Other Sources of Income: ☐ **Welfare Amount** _____ ☐ **Social Security Amount** _____

☐ **Retirement Amount** _____ ☐ **Unemployment Amount** _____

☐ **Disability Amount** _____ ☐ **Other Amount** _____

Other (and amount per month): _____

MY GROSS MONTHLY INCOME: $ _____

Checking Account:_____ **Bank:** _____ **Balance:** _____

Savings Account:_____ **Bank:** _____ **Balance:** _____

LIVING EXPENSES:
Other than yourself, how many people do you support directly? _____

Check one regarding your residence:

☐ **Own Home** ☐ **Rent** ☐ **Live with Parents** ☐ **Other (explain):** _____

_____

Monthly Expenses:	**Rent/Mortgage $** _____	**Utilities $**_____	**Phone $** _____
	Food $ _____	**Child Care $**_____	**Other $** _____
	Medical Insurance $_____	**Dental Insurance $**_____	**Vision $**_____
Transportation:	**Loan Payment$** _____	**Insurance $**_____	**Fuel $** _____
(2nd Vehicle):	**Loan Payment$** _____	**Insurance $**_____	**Fuel $** _____
Medical:	**Doctors $** _____	**Medicines $**_____	**Other $** _____
Personal:	**Clothing $**_____	**Entertainment $**_____	**Gifts $** _____
	Vacations $ _____	**Other $** _____	
Children's Expenses	**Education $**_____	**Clothing $**_____	**Other $** _____
	Lunches/Allowances $_____	**Grooming $** _____	

MY TOTAL MONTHLY EXPENSES ARE: **$**_____

List all Credit Cards or Lines of Credit:

Bank or Financial Institution	**Type of Card**	**Credit Limit**	**Balance**
Bank or Financial Institution	**Type of Card**	**Credit Limit**	**Balance**
Bank or Financial Institution	**Type of Card**	**Credit Limit**	**Balance**
Bank or Financial Institution	**Type of Card**	**Credit Limit**	**Balance**

List all other financial obligations (*Loans, finance companies, rent-to-own companies or any other bills you pay monthly that are not listed above*):

Company Name	**Balance Owing**	**Monthly Payment Amount**
Company Name	**Balance Owing**	**Monthly Payment Amount**

Company Name	Balance Owing	Monthly Payment Amount
Company Name	Balance Owing	Monthly Payment Amount
Company Name	Balance Owing	Monthly Payment Amount

ACKNOWLEDGEMENT AND DECLARATION: I, the undersigned, certify under penalty of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure that I have read the foregoing affidavit, and I know the contents therein are true to the best of my knowledge, information and belief.

Dated: _____

_____
Defendant's Signature

ATTACH YOUR MOST RECENT PAY STUB TO THIS FORM

NOTES:

1. Utilities include gas, oil, electric, sewer, water, garbage, cable, etc., but not telephone.
2. Maintenance includes gardening, snow removal, condo fees, repairs, exterminators, service contracts, cleaning service, etc.
3. Other transportation includes vehicle rentals, buses, taxis, registration, parking, tolls, etc.
4. Doctors include medical doctors, dentists, orthodontists, chiropractors, optometrists, psychiatrists, counselors, specialists, etc.
5. Other medical includes vitamins, etc.
6. Food includes household supplies, meals out, etc.
7. Entertainment includes clubs, hobbies, sports, dues, etc.
8. Gifts include gifts to charity, religious gifts, holiday gifts to family and friends, etc.
9. Voluntary retirement includes contributions to an IRA, SEP, 401k, 403b, etc.
10. Children's education includes private school tuition, books, fees, lessons, tutors, etc.
11. Children's medical includes amounts not covered by insurance for medical care including braces, glasses, allergies, counseling, etc.
12. Other debts include monthly payments on IRS liens, judgments, etc.

APPENDIX D

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____ Petitioner	)	
	)	Family Division
v.	)	
	)	Case No. _____
_____ Respondent	)	

ORDER FOR MEDIATION

This matter having come on to be heard on Petitioner's and/or Respondent's Petition for Mediation, or on the Court's own Motion, and it appearing that certain differences have arisen between the parties, and in accordance with this Court's policy requiring mediation of all custody/visitation disputes, NOW THEREFORE, IT IS HEREBY ORDERED:

1. That the parties select a mediator from the Court-approved list of mediators on file in the Circuit Clerk's office.

2. That the parties shall select a mediator from said list within seven (7) days from the date of this Order, or upon failure to select a mediator, the Court shall select a mediator.

3. That the parties shall complete the mediation process within thirty-five (35) days from the date of this Order, except that an extension may be granted by the Court, upon a representation of the mediator that sufficient progress is being made in the mediation process and that additional time may be necessary to complete the mediation process, or upon application of either party if good cause is shown.

4. That neither attorney for either party will communicate with the mediator, other than to complete the Matrimonial and Family Mediation Referral Form.

5. Only written discovery on issues not being mediated shall be allowed until mediation is terminated, except by order of the Court or agreement of the parties.

6. No investigation or examination pertaining to issues pending in mediation shall be ordered by the Court, except when the Court finds good cause.

7. In the event the party fails to attend mediation without good cause shown, the Court upon motion may impose sanctions, including but not limited to costs and attorneys' fees.

8. When the mediation process has been concluded, terminated, or suspended, that fact shall be reported by the mediator to the Court, but the mediator shall not report the substance of any conversation with either of the parties during the mediation meetings, nor shall the mediator be called as a witness in this proceedings.

9. That the parties shall cooperate and make themselves available in any reasonable manner deemed necessary for the purposes of this Order.

10. That no permanent custody/visitation hearing shall be set until such time as the mediation process is completed.
Entered this ___ day of _____, 20___.

_____

Judge

APPENDIX E

STANDARDS AND PROCEDURES FOR COURT-ORDERED MEDIATION OF CUSTODY & VISITATION ISSUES AND MATRIMONIAL & FAMILY MATTERS

1. Definition. For purposes of these standards and procedures, matrimonial and family mediation is defined as a procedure whereby individuals submit custody, visitation or financial issues disputes to qualified third participants, not to decide the disputes, but to impartially assist the participants to achieve their own fair settlement. While matrimonial and family dispute mediation may be viewed as an alternate means of resolution, it is not a substitute for independent legal advice, full disclosure of relevant facts, and consent which is fully informed in the perspective of local legal norms.

2. Subject Matter. Court-referred mediation will be limited to child custody, visitation or financial issues.

3. Initial Advice of Mediators. At the initial orientation session mediators should minimally advise the mediating participants as follows:

a. Neither therapy nor marriage counseling are part of the mediator's function.

b. The participants should not begin divorce mediation unless they are agreed that their marriage is to be dissolved and that they are submitting for mediation of the disputed issues in connection with child custody, visitation or financial issues.

c. The issues to be mediated should be delineated from the outset.

d. The proposed resolution of the mediated issues will be documented in a written summary. This summary will form the basis of the formal mediated agreement, presented to the court for approval.

e. No legal advice will be given by the mediator.

f. An attorney-mediator will not act as attorney for either or both participants and no attorney-client relationship will be formed.

g. Each participant is strongly encouraged to obtain independent legal counsel to assist and advise him or her throughout the mediation. Any documents used in the mediation should be available to such counsel.

h. Independent legal counsel will not be present at any mediation session without the agreement of the participants.

i. If independent legal counsel is not obtained the court must be so advised when the mediated agreement is presented for approval. The participants should be aware that the court may refuse to approve the agreement if it does not meet legal standards.

j. The mediation can be suspended or terminated at any time on the request of either participant or on the request of the mediator. The mediator shall suspend or terminate the mediation if it appears that either participant is acting in bad faith, that the best interest of minor children are not being given priority, that either participant does not fully understand the negotiations, or that the prospects of achieving a responsible agreement appear unlikely.

k. The costs of the mediation must be agreed upon, as well as the method and responsibility for payment.

l. The mediator shall not voluntarily disclose any of the information obtained through the process of mediation without the consent of both participants, except when nondisclosure would appear to create a clear and imminent danger to an individual or to society.

m. The mediator shall reach an understanding with the participants as to whether the mediator may communicate with either participant or their independent legal counsel or with any third parties to discuss the issues in mediation in the absence of the participants. Any separate communication which does occur should be communicated to the participants at the first opportunity.

n. The mediator should assess the ability and willingness of the participants to mediate at the orientation and throughout the process and shall advise the participants if the prospects of successful mediation appear unlikely.

4. Memorandum of Understanding. At the initial session the mediator should provide the participants with a written statement or memorandum of understanding which includes all of the foregoing information in paragraph 3 and any other provisions which are appropriate. This memorandum should be taken and studied by the participants separately. There should be adequate time allowed for each participant to consult with independent legal counsel before the second session begins. At the second session the mediator should determine whether any modifications of the memorandum are desired. The memorandum as modified should be signed by the participants if they wish to proceed with the mediation. This is not a binding contract but a memorandum of mutual understanding and expectations.

5. Minimum Qualifications of Custody & Visitation Dispute Mediators.

a. In the area of education mediators are required to have a law degree or a master's degree in a mental health field or the equivalent in a related discipline.

b. Two years of work experience in a professional field related to mediation is required.

c. Specialized mediation training to include:

1. Awareness training in: child development and family relations; family law; conflict resolution theory and mediation process.
2. Minimum forty (40) hour training approved by Association for Conflict Resolution or other recognized entity.
3. Screening for impediments to mediation, including domestic violence, sexual abuse chemical and/or substance abuse and mental illness.

d. Continuing education by participation in monthly meetings which incorporate peer supervision.

e. Regular membership in the Mediation Council of Illinois.

6. Minimal Qualifications of Financial Issues Mediators:

a. Education. Hold at least a Bachelor's level degree.

b. Basic Training. Complete a specialized training in family mediation, consisting of a course of study approved by the Association for Conflict Resolution (ACR) or otherwise approved by the Court, to consist of at least 40 hours in the following areas:

1. Conflict resolution
2. Psychological issues in separation, dissolution and family dynamics
3. Issues and needs of children in dissolution; and
4. Mediation process and techniques

c. Advanced Training.

1. Complete at least eight hours of specialized training in dealing with financial and property issues; **or**
2. Complete a one (1) day advanced training program for Financial Mediation conducted by the Circuit Court of McLean County.

d. Insurance. Maintain professional liability insurance which covers the mediation process.

e. Professional organization. Be a member in good standing of the Mediation Council of Illinois.

7. Attorney-Mediators. Attorneys who act as mediators shall make it clear to the participants that they are not representing either or both of them and that no attorney-client relationship is being formed with either of them. They may bring impartial legal information to the process and may define legal issues, but they shall not advise either participant

so as to direct the participants' decision on a given issue or advocate the individual interests of either participant. The participants must be referred to independent legal counsel for that advice or advocacy. Legal information brought to the mediation process by an attorney who represents neither participant is not a substitute for independent legal counsel. The attorney-mediator may draft the mediated agreement if requested to do so by the parties, but may not represent either party before a court in connection with the matter.

8. Non-attorney-Mediators. Any attempt of non-attorney-mediators to interpret law, to advise participants of their legal rights and responsibilities, to direct decisions on issues which require knowledge of the law or to draft the mediated agreement constitutes the illegal practice of law. The mediator has a continuing duty to advise participants of the need for independent legal counsel, and that an agreement reached without independent legal counsel may not be approved by the court if it does not meet legal standards.

9. Impartiality of Mediators. In order to avoid the appearance of impropriety, a mediator who has represented or has had a professional relationship with either participant prior to the mediation may not mediate the dispute unless the prior relationship is disclosed and each participant consents to the mediator notwithstanding the prior relationship. A mediator who is a mental health professional shall not provide counseling or therapy to the participants during the mediation process. An attorney-mediator may not represent either participant in any matter during the mediation process or in a dispute between the participants after the mediation process. Impartiality is not the same as neutrality in questions of fairness. The mediator should discuss the issues with a concern for fairness throughout the mediation and should avoid unreasonable positions on the part of either participant. The mediator has a duty to communicate to the participants his or her bias on any mediated issue.

10. Referrals by Mediators. While mediators must encourage the participants to obtain independent legal counsel, they shall not refer them to specific attorneys or attempt in any other manner to influence their choice of counsel because such referral relationships may adversely affect the attorney's exercise of independent professional judgment on behalf of the participant and may create the appearance of impropriety. Mediators may, however, encourage the participants to use any attorney referral services provided by bar associations or the courts. Mediators should refer participants to other professionals when appropriate for mental health counseling.

11. Mediation Disclosures. A precondition to any mediated settlement should be a full and complete disclosure of all relevant facts to the same degree as would be expected in the normal discovery process, unless the participants both specifically agree to a lesser disclosure.

12. Settlement Criteria and Standards. The mediator should promote equal understanding by the participants and should refer each of them to independent legal counsel or for expert consultation if their lack of knowledge is impeding the balance of the negotiation. If the mediator is an attorney the participants should be cautioned that the mediator cannot advise them about or serve their individual interests, and that any mediator comments in respect to the law are not a substitute for independent legal advice. The participants shall be advised that while either participant can settle for less or give more on a particular issue with respect to their legal rights and obligations, he or she cannot do so without informed consent which is best achieved with the advice of independent legal counsel. The participants must be advised that an unreasonable agreement may not be approved by the court and that an unconscionable agreement will not be approved by the court.

13. The Best Interests of Children. The mediator has a duty to promote the best interests of children involved in the mediation even when the participants agree to a resolution which is not in the children's best interest. The mediator has a duty to inform the participants where the children's best interest are being overlooked or not given their proper priority.

14. The Suspension or Termination of Mediation. A mediator has a duty to suspend mediation when it appears that either participant is unable or unwilling to reach a reasonable agreement or when the mediator believes a participant does not understand the substance or implications of the agreement. In the event of a suspension, the mediator may suggest to the participants that either or both are in need of professional consultation outside the mediation process.

A mediator shall terminate mediation when the mediator believes a reasonable agreement cannot be reached, when the mediation process appears to be harmful to either participant, when either participant is acting in bad faith, or when the best interests of minor children are not being given proper priority.

15. Sanctions for Failure to Appear. If any party fails to appear at a duly scheduled mediation conference without good cause, the court, upon motion, may impose sanctions, including an award of mediator and attorney fees and other costs,

against the party failing to appear. The mediator shall not be served with a subpoena or called as a witness in a sanction or contempt proceeding.

16. The Attorney's Duty When Representing a Party to Mediation. An attorney has the same duties to the client who is participating in mediation as to the client in any other matter, whether the attorney is engaged before or after a mediated agreement has been reached. Discovery should be employed to the point where the attorney is satisfied that reasonable full disclosure has been achieved, unless the client specifically directs the attorney to the contrary. The client should be advised of all relevant options and alternatives and the ramifications thereof based on the available information. The client should be advised of the potential results of the litigation of a particular issue in order to formulate an informed consent in connection with the mediated agreement. If the agreement for some reason appears unreasonable or unconscionable, the attorney should so advise the client. Where only one or neither participant was represented by independent legal counsel during mediation, the court should be so advised when approval of the mediated agreement is sought.

17. Mediation fees. The mediator should explain the fees for mediation and reach an agreement with the participants for payment at the orientation session. A mediator shall not charge a contingency fee or base the fee in any manner on the outcome of the mediation process. A flat fee for the entire mediation may be charged as agreed at the outset. Hourly rates may be on a sliding scale taking into account the financial means of the participants or the complexity of the subject matter, but once established the rate shall be uniform throughout the process. No bonus should be given or penalty charged in connection with the success or failure of the mediation.

18. Court-Mandated Mediation Program. The judiciary may mandate mediation to assist in the disposition of child custody, visitation and financial issues disputes. The participants may be required to attend a minimum 3-hour evaluation proceeding to be completed within 30 days in order to determine whether their dispute can be successfully mediated. Other than attendance at such evaluation proceedings, any further participation should be voluntary and consistent with the foregoing standards and principles.

a. Referral Procedure. The court-referred mediator must be selected from a list of approved mediators available in the Circuit Clerk's office. Complete resumes and individual fee schedules are available for review in the Circuit Clerk's office. Pro bono mediation will be done on a voluntary rotating basis for those cases who file a "Petition for Leave to File as a Poor Person" and whose petition has been allowed by the Court. The attorneys and clients in a given case must agree on a mediator from the Court-approved list. Each attorney should inform the client to contact the mediator directly to schedule appointments. Each attorney may provide a letter to the mediator which provides information with regard to the legal status of the case, including what orders have been entered by the Court, whether temporary or permanent in nature, how long this matter has been in litigation, and what are the unresolved legal issues. The letter which is provided by the attorney to the mediator shall not be confidential and may be disclosed by the mediator to both parties. The attorney and mediator shall have no further communication with regard to the substance of the mediation, except with the express permission of the parties.

b. Reporting Procedure. Upon the reaching of an informal agreement through the mediation process, the mediator will draft a memorandum of understanding for review by the participants. Upon final review, a copy of this memorandum shall then be sent to each participant and each respective attorney. The attorneys will review the memorandum, give advice and opinions, and draft a formal agreement to submit to the court. The mediator shall submit the court approved report form to the court and to the attorneys following the completion/termination of mediation. The mediator shall not be called as a witness in any litigation, including juvenile proceedings.

c. Inappropriate Referrals. Couples should not be referred to mediation if there are allegations of child abuse in the petition for dissolution. If it is alleged, or is evident to the Judge that either of the parties suffers severe emotional difficulties or impairment, or that one is chemically dependent, so that he/she is not capable of making or complying with an agreement, mediation should not be attempted.

19. Complaints against Mediators. Any complaint made against any mediator shall be referred to the Ethics Committee of the Mediation Council of Illinois for its consideration in accordance with the Mediation Council of Illinois Standards of Practice for Mediators. Any mediator against whom a complaint has been filed shall forward a copy of any complaint, and any action of the Mediation Council of Illinois, to the Chief Judge upon receipt of such complaint or action.

20. Nothing contained in these rules precludes the Chief Judge from removing a mediator from the approved list.

APPENDIX F

ELEVENTH JUDICIAL CIRCUIT
_____County

DIVORCE MEDIATION REFERRAL FORM

Judge Assigned: _____ Referred By: _____

File Number: _____ Date of Referral: _____

PETITIONER INFORMATION	RESPONDENT INFORMATION
Last Name First Name Middle Initial	Last Name First Name Middle Initial
Address:	Address:
City, State, Zip Code:	City, State, Zip Code:
Home Phone Number: ( )	Home Phone Number: ( )
Work or Cell Phone Number: ( )	Work or Cell Phone Number: ( )
Name of Attorney:	Name of Attorney:
Attorney Phone Number: ( )	Attorney Phone Number: ( )

CHILDREN'S INFORMATION:

Child's Name	Date of Birth (Age)	School (Grade)	Residing with:

☐ No Orders of Protection or restraining orders are in effect, and I am not aware of any past acts of violence.
☐ Copies of Orders of Protection, etc... are attached.

Mediation is requested for the following:
_____
_____
_____

Name/ Address / Phone of Mediator: _____

Deadline for contacting mediator: _____

Deadline for completing mediation: _____

APPENDIX G

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____, Petitioner	)	
	)	Family Division
v.	)	
	)	Case No. _____
_____, Respondent	)	

MEDIATOR'S REPORT

I mediated with _____ and _____ for a total of _____ hours.

The mediation has now been concluded because:

☐ 1. The parties have reached an agreement as to all disputed issues.

☐ 2. The parties have reached an agreement as to some of the disputed issues and are at an impasse in regard to the remaining issues. The parties' statement as to the issues resolved and issues which remain unresolved have been submitted to the attorneys.

☐ 3. I determined that there was no realistic likelihood that a mediated agreement as to the disputed issues could be achieved.

The mediation has been suspended because:

☐ 1. Information suggesting unresolved spousal abuse/child abuse/substance abuse/emotional abuse issues is present and these issues must be addressed or resolved before mediation can proceed.

☐ 2. Financial issues appear to be preventing agreement on children issues.

☐ 3. One or both of the parties did not appear at a scheduled appointment.

☐ 4. Both parties do not agree that their marriage is at an end.

☐ 5. One party/Both parties was/were unwilling to continue with mediation after they had satisfied the minimum meeting requirement.

☐ 6. No agreement was signed.

☐ 7. Fees waived/reduced (circle one).

Dated: _____

Mediator: _____

cc: Assistant Administrator for Arbitration
200 W. Front Street, Ste. 400B
Bloomington, IL 61701

APPENDIX H

VERIFIED STATEMENT OF ARREST

The undersigned hereby certifies that on the _____ day of _____, _____

at _____ a.m./p.m., a warrantless arrest was made of:

Last Name: _____ First Name: _____ Middle: _____

Sex: _____ Race: _____ DOB: _____ Height: _____

Weight: _____ Eyes: _____ Hair:_____

at _____, Illinois for the following charges:

CHARGE	STATUTE	CLASS

STATEMENT BY ARRESTING OFFICER/STATE'S ATTORNEY STATING FACTS RELATED TO ARREST:

_____

_____

_____

_____

Under penalties as provided by law pursuant to Section 1-109 of the code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

OFFICER/STATE'S ATTORNEY SIGNATURE: _____

BADGE NUMBER: _____ AGENCY: _____

DATE: _____

ORDER

☐ The Court does not find probable cause to detain. Defendant ordered to be released.

☐ The Court finds probable cause to detain the defendant for the charge(s) of: _____

_____

IT IS HEREBY ORDERED, that the defendant is to be detained in custody in lieu of bond which is affixed in the amount of: $_____(10%).

Conditions of Bond: _____

Entered this _____ day of _____, _____, at _____ a.m./p.m.

_____

JUDGE