

RULES OF THE CIRCUIT COURT OF THE THIRD JUDICIAL
CIRCUIT, STATE OF ILLINOIS
(BOND AND MADISON COUNTIES)

AMENDED PART TWO

Rule No. 2.01: Assignment and Coordination of Cases Involving Parental Allocation of Responsibilities and Parenting Time

- A. Each proceeding involving parental allocation of responsibilities or other new case that includes a request for parental allocation of responsibilities or parenting time of a minor child shall be assigned by the Clerk of the Circuit Court to a specific docket or judge as directed. For instance, all parentage files will be assigned to a parentage docket, new dissolutions or petitions for parental allocation of responsibilities and parenting time to a family division judge, guardianship to the probate judge, etc.
- B. It is the goal of this circuit to have all proceedings related to a child conducted by a single judge where possible. Therefore, whenever any additional action (as defined in Rule 900 of the Supreme Court Rules) is filed while there is a child-related matter already pending, the additional action shall be assigned and referred to the judge to whom the prior related case is assigned where possible.
- C. All post-judgment proceedings, including modifications of parental allocation of responsibilities, parenting time, or successor guardians, shall be reassigned initially to the judge to whom the prior related case was assigned so long as that judge remains in the same division.
- D. The presiding judge of each division may reassign cases within the division as needed in order to expedite hearings or equitably apportion caseloads.

Rule No. 2.02: Attorney Qualifications in Child Related Matters

- A. The Third Judicial Circuit shall maintain lists of approved attorneys qualified to be appointed in cases involving parental allocation of responsibilities, parenting time, and relocation matters covered under Section IX of the Supreme Court Rules as guardians ad litem, child representatives, or attorneys for children. The Bond County Presiding Judge shall maintain a list of approved attorneys who choose to limit their appointments to Bond County cases.
- B. In order to qualify for the approved list, each applicant for a list shall meet the following minimum requirements:
 - 1. Each attorney shall be licensed and in good standing with the Illinois Supreme Court.

2. Each attorney shall have attended an education program created for education of attorneys appointed in cases involving parental allocation of responsibilities, parenting time and other child related issues or equivalent education programs consisting of a minimum of ten hours of continuing legal education credit within the two years prior to the date the attorney qualifies to be appointed.
 3. To remain on the approved list, each attorney shall attend continuing legal education courses consisting of at least ten hours every two-year period and submit verification of attendance every two years or upon request to the Office of the Chief Judge or as otherwise directed. The ten hours may include courses in child development; ethics in parental allocation of responsibilities cases; relevant substantive law in parental allocation of responsibilities, parenting time, and guardianship issues; domestic violence; family dynamics including substance abuse and mental health issues; and education on the roles and responsibilities of guardians ad litem, child representatives, and attorneys for children. Attendance at MCLE programs sponsored by this circuit's pro bono committee or bar association may be included as a portion of this continuing education requirement.
 4. Each attorney must complete the Child Representative Information Sheet provided by this circuit and return it with a statement or other verification of attendance at continuing education. Approved attorneys may choose to restrict their appointments to a single county or may be available for appointment in the entire circuit.
 5. Each attorney must adhere to the minimum duties and responsibilities of attorneys for minor children as delineated in Supreme Court Rule 907.
- C. Each attorney placed on the approved list for the Third Circuit shall be paid by the parties to the litigation as ordered by the judge handling the file or as agreed between the litigants. The costs for the appointed attorneys shall be paid as ordered (by one or by both of the parties) and the court may enforce the orders and judgments as in other proceedings, including but not limited to the imposition of sanctions or entry of an order allowing the withdrawal of the appointed attorney. The Court may order that one or both parties deposit all or a reasonable portion of the estimated fees at the time of appointment and from time-to-time as the case progresses.
- D. In the event the court deems it is in the best interests of the child or children to have an attorney appointed in a proceeding under Section IX of the Supreme Court Rules but finds that the parties both qualify to have fees waived, the court will enter an order for an attorney from the approved list to be assigned to serve pro bono.
- E. The Pro Bono Coordinator or other designated person shall maintain the list of the approved attorneys and shall rotate the assignment of pro bono representation.

- F. Each attorney on the approved list for the Third Judicial Circuit shall be required to accept one or more pro bono appointments each calendar year but may decline any specific appointment. Attorneys who are on the approved list for only Bond County will not be subject to assignment in Madison County pro bono cases. Attorneys who are on the approved list for only Madison County will not be subject to assignment in Bond County pro bono cases. The Pro Bono coordinator will coordinate assignments so that all attorneys are assigned on a rotating basis.
- G. The Chief Judge of this Circuit maintains the authority to remove any attorney from the list of approved attorneys based upon the failure to meet the listed qualifications or for good cause, including the failure of any appointed attorney to perform as provided in Supreme Court Rule 907.

Rule 2.03: Parent Education

- A. All parents of minor children involved in any action concerning parental allocation of responsibilities and parenting time, the modification of parental allocation of responsibilities or parenting time issues, or relocation disputes shall participate in the Children First parent education program not later than 60 days after the initial case management conference, unless excused for good cause which must be documented in the record.
- B. The trial judge may authorize attendance at an equivalent program, including an on-line program, only if attendance at Children First would be impractical--for example where the parent is in the military on active duty or lives out of the area.
- C. In the event a parent has not entered an appearance, is on active military duty, or incarcerated, then that parent's attendance may be extended until 60 days after the impediment ends. If a party does not enter an appearance in the initial case but enters later in a post-judgment proceeding, then that party must attend Children First within 60 days.
- D. Unless attendance has been excused or extended as provided in these rules, no final order of parental allocation of responsibilities or parenting time shall be entered if the petitioner has failed to attend Children First or an equivalent program. In the event the parties have prepared an agreed final order of parental allocation of responsibilities and parenting time, both parties should have completed Children First prior to its entry. If the responding party fails to attend without good cause, the court may enter the final judgment and issue sanctions against the party who has failed to attend, including but not limited to a denial of contact until after attendance.

Rule 2.04: Failure to appear at Court dates

Failure of counsel or self-represented parties to appear for any case management conference, pre-trial conference, settlement conference, trial or other court date scheduled

by the court may result in the imposition of attorney's fees or lost wages, dismissal, or default upon the Court's own motion and without further notice or hearing.

Rule 2.05: Financial Affidavits and Proof of Income

- A. A sworn Financial Affidavit (in the form approved by the Supreme Court) must be filed by each party on or before the date of hearing on a pleading seeking to establish, modify, or otherwise affect issues of support, maintenance, disposition of property, or post-minority educational expenses or support, whether temporary or permanent in nature, and shall be filed on or before the date of the case management conference unless earlier filed in the case. If such affidavit has been filed for the purpose of a hearing on temporary relief, no additional affidavit need be filed unless there has been a change in financial circumstances.
- B. Each party shall produce evidence documenting the information in the Financial Affidavit as directed on or before the hearing date and have the evidence available at the hearing. The supporting documents should include but are not limited to: the prior year's income tax returns, including all W-2 forms and 1099 forms; the most recent pay stub or other statement showing year to date earnings or commissions and deductions therefrom, or if same is not available, then the five (5) most recent payroll stubs or commission statements; and banking or investment statements.
- C. Failure to produce the required documents for a scheduled hearing may result in the entry of attorney's fees or lost wages, the entry of financial orders in amounts deemed reasonable, dismissal, or default without further notice or hearing.

Rule 2.06: Position Statement of Proposed Disposition

At the time of trial or hearing on all final issues, each party shall submit a position statement of proposed disposition of all issues or a proposed order, including but not limited to parental allocation of responsibilities, parenting time, child support, maintenance, and all issues involved in apportionment and marital and non-marital property, marital debts, pensions, and attorney fees.

Rule 2.07: Authorizations for Information

In cases where either party has pension plans, profit sharing plans, stock plans, savings plans, 401(k) plans, IRA accounts or any other benefit plan, or a health insurance plan through employment, or has an interest in assets in the possession of third parties, and such matters are relevant to the pending issues in the Family Division case, then that party shall execute a consent for release of all relevant information from the person or entity having such information within ten (10) days of receiving an authorization for their signature.