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CLERK OF CIRCUIT COURT #43
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS

**IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS**

**PART 13. RULES GOVERNING ELDER LAW AND JUSTICE DIVISION
IN MADISON COUNTY**

Purpose and Policy

(A) These rules set forth procedures for the Elder Law and Justice Division of the circuit court of Madison County. The rules supplement the Elder Abuse and Neglect Act, the Illinois Code of Civil Procedure, the Illinois Code of Criminal Procedure, and the Rules of the Illinois Supreme Court, and are designed to facilitate the adjudication of cases heard in the Elder Law and Justice Division of the circuit court of Madison County.

(B) These procedures are designed to accomplish the following:

- (1) maintain effective judicial oversight in cases involving elderly persons;
- (2) maintain effective coordination of related cases involving elderly persons;
- (3) minimize delays in court proceedings involving elderly persons;
- (4) heighten awareness of factors that may impede the rights of elderly persons; and
- (5) provide a full, fair, and meaningful opportunity for all participants to be heard.

(C) These rules shall be liberally construed to accomplish the above goals.

(D) These rules incorporate the above-referenced statutes and rules as they may be amended from time to time.

Except as determined by the Chief Judge, administrative operations and ancillary services of the Division will be directed by judges with judicial and administrative responsibilities for a particular case. Criminal cases will be heard at the Criminal Justice Center at 509 Ramey Street, Edwardsville; Domestic violence orders of protection will be heard at the courthouse at 155 North Main Street unless otherwise directed by the criminal court; and other civil cases will be heard at the Madison County courthouse at 155 North Main Street in Edwardsville or as ordered by the court.

Definitions

For the purposes of these rules, the following words and terms shall have the following definitions:

1. case: an action or proceeding;
2. elder or elderly person: any party or victim in any case heard in any department or division of the circuit court who is age 60 or older when the action is filed or, in criminal actions, at the time of the offense charged;
3. elder law case: a case so designated in the general orders of this court;
4. he, him, or his: words of the masculine gender apply equally to females;
5. order of protection: an order of protection as defined in the rules of this court and Illinois Compiled Statutes;
6. party: one by or against whom a lawsuit is brought, including a person who has a stake or standing in the lawsuit and who is entitled to enforce rights from the final outcome of the litigation, except that a party does not include the accused in criminal matters;
7. related case: another pending action or proceeding involving the same elderly person;
8. vulnerable: appearing vulnerable to abuse, neglect, or self-neglect as defined in the Elder Abuse and Neglect Act at 320 ILCS 20/2.

General Organization of the Elder Law and Justice Division

(A) Presiding Judge. The Presiding Judge shall have general administrative authority to supervise the Division, including authority to coordinate the Division's operations, and shall promulgate orders and assignments as necessary to administer the Division. The Presiding Judge may establish procedures by which services of the Division supervised by the Presiding Judge may be made available in any case in the circuit court in which an elderly person is a party or victim and the judge in that case determines, on motion by a party or by the court, that the interests of justice would be served by a referral of an elderly person for such services.

(B) Emergency Calendar. The Presiding Judge, or her or his designee, shall have the authority to establish an emergency calendar and other calls and calendars for the purpose of assuring effective access to remedies and services available in elder law cases.

Filing, Service and Assignment

(A) Filing and assignment. Except for the following, an initial filing (complaint or petition) in an elder law case not related to a criminal case shall be filed with the clerk of the circuit court of Madison County, who will then randomly assign the case to a judge for hearing as in other cases:

1. A petition for an order of protection shall be filed pursuant to the rules of this court and Illinois Compiled Statutes.
2. In a criminal case, an information may be filed only by the state's attorney and an indictment may be presented only by a grand jury pursuant to the Illinois Code of Criminal Procedure, 725 ILCS 5/100-1, et seq.

(B) Service. Service of initial filings, motions, and other papers shall be pursuant to the applicable law and court rules.

(C) Transfer of Cases to the Elder Law and Justice Division. When a civil case is filed in the Domestic Violence Division or in another division, the judge assigned the case will determine whether a transfer to the Elder Law and Justice Division is appropriate. If appropriate, the assigned judge shall then confer with the Presiding Judge of the Elder Law and Justice Division to determine if the case is to be transferred or heard by the originally assigned judge as specified by the rules covering Elder Law and Justice Division cases. All transfers pursuant to this subsection shall be affected as otherwise provided in the rules of this court. Nothing in this rule shall limit a judge's discretion to handle a case pursuant to these rules whenever such action is found to be appropriate.

(D) Transfer of Cases from the Elder Law and Justice Division. Cases shall be transferred to other divisions of the court pursuant to the rules of this court.

(E) Related Cases. A judge assigned to an elder law case who finds it is in the interests of justice that adjudication of related cases be consolidated before a single judge or on a single calendar may confer with the presiding judge of the division who may transfer the case pursuant to the rules of this court. In exercising transfer authority, it is expected judges assigned to related cases will confer as needed on the manner in which the interests of justice and judicial economy can best be served. All transfers pursuant to this subsection shall be handled as otherwise provided in the rules of this court.

(F) Reassignment of cases after disposition of criminal charges. Upon a nolle prosequi, dismissal without prejudice, or final disposition of criminal charges in a case pending in the

Domestic Violence Division, cases containing the following may be transferred pursuant to the rules of this court for any further proceedings:

- (1) unexpired order of protection entered in the same case,
- (2) related independent order of protection, or
- (3) unadjudicated petition for an order of protection.


Dated this 22nd day of August 2017, and effective immediately. This Rule shall be spread upon the records of this Court and published.

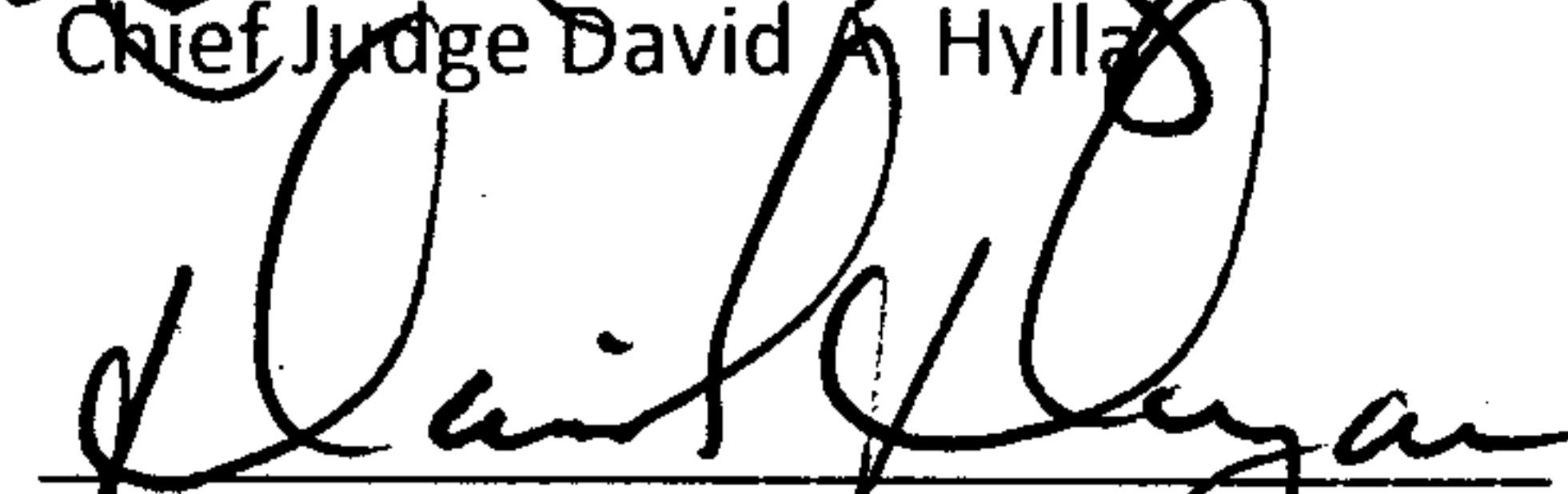

Judge Barbara Crowder

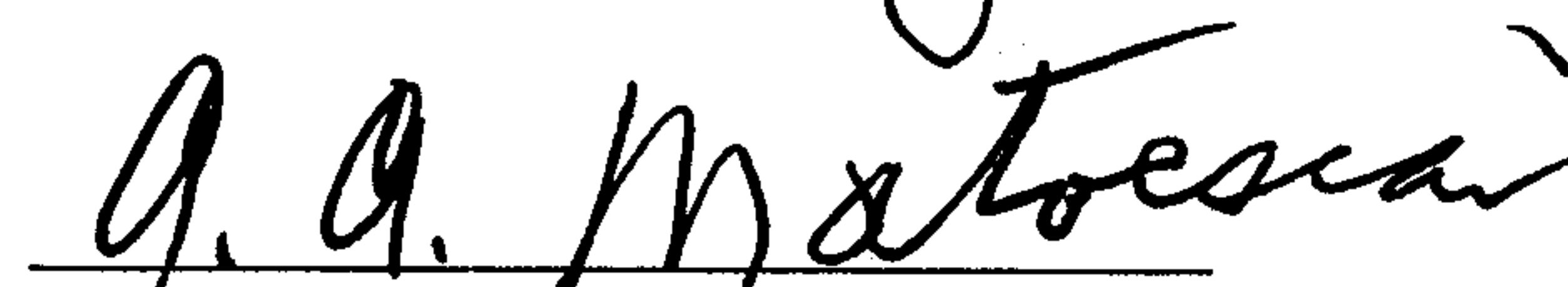
Judge John Knight



Judge William Mudge

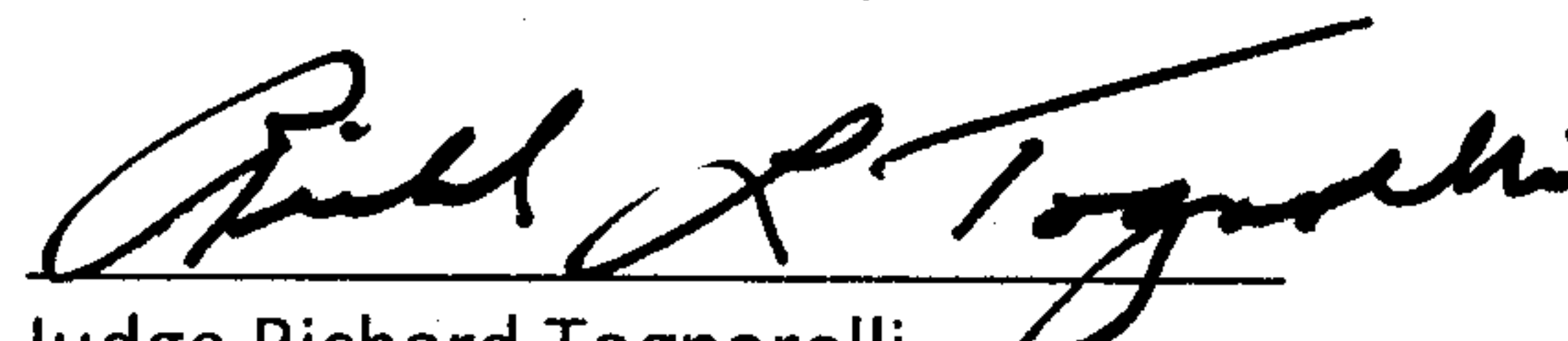

Judge Dennis Ruth


Chief Judge David A. Hylla


Judge David Dugan


Judge A. A. Matoesian


Judge Kyle Napp


Judge Richard Tognarelli