

CIRCUIT COURT OF ILLINOIS

TWENTIETH JUDICIAL CIRCUIT

The following are adopted as rules of the Circuit Court of the Twentieth Judicial Circuit, State of Illinois.

PART 1: Administration of the Court

1.01 RULES OF COURT

(A) **POWER OF COURT TO ADOPT RULES.** These rules are promulgated pursuant to Section 1-104(b) of the Code of Civil Procedure providing that the circuit court may make rules regulating their dockets, calendars and business and Supreme Court Rule 21(a) providing that a majority of the circuit judges in each circuit may adopt rules governing civil and criminal cases consistent with rules and statutes.

(B) **EFFECTIVE DATE.** These rules shall become effective when adopted by a majority of the circuit judges.

(C) **PRIOR RULES REPEALED.** Upon enactment, these rules shall repeal all prior Resolutions and Local Rules of the Twentieth Judicial Circuit or any county therein. Any Administrative Order which is in conflict with these rules or which is in conflict with any other provision of law is likewise repealed.

(D) **AMENDMENT OF THE RULES.** Any amendment of these rules shall be adopted by a majority approval of circuit judges of the Twentieth Judicial Circuit.

(E) **DIRECTOR OF THE ADMINISTRATIVE OFFICE.** All rules of this court and amendments thereto shall be filed with the Director of the Administrative Office of the Illinois Courts, Springfield, Illinois, within ten (10) days after the adoption thereof pursuant to Supreme Court Rule 2 1(d).

(F) **CONSTRUCTION.** The law governing the construction of statutes (Chapter 1, paragraph 1001 through paragraph 1106, Illinois Revised Statutes, 1989) shall apply in the construction of these rules. Nothing in these rules shall be construed to conflict with any other provision of law, to restrict a judge in the exercise of the inherent power to conduct court or to limit the exercise of judicial discretion.

(G) **GENDER NEUTRALITY.** Wherever, throughout these rules, the pronoun “he”, “him”, or “his” is used, the term shall be considered to include both males and females.

1.02 **CHIEF JUDGE**

(A) **SELECTION.** On the second Monday in December 1991, and on the second Monday in December every year thereafter, the circuit judges of the Twentieth Judicial Circuit shall cast secret ballots to select the Chief Judge. The Chief Judge shall be elected by a majority vote of the circuit judges present and shall serve for a term of one year beginning January 1 immediately following the vote. The Chief Judge may be recalled upon a vote of the majority of the circuit judges. In the event of recall, a successor Chief Judge is to be selected to fill the unexpired term of office.

(B) **ACTING CHIEF JUDGE.** The Chief Judge shall designate one of the judges of the circuit to serve as Acting Chief Judge in the Chief Judge’s absence or when the Chief Judge is unable to serve. The Acting Chief Judge shall have the same powers and duties as the Chief Judge.

(C) **VACANCY.** Whenever a vacancy in the office of the Chief Judge occurs, any two circuit judges shall call a meeting of the circuit judges for the purpose of electing a Chief Judge to fill the unexpired term of office. The election shall be within three weeks of the vacancy and at least five days notice shall be given to all circuit judges. A vacancy in the office of Chief Judge shall be deemed to have occurred when the Chief Judge has been unable to serve for a period of three consecutive months.

1.03 **PRESIDING JUDGE.** The Chief Judge shall act as the presiding judge of St. Clair County. The resident circuit judge shall act as the presiding judge in counties other than St. Clair. Whenever the term “presiding judge” is used in these rules, it refers to the presiding Judge of a county.

1.04 **JUDICIAL ASSIGNMENTS.**

(A) **ASSIGNMENT.** Generally, a circuit judge shall be assigned to the county of the judge's residence. The Chief Judge may assign any circuit judge or associate judge to any county or division of the court, or on a case-by-case basis.

(B) **REASSIGNMENT.** Upon recusal or change of a judge, the Chief Judge shall reassign the case to another judge. Any case assigned to a judge may be heard by another judge upon reassignment by the Chief Judge.

1.05 **JUDICIAL MEETINGS**

(A) **CIRCUIT JUDGES.** The Chief Judge shall call a meeting of the circuit judges at least quarterly each year to discuss and take such action as may be required in connection with the business of the court.

(B) **ASSOCIATE JUDGES.** The Chief Judge or his designate shall meet with the associate judges at least quarterly in each year to discuss and take such action as may be required in connection with the business of the court.

(C) **SPECIAL MEETINGS.** Special meetings may be called at any time by the Chief Judge or by six circuit judges. Joint meetings of circuit and associate judges are special meetings. Special meetings shall be convened on no less than five days notice.

1.06 **ST. CLAIR COUNTY LAW LIBRARY COMMITTEE.** The members of the committee shall be named by the president of the St. Clair County Bar Association with advice and consent of the Bar Association Board of Directors. The committee shall advise the circuit judges as to the operation of the county law library.

1.07 **COURT FACILITIES**

(A) **DESIGNATION OF COURT FACILITIES.** The Chief Judge shall designate when and where court shall be held within the Twentieth Judicial Circuit pursuant to Article VI, Section 7(c) of the Constitution of the State of Illinois (1970).

(B) **REVIEW OF COURT FACILITIES, PERSONNEL AND RESOURCES.** The Chief Judge shall, from time to time, appoint a committee of judges to inspect the court facilities within the circuit to determine if personnel and resource needs are current. The committee shall report their findings to the circuit judges. The report shall address whether each courtroom, jury room and chambers meet minimum standards as provided by the Supreme Court, and whether the personnel and resources being provided to the courts are adequate. The committee may prepare and submit proposals and recommendations to the Chief Judge. The Chief Judge may submit the proposals and recommendations to the appropriate county board for its consideration and action.

(C) **ENFORCEMENT.** If suitable action is not taken by the County Board within a reasonable time as may be designated by the Chief Judge, the Chief Judge may enter an administrative order directing that action be taken. A proceeding to compel compliance with the administrative order shall be pursuant to Supreme Court Rule 21 (c).

(D) **APPOINTMENT OF COUNSEL.** The Chief Judge may designate a licensed attorney at law of this State to represent the Twentieth Judicial Circuit in any enforcement proceeding.

1.08 **LIMITATIONS ON CASES UNDER ADVISEMENT**

(A) **DECISIONS WITHIN SIXTY DAYS.** All 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 fail to render a decision within sixty (60) days of the date such matter is ready for decision.

(B) **CASES READY FOR DECISION.** For the purposes of this rule, a matter is ready for decision:

(1) If the issue to be decided is a factual issue, at such time as the proofs have been closed; or

(2) If the issue to be decided is a legal issue, at such time as the court has received all submissions as may have been ordered by the court and heard arguments as may have been ordered; or

(3) If the issues are both factual and legal, it shall be considered as if the case involved legal issues only.

(C) **COMPLIANCE.** Any case taken under advisement that is then not yet ready for decision shall be given an automatic status date by the Circuit Clerk. This date shall be the same date that the sitting judge has set for the parties' last submission to the court. The purpose of the status date is for the court to review the submissions of the parties and to insure that the case is then ready for decision. Any case which has not been decided within sixty days of being ready for decision shall be reported by the Circuit Clerk to the Chief Judge. Thereafter, the Chief Judge shall confer with the sitting judge and shall, if necessary, enter an administrative order directing the sitting judge to rule on the matter under advisement within a time certain. Thereafter, if the sitting judge fails to render a decision, the Circuit Clerk shall report same to the Chief Judge who shall relieve the sitting judge of all other judicial duties and withhold certification of the sitting judge's active status in the Chief Judge's report to the Administrative Office of the Illinois Courts until such time as the sitting judge rules.

1.09 **DIVISIONS OF THE COURT - ST. CLAIR COUNTY**

(A) **CRIMINAL DIVISION.** The court shall hear all matters pertaining to Criminal Felony (CF), Criminal Misdemeanor (CM), Traffic (TR), Ordinance Violation (OV), and Conservation Violation (CV) cases.

(B) **CIVIL DIVISION.** The court shall hear all matters pertaining to the jury trial of Law (L), Law Magistrate (LM), Small Claims (SC), and Forcible Entry and Detainer cases.

(C) **MISCELLANEOUS REMEDIES DIVISION.** The court shall hear all matters pertaining to Miscellaneous Remedies (MR), Chancery (CH), Non-jury Law, Tax (TX), Municipal Corporations (MC), Eminent Domain (ED), and Probate (P) cases and shall conduct marriages.

(D) **DOMESTIC RELATIONS, FAMILY AND JUVENILE DIVISION.** The court shall hear all matters pertaining to Dissolution of Marriage (D), Legal Separation, Invalidity of Marriage, Adoptions and Paternity (F), and actions that arise under Title IV-D of the Social Security Act and enforced under the Illinois Parentage Act, the Revised Uniform Reciprocal Enforcement of Support Act, and Article X of the Illinois Public Aid Code.

(E) **OTHER DIVISIONS.** The Chief Judge may by administrative order designate other divisions or redefine existing divisions of the court.

(F) **SUPERVISING JUDGE.** The Chief Judge may appoint a supervising judge to any division of the court. The supervising judge shall have administrative authority over that division.

1.10 **FORMS . ST. CLAIR COUNTY.** The Chief Judge may issue administrative orders that require use of specified forms or facsimiles thereof. Revisions and modifications to: forms must be approved by the Chief Judge before implementation of the change. It is the duty of the litigant to provide and complete the appropriate form or facsimile thereof. The Circuit Clerk may reject any document, which does not conform to the administrative orders of the Chief Judge.

PART 2. CLERK OF THE CIRCUIT COURT

2.01 **MAINTAINING DAILY DOCKET SHEET.** The Circuit Clerk shall maintain a daily docket sheet for each judge showing cases set before the judge and the hour of the day at which they shall be heard. The docket sheets shall be publicly posted by the clerk.

2.02 **FILES PRESENT IN COURTROOM.** Unless otherwise directed by the judge, the Circuit Clerk shall have present in court all files appearing on the daily docket sheet.

2.03 **GUIDELINES FOR COURT PERSONNEL IN ASSISTING *PRO SE* LITIGANTS.**

A *pro se* litigant is a person who does not retain an attorney and appears in court on his own behalf. A *pro se* litigant, under the law, is held to the same standards and duties of an attorney. *Pro se* litigants are expected to know what the law requires and how to proceed in accordance with applicable statutes and court rules.

In the performance of their official duties, court personnel, including the law library staff and the staff of the Circuit Clerk, are prohibited from counseling a *pro se* litigant as to a specific case. This includes providing assistance to a *pro se* litigant in the completion of forms. Court personnel, however, may with the approval of the Chief Judge or his designee issue written procedural guidelines or instructions for general use.

Court personnel or law library staff may assist *pro se* litigants by directing them to any standard reference materials in the law library or elsewhere, and may show persons how to use such reference materials, but such personnel and staff are not required to give extensive instruction in the use of legal materials.

It shall be the duty of the Circuit Clerk to enforce the provisions of this rule among the Clerk's personnel. It shall be the duty of the Chief Judge to enforce the provisions of this rule among other court personnel.

2.04 **CUSTODY AND DISPOSITION OF EXHIBITS**

(A) **CUSTODY.** After being marked for identification and offered by a party for the record,

models, diagrams, exhibits and material forming part of the evidence in any cause pending or tried in this court shall be placed in the custody of the Circuit Clerk.

(B) **REMOVAL.** All models, diagrams, exhibits or material placed in the custody of the Circuit Clerk shall be removed by the parties within four (4) months after the case is decided, unless an appeal is taken. In all cases in which appeal is taken, these items shall be removed within thirty (30) days after the filing of the mandate of the reviewing court. At the time of removal, a detailed receipt shall be given to the Circuit Clerk and filed in the cause.

(C) **FAILURE TO REMOVE.** If the parties or their attorneys fail to remove models, diagrams, exhibits or material as set forth in paragraph (b) of this rule, the same shall, by order of this court, be sold by the Sheriff at public or private sale or otherwise disposed of as the court may direct. If sold, the proceeds, less the expense of sale, shall be paid into the court, and then to the county treasury.

2.05 **ADDITIONAL CLERKS.** The Circuit Clerk shall provide additional clerks at any session of court when requested by the sitting judge.

2.06 **ORDERS TO BE MAILED.** Within three (3) days of the entry of a court order in a pending claim, the Circuit Clerk shall serve personally or by U.S. mail a copy of the order entered to all counsel of record or parties not previously found by the court to be in default for failure to plead. The Circuit Clerk shall note compliance with this rule in the court file.

2.07 **FILING OF DOCUMENTS RECEIVED BY FACSIMILE TRANSMISSION**

The Clerk of the Court shall not file documents received by facsimile transmission unless otherwise authorized by the Supreme Court or by court order entered of record.

3.01 **ADDITIONAL BAILIFFS.** The Sheriff shall provide additional bailiffs at any session of court when requested by a judge.

3.02 **BUILDING SECURITY - ST. CLAIR COUNTY.** The Sheriff shall designate personnel to search for weapons any individual or personal item entering the St. Clair County Building. The search is to be accomplished through the use of walk-through and/or hand-held metal detectors. Any individual triggering the detector will be subject to a pat-down search. Any item triggering the detector will be subject to a visual inspection.

PART 4. JURORS

4.01 ST. CLAIR COUNTY

(A) **GRAND JURORS.** Grand Jurors shall be called by the Chief Judge or his designee. Each Grand Jury and the members thereof shall serve until the impaneling of the next Grand Jury, unless sooner discharged. After being impaneled, instructed and sworn by the court, the Grand Jury shall sit at such time as the court may order and may be recessed from time to time to a day certain, or subject to recall.

(B) **PETIT JURORS.** The Chief Judge or his designee shall certify to the Circuit Clerk the number of petit jurors required and the date, time and place at which they shall be summoned. The notice to each juror shall state the period of service for which they shall be summoned.

(C) **EXCUSE.** The Chief Judge or his designee shall have charge of excusing summoned jurors from service.

4.02 **JURORS IN MONROE, PERRY, RANDOLPH AND WASHINGTON COUNTIES.**

Grand and petit jurors shall be impaneled, summoned, and excused as directed by the presiding judge of the county.

PART 5. COURT REPORTERS

5.01 **PREPARATION OF TRANSCRIPTS**

(A) **REQUEST FOR TRANSCRIPT.** Any person ordering an original and/or copy of a transcript of proceedings shall do so in written form. This request must contain the style of the case, the date(s) of the proceedings, and the number of copies requested. Except where the transcript is ordered by the State or any of its political subdivisions, a deposit of fifty (50) percent of the estimated cost of the transcript must accompany the order. The request shall be directed to the court reporter, if known, with a copy to the supervising court reporter. If the

court reporter is not known or if the proceeding was tape recorded, the request shall be made to the supervising court reporter.

(B) **EXPEDITED TRANSCRIPTS.** No party may require a court reporter to produce an expedited transcript without leave of court. The cost of any expedited transcript will be assessed as a court cost against the party or attorney requesting the transcript. Full payment for an expedited transcript must be made no later than one week from the delivery of the transcript.

(C) **DAILY COPY.** No party may require a court reporter to produce a daily transcript of a court proceeding without leave of court. In addition, to obtain daily copy of court proceedings a party must make written request of the judge assigned to the case at least twenty-one (21) days in advance of the proceeding. The party must send a copy of the request to the supervising court reporter. The cost of the transcript will be assessed as a court cost against the party or the attorney ordering it. Payment for a daily transcript must be made no later than one week from the

delivery of a day's copy.

(D) **FREE-LANCE COURT REPORTERS.** In the event that a party employs a free-lance court reporter to provide expedited or daily transcripts, an official court reporter will also attend the trial and will prepare the official transcript of the proceedings.

(E) **FAILURE TO ORDER A COPY.** Upon request for a transcript, the court reporter shall give written notice to all other parties to the proceeding that failure to order a copy at the time the original is transcribed may require preparation of a re-typed original if a copy is ordered thereafter, and may result in a higher preparation fee.

(F) **PARTIAL TRANSCRIPT ON APPEAL.** A partial transcript may be re-typed in order to maintain the continuity of the report of the proceedings on appeal.

5.02 TAPE RECORDED PROCEEDINGS. The court-provided taping equipment shall be utilized only when the court proceeds without a court reporter. It shall be operated by the Circuit Clerk or at the court's direction, and only while court is in session. The official record of the proceeding is the court-reported transcript of the tape recording.

PART 6. PROCEEDINGS BEFORE TRIAL - CIVIL

6.01 MOTION PRACTICE

(A) **FILING.** All motions shall be filed with the Circuit Clerk prior to their presentation to the court. The title of each motion shall indicate the relief sought and shall indicate the section number of the Code of Civil Procedure or the Supreme Court Rule pursuant to which the motion is brought.

(B) **NOTICE.** Written notice of hearing on all motions shall be given by the party requesting the hearing to all parties who have appeared and have not previously been defaulted for failure to plead, and to all parties whose time to appear has not expired on the date of notice.

Notice shall be given in the manner prescribed in Supreme Court Rule 11.

Nothing herein shall be construed to limit a proper emergency or *ex parte* application for

relief. Uncontested motions may be decided without giving notice. If a motion is decided without notice, in addition to the requirements of Rule 2.06 above, the party obtaining the order without notice shall serve the motion and order entered in the manner prescribed by Supreme Court Rule 11. Proof of service thereof shall be filed with the Circuit Clerk within five days of the entry of the order.

(C) **NOTICE BY FAX.** Personal service as prescribed in Supreme Court Rule 11(b)(2) may be effected by service of the Notice of Motion and other pertinent documents through electronic facsimile mailing (FAX). Service by FAX shall be effective only if, at the time of court presentation on the Notice of Motion, the transaction statement produced by the FAX machine is attached to said notice, and the transaction statement reflects the date and time of service, the telephone number to which the documents were transmitted, and confirmation from the receiving FAX machine that the transmission has been received.

(D) **CONTENT OF NOTICE.** The notice of hearing shall contain the title and number of the cause of action, the date, time, and designated courtroom for the motion, and shall include a short statement of the nature of the motion. A copy of any written motion and of papers presented therewith, or a statement that they have been previously served, shall be served with the notice.

(E) **TIME.** Unless otherwise ordered by the court, notice by personal service shall be made not less than seven days prior to the hearing, and notice by U.S. Mail shall be mailed not less than ten (10) days prior to hearing. Delivery by FAX, authenticated as described in subparagraph (c) above, shall be deemed personal service. Proof of service or mailing shall be made of record.

(F) **SUMMARY JUDGMENT.** A motion for summary judgment shall be heard no sooner than twenty-one (21) days after service of the notice of motion.

(G) **RENEWAL OF MOTIONS.** Motions presented and ruled upon before One judge shall not be renewed before another judge without leave of court and a statement in the notice of

hearing that the motion has previously been ruled upon, including the name Of the judge who ruled upon the motion.

(H) **FAILURE TO CALL MOTIONS FOR HEARING.** The burden of obtaining a motion setting in a civil case is on the party making the motion. If a motion setting is not obtained by the moving party within ninety (90) days from the date it is filed, the court may deem the motion withdrawn and deny the relief requested with or without prejudice.

(I) **LENGTH OF ARGUMENT.** Without prior approval of court, no brief or memorandum in support of or in opposition to any motion pending in this court shall exceed ten (10) typewritten, double- spaced pages.

6.02 MOTIONS FOR CONSOLIDATION. Motions for consolidation of cases shall be presented to the judge to whom the oldest numbered case is assigned after notice to all parties of record in all cases involved in proposed consolidation. Except in Domestic Relations and Family cases or unless otherwise ordered by the court, cases shall be consolidated and further processed under the oldest case number. Thereafter, the Circuit Clerk shall file any court document filed in any of the consolidated cases in the file under which the cases are consolidated.

6.03 FILING OF DISCOVERY MATERIALS

(A) **DESIGNATED MATERIALS SHALL NOT BE FILED.** Interrogatories pursuant to Supreme Court Rule 213 and 220, and answers or objections thereto, requests for production or inspection, and responses or objections thereto, and depositions, unless filed pursuant to Supreme Court Rule 207, and notices of depositions shall be served upon opposing counsel or parties but shall not be filed with the Circuit Clerk except by special order of Court. This rule shall not apply to requests to admit facts or genuineness of documents and responses thereto.

(B) **CUSTODIAN OF DISCOVERY MATERIALS.** The party responsible for the service of discovery materials shall retain the originals as custodian.

(C) **RESTRICTIVE FILING.** Any portion of discovery material necessary to the consideration of a pretrial motion or for a final order on any issue shall be filed contemporaneously with the motion or response thereto and attached as an exhibit thereto.

6.04 WRITTEN INTERROGATORIES. The total number of interrogatories propounded by one party to any other party shall be limited to thirty (30) including subparts. Additional interrogatories may be propounded only with leave of court. .

6.05 TELEPHONE DEPOSITIONS. With leave of court or by stipulation of the parties, a party may attend by telephone a deposition set by another party. Where such leave has been granted, the party setting a deposition shall make arrangements for the requesting party to attend the deposition by telephone. Any party attending a deposition by telephone shall pay the additional expense related thereto. Any party attending a deposition by telephone who proposes to use an exhibit during the deposition shall mark and distribute the deposition exhibit to the deponent and to all the parties prior to the commencement of the deposition. Distribution of the deposition exhibit may be accomplished through U.S. Mail, personal service, or electronic facsimile mailing (FAX). Nothing in this rule shall be construed to preclude any counsel for a party from attending in person.

6.06 STATUS CONFERENCES - ST. CLALR COUNTY

(A) **CIVIL DIVISION.** All cases in this division shall be given an automatic status conference date no later than ninety days from the date of filing.

(B) **MISCELLANEOUS REMEDIES DIVISION.** All cases in this division shall be given an automatic status date no later than sixty (60) days from the date of filing.

(C) **PURPOSE.** The purpose of the status conference is to prevent delay in the disposition of the case by achieving early court intervention in the case. In addition, the conference is to be utilized to promote settlement, to hear pending motions, to set discovery limits, and to monitor compliance with scheduled court events.

(D) **MANDATORY FUTURE COURT DATE.** At the time of the status conference, and thereafter at any date to which the case is continued, the court shall assign a future court dates The purpose of any court date shall be designated by court event type.

(E) **FAILURE TO APPEAR.** Failure of counsel or *pro se* parties to appear at the status conference or any date to which the case is continued may result in dismissal for want of prosecution or default upon the court's own motion. Any motion to set aside a dismissal or default for violation of this rule shall be directed to the judge that dismissed the case or entered the default.

6.07 STATUS CONFERENCES IN OTHER COUNTIES. Status conferences in Monroe, Perry, Randolph and Washington Counties may be held as the presiding judge directs.

6.08 PLEADINGS TO BE READILY COMPREHENSIBLE

(A) **MULTIPLE Count PLEADINGS.** If a pleading contains multiple counts or affirmative defenses, each count or defense shall bear a short title concisely stating the theory of liability or defense. If the pleading is filed on behalf of or against multiple parties and all such parties are not asserting the same claims or defenses as to all opposing parties, the title of each count or defense shall also concisely designate the subgroup of parties to whom it pertains.

(B) **INCORPORATION BY REFERENCE.** If the incorporation of facts by reference to another pleading or to another part of the same pleading causes a pleading to be incapable of ready comprehension, such facts shall be realleged verbatim. This rule does not prohibit the incorporation of facts as permitted by Supreme Court Rule 134 provided that the pleading remains readily comprehensible.

(C) **CONSOLIDATION OF PLEADINGS.** The court may order a consolidation of pleadings into one comprehensible set.

(D) **ILLINOIS STATE BAR NUMBER.** In addition to all other requirements regarding identification, all pleadings must contain the Illinois State Bar Number of the attorney filing the pleading.

6.09 SETTLEMENT PRIOR TO TRIAL. In the event of settlement prior to trial, the attorneys shall notify the judge assigned to the case in writing that the cause has been settled.

6.10 MOTIONS FOR CONTINUANCE. It is the policy of the Court that court events occur when they are scheduled. No party should presume a case will be continued even though all parties are agreement. If a motion to continue is contested, the burden is on the moving to obtain a setting for the motion. If the motion is uncontested, the motion and proposed order shall recite the agreement of all parties to allow the continuance.

6.11 STATEMENT OF THE NATURE OF The CASE. Prior to the commencement of a civil jury trial, each party shall prepare and submit to the court and to each opposing party a Statement of the Nature of the Case to be read to the jury.

PART 7. FELONIES

7.01 RECIPROCAL DISCOVERY. After arraignment on information or indictment, the court may enter a discovery order providing for reciprocal obligations of discovery. Prior to the entry of such an order, the parties shall advise the court whether the State is engaged in an on-going investigation requiring supplemental discovery and whether the defendant will raise an affirmative defense.

7.02 BOND HEARINGS. Unless the motion is uncontested, all motions to reduce bond will be heard only with prior notice to the State's Attorney's Office. Unless both parties so agree, only the judge setting the bond or a judge of the criminal division shall hear a motion to reduce bond or other motions relative to the bond. Defense counsel shall file an entry of appearance before proceeding on the motion.

7.03 REAL ESTATE BAIL BONDS. The Circuit Clerk shall make available following

requirements for persons to post real estate as bail bond:

- (1) The property owner shall complete all the information requested on the Schedule of Real Estate For Bail Bond form.
- (2) The aforesaid Schedule shall be verified before a Notary Public or other person authorized to administer oaths in the State of Illinois, and such Notary or other person shall sign the Schedule.
- (3) The property owner shall submit a verified report by qualified appraiser reflecting the current fair market value of the subject property.
- (4) The property owner shall further submit a current title report from a recognized title company or licensed attorney reflecting ownership and any liens against the subject property.
- (5) The Circuit Clerk shall obtain from the County Assessor's Office its current valuation of the subject property.
- (6) The Bail Bond shall be signed by the defendant and the property owners as surety.
- (7) No Real Estate Bail Bond shall be submitted to the court for approval until the Circuit Clerk has determined that conditions (1) through (6) listed above have been met.
- (8) The Circuit Clerk shall record the Real Estate Bail Bond with the Recorder of Deeds and retain the aforesaid documents supplied by the property owner as surety until such person is released.
- (9) The property owner shall pay any fees charged by the Recorder of Deeds when the Real Estate Bail Bond is recorded or released.

7.04 **SPEEDY TRIALS.** All demands for speedy trials shall be in writing and captioned "Demand for Immediate Trial", or "Demand for Immediate Jury Trial", shall include the cause number and shall be signed by the defendant or the defendant's attorney. The demand shall be filed with the Circuit Clerk and served upon the State's Attorney.

7.05 **CONTESTED OR EVIDENTIARY MOTIONS.** After a case has been assigned to a judge, the attorney who files a motion which is contested or which may require an evidentiary hearing shall arrange to have the motion set for hearing. The court may further direct that all

motions must be filed within a time specified by the court.

(A) **NOTICE.** In all felony cases, the court may schedule a docket call and direct that notice be given to the defendant's attorney of record, or, if the defendant is unrepresented, to the defendant's last known address. The notice shall be given by the Circuit Clerk by regular U.S. Mail at least ten days prior to the docket call.

(B) **APPEARANCE OF DEFENDANT REQUIRED.** Unless otherwise permitted by the court in advance, the defendant, unless incarcerated, is required to attend the docket call. Failure of the defendant to comply with this rule may result in revocation or forfeiture of bond and/or issuance of a bench warrant.

(C) **APPEARANCE OF COUNSEL REQUIRED.** Unless otherwise permitted by the court in advance, failure of the attorney of record for the State or the defense, or an attorney with full authority to dispose of the case, as designated by the attorney of record, shall appear at the docket call. Failure to comply with this rule may result in appropriate sanctions.

7.07 STATEMENT OF CHARGES. Prior to the commencement of a jury trial, it is the duty of the State to prepare and submit to the court and to defense counsel a Statement of the Charges to be read to the jury.

7.08 WEEKEND AND HOLIDAY JUDICIAL DUTY. The Chief Judge, by administrative order, shall assign the associate judges on a rotating basis to weekend and holiday judicial duty. The assigned judge shall be available at the St. Clair County Jail to issue criminal complaints and warrants and to arraign those in custody.

PART 8. DOMESTIC RELATIONS

8.01 NOTICE OF DISPUTE AS TO CHILD CUSTODY. If the custody of the children of

the parties is in dispute, the petitioner shall inform the supervising judge upon filing of the

petition for dissolution of marriage or petition for modification of an existing custody judgment, or as soon as a dispute is known to exist. In such a case, the supervising judge shall promptly assign the case to a judge who shall convene a status conference and may order any appropriate investigation, appoint a court consultant or Guardian ad Litem, attorney for the child, or order mediation. The court may order that one or both parties deposit with the Circuit Clerk all or a reasonable portion of the costs thereof.

8.02 COMBINED STATEMENT OF INCOME, EXPENSES, PROPERTY AND DEBTS.

Pursuant to Illinois Supreme Court Rule 201 (c)(2), a sworn Combined Statement of Income, Expenses, Property and Debts must be filed by the parties no later than forty-eight (48) hours before hearing on a pleading seeking to establish, modify or otherwise affect issues of support or maintenance or disposition of property, whether temporary or permanent in nature. If such affidavit has been filed for purposes of a hearing on temporary relief, an additional affidavit need not be filed prior to a hearing for permanent relief unless there has been a change in

financial circumstances. **Failure to comply with this rule may result in sanctions pursuant to Illinois Supreme Court. Rule 219 (c).**

8.03 STATEMENT OF PROPOSED PROPERTY APPORTIONMENT. At the time of

hearing on disputed property issues, attorneys or *pro se* parties shall file statement of proposed property apportionment.

8.04 EMERGENCY MATTERS. Designation of a matter as an “emergency” is an extraordinary measure. The proponent of an alleged emergency matter shall have the burden of proving the existence of an emergency. This burden shall include, but is not limited to, the following:

- (1) Inability to obtain an assignment on the regularly scheduled docket within a reasonable time given the circumstances for which or from which relief is sought;
- (2) Notice to the opposing party pursuant to Rule 6.01 (b); and;
- (3) That immediate and irreparable injury, loss or damage will result if the relief is not granted

and that there exists no adequate remedy at law.

Matters designated “emergency” shall be heard at the discretion of the court.

Upon determination by the court that a matter does not meet the criteria for emergency matters, an order so finding shall be entered. If such a finding is made, the party or the party’s counsel who responds to a motion propounded as, but found not to be, an emergency shall be entitled to reimbursement by the proponent for actual expenses and attorney fees incurred in responding to said motion.

8.05 DOMESTIC VIOLENCE ORDERS OF PROTECTION

(A) **EMERGENCY ORDER OF PROTECTION.** Petitions for emergency orders of protection shall generally be heard by the supervising judge of the domestic relations division and thereafter assigned as the supervising judge designates. Petitions for emergency orders of protection shall be heard promptly and need not be scheduled in advance. Hearings on petitions to dissolve or modify emergency orders of protection shall be given priority by the court.

(B) **PENDING Dissolution CASES.** Domestic violence allegations arising in a pending dissolution case shall be heard by the judge assigned the dissolution case or by the supervising judge, at discretion of the supervising judge.

8.06 STATUS CONFERENCES - ST. CLAIR COUNTY

(A) **DOMESTIC RELATIONS, FAMILY AND JUVENILE DIVISION.** The supervising judge shall convene a status conference in domestic relations cases in this division no later than ninety (90) from the date of filing. All post-judgment domestic relations proceedings shall be convened for status conference no later than forty-five (45) days from the date of filing.

(B) **PURPOSE.** The purpose of the status conference is to prevent delay in the disposition of the case by achieving early court intervention in the case. In addition, the conference is to

be utilized to promote settlement, to hear pending motions, to set discovery limits, and to monitor compliance with scheduled court events.

(C) **MANDATORY FUTURE COURT DATE.** At the time of the status conference, and thereafter at any date to which the case is continued, the court shall assign a future court date. The purpose of any court date shall be designated by court event type.

(D) **FAILURE TO APPEAR.** Failure of counsel or *pro se* parties to appear at the status conference or any future court date scheduled by the court may result in dismissal for want of prosecution or default upon the court's own motion. Any motion to set aside a dismissal or default for violation of this rule shall be directed to the judge that dismissed the case or entered the default.

8.07 CHILDREN FIRST PROGRAM IN ST. CLAIR COUNTY. Prior to the entry of any order regarding custody, the proposed custodial parent shall be required to attend the Children First Program and obtain a certificate of satisfactory completion. Prior to the entry of any order regarding visitation, the proposed noncustodial parent shall be required to attend the Children First Program and obtain a certificate of satisfactory completion. This requirement may be postponed if there has not been sufficient time to complete the program prior to the necessity of a temporary order of custody or visitation. This requirement shall not be waived except upon a showing of unusual hardship.

8.08 CHILDREN FIRST PROGRAM IN MONROE, PERRY, RANDOLPH, AND WASHINGTON COUNTIES. The Children First Program may be employed as directed by the presiding judge of the county.

8.09 CERTIFICATE OF DISSOLUTION, INVALIDITY OF MARRIAGE OR LEGAL

SEPARATION. No Judgment of Dissolution, Invalidity of Marriage or Legal Separation shall be entered without simultaneous submission of the certificate from the Illinois Department of

Public Health, Division of Vital Records.

8.10 DUTY REGARDING RECIPIENT OF AID FOR DEPENDENT CHILDREN. It

shall be the duty of the parties and counsel, if any, to advise the court at the time of the entry of an order of child support that the custodial parent of the child(ren) is a recipient of Aid for Dependent Children, has an active application for such aid, or has received such aid for any period for which child support is sought.

8.11 UNIFORM ORDER OF WITHHOLDING. Every order regarding child support or maintenance submitted by counsel for a judge's signature must be accompanied by a Uniform Order of Withholding and a Child Support/Maintenance Work Sheet. The Uniform Order shall include provision for payment of the Maintenance and Child Support Collection Fee. The burden is on the person owing the obligation of support to seek modification or termination of any Uniform Order of Withholding.

8.12 REQUIRED PROVISIONS IN JUDGMENTS OF DISSOLUTION.

Every Judgment of Dissolution of Marriage submitted by counsel for a judge's signature must contain the following provisions, unless such provision is not applicable to the case in question. Each such provision shall be separately captioned to aid the court in review of the proposed judgment:

- (1) The basis for personal and subject matter jurisdiction;
- (2) Grounds for dissolution;
- (3) The statutory net income of the parents and the dollar amount of the child support pursuant to the statutory guidelines of § 505 of the Illinois Marriage and Dissolution of Marriage Act;
- (4) Provision that maintenance is waived, reserved or awarded;
- (5) A detailed visitation schedule in the case of sole custody, or, if joint custody, provisions specifically setting forth the times and dates each parent will have actual physical custody;
- (6) In the event that there is joint custody pursuant to §602.1 of the Illinois Marriage and Dissolution of Marriage Act, a joint parenting order or a joint parenting agreement that complies with § 602.1 in all respects;
- (7) Assignment of non-marital property, award of marital property and allocation of the debt. In

the event a qualified domestic relations order is to be executed, recitation that such order shall be entered or a reservation of jurisdiction to enter the order when available.

Failure of counsel to comply with this rule may result in the court's refusal judgment as proposed.

8.13 FORMAL ORDERS. If an order is entered that recites that the parties intend to submit a formal judgment the case shall be taken under advisement and is subject to Rule 1.08 above.

PART 9. SMALL CLAIMS

9.01 PAYMENT OF FILING FEES. Unless an Application to Sue or Defend as a Poor Person has been granted, no complaint or other filing shall be accepted by the Circuit Clerk without the appropriate filing fee.

9.02 FAILURE TO OBTAIN SERVICE - DISMISSAL. If there has been no service on the defendant by the date the case is set for first appearance, the case shall be continued for a period of three months for the purpose of obtaining service on the defendant. If at the end of three months it appears that the defendant has not been served, the case shall be dismissed without prejudice.

9.03 MANDATORY FUTURE COURT DATES. The court shall assign a court date in all cases. The purpose of the court date be designated by court event type.

Failure of counsel or *pro se* parties to appear at any court date may result in dismissal for want of prosecution or default upon the court's own motion. Any motion to set aside a dismissal or default for violation of this rule shall be directed to the judge that dismissed the case or entered the default.

PART 10. POST-JUDGMENT PROCEEDINGS

10.01 POST-JUDGMENT NOTICES. Notices of hearings to discover assets, petitions for adjudication of contempt, and any other hearing where a warrant of arrest may issue for a party's failure to appear after receipt of notice shall include the time, date, and place of hearing, and the following words in bold type or underlined: "**YOUR FAILURE TO APPEAR AT THIS HEARING MAY RESULT IN YOUR ARREST.**"

10.02 RULE TO SHOW CAUSE FOR FAILURE TO APPEAR. Upon respondent's failure to appear, pursuant either a notice of a Citation to Discover Assets or order of court, the court may order a date, time and courtroom for respondent's appearance to show cause why he should not be held in contempt of court for failure to appear as commanded by a Citation to Discover Assets or order of court. A Rule to Show Cause issued pursuant to this rule shall be served personally upon respondent as provided by Civil Practice Act § 2-202 and shall advise the respondent of the consequences of his failure to appear as required by Rule 10.01 above.

10.03 ORDER OF ATTACHMENT. If the respondent fails to appear after proper service of

a Rule to Show Cause, the court may order the Circuit Clerk to issue an order of attachment with bond to have the defendant appear before the judge issuing the order, to show cause why he should not be held in civil contempt of court. If the respondent is unable to make bond, he shall be brought forthwith before the court sitting to hear matters of arraignment.

10.04 SERVICE UPON PERSONS NOT PARTIES. Service of rule or order upon a person not a party to the action shall be made by personal service or by certified mail with return receipt requested and delivery to addressee only. No attachment against a person not a party to the action shall issue without personal service of the rule or order.

10.05 NOTICE OF EXEMPTION RIGHTS IN BANK ACCOUNTS. The judgment

creditor is directed to send the “Notice of Rights in Bank Account” in the form approved by administrative order to all individual, nonbusiness judgment debtors in Non-Wage Garnishment proceedings within five (5) days from the date that the garnishment summons is served on garnishee. Thereafter, if within ten (10) days of the Notice the judgment debtor shall file an answer to claim an exemption, the Circuit Clerk. shall set a hearing date on the claim of the debtor. If no answer to claim exemption is filed within ten (10) days or if the judgment debtor fails to appear, the judgment creditor may obtain an order to pay over the garnished funds.

Last Updated (Tuesday, 05 June 2007)