

STATE OF ILLINOIS
IN THE 21st JUDICIAL CIRCUIT COURT

UNIFORM RULES OF PRACTICE

21st JUDICIAL CIRCUIT
KANKAKEE & IROQUOIS COUNTIES

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The following rules are adopted as the State of Illinois 21st Judicial Circuit Court's Uniform Rules of Practice. If there is a conflict or ambiguity between these 21st Circuit Court Uniform Rules of Practice and the Illinois Supreme Court Rules, the Illinois Supreme Court Rules apply and control.

Updated December 1, 2021

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Illinois Supreme Court approved standardized Statewide forms

<https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>

21st Circuit Forms

https://www.k3county.net/circuitclerk_files.html

21st Circuit Administrative Orders

<https://www.k3county.net/21stJudicial/AdminOrders.html>

SECTION 1: ORGANIZATION

RULE 1.1 RULES OF COURT

- A. Power to Adopt Rules.** The 21st Judicial Circuit Court adopted Uniform Rules of Practice administering the 21st Judicial Circuit Court's pleading, practice, and procedure and regulating its dockets, calendars, and business of the court pursuant 735 ILCS 5/1-104.
- B. Existing Rules Repealed.** These rules are effective December 1, 2021. All prior rules of the Circuit Court of the 21st Judicial Circuit, State of Illinois are hereby repealed.
- C. Amendment.** Any amendment to these rules shall be passed by a majority vote of all Circuit Judges of the 21st Judicial Circuit with each voting judge e-mailed a copy of the proposed amendment at least 14-days prior to the vote.
- D. Transmittal.** A copy of these rules shall be transmitted to the Director of the Administrative Office of the Illinois Courts. All rules and amendments to these rules shall be in accord with Illinois Supreme Court Rule 21 and shall be filed with the Director of the Administrative Office of the Illinois Courts within 14-days after adoption pursuant to Rule 21.
- E. Compliance.** Circuit Court personnel and any person coming before the 21st Judicial Circuit Court shall comply with these Uniform Rules of Practice and all administrative orders of the Chief Judge and Presiding Judge.
- F. Construction.** Construction of these rules is pursuant to 5 ILCS 70/0.01 et seq., the Statute on Statutes.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 1.2 CHIEF JUDGE

A. Election. Subject to the authority of the Illinois Constitution, a majority of the Circuit Judges of the 21st Judicial Circuit shall elect one of their members to serve as Chief Judge for a 2-year term commencing January 1st and every 2-years thereafter. No judge may serve as Chief Judge more than 2-consecutive 2-year terms unless a Chief Judge is serving as Chair of the Conference of Chief Judges then the term of the Chief Judge shall end concurrently with the end of the Chief Judge's term as Conference Chair. The election shall be held at least 90 days immediately preceding the end of each term. The judges shall vote by secret ballot. A majority vote of the Circuit Judges is required for election. The Chief Judge of the Circuit shall provide the ballot. The ballot shall list the names of all Circuit Judges alphabetically. An election committee, appointed by the Chief Judge or Acting Chief Judge, shall canvas and announce the votes cast on each ballot. If a Circuit Judge does not receive the majority of the votes, a runoff election shall be held between the judges who received the highest number of votes. All elections for Chief Judge shall be by secret ballot.

B. Acting Chief Judge. The Chief Judge shall designate one of the Circuit Judges to serve as Acting Chief Judge in their absence or when the Chief Judge is unable to serve. The designation shall be in writing and shall be made within 30-days after assuming office of Chief Judge. The Acting Chief Judge has the same powers and duties as the Chief Judge and serves at the pleasure of the Chief Judge.

C. Vacancy. If the Office of the Chief Judge becomes vacant for a cause not provided for in this Rule, the Circuit Judge with the greatest seniority as a Circuit Judge or any two Circuit Judges shall call a meeting of the Circuit Judges and/or all Judges for the purpose of filling the vacancy. The election shall be within 3-weeks of the vacancy and at least 7-days e-mail notice given to all Circuit Judges. At the meeting, the Circuit Judges shall elect a new Chief Judge to take office immediately and shall serve for the balance of the term of the former Chief Judge.

D. When Vacancy Occurs. A vacancy in the Office of Chief Judge occurs when the Chief Judge is unable or unwilling to serve for a period of 3-consecutive months. A vacancy in the office of Chief Judge occurs upon the resignation,

death, incapacity, or inability of the Chief Judge to carry out the duties of the office.

- E. Powers & Duties.** The Chief Judge is responsible for administration of all Courts in the Circuit and shall direct the operations of the Circuit Court. The Chief Judge has general administrative authority over the 21st Judicial Circuit Court including the authority to provide for division (general or specialized), functional units, and designation of appropriate times and places of holding Court. The Chief Judge is subject to and responsible for the implementation and enforcement of the rules, orders, policies, and directives of the Supreme Court, the Chief Justice, and The Director of the Administrative Office of the Illinois Courts.
- F. Removal.** A majority of such Circuit Judges may at any time, by written order, call a meeting of the Circuit Judges and/or all Judges at a time and place stated for the purpose of considering the removal of the Chief Judge presently in office. A copy of the order shall be delivered, mailed with postage prepaid, or e-mailed to each Judge not joining in it at least 5-days prior to the meeting. At such meeting, the Judges shall vote by secret ballot on the question: Shall the present Chief Judge be removed from office? If a majority of the Judges vote affirmatively, the Chief Judge is thereby removed from office and the Judges shall immediately select a Circuit Judges to serve as new Chief Judge who takes office instanter.
- G. Resignation.** If the Chief Judge resigns, the Chief Judge shall call a meeting of the Circuit Judges and present their resignation. If the resignation is accepted, the Judges shall immediately select a Circuit Judges to serve as new Chief Judge. The new Chief Judge shall take office immediately and serve the balance of the term of the resigning Chief Judge. If the Chief Judge replacement term is less than 1-months, it is not deemed a term for purposes of the 2-consecutive 2-year term limit.

[Adopted eff. March 17, 1997; amended Dec. 5, 2003; Amended December 1, 2021]

RULE 1.4 JUDICIAL ASSIGNMENTS

- A. Chief Judge Assignments.** The Chief Judge shall assign Circuit Judges and Associate Judges to counties within the Circuit and may assign all judges on a case-by-case basis.
- B. Presiding Judge Assignments.** The Presiding Judge in each county shall assign judicial duties to the Circuit and Associate Judges regularly assigned to that county by the Chief Judge.

[Adopted eff. March 17, 1997]

RULE 1.3 PRESIDING JUDGE

- A. Designation.** The Chief Judge shall, by written administrative order, appoint one Circuit judge within each county of the Circuit as Presiding Judge of that county. The Presiding Judge sits at the pleasure of the Chief Judge and nothing in these rules prevents the Chief Judge from serving as Presiding Judge of the county where they sit. Presiding Judge refers to the Presiding Judge of a County appointed by the Chief Judge.
- B. Duties.** The Presiding Judge or their designate shall call and impanel Grand and Petit Juries, submit budgets, administer the Judicial Department of their presiding County and perform such other duties required for the proper administration of justice. The Presiding Judge may promulgate Administrative Orders within the County consistent with these rules or the Administrative Orders of the Chief Judge. All proposed Administrative Orders issued by the Presiding Judge shall be tendered to the Chief Judge 7-days prior to their effective date and upon receipt, the Chief Judge may approve or withhold approval of the proposed Administrative Order within 7-days. Failure of the Chief Judge to act within the 7-days constitutes approval of the proposed Administrative Order.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 1.5 COURT PERSONNEL

- A. Court Complement.** A full court complement consists of the judge, courtroom clerk, and sheriff or bailiff when court is in session.
- B. Courtroom Clerk.** The courtroom clerk shall be the Circuit Clerk or a Deputy Circuit Clerk and the clerk shall attend court when court is in session unless excused on a case-by-case by the judge presiding in the courtroom. The clerk shall obtain all necessary documents for cases to be heard and perform such other duties directed by the Court.
- C. Sheriff-Bailiff.** The sheriff or bailiff shall open and close court, preserve order in the courtroom, attend upon the jury when placed in their custody, and perform such other duties be directed by the Court.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 1.6 JUDICIAL MEETINGS

- A. Quarterly meetings.** Associate and Circuit Judges shall meet at least quarterly each year to discuss and manage the business of the Court. If a vote is required, only Circuit Judges shall vote. The Chief Judge shall determine the location, date, and time of meetings and shall give 14- days written notice by delivery or e-mail to the judges.
- B. Special meetings.** The Chief Judge or a majority of the Circuit Judges within the Circuit may call special meeting and they shall give 7-days written notice by delivery or e-mail to the judges.

[Adopted eff. March 17, 1997, Amended December 1, 2021]

RULE 1.7 JUDICIAL REPORTS

The following judicial reports shall be submitted:

- A. Clerk's Quarterly Case Activity Report.** By the Circuit Clerk to the Chief Judge, Presiding Judge and Administrative Office of the Illinois Courts by

the 15th day of the following month.

- B. Clerk's Annual Report of Pending Cases.** By the Circuit Clerk, annually, for the period ending December 31, to the Presiding Judge, Chief Judge and Administrative Office of the Illinois Courts.
- C. Required Reports.** The Chief Judge, Presiding Judge, and/or Circuit Clerk shall submit all reports required by the Illinois Supreme Court and the Administrative Office of the Illinois Courts.

[Adopted eff. March 17, 1997, Amended December 1, 2021]

RULE 1.8 COURT FILES, FILING, & E-FILING

- A. Removal of Files.** Original files, documents, or exhibits shall not be removed from the courthouse except by leave of Court or the Circuit Clerk. A receipt shall be filed with the Clerk by the party removing the files, documents, or exhibits. Such files, documents, or exhibits shall not be retained by the party removing same for more than 2-working days without further leave of Court or the Circuit Clerk. If an individual is directed to deliver a file to another Court, the individual shall surrender the file to the Clerk of that Court and obtain a signed receipt for the file. Surrender of the file to the receiving Clerk of Court shall relieve the individual of further responsibility.
- B. E-Filing** All documents shall be electronically filed with the Circuit Clerk using an electronic filing system approved by the Supreme Court of Illinois in accord with Illinois Supreme Court Rule 9 unless exempted.
- C. Personal Identity Information.** If a document contains Social Security Numbers and/or Personal Identity Information, the filing shall conform to Illinois Supreme Court Rules 8, 15, 138, and 364 including a "Notice of Confidential Information Within Court Filing."
- D. Exhibits.** Physical items where a photograph may be substituted shall be electronically imaged and E-filed. If an item cannot be E-filed (i.e., documents under seal and physical exhibits where image cannot be substituted) shall be filed in their physical form in the courtroom or in the

Circuit Clerk's office as ordered by the Judge and filed pursuant to Illinois Supreme Court "Electronic Filing Standards and Principles."

- E. Rejected Documents.** Documents shall comply with Illinois Statute, Illinois Supreme Court Rules, 21st Circuit Court Uniform Rules of Practice, and/or Illinois Statewide Standards. Documents not complying with these formats may be rejected. Documents filed by pro se parties not complying with these formats shall be reviewed for acceptance by the Circuit Clerk and/or Court prior to rejection by the Circuit Clerk.
- F. Links.** Links are not part of the court record. Electronic documents containing links to material located internally within the filed document or material located external to the filed document are not part of the record and are considered as a convenience only. The linked material is not part of the filing and not part of the record.
- G. Signatures.** All E-filed signatures shall comply with the Illinois Supreme Court "Electronic Signature Standards" and 5 ILCS 175/1 et seq. When the Circuit Clerk endorses or electronically signs a document, the electronic or digital representation of the Circuit Clerk's name shall be deemed to be the Circuit Clerk's signature on an electronic document. E-Filed documents requiring an original signature when conventionally filed shall bear a facsimile or typographical signature of the attorney or party authorizing such filing (e.g. "/s/ John Doe, Attorney") and shall be deemed signed in-person by the individual identified.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 1.9 COURT FACILITIES

- A. Court Times & Places.** The Chief Circuit Judge shall designate pursuant to Article VI, Section 8(c) of the Illinois Constitution of 1970 the times and places of holding court in each county of the Circuit.
- B. Committee on Court Facilities.** The 21st Judicial Circuit shall have a Committee on Court Facilities. The Chief Judge shall appoint Circuit and Associate Judges of the Circuit who shall serve on the committee and shall designate a Chairman. The Bar President of each county in the Circuit or

their designee shall serve in an Ex Officio capacity. The Chief Judge may not serve as a member of the Committee.

1. When directed by the Chief Judge, the committee shall inspect each courtroom, jury quarters, chambers, ancillary court spaces, and offices of the Clerk of the Court within any county of the Circuit.
2. The committee shall file a preliminary report of the inspection including the committee's recommendations with the Chief Judge. The Chief Judge shall transmit a copy of the report and proposals for corrective action to comply with applicable standards to the County Board Chairman where the facility is located. If corrective action is not commenced and completed within the time period established by the Committee, the Committee shall promptly file a supplemental report with the Chief Judge including additional recommendations. The Chief Judge shall transmit a copy of the supplemental report to the County Board Chairman. Within 90 days or other time period designated by the Chairman of the Committee, the county board must either: (1) correct the condition of the facility in question pursuant to the Committee's report and recommendations, or (2) bind the County contractually and irrevocably to have the facility so corrected within 6-months or other time designated by the Committee.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 1.10 COURT DECORUM

A. Decorum. All persons attending a court proceeding including jury selection, arbitration, and mediation shall comply with court decorum policy including appropriate dress and proper behavior and there shall be no smoking or eating. Each judge presiding over a court proceeding in a courtroom, chambers, other location, and/or by remote appearance (i.e. electronically by cell phone or computer, with or without video, Closed Circuit Television, or other electronic appearance) shall enforce proper court decorum.

B. Enforcement. The judge presiding in the court proceeding shall immediately convey the Violation of Rule 1.10A to the violating individual and if not corrected, the Court shall take appropriate action.

[Adopted eff. March 17, 1997, Amended December 1, 2021]

RULE 1.11 COURT APPEARANCE

A. Court Hours. Court hours are Monday through Friday from 8:30 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:30 p.m. unless otherwise ordered by the Chief Judge. Court may be closed on certain legal holidays pursuant to Order by the Chief Judge. Each courthouse in the 21st Circuit shall post a list at the courthouse for the dates court is closed. A trial judge is authorized to expand court hours when required to conduct court business.

B. Attendance. Judges shall begin court promptly at the designated times. Attorneys and parties shall appear promptly before the Court, in person or remotely, at the time their case is set. If a party or attorney fails to appear promptly, the Court may impose sanctions or take remedial action it deems appropriate. If the failure of a party or attorney to appear promptly without reasonable cause makes it impossible to proceed, the Court may order such party or attorney to pay reasonable costs, expenses, and related attorney's fees, to the opposing party or attorney.

C. Remote Appearance. Remote appearances require prior approval of the judge presiding. The judge presiding may allow attorneys, parties, and witnesses to appear remotely by telephone, cell phone, computer, closed circuit television, or other electronic means, with or without video. Remote appearances in civil proceedings shall be pursuant to Illinois Supreme Court Rules 45, 46, and 241 and remote appearances in criminal proceedings shall also be pursuant to Illinois Supreme Court Order M.R. 30370.

[Adopted eff. March 17, 1997, Amended December 1, 2021]

RULE 1.12 JURORS

A. Grand Jurors. The Presiding Judge or the Jury Commissioner may call Grand Jurors for a specified period not to exceed 18-months. After

being impaneled, instructed, and sworn, the Grand Jury shall sit from time to time as convened until permanently discharged by the Court.

- B. Petit Jurors.** The Presiding Judge or the Jury Commissioner may call Petit Jurors for a period of time designated by the Presiding Judge. The Presiding Judge shall certify to the Circuit Clerk the number of petit jurors required, the date, time, place of reporting, and period of jury service.
- C. Jury Summons.** The Circuit Clerk shall issue and cause to be served a jury summons on all grand jurors and petit jurors at least 30-days prior to the first day of service. Jury summons may be served by U. S. Mail with postage prepaid to the address listed in the Jury Commission records.
- D. Jury Excuses.** The Judge Presiding or Jury Commissioner is authorized to excuse summoned jurors upon reasonable cause or to continue their service and assign jurors to certain courtrooms within the 21st Judicial Circuit.
- E. Rules.** All activities involving randomly selecting, summoning, and impaneling both grand and petit jurors shall be pursuant to 705 ILCS 305 (Jury Act) and 705 ILCS 310 (Jury Commission Act). Specific activities for the 21st Judicial Circuit are:
 - 1.** Initial questionnaires shall be sent monthly to a randomly selected number of prospective jurors set by the Chief Judge and/or Jury Commissioners from the annual jury list provided by Administrative Office Illinois Courts. Written responses shall be reviewed by the Jury Commissioner. The questionnaires of prospective jurors not disqualified pursuant to 705 ILCS 305/10.2 are deemed qualified and made available for random selection of jury summons. The Jury Commissioner has discretion to admonish prospective jurors who do not return the initial questionnaires that failure to comply may be referred to the Chief Judge or any Circuit Judge for further proceedings.

2. The Jury Commissioner shall prepare an alphabetical roster of jurors summoned for a designated period of jury service including jurors previously summoned and excused. The Jury Commissioner shall annotate the list with notes and comments relative to jurors seeking to be excused or deferred upon summons. The Chief Judge or Circuit Judge shall review the list and exercise discretion in approval or denial of the request to excuse or defer service pursuant to 705 ILCS 310/10 on the day jurors report for service. A jury summons to appear may be enforced by the Court for any juror who fails to appear in obedience to summons, even if previously excused or deferred.

[Adopted eff. March 17, 1997; revised May 4, 1998; Amended December 1, 2021]

RULE 1.13 DECISIONS

All judges are encouraged to render decisions promptly from the bench or by written decision. No judge shall keep a matter under advisement or fail to render a decision in a matter for more than 60-days from the date such matter is heard or taken under advisement unless there is an exception or extension granted by the Chief Judge. The docket shall include an entry when the matter is taken under advisement and an entry when the decision is pronounced. When a matter under advisement is continued generally or continued more than 45-days, the judge presiding must report this to the Chief Judge and the judge presiding shall order the Circuit Clerk to prepare and deliver a copy of the docket entry to the Chief Judge. When the decision is pronounced, the judge presiding must report this to the Chief Judge and shall order the Circuit Clerk to prepare and deliver a copy of the docket entry to the Chief Judge. The Chief Judge shall maintain records of all matters taken under advisement and require an explanation from a judge if the matter remains under advisement for more than 60-days.

[Adopted eff. Feb 1, 2004; amended March 11, 2005; Amended December 1, 2021]

SECTION 2: CLASSIFICATION

RULE 2.1 CLASSIFICATION

Classification of cases shall be pursuant to the Illinois Supreme Court “Manual on Record Keeping”.

Adopted March 17, 1997; Amended September 16, 2008; Amended December 1, 2021

RULE 2.2 CASE ASSIGNMENT

Cases shall be assigned by the Circuit Clerk’s Office pursuant to the current Courtroom and Case Assignment Sheet entered by the Chief Judge. Cases shall be assigned to judges pursuant to the Courtroom and Case Assignment Sheet. When a jury demand is filed in a civil case, the case shall be referred to the civil jury call Presiding Judge for further proceedings.

[Adopted eff. March 17, 1997; Amended September 16, 2008; Amended December 1, 2021]

SECTION 3: MOTIONS

RULE 3.1 MOTION PRACTICE

- A. Filing.** All motions shall be E-filed with the Circuit Clerk at least three 3-days prior to presentment to the Court except for ex parte and emergency motions. The Court may designate a date when all motions are to be filed and a motion may not be filed after that date without leave of Court. The title of a motion shall indicate the relief sought and cite the statutory section or cite the authority for the relief sought. Motions shall follow the format required under the Illinois Supreme Court Rules.

- B. Hearing Allotment.** No motion shall be heard unless it was set for allotted hearing time on the Court’s calendar except for emergency matters or by

leave of court. Hearing motions by leave of court is pursuant to the discretion of the judge presiding.

- C. Oral argument.** Oral arguments are at the discretion of the judge presiding. The presiding judge may set a briefing schedule and decide motions without hearing oral arguments.
- D. Notice.** The party requesting a hearing shall file and serve a Notice of Hearing to all parties and/or their attorneys who appeared, are not defaulted, or whose time to appear is not expired. Notice shall conform to Illinois Supreme Court Rule 11.
- E. Notice Requirements.** The Notice of Hearing shall contain the case caption, case number, court date, time, courtroom number, and a short description of the name and/or nature of the motion. A copy of the motion with exhibits and attachments shall be served with the Notice or the Notice must include a statement these were previously served on the parties.
- F. Time of Notice.** Notice shall be made at least 72-hours prior to the hearing. Notice by U. S. Mail shall be mailed at least 7-days prior to the hearing and Electronic Notice shall be transmitted at least 5-court days prior to the hearing unless otherwise ordered by the court. Proof of Service of the Notice shall be made of record. Notice by facsimile is not allowed under Illinois Supreme Court Rule 11.
- G. Ex Parte & Emergency Motions.** Every complaint or petition requesting an ex parte order for the appointment of a receiver, temporary restraint, preliminary injunction, or any other emergency relief, shall be filed with the Circuit Clerk, if during court hours, before presentment to the Court. Emergency motions and allowable ex parte motions may be heard without notice at the discretion of the judge presiding. Motions for temporary relief may be given precedence over other court matters. If a motion is heard without prior notice under this rule and the motion is allowed, written Notice of Hearing and the order entered shall be served personally, by e-mail, or by U.S. mail upon all parties not in default for failure to plead and proof of service shall be filed with the Clerk of the Court within three (3) days of the hearing.

H. Continuances. The Court's policy is to hear matters when they are scheduled. Continuances in civil and criminal cases are granted at the discretion of the judge presiding when justice requires. Only a judge can grant a continuance. The Circuit Clerk cannot continue a case.

I. Compliance. Motions to continue shall comply with Illinois Supreme Court Rule 231, 735 ILCS 5/2-1007 of the Illinois Code of Civil Procedure, and 735 ILCS 5/114-4 of the Illinois Code of Criminal Procedure.

J. Renewed Motions. Motions ruled on by one judge shall not be renewed before another judge without leave of court. The Notice of Hearing for a renewed motion shall on its face state the motion was previously ruled, identify the judge who ruled, the date of ruling, and the state the results of the ruling.

K. Failure to Call Motions for Hearing. Motions shall be set for hearing or briefing schedule within a reasonable time or the court may deem the motion withdrawn and deny requested relief with or without leave to refile.

L. Dispositive Pre-trial Motions. No dispositive motion shall be filed or set for hearing within 60-days of a scheduled trial date except by leave of Court for good cause.

[Adopted eff. March 17, 1997; revised Feb. 3, 1998; revised Oct. 1, 1998, eff. Immediately; revised June 25, 2004, Amended December 1, 2021]

SECTION 4: PROCEEDINGS BEFORE TRIAL

RULE 4.1 PRETRIAL PROCEEDINGS

Pre-Trial proceedings shall be pursuant to standing orders of the presiding judge, directions of the court, and Illinois Supreme Court Rules.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 4.2 EXHIBITS

A. Marking. The court may direct the parties to mark for identification all exhibits expected to be offered into evidence designating the party, exhibit number, date, case number, or otherwise as directed by the court. Parties shall stipulate to exhibits with no objections and such exhibits shall be admitted into evidence without foundation. Exhibits identified, but not admitted shall be kept in the custody of the attorneys unless otherwise directed by the court. In Law cases, both jury and non-jury, the court may issue Case Management Orders approximately 30 days prior to trial addressing exhibits and other routine pre-trial matters. Compliance with such Case Management Orders is mandatory.

B. Custody. In civil cases, the Circuit Clerk's office shall take custody of exhibits admitted in evidence and exhibits not admitted into evidence, but offered for the record unless otherwise ordered by the Court. Exhibits held by the Circuit Clerk in civil cases where there is no activity for at least 2-years shall be destroyed without notice to the parties.

[Adopted eff. March 17, 1997; revised eff. Feb 3, 1998, revised Sept. 16, 2008, Amended December 1, 2021]

SECTION 5: SMALL CLAIMS

RULE 5.1 PROCEDURE

A. Answer & Default. After service of summons, defendant may:

1. E-File an answer, motion, or other pleading.
2. Notify the Circuit Clerk in writing at least 7- days prior to the summons appearance date that defendant contests the claim. The notice shall include case caption, case number, defendant's name, address, telephone number, e-mail address, and the name and address of the plaintiff and/or plaintiff's attorney; or

3. Appear in person or by an attorney on the appearance date and admit or deny the allegations of the complaint.

If a defendant fails to comply with 1, 2, or 3, a default judgment may be entered and a monetary judgment may be entered for the amount claimed plus costs.

- B. **Trial Date.** If the claim is contested, the court may set the matter for trial, pretrial conference, or docket call pursuant to notice.
- C. **Summons Appearance Date.** The summons appearance date is not the trial date, unless otherwise ordered by the court.
- D. **Jury Trial Demand.** After a party files a jury demand and pays the jury demand fee, the case shall be referred to the jury trial judge pursuant to the Assignment Order.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

SECTION 6: DOMESTIC RELATIONS

RULE 6.1 FAMILY CASES

- A. **Family Cases.** Family cases are defined as any proceeding for an Order of Judgment relating to Dissolution of Marriage, Civil Unions, Legal Separation, Allocation of Parental Responsibilities, Parentage Determination, Guardianships involving minor children, Orders of Protection related to Dissolution of Marriage, and Invalidation of Marriage and may include all related ancillary proceedings when minor children are involved pursuant to Illinois Supreme Court Rule 900.
- B. **Procedure.** Notices shall be filed pursuant to Illinois Supreme Court Rule 11, Illinois statutory provisions, and the 21st Judicial Circuit Court Uniform Rules of Practice. Case management conferences, setting dates, status dates, uncontested issues, mediation, and other matters shall be set pursuant to Illinois Supreme Court Rules and 21st Judicial Court standing orders.

RULE 6.2 PRE-JUDGMENT PROCEDURES

Pretrial. All contested family cases shall be pretried unless otherwise ordered by the court. The trial court may order a Pretrial *sua sponte* or by motion of a party for any post-judgment contested family case. The judge presiding shall conduct the pretrial hearing. The parties shall at the judge's discretion submit a Pretrial Memorandum to the judge and serve it to the parties at least 3-court days prior to the Pre-Trial date. <https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>

A. Pre-Trial Submissions:

- 1.** A copy of the Financial Affidavit on file with the Court;
- 2.** An updated current Financial Affidavit; and
- 3.** A copy of a Proposed Parenting Plan.

B. Financial Affidavits & Discovery

- 1.** The Illinois Supreme Court form for Financial Affidavit referenced in 750 ILCS 5/501(a) (1) shall be utilized in all family cases unless otherwise ordered by the court.
https://www.k3county.net/circuitclerk_files.html
- 2.** The parties shall exchange completed Financial Affidavits in compliance with 750 ILCS 5/501 (a) (1) within 60-days from the date the Respondent files a general Appearance or responsive pleading. Each party shall provide a courtesy copy of their Financial Affidavit to the judge at least 7-days prior to hearing or Pretrial involving financial issues.
- 3.** Family law Financial Affidavit shall contain at a minimum:
 - i.** the party's last 3-pay stubs;
 - ii.** the party's last 2-filed federal income tax returns with W-2, 1099s, and all attachments; and

- iii. a list of other documents submitted in support of the Financial Affidavit describing the documents and the number of pages of each document (e.g. Hometown Bank Statement January 2021, 4 pages).
- 4. In Pre-judgment cases, a party shall not propound a Request for Discovery until the requesting party served the other party a fully completed Financial Affidavit with the required documents attached.
- 5. All discovery shall be concluded at least 30-days prior to trial unless otherwise ordered by the court for good cause or by a written agreement of the parties.

C. **Orders of Protection.** Parties shall inform the Judge and Circuit Clerk of all pending family, probate, juvenile or other cases involving any party and involving any children named in the Petition for Order Protection when filing the Petition and when appearing in court.

D. **Uncontested Proceedings.** Uncontested hearings may be noticed and heard without submitting prerequisite forms and affidavits. Uncontested hearings shall be set at the Judge's discretion. Parties shall submit a written Judgment Order in court or within 30-days of any uncontested prove up hearing.

E. **Record.** Courtroom audio systems shall be used to record all proceedings. If a party requests or requires a court reporter, it is that party's responsibility to retain, schedule, and pay for such court reporter.

F. **Updated Financial Affidavits.** After a pre-judgment or post-judgment hearing involving financial matters, the parties shall submit updated Financial Affidavits or supplement existing Financial Affidavits prior to any subsequent hearing involving financial matters. No hearing date shall be set until updated or supplemented Financial Affidavits are filed unless otherwise ordered by the court.

G. Motions & Case Management. Motions shall be noticed with the court within 60-days of the filing date. The Court may deem a motion waived and require refiling if the motion is not noticed with the court within sixty 60-days of filing. The Circuit Clerk shall set an Initial Case Management Conference 60-days from the date the Family Law case is filed except for Complaints for Support filed by Attorney General's office on behalf of HFS. Appearance of counsel and/or *pro se* party at the Case Management Conference is mandatory unless excused by the court for good cause by prior court order. The court shall determine the following at the Initial Case Management Conference:

- 1. Service.** Is there service of process;
- 2. Pleadings.** What is the status of pleadings;
- 3. Parenting Time.** What is the status of parenting time and the need for mediation. The parties shall provide the court with a Parenting Plan if there is an agreement. If there is no agreement, the court shall order mediation; and
- 4. Financials.** What is the status of exchange of Financial Affidavits.

H. Mediation. Contested matters involving allocation of parental responsibilities, parenting time, and/or removal/relocation shall not be set for hearing until mediation is completed and a Final Mediation Report is filed unless the court determined mediation was not appropriate. The Final Mediation Report shall relate whether the parties made a good faith effort to mediate their differences and whether there is a full agreement, a partial agreement, or no agreement. Failure to participate in required mediation may subject a party to contempt and/or sanctions. Mediation shall occur without counsel present and the mediation process is confidential and not subject to discovery pursuant to 710 ILCS 20/6. See:
https://www.k3county.net/circuitclerk_files.html

I. Judgment Order Contested. The Court shall designate which party must prepare the Judgment Order in contested cases. The case shall be

set for Presentation of the Judgment Order within 30-days of such designation. A copy of the proposed Judgment Order must be served on the other party at least 7-days prior to the presentation court date. Counsel may set a court date earlier than the presentation date or submit Judgment Order signed by the parties to the Judge for entry prior to the presentation date at the judge's discretion.

- J. Judgment Orders Uncontested.** Evidence does not need to be presented for Judgment Orders if the matter is uncontested, the Judgment Order states "Agreed Order", and is signed by both parties and/or counsel. The Judgment Order shall be submitted at or within 30-days after prove-up.
- K. Child Support.** Child support awards are effective retroactive to the date a Motion for Temporary Support or Child Support Modification was filed in a Dissolution case and to the date of service of summons in a Parentage case unless otherwise ordered by the Court, agreed to by the parties, or the original motion is deemed waived under Rule 3.1 M of these rules.
- L. Notice Post-Judgment.** All post-judgment Dissolution matters filed more than 30-days after a final Judgment Order for Dissolution is entered require notice to the opposing party. Notice to the party's most recent attorney of record is required for matters within 30-days of entry of the final Judgment Order.
- M. Hearings.** Allocation of Parental Responsibilities and/or Parenting Time hearings may be continuously heard from day to day and counsel may be considered "in Trial" for any conflicting cases with the continued hearing at the Court's discretion.
- N. Attorneys for Children, *Guardians Ad Litem*, & Child Representatives.** The Chief Judge shall maintain an approved list of Attorneys for Minor Children, *Guardians Ad Litem*, and Child Representatives and distributed to Judges who hear family law cases involving children. An attorney shall complete a notarized and sworn application and meet the minimum requirements of the 21st Judicial Circuit to be on the list. The Chief Judge shall have authority to promulgate and amend the minimum

requirements for appointment as Attorney for Minor Children, *Guardian Ad Litem*, or Child Representative after consulting family law judges.

Attorneys on the approved list shall maintain professional liability insurance coverage and shall present proof of professional liability insurance upon request to the Court.

https://www.k3county.net/circuitclerk_files.html

[Adopted eff. June 14, 2019; Amended December 1, 2021]

SECTION 7: FAMILY LAW MEDIATION

RULE 7.1 DEFINITIONS

A. Mediation. “Mediation” means a cooperative process for resolving conflict with the assistance of a trained, court-appointed, neutral third party whose role is to facilitate communication, help define issues, and assist the parties in identifying and negotiating fair and mutually agreeable solutions. The principles of safety, self-determination, procedural informality, privacy, confidentiality, and full disclosure of relevant information between the parties are fundamental to the mediation process.

B. Impediment. “Impediment” means any condition including but not limited to domestic violence, intimidation, financial intimidation, substance abuse, or mental illness of a party or existing in the parties’ relationship that hinders the ability of a party to negotiate safely, competently, and in good faith. Identification of an impediment is to ensure only parties with a present, undiminished ability to negotiate are directed by court order to mediate and is not for treatment purposes. Mediation is based on a full disclosure of all facts related to the dispute so a fair and equitable agreement can be achieved by the parties.

RULE 7.2 MANDATORY MEDIATION

A. Subject Matter. The presiding judge shall order mediation for any contested issue of parental responsibility, parenting time, removal, relocation, or access to children in all family cases unless the court finds mediation is not appropriate. Contested issues of parental responsibility,

parenting time, removal, relocation, or access to children shall not be set for hearing without leave of court or until the Final Mediation Report is filed. See: https://www.k3county.net/circuitclerk_files.html

- B. Prerequisites.** The parties referred to mediation by the court shall complete the parent education program prior to beginning mediation or as soon thereafter as the parent education program's schedule allows.
- C. Commencement.** Mediation shall commence pursuant to Illinois Supreme Court Rule 923 (a)(3). Mediation shall not occur until the court determines the case is appropriate for mediation. Counsel and/or the parties shall advise the judge concerning:
 - 1. Impediment of the parties as defined in Rule 1(B) resulting in referrals to a mediator who may address the impediment.
 - 2. Other circumstances exist that unreasonably interfere with mediation.
 - 3. A written motion and hearing are required before the court can determine a case is not appropriate for mediation. The motion shall be supported by affidavit including specific facts details why mediation is not appropriate.
- D. Discovery.** Discovery may continue during the mediation process.
- E. Temporary Issues.** The judge shall hear temporary issues regarding parenting matters, child support, and any other temporary matters during the pendency of the mediation process.

RULE 7.3 MEDIATION ASSIGNMENT

- O. Appointment.** The parties may select a mediator by agreement from the 21st Judicial Circuit list of qualified mediators or judge may appoint a mediator from the list if there is no agreement. When the mediation order is entered, the case shall be set for status of mediation within 45-days. The mediator shall be compensated by the parties at the rate agreed to by the parties and the mediator.

1. The Mediation Order shall designate the percentage of the mediation fee each party shall pay. The court may also determine if the case is a reduced fee or indigency case.
2. Counsel for each party shall encourage the parties to mediate in good faith.
3. The mediator shall submit a Mediator Report to the Court and the parties or counsel of record including the information required by Rule 9.7 on or before the 45-day mediation status date.
https://www.k3county.net/circuitclerk_files.html
4. The parties shall contact the mediator within 2-days after the Mediation Order is entered to schedule mediation appointments.
5. The Chief Judge's Office shall send the Mediation Order to the mediator within 2-days of entry of the Mediation Order. A party's initial mediation conference shall be held within 21-days of the Mediation Order unless otherwise ordered by the Court. The mediator may schedule mediation appointment and notify the party in writing of the time, date, and location of the initial mediation session if a party fails to contact the mediator within 2-days.

P. Conflict of Interest.

1. If the mediator has a conflict of interest, including but not limited to a current or previous therapeutic, personal, or economic relationship with either party, the children, a household or other family member, or anyone directly involved in the case, the mediator shall decline the appointment or shall disclose the relationship to the parties and/or attorneys of record and may be removed or disqualified. If there is a conflict, the parties may select or the court may appoint an alternate mediator.
2. A mediator who is a mental health professional shall not provide counseling or therapy to the parties or their children during or after the mediation. A mediator who is an attorney may not represent

either party in any matter during the mediation process or in a dispute between the parties after the mediation process.

3. A mediator shall decline mediation if the mediator cannot conduct it in an impartial manner. Impartiality means freedom from favoritism, bias, or prejudice. A mediator shall conduct mediation in an impartial manner and avoid conduct that gives the appearance of partiality. A mediator shall not act with partiality or prejudice based on a participant's personal characteristics, background, values and beliefs, performance at mediation, or any other reason. A mediator shall not give and shall not accept a gift, favor, loan, or other item of value that raises a question regarding the mediator's actual or perceived impartiality.

Q. Ethical Conduct. Inclusion of a mediator on the list of approved mediators of the 21st Judicial Circuit is an explicit agreement by the mediator to maintain high standards of ethical practice. Failure to comply may result in removal from the mediator list.

RULE 7.4 MEDIATION PROCESS

A. Commencement. At or prior to the initial session, the mediator shall:

1. Determine the issues to be mediated;
2. Explain no legal advice, therapy, or counseling shall be provided;
3. Disclose the nature and extent of any existing relationships with the parties or their attorneys in any personal, familial, financial, or other interest that could result in bias or conflict of interest;
4. Inform each party of their right to obtain independent legal counsel;
5. Inform the parties:

- a. Mediation may be suspended or terminated at the request of either party after a minimum of three 3-hours of mediation or in the discretion of the mediator pursuant to Rule 9.4 (A)(5)(b);
 - b. The mediator may suspend or terminate the mediation if an impediment exists, if either party is acting in bad faith, a party seems to not understand the negotiation, the prospects of achieving a reasonable agreement appear unlikely, or if the needs and interests of the minor children are not being considered. Upon suspension or termination, the mediator may suggest a referral for outside professional services.
- 6. Explain mediation is confidential pursuant to Rule 9.6.
- 7. Confirm the mediation fee for service agreement and any reduced fee arrangements due to financial hardship; and
- 8. Determine if the mediator may communicate with either party, their counsel, or with other persons regarding the mediation when the parties are not present. Any *ex parte* communication shall be disclosed to the parties.

B. **Reporting Risk of Bodily Harm.** During the pendency of the mediation, the mediator shall report to appropriate law enforcement agencies any information revealed in mediation necessary to prevent an individual from committing an act likely to result in imminent, serious bodily harm to another. When the identity of an endangered person is known to the mediator, the mediator may warn that person and/or their attorney of record of the threat of harm and such notification shall not be a breach of confidentiality.

RULE 7.5 MEDIATION SAFEGUARDS

A. **Duty to Assess.** The mediator shall assess whether the parties manifest any impediments affecting their ability to mediate safely, competently, and in good faith. This is a continuing duty.

B. Safety. If safety concerns arise, the mediation shall be adjourned. The mediator may meet separately with the parties and may implement appropriate referrals to community service providers. The mediator shall advise the parties of the right to terminate and shall:

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

C. Competency or Good Faith. If the mediator questions the competency of a party to understand or to act in good faith, the mediator may make any appropriate referrals to community service providers and may:

1. Suspend mediation where there is a reasonable likelihood the impaired condition or actions of a party is temporary; or
2. Terminate mediation where there is a reasonable likelihood a party's ability to competently negotiate in good faith cannot be adequately restored.

D. Termination. If mediation is terminated, it cannot resume without a motion and court order. If mediation is terminated, the case will continue and be set for adjudication.

RULE 7.6 CONFIDENTIALITY

A. Privacy. All mediation sessions shall be private. The mediator shall exclude all persons except the parties. The mediator may invite a 3rd party into mediation only if both parties agree.

B. Confidentiality. Mediation is confidential. The mediator and mediation participants shall not disclose any written and/or verbal mediation communication except parties may report these communications to their attorney or counselor. All mediation participants shall sign a confidentiality

agreement prior to the commencement of mediation.
https://www.k3county.net/circuitclerk_files.html

C. Disclosure Limitation. Admissions, representations, statements, and other communications made or disclosed in mediation shall not be admissible as evidence in court. The mediator shall not be called as a witness by a party or by the court. The mediator shall not testify in court regarding the mediation. A party shall not be compelled to testify regarding confidential matters disclosed during mediation. This confidentiality restriction shall not prohibit a party or their attorney from obtaining the same information independent of and outside of mediation or from discovery pursuant to Illinois Supreme Court Rules.

D. Exceptions. Admissions, representations, statements, and other communications are not confidential if:

1. All parties consent in writing to the disclosure;
2. The communication reveals either an act of violence committed against another during mediation or an attempt to commit an act that may result in bodily harm to another;
3. The communication reveals evidence of abuse or neglect of a child;
4. Non-identifying information is made available for researcher evaluation purposes approved by the court; or
5. The communication is probative evidence in a pending action alleging negligence or willful misconduct of the mediator.

RULE 7.7 ATTENDANCE & TERMINATION

A. Attendance. The parties shall attend mediation for a minimum of 3-hours. Mediation may be extended by order of court or by agreement of the parties. Mediation may be terminated or suspended prior to completion of the 3-hours upon resolution of all mediated issues.

B. Termination or Suspension. The mediation may be terminated or suspended by the mediator or by the court.

C. Notice. If the mediation is terminated or suspended, the mediator shall timely notify the court by filing a Mediator's Final Report indicating the date the Mediator terminated or suspended the mediation.
https://www.k3county.net/circuitclerk_files.html

D. Sanctions. If a party fails to participate in or appear for a scheduled or court ordered mediation conference without good cause, the court *sua sponte* or on motion may impose sanctions, including an award of mediator and attorney's fees and other costs.

E. Termination with an Agreement. The mediator shall file a Mediator's Final Report when mediation is terminated with a full or partial agreement. The mediator shall provide a written account of the full and/or partial mediation agreement to the parties and/or their attorneys. The mediator shall not provide this written account to the court. The preparation of the written account of the mediation agreement shall not be deemed the unauthorized practice of law. The mediator shall advise the parties to obtain legal assistance in drafting or reviewing mediation agreements to be filed with the court. The mediator shall advise the parties mediation agreements and written accounts of mediation agreements are not legally binding until signed by the judge and filed with the court.

F. Reporting. The mediator shall file with the Circuit Clerk a Mediator's Interim or Final Report using the 21st Judicial Circuit forms within 10-days of the last mediation session.
https://www.k3county.net/circuitclerk_files.html

G. Appointment of Child Representative/*Guardian Ad Litem*. If the mediator is concerned for the safety and welfare of minor children or believes the best interests of minor children require it, the mediator shall recommend in the Mediator's Report a Child Representative or *Guardian Ad Litem* be appointed.

RULE 7.8 MEDIATION AGREEMENTS

- A. Order.** Mediation agreements shall be presented by counsel or the parties to the court as a judgment order or agreed order within 30-days of the filing date of the Mediator's Final Report.
- B. Approval.** The court shall examine the parties regarding the content and intent of the post-mediation judgment order or agreed order. The court shall approve and enter the order or shall reject the order. The court may incorporate by reference the mediation agreement. The court shall reject the order when the court finds it is unconscionable and/or contrary to the best interests of the minor children and state the reasons.

RULE 7.9 CIRCUIT COURT ADVISORY COMMITTEE

- A. Membership.** The Chief Judge or designee shall establish an advisory committee whose members shall consist of at least 6-persons, including a judge hearing family cases, a member of the Iroquois County Bar, a member of the Kankakee County Bar, a practicing attorney-mediator, a practicing mental health professional, and a representative of the domestic violence advocacy community. Members of the committee shall be appointed by the Chief Judge or designee.
- B. Duties.** The Circuit Court Mediation Advisory Committee shall advise the Chief Judge or designee on establishing and implementing administrative policy consistent with these rules for the fair and efficient delivery of mediation services, including 21st Circuit Uniform Rules of Procedure, standards of conduct for mediators, and systematic review of program performance. This committee shall meet and report at least once a year to the Chief Judge.
- C. Authority.** Nothing contained in this rule shall limit the authority of the Chief Judge or designee to exercise administrative authority.

RULE 7.10 MEDIATOR QUALIFICATIONS

Mediators shall meet all of the following requirements:

1. Complete Court approved specialized training and certification in family mediation of at least 40 hours including, but not limited to the following:
 - a. Conflict resolution;
 - b. Psychological issues in separation, dissolution, and family dynamics;
 - c. Issues and needs of children and dissolution;
 - d. Mediation process and techniques; and
 - e. Recognition of impediments to mediation.
2. Complete additional training required by the Court.
3. Hold a graduate degree in law, psychiatry, psychology, social work, human development, family counseling or other behavioral science substantially related to marriage and family interpersonal relationships or a graduate degree in another related field approved by the Chief Judge.
4. If engaged in a licensed discipline, the license shall be in full force and effect.
5. Agree to serve at the discretion of the Chief Judge.
6. Agree to mediate on a rotating basis at least 1-*pro bono* case per year assigned by the Court.
7. Provide proof of professional negligence insurance in an amount set by the Chief Judge.

RULE 7.11 MEDIATOR LIST

A. List. The Chief Judge shall establish a list of court-approved mediators. All applicants for inclusion on the list shall possess the minimum qualifications set out in Rule 9.10. The Court may require biographical or other relevant information from an applicant to determine whether the applicant may be included on the list. The Court may for good cause reject the application of any applicant and/or remove any mediator from the list. Inclusion on the

list by the Court shall not be a warranty such mediator can successfully mediate any specific dispute.

B. Denial/Removal from List. An applicant denied inclusion on or removed from the court-approved Mediator List may appeal the decision in writing within 10-days to the Chief Judge. The Chief Judge shall decide the appeal after an opportunity for the applicant or mediator to be heard.

[Adopted eff. June 14, 2019; Amended December 1, 2021]

SECTION 8: PROBATE

RULE 8.1 ADMISSION HOLOGRAPHIC OR NON-ENGLISH WILL

A. Holographic Will. When a will is handwritten, the petitioner shall file as part of the Petition for Probate:

1. A typewritten transcription of the will, and
2. An affidavit of the petitioner or attorney verifying the typewritten transcription of the holographic will is true and correct to the best of their knowledge.

B. Non-English Will. When a will is in a language other than English, the petitioner shall file as part of the Petition for Probate:

1. A typewritten translated transcription of the will in English, and
2. A certification by a qualified translator certifying the translated transcription is true and correct.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 8.2 WARD ESTATE EXPENDITURES

A Petition to apply any part of a ward's estate for the support, comfort, or education of the ward or other person entitled to support from the Ward's estate shall state:

1. Present value of the estate,
2. Annual income available to the ward,
3. Purpose of the expenditure, and
4. List all payments received by the estate, ward, or guardian individually or as guardian including Social Security payments, Veteran's Administration disability payments or other governmental payments, charitable relief or other monetary assistance, trust payments, and payments from a person obligated to support the ward including child support.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 8.3 WARD ESTATE WITHDRAWAL

A. Withdrawal. A petition to withdraw funds deposited or invested, pursuant to 755 ILCS 5/24-21 of the Illinois Probate Act or these rules, shall be presented in person by the parent, spouse, person standing in loco parentis, or person with custodial responsibility of the ward, unless the court waives personal presentation. Evidence shall be presented the withdrawal and/or proceeds from a sale or redemption are necessary for the ward's support, comfort, education, or other benefit to the ward or the ward's dependents. Within 30-days after the withdrawal order, petitioner shall file receipts for all sums expended unless the court otherwise orders. All unexpended funds shall be redeposited pursuant to 755 ILCS 5/24-21.

B. Minor Beneficiary. If a minor is entitled to a distributive share of a decedent's estate and:

1. The share consists entirely of money, and
2. There is no guardian for the minor's estate,

the court, by sworn testimony regarding the best interests of the minor, may direct the distributive share to be deposited and/or paid out pursuant to 755 ILCS

5/24-21. A receipt of the bank or other financial institution is a voucher for accounting purposes.

C. Value Less Than Small Estate. If the value of the ward's estate is or becomes less than the small estate amount specified in 755 ILCS 5/25-2 of the Illinois Probate Act, the estate has no real estate, and there is no pending cause of action for personal injuries, a petition requesting the distribution of the ward's estate without further administration may be filed. For a disabled adult, the guardian, spouse, or if no spouse a relative with responsibility for the disabled adult's support may file such petition. For a minor, the guardian, a parent, or a person standing in loco parentis may file such petition. If there are no unpaid creditors and the court determines it is in the best interest of the ward and estate, the judge may order the guardian to file a final account and make distribution pursuant to the court's order.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 8.4 DISMISSAL

If the court determines there is no activity (other than independent administration) in an estate for at least 2-years, the court may sua sponte pursuant to proper notice set the matter for status. If the court finds the estate is dormant and cannot be conveniently terminated, the court may dismiss the estate for want of action or direct a citation issue to the attorney of record, personal representative, or both.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 8.5 PERIODIC ACCOUNTING

A. Executor/Administrator. Every executor and administrator shall present the account and evidence of disbursements required by 755 ILCS 5/24-1 of the Illinois Probate Act:

1. Within 60-days after the expiration of 12-months after the issuance of Letters of Office;

2. Annually after the date of the first account; and
 3. At such other times the court orders.
- B. Guardian.** Every guardian shall present the account and evidence required by 755 ILCS 5/24-11 of the Illinois Probate Act:
 1. Within 30-days after the expiration of 12-months after the issuance of Letters of Office;
 2. Annually after the date of the first account;
 3. Within 30-days after the termination of their office; and
 4. At such other times the court orders.
- C. Extension Of Time.** Requests for an extension of time to a definite date or to allow less frequent accounting shall be filed by verified petition of the personal representative specifying the reasons for the request. The petition may be heard without notice if:
 1. The record supports an annual accounting is not necessary;
 2. The record supports any reason that is not the fault of petitioner; or
 3. The record supports other good cause.

If the petition seeks an extension for any other reason, the court shall set the petition for hearing and the Clerk shall mail Notice of Hearing to all persons interested in the administration of the estate, including all unpaid creditors. The notice shall be mailed at least 14-days prior to the hearing date.

The court shall consider evidence presented at the hearing by the petitioner and by any person interested in the administration of the estate. Lack of sufficient time on the part of the attorney and/or personal representative shall not be sufficient cause for extension. If extension is granted, the order shall set a definite date for accounting.

D. Periodic Accounting Not Filed. When an accounting is not timely filed pursuant to A and B above or on the date certain set by court order, then:

1. The clerk shall mail notice the account is due to the attorneys and/or personal representative of record.
2. If the account is not presented within 60-days after notice was mailed, the clerk shall issue a citation directing the attorney and/ or personal representative to account or to appear on a date fixed by the Court to show cause why they should not file the account or be removed as attorney or personal representative. The Clerk shall mail Notice of Citation Proceeding and Return Date to all persons interested in the administration of the estate, including unpaid creditors, when the Citation is issued.
3. If the attorney or personal representative fails to account, fails to appear, appears, but fails or refuses to account, or fails to show cause why they should not account, Letters of Office shall be revoked. Such a failure or refusal may subject them to contempt of court. Lack of sufficient time on the part of the attorney and/or personal representative shall not be good cause for failure to account.

E. Notice. Notice of Hearing on any account intended to be binding pursuant to 755 ILCS 5/24-2 or 755 ILCS 5/24-11(b) of the Illinois Probate Act, shall be given, unless waived, to:

1. On an account of a guardian or guardian to collect: to the ward, to each claimant whose claim is filed and remains undetermined or unpaid, and to other persons entitled to notice. If represented by counsel, Notice shall be mailed to the attorney of record at least 14-days prior to the hearing date.
2. Notice to all other persons entitled to notice shall be:
 - a. The notice with a copy of the account attached delivered in person, sent by U.S. mail, or e-mailed to the last known address or e-mail address at least 14-days prior to the hearing

date. When the post office address of the person is outside the United States or Canada, the notice (by mail and e-mail) shall be sent at least 21-days prior to the hearing date.

- b. If the name of, the post office address, and/or e-mail address of the person is not known, notice shall be by 1-publication in a newspaper of general circulation in the county of the hearing at least 21-days prior to the hearing date, unless waived by the court.
 - c. The notice shall contain the time, date, place, and nature of the hearing stating the words in bold or underline: "If the account is approved by the judge upon hearing, in the absence of fraud, accident, or mistake, the account as approved is binding upon all persons to whom this notice is given."

[Adopted eff. March 17, 1997; Amended December 1, 2021]

RULE 8.6 PERSONAL INJURY SETTLEMENT

- A. Leave to Settle.** A petition for leave to settle a cause of action for a ward's or decedent's personal injuries or to settle a cause of action for wrongful death of a person whose estate is in administration filed by an attorney or a representative shall contain a written attorney certification stating "it is the attorney's opinion, based upon the facts and law, the proposed settlement is just and proper."
- B. *Guardian Ad Litem.*** If no attorney is employed by the representative, the court may sua sponte appoint a Guardian Ad Litem to investigate the merits of the proposed settlement.
- C. Notice.** The surviving spouse and any next of kin set forth in 755 ILCS 5/2-1 of the Illinois Probate Act who did not consent in writing to the settlement and persons furnishing hospital, medical, or funeral services for decedent, unless proof of payment for services is shown, shall be given at least 14-days Notice of Hearing on the petition for the appointment and distribution of the settlement proceeds for a cause of action related to the death of a decedent.

The court shall appoint a Guardian ad Litem for any minor child and/or estate or disabled adult next of kin and/or estate unless the court deems such appointment is not necessary for the protection of such person and/or estate.

D. Statement Attending Physician. A statement by the attending physician or surgeon and/or supporting medical records or documentation describing the nature and extent of the injury and the current medical condition of the minor child or disabled adult must be filed as part of the petition to settle. No settlement for a minor child or disabled adult shall be approved without such statement and/or supporting medical records or documentation. The minor child or disabled adult shall appear in open court unless the court waives their appearance.

E. Fee Approval. Any contingent fee agreement or other fee agreement between an attorney and the representative for prosecuting a cause of action for personal injuries or death (other than a claim under the Illinois Workmen's Compensation Act or the Illinois Workman's Occupational Disease Act) shall be approved by the court.

F. Expense Reimbursement. The attorney shall file an affidavit certifying the reasonableness, necessity, and propriety of any expense reimbursement beyond the attorney fee. Expense reimbursement for an independent investigator shall be allowed only if employment was necessary to prepare the action and if payment is solely for services rendered by the investigator in investigating the action after the attorney was retained. The court may set a hearing to determine the propriety and reasonableness of expenses.

G. Disbursement. The court shall determine expenses, proper disbursements, and reasonable attorney compensation for judgment and/or settlement proceeds distributable to a minor or disabled adult. The judge may direct proceeds be deposited or invested pursuant to 755 ILCS 5/24-21 of the Illinois Probate Act without the appointment of a personal representative in a probate proceeding. If a personal representative is necessary to execute settlement papers or to administer proceeds, such proceeds shall be distributed only to a personal representative appointed in a probate proceeding.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

SECTION 9: CRIMINAL

RULE 9.1 CLOSED CIRCUIT TELEVISION

A. Allowed. Pursuant to 725 ILCS 5/106D-1, the County of Kankakee established a Closed-Circuit Television system for the appearance of defendants held in a place of custody or confinement in civil or criminal proceedings. Appropriate facilities are established at the Kankakee County Jail for such appearances. Closed Circuit Television appearances shall be pursuant to 725 ILCS 5/106D-1. The following proceedings may be conducted by Closed Circuit Television without the Defendant's personal appearance in court:

- 1.** First appearances – Felony, Misdemeanors, Traffic, or Violation of Probation;
- 2.** Bail hearings;
- 3.** Waiver of a preliminary hearing;
- 4.** Arraignment on an information or indictment if a plea of not guilty is entered;
- 5.** Presentation of a jury waiver;
- 6.** Any setting, status hearing, and hearing on motions to continue; and
- 7.** Any hearing conducted under the Sexually Violent Persons Commitment Act if no witness testimony is given.

B. Discretionary. The court in its discretion may allow other appearances through the use of two-way-audio-visual communication upon waiver of any right the person, whether or not in custody or confinement, has to being physically present in court as described in Illinois Supreme Court order MR30370.

[Adopted eff. April 16, 2003, Amended Sept. 15, 2008; Amended December 1, 2021]

SECTION 10: TRAFFIC

RULE 10.1 VACATED JUDGMENT.

The Clerk shall send notice to the Illinois Secretary of State when a traffic judgment is vacated without regard to whether there is a balance owed in the pending case or in any other case.

RULE 10.2 PAYMENT RELEASE.

The Clerk shall send a release of traffic fines paid to the Illinois Secretary of State upon payment of all traffic fines when a person has a stop or suspension of their driving privilege due to unpaid traffic tickets.

The release shall not be withheld because of any other unpaid obligation to the County.

RULE 10.3 LIABILITY INSURANCE.

- A. Reviewers.** Traffic Courtroom Clerks and the Circuit Clerk pursuant to 625 ILCS 5/3-707 are appointed officers of the court designated to review documentation demonstrating at the time of arrest the motor vehicle was covered by a liability insurance policy in accordance with section 625 ILCS 5/7-601 of the Illinois Vehicle Code.
- B. Policy.** The policies and procedures for reviewing insurance documentation are:
 - 1. Proof of Insurance accepted over the counter limited to:**
 - a. Original Illinois Insurance Card;**
 - b. Original Insurance Policy Declaration Page;**
 - c. Facsimile or E-mail pdf copy of an Original Insurance Policy Declaration Page sent directly to the Circuit Clerk's office from an insurance agent or company stating on the date charged in the charging document the vehicle described in the charging document was insured;**
 - d. Facsimile or E-mail pdf copy of a letter sent directly to the Circuit Clerk's office from an insurance agent or company stating on the date charged in the charging document the**

vehicle described in the charging document was insured. This letter shall be on official letterhead stationery;

- e. Electronic proof of insurance located on cell phone or portable electronic device received directly from the insurance company or insurance agent and a cell phone/electronic device permission slip shall be issued for this limited purpose.

2. The document shall show the dates of coverage and identify the make and year of the covered vehicle. The coverage period shall include the date of the arrest on the ticket for a dismissal to occur. Application documents or cancellation documents shall not be accepted. The required documents may be brought in by Defendant or someone on behalf of Defendant.
3. If there is a question as to coverage, the clerk shall require the Defendant appear before the judge on the ticket return date or the next scheduled court date. If Traffic Courtroom 109 or 200 are in session, the clerk may attempt a “walk-in” procedure at the judge’s discretion. If Traffic Court is not in session, the clerk may attempt a walk-in procedure for any available judge.
4. If the uninsured motor vehicle ticket is dismissed and the remaining tickets are No Appearance Required tickets, the remaining tickets may be handled over the counter.
5. Only persons designated in **10.3 A** above may review insurance documentation.
6. The court docket entry shall state: “Proof of Insurance reviewed by name of clerk [*clerk’s initials*], case dismissed.”
7. The court docket entry shall include no insurance tickets written under Municipal Ordinances and shall be handled pursuant to **10.3 B**.
8. The no-insurance ticket shall be dismissed by court docket entry upon acceptance of valid proof of insurance.

[Adopted eff. March 17, 1997; Amended December 1, 2021]

SECTION 11: CIVIL MEDIATION (NON-FAMILY)

RULE 11.1 PURPOSE

Mediation is a confidential process where a neutral mediator, selected by the parties or appointed by the court, assists the litigants in reaching a mutually acceptable agreement. It is an informal and non-adversarial process. The role of the mediator includes, but is not limited to, assisting the parties in identifying issues, fostering joint problem-solving, exploring settlement alternatives, and reaching an agreement. Parties and their representatives are required to mediate in good faith. Mediation may be required pursuant to **Rule 13.2**.

RULE 11.2 ELIGIBILITY

The judge may order mediation of any issue in contested civil matters asserting a claim with value regardless of defenses or set-offs. Parties may file a written stipulation to mediate any issue at any time. The stipulation shall be incorporated into the Mediation Referral Order. Forcible Entry actions shall **not** be referred to mediation.

RULE 11.3 FEES

Each party referred to mediation shall be required to pay a fee prior to the mediation.

RULE 11.4 SCHEDULING

- A. Conference.** The first mediation conference shall be held within 4-weeks of the Mediation Referral Order unless otherwise ordered by the court.

- B. Case Summary.** Each party shall submit a written case summary containing the names of all participants, a statement of facts, other occurrence facts, a list of issues, opinions on liability, damages, and injuries, and settlement offers and/or demands to the mediator at least 10-days prior to mediation. If the party wishes the summary to remain confidential, the party shall advise the mediator in writing at the time the summary is submitted.

- C. **Notice.** The mediator shall notify the parties in writing of the date, time, and place of the Mediation Conference within 28-days of the Mediation Referral Order. Mediation Conferences shall occur at office of the mediator unless the parties agree or the court otherwise orders.
- D. **Motion to Dispense.** A party may move to forgo mediation within 14-days of the Mediation Referral Order if:
 - 1. The issue was previously mediated between the same parties.
 - 2. The issue presents a question of law only.
 - 3. Other good cause is shown.

- E. **Motion to Defer.** A party may file a Motion to Defer Mediation within 14-days of the Mediation Referral Order. Movant shall set the Motion to Defer for hearing prior to the scheduled mediation and give Notice of Hearing to all interested parties including the mediator. The motion shall state supporting details, facts, and circumstances for deferral and mediation shall be tolled until the motion is disposed.

RULE 11.5 RULES & PROCEDURE

A. Mediator Appointment.

- 1. Parties may stipulate within 14-days of the Mediation Referral Order to appoint:
 - a. A mediator currently on the Approved Mediator list of the 21st Judicial Circuit; or
 - b. A mediator, not on the Approved Mediator list, but who upon review and approval of the Presiding Judge is deemed qualified by training or experience to mediate all or some of the issues.
- 2. If the parties do not agree to a mediator within 14-days of the Mediation Referral Order, the plaintiff or plaintiff's attorney or other

attorney agreed upon by all parties, shall notify the court within the next 7-days and the court shall appoint a Mediator from the Approved Mediator List.

https://www.k3county.net/circuitclerk_files.html

B. Compensation.

1. Each mediator shall mediate 1-*pro bono* (without compensation) case during any 12-month period.
2. When the mediator is selected by the parties, the mediator compensation shall be paid by the parties as agreed between the parties and mediator. If the parties do not agree, each party shall pay the mediator the fee in **Rule 13.3**.
3. When the mediator is court appointed, mediator compensation shall be shared proportionally by all participating parties and each participating party shall pay the mediator the fee in **Rule 13.3**.
4. If any party was granted a Fee Waiver pursuant to Illinois Supreme Court Rule 298, the Court shall appoint a *pro bono* mediator who shall serve without compensation from any party. This *pro bono* appointment shall be credited to the 12-month *pro bono* obligation.
5. The mediator fee shall be subject to appropriate order or judgment for enforcement.

C. Disqualification. Any party may move to disqualify a mediator for good cause. The court shall enter an order naming the replacement mediator when a mediator is disqualified. A mediator may disqualify themselves or refuse any referral. Mediation shall be tolled during the pendency of a Motion to Disqualify.

D. Interim Emergency Relief. A party may move for interim or emergency relief at any time. Mediation shall continue while such motion is pending unless the court otherwise orders or the mediator adjourns mediation pending disposition of the motion.

E. Attendance.

1. All parties, attorneys, representatives with full settlement authority, and other individuals necessary to facilitate settlement shall be present at each mediation conference unless excused by court order.
2. A party is deemed to appear at a mediation conference if the following persons are physically present or present by court-approved remote appearance:
 - a. The Respondent, or its representative with full settlement authority without the need for further consultation, and the plaintiff; and
 - b. The party's counsel of record; 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 the need for further consultation. Insurance carrier representatives may appear remotely without court approval provided the representative is available at all times during the mediation conference.
3. The Court upon motion may impose sanctions against any party or attorney who fails to comply with this rule including, but not limited to mediation costs and reasonable attorney's fees related to mediation.

F. Adjournment. The mediator may adjourn the mediation at any time and may set times for reconvening mediation. No further notice is required for parties present at the adjourned conference.

G. Counsel. The mediator shall control the mediation and set the mediation procedures. Counsel shall be permitted to communicate privately with their client at any time during the mediation.

H. Communication. The mediator may meet and consult privately with each party and their counsel and/or representative during mediation.

I. Termination.

1. Mediation shall be completed within 4-weeks of the 1st mediation conference unless extended by court order or stipulated by the parties.
2. Mediation shall terminate prior to the end of 4-weeks when:
 - a. All issues referred for mediation are resolved.
 - b. The mediator determines the parties reached an impasse.
 - c. The mediator determines the willingness or ability of any party to participate meaningfully is so lacking an agreement on voluntary terms is unlikely to be reached by prolonging negotiations.

J. Mediator Report. The mediator shall file a Mediator Final Report using the approved form. https://www.k3county.net/circuitclerk_files.html.

K. This report shall be filed in cases where mediation is court ordered or stipulated to by the parties. The mediator shall sign the report and indicate: full agreement, partial agreement, or no agreement. A courtesy copy of the report shall be submitted to the Administrative Assistant to the Chief Judge or designee.

L. Sanctions. The Court, sua sponte or on motion, may impose sanctions, including costs, reasonable attorney's fees, or other appropriate remedies including entry of judgment on the mediation agreement if there is a breach or failure to perform.

M. Discovery. Parties are encouraged to limit discovery prior to completing mediation to the development of information necessary to facilitate a meaningful mediation conference. Discovery may continue during the pendency of mediation.

N. Confidentiality. All oral and written communications, except executed settlement agreements, are exempt from discovery, are confidential, and are inadmissible as evidence unless all parties waive such confidentiality in writing or on the record. Evidence of an alleged settlement agreement shall be admissible only to enforce the settlement, but for no other purpose. The mediator shall not disclose any information obtained during the mediation and shall not be called as a witness and shall not testify for any party regarding any communication or any other process related to the mediation unless agreed to by the parties in writing or on the record.

O. Immunity. Mediators shall be entitled to all immunity available pursuant to Illinois law.

P. Circuit Clerk Reporting. The Circuit Clerk shall keep and maintain compiled statistics and records on all cases referred to mediation and shall file reports with the Administrative Office of the Illinois Courts as directed by the Chief Judge.

RULE 11.6 MEDIATOR QUALIFICATIONS

A. List. The Chief Judge or designee shall maintain a list of court approved mediators for mandatory mediation/arbitration in the 21st Judicial Circuit.

B. Qualifications. A Court Approved Mediator shall be a licensed Illinois attorney, registered with the Illinois Attorneys Registration and Disciplinary Commission, and meet the following qualifications:

- 1.** Successfully completed a mediation training course with at least 40-hours of training in a course approved by the Chief Judge or designee;
- 2.** If not a trained mediator, the applicant may apply to the Chief Judge or designee to be appointed an approved mediator. The Chief Judge or designee shall consider:
 - a.** Applicant served as a mediator in at least 5-cases;
 - b.** Applicant practiced law for at least 15-years and at least 5 of those years as a licensed Illinois attorney; and/or
 - c.** Applicant tried at least 5 civil cases to jury trial.

If the Applicant meets any of these qualifications, the applicant shall be approved and added to the list of Approved Mediators.

https://www.k3county.net/circuitclerk_files.html

[Adopted eff. April 16, 2003; Amended December 1, 2021]

SECTION 12: EVICTION MEDIATION

RULE 12.1 Purpose & Authority

The 21st Judicial Circuit eviction mediation program is designed to help mitigate the surge of evictions resulting from the COVID-19 pandemic and the ensuing economic fallout. Its chief goal is to assist tenants and landlords in avoiding eviction and pursuing mutually beneficial alternatives. The program seeks to avoid exposing Kankakee and Iroquois County families to homelessness during a serious health crisis, help landlords mitigate losses during the extraordinary circumstances, and administer justice by promoting judicial efficiency. The 21st Judicial Circuit Court Eviction Mediation Program is established by is under the sole authority of the 21st Judicial Circuit Court through the Chief Judge ("Court").

RULE 12.2 ELIGIBILITY

- A. Parties in residential eviction proceedings filed in the 21st judicial Circuit pursuant to the Landlord Tenant Act, 765 ILCS 705/1 et seq., are eligible for the 21st Judicial Circuit Court Eviction Mediation Program.
- B. Evictions of non-residential or commercial tenants are not eligible for mediation.

RULE 12.3 STAFF

- A. The Program Coordinator oversees daily operations whether or not a direct employee of the Court.
- B. Duties of the Program Coordinator may be assigned, delegated, or referred to other court employees, financial and housing counseling agencies, legal

aid organizations, bar associations, or other third parties as recognized by the Court.

RULE 12.4 PROCEDURE

- A. A 1st Notice describing the mediation program shall be served on defendant in a residential eviction case with summons or alias summons as approved by the Chief Judge. 1st Notice shall inform the defendant they may participate in the mediation program by completing the screening process either at the 1st appearance court date or prior by contacting the Mediation Program. 1st Notice shall describe mediation and the screening process and include referral information to local financial counseling services, local pro bono legal counseling services through legal aid agencies and the Kankakee County Bar Association, and local Continuum of Care services.
- B. Enrollment shall occur before or during the first court appearance or if continued prior to the continuance date.
- C. All eligible parties will be referred to the Program. To enroll, any party may contact the Mediation Program and begin the screening process. When one party enrolls the Mediation Program, the Program Coordinator shall make reasonable efforts to contact the other parties and engage them in the screening process. The Program Coordinator shall retain ultimate discretion to enroll parties and terminate cases from the program.
- D. During screening, the Mediation Program shall collect appropriate information and refer the party to appropriate services such as financial counseling, rental assistance, and legal assistance. Any personal data captured by the Mediation Program shall be limited to use by the Mediation Program and its financial counseling and pro bono legal aid partners and shall not be shared or utilized for any other purposes. Aggregated, non-personal data shall be shared with the Administrative Office of the Illinois Courts for reporting purposes.
- E. During screening, parties shall be provided a meaningful opportunity to access legal and financial counseling services to the extent their needs, interests, and demands as resources permit. These services may include

brief legal information, pro bono legal aid, financial counseling, and technical assistance in preparing rental assistance applications. The Mediation Program has ultimate discretion over what services are appropriate for any particular party. Participants shall be afforded a reasonable opportunity to pursue such services prior to mediation if the Program deems it necessary or in the interest of justice.

- F. Once defendant is screened and referred to appropriate services, the Mediation Program shall set a mediation date no later than 28 days from the 1st Appearance court date.
- G. Mediation Program may schedule subsequent mediation sessions prior to the expiration of 28 days from 1st Appearance court date. Mediation sessions outside the 28-day window may be scheduled by mutual agreement of the parties pursuant to Court approval.
- H. Defendant and defense counsel, if any, and Plaintiff and plaintiff counsel, if any, are required to participate in mediation. Failure to participate by defendant and/or their counsel may result in termination of the case from the Program at the Program Coordinator's discretion. Court shall prohibit any judgment from being entered until mediation occurs. Repeated failure of plaintiff and/or their counsel to participate may be grounds for the Court to dismiss the case. Any party representatives must possess full settlement authority to participate in mediation.
- I. Mediations will be conducted by telephone or video conference as determined by the Program Coordinator.
- J. At the conclusion of each mediation session, the Mediation Program shall file a report with the Court indicating the outcome. If the parties reach an agreement, the parties and their counsel, if any, shall sign the agreement and the Mediation Program shall submit it for Court approval. If the parties do not reach agreement and mediation is concluded, plaintiff may return to court to proceed with eviction.

RULE 12.5 MEDIATORS

- A. The Program Coordinator with court approval shall appoint mediators from the court approved Eviction Mediator list.
- B. Eviction mediators shall successfully complete a minimum of thirty (30) hours mediation training skills program with content acceptable to the Court and additional eviction training approved by the Court. Eviction mediators shall have either a Juris Doctorate degree with demonstrated experience or a background in mediation with experience acceptable to the Court.
- C. Mediators shall comply with these rules, applicable law, and Eviction Mediation Program standards.
- D. The Judge assigned to Eviction or at the Judge's direction, the Mediation Program, shall prepare and maintain a List of approved Eviction Mediators.
- E. The Judge or at the Judge's direction, the Program Coordinator, will determine the frequency and order of assignment of mediation cases to mediators on the approved Eviction Mediator List.
- F. A mediator shall only be involved in the case as a mediator and not in any other capacity except if the Program Coordinator is also a mediator for the Program, the Program Coordinator is allowed to complete administrative functions for the case. Mediators shall not use any information obtained during the mediation process for any purpose outside of mediation unless required to do so by law. A mediator shall not mediate a matter that presents a conflict of interest.
- G. If a mediator fails to comply with these rules or other standards any or all occur:
 - 1. Program Coordinator shall inform the mediator of any concerns;
 - 2. Frequency of assigned mediation cases may be reduced or stopped until the mediator demonstrates the ability and willingness to comply with rules or mediator standards;

3. Improvement measures may be required including additional training, observation, and training material review;
4. The Court may remove the mediator from the approved list if the Court finds the mediator does not demonstrate the ability and willingness to comply with mediator standards, these rules, or other standards for this Program.

H. A mediator shall be compensated according to the rate established by the Court.

RULE 12.6 DISCOVERY

Pursuant to the Illinois Uniform Mediation Act, 710 ILCS 35/1 et seq., mediation communications are privileged against disclosure and not subject to discovery or admissible in evidence in a judicial, administrative, arbitral, or other adjudicative process, including related pre-hearing and post-hearing motions, conferences, and discovery. Mediation communications are also privileged against disclosure and not subject to discovery or admissible in evidence in a legislative hearing or similar process. Disclosure of mediation communications shall not be compelled in any arbitration, administrative hearing, adjudication, civil action, or non-criminal proceeding in which, pursuant to law, testimony can be compelled to be given. Evidence or information otherwise admissible or subject to discovery does not become inadmissible or protected from discovery solely by reason of its disclosure or use in mediation.

RULE 12.6 CONFIDENTIALITY

Pursuant to the Illinois Uniform Mediation Act, 710 ILCS 35/1 et seq., all oral and written communications to the Mediation Program or the mediator, other than written agreements between the parties, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless otherwise authorized by all parties

RULE 12.8 IMMUNITY

The Program Coordinator and any person approved to act as a mediator under these rules while acting within the scope of their duties shall have judicial immunity in the same manner and to the same extent as a judge in the State of Illinois pursuant to Illinois Supreme Court Rule 99.

RULE 12.9 LANGUAGE ACCESS

This Mediation Program strives to provide meaningful language access to limited English proficient (LEP) program participants. Written materials originated by the Mediation Program shall be readily available in English and Spanish and other language translations shall be reasonably made available upon request. Translation service shall be available for all communications to the extent practicable. Language Access services shall be provided at no additional cost to the participants.

RULE 12.10 REPORTS

- A. The Court shall report to the Supreme Court the number of cases submitted to mediation pursuant to this program, the type and number of issues resolved through the mediation program, and participant satisfaction rates and survey results. The report shall be submitted quarterly or as requested by the Administrative Office of the Illinois Courts.
- B. The Program Coordinator shall report to the Court the number of cases submitted to mediation pursuant to this program, the type and number of issues resolved through the mediation program, participant satisfaction rates and survey results, the number of mediation sessions conducted, case outcomes, time from referral to resolution/return to court and a summary of noted problems relevant to the effective administration of the Program. The report shall be submitted quarterly or as otherwise requested by the Chief Judge.

[Adopted eff. December 1, 2021]

SECTION 13: FORMS & ORDERS

Illinois Supreme Court approved Statewide forms

<https://www.illinoiscourts.gov/documents-and-forms/approved-forms/>

21st Judicial Circuit Forms and Orders

https://www.k3county.net/circuitclerk_files.html

21st Judicial Circuit Administrative Orders

<https://www.k3county.net/21stJudicial/AdminOrders.html>