

**RULES OF PRACTICE  
OF THE  
CIRCUIT COURT  
SIXTH JUDICIAL CIRCUIT**



**COUNTIES OF  
CHAMPAIGN, DEWITT, DOUGLAS  
MACON, MOULTRIE AND PIATT**

**AS ADOPTED BY THE  
JUDGES OF THE SIXTH JUDICIAL CIRCUIT**

**EFFECTIVE: NOVEMBER 6, 2014**

**DAN L. FLANNELL  
CHIEF JUDGE**



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## **Rule 1.1 Rules of Court**

- (a) Power of Court to Adopt Rules.** These rules are promulgated pursuant to Section 1-104(b) of the Code of Civil Procedure authorizing the Circuit Court to make rules regulating their dockets, calendars and business and Supreme Court Rule 21(a) authorizing a majority of the circuit judges in each circuit to adopt rules governing civil and criminal cases consistent with rules and statutes.
- (b) Existing Rules Repealed.** These rules shall become effective on November 6, 2014. All prior rules of the Circuit Court of the Sixth Judicial Circuit, State of Illinois, are hereby repealed.
- (c) Amendment of the Rules.** Any amendment of these rules shall be passed by a majority vote of all circuit judges of the Sixth Judicial Circuit, with each voting judge being mailed a copy of the proposed amendment at least fourteen (14) days prior to the vote thereon.
- (d) Transmittal of Rules.** Copy of rules to be transmitted to the Director, Administrative Office of Illinois Courts. All rules of this court and amendments thereto shall be filed with the Director of the Administrative Office of the Illinois Courts, Springfield, Illinois, within ten(10) days after the adoption thereof pursuant to Supreme Court Rule 21(a).
- (e) Compliance.** All personnel of the Circuit Court and persons coming before the Court shall comply with these rules and all administrative orders of the Chief Judge and Presiding Judge.
- (f) Construction of These Rules.** In the construction of these rules, the law governing the construction of statutes (5 ILCS 70/a. through 55 ILCS 1.05 (2006) shall apply. Whenever used in these Rules “\_\_ ILCS \_\_, 20 \_\_” refers to the statutory material appearing in the specified chapter and paragraph of the Illinois Compiled Statutes, State Bar Association edition, for the year specified, and the same material as it may have been or may hereafter be amended.

**(g) Application to Civil and Criminal Proceedings.** Each Rule shall apply to any civil or criminal proceedings, unless contained in a part or section which limits its application, or the context clearly limits its application.

**(h) Waiver of Rules.** Rules of practice or procedure in civil or probate proceedings may be waived for good cause shown by order of the judge hearing the proceeding. Rules may be waived for the purpose of obtaining maximum flexibility of judicial time to provide services for the litigants.

**(i) Gender Neutrality.** When used in these Rules, words or phrases that import the masculine or feminine genders shall be construed to include all genders, unless such construction would be inconsistent with the manifest intention of the context.

**(j) Enforcement.** The Court shall enforce and compel compliance with these Rules as appropriate and may apply remedies provided in Supreme Court Rules 21(c) and 219(c), as well as other sanctions, including passing the matter to the end of the call, striking it from the call, or continuing it to a later date.

## **Rule 1.2 Chief Judge**

**(a) Selection of the Chief Judge.** The Chief Judge shall be a circuit judge elected by a majority of the circuit judges within the Sixth Judicial Circuit for a term of three years commencing on the 1st of January, 1994. The balloting shall be at least two (2) weeks prior to the conclusion of the term. Nothing in these rules shall prevent a Chief Judge from succeeding himself in office. The Chief Judge, including the Chief Judge sitting at the time of adoption of these Rules, shall continue in office until his successor is selected and assumes office.

**(b) Acting Chief Judge.** The Chief Judge shall designate one of the circuit judges to serve as Acting Chief Judge in his absence or when the

Chief Judge is unable to serve. The designation shall be in writing and shall be made within thirty (30) days after assuming office of Chief Judge. The Acting Chief Judge shall have the same powers and duties as the Chief Judge and shall serve at the pleasure of the Chief Judge.

**(c) Vacancy in the Office of Chief Judge.** Whenever a vacancy in the office of Chief Judge occurs, any two circuit judges shall call a meeting of the circuit judges for the purpose of electing a Chief Judge to fill the unexpired term of office. The election shall be within three (3) weeks of the vacancy and at least seven (7) days notice shall be given to all circuit judges.

**(d) When Vacancy Occurs.** A vacancy in the office of Chief Judge shall be deemed to have occurred when the Chief Judge has been unable to serve for a period of three (3) consecutive months.

**(e) Chief Judge's Powers and Duties.** The Chief Judge is responsible for the administration of all courts in the circuit and shall direct the operations of the Circuit Court. A Chief Judge has general administrative authority over the Circuit Court, including authority to provide for divisions, general or specialized, for functional units and for designating 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 Director, Administrative Office of the Illinois Courts.

### **Rule 1.3 Presiding Judge**

**(a) Designation of Presiding Judge.** 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 shall sit at the pleasure of the Chief Judge and nothing in these rules shall prevent the Chief Judge from serving as Presiding Judge of the county in which he sits. Whenever the term "Presiding Judge" is used in these rules, it refers to the Presiding Judge of a county, appointed by the Chief Judge of

the Sixth Judicial Circuit.

**(b) Duties of the Presiding Judge.** The Presiding Judge or his designate shall call and impanel Grand and Petit Juries, submit budgets, administer the Judicial Department of the county in which he is presiding and perform such other duties as may be required for the proper administration of justice. He may promulgate Administrative Orders within his county not inconsistent with these rules or the Administrative Orders of the Chief Judge. All Administrative Orders issued by the Presiding Judge shall be tendered to the Chief Judge fourteen (14) days prior to their effective date during which time the Chief Judge may approve, or withhold approval, of the proposed Administrative Order.

#### **Rule 1.4 Judicial Assignments**

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

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

#### **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. A full complement shall be maintained at all times unless waived by the Court for good cause.

**(b) Courtroom Clerk.** The courtroom clerk shall be the Circuit Clerk or a Deputy Circuit Clerk authorized to swear witnesses. The clerk shall attend court when court is in session unless excused on a case-by-case basis by the judge presiding in the particular courtroom. The clerk shall obtain all necessary files and record sheets for cases to be heard that day, swear witnesses, maintain custody of all exhibits which have been

marked for identification until further order of court, and perform such other duties as may be 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 his custody, and perform such other duties as may be directed by the Court.

### Rule 1.6 Judicial Meetings

**(a) Quarterly Meetings.** The circuit judges shall meet at least quarterly each year to discuss and take such action as may be required in connection with the business of the Court of the Sixth Judicial Circuit. Such meeting shall include the associate judges. Such quarterly meetings of the circuit judges shall be on the first Thursday of February, May, August and November of each year. The Chief Judge shall give, in writing, at least twenty-eight (28) days notice of the time and location of such quarterly meetings.

**(b) Special Meetings.** Special meetings may be called at any time by the Chief Judge or by a majority of the circuit judges within the Sixth Judicial Circuit upon seven (7) days notice to all circuit judges.

### Rule 1.7 Judicial Reports

**Reports.** In addition to other reports that may be required by the Supreme Court, Administrative Office of the Illinois Courts, Chief Judge and Presiding Judge, the following reports shall be submitted:

(a) *Clerk's Quarterly Activity Report.* By the Clerk of the Court to the Chief Judge, Presiding Judge and Administrative Office of the Illinois Courts due the 15th day of each month following each quarter: April 15, July 15, October 15 and January 15.

(b) *Circuit Court Summary Attendance Report.* By all court reporters and the Chief Judge's administrative assistant by the 6th day of the following month.

### Rule 1.8 Documents and Court Files

**(a) Filing and Clerk's File Mark.** All documents shall be filed with the Clerk of the Court and shall conform to Supreme Court Rules and these Rules. All documents shall be filed with the Clerk of Court prior to their presentment to the Court with the exception of proposed orders or as otherwise authorized by the Court. The Circuit Clerk is not required to accept for filing any document that does not comply with the Supreme Court Rules or these Rules. Upon presentment to the Clerk, the clerk shall place a file mark on the first page of each document in the upper right hand corner in the space so provided. All pleadings shall include a cause entitlement and number, contain a space at least 2 by 2 inches at the upper right portion of the first page for the Clerk's file mark, shall not contain a backing sheet and, if such pleading contains more than one (1) page, the pages shall be numbered and shall be stapled at the upper left corner. With the exception of forms and exhibits, only one side of each page shall be used. The case number shall not be placed in such a position that it will be obliterated by the Clerk's file mark. The Clerk shall not accept a pleading for filing unless accompanied by the proper filing fee, if any.

**(b) Signature on Pleadings.** Every pleading, notice or other paper filed with the Court shall be legibly signed by at least one attorney of record in his or her individual name or by the "pro se" party filing the same.

**(c) Identification of Attorney.** Each pleading or other document filed in the court shall contain, at a minimum, the full name, office address, e-mail address, and telephone number of the attorney who has prepared that pleading. In the event a law firm is listed, the full name, and telephone number of the attorney with primary responsibility for the case shall be listed. If a party is not represented by an attorney, that party's full name, address, and telephone number shall be contained in the pleading.

**(d) Redaction of Social Security Numbers.** An individual's social security number which appears in any pleading, attachment to any pleading, order, exhibit, or other document filed in the court file or filed in open

Court shall be redacted by the person filing the document so that only the last four digits are visible, unless otherwise directed by the Court. In cases involving child support, the parties shall provide all social security numbers required in the data sheet attached to Uniform Orders of Support. Upon entry into the confidential State Disbursement Unit records, the Clerk shall redact the social security numbers so that only the last four digits are visible.

- (e) Complete Addresses and Phone Numbers in “*Pro Se*” Cases.** The Circuit Clerk shall ensure that all “*pro se*” parties include their full mailing address and phone number, if any, on all pleadings filed.
- (f) Acknowledgment of Pleading by an Attorney.** No pleading or entry of appearance shall be acknowledged by any attorney or member or employee of his or her firm, for an opposing party.
- (g) Filing of Documents Received by Facsimile Transmission.** The Clerk of the Court shall not file documents received by facsimile transmission unless otherwise authorized by Supreme Court Rule or by court order entered of record.

### Rule 1.9 County Law Library

**(a) Law Library Committee.** Each county within the Sixth Judicial Circuit shall have a Law Library Committee of which the Presiding Judge of that county or his designate shall serve as chairman. The members of the committee shall be named by the Presiding Judge. The committee shall oversee the operation of the County Law Library and promulgate written rules for the operation thereof, which shall be posted in a conspicuous place within the library.

**(b) Law Library Fund.** Disbursements of the county law library fund shall be on order of the Presiding Judge or his designate.

**(c) Law Library Budget.** The annual budget for the County Law Library shall be included in the budget of the Judicial Department of that county.

## **Rule 1.10 Inspection and Certification of Court Facilities**

**(a) Times and Places of Holding Court.** The Chief Judge shall designate, as provided in Article VI, Section 8(c), of the Constitution of 1970, the times and places of holding court in each county of the Circuit.

**(b) Committee on Court Facilities.** There may be in the Sixth Judicial Circuit a committee on court facilities. The Chief Judge shall appoint from the circuit and associate judges of the circuit those who shall serve on the committee, and shall designate one of its members as chairman. 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, together with the committee's recommendations, with the Chief Judge. The Chief Judge shall transmit a copy of the report and proposals for corrective action to bring such facilities within applicable standards to the chairman of the county board in which the facility in question is located. If corrective action is not commenced and completed within the time period established by the committee, then it shall promptly file a supplemental report with the Chief Judge, and include therein any additional recommendations. The Chief Judge shall transmit a copy of the supplemental report to the chairman of the county board. Within 90 days of such transmittal, or such other period as may be 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 six months or such other time as may be designated by the committee.

**(c) Information Hearing.** In the event the county board fails to comply with Rule 1.10(b)(2), the chairman of the committee shall file a petition styled, “In re the Court Facilities of \_\_\_\_\_ County”, with the Clerk of the Court of the county in which the facility in question is located. The petition shall specify the deficiencies of each such facility, the remedial action proposed, any action taken by the county board, and a prayer for appropriate relief. Upon such filing, the Chief Judge shall forthwith designate a time, date and place for a hearing thereon.

(1) The chairman of the committee shall cause summons, together with a copy of the petition, to issue and to be served on the chairman and each member of the county board not less than 21 days prior to the hearing. The chairman of the committee may direct the circuit clerk to give notice of the hearing to such other persons as he or she deems appropriate by placing such notice and a copy of the petition in an envelope having prepaid first class postage thereon and depositing it in the United States Mail not less than 21 days prior to the hearing. The clerk's certificate of mailing notice shall be made of record.

**(d) Hearing Pursuant to Supreme Court Rule 21(c).**

(1) If the county board does not comply with the order of the Chief Judge as set forth in Rule 1.10(c), then the Chief Judge shall file a “Petition to Compel Compliance” with the circuit clerk of the county in which the informational hearing was held.

(2) The Chief Judge shall thereafter request the Supreme Court to assign a judge from a circuit other than the circuit in which the petition is filed to preside at the hearing under this paragraph. The Attorney General or an attorney appointed by the Chief Judge shall represent the Chief Judge at the hearing.

(3) A showing by the Chief Judge of compliance with Rules 1.10(b) and 1.10(c) constitutes *prima facie* evidence of the validity and enforceability of any orders entered by the Chief Judge pursuant to those Rules.

(4) After hearing the judge shall file his written findings, order, and certification, and shall have available all appropriate remedies under the law of this State.

**(e) Costs, Fees and Expenses.** In proceedings held pursuant to this rule, costs, attorney fees and other expenses, including but not limited to expert witness fees incurred by or taxable to the Chief Judge shall be paid by the county in which the court facility in question is located.

### **Rule 1.11 Court Appearance**

**Court Hours.** Unless otherwise directed by the Chief Judge, court hours shall be from 8:30 a.m. to 12:00 p.m., and from 1:30 p.m. to 4:30 p.m., Monday through Friday of each week inclusively except when court is closed in observance of a legal holiday pursuant to an order of the Chief Judge. Dates upon which court will be closed shall be posted in the courthouse of the individual counties within the Sixth Judicial Circuit. A trial judge is authorized to increase these hours when required to conduct court business.

### **Rule 1.12 Jurors, Terms of Service, Summons and Excuse**

**(a) Grand Jurors.** Grand Jurors may be called by the Presiding Judge or Jury Commission, as the case may be, for a specified period not to exceed eighteen (18) months. After being impaneled, instructed, and sworn, the Grand Jury shall sit from time to time until permanently discharged by the Court.

**(b) Petit Jurors.** Petit Jurors shall be called by the Presiding Judge or his designate, as the case may be, for a period of time to be designated by the Presiding Judge. The Presiding Judge or his designate, as the case may be, shall certify to the Clerk of the Court the number of petit jurors required, together with the date, time and place of reporting and period of 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 fifteen (15) days prior to the first day of service. Jury summons may be served by U.S. Mail, postage prepaid, to the address as listed in the records of the Jury Commission.

**(d) Jury Excuses.** The Presiding Judge, his designate, or Jury Commission, as the case may be, is authorized to excuse summoned jurors or to continue their service, and regulate their assignments to the various courtrooms within the county.

**(e) Rules Applicable.** The Grand Jury and Petit Jury are subject to the rules of the County Jury Commission if such commission has been established within the county.

**(f) Attorney Contact.** Attorneys cannot contact jurors without leave of Court.

## Rule 2.1 Motion Practice

**(a) Filing.** All motions shall be filed with the Clerk of the Court prior to their presentment to the Court. In any cause of action, the Court may designate a date by which all motions are to be filed. A motion may not be filed subsequent to that date except by leave of court. The title to each motion shall indicate the relief sought.

**(b) Allotment for Hearing.** With the exception of emergency matters or by leave of court, no motion shall be heard unless previously allotted for hearing on the Court's calendar.

**(c) Oral Argument.** The allowance of oral arguments upon motions shall be discretionary with the Court. In each case the assigned judge may fix a briefing schedule and decide a motion without hearing oral arguments.

**(d) Notice.** Written notice of hearing on all motions shall be given by the party requesting the hearing to all parties who have appeared and have not theretofore been defaulted for failure to plead, and to all parties whose time to appear has not expired on the date of notice. Notice shall be given in the manner and to those prescribed in Supreme Court Rule 11.

**(e) Content of Notice.** The notice of hearing shall contain the title and number of the cause of action, date and time when the motion will be heard and designated courtroom, and shall include a short statement of the nature of the motion. A copy of any written motion and of all papers presented therewith, or a statement that they have been previously served, shall be served with the notice.

**(f) Time of Notice.** Unless otherwise ordered by the Court, notice by personal service, by U.S. Mail, facsimile or electronic mail shall be made not less than fourteen (14) days prior to the hearing. Proof of personal service or mailing shall be filed with the Circuit Clerk.

**(g) Ex Parte and 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 in the Office of the Circuit Clerk, if during court hours, before presentment to the Court. Emergency motions and motions which, by law, may be made ex parte, may, at the discretion of the Court, be heard without giving notice.

**(h) Failure to Call Motions for Hearing.** The burden of obtaining an allotment for hearing or briefing schedule is on the party making the motion in a civil case. If an allotment for hearing is not obtained by the moving party within ninety (90) days from the date it is filed, the court may deem the motion withdrawn and deny the relief requested with, or without, leave to refile.

### **Rule 3.1 Discovery Documents**

**(a) Restrictive Filing.** Depositions, interrogatories, requests, answers or responses thereto and other discovery documents shall not be filed with the Clerk of the Court except as necessary to resolve disputed issues of procedure, fact, or substantive law. Depositions offered for the foregoing purposes shall be filed pursuant to Supreme Court Rule 207(b)(1). No requests to admit or answers thereto pursuant to Supreme Court Rule 216 shall be filed with the Circuit Clerk other than by order of the

Court. Proof of service of such documents may be filed (see Appendix B for suggested “Notice of Service of Discovery Documents”).

**(b) Proof of Serving and Answering Discovery Documents.** Discovery documents may be served and answered personally or by U.S. Mail. Proof of serving or answering discovery documents shall be filed with the Clerk of the Court and shall contain the case title and number, date mailed or personally served, the sending and receiving parties and adequately identify the particular discovery documents being served or answered. The proof of service, upon being filed with the Clerk of the Court, shall be *prima facie* evidence that such document was served or answered.

### **Rule 3.2 Felony Arraignments**

At the arraignment of defendants charged with a felony offense and upon a plea of not guilty, the Court shall enter discovery orders on the State and defense counsel with a time designated for compliance, shall direct that all motions be on file within a time specified by the Court, and shall place the cause on a judge's trial calendar.

### **Rule 3.3 Marking of Exhibits – Pretrial Marking of Exhibits**

Prior to any contested evidentiary hearing or trial, all exhibits anticipated to be introduced at trial or hearing shall be marked for identification prior to commencement of the trial or hearing.

### **Rule 3.4 Dismissal**

**(a) Procedure.** In all cases where no appeal is pending and there has been no action of record for a period of twelve (12) months, the Court may summarily dismiss the cause of action or any claim pending therein without prejudice. Any cause of action or claim dismissed pursuant to this rule may be reinstated on the motion of any party or the Court as a matter of informed judicial discretion.

**(b) Notice of Dismissal.** Upon dismissal of any cause or claim under this rule, the circuit clerk shall give all parties of record notice of the dismissal by regular mail within fourteen (14) days of the dismissal. A copy of the notice with a certificate of mailing shall be made of record.

## **Rule 4.1 Jury Trials**

**(a) Statement of the Nature of the Case and Witness List.**

In all jury cases, the State's Attorney in criminal cases, and the plaintiff's attorney in civil cases, shall prepare and submit to the Court and opposing parties a list of witness the parties expect to call and a Statement of the Nature of the Case to be read by the Court to the venire prior to voir dire examination. The statement shall include the time, date, and place of the alleged occurrence or offense and a brief description thereof, the name of the parties involved and their counsel.

**(b) Appeals by Indigent Defendants.**

(1) When an indigent defendant files a Notice of Appeal with the Circuit Clerk, the Circuit Clerk shall forward a copy of said Notice to the Court reporters of record in the proceeding.

(2) The Circuit Clerk shall also upon the filing of a Notice of Appeal forward a copy of the Notice to the judge to whom the case is assigned so that counsel on appeal may be appointed, if necessary, as soon as possible. Upon the appointment of counsel, the Circuit Clerk shall supply a copy of the order making said appointment to the Court reporters of record in the proceeding so that preparation of the Report of Proceedings may commence.

## **Rule 4.2 Custody of Evidence or Exhibits**

Upon the Court's order to destroy, the Circuit Clerk shall deliver the exhibits to the Sheriff who shall destroy the same in the presence of the Circuit Clerk. Both shall file a certificate of destruction in said cause, provided however, that the Court may order the exhibit to be placed with a governmental body pursuant to 720 ILCS 5/24-6

## **Rule 5.1. Written Orders**

When the Court enters a judgment or order in any cause of action it may direct that a written order be submitted, and counsel shall submit said order to the Court within thirty (30) days or as directed by the Court. Unless excused by the Court, all orders shall be tendered to opposing counsel or a “pro se” party for approval as to form before being signed by the Court. In the event of a dispute as to form, the court shall decide the controversy. Approval in form shall not be construed as approval in substance, and the court may sign the order even though approval is withheld. If counsel desires a conformed copy of the order, counsel shall provide a copy of the order with a self-addressed stamped envelope.

## **Rule 6.1 Procedure in Small Claims Actions**

**(a) Response by the Defendant.** After service of summons in a small claims action, the defendant may:

- (1) Notify the Clerk of the Court, in writing, at least seven (7) days prior to the appearance date on the summons, stating that he wishes to contest the claim and set forth the title and number of the case, his or her name, address, telephone number, and name and address of the plaintiff and his attorney, if any, or
- (2) File a written motion or answer, or
- (3) Appear in person or by attorney on the appearance date, and admit or deny the allegations of the complaint.

If a defendant fails to respond as stated above, a default may be taken and judgment for the amount claimed, plus costs, may be entered.

**(b) Setting of Trial or Informal Hearing Date.** Upon being notified that the claim is contested, the Court may:

- (1) Fix a trial date or informal hearing pursuant to Supreme Court Rule 286(b) and cause all parties to be notified of the time, date and place of trial or informal hearing, or
- (2) Set the matter for docket call and pretrial conference before the trial date.

- (c) Summons Appearance Date Not Considered the Trial Date.** Unless otherwise ordered by the Court, the appearance date as noted on the summons shall not be the date of trial.
- (d) Demand for Trial by Jury.** Upon defendant's demand for trial by jury and payment of the jury fee, the Court shall set the cause for trial and cause notice to be given. If jury demand is made by the plaintiff, the date for trial shall not be set until after the appearance date as noted on the summons.

- (e) Notice of Small Claims Rule.** The Clerk of the Court shall transmit with each summons a copy of this rule and any other information deemed appropriate by the Court. Subsection (c) and the last sentence in subsection (a) of this rule shall be in bold type in such notice.

### **Rule 7.1 Special Rules Pertaining to Matrimonial Cases**

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

- (b) Financial Affidavit.** In all proceedings in which there is a dispute involving property, temporary or permanent maintenance, or temporary or permanent child support, the moving party shall file a financial affidavit, similar to that found in Appendix A of these rules, contemporaneously with the request for setting for hearing, or when otherwise ordered by the Court. Proof of service pursuant to Supreme Court Rule 11 shall be filed not less than seven (7) days prior to the hearing. The party responding to the petition shall file a financial affidavit with the Court not less than seven (7) days prior to the hearing date and a copy shall be provided to opposing counsel. Submission of a pre-judgment pre-trial memorandum shall be in lieu of the financial affidavit and shall be in a form as prescribed by the Court. If such affidavit or pre-judgment pre-trial memorandum has been filed for

purposes of a hearing on temporary relief, an additional affidavit or pre-judgment pre-trial memorandum need not be filed prior to hearing for permanent relief unless there has been a substantial change.

**(c) Statement of Proposed Property Apportionment.** If the issue of property apportionment is in dispute, in addition to the financial affidavit or pre-judgment pre-trial memorandum, as the case may be, the Court may require the parties to submit a statement of proposed property apportionment or a final judgment which shall include an itemization of all property which is claimed as marital and non-marital, together with a proposed fair cash market value of each item, at least seven (7) days prior to the hearing. If the issue of apportionment of marital indebtedness is in dispute, the statement shall also include a proposed apportionment of marital indebtedness and shall include a listing of any non-marital indebtedness for which either party is currently liable.

**(d) Written Judgment Order.** If the Court requires a written judgment order, the party designated by the Court shall prepare and submit a written judgment order to the Court pursuant to Rule 5.1 of these rules within thirty (30) days of the final hearing.

**(e) Post-trial Affidavit.** In all post-judgment petitions involving financial matters, other than petitions for enforcement of a judgment order, the moving party shall prepare a financial affidavit similar to that found in Appendix A of these rules which shall include facts about the party's present financial circumstances. The affidavit shall be filed prior to, or contemporaneously with, the request for setting. Notice shall be served pursuant to Supreme Court Rule 11 not less than seven (7) days prior to the hearing. In the event the moving party does not have an affidavit on file which represents his or her financial condition at the time of the dissolution, such party shall file such an affidavit at the time of filing their post-trial affidavit. The responding party shall file a post-trial affidavit setting forth their present financial circumstances at least seven (7) days prior to the scheduled hearing and at the same time shall file an additional affidavit setting forth his or her financial

circumstances at the time of the dissolution, unless such an affidavit has been previously filed.

### **Rule 8.1 Admission of Will to Probate**

- (a) Holograph Will.** When a will is handwritten, the petitioner shall file a typewritten copy of the will along with the petition to probate and an affidavit of the petitioner or his or her attorney that the typewritten copy is true and correct to the best of his or her knowledge.
- (b) Will in Language Other Than English.** When a will is in a language other than English, the petitioner shall file a typewritten copy of the will in English along with the petition to probate and a certification by a qualified translator that the translation of the will is true and correct.

### **Rule 8.2 Expenditures From Ward's Estate**

A petition of a guardian to apply any part of the ward's estate for the support, comfort, or education of the ward or other person entitled to support from his or her estate shall state the present value of the estate, the annual income available to the ward, and the purpose of the proposed expenditure. It further shall list all payments being received by the ward or by petitioner either individually or as guardian on behalf of the ward, including Social Security payments, disability or benefit payments from the Veteran's Administration or other governmental agency or department, or other assistance from a charitable or relief organization, payment from a trust, and from one having an obligation to support the ward.

### **Rule 8.3 Withdrawal of Ward's Money**

- (a) Petition to Withdraw.** A petition to withdraw funds deposited or invested, as provided in Section 24-21 of the Probate Act or pursuant to this rule, shall be presented in person by the parent, spouse, person

standing in loco parentis, or person having the responsibility of custody of the ward, unless personal presentation is waived by the court. The petitioner may be required to furnish evidence that the sums to be withdrawn or proceeds of sale or redemption are necessary for the ward's support, comfort, education, or other benefit to the ward or his dependents. Unless otherwise excused by the Court, within 30 days after entry of the order for withdrawal, the petitioner shall file receipts for all sums expended. All unexpended funds shall be redeposited in accordance with Section 24-21 of the Probate Act.

**(b) When Minor Beneficiary of Decedent's Estate.** If a minor is entitled to a distributive share of a decedent's estate and:

- (1) The share consists entirely of money, and
- (2) No guardian has been appointed for his estate, the Court, upon a showing under oath that it is in the best interests of the minor, may direct the distributive share to be deposited and paid out in accordance with Section 24-21 of the Probate Act. A receipt of the bank or other financial institution is a voucher for accounting purposes.

**(c) When Value of Ward's Estate Less Than Small Estate.** If the value of the ward's estate being administered is or becomes less than the small estate amount specified in Section 25-2 of the Probate Act and no part of the estate consists of real estate or a pending cause of action for personal injuries, a petition may be filed requesting the distribution of the estate without further administration. In the case of a disabled adult, application shall be made by his guardian or by his spouse, or if he or she has no spouse, by a relative having responsibility for his support. In the case of a minor, application shall be made by his guardian or by a parent or a person standing in loco parentis. If it appears that there is no unpaid creditor and that it is for the best interest of the estate and the ward, the Court may order the guardian to file his final account and make distribution as the Court directs.

#### **Rule 8.4 Disposition of Claims—Procedure**

**(a) Setting Claim for Hearing.** When a claim is filed and upon request of the claimant, the Court shall set the claim for a first hearing not less than 35 days after the filing of the claim. It is the duty of the claimant to give notice of hearing on the claim and to cause proof of said notice to be filed with the Clerk of the Court.

**(b) Procedure on Hearing of Claim.** On the return date set for hearing of the claim, the claim may be allowed, set for trial, continued, or dismissed. If any objection to the claim has been filed, on the return date set under 8.4(a), the claim will be allotted for hearing and the Court shall require at least fourteen (14) days notice to be given by regular mail to the claimant by the representative, the attorney for the estate, or the Clerk of the Court.

### **Rule 8.5 Dismissal for Want of Action**

Whenever the Court determines that there has been no activity in an estate for a period of not less than one (1) year (other than one for independent administration), the Court may set the estate for status call and direct the Clerk to give notice of the time, date and place to the attorney of record, personal representative, or both, at their last known address. At the status call, if the Court finds that the estate is dormant and cannot be conveniently terminated, it may dismiss the estate for want of action or direct a citation or attachment issue to the attorney of record, personal representative, or both, pursuant to these rules.

## **Rule 8.6 Periodic Accounting**

- (a) When Required--Executor/Administrator.** Every executor and administrator shall present the account and evidence of disbursements required by Section 24-1 of the Probate Act:
- (1) Within 60 days after the expiration of 12 months after the issuance of letters;
  - (2) Annually after the date of the first account; and
  - (3) At such other times as the Court may order.
- (b) When Required--Guardian.** Every guardian shall present the account and evidence required by Section 24-11 of the Probate Act:
- (1) Within 30 days after the expiration of one year after the issuance of letters;
  - (2) Annually after the date of the first account;
  - (3) Within 30 days after the termination of his office; and
  - (4) At such other times as the Court may order.
- (c) Requests for Extension of Time to File.** Requests for an extension of time to a definite date or for an order allowing accounting in a particular estate less frequently than above provided shall be filed by verified petition of the personal representative specifying the reasons for the request.
- The petition may be heard without notice if it requests an extension:
- (1) In any case in which it appears from the record that an annual accounting is not necessary;
  - (2) For any reason which is apparent from the record of the estate and which exists without fault of the petitioner;
  - (3) For other good cause.
- If the petition seeks an extension for any other reasons, the Court shall set the petition for hearing and the Clerk shall mail notice of the 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 the 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 personal representative or his attorney will not constitute sufficient cause for extension. If the prayer of the petition is granted, the order shall set a definite date for accounting.

**(d) Periodic Accounting Not Filed--Notice and Citation.** In any case in which an account has not been filed within the time specified in paragraphs (a) and (b) above or on the date certain set by court order, the following procedure is prescribed:

- (1) The clerk shall mail to the attorneys of record in the estate a notice that the account is due.
- (2) If the account is not presented within 60 days after the date such notice was mailed, the Clerk shall issue a citation directing the personal representative to account as required or to appear on a date fixed by the Court to show cause why he or she should not do so, or be removed as personal representative.
- (3) If the personal representative fails to account or to appear as directed, or if, having appeared, he or she fails or refuses to account as required or to show cause why he should not do so, his or her letters may be revoked and he or she may be subject to contempt of court. Lack of sufficient time on the part of the personal representative or his attorney will not constitute good cause for failure to account as required by this rule.
- (4) At the time of the issuance of a citation required by this rule, the Clerk shall mail notices of the pendency of the citation proceeding, and return date thereof, to all persons interested in the administration of the estate, including unpaid creditors.

**(e) Notice of Accounting.** Unless waived by the person entitled thereto, notice of the hearing on any account intended to be binding pursuant to Section 24-2 or Section 24-11 of the Probate Act, shall be given as follows:

- (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 a person entitled to notice other than the ward is represented by an attorney whose appearance is on file, notice as required for motions shall be sent to the attorney not less than fourteen (14) days before the date set for hearing.

(2) Notice to all other persons entitled to notice shall be as follows:

(i) Notice, accompanied by a copy of the account, shall be given in person or sent by mail to the last known address not less than 14 days before the hearing, except if the post office address of the person is outside the United States or Canada, the notice shall be sent not less than 21 days prior to the hearing.

(ii) If the name or present post office address of the person is not known to the representative or his or her attorney, notice shall be given by one publication in a newspaper of general circulation in the county of the hearing not less than twenty-one (21) days before the date of hearing, unless waived by the Court.

(iii) The notice shall contain the time, date, place and nature of the hearing in substantially the following sentence: "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."

### **Rule 8.7 Independent Administration--Status Report**

Whenever an order is entered granting independent administration in a decedent's estate pursuant to Section 28-2 of the Probate Act, a status date may be set for a date certain fourteen (14) months after the entry of the order. Upon the failure of counsel or the independent representative to appear on that status date, the Court may dismiss the cause for want of action. In the event that a case is dismissed, the Clerk of the Court shall send notice as provided in Rule 3.4(b) of these rules.

## **Rule 8.8 Inactive Docket--Guardians of Person**

- (a) Guardian of Person of Minor.** Upon appointment of a guardian of the person of a minor, the Court may allot the cause for status review for the date upon which the minor attains majority or shortly thereafter and transfer said cause to an inactive probate docket.
- (b) Guardian of Person of Adult.** Upon appointment of a guardian of the person of a disabled adult, the Court may allot the cause for status review for a date not to exceed five (5) years after the appointment of such guardian and transfer said cause to an inactive probate docket. The Clerk of the Court shall mail notice of such status review to the last known attorney of record or personal representative, or both, of the time and place of the call of said estate. Such notice shall be given not less than fourteen (14) days nor more than twenty-eight (28) days prior to such status review date.
- (c) Reports by Guardian of Person.** Upon transfer of a cause as hereinabove provided to an inactive probate docket, such guardian shall not be required to file status reports with the Court except upon order of court.

## **Rule 8.9 Settlement of Personal Injury or Death Action**

- (a) Petition for Leave to Settle.** If a petition for leave to settle a cause of action for personal injuries sustained by a ward or decedent or a cause of action for the wrongful death of a person whose estate is in the course of administration is presented by a representative, his or her attorney shall certify in writing, as a part of the petition, that in his or her opinion, based upon the facts and law, the proposed settlement is just and proper.
- (b) Appointment of Guardian Ad Litem.** The Court may, on its own motion, or upon motion of any party appoint a Guardian ad Litem to investigate the merits of the proposed settlement.

**(c) Notice of Hearing.** At least fourteen (14) days notice of the hearing on the petition for the appointment and distribution of the proceeds of the settlement of an action for the death of a decedent shall be given to the surviving spouse and any next of kin who have not consented thereto in writing. The Court shall appoint a Guardian ad Litem for any minor or disabled adult next of kin unless such appointment is not deemed necessary for the protection of such person or his estate.

If the decedent left no surviving spouse or next of kin entitled to recover, notice of the filing of a petition for settlement under the Wrongful Death Act and of the hearing thereon shall be given by the representative or his attorney to the persons named in paragraphs (a), (b), and (c) of Section 2 of that Act, including persons furnishing hospital, medical or funeral services for the decedent, unless payment for the services is shown.

**(d) Statement of Attending Physician Required.** No settlement on behalf of a minor or disabled adult will be authorized unless a statement of the attending physician or surgeon is filed with the petition stating the nature and extent of the injury and the current medical condition of the ward. Unless waived, the minor shall appear in open court.

**(e) Court's Approval of Fee Required.** If an attorney enters into a contingent fee contract with a representative for prosecuting a cause of action for personal injuries (other than a claim under the Workmen's Compensation Act or the Workmen's Occupational Disease Act) or for death, such fee is subject to the approval of the Court.

**(f) Reimbursement of Expenses.** If an attorney asks for any expense beyond his or her fee, he or she shall furnish the Court with his or her affidavit certifying to the reasonableness, necessity, and propriety of the expense. The Court may order a hearing to determine the propriety and reasonableness of the expenses.

**(g) Disbursement of Proceeds.** If, as a result of judgment or settlement, proceeds become distributable to a minor or disabled adult, the court hearing or settling the case shall determine the expenses, proper

disbursements, and reasonable compensation to be paid for attorney services, and the Court may direct that the proceeds be deposited or invested in accordance with the provisions of Section 24-21 of the Probate Act without the appointment of a personal representative in a probate proceeding. If a personal representative is necessary to execute settlement papers, or if the Court determines that a personal representative is necessary to administer the proceeds, then the proceeds shall be distributed only to a personal representative appointed in a probate proceeding.

## Rule 8.10 Assignment of Interest

**Petition for Approval.** Each assignment of interest or power of attorney with respect to a distributee's interest in an estate of a decedent may be presented to the Court for filing and approval. The petition for approval shall be verified and state:

- (1) The names and addresses of the assignor and assignees;
- (2) The nature and value of the interest involved;
- (3) In the case of an assignment, the consideration, if any, paid or to be paid the assignor, and the fees and expenses charged or to be charged in connection therewith; and
- (4) In the case of a power of attorney, the fees and expenses charged or to be charged by the attorney in fact and his agents and representatives. If the Court finds that the consideration paid or to be paid the assignor is inadequate or the fees or expenses charged or to be charged are excessive or for other good cause shown, the judge may refuse to permit the assignment of interest or power of attorney to be filed, or may approve filing upon such terms as deemed just and equitable.

## Rule 8.11 Attorneys-In-Fact and Representatives of Foreign Countries

**Payment of Distributive Share to Citizen and Resident of Foreign Country.** The distributive share of a citizen and resident of a foreign country may be paid to the official representative of the foreign country (referred to as "foreign representative"), attorney-in-fact, or assignee of

the distributee if the foreign representative, attorney-in-fact, or assignee is a bona fide resident of Illinois, in the following manner:

(1) The foreign representative, attorney-in-fact, or assignee shall present satisfactory evidence that his principal is the person entitled to receive the distributive share. Each power of attorney or assignment shall be signed by the distributee and properly authenticated and acknowledged before an American Consul, unless the Court is satisfied with other evidence of the authenticity of the power of attorney or assignment.

(2) The foreign representative or attorney-in-fact shall present his or her petition for leave to receive the share in the form prescribed by the Court.

(3) Unless waived by the Court, the foreign representative or attorney-in-fact shall furnish bond with surety in an amount set and in a form prescribed by the Court, and conditioned upon the payment and delivery of the distributive share to the distributee.

(4) The foreign representative or attorney-in-fact shall acknowledge receipt in writing of the distributive share received from the representative and shall certify in the receipt that his or her authority to receive the distributive share has not been revoked. The representative shall file the receipt and certificate with his vouchers.

(5) Within ninety (90) days after entry of the order or within such further time as the Court allows, the foreign representative or attorney-in-fact shall present to the Court his report of compliance, with the receipt of the distributee evidencing payment and delivery of the distributive share.

(6) In the event of the failure, refusal or inability of the foreign representative or attorney-in-fact to pay and deliver the distributive share to the distributee within a 90-day period or within such further time as the Court allows, the distributive share shall be deposited with the County Treasurer subject to further order. Upon presentation of receipt of the County Treasurer evidencing the deposit of the distributive share, the foreign representative or attorney-in-fact will be discharged from further duty.

(7) If the attorney representing the attorney-in-fact is not the attorney for the estate, he or she shall file an affidavit stating that he or she will properly supervise the distribution of funds held by the attorney-in-fact.

**Rule 9.1 Cameras In the Courtroom**

**Refer to Appendix “C”**

## **Appendix A Financial Affidavit**

**CIRCUIT COURT OF ILLINOIS  
SIXTH JUDICIAL CIRCUIT  
\_\_\_\_\_ COUNTY, ILLINOIS**

**IN RE: THE MARRIAGE OF**

)

)

)

## Plaintiff

)

)

V

1

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## Defendant

1

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## Case Number

1

## **FINANCIAL AFFIDAVIT**

Pre-Judgment  Post-Judgment

I, \_\_\_\_\_ on oath state that my present age is \_\_\_\_\_, and that:

1. (a) (PRE-JUDGMENT ONLY): The parties have been married for \_\_\_\_\_ years, were separated on \_\_\_\_\_, 20\_\_\_\_, and since that time the obligor has paid \$\_\_\_\_\_ in child support and \$\_\_\_\_\_ in maintenance to his spouse;

(b) (POST-JUDGMENT ONLY): The marriage of the parties was dissolved on \_\_\_\_\_, 20\_\_\_\_. The obligor was ordered to pay \$\_\_\_\_\_ child support and \$\_\_\_\_\_ in maintenance to his spouse. The said order was amended \_\_\_\_\_ times and the obligor is now paying \$\_\_\_\_\_ in child support and \$\_\_\_\_\_ in maintenance. The obligor (is not) (is) presently in arrears in the sum of \$\_\_\_\_\_.
  2. There are \_\_\_\_\_ children of the marriage, aged \_\_\_\_\_, and presently in the custody of \_\_\_\_\_.
  3. I have additional persons dependent on me for support as follows:

Name:	Relationship:
-------	---------------

4. My MONTHLY living expenses are as follows:

Rent or House Payment	\$	Medical/Hospital Insurance	\$
Electricity	\$	Life Insurance	\$
Property Taxes	\$	Real Estate Insurance	\$
Heating	\$	Personal Items	\$
Water	\$	Doctors	\$
Telephone	\$	Dentists	\$
Trash Collection Charge	\$	Hospital	\$
Sewer Charges	\$	School Expenses (Meals, Supplies)	\$
Groceries/Household Supplies	\$	Cleaning & Laundry	\$
Restaurant Meals	\$	Entertainment	\$
Charitable Contributions	\$	Gifts, Toys, Books for	\$

		Children	\$
Haircuts/Beauty Shop	\$	Babysitting	\$
Home Repair/Maintenance	\$	Other	\$
Car Insurance	\$	Other	\$
Gas, Oil & Repairs	\$		

5. Debts: (payments to creditors other than noted at # 4 above)

To Whom Owed:	Purpose:	Payment per MONTH:	Balance Owed:
(a)	Car Payment	\$	\$
(b)	Furniture/Appliances	\$	\$
(c)	Credit Card (_____)	\$	\$
(d)	Credit Card (_____)	\$	\$
(e)		\$	\$
(f)		\$	\$
(g)		\$	\$
(h)		\$	\$
(i)		\$	\$
(j)		\$	\$
(k)		\$	\$

### EMPLOYMENT INCOME

6. Present Employment

Address:

Number of Dependents Claimed:	Payroll Deductions:	
	(a) Taxes	\$
Pay Period: ( ) weekly ( ) bi-weekly	(b) Social Security	\$
( ) semi-monthly ( ) monthly	(c) Medical Insurance (for children)	\$
Hours of Employment	(d) Union Dues	\$
Hourly Wage	(e) Retirement/Disability Contributions	\$
Gross Income	(f) Other:	\$
Total Deductions	Total Deductions	\$
Take-Home Pay		\$

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

Description:	Location:	Fair Cash Market	Name of Co-Owners, Joint Tenants or Partners, if any:
		Value:	

(a)	\$
(b)	\$
(c)	\$
(d)	\$
(e)	\$
(f)	\$
(g)	\$
(h)	\$

#### RETIREMENT FUND

Type:	Company:	Contributory Non-contributory:	Present Value:
(a)			\$
(b)			\$

#### LIFE INSURANCE

Type:	Company:	Amount of Coverage:	Beneficiary:	Present Value:
(a)		\$		\$
(b)		\$		\$

8. Other Income:	Source	Amount
		\$
		\$

Signature

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, 20\_\_\_\_.

Notary Public Clerk

This form prepared by \_\_\_\_\_,  
Attorney for \_\_\_\_\_

#### ATTORNEY INFORMATION

## **Appendix B Notice of Service of Discovery Documents**

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT**

COUNTY, ILLINOIS

Plaintiff,	)	
vs.	)	
Defendant.	)	
	)	Case No. _____
	)	
	)	
	)	
	)	
	)	

## NOTICE OF SERVICE OF DISCOVERY DOCUMENTS

The undersigned certifies that a true copy of the below listed document(s) along with a copy of this Notice was (hand delivered as set forth below)(sealed in postage prepaid envelope addressed as set forth below and deposited in the U.S. Mail) at \_\_\_\_\_, Illinois, on the \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_\_\_\_.

## **DOCUMENTS:**

TO:

By: \_\_\_\_\_

Name: \_\_\_\_\_

Attorney(s) for:

Address:

Phone:

## Appendix C Extended Media Coverage

### **IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT STATE OF ILLINOIS**

#### **ADMINISTRATIVE ORDER 2013 - 5 EXTENDED MEDIA COVERAGE**

Pursuant to the Order issued by the Supreme Court of Illinois on September 13, 2013, Extended Media Coverage Pilot Project – Sixth Judicial Circuit - Champaign, DeWitt, Douglas, Macon, Moultrie and Piatt Counties, are hereby approved and shall be effective December 1, 2013.

All provisions of the Supreme Court of Illinois M.R.2634, *Order Allowing Extended Media Coverage in the Circuit Courts*, entered on January 24, 2012 shall apply to these procedures.

Media coverage shall be subject, at all times, to the authority of the judge presiding at the proceeding. Extended media coverage shall not be distracting or interfere with the solemnity, decorum and dignity of the Court making decisions that affect the life, liberty or property of citizens. Nothing in this Administrative Order shall limit or restrict the power, authority or responsibility vested in the Chief Judge of the Sixth Judicial Circuit and the judge presiding in the case to control the conduct of the proceedings; maintain decorum and prevent distractions in the proceedings; guarantee the safety of all parties and participants in the case, including jurors and the public; and ensure the fair and impartial administration of justice in the case.

#### **I. DEFINITIONS**

- A. “Extended media coverage” means any media recording or broadcasting of proceedings by the use of television, radio, photographic, or recording equipment for the purpose of gathering and disseminating news to the public.
- B. “News Media”, in general, means established news gathering and reporting agencies and their representatives whose function is to inform the public.
- C. “Judge” means the circuit or associate judge presiding in a trial court proceeding.
- D. “Chief Judge” means the Chief Judge of the Sixth Judicial Circuit.
- E. “Judicial proceedings” or “proceedings” includes all public trials, hearings or other proceedings of a trial court when extended media coverage is requested, except those specifically excluded by these provisions.
- F. “Media Coordinator” means a member of the news media who has requested extended coverage or, in the case of more than one media person requesting extended coverage, a representative chosen by all of the media requesting extended coverage and approved by the judge. The media coordinator shall work with the Chief Judge and the judge, or with his or her designee, in a court proceeding with extended coverage.

## **II. SCOPE OF MEDIA COVERAGE**

- A. Still photography shall be permitted in all courtrooms of the Sixth Judicial Circuit. One courtroom in each county shall be designated a “media” courtroom so that audio and video recording shall be permitted.
- B. Broadcasting, televising, recording and photographing may be permitted in the “media” courtroom during sessions of the Court, only under the following conditions:
  1. Permission first shall have been granted by the judge, who may prescribe such conditions of coverage as provided for in this Order. The Chief Judge shall have discretion to deny all extended media coverage.
  2. In prosecutions for sexual abuse, or when sexual abuse is an essential element, there shall be no extended media coverage of the testimony of a victim unless the testifying victim consents. Further, an objection to coverage by a testifying victim in any other forcible felony prosecution, and by police informant, undercover agent(s), and relocated witnesses shall be presumed valid. The judge shall exercise broad discretion in deciding whether there is cause for prohibition. This list is not exclusive. The judge may find cause in comparable situations.
  3. Extended media coverage is prohibited in any Court proceeding required under Illinois law to be held in private. No coverage shall be permitted in any juvenile, dissolution, adoption, child custody, evidence suppression or trade secret cases.
  4. Extended media coverage of jury selection is prohibited. Extended media coverage of the jury and individual jurors is prohibited.
  5. There shall be no audio pickup or broadcast or recording of a conference in a Court proceeding or in a Court facility between attorneys and their clients, between co-counsel, between attorneys and opposing counsel, or attorneys and the judge.
  6. No video recording or photographs shall be made of attorney materials, papers or exhibits unless entered into the record or displayed publically for the judge and/or jurors.
  7. Audio or visual equipment authorized by these provisions shall not be operated during a recess in the Court proceedings.
  8. The quantity and types of equipment permitted in the courtroom shall be subject to the discretion of the judge within the guidelines set out in this Order.
  9. Upon application of the media, the judge may permit the use of equipment or techniques at variance with the provisions in this Order, provided the variance request is included in the Petition to Extend Media Coverage. Ruling upon a

variance application shall be at the sole discretion of the judge. Variances may be allowed by the judge without advance application or notice if all counsel and parties consent to it.

10. The judge may refuse, limit, amend or terminate photographic or electronic media coverage at any time during the proceedings in the event the judge finds that provisions established under this Order, or additional rules imposed by the judge, have been violated, or that substantial rights of individual participants or rights to a fair trial will be prejudiced by the manner of coverage if it is allowed to continue; or if it is necessary to guarantee the safety of the courtroom, including any party, witness, juror or attendee of the proceeding.

11. The rights of extended media coverage may be exercised only by the news media.

12. A decision by a judge to deny, limit or terminate extended media coverage is not appealable.

13. A judge may authorize extended media coverage of ceremonial proceedings at variance with provisions of this Order as the judge sees fit.

#### C. Limitation on Use of Media

1. No judge or candidate for judge may use photographs, audio or video produced in conjunction with this Order in any campaign for office or other advertising.

2. No attorney may use photographs, audio or video produced in conjunction with this Order in any campaign for office or other advertising for professional services.

### **III. PROCEDURAL**

A. Media Coordinator. The judge, or the Court's designee, and all interested members of the media shall work, whenever possible, with and through an appropriate media coordinator on all arrangements for extended media coverage. In the event a media coordinator is not available for a particular proceeding, the judge may deny extended media coverage or may appoint an individual from among local working representatives of the media to serve as the coordinator for the media in the proceeding.

A designated media coordinator for each of the counties in the Sixth Judicial Circuit shall be covered under a separate order.

#### B. Advance Notice of Coverage

1. All requests for extended media coverage shall be made through the media coordinator. The media coordinator shall inform the judge at least fourteen (14) days in advance of the time the proceeding is scheduled to begin, but these times may be extended or reduced by Court Order. When the proceeding is not scheduled at least

fourteen (14) days in advance, however, the media coordinator shall give notice of the request as soon as practical after the proceeding is scheduled. Upon receipt of the notice, the judge shall inform the Chief Judge.

2. Notice of the request shall be in writing, filed in the Office of the Clerk of the Circuit Court. A copy of the notice shall be provided by the media coordinator to all counsel of record, parties appearing without counsel, the appropriate Presiding Judge/Court Administrator, and the judge expected to preside. The notice shall contain:

- (a) The title and docket number of the case, and the date and time, if available, of the proceeding;
- (b) The type of extended media coverage requested with a description (e.g. the number of television cameras, still photographs, etc.).
- (c) A statement that appropriate notice is being provided to all counsel of record, parties appearing without counsel, the appropriate Presiding Judge/Court Administrator, and the judge expected to preside, along with the names of each.
- (d) The name, address and telephone number of the media coordinator making the request, and the media coordinator's employer.

3. Failure to provide notice to all counsel of record and to parties appearing without counsel may result in denial of the request for extended media coverage.

#### C. Media Credentialing

1. A media credential shall be required for all persons who will report, record or operate equipment in conjunction with this Order.
2. All persons who wish to petition for media coverage must be credentialed prior to submitting said petition for extended media coverage.
3. All persons who are credentialed as media personnel must display the required badge at all times during the proceeding. Persons failing to make application for credentials or failing to display the required badge are subject to contempt proceedings.
4. Persons credentialed in one county within the Circuit shall be considered credentialed in all counties within the Sixth Judicial Circuit. Names of all persons credentialed shall be circulated among all media representatives.

#### D. Objections

1. A party objecting to expanded media coverage shall file a written objection, stating the reasons, at least three (3) days before commencement of the proceeding. All

witnesses shall be advised by counsel proposing to introduce their testimony of their right to object to extended media coverage, and all objections by witnesses shall be filed prior to the commencement of the proceeding. Witnesses shall be entitled to the assistance of the Clerk of the Circuit Court in providing copies of this objection to all counsel of record, parties appearing without counsel, the media coordinator and the judge. All objections shall be heard and determined by the judge prior to the commencement of the proceedings. The judge may rule on the basis of written objection alone. In addition, the objecting party or witness, and all other parties, may be afforded an opportunity to present additional evidence by affidavit or by other means as the judge directs. The judge may permit presentation of evidence by the media coordinator in the same manner. Time for filing of objections may be extended or reduced at the discretion of the judge, who also, in appropriate circumstances, may extend the right of objection to persons not specifically provided for in this Order.

#### **IV. TECHNICAL**

A. Equipment specifications. Equipment to be used in courtrooms during judicial proceedings must be unobtrusive and must not produce distracting sound. In addition, equipment must satisfy the following criteria, where applicable:

1. Still cameras. Still cameras and lenses must be unobtrusive without distracting light or sound.
2. Television cameras and related equipment. Television cameras, together with any related equipment to be located in the courtroom, must be unobtrusive in both size and appearance, without distracting sound or light.
3. Audio equipment. Microphones, wiring and audio recording equipment shall be unobtrusive and shall be of adequate technical quality to prevent interference with the covered judicial proceedings. Any changes in existing audio systems must be approved by the Presiding Judge. No modifications of existing systems shall be made at the public expense. Microphones for use of counsel and judges shall be equipped with power switches to facilitate compliance with subsection II. B. (5) of this Order.
4. No light or signal visible or audible to participants in the proceeding shall be used on any equipment during extended coverage to indicate whether it is operating.
5. Advance approval. It shall be the duty of media personnel to demonstrate to the judge reasonably in advance of the proceeding that the equipment sought to be used meets the criteria set forth in this section. Failure to obtain advance judicial approval for equipment may preclude its use in the proceeding. All media equipment and personnel shall be in place at least fifteen minutes prior to the schedule time of commencement of the proceeding.

B. Lighting. Other than light sources already existing in the courtroom, no flashbulbs or other artificial light device of any kind shall be employed in the courtroom. With the approval of

the judge, however, modifications may be made in light sources existing in the courtroom (e.g. higher wattage light bulbs), provided modifications are installed and maintained without public expense.

C. Pooling and Equipment. The following limitations on the number of photographic and broadcast media personnel in the courtroom and the amount of equipment shall apply:

1. Pooling. The media are encouraged to pool equipment and personnel. Where the limitations on equipment and personnel under these provisions make it necessary, the media shall be required to pool equipment and personnel. Pooling arrangements shall be the sole responsibility of the media coordinator. No judicial officer or Court personnel shall mediate disputes. Priority consideration shall be extended to one of the two television cameras to televise an entire proceeding from beginning to end. In the absence of agreement or in the event of unresolved disputes relating to pooling arrangements, the kind of extended coverage sought shall be prohibited and excluded from the proceeding.

2. Still photography. Not more than two still photographers, each using not more than two camera bodies and two lenses, shall be permitted in the courtroom during a judicial proceeding at any one time.

3. Television. Not more than two television cameras, each operated by not more than one camera person, shall be permitted in the courtroom during a proceeding. Other than the television cameras, recording and broadcast equipment shall be located outside of the courtroom.

4. Audio. Only one audio system for broadcast shall be permitted in a proceeding. Where possible, audio for all media shall be from any existing audio system present in the courtroom. If no technically suitable audio system exists, microphones, wiring, and recording equipment shall be furnished and temporarily installed by the news media without public expense, shall not interfere with the sound quality of any existing courtroom audio system, shall be operated by one person and shall be located in places designated in advance by the judge or designee. Where possible, electronic audio recording equipment, and any operating personnel, shall be located out of the courtroom.

5. Sufficient video and audio tape capacities should be provided to obviate the need to make changes except during Court recess.

6. No equipment or clothing of any extended coverage personnel shall bear any insignia or identification of the individual medium or network involved in extended coverage.

D. Location of equipment and personnel. Equipment and operating personnel shall be located in, and coverage of the proceedings shall take place from an area or areas within the courtroom designated by the judge. The area or areas designed shall provide reasonable

access to the proceedings to be covered. No equipment or personnel involved in extended media coverage shall impede pedestrian traffic movement into, or from, the courthouse, including but not limited to courthouse corridors and courtroom entrances and exits.

E. Movement during the proceedings. Television cameras and audio equipment may be installed in or removed from the courtroom only when the Court is not in session.

Equipment shall not be stored in the courthouse. In addition, such equipment shall at all times be operated from a fixed position. Still photographers and broadcast media personnel shall not move about the courtroom while proceedings are in session, nor shall they engage in any movement attracting undue attention. Still photographers shall not assume body positions inappropriate for the courtroom.

F. Decorum. All news media representatives shall be properly attired and shall maintain proper decorum at all times when covering a judicial proceeding. The judge has discretion to determine proper attire and courtroom decorum.

G. The Sheriff may designate a specified area for interviews, camera and video locations and parking for the media.

H. In no instance is any portion of the courtroom reserved specifically for any media personnel, media outlet or agency with the exception of any Order issued in conjunction with this Order or those areas designated for video cameras and/or photographers.

Entered this 8 day of October, 2013

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The Honorable Dan L. Flannell,  
Chief Judge of the Sixth Judicial Circuit