

**Twenty-Second Judicial Circuit
McHenry County, Illinois**

Local Court Rules

PART 11.00 FAMILY LAW

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11.01 SCOPE

This rule addresses cases assigned to the Family Division, except juvenile delinquency, abuse and neglect matters, and child support enforcement matters, each of which are addressed by separate rules.

11.02 FINANCIAL AFFIDAVIT OF PARTIES AND PRODUCTION OF DOCUMENTS

- A. The following pleadings and/or motions shall be accompanied by a Financial Affidavit in the form approved by the Illinois Supreme Court:
1. to establish or modify child support or maintenance or otherwise affect issues of support, whether temporary or permanent in nature, pursuant to sections 501, 504, 505 and/or 510 of the Illinois Marriage and Dissolution of Marriage Act (hereinafter "IMDMA") (750 ILCS 5/501, 504, 505, 510), other than the Petition for Dissolution of Marriage;
 2. to award interim attorney's fees and/or contribution to attorney's fees pursuant to sections 501 and/or 508 of the IMDMA and section 809 of the Illinois Parentage Act of 2015 (hereinafter "IPA") (750 ILCS 5/501, 508; 750 ILCS 46/809);
 3. to appoint an attorney for child, Guardian ad litem, and/or child representative pursuant to section 506 of the IMDMA (750 ILCS 5/506); and
 4. to appoint the court's professional pursuant to section 604.10(b) and/or section 504(l) of the IMDMA (750 ILCS 5/504(l), 604.10(b)).
- B. The Financial Affidavit shall be supported by documentary evidence including, but not limited to the party's:
1. last three (3) pay stubs;
 2. last two (2) years' W2's and/or 1099's;
 3. last two (2) filed federal income tax returns with all schedules and attachments; and
 4. three (3) most recent months of bank statements.

Unless otherwise ordered by the Court, the Financial Affidavit shall be filed with the Clerk of the Court and shall become part of the public record. The pay stubs, W2's and 1099's, tax returns, bank statements and any other supporting documentary evidence, unless otherwise ordered by the Court, shall not be filed with the Clerk of the Court and shall not be made part of the public record.

- C. The Financial Affidavit and supporting documentation shall be served on the opposing party within two (2) business days of the filing of the initial and responsive pleadings. No affidavit dated more than sixty (60) days before the scheduled hearing date or pre-trial shall be considered valid for the purpose of that proceeding.

- D. Failure by either party to submit the affidavit required herein may be cause for sanctions pursuant to [Supreme Court Rule 219](#).
- E. At least seven (7) days prior to the hearing, each party shall produce to the opposing party and the Court a copy of the Financial Affidavit, the supporting documents listed in Section 11.02(B) above, any support calculation worksheets, and an index of any other documentary evidence submitted in support of the Financial Affidavit. The index shall describe the documentary evidence with specificity and shall identify the number of pages of each document (e.g., bank statements from XYZ Bank for the month of January 2016). Unless specifically requested by the Court, other than the information specified in Section 11.02(A) above, no other supporting documentary evidence shall be submitted to the Judge assigned to hear the matter.

11.03 DISCOVERY

Discovery is controlled by Illinois Supreme Court Rules. Motions related to discovery disputes are disfavored. However, if a discovery dispute needs court intervention, parties and counsel must comply with Illinois Supreme Court Rule 201(k) and they should be prepared to address the motion on the date of presentment.

11.04 REPRESENTATION OF CHILD

- A. The Twenty-Second Judicial Circuit recognizes the importance of appointing qualified attorneys to serve as Attorney for Child, Guardian ad litem, and Child Representative in cases pursuant to Section 506 of IMDMA (750 ILCS 5/506) and Illinois Supreme Court Rules.
- B. The Chief Judge of this Circuit shall be responsible for collecting and disseminating applications for appointment hereunder. The Chief Judge shall maintain a list of attorneys approved to serve as Attorney for Child, Guardian ad litem and Child Representative. The list of attorneys qualified for court appointment shall be updated no less than every two (2) years.
- C. To be considered for initial acceptance, applicants must submit to the Trial Court Administrator of this Circuit information including but not necessarily limited to the following requirements:
 - 1. The applicant must be a licensed attorney in good standing with the Supreme Court of Illinois and have no less than three (3) years' experience in cases arising under the Illinois Marriage and Dissolution of Marriage Act, the Parentage Act, the Domestic Violence Act, the Uniform Child Custody Jurisdiction and Enforcement Act or Article 112A of the Code of Criminal

Procedure; or experience of not less than one (1) year in cases arising under the Juvenile Court Act.

2. The applicant must advise the Court of their past experience, within the five (5) years next preceding the application, concerning the contested allocation of parental responsibility and parenting time cases. The Court may solicit the opinions of other court-appointed children's counsel of this Circuit, other attorneys, bar associations and court personnel in ruling upon the acceptance of any applications.
3. The applicant must have completed at least ten (10) hours of approved continuing legal education courses in the following areas: child development; roles of guardian ad litem and child representative; ethics in parental responsibility allocation cases; relevant substantive state and federal case law in parental responsibility allocation and parenting time issues; family dynamics, including substance abuse, domestic abuse, and mental health issues. Applicants may seek approval of related training sessions presented by this Court or by state or local bar associations. Attorneys who work for the government or non-profit family or legal aid agencies may meet the requirements of this rule by attending appropriate in-house legal education classes.

D. To maintain qualification, each approved attorney shall report and verify the following information:

1. Current office, contact, and rate information;
2. A summary of continuing legal education courses taken in the prior two years that fall within the topics listed in Section 11.03(C), above; and
3. A list of cases in which they acted as GAL, Child Representative, or Attorney for the Child in a low- or no-fee capacity.

Beginning in 2023, attorneys seeking to remain on the list shall report and verify this information at least every two years. Attorneys with last names beginning with A to M shall submit information by July 1st in even-numbered years. Attorneys with last names beginning with N to Z shall submit by July 1st in odd-numbered years.

E. An attorney appointed pursuant to this rule shall have the powers, duties and responsibilities including, but not necessarily limited to, those specified in Section 506 of the IMDMA (750 ILCS 5/506), Illinois Supreme Court Rule 907, the applicable sections of the IMDMA (750 ILCS 5/101 et seq.), the Illinois Parentage Act of 2015 (750 ILCS 46/101 et seq.), the Illinois Domestic Violence Act of 1986 (750 ILCS 60/101 et seq.), the Juvenile Court Act (705 ILCS 405/1-1 Et seq.), the

Uniform Child Custody Jurisdiction and Enforcement Act (750 ILCS 36/101 et seq.), Section 112A of the Code of Criminal Procedure (725 ILCS 5/112A et seq.), and other duties and responsibilities as the Court may specify.

- F. An attorney appointed pursuant to this rule shall report to the Court on the status of the case and file a motion for fees pursuant to statute within ninety (90) days following appointment and every ninety (90) days thereafter. Any motion for fees shall be filed and properly noticed for presentment before the judge presiding over the case. Hearings will be scheduled as necessary.
- G. An attorney may be removed from the approved appointment list by failing to comply with the requirements of this rule, by the Court, or by voluntary request. An attorney may decline a specific appointment due to potential conflict of interest, time constraints, or other good cause shown upon notice and application to the appointing judge.
- H. Guardian ad litem reports to the Court may be oral or written as required by section 506(a)(2) of the IMDMA (750 ILCS 5/506(a)(2)). Written Guardian ad litem reports may be filed with the Circuit Clerk and impounded upon motion of a party, the Guardian ad litem, or the Court.

11.05 CONCILIATION, MEDIATION, ADVICE TO COURT, INVESTIGATIONS AND REPORTS

Local procedures for conciliation, mediation, advice to the Court, investigations and reports as authorized under Sections 404 and 604.10 of the IMDMA ([750 ILCS 5/404, 604.10](#)) may be implemented by court rule or by administrative order of the Chief Judge of this Circuit.

11.06 CASE MANAGEMENT CONFERENCES

- A. **Initial Scheduling Conference.** Upon the filing of the initial pleading in any Dissolution (DC or DNC) or Family (FA) case, a date and time will be set approximately ninety (90) days from the filing of the initial pleading for the parties or their attorneys to appear in court.

All self-represented litigants and counsel of record shall attend the Initial Scheduling Conference unless otherwise excused for good cause.

At this scheduling conference, the Court shall address the following issues:

1. The status of service of summons;
2. The status of pleadings;

3. The status of parenting education, proof of completion of the approved parenting education program, a fixed schedule for compliance, or good cause to excuse compliance; and
4. The status of allocation of parental responsibilities, any agreed orders regarding the allocation of parental responsibilities, scheduling the matter for mediation, the appointment of an attorney for the child, GAL, or child representative, and any other responsibilities imposed upon them by the pertinent local court rules.

The Court may enter any appropriate scheduling orders and consider any other matters that may aid in the disposition of the case, including setting a date for a full Case Management Conference pursuant to Illinois [Supreme Court Rule 218](#).

- B. Case Management Conference.** A full Case Management Conference pursuant to Illinois [Supreme Court Rule 218](#) may be conducted upon notice and motion of a party or upon order of the Court. A full Case Management Conference shall be held no later than 182 days following the filing of the complaint or 30 days after mediation has been completed. In addition to other matters the Court may choose to address at the conference, and if the Court has not appointed counsel previously, the Court shall address whether to appoint an attorney for the child, a *Guardian ad litem* or a child representative in accordance with Section 506 of the IMDMA ([750 ILCS 5/506](#)).

Prior to the full Case Management Conference, counsel of record familiar with the case and authorized to act and any self-represented litigant shall meet and complete either an agreed Case Management Order or, if there is no agreement, Case Management Conference Memorandums in the form approved by the Court.

All counsel of record and all self-represented litigants shall attend the full Case Management Conference and all subsequent conferences thereafter unless otherwise excused for good cause by court order.

The Case Management Conference Memorandum shall address the following issues:

1. The nature, issues, and complexity of the case;
2. The formation and simplification of the issues, including the elimination of frivolous claims;
3. Amendments to the pleadings;

4. Status of Discovery;
5. Possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
6. Scope of Discovery, including:
 - a. the number and duration of depositions which can be taken;
 - b. the area of expertise and the number of opinion witnesses who can be called;
 - c. deadlines for the disclosure of all witnesses under Illinois [Supreme Court Rule 213\(f\)](#), including all opinions of witnesses, and the completion of written discovery and depositions;
7. Possibility of settlement and scheduling of a Pre-Trial Settlement Conference;
8. Advisability of alternative dispute resolution;
9. Advisability of holding subsequent case management conferences and pre-trial settlement conferences; and
10. Any other matters which may aid in the disposition of the case.

The completed memorandum shall be tendered to the Court at the full Case Management Conference. At the conclusion of the full Case Management Conference, an order in the form approved by the Court shall be prepared by the petitioner or petitioner's counsel addressing the above considerations and presented to the Court for approval and entry.

Any party and/or attorney required under this rule to attend any Case Management Conference who, without good cause, fails to attend after having been given due and proper notice, or fails to meet and complete the full Case Management Conference Memorandum, shall be subject to the sanctioning power of this Court, including, but not limited to, those authorized under Illinois [Supreme Court Rule 219\(c\)](#), such as civil or criminal contempt, dismissal, imposition of attorney's fees, imposition of monetary sanctions, and the awarding of the other party's costs of transportation, loss of work income and other expenses incident to that party's presence at the conference.

11.07 SETTLEMENT CONFERENCE

- A. Settlement conferences are mandatory in all contested pre- and post-judgment Family Division cases unless excused explicitly by court order. No

such case shall proceed to trial or hearing as a contested matter until a settlement conference is held.

- B. A settlement conference memorandum shall be provided by each party to the Court and opposing counsel or self-represented litigant two (2) days prior to the settlement conference. The settlement conference memorandum shall be in the form approved by the Court.
- C. Settlement conferences are set by order of Court pursuant to the Court's own motion, or notice and motion, or by agreement of the parties. The trial attorneys and self-represented litigants shall be present at all settlement conferences.
- D. Any party and/or attorney required under this rule or order of court to attend a settlement conference who, without good cause, fails to attend after having been given due and proper notice or fails to provide a settlement conference memorandum shall be subject to the sanctioning power of this Court including, but not limited to, those authorized under Illinois [Supreme Court Rule 219\(c\)](#), such as civil or criminal contempt, dismissal, imposition of attorney's fees, imposition of monetary sanctions, and the awarding of the other party's costs of transportation, loss of work income and other expenses incident to that party's presence at the conference.

11.08 TRIAL CONFERENCE

- A. Upon motion of either party or order of the Court, a Trial Conference shall be scheduled. The purpose of the Trial Conference is to address:
 - 1. Any case management issues;
 - 2. The formation and simplification of the issues, including the elimination of frivolous claims;
 - 3. Determining whether amendments to the pleadings are necessary or desirable;
 - 4. Obtaining admissions of fact and documents which will avoid unnecessary proof, stipulations regarding the authenticity of documents, and advance rulings from the Court on the admissibility of evidence including written motions *in limine*;
 - 5. Avoiding unnecessary proof and of cumulative evidence;
 - 6. The identity and number of witnesses and exhibits;
 - 7. Any unresolved motions or pleadings, including attorney's fees of attorneys previously involved in the case;

8. The need and schedule for filing and exchanging briefs, and the date or dates of further conferences and for trial; and

9. Other matters that may aid in the disposition of the action.

B. Upon the entry of an order scheduling a Trial Conference and prior to the Trial Conference, the attorneys for all the parties and the self-represented litigants shall meet in person, by telephone, or as otherwise ordered by the Court. At such meeting, they shall:

1. reach an agreement on any possible stipulations narrowing the issues of law or fact;
2. exchange copies of exhibits that will be offered in evidence at the trial;
3. perform such other acts as have been ordered by the Court; and
4. jointly prepare a trial conference memorandum in the form approved by the Court.

It shall be the continuing duty of all of the parties, self-represented litigants, and attorneys to meet, respond, and cooperate to fulfill the terms of this Rule.

C. At the Trial Conference, each represented party shall be represented by the attorney responsible for trial of the case unless otherwise permitted by Court order. All parties, self-represented litigants, and attorneys must attend the Trial Conference. Any attorney having a pending fee petition must also attend the conference.

D. After the Trial Conference has taken place pursuant to this Rule, an order shall be entered reciting the actions taken. This order shall control the subsequent course of the case unless modified by a subsequent order. The order following a Trial Conference shall be modified only to prevent manifest injustice.

E. If a party or party's attorney or any attorney having a pending fee petition fails to do one or more of the following:

1. obey a scheduling or Trial Conference order;
2. appear at the Trial Conference;
3. properly prepare to participate in the Trial Conference; or
4. participate in good faith,

the Court upon motion or on its own initiative, may make such order with regard thereto as is just, and assess sanctions pursuant to [Supreme Court Rule 219\(c\)](#), including attorney's fees, and monetary sanctions unless the court finds that noncompliance was substantially justified or that other circumstances make an award of expenses or the imposition of sanctions unjust.

11.09 PARENTING EDUCATION

- A. The Circuit Court of McHenry County has the responsibility and duty to protect the interests of minor children whose parents are engaged in litigation regarding the children. The litigation process is stressful. Therefore, it is to the benefit of all such parents, regardless of their parenting skills, and in the best interest of their minor children, that parents take time to consider the impact of the litigation process on their children.
- B. In furtherance of this policy and to implement the provisions of Section 404.1 of the IMDMA (750 ILCS 5/404.1), a Family Parenting Program (FPP) has been established as a resource to the Circuit Court. The FPP may be contracted for and shall be overseen by the Chief Judge or their designee.
- C. The FPP shall address the best interests of the minor children of parents involved in litigating parental responsibility, parenting time and/or relocation and the effects of such litigation on children.
- D. The FPP shall be educational in nature and not designed for individual therapy. The FPP shall not exceed four (4) hours in duration.
- E. The FPP shall be financially self-supportive through court-assessed fees paid by the parties attending the program. The amount of the fee to be assessed for the program shall be related to the cost of conducting the program and shall be determined by the Chief Judge or their designee. The Court may waive the fee for good cause shown.
- F. All parents litigating parental responsibility, parenting time and/or relocation who have appeared or who have otherwise personally submitted to the jurisdiction of the Circuit Court of McHenry County shall attend the FPP unless excused for good cause.
- G. All such parents shall complete the FPP no later than sixty (60) days after the initial scheduling conference or prior to the entry of final judgment or order, whichever occurs first unless excused by the Court for good cause. All parents in a parentage action shall complete the FPP prior to the entry of a final support and parenting time judgment unless excused by the Court. The Trial Court may, in the best interest of the minor children, delay the presentment of evidence or the entry of part or all of the Court's findings

pending completion of the FPP by the parents.

- H. The Court may, in its discretion, require other parents or parties to attend the FPP.
- I. The Court may, in its discretion, permit litigant parents to attend another substantially similar parenting program in lieu of the FPP including on-line and remote programs.
- J. Persons registered for a FPP session who do not attend and do not cancel at least twenty-four (24) hours in advance shall be required to reregister and pay an additional full fee.

11.10 EMERGENCY MOTIONS

Emergency Motions are governed by Local Rule 2.05.

11.11 PROVE-UPS, REPORT OF PROCEEDINGS AND PROVE-UP FORMS

- A. Prove-ups may be conducted in person or by remote appearance. Prove-up by affidavit may be allowed by Family Division Standing Order or by leave of court.
- B. The court reporter shall be paid at the time of the prove-up or promptly thereafter. In the event of prove-up by remote appearance, the court reporter shall be paid prior to the commencement of the prove-up.
- C. Except as provided by Family Division Standing Order, the report of proceedings from all family division prove-ups shall be transcribed and filed within thirty (30) days unless excused by the order of the Court.
- D. At the prove-up or upon the entry of the Judgment for Dissolution, the petitioner shall submit a typed statistics certificate as required by the State of Illinois. Prior to the entry of a judgment for dissolution in cases involving the custody of children, the parties must provide the court with the information required pursuant to Section 209 of the Uniform Child-Custody Jurisdiction and Enforcement Act (UCCJEA) (750 ILCS 36/209) by submitting an affidavit in a form approved by the court.

11.12 JOINT SIMPLIFIED DISSOLUTION PROCEDURE

Parties seeking a simplified joint dissolution pursuant to [750 ILCS 5/452](#) shall use forms approved by the court which shall be available upon request from the Clerk of the Circuit Court. After filing the joint petition, both parties shall appear in person before the court on the assigned date and a hearing will be held. No transcript of the hearing shall be required. Brochures approved by the Chief Judge explaining the joint simplified dissolution procedures shall be provided by the Clerk of the Circuit Court.

11.13 REMOTE COURT APPEARANCES IN THE FAMILY DIVISION

Remote court appearances are governed by Illinois statutes, Supreme Court Rules, these local rules, Family Division Standing Orders, and individual judge's standing orders. Parties and attorneys wishing to appear remotely are encouraged to review the related sections of the Circuit Clerk's website, the Circuit Court's website, and this Circuit's Guidelines for Virtual Courtroom Proceedings.